**As Introduced**

**133rd General Assembly**
**Regular Session**
**2019-2020**

**H. B. No. 166**

**Representative Oelslager**

# A B I L L

To amend sections 103.41, 103.416, 107.036, 109.572, 111.15, 111.28, 113.50, 113.51, 113.53, 113.55, 113.56, 120.04, 121.083, 121.22, 121.37, 122.075, 122.86, 123.01, 123.21, 124.181, 124.82, 124.824, 125.01, 125.14, 125.18, 125.25, 125.832, 126.48, 127.14, 131.35, 141.04, 141.16, 149.11, 153.02, 166.01, 169.06, 173.04, 173.27, 173.38, 173.391, 183.18, 183.33, 321.24, 341.34, 718.83, 718.85, 718.90, 753.21, 939.07, 1321.73, 1349.43, 1505.09, 1533.10, 1533.11, 1533.111, 1533.112, 1533.32, 1533.321, 1561.011, 1711.53, 1901.123, 1907.143, 2151.23, 2151.353, 2151.421, 2151.424, 2151.86, 2301.27, 2301.28, 2301.30, 2301.32, 2317.54, 2925.01, 2927.02, 2927.022, 2929.13, 2929.15, 2929.34, 2950.08, 2967.02, 2967.05, 2967.29, 3107.14, 3119.023, 3119.05, 3119.23, 3119.27, 3119.29, 3119.30, 3119.302, 3119.31, 3119.32, 3125.25, 3301.07, 3301.0710, 3301.0711, 3301.0714, 3301.52, 3301.53, 3302.01, 3302.03, 3302.042, 3302.061, 3302.10, 3302.11, 3302.12, 3302.17, 3302.18, 3313.603, 3313.608, 3313.61, 3313.611, 3313.612, 3314.03, 3314.08, 3317.016, 3317.02, 3317.022, 3317.03, 3317.06, 3317.16, 3317.40, 3326.11, 3326.31, 3326.32, 3326.33, 3328.24,

3345.48, 3701.044, 3701.139, 3701.33, 3701.36,
3701.501, 3701.571, 3701.601, 3701.611, 3701.612,
3701.68, 3701.83, 3701.95, 3701.99, 3702.12,
3702.13, 3702.30, 3702.967, 3704.01, 3704.03,
3704.111, 3704.14, 3705.07, 3705.09, 3705.10,
3706.25, 3706.29, 3709.09, 3709.092, 3710.01,
3710.04, 3710.05, 3710.051, 3710.06, 3710.07,
3710.08, 3710.12, 3711.02, 3717.27, 3717.47,
3718.011, 3718.03, 3730.01, 3730.02, 3730.03,
3730.04, 3730.05, 3730.06, 3730.07, 3730.08,
3730.09, 3730.11, 3730.99, 3734.01, 3734.57,
3734.85, 3734.901, 3742.03, 3742.04, 3742.18,
3742.32, 3742.40, 3745.11, 3770.06, 3781.10,
3798.01, 3798.07, 3798.10, 3901.381, 3901.3814,
4109.05, 4109.99, 4141.35, 4141.50, 4301.43,
4313.02, 4501.10, 4501.24, 4503.515, 4506.03,
4506.11, 4507.01, 4507.13, 4507.23, 4507.50,
4507.52, 4511.521, 4712.02, 4717.03, 4717.05,
4717.07, 4717.41, 4727.03, 4728.03, 4729.20,
4729.80, 4731.22, 4735.023, 4735.052, 4735.06,
4735.09, 4735.12, 4735.13, 4735.15, 4735.182,
4735.27, 4735.28, 4736.01, 4736.02, 4736.03,
4736.07, 4736.08, 4736.09, 4736.11, 4736.13,
4736.15, 4737.045, 4743.05, 4757.10, 4757.13,
4757.18, 4757.22, 4757.23, 4757.32, 4757.33,
4763.16, 4768.09, 4773.01, 4773.08, 4776.20,
4937.01, 4937.05, 5101.061, 5101.14, 5101.141,
5101.1411, 5101.1412, 5101.1414, 5101.83, 5101.85,
5101.851, 5101.853, 5103.02, 5103.031, 5103.032,
5103.033, 5103.035, 5103.038, 5103.0313,
5103.0314, 5103.0316, 5103.0328, 5103.13, 5103.30,
5103.31, 5104.01, 5104.013, 5104.015, 5104.016,
5104.02, 5104.021, 5104.03, 5104.04, 5104.042,

5104.09, 5104.12, 5104.21, 5104.22, 5104.29, 5104.30, 5104.31, 5104.32, 5104.34, 5104.38, 5104.41, 5104.99, 5119.185, 5119.44, 5120.10, 5120.112, 5122.43, 5123.023, 5123.046, 5123.0414, 5123.0419, 5123.081, 5123.092, 5123.166, 5126.054, 5126.055, 5126.056, 5126.131, 5126.15, 5139.87, 5145.162, 5149.01, 5149.04, 5149.06, 5149.38, 5162.01, 5162.12, 5162.52, 5164.01, 5164.342, 5164.36, 5164.38, 5165.01, 5165.15, 5165.152, 5165.16, 5165.17, 5165.19, 5165.21, 5165.25, 5166.01, 5166.22, 5167.01, 5167.03, 5167.04, 5167.10, 5167.11, 5167.12, 5167.121, 5167.13, 5167.14, 5167.17, 5167.171, 5167.172, 5167.18, 5167.20, 5167.201, 5167.26, 5167.41, 5168.03, 5168.05, 5168.06, 5168.07, 5168.08, 5168.75, 5501.20, 5513.06, 5525.03, 5537.17, 5709.40, 5709.41, 5709.73, 5709.78, 5745.05, 5747.02, 5747.08, 5747.98, and 5903.12; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 1533.09 (1533.06), 3302.11 (3302.111), 3730.02 (3730.04), 3730.03 (3730.05), 3730.04 (3730.06), 3730.05 (3730.07), 3730.06 (3730.08), 3730.07 (3730.09), 3730.08 (3730.10), 3730.09 (3730.11), 3730.11 (3730.12), 4736.01 (3722.01), 4736.02 (3722.02), 4736.03 (3722.03), 4736.07 (3722.04), 4736.08 (3722.05), 4736.09 (3722.06), 4736.11 (3722.07), 4736.13 (3722.08), 4736.14 (3722.09), 4736.15 (3722.10), 4736.17 (3722.11), 4736.18 (3722.12), 5101.853 (5101.855), 5167.12 (5167.05), and 5167.121 (5167.051); to enact new sections 1533.09, 3302.11, 3730.02, 3730.03, 5101.853, and 5164.37 and sections 9.242, 107.20, 122.84,

126.60, 307.631, 307.632, 307.633, 307.634, 307.635, 307.636, 307.637, 307.638, 307.639, 1181.23, 2151.45, 2151.451, 2151.452, 2151.453, 2151.454, 2151.455, 3107.035, 3301.28, 3313.6024, 3314.0211, 3314.088, 3317.0219, 3317.163, 3317.26, 3326.42, 3701.049, 3701.0410, 3701.953, 3707.70, 3707.71, 3707.72, 3707.73, 3707.74, 3707.75, 3707.76, 3707.77, 3730.021, 3730.13, 3738.01, 3738.02, 3738.03, 3738.04, 3738.05, 3738.06, 3738.07, 3738.08, 3738.09, 3742.50, 3902.30, 4109.22, 4757.25, 4773.011, 4773.061, 5101.1415, 5101.854, 5101.856, 5103.037, 5103.0310, 5103.181, 5104.211, 5123.0424, 5123.193, 5123.691, 5126.053, 5167.101, 5167.102, 5709.51, 5747.26, and 5747.82; to repeal sections 166.30, 191.01, 191.02, 191.04, 191.06, 191.08, 191.09, 191.10, 1505.12, 1505.13, 1561.24, 2151.861, 3701.25, 3701.26, 3701.264, 3701.27, 3706.27, 3706.30, 3721.41, 3721.42, 3730.10, 3798.06, 3798.08, 3798.14, 3798.15, 3798.16, 4501.16, 4736.05, 4736.06, 4736.10, 4736.12, 5101.852, 5103.039, 5103.0311, 5104.035, 5104.036, 5104.20, 5104.37, 5120.135, 5162.58, 5162.60, 5162.62, 5162.64, 5164.37, 5165.361, 5167.16, 5167.173, and 5167.25 of the Revised Code; to repeal section 103.416 of the Revised Code effective July 1, 2020; to amend Section 261.168 of Am. Sub. H.B. 49 of the 132nd General Assembly, as subsequently amended, to amend Sections 207.10 and 701.10 of H.B. 529 of the 132nd General Assembly, to amend Section 207.440, 223.10, and 223.50 of H.B. 529 of the 132nd General Assembly, as subsequently amended, to amend Section 4 of Sub. S.B. 332 of the 131st

General Assembly, to amend Sections 125.10 and 125.11 of H.B. 59 of the 130th General Assembly, as subsequently amended, to make operating appropriations for the biennium beginning July 1, 2019, and ending June 30, 2021, and to provide authorization and conditions for the operation of state programs.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 101.01.** That sections 103.41, 103.416, 107.036, 109.572, 111.15, 111.28, 113.50, 113.51, 113.53, 113.55, 113.56, 120.04, 121.083, 121.22, 121.37, 122.075, 122.86, 123.01, 123.21, 124.181, 124.82, 124.824, 125.01, 125.14, 125.18, 125.25, 125.832, 126.48, 127.14, 131.35, 141.04, 141.16, 149.11, 153.02, 166.01, 169.06, 173.04, 173.27, 173.38, 173.391, 183.18, 183.33, 321.24, 341.34, 718.83, 718.85, 718.90, 753.21, 939.07, 1321.73, 1349.43, 1505.09, 1533.10, 1533.11, 1533.111, 1533.112, 1533.32, 1533.321, 1561.011, 1711.53, 1901.123, 1907.143, 2151.23, 2151.353, 2151.421, 2151.424, 2151.86, 2301.27, 2301.28, 2301.30, 2301.32, 2317.54, 2925.01, 2927.02, 2927.022, 2929.13, 2929.15, 2929.34, 2950.08, 2967.02, 2967.05, 2967.29, 3107.14, 3119.023, 3119.05, 3119.23, 3119.27, 3119.29, 3119.30, 3119.302, 3119.31, 3119.32, 3125.25, 3301.07, 3301.0710, 3301.0711, 3301.0714, 3301.52, 3301.53, 3302.01, 3302.03, 3302.042, 3302.061, 3302.10, 3302.11, 3302.12, 3302.17, 3302.18, 3313.603, 3313.608, 3313.61, 3313.611, 3313.612, 3314.03, 3314.08, 3317.016, 3317.02, 3317.022, 3317.03, 3317.06, 3317.16, 3317.40, 3326.11, 3326.31, 3326.32, 3326.33, 3328.24, 3345.48, 3701.044, 3701.139, 3701.33, 3701.36, 3701.501, 3701.571, 3701.601, 3701.611, 3701.612, 3701.68, 3701.83, 3701.95, 3701.99, 3702.12, 3702.13, 3702.30, 3702.967, 3704.01, 3704.03, 3704.111, 3704.14, 3705.07, 3705.09, 3705.10, 3706.25, 3706.29, 3709.09, 3709.092, 3710.01, 3710.04, 3710.05, 3710.051, 3710.06,

3710.07, 3710.08, 3710.12, 3711.02, 3717.27, 3717.47, 3718.011, 3718.03, 3730.01, 3730.02, 3730.03, 3730.04, 3730.05, 3730.06, 3730.07, 3730.08, 3730.09, 3730.11, 3730.99, 3734.01, 3734.57, 3734.85, 3734.901, 3742.03, 3742.04, 3742.18, 3742.32, 3742.40, 3745.11, 3770.06, 3781.10, 3798.01, 3798.07, 3798.10, 3901.381, 3901.3814, 4109.05, 4109.99, 4141.35, 4141.50, 4301.43, 4313.02, 4501.10, 4501.24, 4503.515, 4506.03, 4506.11, 4507.01, 4507.13, 4507.23, 4507.50, 4507.52, 4511.521, 4712.02, 4717.03, 4717.05, 4717.07, 4717.41, 4727.03, 4728.03, 4729.20, 4729.80, 4731.22, 4735.023, 4735.052, 4735.06, 4735.09, 4735.12, 4735.13, 4735.15, 4735.182, 4735.27, 4735.28, 4736.01, 4736.02, 4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.13, 4736.15, 4737.045, 4743.05, 4757.10, 4757.13, 4757.18, 4757.22, 4757.23, 4757.32, 4757.33, 4763.16, 4768.09, 4773.01, 4773.08, 4776.20, 4937.01, 4937.05, 5101.061, 5101.14, 5101.141, 5101.1411, 5101.1412, 5101.1414, 5101.83, 5101.85, 5101.851, 5101.853, 5103.02, 5103.031, 5103.032, 5103.033, 5103.035, 5103.038, 5103.0313, 5103.0314, 5103.0316, 5103.0328, 5103.13, 5103.30, 5103.31, 5104.01, 5104.013, 5104.015, 5104.016, 5104.02, 5104.021, 5104.03, 5104.04, 5104.042, 5104.09, 5104.12, 5104.21, 5104.22, 5104.29, 5104.30, 5104.31, 5104.32, 5104.34, 5104.38, 5104.41, 5104.99, 5119.185, 5119.44, 5120.10, 5120.112, 5122.43, 5123.023, 5123.046, 5123.0414, 5123.0419, 5123.081, 5123.092, 5123.166, 5126.054, 5126.055, 5126.056, 5126.131, 5126.15, 5139.87, 5145.162, 5149.01, 5149.04, 5149.06, 5149.38, 5162.01, 5162.12, 5162.52, 5164.01, 5164.342, 5164.36, 5164.38, 5165.01, 5165.15, 5165.152, 5165.16, 5165.17, 5165.19, 5165.21, 5165.25, 5166.01, 5166.22, 5167.01, 5167.03, 5167.04, 5167.10, 5167.11, 5167.12, 5167.121, 5167.13, 5167.14, 5167.17, 5167.171, 5167.172, 5167.18, 5167.20, 5167.201, 5167.26, 5167.41, 5168.03, 5168.05, 5168.06, 5168.07, 5168.08, 5168.75, 5501.20, 5513.06, 5525.03, 5537.17, 5709.40, 5709.41, 5709.73, 5709.78, 5745.05, 5747.02, 5747.08, 5747.98, and 5903.12 be amended;

sections 1533.09 (1533.06), 3302.11 (3302.111), 3730.02 (3730.04), 3730.03 (3730.05), 3730.04 (3730.06), 3730.05 (3730.07), 3730.06 (3730.08), 3730.07 (3730.09), 3730.08 (3730.10), 3730.09 (3730.11), 3730.11 (3730.12), 4736.01 (3722.01), 4736.02 (3722.02), 4736.03 (3722.03), 4736.07 (3722.04), 4736.08 (3722.05), 4736.09 (3722.06), 4736.11 (3722.07), 4736.13 (3722.08), 4736.14 (3722.09), 4736.15 (3722.10), 4736.17 (3722.11), 4736.18 (3722.12), 5101.853 (5101.855), 5167.12 (5167.05), and 5167.121 (5167.051) be amended for the purpose of adopting new section numbers as indicated in parentheses; and new sections 1533.09, 3302.11, 3730.02, 3730.03, 5010.853, and 5164.37 and sections 9.242, 107.20, 122.84, 126.60, 307.631, 307.632, 307.633, 307.634, 307.635, 307.636, 307.637, 307.638, 307.639, 1181.23, 2151.45, 2151.451, 2151.452, 2151.453, 2151.454, 2151.455, 3107.035, 3301.28, 3313.6024, 3314.0211, 3314.088, 3317.0219, 3317.163, 3317.26, 3326.42, 3701.049, 3701.0410, 3701.953, 3707.70, 3707.71, 3707.72, 3707.73, 3707.74, 3707.75, 3707.76, 3707.77, 3730.021, 3730.13, 3738.01, 3738.02, 3738.03, 3738.04, 3738.05, 3738.06, 3738.07, 3738.08, 3738.09, 3742.50, 3902.30, 4109.22, 4757.25, 4773.011, 4773.061, 5101.1415, 5101.854, 5101.856, 5103.037, 5103.0310, 5103.181, 5104.211, 5123.0424, 5123.193, 5123.691, 5126.053, 5167.101, 5167.102, 5709.51, 5747.26, and 5747.82 of the Revised Code be enacted to read as follows:

**Sec. 9.242.** (A) As used in this section:

(1) "State agency" has the meaning defined in section 1.60 of the Revised Code.

(2) "State contract" means any contract for goods, services, or construction that is paid for in whole or in part with state funds. A state contract is considered to be awarded when it is entered into or executed, regardless of whether the parties to the

contract have exchanged any money.

(3) "Participate" means to respond to any solicitation or procurement issued by a state agency or be the recipient of an award of a state contract, or to provide any goods or services to any state agency.

(B) No vendor who has been debarred by any state agency shall participate in any state contract during the period of debarment. After the debarment period expires, the vendor may be eligible to respond to any solicitation or procurement, provide goods or services to, and be awarded contracts by state agencies if the vendor is not otherwise listed on a list of debarred vendors applicable to state contracts.

(C) State agencies shall exclude any vendor debarred under sections 125.25, 153.02, or 5513.06 of the Revised Code, or any other section of the Revised Code from participating in state contracts.

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

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

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

(a) The department of medicaid;

(b) ~~The office of health transformation;~~

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

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

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

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

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

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

(D) In odd-numbered years, the speaker shall designate one of the majority members from the house as the JMOC chairperson and

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

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

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

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

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

duties.

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

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

**Sec. 103.416.** ~~JMOC on a quarterly basis shall monitor the actions of the department of medicaid under section 5167.04 of the Revised Code in preparing to implement inclusion of alcohol, drug addiction, and mental health services covered by medicaid in the care management system established under section 5167.03 of the Revised Code. When the inclusion of the~~ If the department of medicaid includes alcohol, drug addiction, and mental health services in the care management system ~~begins to be implemented~~ established under section 5167.03 of the Revise Code, JMOC on a periodic basis shall monitor the department's inclusion of the services in the system.

**Sec. 107.036.** (A) For each business incentive tax credit, the main operating appropriations act shall contain a detailed estimate of the total amount of credits that may be authorized in each year, an estimate of the amount of credits expected to be claimed in each year, and an estimate of the amount of credits

expected to remain outstanding at the end of the biennium. The governor shall include such estimates in the state budget submitted to the general assembly pursuant to section 107.03 of the Revised Code.

(B) As used in this section, "business incentive tax credit" means all of the following:

(1) The job creation tax credit under section 122.17 of the Revised Code;

(2) The job retention tax credit under section 122.171 of the Revised Code;

(3) The historic preservation tax credit under section 149.311 of the Revised Code;

(4) The motion picture tax credit under section 122.85 of the Revised Code;

(5) The new markets tax credit under section 5725.33 of the Revised Code;

(6) The research and development credit under section 166.21 of the Revised Code;

(7) The small business investment credit under section 122.86 of the Revised Code;

(8) The rural growth investment credit under section 122.152 of the Revised Code;

(9) The opportunity zone investment credit under section 5747.82 of the Revised Code.

**Sec. 107.20.** (A) As used in this section, "political subdivision" means a county, township, municipal corporation, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that

of the state.

(B)(1) The governor shall declare an emergency that affects the public health if the governor determines that either of the following is the case and that one or more political subdivisions lack the resources or capabilities necessary to protect public health and safety:

(a) An event occurred or is occurring in any part of this state resulting in substantial injury or harm to the public health;

(b) An imminent threat of substantial injury or harm to the public health exists in any part of this state.

(2) The governor shall declare the emergency by executive order. Each order shall include all of the following:

(a) A description of the emergency affecting the public health, including the substantial injury or harm or threat of substantial injury or harm;

(b) A list of the areas of the state affected or threatened;

(c) A summary of the conditions that necessitated the declaration of an emergency.

(3) As soon as practicable after issuing an order, the office of the governor shall make a copy available on its internet web site, shall submit a copy to the general assembly in accordance with section 101.68 of the Revised Code, and shall transmit copies to the news media of this state.

(4) Any emergency order issued under this section shall remain in effect until the earliest of the following:

(a) The governor determines that the conditions giving rise to the declaration of an emergency no longer exist;

(b) The general assembly suspends the operation of the executive order by adopting a concurrent resolution;

(c) Thirty days have elapsed since the governor issued the order.

If thirty days have elapsed and the general assembly has not suspended the operation of the executive order, but the conditions giving rise to the declaration of an emergency are still present, the governor may issue another executive order in accordance with divisions (B)(1) and (2) of this section.

(5) If the general assembly adopts a concurrent resolution as described in division (B)(4) of this section, the governor shall rescind the emergency order as soon as practicable.

(C) On declaring an emergency that affects the public health and notwithstanding any conflicting provision of the Revised Code, the governor may do all of the following:

(1) Issue executive orders and direct state agencies to adopt and amend in accordance with division (G) of section 119.03 of the Revised Code rules relating to the emergency;

(2) Assume control of emergency management operations;

(3) Delegate duties as necessary to implement this section;

(4) Authorize a health care practitioner licensed in another jurisdiction to provide health care services during the emergency in accordance with any directions specified in the executive order;

(5) Use any available resources of state government or of political subdivisions as necessary to address the emergency;

(6) Order the director of budget and management to transfer cash from any fund not otherwise restricted to the controlling board emergency purposes/contingencies fund created under section 127.19 of the Revised Code in order to assist in emergency efforts;

(7) Except as provided under federal law, alter, limit, or

suspend any provision of a collective bargaining agreement or transfer state agency personnel, including those subject to collective bargaining agreements, or state agency functions for the purpose of facilitating emergency services.

(D) On declaring an emergency that affects the public health and notwithstanding any conflicting provision of the Revised Code, the governor shall do all of the following:

(1) Take such action and give such direction to state and local law enforcement agencies and offices as may be reasonable and necessary for the purpose of securing compliance with this section and any executive orders issued or rules adopted under it;

(2) Establish offices within state agencies and appoint personnel as necessary to implement this section;

(3) Direct state agency personnel to take actions as necessary to address the emergency.

(E) This section does not limit any of the following:

(1) The governor's authority to apply for grants or administer or expend any amounts awarded to the state for the purpose of preventing or mitigating emergencies affecting the public health;

(2) The authority of the governor, director of public safety, or executive director of the emergency management agency as described in sections 5502.21 to 5502.51 of the Revised Code;

(3) The governor's authority to issue a proclamation as described in section 5923.21 of the Revised Code.

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the

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

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

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

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

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant

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

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

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

(3) On receipt of a request pursuant to section 173.27, 173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 5123.081, or 5123.169 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the person for whom the request is made. The superintendent shall conduct the criminal records check in the

manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:

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

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

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

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

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

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

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of

section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

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

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

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,

2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

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

(6) Upon receipt of a request pursuant to section 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,

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

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

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

described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10,

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

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

(11) On receipt of a request for a criminal records check from an appointing or licensing authority under section 3772.07 of the Revised Code, a completed form prescribed under division

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

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

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

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

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

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

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

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

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

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

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

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

(16) On receipt of a request pursuant to division (B) of section 4764.07 of the Revised Code, a completed form prescribed

under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any crime of moral turpitude, a felony, or an equivalent offense in any other state or the United States.

(17) On receipt of a request for a criminal records check under section 147.022 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any disqualifying offense, as defined in section 147.011 of the Revised Code, or to any offense under any existing or former law of this state, any other state, or the United States that is substantially equivalent to such a disqualifying offense.

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

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 1121.23,

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

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

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

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

which is prohibited by federal law.

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

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

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

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

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

electronic formats.

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

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

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

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

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

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

(G) As used in this section:

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

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

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

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

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

**Sec. 111.15.** (A) As used in this section:

(1) "Rule" includes any rule, regulation, bylaw, or standard having a general and uniform operation adopted by an agency under the authority of the laws governing the agency; any appendix to a rule; and any internal management rule. "Rule" does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code, any order respecting the duties of employees, any finding, any determination of a question of law or fact in a matter presented to an agency, or any rule promulgated pursuant to Chapter 119. or division (C)(1) or (2) of section 5117.02 of the Revised Code. "Rule" includes any amendment or rescission of a rule.

(2) "Agency" means any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

(3) "Internal management rule" means any rule, regulation, bylaw, or standard governing the day-to-day staff procedures and operations within an agency.

(B)(1) Any rule, other than a rule of an emergency nature, adopted by any agency pursuant to this section shall be effective on the tenth day after the day on which the rule in final form and in compliance with division (B)(3) of this section is filed as follows:

(a) The rule shall be filed in electronic form with both the secretary of state and the director of the legislative service commission;

(b) The rule shall be filed in electronic form with the joint committee on agency rule review. Division (B)(1)(b) of this section does not apply to any rule to which division (D) of this section does not apply.

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 106.03 of the Revised Code. This paragraph does not apply to a rule of a state college or university, community college district, technical college district, or state community college.

If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B)(1) of this section, the rule if filed as required by such division shall become effective on the later date designated by the agency.

Any rule that is required to be filed under division (B)(1) of this section is also subject to division (D) of this section if not exempted by that division.

If a rule incorporates a text or other material by reference, the agency shall comply with sections 121.71 to 121.75 of the Revised Code.

(2) A rule of an emergency nature necessary for the immediate preservation of the public peace, health, or safety shall state the reasons for the necessity. The emergency rule, in final form and in compliance with division (B)(3) of this section, shall be

filed in electronic form with the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review. The emergency rule is effective immediately upon completion of the latest filing, except that if the agency in adopting the emergency rule designates an effective date, or date and time of day, that is later than the effective date and time provided for by division (B)(2) of this section, the emergency rule if filed as required by such division shall become effective at the later date, or later date and time of day, designated by the agency.

An emergency rule becomes invalid at the end of the one hundred twentieth day it is in effect. Prior to that date, the agency may file the emergency rule as a nonemergency rule in compliance with division (B)(1) of this section. The agency may not refile the emergency rule in compliance with division (B)(2) of this section so that, upon the emergency rule becoming invalid under such division, the emergency rule will continue in effect without interruption for another one hundred twenty-day period.

(3) An agency shall file a rule under division (B)(1) or (2) of this section in compliance with the following standards and procedures:

(a) The rule shall be numbered in accordance with the numbering system devised by the director for the Ohio administrative code.

(b) The rule shall be prepared and submitted in compliance with the rules of the legislative service commission.

(c) The rule shall clearly state the date on which it is to be effective and the date on which it will expire, if known.

(d) Each rule that amends or rescinds another rule shall clearly refer to the rule that is amended or rescinded. Each amendment shall fully restate the rule as amended.

If the director of the legislative service commission or the director's designee gives an agency notice pursuant to section 103.05 of the Revised Code that a rule filed by the agency is not in compliance with the rules of the legislative service commission, the agency shall within thirty days after receipt of the notice conform the rule to the rules of the commission as directed in the notice.

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) of this section shall be recorded by the secretary of state and the director under the title of the agency adopting the rule and shall be numbered according to the numbering system devised by the director. The secretary of state and the director shall preserve the rules in an accessible manner. Each such rule shall be a public record open to public inspection and may be transmitted to any law publishing company that wishes to reproduce it.

(D) At least sixty-five days before a board, commission, department, division, or bureau of the government of the state files a rule under division (B)(1) of this section, it shall file the full text of the proposed rule in electronic form with the joint committee on agency rule review, and the proposed rule is subject to legislative review and invalidation under section 106.021 of the Revised Code. If a state board, commission, department, division, or bureau makes a revision in a proposed rule after it is filed with the joint committee, the state board, commission, department, division, or bureau shall promptly file the full text of the proposed rule in its revised form in electronic form with the joint committee. A state board, commission, department, division, or bureau shall also file the rule summary and fiscal analysis prepared under section 106.024 of the Revised Code in electronic form along with a proposed rule, and along with a proposed rule in revised form, that is filed under this division. If a proposed rule has an adverse impact on

businesses, the state board, commission, department, division, or bureau also shall file the business impact analysis, any recommendations received from the common sense initiative office, and the associated memorandum of response, if any, in electronic form along with the proposed rule, or the proposed rule in revised form, that is filed under this division.

A proposed rule that is subject to legislative review under this division may not be adopted and filed in final form under division (B)(1) of this section unless the proposed rule has been filed with the joint committee on agency rule review under this division and the time for the joint committee to review the proposed rule has expired without recommendation of a concurrent resolution to invalidate the proposed rule.

As used in this division, "commission" includes the public utilities commission when adopting rules under a federal or state statute.

This division does not apply to any of the following:

(1) A proposed rule of an emergency nature;

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised Code;

(3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;

(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;

(5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a

federally reimbursed program in this state, so long as the proposed rule contains both of the following:

(a) A statement that it is proposed for the purpose of complying with a federal law or rule;

(b) A citation to the federal law or rule that requires verbatim compliance.

(6) An initial rule proposed by the director of health to impose safety standards and quality-of-care standards with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a health care facility ~~listed~~ as defined in ~~division (A)(4) of~~ section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;

(7) A rule of the state lottery commission pertaining to instant game rules.

If a rule is exempt from legislative review under division (D)(5) of this section, and if the federal law or rule pursuant to which the rule was adopted expires, is repealed or rescinded, or otherwise terminates, the rule is thereafter subject to legislative review under division (D) of this section.

Whenever a state board, commission, department, division, or bureau files a proposed rule or a proposed rule in revised form under division (D) of this section, it shall also file the full text of the same proposed rule or proposed rule in revised form in electronic form with the secretary of state and the director of the legislative service commission. A state board, commission, department, division, or bureau shall file the rule summary and fiscal analysis prepared under section 106.024 of the Revised Code in electronic form along with a proposed rule or proposed rule in revised form that is filed with the secretary of state or the

director of the legislative service commission.

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

(B) ~~There is hereby created in the state treasury the election reform/health and human services fund. All moneys received by the secretary of state from the United States department of health and human services shall be credited to the fund. The secretary of state shall use the moneys credited to the fund for activities conducted pursuant to grants awarded to the state under Title II, Subtitle D, Sections 261 to 265 of the Help America Vote Act of 2002 to assure access for individuals with disabilities. All investment earnings of the fund shall be credited to the fund.~~

~~(C)~~ There is hereby created in the state treasury the miscellaneous federal grants fund. All moneys the secretary of state receives as grants from federal sources that are not otherwise designated shall be credited to the fund. The secretary of state shall use the moneys credited to the fund for the purposes and activities required by the applicable federal grant agreements. All investment earnings of the fund shall be credited to the fund.

**Sec. 113.50.** As used in sections 113.50 to 113.56 of the Revised Code:

(A) ~~"ABLE account" means an individual account opened in~~

~~accordance with the program or a similar ABLE account program established by another state in accordance with section 529A of the Internal Revenue Code.~~

~~(B)~~ "Account owner" means a designated beneficiary or any other person authorized to be the owner of ~~an ABLE~~ a STABLE account under federal law.

~~(C)~~(B) "Designated beneficiary" means an eligible individual whose qualified disability expenses may be paid from ~~an ABLE~~ a STABLE account.

~~(D)~~(C) "Eligible individual," "member of the family," "qualified disability expenses," and "qualified ABLE program" have the same meanings as in section 529A of the Internal Revenue Code.

~~(E)~~(D) "Financial organization" means an insurance company, bank, or other financial institution or a broker-dealer registered with the securities and exchange commission.

~~(F)~~(E) "Management contract" means a contract between the treasurer of state and a program manager under division (B) of section 113.52 of the Revised Code.

~~(G)~~(F) "Maximum account value" means the dollar amount calculated by the Ohio tuition trust authority pursuant to sections 3334.01 to 3334.21 of the Revised Code as the maximum amount that may be necessary to pay for the qualified higher education expenses of a beneficiary under those sections, consistent with the maximum contributions permitted under section 529 of the Internal Revenue Code.

~~(H)~~(G) "Program" means the ~~ABLE~~ STABLE account program established under sections 113.50 to 113.56 of the Revised Code.

~~(I)~~(H) "Program account" means an individual account opened in accordance with the program.

~~(J)~~(I) "Program manager" means a financial organization

selected by the treasurer of state to be a depository and manager of the program under section 113.52 of the Revised Code.

~~(K)~~(J) "Secretary" means the secretary of the treasury of the United States.

(K) "STABLE account" means an individual account opened in accordance with the program or a similar program established by another state in accordance with section 529A of the Internal Revenue Code.

(L) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.

**Sec. 113.51.** (A) The treasurer of state shall implement and administer a program under the terms and conditions established under sections 113.50 to 113.56 of the Revised Code. For that purpose, the treasurer shall do all of the following:

(1) Develop and implement the program in a manner consistent with the provisions of sections 113.50 to 113.56 of the Revised Code;

(2) Engage the services of consultants on a contract basis for rendering professional and technical assistance and advice;

(3) Seek rulings and other guidance from the secretary and the internal revenue service relating to the program;

(4) Make modifications to the program as necessary for participants in the program to qualify for the federal income tax benefits or treatment provided under section 529A of the Internal Revenue Code or rules adopted thereunder;

(5) Impose and collect administrative fees and service charges in connection with any agreement or transaction relating to the program;

(6) Develop marketing plans and promotional materials to

publicize the program;

(7) Establish the procedures by which funds held in program accounts shall be disbursed;

(8) Administer the issuance of interests by the Ohio ~~ABLE~~ STABLE savings program trust fund to designated beneficiaries;

(9) Establish the procedures by which funds held in program accounts shall be allocated to pay for administrative costs;

(10) Take any other action necessary to implement and administer the program;

(11) Adopt rules in accordance with Chapter 119. of the Revised Code necessary to implement and administer the program;

(12) Notify the secretary when a program account has been opened for a designated beneficiary and submit other reports concerning the program as required by the secretary or under section 529A of the Internal Revenue Code.

(B) The treasurer of state may enter into agreements with other states or agencies of, subdivisions of, or residents of those states related to the program or a similar ~~ABLE account~~ program established by another state in accordance with section 529A of the Internal Revenue Code.

**Sec. 113.53.** (A) A designated beneficiary, or a trustee or guardian of a designated beneficiary who lacks capacity to enter into an agreement, may apply, on forms prescribed by the treasurer of state, to open a program account. A beneficiary may have only one ~~ABLE~~ STABLE account. The treasurer of state may impose a nonrefundable application fee. The application shall require the applicant to provide the following information:

(1) The name, address, social security number, and birth date of the designated beneficiary;

(2) The name, address, and social security number of the designated beneficiary's trustee or guardian, if applicable;

(3) Certification by the applicant that the applicant understands the maximum account value and the consequences under division (C) of this section for excess contributions and understands how program account values exceeding the amount designated under section 103 of the "Stephen Beck, Jr., ABLE Act of 2014," 26 U.S.C. 529A note, may affect the applicant's resources for determining the applicant's eligibility for the supplemental security income program;

(4) Any additional information required by the treasurer of state.

(B)(1) To qualify for a program account, a designated beneficiary must be an eligible individual at the time the program account is opened. Before opening a program account, the treasurer of state or program manager shall enter into an agreement with the account owner that discloses the requirements and restrictions on contributions and withdrawals from the program account.

(2) Any person may make contributions to a program account after the account is opened, subject to the limitations imposed by section 529A of the Internal Revenue Code and any rules adopted by the secretary.

(C) Contributions to a program account shall be made in cash. The treasurer of state or program manager shall reject or promptly withdraw a contribution to a program account if that contribution would exceed the annual limits prescribed in subsection (b)(2)(B) of section 529A of the Internal Revenue Code. The treasurer or program manager shall reject or promptly withdraw a contribution if the value of the program account equals or exceeds the maximum account value or the designated beneficiary is not an eligible individual in the current calendar year.

(D)(1) To the extent authorized by federal law, and in accordance with rules adopted by the treasurer of state, an account owner may change the designated beneficiary of a program account to another individual.

(2) No account owner may use an interest in ~~an ABLE~~ a STABLE account as security for a loan. Any pledge of an interest in an account shall be void and of no force and effect.

(E)(1) A distribution from a program account to any individual or for the benefit of any individual during a calendar year shall be reported to the internal revenue service and the designated beneficiary or the distributee to the extent required under state or federal law.

(2) Statements shall be provided to each account owner of a program account at least four times each year within thirty days after the end of the quarterly period to which a statement relates. The statement shall identify the contributions made during the preceding quarter, the total contributions made to the account through the last day of that quarter, the value of the account on the last day of that quarter, distributions made during that quarter, and any other information that the treasurer of state requires to be reported to the account owner.

(3) Statements and information relating to program accounts shall be prepared and filed to the extent required under sections 113.50 to 113.56 of the Revised Code and any other state or federal law.

(F) The program shall provide separate accounting for each designated beneficiary. An annual fee may be imposed upon the account owner for the maintenance of a program account.

(G) Money in ~~an ABLE~~ a STABLE account shall be exempt from attachment, execution, or garnishment as provided in section 2329.66 of the Revised Code, and is subject to claims made under

the medicaid estate recovery program instituted pursuant to section 5162.21 of the Revised Code, in accordance with subsection (f) of section 529A of the Internal Revenue Code and subject to any limitations imposed by the secretary.

(H)(1) Notwithstanding any other provision of state law, all of the following shall be disregarded for the purposes of determining an individual's eligibility for a means-tested public assistance program funded only with state, local, or state and local funds and the amount of assistance or benefits the individual is eligible to receive under the program:

(a) Any amount in ~~an ABLE~~ a STABLE account, including earnings on the account;

(b) Any contributions to ~~an ABLE~~ a STABLE account;

(c) Any distribution from ~~an ABLE~~ a STABLE account for qualified disability expenses.

(2) Division (H)(1) of this section applies only to an individual who is either of the following:

(a) The designated beneficiary of the ~~ABLE~~ STABLE account;

(b) An individual whose eligibility for the means-tested program is conditioned on the ~~ABLE~~ STABLE account's designated beneficiary disclosing the designated beneficiary's income, resources, or both to the entity administering the means-tested public assistance program.

**Sec. 113.55.** (A) The Ohio ~~ABLE~~ STABLE savings program trust fund is hereby created, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. The fund shall be used if the treasurer of state elects to accept deposits from contributors rather than have deposits sent directly to a program manager. The fund shall consist of any moneys deposited by contributors in accordance with sections 113.50 to

113.56 of the Revised Code that are not deposited directly with the program manager. Money shall be disbursed from the fund upon an order of the treasurer. All interest from the money in the fund shall be credited to the Ohio ~~ABLE~~ STABLE savings expense fund.

(B)(1) The Ohio ~~ABLE~~ STABLE savings expense fund is hereby created in the state treasury. The fund shall consist of money received from program managers, governmental or private grants, or appropriations for the program.

(2) All expenses incurred by the treasurer of state in developing and administering the ~~ABLE~~ STABLE account program and all expenses and reimbursements allowed for the ~~ABLE~~ STABLE account program advisory board created under section 113.56 of the Revised Code shall be payable from the Ohio ~~ABLE~~ STABLE savings expense fund.

**Sec. 113.56.** (A) There is hereby created the ~~ABLE~~ STABLE account program advisory board, consisting of nine members, composed of the following:

(1) The director of developmental disabilities or the director's designee;

(2) One member of the house of representatives appointed by the speaker of the house of representatives;

(3) One member of the senate appointed by the president of the senate;

(4) One member appointed by the governor who is a representative of an intellectual or developmental disability advocacy organization;

(5) One member appointed by the governor who is a representative of a service provider for individuals with disabilities;

(6) One member appointed by the governor who is the parent of a child with a disability and who has significant experience with disability issues;

(7) One member appointed by the governor who is a person with a disability and who has significant experience with disability issues;

(8) Two members appointed by the governor who have significant experience in finance, accounting, investment management, or other areas that may assist the board in carrying out its duties.

(B) Terms of office of the appointed members described in divisions (A)(4) to (8) of this section are for four years, which shall end on the thirty-first day of December. Terms of office of the appointed members described in divisions (A)(2) and (3) of this section shall be for the term of the general assembly. Any member may be reappointed, provided the member continues to meet all other eligibility requirements. Vacancies shall be filled in the manner provided for original appointments. Any such member appointed to fill a vacancy before the expiration of the term for which the predecessor was appointed shall hold office as a member for the remainder of that term. Appointed members of the board serve at the pleasure of the member's appointing authority and may be removed only by that authority.

(C) ~~The member described in division (A)(1) of this section shall call the first meeting of the ABLE account program advisory board, which shall occur not later than sixty days after the effective date of the enactment of this section. At the board's first meeting, members of the board shall elect a chairperson.~~ If a vacancy occurs in the office of chairperson, members shall elect a new chairperson. The board shall meet at least four times each year or more frequently at the call of the chairperson. The board is a public body for purposes of section 121.22 of the Revised

Code.

(D) A vacancy on the board does not impair the right of the other members to exercise all the functions of the board. The presence of a majority of the members of the board constitutes a quorum for the conduct of business of the board. The concurrence of at least a majority of the members of the board is necessary for any action to be taken by the board. On request to the treasurer of state, each member of the board shall be reimbursed for the actual and necessary travel expenses incurred in the performance of the member's official duties.

(E)(1) The board shall do all of the following:

(a) Review the work of the treasurer of state related to the program;

(b) Advise the treasurer on the program as requested by the treasurer;

(c) Make recommendations to the treasurer for the improvement of the program;

(d) On or before the thirty-first day of December of each year, in consultation with the treasurer of state, prepare a report of the board's activities and recommendations and deliver that report to the governor, speaker of the house of representatives, and president of the senate.

(2) The board may prepare reports of the board's activities and recommendations in addition to the report described in division (E)(1)(d) of this section. The board shall deliver such a report to the governor, speaker of the house of representatives, and president of the senate.

(F) The treasurer of state shall provide the board with the resources necessary to conduct its business. The board may accept uncompensated assistance from individuals, research organizations,

and other state agencies.

**Sec. 120.04.** (A) The state public defender shall serve at the pleasure of the Ohio public defender commission and shall be an attorney with a minimum of four years of experience in the practice of law and be admitted to the practice of law in this state at least one year prior to appointment.

(B) The state public defender shall do all of the following:

(1) Maintain a central office in Columbus. The central office shall be provided with a library of adequate size, considering the needs of the office and the accessibility of other libraries, and other necessary facilities and equipment.

(2) Appoint assistant state public defenders, all of whom shall be attorneys admitted to the practice of law in this state, and other personnel necessary for the operation of the state public defender office. Assistant state public defenders shall be appointed on a full-time basis. The state public defender, assistant state public defenders, and employees appointed by the state public defender shall not engage in the private practice of law.

(3) Supervise the compliance of county public defender offices, joint county public defender offices, and county appointed counsel systems with standards established by rules of the Ohio public defender commission pursuant to division (B) of section 120.03 of the Revised Code;

(4) Keep and maintain financial records of all cases handled and develop records for use in the calculation of direct and indirect costs, in the operation of the office, and report periodically, but not less than annually, to the commission on all relevant data on the operations of the office, costs, projected needs, and recommendations for legislation or amendments to court

rules, as may be appropriate to improve the criminal justice system;

(5) Collect all moneys due the state for reimbursement for legal services under this chapter and under section 2941.51 of the Revised Code and institute any actions in court on behalf of the state for the collection of such sums that the state public defender considers advisable. Except as provided otherwise in division (D) of section 120.06 of the Revised Code, all moneys collected by the state public defender under this chapter and section 2941.51 of the Revised Code shall be deposited in the state treasury to the credit of the client payment fund, which is hereby created. All moneys credited to the fund shall be used by the state public defender to appoint assistant state public defenders and to provide other personnel, equipment, and facilities necessary for the operation of the state public defender office, to reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems pursuant to sections 120.18, 120.28, and 120.33 of the Revised Code, or to provide assistance to counties in the operation of county indigent defense systems.

(6) With respect to funds appropriated to the commission to pay criminal costs, perform the duties imposed by sections 2949.19 and 2949.201 of the Revised Code;

(7) Establish standards and guidelines for the reimbursement, pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 of the Revised Code, of counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems and for other costs related to felony prosecutions;

(8) Establish maximum amounts that the state will reimburse the counties pursuant to sections 120.18, 120.28, 120.33, and 2941.51 of the Revised Code;

(9) Establish maximum amounts that the state will reimburse the counties pursuant to section 120.33 of the Revised Code for each specific type of legal service performed by a county appointed counsel system;

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 of the Revised Code and make reimbursements pursuant to those sections;

(11) Administer the program established pursuant to sections 120.51 to 120.55 of the Revised Code for the charitable public purpose of providing financial assistance to legal aid societies. Neither the state public defender nor any of the state public defender's employees who is responsible in any way for the administration of that program and who performs those administrative responsibilities in good faith is in any manner liable if a legal aid society that is provided financial assistance under the program uses the financial assistance other than in accordance with sections 120.51 to 120.55 of the Revised Code or fails to comply with the requirements of those sections.

(12) Establish an office for the handling of appeal and postconviction matters;

(13) Provide technical aid and assistance to county public defender offices, joint county public defender offices, and other local counsel providing legal representation to indigent persons, including representation and assistance on appeals.

(C) The state public defender may do any of the following:

(1) In providing legal representation, conduct investigations, obtain expert testimony, take depositions, use other discovery methods, order transcripts, and make all other preparations which are appropriate and necessary to an adequate defense or the prosecution of appeals and other legal proceedings;

(2) Seek, solicit, and apply for grants for the operation of

programs for the defense of indigent persons from any public or private source, and may receive donations, grants, awards, and similar funds from any lawful source. Such funds shall be deposited in the state treasury to the credit of the public defender gifts and grants fund, which is hereby created.

(3) Make all the necessary arrangements to coordinate the services of the office with any federal, county, or private programs established to provide legal representation to indigent persons and others, and to obtain and provide all funds allowable under any such programs;

(4) Consult and cooperate with professional groups concerned with the causes of criminal conduct, the reduction of crime, the rehabilitation and correction of persons convicted of crime, the administration of criminal justice, and the administration and operation of the state public defender's office;

(5) Accept the services of volunteer workers and consultants at no compensation other than reimbursement for actual and necessary expenses;

(6) Prescribe any forms that are necessary for the uniform operation of this chapter;

(7) Contract with a county public defender commission or a joint county public defender commission to provide all or any part of the services that a county public defender or joint county public defender is required or permitted to provide by this chapter, or contract with a board of county commissioners of a county that is not served by a county public defender commission or a joint county public defender commission for the provision of services in accordance with section 120.33 of the Revised Code. All money received by the state public defender pursuant to such a contract shall be credited to either the ~~multi-county~~ multicounty: county share fund or, if received as a result of a contract with

Trumbull county, the Trumbull county: county share fund.

(8) Authorize persons employed as criminal investigators to attend the Ohio peace officer training academy or any other peace officer training school for training;

(9) Procure a policy or policies of malpractice insurance that provide coverage for the state public defender and assistant state public defenders in connection with malpractice claims that may arise from their actions or omissions related to responsibilities derived pursuant to this chapter;

(10) Enter into agreements to license, lease, sell, and market for sale intellectual property owned by the office and receive payments from those agreements for use in the operation of the office and programs for the defense of indigent persons. All funds received by the state public defender pursuant to such agreements shall be deposited in the state treasury to the credit of the public defender gifts and grants fund.

(D) No person employed by the state public defender as a criminal investigator shall attend the Ohio peace officer training academy or any other peace officer training school unless authorized to do so by the state public defender.

**Sec. 121.083.** (A) The superintendent of industrial compliance in the department of commerce shall do all of the following:

~~(A)~~(1) Administer and enforce the general laws of this state pertaining to buildings, pressure piping, boilers, bedding, upholstered furniture, and stuffed toys, steam engineering, elevators, plumbing, licensed occupations regulated by the department, and travel agents, as they apply to plans review, inspection, code enforcement, testing, licensing, registration, and certification.

~~(B)~~(2) Exercise the powers and perform the duties delegated to the superintendent by the director of commerce under Chapters 4109., 4111., and 4115. of the Revised Code.

~~(C)~~(3) Collect and collate statistics as are necessary.

~~(D)~~(4) Examine and license persons who desire to act as steam engineers, to operate steam boilers, and to act as inspectors of steam boilers, provide for the scope, conduct, and time of such examinations, provide for, regulate, and enforce the renewal and revocation of such licenses, inspect and examine steam boilers and make, publish, and enforce rules and orders for the construction, installation, inspection, and operation of steam boilers, and do, require, and enforce all things necessary to make such examination, inspection, and requirement efficient.

~~(E)~~(5) Rent and furnish offices as needed in cities in this state for the conduct of its affairs.

~~(F)~~(6) Oversee a chief of construction and compliance, a chief of operations and maintenance, a chief of licensing and certification, a chief of worker protection, and other designees appointed by the director to perform the duties described in this section.

~~(G)~~(7) Enforce the rules the board of building standards adopts pursuant to division (A)(2) of section 4104.43 of the Revised Code under the circumstances described in division (D) of that section.

~~(H)~~(8) Accept submissions, establish a fee for submissions, and review submissions of certified welding and brazing procedure specifications, procedure qualification records, and performance qualification records for building services piping as required by section 4104.44 of the Revised Code.

(B) The superintendent may enter into a contract with a municipal corporation, township, or county building department

certified by the board of building standards pursuant to division (E) of section 3781.10 of the Revised Code, or a municipal or county health district, to do any of the following on behalf of the building department or health district:

(1) Exercise enforcement authority pursuant to section 3781.03 of the Revised Code;

(2) Accept and approve plans and specifications, and make inspections, pursuant to section 3791.04 of the Revised Code;

(3) Enforce the rules adopted pursuant to division (A)(2) of section 4104.43 of the Revised Code.

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

(B) As used in this section:

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

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

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

(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to

such a district other than litigation involving the district. As used in division (B)(1)(c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.

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

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

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

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

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

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

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

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

(1) A grand jury;

(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the

public office that is the subject of the audit;

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

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

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

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

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

(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;

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

(10) The executive committee of the emergency response

commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;

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

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

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

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

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

(16) If established by the department of health under section 3738.01 of the Revised Code, meetings of the pregnancy-associated mortality review board;

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

(18) Meetings of a drug overdose fatality review committee

established under section 307.631 of the Revised Code.

(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:

(1) Marketing plans;

(2) Specific business strategy;

(3) Production techniques and trade secrets;

(4) Financial projections;

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

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

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

shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

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

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

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

(2) To consider the purchase of property for public purposes,

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

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

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

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

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

(6) Details relative to the security arrangements and emergency response protocols for a public body or a public office,

if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;

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

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

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

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

If a public body holds an executive session to consider any of the matters listed in divisions (G)(2) to (8) of this section,

the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

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

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

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

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

of the following:

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

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

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

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

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

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

(a) Interviewing an applicant for financial assistance under

sections 5901.01 to 5901.15 of the Revised Code;

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

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

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

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

**Sec. 121.37.** (A)(1) There is hereby created the Ohio family and children first cabinet council. The council shall be composed of the superintendent of public instruction, the executive director of the opportunities for Ohioans with disabilities agency, the medicaid director, and the directors of youth services, job and family services, mental health and addiction services, health, developmental disabilities, aging, rehabilitation and correction, and budget and management. The chairperson of the council shall be the governor or the governor's designee and shall establish procedures for the council's internal

control and management.

The purpose of the cabinet council is to help families seeking government services. This section shall not be interpreted or applied to usurp the role of parents, but solely to streamline and coordinate existing government services for families seeking assistance for their children.

(2) In seeking to fulfill its purpose, the council may do any of the following:

(a) Advise and make recommendations to the governor and general assembly regarding the provision of services to children;

(b) Advise and assess local governments on the coordination of service delivery to children;

(c) Hold meetings at such times and places as may be prescribed by the council's procedures and maintain records of the meetings, except that records identifying individual children are confidential and shall be disclosed only as provided by law;

(d) Develop programs and projects, including pilot projects, to encourage coordinated efforts at the state and local level to improve the state's social service delivery system;

(e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children;

(f) Enter into contracts with and apply for grants from federal agencies or private organizations;

(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of

funds;

(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;

(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;

(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;

(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.

(3) The cabinet council shall provide for the following:

(a) Reviews of service and treatment plans for children for which such reviews are requested;

(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;

(c) Monitoring and supervision of a statewide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health for early intervention services under the "Individuals with Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended.

(4) The cabinet council shall develop and implement the following:

(a) An interagency process to select the indicators that will be used to measure progress toward increasing child well-being in the state and to update the indicators on an annual basis. The indicators shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood.

(b) An interagency system to offer guidance and monitor progress toward increasing child well-being in the state and in each county;

(c) An annual plan that identifies state-level agency efforts taken to ensure progress towards increasing child well-being in the state.

On an annual basis, the cabinet council shall submit to the governor and the general assembly a report on the status of efforts to increase child well-being in the state. This report shall be made available to any other person on request.

(B)(1) Each board of county commissioners shall establish a county family and children first council. The board may invite any local public or private agency or group that funds, advocates, or provides services to children and families to have a representative become a permanent or temporary member of its county council. Each county council must include the following individuals:

(a) At least three individuals who are not employed by an agency represented on the council and whose families are or have received services from an agency represented on the council or another county's council. Where possible, the number of members representing families shall be equal to twenty per cent of the

council's membership.

(b) The director of the board of alcohol, drug addiction, and mental health services that serves the county, or, in the case of a county that has a board of alcohol and drug addiction services and a community mental health board, the directors of both boards. If a board of alcohol, drug addiction, and mental health services covers more than one county, the director may designate a person to participate on the county's council.

(c) The health commissioner, or the commissioner's designee, of the board of health of each city and general health district in the county. If the county has two or more health districts, the health commissioner membership may be limited to the commissioners of the two districts with the largest populations.

(d) The director of the county department of job and family services;

(e) The executive director of the public children services agency;

(f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee;

(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its determination at least biennially;

(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;

(i) A representative of the municipal corporation with the

largest population in the county;

(j) The president of the board of county commissioners or an individual designated by the board;

(k) A representative of the ~~regional office of the~~ department of youth services or an individual designated by the department;

(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;

(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";

(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.

Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section.

The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a county's board of county commissioners.

The county's juvenile court judge senior in service or another judge of the juvenile court designated by the administrative judge or, where there is no administrative judge,

by the judge senior in service shall serve as the judicial advisor to the county family and children first council. The judge may advise the county council on the court's utilization of resources, services, or programs provided by the entities represented by the members of the county council and how those resources, services, or programs assist the court in its administration of justice. Service of a judge as a judicial advisor pursuant to this section is a judicial function.

(2) The purpose of the county council is to streamline and coordinate existing government services for families seeking services for their children. In seeking to fulfill its purpose, a county council shall provide for the following:

(a) Referrals to the cabinet council of those children for whom the county council cannot provide adequate services;

(b) Development and implementation of a process that annually evaluates and prioritizes services, fills service gaps where possible, and invents new approaches to achieve better results for families and children;

(c) Participation in the development of a countywide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health for early intervention services under the "Individuals with Disabilities Education Act of 2004";

(d) Maintenance of an accountability system to monitor the county council's progress in achieving results for families and children;

(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system.

(3) A county council shall develop and implement the following:

(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county;

(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood and take into account the indicators established by the cabinet council under division (A)(4)(a) of this section.

(c) An annual plan that identifies the county's interagency efforts to increase child well-being in the county.

On an annual basis, the county council shall submit a report on the status of efforts by the county to increase child well-being in the county to the county's board of county commissioners and the cabinet council. This report shall be made available to any other person on request.

(4)(a) Except as provided in division (B)(4)(b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to those rules or agreements.

(b) On application of a county council, the cabinet council may grant an exemption from any rules or interagency agreements of a state department participating on the council if an exemption is necessary for the council to implement an alternative program or approach for service delivery to families and children. The

application shall describe the proposed program or approach and specify the rules or interagency agreements from which an exemption is necessary. The cabinet council shall approve or disapprove the application in accordance with standards and procedures it shall adopt. If an application is approved, the exemption is effective only while the program or approach is being implemented, including a reasonable period during which the program or approach is being evaluated for effectiveness.

(5)(a) Each county council shall designate an administrative agent for the council from among the following public entities: the board of alcohol, drug addiction, and mental health services, including a board of alcohol and drug addiction or a community mental health board if the county is served by separate boards; the board of county commissioners; any board of health of the county's city and general health districts; the county department of job and family services; the county agency responsible for the administration of children services pursuant to section 5153.15 of the Revised Code; the county board of developmental disabilities; any of the county's boards of education or governing boards of educational service centers; or the county's juvenile court. Any of the foregoing public entities, other than the board of county commissioners, may decline to serve as the council's administrative agent.

A county council's administrative agent shall serve as the council's appointing authority for any employees of the council. The council shall file an annual budget with its administrative agent, with copies filed with the county auditor and with the board of county commissioners, unless the board is serving as the council's administrative agent. The council's administrative agent shall ensure that all expenditures are handled in accordance with policies, procedures, and activities prescribed by state departments in rules or interagency agreements that are applicable

to the council's functions.

The administrative agent of a county council shall send notice of a member's absence if a member listed in division (B)(1) of this section has been absent from either three consecutive meetings of the county council or a county council subcommittee, or from one-quarter of such meetings in a calendar year, whichever is less. The notice shall be sent to the board of county commissioners that establishes the county council and, for the members listed in divisions (B)(1)(b), (c), (e), and (l) of this section, to the governing board overseeing the respective entity; for the member listed in division (B)(1)(f) of this section, to the county board of developmental disabilities that employs the superintendent; for a member listed in division (B)(1)(g) or (h) of this section, to the school board that employs the superintendent; for the member listed in division (B)(1)(i) of this section, to the mayor of the municipal corporation; for the member listed in division (B)(1)(k) of this section, to the director of youth services; and for the member listed in division (B)(1)(n) of this section, to that member's board of trustees.

The administrative agent for a county council may do any of the following on behalf of the council:

(i) Enter into agreements or administer contracts with public or private entities to fulfill specific council business. Such agreements and contracts are exempt from the competitive bidding requirements of section 307.86 of the Revised Code if they have been approved by the county council and they are for the purchase of family and child welfare or child protection services or other social or job and family services for families and children. The approval of the county council is not required to exempt agreements or contracts entered into under section 5139.34, 5139.41, or 5139.43 of the Revised Code from the competitive bidding requirements of section 307.86 of the Revised Code.

(ii) As determined by the council, provide financial stipends, reimbursements, or both, to family representatives for expenses related to council activity;

(iii) Receive by gift, grant, devise, or bequest any moneys, lands, or other property for the purposes for which the council is established. The agent shall hold, apply, and dispose of the moneys, lands, or other property according to the terms of the gift, grant, devise, or bequest. Any interest or earnings shall be treated in the same manner and are subject to the same terms as the gift, grant, devise, or bequest from which it accrues.

(b)(i) If the county council designates the board of county commissioners as its administrative agent, the board may, by resolution, delegate any of its powers and duties as administrative agent to an executive committee the board establishes from the membership of the county council. The board shall name to the executive committee at least the individuals described in divisions (B)(1)(b) to (h) of this section and may appoint the president of the board or another individual as the chair of the executive committee. The executive committee must include at least one family county council representative who does not have a family member employed by an agency represented on the council.

(ii) The executive committee may, with the approval of the board, hire an executive director to assist the county council in administering its powers and duties. The executive director shall serve in the unclassified civil service at the pleasure of the executive committee. The executive director may, with the approval of the executive committee, hire other employees as necessary to properly conduct the county council's business.

(iii) The board may require the executive committee to submit an annual budget to the board for approval and may amend or repeal the resolution that delegated to the executive committee its

authority as the county council's administrative agent.

(6) Two or more county councils may enter into an agreement to administer their county councils jointly by creating a regional family and children first council. A regional council possesses the same duties and authority possessed by a county council, except that the duties and authority apply regionally rather than to individual counties. Prior to entering into an agreement to create a regional council, the members of each county council to be part of the regional council shall meet to determine whether all or part of the members of each county council will serve as members of the regional council.

(7) A board of county commissioners may approve a resolution by a majority vote of the board's members that requires the county council to submit a statement to the board each time the council proposes to enter into an agreement, adopt a plan, or make a decision, other than a decision pursuant to section 121.38 of the Revised Code, that requires the expenditure of funds for two or more families. The statement shall describe the proposed agreement, plan, or decision.

Not later than fifteen days after the board receives the statement, it shall, by resolution approved by a majority of its members, approve or disapprove the agreement, plan, or decision. Failure of the board to pass a resolution during that time period shall be considered approval of the agreement, plan, or decision.

An agreement, plan, or decision for which a statement is required to be submitted to the board shall be implemented only if it is approved by the board.

(C) Each county shall develop a county service coordination mechanism. The county service coordination mechanism shall serve as the guiding document for coordination of services in the county. For children who also receive services under the help me

grow program, the service coordination mechanism shall be consistent with rules adopted by the department of health under section 3701.61 of the Revised Code. All family service coordination plans shall be developed in accordance with the county service coordination mechanism. The mechanism shall be developed and approved with the participation of the county entities representing child welfare; developmental disabilities; alcohol, drug addiction, and mental health services; health; juvenile judges; education; the county family and children first council; and the county early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004." The county shall establish an implementation schedule for the mechanism. The cabinet council may monitor the implementation and administration of each county's service coordination mechanism.

Each mechanism shall include all of the following:

(1) A procedure for an agency, including a juvenile court, or a family voluntarily seeking service coordination, to refer the child and family to the county council for service coordination in accordance with the mechanism;

(2) A procedure ensuring that a family and all appropriate staff from involved agencies, including a representative from the appropriate school district, are notified of and invited to participate in all family service coordination plan meetings;

(3) A procedure that permits a family to initiate a meeting to develop or review the family's service coordination plan and allows the family to invite a family advocate, mentor, or support person of the family's choice to participate in any such meeting;

(4) A procedure for ensuring that a family service coordination plan meeting is conducted for each child who receives

service coordination under the mechanism and for whom an emergency out-of-home placement has been made or for whom a nonemergency out-of-home placement is being considered. The meeting shall be conducted within ten days of an emergency out-of-home placement. The meeting shall be conducted before a nonemergency out-of-home placement. The family service coordination plan shall outline how the county council members will jointly pay for services, where applicable, and provide services in the least restrictive environment.

(5) A procedure for monitoring the progress and tracking the outcomes of each service coordination plan requested in the county including monitoring and tracking children in out-of-home placements to assure continued progress, appropriateness of placement, and continuity of care after discharge from placement with appropriate arrangements for housing, treatment, and education;

(6) A procedure for protecting the confidentiality of all personal family information disclosed during service coordination meetings or contained in the comprehensive family service coordination plan;

(7) A procedure for assessing the needs and strengths of any child or family that has been referred to the council for service coordination, including a child whose parent or custodian is voluntarily seeking services, and for ensuring that parents and custodians are afforded the opportunity to participate;

(8) A procedure for development of a family service coordination plan described in division (D) of this section;

(9) A local dispute resolution process to serve as the process that must be used first to resolve disputes among the agencies represented on the county council concerning the provision of services to children, including children who are

abused, neglected, dependent, unruly, alleged unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services. The local dispute resolution process shall comply with sections 121.38, 121.381, and 121.382 of the Revised Code. The local dispute resolution process shall be used to resolve disputes between a child's parents or custodians and the county council regarding service coordination. The county council shall inform the parents or custodians of their right to use the dispute resolution process. Parents or custodians shall use existing local agency grievance procedures to address disputes not involving service coordination. The dispute resolution process is in addition to and does not replace other rights or procedures that parents or custodians may have under other sections of the Revised Code.

The cabinet council shall adopt rules in accordance with Chapter 119. of the Revised Code establishing an administrative review process to address problems that arise concerning the operation of a local dispute resolution process.

Nothing in division (C)(4) of this section shall be interpreted as overriding or affecting decisions of a juvenile court regarding an out-of-home placement, long-term placement, or emergency out-of-home placement.

(D) Each county shall develop a family service coordination plan that does all of the following:

(1) Designates service responsibilities among the various state and local agencies that provide services to children and their families, including children who are abused, neglected, dependent, unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services;

(2) Designates an individual, approved by the family, to track the progress of the family service coordination plan, schedule reviews as necessary, and facilitate the family service coordination plan meeting process;

(3) Ensures that assistance and services to be provided are responsive to the strengths and needs of the family, as well as the family's culture, race, and ethnic group, by allowing the family to offer information and suggestions and participate in decisions. Identified assistance and services shall be provided in the least restrictive environment possible.

(4) Includes a process for dealing with a child who is alleged to be an unruly child. The process shall include methods to divert the child from the juvenile court system;

(5) Includes timelines for completion of goals specified in the plan with regular reviews scheduled to monitor progress toward those goals;

(6) Includes a plan for dealing with short-term crisis situations and safety concerns.

(E)(1) The process provided for under division (D)(4) of this section may include, but is not limited to, the following:

(a) Designation of the person or agency to conduct the assessment of the child and the child's family as described in division (C)(7) of this section and designation of the instrument or instruments to be used to conduct the assessment;

(b) An emphasis on the personal responsibilities of the child and the parental responsibilities of the parents, guardian, or custodian of the child;

(c) Involvement of local law enforcement agencies and officials.

(2) The method to divert a child from the juvenile court

system that must be included in the service coordination process may include, but is not limited to, the following:

(a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system;

(b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system;

(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian;

(d) A program to provide a mentor to the child or the parents, guardian, or custodian;

(e) A program to provide parenting education to the parents, guardian, or custodian;

(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school;

(g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile court system that are identified by the Ohio family and children first cabinet council.

(F) Each county may review and revise the service coordination process described in division (D) of this section based on the availability of funds under Title IV-A of the "Social

Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, or to the extent resources are available from any other federal, state, or local funds.

**Sec. 122.075.** (A) As used in this section:

(1) "Alternative fuel" has the same meaning as in section 125.831 of the Revised Code.

(2) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats, or any combination of those reagents, and that meets American society for testing and materials specification D6751-03a for biodiesel fuel (B100) blend stock distillate fuels.

(3) "Diesel fuel" and "gasoline" have the same meanings as in section 5735.01 of the Revised Code.

(4) "Ethanol" has the same meaning as in section 5733.46 of the Revised Code.

(5) "Blended biodiesel" means diesel fuel containing at least twenty per cent biodiesel by volume.

(6) "Blended gasoline" means gasoline containing at least eighty-five per cent ethanol by volume.

(7) "Incremental cost" means either of the following:

(a) The difference in cost between blended gasoline and gasoline containing ten per cent or less ethanol at the time that the blended gasoline is purchased;

(b) The difference in cost between blended biodiesel and diesel fuel containing two per cent or less biodiesel at the time that the blended biodiesel is purchased.

(B) For the purpose of improving the air quality in this state, the director of development services shall establish an alternative fuel transportation program under which the director

may make grants and loans to businesses, nonprofit organizations, public school systems, or local governments for the purchase and installation of alternative fuel refueling or distribution facilities and terminals, for the purchase and use of alternative fuel, to pay the cost of fleet conversion, and to pay the costs of educational and promotional materials and activities intended for prospective alternative fuel consumers, fuel marketers, and others in order to increase the availability and use of alternative fuel.

(C) The director, in consultation with the director of agriculture, shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of the alternative fuel transportation program. The rules shall establish at least all of the following:

(1) An application form and procedures governing the application process for receiving funds under the program;

(2) A procedure for prioritizing the award of grants and loans under the program. The procedures shall give preference to all of the following:

(a) Publicly accessible refueling facilities;

(b) Entities applying to the program that have secured funding from other sources, including, but not limited to, private or federal incentives;

(c) Entities that have presented compelling evidence of demand in the market in which the facilities or terminals will be located;

(d) Entities that have committed to utilizing purchased or installed facilities or terminals for the greatest number of years;

(e) Entities that will be purchasing or installing facilities or terminals for any type of alternative fuel.

(3) A requirement that the maximum incentive for the purchase and installation of an alternative fuel refueling or distribution facility or terminal be eighty per cent of the cost of the facility or terminal, except that at least twenty per cent of the total cost of the facility or terminal shall be incurred by the recipient and not compensated for by any other source;

(4) A requirement that the maximum incentive for the purchase of alternative fuel be eighty per cent of the cost of the fuel or, in the case of blended biodiesel or blended gasoline, eighty per cent of the incremental cost of the blended biodiesel or blended gasoline;

(5) Any other criteria, procedures, or guidelines that the director determines are necessary to administer the program, including fees, charges, interest rates, and payment schedules.

(D) An applicant for a grant or loan under this section that sells motor vehicle fuel at retail shall agree that if the applicant receives funding, the applicant will report to the director the gallon or gallon equivalent amounts of alternative fuel the applicant sells at retail in this state for a period of three years after the project is completed.

The director shall enter into a written confidentiality agreement with the applicant regarding the gallon or gallon equivalent amounts sold as described in this division, and upon execution of the agreement this information is not a public record.

(E) There is hereby created in the state treasury the alternative fuel transportation fund. The fund shall consist of money transferred to the fund under division (B) of section 125.836 ~~and under division (B)(2) of section 3706.27~~ of the Revised Code, money that is appropriated to it by the general assembly, money as may be specified by the general assembly from

the advanced energy fund created by section 4928.61 of the Revised Code, and all money received from the repayment of loans made from the fund or in the event of a default on any such loan. Money in the fund shall be used to make grants and loans under the alternative fuel transportation program and by the director in the administration of that program.

**Sec. 122.84.** (A) As used in this section:

(1) "Ohio qualified opportunity fund" means a qualified opportunity fund that holds at least ninety per cent of its invested assets in qualified opportunity zone property situated in an Ohio opportunity zone.

In the case of qualified opportunity zone property that is qualified opportunity zone stock or qualified opportunity zone partnership interest, the stock or interest is situated in an Ohio opportunity zone only if, during substantially all of the qualified opportunity fund's holding period for such stock or interest, substantially all of the use of the corporation's or partnership's tangible property was in an Ohio opportunity zone. In the case of qualified opportunity zone property that is qualified opportunity zone business property, the property is situated in an Ohio opportunity zone only if, during substantially all of the fund's holding period for such property, substantially all of the use of the property was in an Ohio opportunity zone.

(2) "Ohio opportunity zone" means a qualified opportunity zone designated in this state under 26 U.S.C. 1400Z-1.

(3) "Individual," "taxpayer," and "taxable year" have the same meanings as in section 5747.01 of the Revised Code.

(B) An individual taxpayer that invests in one or more Ohio qualified opportunity funds may apply to the director of development services for a tax credit certificate entitling the

taxpayer to a nonrefundable credit under section 5747.82 of the Revised Code. The application shall be made on forms prescribed by the director on or after the first day of January and on or before the first day of February of each year. The credit shall equal ten per cent of the amount of the taxpayer's investment in the fund during the taxpayer's taxable year ending in the preceding calendar year.

The taxpayer shall include the following information with the taxpayer's application, in addition to any other information required by the director in consultation with the tax commissioner:

(1) The amount of the taxpayer's investment in Ohio qualified opportunity funds during the taxpayer's taxable year, arranged according to the amount invested in each such fund if the taxpayer invested in more than one such fund;

(2) A statement from an employee or officer of each Ohio qualified opportunity fund identified by the taxpayer under division (B)(1) of this section certifying the amount of the taxpayer's investment in the fund and the date the investment was made.

The director shall review applications in the order in which applications are received.

(C)(1) Subject to division (C)(2) of this section, if the director determines that the applicant qualifies for a credit under this section, the director shall issue, within twenty days after the receipt of a complete application under division (B) of this section, a tax credit certificate to the taxpayer identified with a unique number and listing the amount of credit the director determines the taxpayer is eligible to claim for the taxable year.

(2) The director shall not issue certificates in a total amount that would cause the tax credits claimed in any fiscal

biennium to exceed fifty million dollars. The director shall not issue certificates to a single applicant in an amount that would cause the tax credits claimed in any fiscal biennium by an individual taxpayer to exceed one million dollars.

The director may not issue a certificate under this section on the basis of any investment for which a small business investment certificate has been issued under section 122.86 of the Revised Code.

**Sec. 122.86.** (A) As used in this section and section 5747.81 of the Revised Code:

(1) "Small business enterprise" means a corporation, pass-through entity, or other person satisfying all of the following:

(a) At the time of a qualifying investment, the enterprise meets all of the following requirements:

(i) Has no outstanding tax or other liabilities owed to the state;

(ii) Is in good standing with the secretary of state, if the enterprise is required to be registered with the secretary;

(iii) Is current with any court-ordered payments;

(iv) Is not engaged in any illegal activity.

(b) At the time of a qualifying investment, the enterprise's assets according to generally accepted accounting principles do not exceed fifty million dollars, or its annual sales do not exceed ten million dollars. When making this determination, the assets and annual sales of all of the enterprise's related or affiliated entities shall be included in the calculation.

(c) ~~The~~ At the time of a qualifying investment and for the two-year period immediately preceding the qualifying investment,

the enterprise employs at least fifty full-time equivalent employees in this state for whom the enterprise is required to withhold income tax under section 5747.06 of the Revised Code, or more than one-half the enterprise's total number of full-time equivalent employees employed anywhere in the United States are employed in this state and are subject to that withholding requirement.

(d) The enterprise, within six months after an eligible investor's qualifying investment is made, ~~invests in or~~ incurs cost for one or more of the following ~~in an amount at least equal to the amount of the qualifying investment~~:

(i) Tangible personal property, other than motor vehicles operated on public roads and highways, used in business and physically located in this state from the time of its acquisition by the enterprise until the end of the investor's holding period~~,~~ including the installation of such tangible personal property;

(ii) Motor vehicles operated on public roads and highways if, from the time of acquisition by the enterprise until the end of the investor's holding period, the motor vehicles are purchased in this state, registered in this state under Chapter 4503. of the Revised Code, are used primarily for business purposes, and are necessary for the operation of the enterprise's business;

(iii) Real property located in this state that is used in the business from the time of its acquisition by the enterprise until the end of the holding period;

(iv) ~~Intangible personal property, including patents, copyrights, trademarks, service marks, or licenses used in business primarily in this state from the time of its acquisition by the enterprise until the end of the holding period~~ Leasehold improvements and construction costs for property located in this state that is used in the business from the time its improvement

or construction was completed until the end of the holding period;

(v) Compensation for new employees of the enterprise hired after the date the qualifying investment is made for whom the enterprise is required to withhold income tax under section 5747.06 of the Revised Code~~, not including increased compensation for owners, officers, or managers of the enterprise. For this purpose compensation for new employees includes compensation for newly hired or retained employees~~.

(2) "Qualifying investment" means an investment of money made on or after July 1, ~~2011~~ 2019, to acquire capital stock or other equity interest in a small business enterprise. "Qualifying investment" does not include either of the following:

(a) Any investment of money an eligible investor derives, directly or indirectly, from a grant or loan from the federal government or the state or a political subdivision, including the third frontier program under Chapter 184. of the Revised Code;

(b) Any investment of money which is the basis of a tax credit granted under any other section of the Revised Code.

(3) "Eligible investor" means an individual, estate, or trust subject to the tax imposed by section 5747.02 of the Revised Code, or a pass-through entity in which such an individual, estate, or trust holds a direct or indirect ownership or other equity interest. To qualify as an eligible investor, the individual, estate, trust, or pass-through entity shall not owe any outstanding tax or other liability to the state at the time of a qualifying investment.

(4) "Holding period" means the two-year period beginning on the day a qualifying investment is made.

(5) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.

(B) ~~Any~~ An eligible investor that makes a qualifying investment in a small business enterprise on or after July 1, ~~2011~~ 2019, may apply to the director of development services to obtain an allocation for a small business investment certificate from the director. Alternatively, a small business enterprise may apply on behalf of eligible investors to obtain the ~~certificates~~ allocation for those investors. The application must be submitted to the director within sixty days after the date of the qualifying investment, but within the same biennium as the qualifying investment. The director, in consultation with the tax commissioner, shall prescribe the form or manner in which an applicant shall apply for the certificate, devise the form of the certificate, and prescribe any records or other information an applicant shall furnish with the application to evidence the qualifying investment. ~~The applicant shall state the amount of the intended investment.~~ The applicant shall pay an application fee equal to the greater of one-tenth of one per cent of the amount of the intended investment or one hundred dollars.

~~A small business investment certificate entitles the certificate holder to receive a tax credit under section 5747.81 of the Revised Code if the certificate holder qualifies for the credit as otherwise provided in this section. If the certificate holder is a pass-through entity, the certificate entitles the entity's equity owners to receive their distributive or proportionate shares of the credit. In any fiscal biennium, an eligible investor may not apply for small business investment certificates representing intended investment amounts in excess of ten million dollars. Such certificates are not transferable.~~

The director of development services may reserve small business investment ~~certificates~~ allocations to qualifying applicants in the order in which the director receives applications~~, but may issue the certificates as the applications~~

~~are completed~~. An application is completed when the director has validated that an eligible investor has made a qualified investment and receives all required documentation needed to demonstrate the small business enterprise ~~has made the appropriate reinvestment of the qualified investment pursuant to~~ satisfies the requirements of division (A)(1)~~(d)~~ of this section. To qualify for ~~a certificate~~ an allocation, an eligible investor must satisfy both of the following, subject to the limitation on the amount of qualifying investments for which ~~certificates~~ allocations may be issued under division (C) of this section:

(1) The eligible investor makes a qualifying investment on or after July 1, ~~2011~~ 2019.

(2) The eligible investor pledges not to sell or otherwise dispose of the qualifying investment before the conclusion of the applicable holding period.

(C)(1) The amount of any eligible investor's qualifying investments for which small business investment ~~certificates~~ allocations may be issued for a fiscal biennium shall not exceed ten million dollars.

(2) The director of development services shall not issue a small business investment ~~certificate~~ allocation to an eligible investor representing an amount of qualifying investment in excess of the amount of the ~~intended~~ investment indicated on the investor's application ~~for the certificate~~.

(3) The director of development services shall not issue small business investment ~~certificates~~ allocations in a total amount that would cause the tax credits claimed in any fiscal biennium to exceed ~~one hundred~~ fifty million dollars.

(4) The director of development services may issue a small business investment ~~certificate~~ allocation only if both of the following apply at the time of issuance:

(a) The small business enterprise meets all the requirements listed in divisions (A)(1)(a)(i) to (iv) of this section;

(b) The eligible investor does not owe any outstanding tax or other liability to the state.

(D) Before the end of the applicable holding period of a qualifying investment, each enterprise in which a qualifying investment was made for which a small business investment ~~certificate~~ allocation has been issued, upon the request of the director of development services, shall provide to the director records or other evidence satisfactory to the director that the enterprise is a small business enterprise for the purposes of this section. Each enterprise shall also provide annually to the director records or evidence regarding the number of jobs created or retained in the state. ~~No credit may be claimed under this section and section 5747.81 of the Revised Code if the director finds that an enterprise is not a small business enterprise for the purposes of this section.~~ The director shall compile and maintain a register of small business enterprises qualifying under this section and shall certify the register to the tax commissioner. The director shall also compile and maintain a record of the number of jobs created or retained as a result of qualifying investments made pursuant to this section.

(E) After the conclusion of the applicable holding period for a qualifying investment, a person to whom a small business investment ~~certificate~~ allocation has been issued under this section ~~may~~ shall receive a small business investment certification, which entitles the person to claim a credit as provided under section 5747.81 of the Revised Code. However, no certificate may be issued if the director finds that any requirement under this section is not met.

(F) The director of development services, in consultation with the tax commissioner, may adopt rules for the administration

of this section, including rules governing the following:

(1) Documents, records, or other information eligible investors shall provide to the director;

(2) Any information a small business enterprise shall provide for the purposes of this section and section 5747.81 of the Revised Code;

(3) Determination of the number of full-time equivalent employees of a small business enterprise;

(4) Verification of a small business enterprise's investment ~~in tangible personal property and intangible personal property under division (A)(1)(d) of this section, including when such investments have been made and where the property is used in business~~;

(5) Circumstances under which small business enterprises or eligible investors may be subverting the purposes of this section and section 5747.81 of the Revised Code.

(G) Application fees paid under division (B) of this section shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code.

**Sec. 123.01.** (A) The department of administrative services, in addition to those powers enumerated in Chapters 124. and 125. of the Revised Code and provided elsewhere by law, shall exercise the following powers:

(1) To prepare and suggest comprehensive plans for the development of grounds and buildings under the control of a state agency;

(2) To acquire, by purchase, gift, devise, lease, or grant, all real estate required by a state agency, in the exercise of which power the department may exercise the power of eminent domain, in the manner provided by sections 163.01 to 163.22 of the

Revised Code;

(3) To erect, supervise, and maintain all public monuments and memorials erected by the state, except where the supervision and maintenance is otherwise provided by law;

(4) To procure, by lease, storage accommodations for a state agency;

(5) To lease or grant easements or licenses for unproductive and unused lands or other property under the control of a state agency. Such leases, easements, or licenses may be granted to any person or entity, shall be for a period not to exceed fifteen years, and shall be executed for the state by the director of administrative services, provided that the director shall grant leases, easements, or licenses of university land for periods not to exceed twenty-five years for purposes approved by the respective university's board of trustees wherein the uses are compatible with the uses and needs of the university and may grant leases of university land for periods not to exceed forty years for purposes approved by the respective university's board of trustees pursuant to section 123.17 of the Revised Code.

(6) To lease space for the use of a state agency;

(7) To have general supervision and care of the storerooms, offices, and buildings leased for the use of a state agency;

(8) To exercise general custodial care of all real property of the state;

(9) To assign and group together state offices in any city in the state and to establish, in cooperation with the state agencies involved, rules governing space requirements for office or storage use;

(10) To lease for a period not to exceed forty years, pursuant to a contract providing for the construction thereof

under a lease-purchase plan, buildings, structures, and other improvements for any public purpose, and, in conjunction therewith, to grant leases, easements, or licenses for lands under the control of a state agency for a period not to exceed forty years. The lease-purchase plan shall provide that at the end of the lease period, the buildings, structures, and related improvements, together with the land on which they are situated, shall become the property of the state without cost.

(a) Whenever any building, structure, or other improvement is to be so leased by a state agency, the department shall retain either basic plans, specifications, bills of materials, and estimates of cost with sufficient detail to afford bidders all needed information or, alternatively, all of the following plans, details, bills of materials, and specifications:

(i) Full and accurate plans suitable for the use of mechanics and other builders in the improvement;

(ii) Details to scale and full sized, so drawn and represented as to be easily understood;

(iii) Accurate bills showing the exact quantity of different kinds of material necessary to the construction;

(iv) Definite and complete specifications of the work to be performed, together with such directions as will enable a competent mechanic or other builder to carry them out and afford bidders all needed information;

(v) A full and accurate estimate of each item of expense and of the aggregate cost thereof.

(b) The department shall give public notice, in such newspaper, in such form, and with such phraseology as the director of administrative services prescribes, published once each week for four consecutive weeks, of the time when and place where bids will be received for entering into an agreement to lease to a

state agency a building, structure, or other improvement. The last publication shall be at least eight days preceding the day for opening the bids. The bids shall contain the terms upon which the builder would propose to lease the building, structure, or other improvement to the state agency. The form of the bid approved by the department shall be used, and a bid is invalid and shall not be considered unless that form is used without change, alteration, or addition. Before submitting bids pursuant to this section, any builder shall comply with Chapter 153. of the Revised Code.

(c) On the day and at the place named for receiving bids for entering into lease agreements with a state agency, the director of administrative services shall open the bids and shall publicly proceed immediately to tabulate the bids upon duplicate sheets. No lease agreement shall be entered into until the bureau of workers' compensation has certified that the person to be awarded the lease agreement has complied with Chapter 4123. of the Revised Code, until, if the builder submitting the lowest and best bid is a foreign corporation, the secretary of state has certified that the corporation is authorized to do business in this state, until, if the builder submitting the lowest and best bid is a person nonresident of this state, the person has filed with the secretary of state a power of attorney designating the secretary of state as its agent for the purpose of accepting service of summons in any action brought under Chapter 4123. of the Revised Code, and until the agreement is submitted to the attorney general and the attorney general's approval is certified thereon. Within thirty days after the day on which the bids are received, the department shall investigate the bids received and shall determine that the bureau and the secretary of state have made the certifications required by this section of the builder who has submitted the lowest and best bid. Within ten days of the completion of the investigation of the bids, the department shall award the lease agreement to the builder who has submitted the lowest and best bid

and who has been certified by the bureau and secretary of state as required by this section. If bidding for the lease agreement has been conducted upon the basis of basic plans, specifications, bills of materials, and estimates of costs, upon the award to the builder the department, or the builder with the approval of the department, shall appoint an architect or engineer licensed in this state to prepare such further detailed plans, specifications, and bills of materials as are required to construct the building, structure, or improvement. The department shall adopt such rules as are necessary to give effect to this section. The department may reject any bid. Where there is reason to believe there is collusion or combination among bidders, the bids of those concerned therein shall be rejected.

(11) To acquire by purchase, gift, devise, or grant and to transfer, lease, or otherwise dispose of all real property required to assist in the development of a conversion facility as defined in section 5709.30 of the Revised Code as that section existed before its repeal by Amended Substitute House Bill 95 of the 125th general assembly;

(12) To lease for a period not to exceed forty years, notwithstanding any other division of this section, the state-owned property located at 408-450 East Town Street, Columbus, Ohio, formerly the state school for the deaf, to a developer in accordance with this section. "Developer," as used in this section, has the same meaning as in section 123.77 of the Revised Code.

Such a lease shall be for the purpose of development of the land for use by senior citizens by constructing, altering, renovating, repairing, expanding, and improving the site as it existed on June 25, 1982. A developer desiring to lease the land shall prepare for submission to the department a plan for development. Plans shall include provisions for roads, sewers,

water lines, waste disposal, water supply, and similar matters to meet the requirements of state and local laws. The plans shall also include provision for protection of the property by insurance or otherwise, and plans for financing the development, and shall set forth details of the developer's financial responsibility.

The department may employ, as employees or consultants, persons needed to assist in reviewing the development plans. Those persons may include attorneys, financial experts, engineers, and other necessary experts. The department shall review the development plans and may enter into a lease if it finds all of the following:

(a) The best interests of the state will be promoted by entering into a lease with the developer;

(b) The development plans are satisfactory;

(c) The developer has established the developer's financial responsibility and satisfactory plans for financing the development.

The lease shall contain a provision that construction or renovation of the buildings, roads, structures, and other necessary facilities shall begin within one year after the date of the lease and shall proceed according to a schedule agreed to between the department and the developer or the lease will be terminated. The lease shall contain such conditions and stipulations as the director considers necessary to preserve the best interest of the state. Moneys received by the state pursuant to this lease shall be paid into the general revenue fund. The lease shall provide that at the end of the lease period the buildings, structures, and related improvements shall become the property of the state without cost.

(13) To manage the use of space owned and controlled by the department by doing all of the following:

(a) Biennially implementing, by state agency location, a census of agency employees assigned space;

(b) Periodically in the discretion of the director of administrative services:

(i) Requiring each state agency to categorize the use of space allotted to the agency between office space, common areas, storage space, and other uses, and to report its findings to the department;

(ii) Creating and updating a master space utilization plan for all space allotted to state agencies. The plan shall incorporate space utilization metrics.

(iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings;

(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus.

(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility.

(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code.

(15) To ensure energy efficient and energy conserving purchasing practices by doing all of the following:

(a) Identifying available energy efficiency and conservation opportunities;

(b) Providing for interchange of information among purchasing agencies;

(c) Identifying laws, policies, rules, and procedures that should be modified;

(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;

(e) Providing technical assistance and training to state employees involved in the purchasing process;

(f) Working with the development services agency to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation.

(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the fiscal year, in accordance with the average fuel economy standards established by federal law for passenger automobiles manufactured

during the model year that begins during the fiscal year.

Each state agency, department, division, bureau, office, unit, commission, board, authority, quasi-governmental entity, institution, and state institution of higher education shall determine its fleet average fuel economy by dividing the total number of passenger vehicles acquired during the fiscal year, except for those passenger vehicles acquired for use in law enforcement or emergency rescue work, by a sum of terms, each of which is a fraction created by dividing the number of passenger vehicles of a given make, model, and year, except for passenger vehicles acquired for use in law enforcement or emergency rescue work, acquired during the fiscal year by the fuel economy measured by the administrator of the United States environmental protection agency, for the given make, model, and year of vehicle, that constitutes an average fuel economy for combined city and highway driving.

As used in division (A)(16) of this section, "acquired" means leased for a period of sixty continuous days or more, or purchased.

(17) To transfer, lease, or otherwise dispose of all the right, title, and interest of the state in real estate that is located in a qualified opportunity zone.

If there were transactions made under this division during the previous calendar year, the department of administrative services shall, not later than the thirty-first day of January, submit a report to the general assembly. The report shall provide details about each transaction made under this division during the previous calendar year.

As used in this division, "qualified opportunity zone" has the meaning defined in 26 U.S.C. 1400Z-1.

(B) This section and section 125.02 of the Revised Code shall

not interfere with any of the following:

(1) The power of the adjutant general to purchase military supplies, or with the custody of the adjutant general of property leased, purchased, or constructed by the state and used for military purposes, or with the functions of the adjutant general as director of state armories;

(2) The power of the director of transportation in acquiring rights-of-way for the state highway system, or the leasing of lands for division or resident district offices, or the leasing of lands or buildings required in the maintenance operations of the department of transportation, or the purchase of real property for garage sites or division or resident district offices, or in preparing plans and specifications for and constructing such buildings as the director may require in the administration of the department;

(3) The power of the director of public safety and the registrar of motor vehicles to purchase or lease real property and buildings to be used solely as locations to which a deputy registrar is assigned pursuant to division (B) of section 4507.011 of the Revised Code and from which the deputy registrar is to conduct the deputy registrar's business, the power of the director of public safety to purchase or lease real property and buildings to be used as locations for division or district offices as required in the maintenance of operations of the department of public safety, and the power of the superintendent of the state highway patrol in the purchase or leasing of real property and buildings needed by the patrol, to negotiate the sale of real property owned by the patrol, to rent or lease real property owned or leased by the patrol, and to make or cause to be made repairs to all property owned or under the control of the patrol;

(4) The power of the division of liquor control in the leasing or purchasing of retail outlets and warehouse facilities

for the use of the division;

(5) The power of the director of development services to enter into leases of real property, buildings, and office space to be used solely as locations for the state's foreign offices to carry out the purposes of section 122.05 of the Revised Code;

(6) The power of the director of environmental protection to enter into environmental covenants, to grant and accept easements, or to sell property pursuant to division (G) of section 3745.01 of the Revised Code;

(7) The power of the department of public safety under section 5502.01 of the Revised Code to direct security measures and operations for the Vern Riffe center and the James A. Rhodes state office tower. The department of administrative services shall implement all security measures and operations at the Vern Riffe center and the James A. Rhodes state office tower as directed by the department of public safety.

(C) Purchases for, and the custody and repair of, buildings under the management and control of the capitol square review and advisory board, the opportunities for Ohioans with disabilities agency, the bureau of workers' compensation, or the departments of public safety, job and family services, mental health and addiction services, developmental disabilities, and rehabilitation and correction; buildings of educational and benevolent institutions under the management and control of boards of trustees; and purchases or leases for, and the custody and repair of, office space used for the purposes of any agency of the legislative branch of state government are not subject to the control and jurisdiction of the department of administrative services.

An agency of the legislative branch of state government that uses office space in a building under the management and control

of the department of administrative services may exercise the agency's authority to improve the agency's office space as authorized under this division only if, upon review, the department of administrative services concludes the proposed improvements do not adversely impact the structural integrity of the building.

If an agency of the legislative branch of state government, except the capitol square review and advisory board, so requests, the agency and the director of administrative services may enter into a contract under which the department of administrative services agrees to perform any services requested by the agency that the department is authorized under this section to perform. In performing such services, the department shall not use competitive selection. As used in this division, "competitive selection" has the meaning defined in section 125.01 of the Revised Code and includes any other type of competitive process for the selection of persons producing or dealing in the services to be provided.

(D) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

**Sec. 123.21.** (A) The Ohio facilities construction commission may perform any act and ensure the performance of any function necessary or appropriate to carry out the purposes of, and exercise the powers granted under this chapter or any other provision of the Revised Code, including any of the following:

(1) Except as otherwise provided in section 123.211 of the Revised Code, prepare, or contract to be prepared, by licensed engineers or architects, surveys, general and detailed plans, specifications, bills of materials, and estimates of cost for any

projects, improvements, or public buildings to be constructed by state agencies that may be authorized by legislative appropriations or any other funds made available therefor, provided that the construction of the projects, improvements, or public buildings is a statutory duty of the commission. This section does not require the independent employment of an architect or engineer as provided by section 153.01 of the Revised Code in the cases to which section 153.01 of the Revised Code applies. This section does not affect or alter the existing powers of the director of transportation.

(2) Except as otherwise provided in section 123.211 of the Revised Code, have general supervision over the construction of any projects, improvements, or public buildings constructed for a state agency and over the inspection of materials prior to their incorporation into those projects, improvements, or buildings.

(3) Except as otherwise provided in section 123.211 of the Revised Code, make contracts for and supervise the design and construction of any projects and improvements or the construction and repair of buildings under the control of a state agency. All such contracts may be based in whole or in part on the unit price or maximum estimated cost, with payment computed and made upon actual quantities or units.

(4) Adopt, amend, and rescind rules pertaining to the administration of the construction of the public works of the state as required by law, in accordance with Chapter 119. of the Revised Code.

(5) Contract with, retain the services of, or designate, and fix the compensation of, such agents, accountants, consultants, advisers, and other independent contractors as may be necessary or desirable to carry out the programs authorized under this chapter, or authorize the executive director to perform such powers and duties.

(6) Receive and accept any gifts, grants, donations, and pledges, and receipts therefrom, to be used for the programs authorized under this chapter.

(7) Make and enter into all contracts, commitments, and agreements, and execute all instruments, necessary or incidental to the performance of its duties and the execution of its rights and powers under this chapter, or authorize the executive director to perform such powers and duties.

(8) Debar a contractor as provided in section 153.02 of the Revised Code.

(9) Enter into and administer cooperative agreements for cultural projects, as provided in sections 123.28 and 123.281 of the Revised Code.

(B) The commission shall appoint and fix the compensation of an executive director who shall serve at the pleasure of the commission. The executive director shall ~~exercise all powers that the commission possesses,~~ supervise the operations of the commission~~,~~ and perform such other duties as delegated by the commission. The executive director also shall employ and fix the compensation of such employees as will facilitate the activities and purposes of the commission, who shall serve at the pleasure of the executive director. The employees of the commission are exempt from Chapter 4117. of the Revised Code and are not considered public employees as defined in section 4117.01 of the Revised Code. Any agreement entered into prior to July 1, 2012, between the office of collective bargaining and the exclusive representative for employees of the commission is binding and shall continue to have effect.

(C) The attorney general shall serve as the legal representative for the commission and may appoint other counsel as necessary for that purpose in accordance with section 109.07 of

the Revised Code.

**Sec. 124.181.** (A) Except as provided in divisions (M) and (P) of this section, any employee paid in accordance with schedule B of section 124.15 or schedule E-1 of section 124.152 of the Revised Code is eligible for the pay supplements provided in this section upon application by the appointing authority substantiating the employee's qualifications for the supplement and with the approval of the director of administrative services except as provided in division (E) of this section.

(B)(1) In computing any of the pay supplements provided in this section for an employee paid in accordance with schedule B of section 124.15 of the Revised Code, the classification salary base shall be the minimum hourly rate of the pay range, provided in that section, in which the employee is assigned at the time of computation.

(2) In computing any of the pay supplements provided in this section for an employee paid in accordance with schedule E-1 of section 124.152 of the Revised Code, the classification salary base shall be the minimum hourly rate of the pay range, provided in that section, in which the employee is assigned at the time of computation.

(C) The effective date of any pay supplement, except as provided in section 124.183 of the Revised Code or unless otherwise provided in this section, shall be determined by the director.

(D) The director shall, by rule, establish standards regarding the administration of this section.

(E)(1) Except as otherwise provided in this division, beginning on the first day of the pay period within which the employee completes five years of total service with the state

government or any of its political subdivisions, each employee in positions paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 of section 124.152 of the Revised Code shall receive an automatic salary adjustment equivalent to two and one-half per cent of the classification salary base, to the nearest whole cent. Each employee shall receive thereafter an annual adjustment equivalent to one-half of one per cent of the employee's classification salary base, to the nearest whole cent, for each additional year of qualified employment until a maximum of ten per cent of the employee's classification salary base is reached. The granting of longevity adjustments shall not be affected by promotion, demotion, or other changes in classification held by the employee, nor by any change in pay range for the employee's class or grade. Longevity pay adjustments shall become effective at the beginning of the pay period within which the employee completes the necessary length of service, except that when an employee requests credit for prior service, the effective date of the prior service credit and of any longevity adjustment shall be the first day of the pay period following approval of the credit by the director of administrative services. No employee, other than an employee who submits proof of prior service within ninety days after the date of the employee's hiring, shall receive any longevity adjustment for the period prior to the director's approval of a prior service credit. Time spent on authorized leave of absence shall be counted for this purpose.

(2) An employee who has retired in accordance with the provisions of any retirement system offered by the state and who is employed by the state or any political subdivision of the state on or after June 24, 1987, shall not have prior service with the state or any political subdivision of the state counted for the purpose of determining the amount of the salary adjustment provided under this division.

(3) There shall be a moratorium on employees' receipt under this division of credit for service with the state government or any of its political subdivisions during the period from July 1, 2003, through June 30, 2005. In calculating the number of years of total service under this division, no credit shall be included for service during the moratorium. The moratorium shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2003.

If an employee is exempt from the moratorium, receives credit for a period of service during the moratorium, and takes a position with another entity in the state government or any of its political subdivisions, either during or after the moratorium, and if that entity's employees are or were subject to the moratorium, the employee shall continue to retain the credit. However, if the moratorium is in effect upon the taking of the new position, the employee shall cease receiving additional credit as long as the employee is in the position, until the moratorium expires.

(F) When an exceptional condition exists that creates a temporary or a permanent hazard for one or more positions in a class paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 of section 124.152 of the Revised Code, a special hazard salary adjustment may be granted for the time the employee is subjected to the hazardous condition. All special hazard conditions shall be identified for each position and incidence from information submitted to the director on an appropriate form provided by the director and categorized into standard conditions of: some unusual hazard not

common to the class; considerable unusual hazard not common to the class; and exceptional hazard not common to the class.

(1) A hazardous salary adjustment of five per cent of the employee's classification salary base may be applied in the case of some unusual hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, while the employee was subject to the unusual hazard condition.

(2) A hazardous salary adjustment of seven and one-half per cent of the employee's classification salary base may be applied in the case of some considerable hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, while the employee was subject to the considerable hazard condition.

(3) A hazardous salary adjustment of ten per cent of the employee's classification salary base may be applied in the case of some exceptional hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, when the employee was subject to the exceptional hazard condition.

(4) Each claim for temporary hazard pay shall be submitted as a separate payment and shall be subject to an administrative audit by the director as to the extent and duration of the employee's exposure to the hazardous condition.

(G) When a full-time employee whose salary or wage is paid directly by warrant of the director of budget and management and who also is eligible for overtime under the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is ordered by the appointing authority to report back to work after termination of the employee's regular work schedule and the employee reports, the employee shall be paid for such time. The employee shall be entitled to four hours at the employee's total rate of pay or overtime compensation for the actual hours worked,

whichever is greater. This division does not apply to work that is a continuation of or immediately preceding an employee's regular work schedule.

(H) When a certain position or positions paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 of section 124.152 of the Revised Code require the ability to speak or write a language other than English, a special pay supplement may be granted to attract bilingual individuals, to encourage present employees to become proficient in other languages, or to retain qualified bilingual employees. The bilingual pay supplement provided in this division may be granted in the amount of five per cent of the employee's classification salary base for each required foreign language and shall remain in effect as long as the bilingual requirement exists.

(I) The director of administrative services may establish a shift differential for employees. The differential shall be paid to employees in positions working in other than the regular or first shift. In those divisions or agencies where only one shift prevails, no shift differential shall be paid regardless of the hours of the day that are worked. The director and the appointing authority shall designate which positions shall be covered by this division.

(J) An appointing authority may assign an employee to work in a higher level position for a continuous period of more than two weeks but no more than two years. The employee's pay shall be established at a rate that is approximately four per cent above the employee's current base rate for the period the employee occupies the position, provided that this temporary assignment is approved by the director. Employees paid under this division shall continue to receive any of the pay supplements due them under other divisions of this section based on the step one base rate

for their normal classification.

(K) If a certain position, or positions, within a class paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 of section 124.152 of the Revised Code are mandated by state or federal law or regulation or other regulatory agency or other certification authority to have special technical certification, registration, or licensing to perform the functions which are under the mandate, a special professional achievement pay supplement may be granted. This special professional achievement pay supplement shall not be granted when all incumbents in all positions in a class require a license as provided in the classification description published by the department of administrative services; to licensees where no special or extensive training is required; when certification is granted upon completion of a stipulated term of in-service training; when an appointing authority has required certification; or any other condition prescribed by the director.

(1) Before this supplement may be applied, evidence as to the requirement must be provided by the agency for each position involved, and certification must be received from the director as to the director's concurrence for each of the positions so affected.

(2) The professional achievement pay supplement provided in this division shall be granted in an amount up to ten per cent of the employee's classification salary base and shall remain in effect as long as the mandate exists.

(L) Those employees assigned to teaching supervisory, principal, assistant principal, or superintendent positions who have attained a higher educational level than a basic bachelor's degree may receive an educational pay supplement to remain in effect as long as the employee's assignment and classification remain the same.

(1) An educational pay supplement of two and one-half per cent of the employee's classification salary base may be applied upon the achievement of a bachelor's degree plus twenty quarter hours of postgraduate work.

(2) An educational pay supplement of an additional five per cent of the employee's classification salary base may be applied upon achievement of a master's degree.

(3) An educational pay supplement of an additional two and one-half per cent of the employee's classification salary base may be applied upon achievement of a master's degree plus thirty quarter hours of postgraduate work.

(4) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a master teacher.

(5) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a special education teacher.

(6) Those employees in teaching supervisory, principal, assistant principal, or superintendent positions who are responsible for specific extracurricular activity programs shall receive overtime pay for those hours worked in excess of their normal schedule, at their straight time hourly rate up to a maximum of five per cent of their regular base salary in any calendar year.

(M)(1) A state agency, board, or commission may establish a supplementary compensation schedule for those licensed physicians employed by the agency, board, or commission in positions requiring a licensed physician. The supplementary compensation schedule, together with the compensation otherwise authorized by this chapter, shall provide for the total compensation for these employees to range appropriately, but not necessarily uniformly,

for each classification title requiring a licensed physician, in accordance with a schedule approved by the state controlling board. The individual salary levels recommended for each such physician employed shall be approved by the director. Notwithstanding section 124.11 of the Revised Code, such personnel are in the unclassified civil service.

(2) The director of administrative services may approve supplementary compensation for ~~the director of health~~ any administrative department head appointed by the governor under section 121.03 of the Revised Code, if the ~~director~~ administrative department head is a licensed physician, in accordance with a supplementary compensation schedule approved under division (M)(1) of this section or in accordance with another supplementary compensation schedule the director of administrative services considers appropriate. ~~The supplementary compensation shall not exceed twenty per cent of the director of health's base rate of pay.~~

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 117.42, and 131.02 of the Revised Code, the state shall not institute any civil action to recover and shall not seek reimbursement for overpayments made in violation of division (E) of this section or division (C) of section 9.44 of the Revised Code for the period starting after June 24, 1987, and ending on October 31, 1993.

(O) Employees of the office of the treasurer of state who are exempt from collective bargaining coverage may be granted a merit pay supplement of up to one and one-half per cent of their step rate. The rate at which this supplement is granted shall be based on performance standards established by the treasurer of state. Any supplements granted under this division shall be administered on an annual basis.

(P) Intermittent employees appointed under section 124.30 of

the Revised Code are not eligible for the pay supplements provided by this section.

**Sec. 124.82.** (A) Except as provided in division (D) of this section, the department of administrative services, in consultation with the superintendent of insurance, shall, in accordance with competitive selection procedures of Chapter 125. of the Revised Code, contract with an insurance company or a health plan in combination with an insurance company, authorized to do business in this state, for the issuance of a policy or contract of health, medical, hospital, dental, vision, or surgical benefits, or any combination of those benefits, covering state employees who are paid directly by warrant of the director of budget and management, including elected state officials. The department may fulfill its obligation under this division by exercising its authority under division (A)(2) of section 124.81 of the Revised Code.

(B) Except as provided in division (D) of this section, the department may, in addition, in consultation with the superintendent of insurance, negotiate and contract with health insuring corporations holding a certificate of authority under Chapter 1751. of the Revised Code, in their approved service areas only, for issuance of a contract or contracts of health care services, covering state employees who are paid directly by warrant of the director of budget and management, including elected state officials. The department may enter into contracts with one or more insurance carriers or health plans to provide the same plan of benefits, provided that:

(1) The employee be permitted to exercise the option as to which plan the employee will select under division (A) or (B) of this section, at a time that shall be determined by the department;

(2) The health insuring corporations do not refuse to accept the employee, or the employee and the employee's family, if the employee exercises the option to select care provided by the corporations;

(3) The employee may choose participation in only one of the plans sponsored by the department;

(4) The director of health examines and certifies to the department that the quality and adequacy of care rendered by the health insuring corporations meet at least the standards of care provided by hospitals and physicians in that employee's community, who would be providing such care as would be covered by a contract awarded under division (A) of this section.

(C) All or any portion of the cost, premium, or charge for the coverage in divisions (A) and (B) of this section may be paid in such manner or combination of manners as the department determines and may include the proration of health care costs, premiums, or charges for part-time employees.

(D) Notwithstanding divisions (A) and (B) of this section, the department may provide benefits equivalent to those that may be paid under a policy or contract issued by an insurance company or a health plan pursuant to division (A) or (B) of this section.

(E) This section does not prohibit the state office of collective bargaining from entering into an agreement with an employee representative for the purposes of providing fringe benefits, including, but not limited to, hospitalization, surgical care, major medical care, disability, dental care, vision care, medical care, hearing aids, prescription drugs, group life insurance, sickness and accident insurance, group legal services or other benefits, or any combination of those benefits, to employees paid directly by warrant of the director of budget and management through a jointly administered trust fund. The

employer's contribution for the cost of the benefit care shall be mutually agreed to in the collectively bargained agreement. The amount, type, and structure of fringe benefits provided under this division is subject to the determination of the board of trustees of the jointly administered trust fund. Notwithstanding any other provision of the Revised Code, competitive bidding does not apply to the purchase of fringe benefits for employees under this division when those benefits are provided through a jointly administered trust fund.

(F) Members of state boards or commissions may be covered by any policy, contract, or plan of benefits or services described in division (A) or (B) of this section. Board or commission members who are appointed for a fixed term and who are compensated on a per meeting basis, or paid only for expenses, or receive a combination of per diem payments and expenses shall pay the entire amount of the premiums, costs, or charges for that coverage.

**Sec. 124.824.** (A) As used in this section, "death benefit fund recipient" means any recipient of a death benefit paid under section 742.63 of the Revised Code except a parent who receives a death benefit paid under division (E) of that section.

(B)(1) Except as otherwise provided under division (B)(3) of this section, a death benefit fund recipient may elect to participate in any health, medical, hospital, dental, surgical, or vision benefit the department of administrative services contracts for under section 124.82 of the Revised Code or otherwise provides for the benefit of state employees who are paid directly by warrant of the director of budget and management. Receiving benefits under this section does not make the death benefit fund recipient a state employee. A death benefit fund recipient who elects to participate in a benefit under this section shall ~~do~~ both of the following:

~~(a) File~~ file a notice with the ~~department~~ board of trustees of the Ohio police and fire pension fund of the death benefit fund recipient's election to participate that specifies the benefits or combination of benefits in which the recipient elects to participate.

~~(b) Pay to the department the percentage of the premium or cost for the applicable benefits that would be paid by a state employee who elects that coverage.~~

(2) A parent, guardian, custodian, or other person responsible for the care of a death benefit fund recipient who is under eighteen years of age or who is a surviving child entitled to extended benefits under division (H)(3) of section 742.63 of the Revised Code due to disability may file the election required by division (B)(1) of this section on the death benefit fund recipient's behalf.

(3) A death benefit fund recipient is ineligible to participate in a health, medical, hospital, dental, surgical, or vision benefit under division (B)(1) of this section if the recipient is ~~eligible~~ either of the following:

(a) An employee paid directly by warrant of the director of budget and management who is eligible to participate in those benefits pursuant to section 124.82 of the Revised Code;

(b) Eligible to enroll in the medicare program established by Title XVIII of the "Social Security Act," 79 Stat. 291 (1965), 42 U.S.C. 1395c, as amended.

(C) For each death benefit fund recipient who participates in health, medical, hospital, dental, surgical, or vision benefits under division (B) of this section, the ~~department~~ board of trustees shall pay the percentage of the premium or cost for the applicable benefits that would be paid by a state employer for a state employee who elects that coverage and shall withhold from

benefits paid to a death benefit fund recipient under section 742.63 of the Revised Code the percentage of the premium or cost of those benefits that would be paid by a state employee. The board of trustees shall pay the department of administrative services the total cost of those benefits plus any applicable administrative costs, which shall not exceed two per cent of the total cost of the benefits provided under this section. The board of trustees shall not withhold from or charge to a death benefit fund recipient the amount of any administrative costs paid under this section.

(D) The director of administrative services shall prescribe procedures for the administration of benefits for death benefit fund recipients under this section, including the development of required forms for death benefit fund recipients to enroll, disenroll, or re-enroll in benefits under this section.

(E) The board of trustees ~~of the Ohio police and fire pension fund~~ shall provide any information ~~to the department~~ that the department requires to provide benefits under this section to the department, a designated third-party administrator, or both, including information regarding the identities, ages, and family relationships of death benefit fund recipients.

**Sec. 125.01.** As used in this chapter:

(A) "Order" means a copy of a contract or a statement of the nature of a contemplated expenditure, a description of the property or supplies to be purchased or service to be performed, other than a service performed by officers and regular employees of the state, and per diem of the national guard, and the total sum of the expenditure to be made therefor, if the sum is fixed and ascertained, otherwise the estimated sum thereof, and an authorization to pay for the contemplated expenditure, signed by the person instructed and authorized to pay upon receipt of a

proper invoice.

(B) "Invoice" means an itemized listing showing delivery of the supplies or performance of the service described in the order~~,~~ ~~and the~~ including all of the following:

(1) The date of the purchase or rendering of the service~~, or an~~;

(2) An itemization of the things done, material supplied, or labor furnished~~, and the~~;

(3) The sum due pursuant to the contract or obligation.

(C) "Products" means materials, manufacturer's supplies, merchandise, goods, wares, and foodstuffs.

(D) "Produced" means the manufacturing, processing, mining, developing, and making of a thing into a new article with a distinct character in use through the application of input, within the state, of Ohio products, labor, skill, or other services. "Produced" does not include the mere assembling or putting together of non-Ohio products or materials.

(E) "Ohio products" means products that are mined, excavated, produced, manufactured, raised, or grown in the state by a person where the input of Ohio products, labor, skill, or other services constitutes no less than twenty-five per cent of the manufactured cost. With respect to mined products, such products shall be mined or excavated in this state.

(F) "Purchase" means to buy, rent, lease, lease purchase, or otherwise acquire supplies or services. "Purchase" also includes all functions that pertain to the obtaining of supplies or services, including description of requirements, selection and solicitation of sources, preparation and award of contracts, all phases of contract administration, and receipt and acceptance of the supplies and services and payment for them.

(G) "Services" means the furnishing of labor, time, or effort by a person, not involving the delivery of a specific end product other than a report which, if provided, is merely incidental to the required performance. "Services" does not include services furnished pursuant to employment agreements or collective bargaining agreements.

(H) "Supplies" means all property, including, but not limited to, equipment, materials, other tangible assets, and insurance, but excluding real property or an interest in real property.

(I) "Competitive selection" means any of the following procedures for making purchases:

(1) Competitive sealed bidding under section 125.07 of the Revised Code;

(2) Competitive sealed proposals under section 125.071 of the Revised Code;

(3) Reverse auctions under section 125.072 of the Revised Code.

**Sec. 125.14.** (A) The director of administrative services shall allocate any proceeds from the transfer, sale, or lease of excess and surplus supplies in the following manner:

(1) Except as otherwise provided in ~~division~~ divisions (A)(2), (3), and (4) of this section, the proceeds of such a transfer, sale, or lease shall be paid into the state treasury to the credit of the investment recovery fund, which is hereby created.

(2) Except as otherwise provided in ~~division~~ divisions (A)~~(2)~~ (3) and (4) of this section, when supplies originally were purchased with funds from nongeneral revenue fund sources, the director shall determine what fund or account originally was used to purchase the supplies, and the credit for the proceeds from any

transfer, sale, or lease of those supplies shall be transferred to that fund or account. ~~If~~

(3) The director shall dispose of the proceeds from the transfer, sale, or lease of excess and surplus vehicles that were originally purchased with moneys derived from the general revenue fund in accordance with division (H)(2) of section 125.832 of the Revised Code.

(4) If the director cannot determine which fund or account originally was used to purchase the supplies, if the fund or account is no longer active, or if the proceeds from the transfer, sale, or lease of a unit of supplies are less than one hundred dollars or any larger amount the director may establish with the approval of the director of budget and management, then the proceeds from the transfer, sale, or lease of such supplies shall be paid into the state treasury to the credit of the investment recovery fund.

(B) The investment recovery fund shall be used to pay for the operating expenses of the state surplus property program and of the federal surplus property program described in sections 125.84 to 125.90 of the Revised Code. Any amounts in excess of these operating expenses shall periodically be transferred to the general revenue fund of the state. If proceeds paid into the investment recovery fund are insufficient to pay for the program's operating expenses, a service fee may be charged to state agencies to eliminate the deficit.

(C) Proceeds from the sale of recyclable goods and materials shall be paid into the state treasury to the credit of the recycled materials fund, which is hereby created, except that the director of environmental protection, upon request, may grant an exemption from this requirement. The director shall administer the fund for the benefit of recycling programs in state agencies.

**Sec. 125.18.** (A) There is hereby established the office of information technology within the department of administrative services. The office shall be under the supervision of a state chief information officer to be appointed by the director of administrative services and subject to removal at the pleasure of the director. The chief information officer is an assistant director of administrative services.

(B) Under the direction of the director of administrative services, the state chief information officer shall lead, oversee, and direct state agency activities related to information technology development and use. In that regard, the state chief information officer shall do all of the following:

(1) Coordinate and superintend statewide efforts to promote common use and development of technology by state agencies. The office of information technology shall establish policies and standards that govern and direct state agency participation in statewide programs and initiatives.

(2) Establish policies and standards for the acquisition and use of common information technology by state agencies, including, but not limited to, hardware, software, technology services, and security, and the extension of the service life of information technology systems, with which state agencies shall comply;

(3) Establish criteria and review processes to identify state agency information technology projects or purchases that require alignment or oversight. As appropriate, the department of administrative services shall provide the governor and the director of budget and management with notice and advice regarding the appropriate allocation of resources for those projects. The state chief information officer may require state agencies to provide, and may prescribe the form and manner by which they must provide, information to fulfill the state chief information

officer's alignment and oversight role;

(4) Establish policies and procedures for the security of personal information that is maintained and destroyed by state agencies;

(5) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division (B)(4) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies;

(6) Employ a chief privacy officer who is responsible for advising state agencies when establishing policies and procedures for the security of personal information and developing education and training programs regarding the state's security procedures;

(7) Establish policies on the purchasing, use, and reimbursement for use of handheld computing and telecommunications devices by state agency employees;

(8) Establish policies for the reduction of printing and the use of electronic records by state agencies;

(9) Establish policies for the reduction of energy consumption by state agencies;

(10) Compute the amount of revenue attributable to the amortization of all equipment purchases and capitalized systems from information technology service delivery and major information technology purchases<u>, MARCS administration, enterprise applications, and the professions licensing system</u> operating appropriation items and major computer purchases capital appropriation items that is recovered as part of the information technology services rates the department of administrative services charges and deposits into the information technology fund created in section 125.15 of the Revised Code~~.~~<u>, the user fees the department of administrative services charges and deposits in the</u>

MARCS administration fund created in section 4501.29 of the Revised Code, the rates the department of administrative services charges to benefiting agencies for the operation and management of information technology applications and deposits in the enterprise applications fund, and the rates the department of administrative services charges for the cost of ongoing maintenance of the professions licensing system and deposits in the professions licensing system fund. The enterprise applications fund is hereby created in the state treasury.

(11) Regularly review and make recommendations regarding improving the infrastructure of the state's cybersecurity operations with existing resources and through partnerships between government, business, and institutions of higher education;

(12) Assist, as needed, with general state efforts to grow the cybersecurity industry in this state.

(C)(1) The chief information security officer shall assist each state agency with the development of an information technology security strategic plan and review that plan, and each state agency shall submit that plan to the state chief information officer. The chief information security officer may require that each state agency update its information technology security strategic plan annually as determined by the state chief information officer.

(2) Prior to the implementation of any information technology data system, a state agency shall prepare or have prepared a privacy impact statement for that system.

(D) When a state agency requests a purchase of information technology supplies or services under Chapter 125. of the Revised Code, the state chief information officer may review and reject the requested purchase for noncompliance with information

technology direction, plans, policies, standards, or project-alignment criteria.

(E) The office of information technology may operate technology services for state agencies in accordance with this chapter.

Notwithstanding any provision of the Revised Code to the contrary, the office of information technology may assess a transaction fee on each license or registration issued as part of an electronic licensing system operated by the office in an amount determined by the office not to exceed three dollars and fifty cents. The transaction fee shall apply to all transactions, regardless of form, that immediately precede the issuance, renewal, reinstatement, reactivation of, or other activity that results in, a license or registration to operate as a regulated professional or entity. Each license or registration is a separate transaction to which a fee under this division applies. Notwithstanding any provision of the Revised Code to the contrary, if a fee is assessed under this section, no agency, board, or commission shall issue a license or registration unless a fee required by this division has been received. The director of administrative services may collect the fee or require a state agency, board, or commission for which the system is being operated to collect the fee. Amounts received under this division shall be deposited in or transferred to the professions licensing system fund created in division (I) of this section.

(F) With the approval of the director of administrative services, the office of information technology may establish cooperative agreements with federal and local government agencies and state agencies that are not under the authority of the governor for the provision of technology services and the development of technology projects.

(G) The office of information technology may operate a

program to make information technology purchases. The director of administrative services may recover the cost of operating the program from all participating government entities by issuing intrastate transfer voucher billings for the procured technology or through any pass-through billing method agreed to by the director of administrative services, the director of budget and management, and the participating government entities that will receive the procured technology.

If the director of administrative services chooses to recover the program costs through intrastate transfer voucher billings, the participating government entities shall process the intrastate transfer vouchers to pay for the cost. Amounts received under this section for the information technology purchase program shall be deposited to the credit of the information technology governance fund created in section 125.15 of the Revised Code.

(H) Upon request from the director of administrative services, the director of budget and management may transfer cash from the information technology fund created in section 125.15 of the Revised Code<u>, the MARCS administration fund created in section 4501.29 of the Revised Code, the enterprise applications fund created in division (B)(10) of this section, or the professions licensing system fund created in division (I) of this section</u> to the major information technology purchases fund in an amount not to exceed the amount computed under division (B)(10) of this section. The major information technology purchases fund is hereby created in the state treasury.

(I) There is hereby created in the state treasury the professions licensing system fund. The fund shall be used to operate the electronic licensing system referenced in division (E) of this section.

(J) As used in this section:

(1) "Personal information" has the same meaning as in section 149.45 of the Revised Code.

(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, other than any state-supported institution of higher education, the office of the auditor of state, treasurer of state, secretary of state, or attorney general, the adjutant general's department, the bureau of workers' compensation, the industrial commission, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, the state highway patrol retirement system, the general assembly or any legislative agency, the capitol square review advisory board, or the courts or any judicial agency.

**Sec. 125.25.** (A) The director of administrative services may debar a vendor from consideration for contract awards upon a finding based upon a reasonable belief that the vendor has done any of the following:

(1) Abused the selection process by repeatedly withdrawing bids or proposals before purchase orders or contracts are issued or failing to accept orders based upon firm bids;

(2) Failed to substantially perform a contract according to its terms, conditions, and specifications within specified time limits;

(3) Failed to cooperate in monitoring contract performance by refusing to provide information or documents required in a contract, failed to respond to complaints to the vendor, or accumulated repeated justified complaints regarding performance of a contract;

(4) Attempted to influence a public employee to breach

ethical conduct standards or to influence a contract award;

(5) Colluded to restrain competition by any means;

(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the vendor's business integrity;

(7) Been convicted under state or federal antitrust laws;

(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract;

(9) Violated any other responsible business practice or performed in an unsatisfactory manner as determined by the director;

(10) Through the default of a contract or through other means had a determination of unresolved finding for recovery by the auditor of state under section 9.24 of the Revised Code;

(11) Acted in such a manner as to be debarred from participating in a contract with any governmental agency.

(B) When the director reasonably believes that grounds for debarment exist, the director shall send the vendor a notice of proposed debarment indicating the grounds for the proposed debarment and the procedure for requesting a hearing on the proposed debarment. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code. If the vendor does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the director shall issue the debarment decision without a hearing and shall notify the vendor of the decision by certified mail, return receipt requested.

(C) The director shall determine the length of the debarment period and may rescind the debarment at any time upon notification to the vendor. During the period of debarment, the vendor is not eligible to participate in any state contract. After the debarment period expires, the vendor ~~shall~~ may be eligible to be awarded contracts by state agencies if the vendor is not otherwise debarred.

(D) The director, through the office of procurement services, shall maintain a list of all vendors currently debarred under this section.

**Sec. 125.832.** (A) The department of administrative services is granted exclusive authority over the acquisition and management of all motor vehicles used by state agencies. In carrying out this authority, the department shall do both of the following:

(1) Approve the purchase or lease of each motor vehicle for use by a state agency. The department shall decide if a motor vehicle shall be leased or purchased for that use.

Except as otherwise provided in division (A)(1) of this section, on and after July 1, 2005, each state agency shall acquire all passenger motor vehicles under the department's master leasing program. If the department determines that acquisition under that program is not the most economical method and if the department and the state agency acquiring the passenger motor vehicle can provide economic justification for doing so, the department may approve the purchase, rather than the lease, of a passenger motor vehicle for the acquiring state agency.

(2) Direct and approve all funds that are expended for the purchase, lease, repair, maintenance, registration, insuring, and other costs related to the possession and operation of motor vehicles for the use of state agencies.

(B) The director of administrative services shall establish and operate a fleet management program. The director shall operate the program for purposes including, but not limited to, cost-effective acquisition, maintenance, management, analysis, and disposal of all motor vehicles owned or leased by the state. All state agencies shall comply with statewide fleet management policies and procedures established by the director for the program, including, but not limited to, motor vehicle assignments, additions of motor vehicles to fleets or motor vehicle replacements, motor vehicle fueling, and motor vehicle repairs.

(C) The director shall establish and maintain a fleet reporting system and shall require state agencies to submit to the department information relative to state motor vehicles, including motor vehicles described in division (G)(2) of section 125.831 of the Revised Code, to be used in operating the fleet management program. State agencies shall provide to the department fleet data and other information, including, but not limited to, mileage and costs. The data and other information shall be submitted in formats and in a manner determined by the department.

(D) All state agency purchases or leases of motor vehicles are subject to the prior approval of the director under division (A)(1) of this section.

(E) State agencies that utilize state motor vehicles or pay mileage reimbursements to employees shall provide a fleet plan to the department as directed by the department.

(F)(1) The fleets of state agencies that consist of one hundred or less vehicles on July 1, 2004, shall be managed by the department's fleet management program on a time schedule determined by the department, unless the state agency has received delegated authority as described in division (G) of this section.

(2) The fleets of state agencies that consist of greater than

one hundred motor vehicles, but less than five hundred motor vehicles, on July 1, 2005, also shall be managed by the department's fleet management program on a time schedule determined by the department, unless the state agency has received delegated authority as described in division (G) of this section.

(G)(1) The department may delegate any or all of its duties regarding fleet management to a state agency, if the state agency demonstrates to the satisfaction of the department both of the following:

(a) Capabilities to institute and manage a fleet management program, including, but not limited to, the presence of a certified fleet manager;

(b) Fleet management performance, as demonstrated by fleet data and other information submitted pursuant to annual reporting requirements and any other criteria the department considers necessary in evaluating the performance.

(2) The department may determine that a state agency is not in compliance with this section and direct that the agency's fleet management duties be transferred to the department.

(H) The proceeds derived from the disposition of any motor vehicles under this section shall be paid to whichever of the following applies:

(1) The fund that originally provided moneys for the purchase or lease of the motor vehicles;

(2) If the motor vehicles were originally purchased with moneys derived from the general revenue fund, the proceeds shall be deposited, in the director's discretion, into the state treasury to the credit of either the fleet management fund created by section 125.83 of the Revised Code or the investment recovery fund created by section 125.14 of the Revised Code. If the director deposits those proceeds to the credit of the investment

recovery fund, the director may transfer those proceeds to the credit of the fleet management fund.

(I)(1) The department shall create and maintain a certified fleet manager program.

(2) State agencies that have received delegated authority as described in division (G) of this section shall have a certified fleet manager.

(J) The department annually shall prepare and submit a statewide fleet report to the governor, the speaker of the house of representatives, and the president of the senate. The report shall be submitted not later than the thirty-first day of January following the end of each fiscal year. It may include, but is not limited to, the numbers and types of motor vehicles, their mileage, miles per gallon, and cost per mile, mileage reimbursements, accident and insurance data, and information regarding compliance by state agencies having delegated authority under division (G) of this section with applicable fleet management requirements.

(K) The director shall adopt rules for implementing the fleet management program that are consistent with recognized best practices. The program shall be supported by reasonable fee charges for the services provided. The director shall collect these fees and deposit them into the state treasury to the credit for the fleet management fund created by section 125.83 of the Revised Code. The setting and collection of fees under this division is not subject to any restriction imposed by law upon the director's or the department's authority to set or collect fees.

(L) The director also shall adopt rules that prohibit, except in very limited circumstances, the exclusive assignment of state-owned, leased, or pooled motor vehicles to state employees and that prohibit the reimbursement under section 126.31 of the

Revised Code of state employees who use their own motor vehicles for any mileage they incur above an amount that the department shall determine annually unless reimbursement for the excess mileage is approved by the department in accordance with standards for that approval the director shall establish in those rules. Beginning on September 26, 2003, no state-owned, leased, or pooled motor vehicle shall be personally assigned as any form of compensation or benefit of state employment, and no state-owned, leased, or pooled motor vehicle shall be assigned to an employee solely for commuting to and from home and work.

(M) The director shall do both of the following:

(1) Implement to the greatest extent possible the recommendations from the 2002 report entitled "Administrative Analysis of the Ohio Fleet Management Program" in connection with the authority granted to the department by this section;

(2) Attempt to reduce the number of passenger vehicles used by state agencies during the fiscal years ending on June 30, 2004, and June 30, 2005.

(N) Each state agency shall reimburse the department for all costs incurred in the assignment of motor vehicles to the state agency.

(O) The director shall do all of the following in managing the fleet management program:

(1) Determine how motor vehicles will be maintained, insured, operated, financed, and licensed;

(2) Pursuant to the formula in division (O)(3) of this section, annually establish the minimum number of business miles per year an employee of a state agency must drive in order to qualify for approval by the department to receive a motor vehicle for business use;

(3) Establish the minimum number of business miles per year at an amount that results when the annual motor vehicle cost is divided by the amount that is the reimbursement rate per mile minus the amount that is the sum of the fuel cost, the operating cost, and the insurance cost. As used in this division:

(a) "Annual motor vehicle cost" means the price of a motor vehicle divided by the number of years an average motor vehicle is used.

(b) "Fuel cost" means the average price per gallon of motor fuel divided by the miles per gallon fuel efficiency of a motor vehicle.

(c) "Insurance cost" means the cost of insuring a motor vehicle per year divided by the number of miles an average motor vehicle is driven per year.

(d) "Operating cost" means the maintenance cost of a motor vehicle per year divided by the product resulting when the number of miles an average motor vehicle is driven per year is multiplied by the number of years an average motor vehicle is used.

(e) "Reimbursement rate per mile" means the reimbursement per mile rate for travel expenses as provided by rule of the director of budget and management adopted under division (B) of section 126.31 of the Revised Code.

**Sec. 126.48.** (A) Except as provided in division (B) of this section, any ~~preliminary or final~~ internal audit report ~~of an internal audit's findings and recommendations which is~~ produced by the office of internal audit in the office of budget and management and all work papers of the internal audit are confidential and are not public records under section 149.43 of the Revised Code until the final report of an internal audit's findings and recommendations is submitted to the state audit

committee, the governor, and the director of the state agency involved.

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

(1) An internal audit report or work paper that meets the definition of a security record or infrastructure record under section 149.433 of the Revised Code;

(2) Any information derived from a state tax return or state tax return information as permitted to be used by the office of internal audit under section 5703.21 of the Revised Code.

(3) Any record or document necessary for the performance of an internal audit received by the office of internal audit under division (C) of section 126.45 of the Revised Code, that is otherwise exempt from disclosure under state or federal law.

**Sec. 126.60.** (A) There is hereby created in the state treasury the H2Ohio fund consisting of money credited to it and any donations, gifts, bequests, and other money received for deposit in the fund. All investment earnings of the fund shall be credited to the fund. All money credited or deposited in the fund shall be used for any of the following purposes:

(1) Awarding or allocating grants or money, issuing loans, or making purchases for the development and implementation of projects and programs, including remediation projects, that are designed to address water quality priorities;

(2) Funding cooperative research, data gathering and monitoring, and demonstration projects related to water quality priorities;

(3) Encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, agriculture, environmental organizations, and

water conservation districts;

(4) Other purposes, policies, programs, and priorities identified by the Ohio Lake Erie commission in coordination with state agencies or boards responsible for water protection and water management, provided that the purposes, policies, programs, and priorities align with a statewide strategic vision and comprehensive periodic water protection and restoration strategy.

(B) Not later than August 31, 2020, and annually thereafter, the Ohio Lake Erie commission, in coordination with state agencies or boards responsible for water protection and water management, shall do both of the following:

(1) Prepare a report of the activities that were undertaken with respect to the fund during the immediately preceding fiscal year, including the revenues and expenses of the fund for the preceding fiscal year;

(2) Submit the report to the general assembly and to the governor.

**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, gasoline excise tax fund, general revenue fund, higher education improvement fund, highway improvement bond retirement fund, highway capital improvement fund, highway operating fund, horse racing tax fund, improvements bond retirement fund, public library fund, liquor control fund, local government fund, local transportation improvement program fund, medicaid reserve fund, mental health facilities improvement fund, Ohio fairs 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, state lottery fund, undivided liquor permit fund, Vietnam conflict compensation bond retirement fund, volunteer fire fighters' dependents fund, ~~waterways safety fund, wildlife fund,~~ workers' compensation fund, or any fund not specified in this division that the director of budget and management determines to be a bond fund or bond retirement fund;

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

(F) Temporary transfers of all or part of an appropriation or other moneys into and between existing funds, or new funds, as may

be established by law when needed for capital outlays for which notes or bonds will be issued;

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

(H) Temporary transfer of funds included in the emergency purposes appropriation of the controlling board. Such temporary transfers may be made subject to conditions specified by the controlling board at the time temporary transfers are authorized. 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 a temporary transfer of funds shall, as directed by the controlling board, be transferred back to the emergency purposes appropriation.

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

**Sec. 131.35.** (A) With respect to ~~the~~ federal ~~funds~~ revenue received into any fund of the state ~~from which transfers may be made under~~, except for those funds listed in division (D) of section 127.14 of the Revised Code:

(1) No state agency may make expenditures of any federal ~~funds~~ revenue, whether ~~such funds are~~ the revenue is advanced prior to expenditure or as reimbursement, unless such expenditures are made pursuant to specific appropriations of the general assembly, are authorized by the controlling board pursuant to division (A)(5) of this section, or are authorized by an executive order issued in accordance with section 107.17 of the Revised Code, and until an allotment has been approved by the director of budget and management. All federal ~~funds~~ revenue received by a state agency shall be reported to the director within fifteen days of the receipt of ~~such funds~~ the revenue or the notification of award, whichever occurs first. The director shall prescribe the

forms and procedures to be used when reporting the receipt of federal ~~funds~~ revenue.

(2) If the federal ~~funds~~ revenue received ~~are~~ is greater than the amount of ~~such funds~~ the revenue appropriated by the general assembly for a specific purpose, the total appropriation of federal and state funds for such purpose shall remain at the amount designated by the general assembly, except that the expenditure of federal ~~funds~~ revenue received in excess of such specific appropriation may be authorized by the controlling board, subject to division (D) of this section.

(3) To the extent that the expenditure of excess federal ~~funds~~ revenue is authorized, the controlling board may transfer a like amount of general revenue fund appropriation authority from the affected agency to the emergency purposes appropriation of the controlling board, if such action is permitted under federal regulations.

(4) Additional funds may be created by the controlling board to receive revenues not anticipated in an appropriations act for the biennium in which such new revenues are received. Subject to division (D) of this section, expenditures from such additional funds may be authorized by the controlling board, but such authorization shall not extend beyond the end of the biennium in which such funds are created.

(5) Controlling board authorization for a state agency to make an expenditure of federal ~~funds~~ revenue constitutes authority for the agency to participate in the federal program providing the ~~funds~~ revenue, and the agency is not required to obtain an executive order under section 107.17 of the Revised Code to participate in the federal program.

(B) With respect to nonfederal ~~funds~~ revenue received into ~~the waterways safety fund, the wildlife fund, and~~ any fund of the

state ~~from which transfers may be made under~~, except for any other fund listed in division (D) of section 127.14 of the Revised Code:

(1) No state agency may make expenditures of any ~~such funds~~ of the revenue unless the expenditures are made pursuant to specific appropriations of the general assembly.

(2) If the ~~receipts~~ revenue received into any fund ~~are~~ is greater than the amount appropriated, the appropriation for that fund shall remain at the amount designated by the general assembly or, subject to division (D) of this section, as increased and approved by the controlling board.

(3) Additional funds may be created by the controlling board to receive revenues not anticipated in an appropriations act for the biennium in which such new revenues are received. Subject to division (D) of this section, expenditures from such additional funds may be authorized by the controlling board, but such authorization shall not extend beyond the end of the biennium in which such funds are created.

(C) The controlling board shall not authorize more than ten per cent of additional spending from the occupational licensing and regulatory fund, created in section 4743.05 of the Revised Code, in excess of any appropriation made by the general assembly to a licensing agency except an appropriation for costs related to the examination or reexamination of applicants for a license. As used in this division, "licensing agency" and "license" have the same meanings as in section 4745.01 of the Revised Code.

(D) The amount of any expenditure authorized under division (A)(2) or (4) or (B)(2) or (3) of this section for a specific or related purpose or item in any fiscal year shall not exceed an amount greater than one-half of one per cent of the general revenue fund appropriations for that fiscal year.

**Sec. 141.04.** (A) The annual salaries of the chief justice of the supreme court and of the justices and judges named in this section payable from the state treasury are as follows:

(1) For the chief justice of the supreme court, the following amounts effective in the following years:

(a) Beginning January 1, 2018, one hundred seventy-four thousand seven hundred dollars;

(b) Beginning January 1, 2019, one hundred eighty-three thousand four hundred fifty dollars;

(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent.

(2) For the justices of the supreme court, the following amounts effective in the following years:

(a) Beginning January 1, 2018, one hundred sixty-four thousand dollars;

(b) Beginning January 1, 2019, one hundred seventy-two thousand two hundred dollars;

(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent.

(3) For the judges of the courts of appeals, the following amounts effective in the following years:

(a) Beginning January 1, 2018, one hundred fifty-two thousand eight hundred fifty dollars;

(b) Beginning January 1, 2019, one hundred sixty thousand five hundred dollars;

(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent.

(4) For the judges of the courts of common pleas, the following amounts effective in the following years, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code:

(a) Beginning January 1, 2018, one hundred forty thousand five hundred fifty dollars;

(b) Beginning January 1, 2019, one hundred forty-seven thousand six hundred dollars;

(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent.

(5) For the full-time judges of a municipal court or the part-time judges of a municipal court of a territory having a population of more than fifty thousand, the following amounts effective in the following years, reduced by an amount equal to the annual compensation paid to that judge pursuant to division (B)(1)(a) of section 1901.11 of the Revised Code from municipal corporations and counties:

(a) Beginning January 1, 2018, one hundred thirty-two thousand one hundred fifty dollars;

(b) Beginning January 1, 2019, one hundred thirty-eight thousand eight hundred dollars;

(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day

of January, the annual compensation amount shall be increased by one and three-quarters per cent.

(6) For judges of a municipal court designated as part-time judges by section 1901.08 of the Revised Code, other than part-time judges to whom division (A)(5) of this section applies, and for judges of a county court, the following amounts effective in the following years, reduced by an amount equal to the annual compensation paid to that judge pursuant to division (A) of section 1901.11 of the Revised Code from municipal corporations and counties or pursuant to division (A) of section 1907.16 of the Revised Code from counties:

(a) Beginning January 1, 2018, seventy-six thousand fifty dollars;

(b) Beginning January 1, 2019, seventy-nine thousand nine hundred dollars;

(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent.

(B) Except as provided in sections 1901.122 and 1901.123 of the Revised Code, except as otherwise provided in this division, and except for the compensation to which the judges described in division (A)(5) of this section are entitled pursuant to divisions (B)(1)(a) and (2) of section 1901.11 of the Revised Code, the annual salary of the chief justice of the supreme court and of each justice or judge listed in division (A) of this section shall be paid in equal monthly installments from the state treasury. If the chief justice of the supreme court or any justice or judge listed in division (A)(2), (3), or (4) of this section delivers a written request to be paid biweekly to the administrative director of the supreme court prior to the first day of January of any

year, the annual salary of the chief justice or the justice or judge that is listed in division (A)(2), (3), or (4) of this section shall be paid, during the year immediately following the year in which the request is delivered to the administrative director of the supreme court, biweekly from the state treasury.

(C) Upon the death of the chief justice or a justice of the supreme court during that person's term of office, an amount shall be paid in accordance with section 2113.04 of the Revised Code, or to that person's estate. The amount shall equal the amount of the salary that the chief justice or justice would have received during the remainder of the unexpired term or an amount equal to the salary of office for two years, whichever is less.

(D) Neither the chief justice of the supreme court nor any justice or judge of the supreme court, the court of appeals, the court of common pleas, or the probate court shall hold any other office of trust or profit under the authority of this state or the United States.

(E) In addition to the salaries payable pursuant to this section, the chief justice of the supreme court and the justices of the supreme court shall be entitled to a vehicle allowance of five hundred dollars per month, payable from the state treasury. The allowance shall be increased on the first day of January of each odd-numbered year by an amount equal to the percentage increase, if any, in the consumer price index for the immediately preceding twenty-four month period for which information is available.

(F) ~~On or before the first day of December of each year, the Ohio supreme court, through its chief administrator, shall notify the administrative judge of the Montgomery county municipal court, the board of county commissioners of Montgomery county, and the treasurer of the state of the yearly salary cost of five part-time county court judges as of that date. If the total yearly salary~~

~~costs of all of the judges of the Montgomery county municipal court as of the first day of December of that same year exceeds that amount, the administrative judge of the Montgomery county municipal court shall cause payment of the excess between those two amounts less any reduced amount paid for the health care costs of the Montgomery county municipal court judges in comparison to the health care costs of five part-time county court judges from the general special projects fund or the fund for a specific special project created pursuant to section 1901.26 of the Revised Code to the treasurer of Montgomery county and to the treasurer of the state in amounts proportional to the percentage of the salaries of the municipal court judges paid by the county and by the state.~~

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

(1) "Consumer price index" has the same meaning as in section 101.27 of the Revised Code.

(2) "Salary" does not include any portion of the cost, premium, or charge for health, medical, hospital, dental, or surgical benefits, or any combination of those benefits, covering the chief justice of the supreme court or a justice or judge named in this section and paid on the chief justice's or the justice's or judge's behalf by a governmental entity.

**Sec. 141.16.** (A) Any voluntarily retired judge, or any judge who is retired under Section 6 of Article IV, Ohio Constitution, may be assigned with the judge's consent, by the chief justice or acting chief justice of the supreme court, to active duty as a judge. While so serving, the judge shall be paid, from money appropriated for this purpose, the established compensation for such office, computed on a per diem basis, in addition to any retirement benefits to which the judge may be entitled.

(B) Annually, on the first day of August, the administrative

director of the ~~Ohio courts~~ supreme court shall issue a billing to the county treasurer of any county to which such a judge is assigned for reimbursement of the county's portion of the compensation previously paid by the state for the twelve-month period preceding the last day of June. The county's portion of the compensation shall be that part of each per diem paid by the state which is proportional to the county's share of the total compensation of a resident judge of such court. The county treasurer shall forward the payment within thirty days.

(C)~~(1)~~ A retired assigned judge is eligible to receive a retired assigned judge payment if the retired assigned judge completes not less than one hundred hours of service in the preceding quarter as assigned by the chief justice or acting chief justice. The payment shall be seven hundred fifty dollars per quarter and shall be paid from money appropriated for this purpose. The payment is subject to any and all applicable taxes under local, state, and federal law.

~~(2) Except as provided in division (C)(3) of this section, the~~ The payment shall be paid within thirty days after the end of the quarter in which the one hundred hours is served.

~~(3) In the case of a county-operated municipal court, other municipal court, or county court to which a judge was assigned, payment shall be made within thirty days after receipt of the quarterly request for reimbursement as required in division (B) of section 1901.123 of the Revised Code.~~

(D) Division (C) of this section does not affect any right of a retired assigned judge to receive any allowance, annuity, pension, or other benefit vested pursuant to Chapter 145. of the Revised Code or other eligible retirement system pursuant to Ohio law.

(E) As used in this section:

(1) "Retired assigned judge" is a judge that is described in division (A) of this section.

(2) "Quarter" is the preceding three-month period ending on the last day of the month of March, June, September, or December of each year.

**Sec. 149.11.** (A) Any department, division, bureau, board, or commission of the state government issuing a report, pamphlet, document, or other publication intended for general public use and distribution, which publication is reproduced by duplicating processes ~~such as mimeograph, multigraph, planograph, rotaprint, or multilith, or printed internally or~~ in print whether through a contract awarded to any person, company, or the state printing division of the department of administrative services, shall cause to be delivered to the state library ~~one hundred~~ fifty copies of the publication, subject to the provisions of section 125.42 of the Revised Code.

(B) The state library board shall distribute the print publications so received as follows:

~~(A)~~(1) Retain two copies in the state library;

~~(B)~~(2) Send two copies to the document division of the library of congress;

~~(C)~~(3) Send one copy to the Ohio history connection and to each public or college library in the state designated by the state library board to be a depository for state publications. In designating which libraries shall be depositories, the board shall select those libraries that can best preserve those publications and that are so located geographically as will make the publications conveniently accessible to residents in all areas of the state.

~~(D)~~(4) Send one copy to each state in exchange for like

publications of that state.

(C) A department, division, bureau, board, or commission of the state government shall notify the state library of the availability of documents or other publications, intended for general public use and distribution, which are made available electronically on its internet web site. The state library shall retain electronic publications in the state library digital archive and provide permanent access and records to each public or college library in the state designated by the state library board to be a depository for state publications.

(D) The print publications described in division (A) of this section and the electronic publications described in division (C) of this section shall be considered already prepared and available for inspection, and, subject to applicable copyright protections, reproduction by any person at all reasonable times during regular business hours at the state library and each library designated as a depository for state publications.

(E) The provisions of this section do not apply to any publication of the general assembly or to the publications described in sections 149.07, 149.08, 149.091, and 149.17 of the Revised Code, except that the secretary of state shall forward to the document division of the library of congress two copies of all journals, two copies of the session laws as provided for in section 149.091 of the Revised Code, and two copies of all appropriation laws in separate form.

**Sec. 153.02.** (A) The executive director of the Ohio facilities construction commission, may debar a contractor from contract awards for public improvements as referred to in section 153.01 of the Revised Code or for projects as defined in section 3318.01 of the Revised Code, upon proof that the contractor has done any of the following:

(1) Defaulted on a contract requiring the execution of a takeover agreement as set forth in division (B) of section 153.17 of the Revised Code;

(2) Knowingly failed during the course of a contract to maintain the coverage required by the bureau of workers' compensation;

(3) Knowingly failed during the course of a contract to maintain the contractor's drug-free workplace program as required by the contract;

(4) Knowingly failed during the course of a contract to maintain insurance required by the contract or otherwise by law, resulting in a substantial loss to the owner, as owner is referred to in section 153.01 of the Revised Code, or to the commission and school district board, as provided in division (F) of section 3318.08 of the Revised Code;

(5) Misrepresented the firm's qualifications in the selection process set forth in sections 153.65 to 153.71 or section 3318.10 of the Revised Code;

(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the contractor's business integrity;

(7) Been convicted of a criminal offense under state or federal antitrust laws;

(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract;

(9) Been debarred from bidding on or participating in a

contract with any state or federal agency.

(B) When the executive director debars a contractor that is a partnership, association, or corporation, the executive director also may debar any partner of the partnership or any officer or director of the association or corporation, as applicable.

(C) When the executive director reasonably believes that grounds for debarment exist, the executive director shall send the contractor a notice of proposed debarment indicating the grounds for the proposed debarment and the procedure for requesting a hearing on the proposed debarment. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code. If the contractor does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the executive director shall issue the debarment decision without a hearing and shall notify the contractor of the decision by certified mail, return receipt requested.

(D) The executive director shall determine the length of the debarment period and may rescind the debarment at any time upon notification to the contractor. During the period of debarment, the contractor is not eligible to bid for or participate in any contract for a public improvement as referred to in section 153.01 of the Revised Code or for a project as defined in section 3318.01 of the Revised Code. After the debarment period expires, the contractor ~~shall~~ may be eligible to bid for and participate in such contracts if the vendor is not otherwise debarred.

(E) The executive director shall maintain a list of all contractors currently debarred under this section. Any governmental entity awarding a contract for construction of a public improvement or project may use a contractor's presence on the debarment list to determine whether a contractor is responsible or best under section 9.312 or any other section of the Revised Code in the award of a contract.

(F) As used in this section, "contractor" means a construction contracting business, a subcontractor of a construction contracting business, a supplier of materials, or a manufacturer of materials.

**Sec. 166.01.** As used in this chapter:

(A) "Allowable costs" means all or part of the costs of project facilities, eligible projects, eligible innovation projects, eligible research and development projects, eligible advanced energy projects, or eligible logistics and distribution projects, including costs of acquiring, constructing, reconstructing, rehabilitating, renovating, enlarging, improving, equipping, or furnishing project facilities, eligible projects, eligible innovation projects, eligible research and development projects, eligible advanced energy projects, or eligible logistics and distribution projects, site clearance and preparation, supplementing and relocating public capital improvements or utility facilities, designs, plans, specifications, surveys, studies, and estimates of costs, expenses necessary or incident to determining the feasibility or practicability of assisting an eligible project, an eligible innovation project, an eligible research and development project, an eligible advanced energy project, or an eligible logistics and distribution project, or providing project facilities or facilities related to an eligible project, an eligible innovation project, an eligible research and development project, an eligible advanced energy project, or an eligible logistics and distribution project, architectural, engineering, and legal services fees and expenses, the costs of conducting any other activities as part of a voluntary action, and such other expenses as may be necessary or incidental to the establishment or development of an eligible project, an eligible innovation project, an eligible research and development project, an eligible advanced energy project, or an eligible logistics and

distribution project, and reimbursement of moneys advanced or applied by any governmental agency or other person for allowable costs.

(B) "Allowable innovation costs" includes allowable costs of eligible innovation projects and, in addition, includes the costs of research and development of eligible innovation projects; obtaining or creating any requisite software or computer hardware related to an eligible innovation project or the products or services associated therewith; testing (including, without limitation, quality control activities necessary for initial production), perfecting, and marketing of such products and services; creating and protecting intellectual property related to an eligible innovation project or any products or services related thereto, including costs of securing appropriate patent, trademark, trade secret, trade dress, copyright, or other form of intellectual property protection for an eligible innovation project or related products and services; all to the extent that such expenditures could be capitalized under then-applicable generally accepted accounting principles; and the reimbursement of moneys advanced or applied by any governmental agency or other person for allowable innovation costs.

(C) "Eligible innovation project" includes an eligible project, including any project facilities associated with an eligible innovation project and, in addition, includes all tangible and intangible property related to a new product or process based on new technology or the creative application of existing technology, including research and development, product or process testing, quality control, market research, and related activities, that is to be acquired, established, expanded, remodeled, rehabilitated, or modernized for industry, commerce, distribution, or research, or any combination thereof, the operation of which, alone or in conjunction with other eligible

projects, eligible innovation projects, or innovation property, will create new jobs or preserve existing jobs and employment opportunities and improve the economic welfare of the people of the state.

(D) "Eligible project" means project facilities to be acquired, established, expanded, remodeled, rehabilitated, or modernized for industry, commerce, distribution, or research, or any combination thereof, the operation of which, alone or in conjunction with other facilities, will create new jobs or preserve existing jobs and employment opportunities and improve the economic welfare of the people of the state. "Eligible project" includes, without limitation, a voluntary action. For purposes of this division, "new jobs" does not include existing jobs transferred from another facility within the state, and "existing jobs" includes only those existing jobs with work places within the municipal corporation or unincorporated area of the county in which the eligible project is located.

"Eligible project" does not include project facilities to be acquired, established, expanded, remodeled, rehabilitated, or modernized for industry, commerce, distribution, or research, or any combination of industry, commerce, distribution, or research, if the project facilities consist solely of point-of-final-purchase retail facilities. If the project facilities consist of both point-of-final-purchase retail facilities and nonretail facilities, only the portion of the project facilities consisting of nonretail facilities is an eligible project. If a warehouse facility is part of a point-of-final-purchase retail facility and supplies only that facility, the warehouse facility is not an eligible project. Catalog distribution facilities are not considered point-of-final-purchase retail facilities for purposes of this paragraph, and are eligible projects.

(E) "Eligible research and development project" means an eligible project, including project facilities, comprising, within, or related to, a facility or portion of a facility at which research is undertaken for the purpose of discovering information that is technological in nature and the application of which is intended to be useful in the development of a new or improved product, process, technique, formula, or invention, a new product or process based on new technology, or the creative application of existing technology.

(F) "Financial assistance" means inducements under division (B) of section 166.02 of the Revised Code, loan guarantees under section 166.06 of the Revised Code, and direct loans under section 166.07 of the Revised Code.

(G) "Governmental action" means any action by a governmental agency relating to the establishment, development, or operation of an eligible project, eligible innovation project, eligible research and development project, eligible advanced energy project, or eligible logistics and distribution project, and project facilities that the governmental agency acting has authority to take or provide for the purpose under law, including, but not limited to, actions relating to contracts and agreements, zoning, building, permits, acquisition and disposition of property, public capital improvements, utility and transportation service, taxation, employee recruitment and training, and liaison and coordination with and among governmental agencies.

(H) "Governmental agency" means the state and any state department, division, commission, institution or authority; a municipal corporation, county, or township, and any agency thereof, and any other political subdivision or public corporation or the United States or any agency thereof; any agency, commission, or authority established pursuant to an interstate compact or agreement; and any combination of the above.

(I) "Innovation financial assistance" means inducements under division (B) of section 166.12 of the Revised Code, innovation Ohio loan guarantees under section 166.15 of the Revised Code, and innovation Ohio loans under section 166.16 of the Revised Code.

(J) "Innovation Ohio loan guarantee reserve requirement" means, at any time, with respect to innovation loan guarantees made under section 166.15 of the Revised Code, a balance in the innovation Ohio loan guarantee fund equal to the greater of twenty per cent of the then-outstanding principal amount of all outstanding innovation loan guarantees made pursuant to section 166.15 of the Revised Code or fifty per cent of the principal amount of the largest outstanding guarantee made pursuant to section 166.15 of the Revised Code.

(K) "Innovation property" includes property and also includes software, inventory, licenses, contract rights, goodwill, intellectual property, including without limitation, patents, patent applications, trademarks and service marks, and trade secrets, and other tangible and intangible property, and any rights and interests in or connected to the foregoing.

(L) "Loan guarantee reserve requirement" means, at any time, with respect to loan guarantees made under section 166.06 of the Revised Code, a balance in the loan guarantee fund equal to the greater of twenty per cent of the then-outstanding principal amount of all outstanding guarantees made pursuant to section 166.06 of the Revised Code or fifty per cent of the principal amount of the largest outstanding guarantee made pursuant to section 166.06 of the Revised Code.

(M) "Person" means any individual, firm, partnership, association, corporation, or governmental agency, and any combination thereof.

(N) "Project facilities" means buildings, structures, and

other improvements, and equipment and other property, excluding small tools, supplies, and inventory, and any one, part of, or combination of the above, comprising all or part of, or serving or being incidental to, an eligible project, an eligible innovation project, an eligible research and development project, an eligible advanced energy project, or an eligible logistics and distribution project, including, but not limited to, public capital improvements.

(O) "Property" means real and personal property and interests therein.

(P) "Public capital improvements" means capital improvements or facilities that any governmental agency has authority to acquire, pay the costs of, own, maintain, or operate, or to contract with other persons to have the same done, including, but not limited to, highways, roads, streets, water and sewer facilities, railroad and other transportation facilities, and air and water pollution control and solid waste disposal facilities. For purposes of this division, "air pollution control facilities" includes, without limitation, solar, geothermal, biofuel, biomass, wind, hydro, wave, and other advanced energy projects as defined in section 3706.25 of the Revised Code.

(Q) "Research and development financial assistance" means inducements under section 166.17 of the Revised Code, research and development loans under section 166.21 of the Revised Code, and research and development tax credits under sections 5733.352 and 5747.331 of the Revised Code.

(R) "Targeted innovation industry sectors" means industry sectors involving the production or use of advanced materials, instruments, controls and electronics, power and propulsion, biosciences, and information technology, or such other sectors as may be designated by the director of development services.

(S) "Voluntary action" means a voluntary action, as defined in section 3746.01 of the Revised Code, that is conducted under the voluntary action program established in Chapter 3746. of the Revised Code.

(T) "Project financing obligations" means obligations issued pursuant to section 166.08 of the Revised Code other than obligations for which the bond proceedings provide that bond service charges shall be paid from receipts of the state representing gross profit on the sale of spirituous liquor as referred to in division (B)(4) of section 4310.10 of the Revised Code.

(U) "Regional economic development entity" means an entity that is under contract with the director to administer a loan program under this chapter in a particular area of this state.

(V) ~~"Advanced energy research and development fund" means the advanced energy research and development fund created in section 3706.27 of the Revised Code.~~

~~(W) "Advanced energy research and development taxable fund" means the advanced energy research and development taxable fund created in section 3706.27 of the Revised Code.~~

~~(X)~~ "Eligible advanced energy project" means an eligible project that is an "advanced energy project" as defined in section 3706.25 of the Revised Code.

~~(Y)~~(W) "Eligible logistics and distribution project" means an eligible project, including project facilities, to be acquired, established, expanded, remodeled, rehabilitated, or modernized for transportation logistics and distribution infrastructure purposes. As used in this division, "transportation logistics and distribution infrastructure purposes" means promoting, providing for, and enabling improvements to the ground, air, and water transportation infrastructure comprising the transportation system

in this state, including, without limitation, highways, streets, roads, bridges, railroads carrying freight, and air and water ports and port facilities, and all related supporting facilities.

~~(Z)~~(X) "Department of development" means the development services agency and "director of development" means the director of development services.

**Sec. 169.06.** (A) Before the first day of November of each year immediately following the calendar year in which the filing of reports is required by section 169.03 of the Revised Code, the director of commerce shall cause notice to be published once in an English language newspaper of general circulation in the county in this state in which is located the last known address of any person to be named in the notice required by this section. The notice may be published in print or electronic format. If no address is listed, the notice shall be published in the county in which the holder of the unclaimed funds has its principal place of business within this state; or if the holder has no principal place of business within this state, publication shall be made as the director determines most effective. If the address is outside this state, notice shall be published in a newspaper of general circulation in the county or parish of any state in the United States in which such last known address is located. If the last known address is in a foreign country, publication shall be made as the director determines most effective.

If the name of the owner is not available, the director may publish notice by class, identifying number, or as the director determines most effective.

(B) The published notice shall be entitled "Notice of Names of Persons Appearing to be Owners of Unclaimed Funds," and shall contain:

(1) The names in alphabetical order and last known addresses,

if any, of each person appearing from the records of the holder to be the owner of unclaimed funds of a value of fifty dollars or more and entitled to notice as specified in division (A) of this section;

(2) A statement that information concerning the amount of the funds and any necessary information concerning the presentment of a claim therefor may be obtained by any persons possessing a property interest in the unclaimed funds by addressing an inquiry to the director.

(C) With respect to items of unclaimed funds each having a value of ten dollars or more, the director shall have available in ~~his~~ the director's office during business hours an alphabetical list of owners and where a holder is a person providing life insurance coverage, beneficiaries, and their last known addresses, if any, whose funds are being held by the state pursuant to this chapter.

(D) The director may give any additional notice ~~he~~ using any electronic or print medium that the director deems necessary to inform the owner of the whereabouts of ~~his~~ the owner's funds.

**Sec. 173.04.** (A) As used in this section~~, "respite~~:

(1) "Respite care" means short-term, temporary care or supervision provided to a person who has ~~Alzheimer's disease~~ dementia in the absence of the person who normally provides that care or supervision.

(2) "Dementia" includes Alzheimer's disease or other dementia.

(B) Through the internet web site maintained by the department of aging, the director of aging shall disseminate ~~Alzheimer's disease~~ dementia training materials for licensed physicians, registered nurses, licensed practical nurses,

administrators of health care programs, social workers, and other health care and social service personnel who participate or assist in the care or treatment of persons who have ~~Alzheimer's disease~~ dementia. The training materials disseminated through the web site may be developed by the director or obtained from other sources.

(C) To the extent funds are available, the director shall administer respite care programs and other supportive services for persons who have ~~Alzheimer's disease~~ dementia and their families or care givers. Respite care programs shall be approved by the director and shall be provided for the following purposes:

(1) Giving persons who normally provide care or supervision for a person who has ~~Alzheimer's disease~~ dementia relief from the stresses and responsibilities that result from providing such care;

(2) Preventing or reducing inappropriate institutional care and enabling persons who have ~~Alzheimer's disease~~ dementia to remain at home as long as possible.

(D) The director may provide services under this section to persons with ~~Alzheimer's disease~~ dementia and their families regardless of the age of the persons with ~~Alzheimer's disease~~ dementia.

(E) The director may adopt rules in accordance with Chapter 119. of the Revised Code governing respite care programs and other supportive services, the distribution of funds, and the purpose for which funds may be utilized under this section.

**Sec. 173.27.** (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for employment by a responsible party in a full-time, part-time, or temporary position that involves providing ombudsman services to residents and recipients.

"Applicant" includes a person who is under final consideration for employment as the state long-term care ombudsman or the head of a regional long-term care ombudsman program. "Applicant" does not include a person seeking to provide ombudsman services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(4) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary position that involves providing ombudsman services to residents and recipients. "Employee" includes the person employed as the state long-term care ombudsman and a person employed as the head of a regional long-term care ombudsman program. "Employee" does not include a person who provides ombudsman services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(5) "Responsible party" means the following:

(a) In the case of an applicant who is under final consideration for employment as the state long-term care ombudsman or the person employed as the state long-term care ombudsman, the director of aging;

(b) In the case of any other applicant who is under final consideration for employment with the state long-term care ombudsman program or any other employee of the state long-term care ombudsman program, the state long-term care ombudsman;

(c) In the case of an applicant who is under final

consideration for employment with a regional long-term care ombudsman program (including as the head of the regional program) or an employee of a regional long-term care ombudsman program (including the head of a regional program), the regional long-term care ombudsman program.

(B) A responsible party may not employ an applicant or continue to employ an employee in a position that involves providing ombudsman services to residents and recipients if any of the following apply:

(1) A review of the databases listed in division (D) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the responsible party from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing ombudsman services to residents and recipients.

(2) After the applicant or employee is provided, pursuant to division (E)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to

complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet.

(3) Unless the applicant or employee meets standards specified in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) A responsible party or a responsible party's designee shall inform each applicant of both of the following at the time of the applicant's initial application for employment in a position that involves providing ombudsman services to residents and recipients:

(1) That a review of the databases listed in division (D) of this section will be conducted to determine whether the responsible party is prohibited by division (B)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(D) As a condition of any applicant's being employed by a responsible party in a position that involves providing ombudsman services to residents and recipients, the responsible party or designee shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the responsible party or designee shall conduct a database review of an employee in accordance with the rules as a condition of the responsible party continuing to employ the employee in a position that involves providing

ombudsman services to residents and recipients. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to section 1128 of the "Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as amended, and section 1156 of the "Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as amended;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted under this section.

(E)(1) As a condition of any applicant's being employed by a responsible party in a position that involves providing ombudsman services to residents and recipients, the responsible party or designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this

section so require, the responsible party or designee shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of the responsible party continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. However, the responsible party or designee is not required to request the criminal records check of the applicant or employee if the responsible party is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the responsible party or designee shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the responsible party or designee may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) A responsible party or designee shall do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section

109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from the applicant or employee;

(c) Forward the completed form and standard impression sheet to the superintendent.

(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party or the responsible party's designee requests under this section. The responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if the responsible party or designee notifies the applicant at the time of initial application for employment of the amount of the fee.

(F)(1) A responsible party may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The responsible party is not prohibited by division (B)(1) of this section from employing the applicant in a position that involves providing ombudsman services to residents and recipients;

(b) The responsible party or designee requests the criminal records check in accordance with division (E) of this section ~~not later than five business days after~~ before conditionally employing the applicant ~~begins conditional employment~~.

(2) A responsible party shall terminate the employment of an applicant employed conditionally under division (F)(1) of this section if the results of the criminal records check, other than the results of any request for information from the federal bureau

of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the responsible party shall terminate the applicant's employment unless the applicant meets standards specified in rules adopted under this section that permit the responsible party to employ the applicant and the responsible party chooses to employ the applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the applicant makes any attempt to deceive the responsible party or designee about the applicant's criminal record.

(G) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative;

(2) The responsible party or designee;

(3) In the case of a criminal records check conducted for an applicant who is under final consideration for employment with a regional long-term care ombudsman program (including as the head of the regional program) or an employee of a regional long-term care ombudsman program (including the head of a regional program), the state long-term care ombudsman or a representative of the office of the state long-term care ombudsman program who is responsible for monitoring the regional program's compliance with

this section;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a position that involves providing ombudsman services to residents and recipients, all of the following shall apply:

(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (F) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or

been found eligible for intervention in lieu of conviction for a disqualifying offense.

(I) The state long-term care ombudsman may not act as the director of aging's designee for the purpose of this section. The head of a regional long-term care ombudsman program may not act as the regional program's designee for the purpose of this section if the head is the employee for whom a database review or criminal records check is being conducted.

(J) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review

to be included in one or more of those databases;

(d) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a position that involves providing ombudsman services to residents and recipients if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

**Sec. 173.38.** (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for employment with a responsible party in a full-time, part-time, or temporary direct-care position or is referred to a responsible party by an employment service for such a position. "Applicant" does not include a person being considered for a direct-care position as a volunteer.

(2) "Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.

(3) "Chief administrator of a responsible party" includes a consumer when the consumer is a responsible party.

(4) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.

(5) "Consumer" means an individual who receives community-based long-term care services.

(6) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(7)(a) "Direct-care position" means an employment position in which an employee has either or both of the following:

(i) In-person contact with one or more consumers;

(ii) Access to one or more consumers' personal property or records.

(b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code.

(8) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(9) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer.

(10) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code.

(11) "Provider" has the same meaning as in section 173.39 of the Revised Code.

(12) "Responsible party" means the following:

(a) An area agency on aging in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.

(b) A PASSPORT administrative agency in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.

(c) A provider in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the provider in a full-time, part-time, or temporary direct-care position or is referred to the provider by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the provider in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the provider by an employment service.

(d) A subcontractor in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the subcontractor in a full-time, part-time, or temporary direct-care position or is referred to the subcontractor by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service.

(e) A consumer in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, is to direct the person in the provision of community-based long-term care services the person is to provide the consumer or is referred to the consumer by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, directs the person in the provision of community-based long-term care services the person provides to the consumer or who works in such a position due to being referred to the consumer by an employment service.

(13) "Subcontractor" has the meaning specified in rules adopted under this section.

(14) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(15) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 173.381 or 3701.881 of the Revised Code or to any individual who is subject to a criminal records check under section 3721.121 of the Revised Code. ~~If a provider or subcontractor also is a waiver agency, the provider or subcontractor may provide for applicants and employees to undergo database reviews and criminal records checks in accordance with section 5164.342 of the Revised Code rather than this section.~~

(C) No responsible party shall employ an applicant or continue to employ an employee in a direct-care position if any of the following apply:

(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the responsible party from employing an applicant or continuing to employ an employee included in such a database in a direct-care position.

(2) After the applicant or employee is provided, pursuant to division (F)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet.

(3) Unless the applicant or employee meets standards specified in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a

disqualifying offense.

(D) Except as provided by division (G) of this section, the chief administrator of a responsible party shall inform each applicant of both of the following at the time of the applicant's initial application for employment or referral to the responsible party by an employment service for a direct-care position:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the responsible party is prohibited by division (C)(1) of this section from employing the applicant in the direct-care position;

(2) That, unless the database review reveals that the applicant may not be employed in the direct-care position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a responsible party shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a direct-care position. However, a chief administrator is not required to conduct a database review of an applicant or employee if division (G) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted under this section.

(F)(1) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a responsible party shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a direct-care position. However, the chief administrator is not required to request the criminal records check of the applicant or employee if division (G) of this section applies or the responsible party is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a direct-care position. If an applicant or employee for whom a criminal records check request is required by this section does not present proof

of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The chief administrator shall do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from the applicant or employee;

(c) Forward the completed form and standard impression sheet to the superintendent.

(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party requests under this section. A responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if both of the following apply:

(a) The responsible party notifies the applicant at the time

of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(b) The medicaid program does not pay the responsible party for the fee it pays to the bureau under this section.

(G) Divisions (D) to (F) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a responsible party by an employment service that supplies full-time, part-time, or temporary staff for direct-care positions and both of the following apply:

(1) The chief administrator of the responsible party receives from the employment service confirmation that a review of the databases listed in division (E) of this section was conducted of the applicant or employee.

(2) The chief administrator of the responsible party receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following:

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the responsible party;

(b) In the case of an employee, the date by which the responsible party would otherwise have to request a criminal records check of the employee under division (F) of this section.

(H)(1) A responsible party may employ conditionally an applicant for whom a criminal records check request is required by this section prior to obtaining the results of the criminal records check if the responsible party is not prohibited by division (C)(1) of this section from employing the applicant in a direct-care position and either of the following applies:

(a) The chief administrator of the responsible party requests the criminal records check in accordance with division (F) of this section ~~not later than five business days after~~ before conditionally employing the applicant ~~begins conditional employment~~.

(b) The applicant is referred to the responsible party by an employment service, the employment service or the applicant provides the chief administrator of the responsible party a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the responsible party when the employment service receives the results.

(2) If a responsible party employs an applicant conditionally pursuant to division (H)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the responsible party.

(3) A responsible party that employs an applicant conditionally pursuant to division (H)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the responsible party shall terminate the applicant's employment unless the applicant meets standards specified in rules adopted under this section that permit the responsible party to employ the applicant and the responsible party chooses to employ the applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the applicant makes any attempt to deceive the responsible party about the applicant's criminal record.

(I) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative;

(2) The chief administrator of the responsible party requesting the criminal records check or the administrator's representative;

(3) The administrator of any other facility, agency, or

program that provides community-based long-term care services that is owned or operated by the same entity that owns or operates the responsible party that requested the criminal records check;

(4) The employment service that requested the criminal records check;

(5) The director of aging or a person authorized by the director to monitor a responsible party's compliance with this section;

(6) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if any of the following apply:

(a) In the case of a criminal records check requested by a provider or subcontractor, the provider or subcontractor also is a waiver agency;

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a provider or subcontractor that also is a waiver agency;

(c) The criminal records check is requested by a consumer who is acting as a responsible party.

(7) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.

(J) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible

party employs in a direct-care position, all of the following shall apply:

(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (H) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(K) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a

database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The meaning of the term "subcontractor";

(b) The procedures for conducting database reviews under this section;

(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(e) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

**Sec. 173.391.** (A) Subject to section 173.381 of the Revised Code, the department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised Code:

(1) Certify a provider to provide community-based long-term care services under a program the department administers if the provider satisfies the requirements for certification established by rules adopted under division (B) of this section and pays the fee, if any, established by rules adopted under division (G) of this section;

(2) When required to do so by rules adopted under division (B) of this section, take one or more of the following disciplinary actions against a provider certified under division (A)(1) of this section:

(a) Issue a written warning;

(b) Require the submission of a plan of correction or evidence of compliance with requirements identified by the department;

(c) Suspend referrals;

(d) Remove clients;

(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;

(f) Suspend the certification;

(g) Revoke the certification;

(h) Impose another sanction.

(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A)(1) of this section or a disciplinary action under divisions (A)(2)(e) to (h) of this section.

(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and standards for determining which type of disciplinary action to take under division (A)(2) of this section in individual situations. The rules shall establish procedures for all of the following:

(1) Ensuring that providers comply with sections 173.38 and 173.381 of the Revised Code;

(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;

(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take;

(4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section.

(C) The procedures established in rules adopted under division (B)(2) of this section shall require that all of the following be considered as part of an evaluation described in division (B)(2) of this section:

(1) The provider's experience and financial responsibility;

(2) The provider's ability to comply with standards for the community-based long-term care services that the provider provides under a program the department administers;

(3) The provider's ability to meet the needs of the individuals served;

(4) Any other factor the director considers relevant.

(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served.

(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)(3) of this section if any of the following conditions apply:

(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case:

(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained.

(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted.

(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons:

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a provider: a provider agreement, license, certificate, permit, or certification. Division (E)(2)(a) of this section applies regardless of whether the provider has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider,

principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code.

(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification.

(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.

(f) The provider has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is certified to provide services.

(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review.

(i) The provider has ceased doing business.

(j) The provider has voluntarily relinquished its certification for any reason.

(3) The provider's provider agreement with the department of medicaid has been suspended under ~~division (C) of~~ section ~~5164.37~~ 5164.36 of the Revised Code.

(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has

been convicted of an offense that caused the provider agreement to be suspended under section ~~5164.37~~ 5164.36 of the Revised Code.

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department ~~may~~ shall send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department ~~proposes to take~~ is taking under ~~division~~ divisions (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail.

(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under this section.

~~All fees~~(H) Any amounts collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for community-based long-term care services, administrative costs associated with provider certification under this section, and administrative costs related to the publication of the Ohio long-term care consumer guide.

**Sec. 183.18.** (A) Ohio's public health priorities ~~trust~~ fund is hereby created in the state treasury. All investment earnings of the fund shall be credited to the fund. Notwithstanding any conflicting provision of the Revised Code, the director of budget and management may credit to the fund any money received by the state, director of health, or department of health as part of a settlement agreement relating to a pressing public health issue.

(B) Money credited to the fund shall be used by the director of health for the following purposes:

~~(A) Minority health programs, on which not less than twenty-five per cent of the annual appropriations from the trust fund shall be expended;~~

~~(B) Enforcing section 2927.02 of the Revised Code;~~

~~(C) Alcohol and drug abuse treatment and prevention programs, including programs for adult and juvenile offenders in state institutions and aftercare programs;~~

~~(D) A non-entitlement program funded through the department of health to provide emergency assistance consisting of medication, oxygen, or both to seniors whose health has been adversely affected by tobacco use and whose income does not exceed one hundred per cent of the federal poverty guidelines, on which five per cent of the annual appropriations from the trust fund shall be expended. However, if federal funding becomes available for this purpose, the department shall utilize the federal funding and the appropriations from the trust fund shall be used for the other purposes authorized by this section. If the federal program requires seniors described by this division to pay a premium or copayment to obtain medication or oxygen, the director of health shall recommend to the general assembly whether this division's set-aside of five per cent of the appropriations from the trust fund should be used to pay such premiums or copayments. As used in this division, "federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.~~

~~(E) Partial reimbursement, on a county basis, of hospitals, free medical clinics, and similar organizations or programs that provide free, uncompensated care to the general public, and of counties that pay private entities to provide such care using revenue from a property tax levied at least in part for that purpose~~ (1) To conduct public health awareness and educational campaigns;

(2) To address any pressing public health issue identified by the director or described in the state health improvement plan or a successor document prepared for the department of health;

(3) To implement and administer innovative public health programs and prevention strategies;

(4) To improve the population health of Ohio.

The director may collaborate with one or more nonprofit entities, including a public health foundation, to meet the requirements of division (B) of this section.

~~All investment earnings of the fund shall be credited to the fund.~~

**Sec. 183.33.** No money shall be appropriated or transferred from the general revenue fund to the law enforcement improvements trust fund, southern Ohio agricultural and community development foundation endowment fund, ~~Ohio's public health priorities trust fund,~~ biomedical research and technology transfer trust fund, ~~education facilities trust fund,~~ or education technology trust fund.

**Sec. 307.631.** (A) A board of county commissioners may appoint a health commissioner of the board of health of a city or general health district that is entirely or partially located in the county in which the board of county commissioners is located to establish a drug overdose fatality review committee to review drug overdose deaths and opioid-involved deaths occurring in the county.

(B) The boards of county commissioners of two or more counties may, by adopting a joint resolution passed by a majority of the members of each participating board of county commissioners, create a regional drug overdose fatality review committee to review drug overdose deaths and opioid-involved

deaths occurring in participating counties. The joint resolution shall appoint, for each county participating as part of the regional review committee, one health commissioner from a board of health of a city or general health district located at least in part in each county. The health commissioners appointed shall select one of their number as the health commissioner to establish the regional review committee.

(C) In any county that, on the effective date of this section, has a body that is acting as a drug overdose fatality review committee and is comprised of the members described in division (A)(1) of section 307.632 of the Revised Code, including a public health official or designee, the board of county commissioners of that county, in lieu of having a health commissioner establish a drug overdose fatality review committee, may appoint that body to function as the drug overdose fatality review committee for the county. The body shall have the same duties, obligations, and protections as a drug overdose fatality review committee appointed by a health commissioner. The board of county commissioners or an individual designated by the board shall convene the body as required by section 307.633 of the Revised Code.

**Sec. 307.632.** (A)(1) If a health commissioner establishes a drug overdose fatality review committee as described in division (A) of section 307.631 of the Revised Code, the commissioner shall select five members to serve on the review committee along with the commissioner. The review committee shall consist of the following:

(a) The county coroner or designee;

(b) The chief of police of a police department in the county or the county sheriff or a designee of the chief or sheriff;

(c) A public health official or designee;

(d) The executive director of the board of alcohol, drug addiction, and mental health services for the county or designee;

(e) A physician who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(2) If a health commissioner establishes a drug overdose fatality review committee as described in division (B) of section 307.631 of the Revised Code, the commissioner shall select five members to serve on the review committee along with the commissioner. The review committee shall consist of the following:

(a) A county coroner or designee;

(b) The chief of police of a police department or a sheriff or a designee of the chief or sheriff;

(c) A public health official or designee;

(d) The executive director of a board of alcohol, drug addiction, and mental health services or designee;

(e) A physician who is authorized under Chapter 4731. of the Revised Code to practice of medicine and surgery or osteopathic medicine and surgery. The members described in division (A)(2)(a) to (d) of this section shall be representatives from the most populous county served by the committee.

(B) The majority of the members of a review committee may invite additional members to serve on the committee. The additional members invited under this division shall serve for a period of time determined by a majority of the members described in division (A) of this section. Each additional member shall have the same authority, duties, and responsibilities as members described in division (A) of this section.

(C) A vacancy in a drug overdose review committee shall be filled in the same manner as the original appointment. If the

health commissioner who made the original appointment as described in division (A) of this section is no longer serving in that capacity, a successor of the commissioner shall fill the vacancy.

(D) A drug overdose fatality review committee member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the committee unless compensation for, or payment for expenses incurred pursuant to, those duties is received pursuant to a member's regular employment.

**Sec. 307.633.** If a drug overdose fatality review committee is established under section 307.631 of the Revised Code, the board of county commissioners, or if a regional drug overdose fatality review committee is established, the group of health commissioners appointed to select the health commissioner to establish the regional review committee, shall designate either the health commissioner that establishes the review committee or a representative of the health commissioner to convene meetings and be the chairperson of the review committee.

**Sec. 307.634.** The purpose of a drug overdose fatality review committee established under section 307.631 of the Revised Code is to decrease the incidence of preventable overdose deaths by doing all of the following:

(A) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, or entities engaged in drug abuse prevention, education, or treatment efforts;

(B) Maintaining a comprehensive database of all overdose deaths that occur in the county or region served by the review committee in order to develop an understanding of the causes and incidence of those deaths;

(C) Recommending and developing plans for implementing local

service and program changes and changes to the groups, professions, agencies, or entities that serve local residents that might prevent overdose deaths;

(D) Providing the department of health with aggregate data, trends, and patterns concerning overdose deaths.

**Sec. 307.635.** A drug overdose fatality review committee may not conduct a review of a death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney prosecuting the case, on the conclusion of the prosecution, shall notify the chairperson of the review committee of the conclusion.

**Sec. 307.636.** (A) A drug overdose fatality review committee shall establish a system for collecting and maintaining information necessary for the review of drug overdose or opioid-involved deaths in the county or region. In an effort to ensure confidentiality, each committee shall do all of the following:

(1) Maintain all records in a secure location;

(2) Develop security measures to prevent unauthorized access to records containing information that could reasonably identify any person;

(3) Develop a system for storing, processing, indexing, retrieving, and destroying information obtained in the course of reviewing a drug overdose or opioid-involved death.

(B) For each drug overdose or opioid-involved death reviewed by a committee, the committee shall collect all of the following:

(1) Demographic information of the deceased, including age,

sex, race, and ethnicity;

(2) The year in which the death occurred;

(3) The geographic location of the death;

(4) The cause of death;

(5) Any factors contributing to the death;

(6) Any other information the committee considers relevant.

(C) By the first day of April of each year, the person convening a drug overdose fatality review committee shall prepare and submit to the Ohio department of health in the manner and format prescribed by the department a report that includes all of the following information for the previous calendar year:

(1) The total number of drug overdose or opioid-involved deaths in the county or region;

(2) The total number of drug overdose or opioid-involved deaths reviewed by the committee;

(3) A summary of demographic information for the deaths reviewed, including age, sex, race, and ethnicity;

(4) A summary of any trends or patterns identified by the committee.

The report shall specify the number of drug overdose or opioid-involved deaths that were not reviewed during the previous calendar year.

The report shall include recommendations for actions that might prevent other deaths, as well as any other information the review board determines should be included.

(D) Reports prepared under division (C) of this section shall be considered public records under section 149.43 of the Revised Code.

**Sec. 307.637.** (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, any individual, law enforcement agency, or other public or private entity that provided services to a person whose death is being reviewed by a drug overdose fatality review committee, on the request of the review committee, shall submit to the review committee a summary sheet of information.

(1) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the person's medical record created by the health care entity.

(2) With respect to a request made to any other individual or entity, the summary sheet shall contain only information available and reasonably drawn from any record involving the person to which the individual or entity has access.

(3) On the request of the review committee, an individual or entity may, at the individual or entity's discretion, make any additional information, documents, or reports available to the review committee.

(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding the death of a person to a drug overdose fatality review committee while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney has agreed pursuant to section 307.635 of the Revised Code to allow review of the death.

**Sec. 307.638.** (A) An individual or public or private entity providing information, documents, or reports to a drug overdose fatality review committee is immune from any civil liability for injury, death, or loss to person or property that otherwise might

be incurred or imposed as a result of providing the information, documents, or reports to the review committee.

(B) Each member of a review committee is immune from any civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the review committee.

**Sec. 307.639.** Any information, document, or report presented to a drug overdose fatality review committee, all statements made by review committee members during meetings of the review committee, all work products of the review committee, and data submitted by the review committee to the department of health, other than the report prepared pursuant to section 307.636 of the Revised Code, are confidential and shall be used by the review committee, its members, and the department of health only in the exercise of the proper functions of the review committee and the department.

**Sec. 321.24.** (A) On or before the fifteenth day of February, in each year, the county treasurer shall settle with the county auditor for all taxes and assessments that the treasurer has collected on the general duplicate of real and public utility property at the time of making the settlement. If the county treasurer has made or will make advance payments to the several taxing districts of current year unpaid taxes under section 321.341 of the Revised Code before collecting them, the county treasurer shall take the advance payments into account for purposes of the settlement with the county auditor under this division.

(B) On or before the thirtieth day of June, in each year, the treasurer shall settle with the auditor for all advance payments of general personal and classified property taxes that the

treasurer has received at the time of making the settlement.

(C) On or before the tenth day of August, in each year, the treasurer shall settle with the auditor for all taxes and assessments that the treasurer has collected on the general duplicates of real and public utility property at the time of making such settlement, not included in the preceding February settlement. If the county treasurer has made or will make advance payments to the several taxing districts of the current year delinquent taxes under section 321.341 of the Revised Code before collecting them, the county treasurer shall take the advance payments into account for purposes of the settlement with the county auditor under this division.

(D) On or before the thirty-first day of October, in each year, the treasurer shall settle with the auditor for all taxes that the treasurer has collected on the general personal and classified property duplicates, and for all advance payments of general personal and classified property taxes, not included in the preceding June settlement, that the treasurer has received at the time of making such settlement.

(E) In the event the time for the payment of taxes is extended, pursuant to section 323.17 of the Revised Code, the date on or before which settlement for the taxes so extended must be made, as herein prescribed, shall be deemed to be extended for a like period of time. At each such settlement, the auditor shall allow to the treasurer, on the moneys received or collected and accounted for by the treasurer, the treasurer's fees, at the rate or percentage allowed by law, at a full settlement of the treasurer.

(F) Within thirty days after the day of each settlement of taxes required under divisions (A) and (C) of this section, the treasurer shall certify to the tax commissioner any adjustments that have been made to the amount certified previously pursuant to

section 319.302 of the Revised Code and that the settlement has been completed. Upon receipt of such certification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to one-half of the amount certified by the treasurer in the preceding tax year under section 319.302 of the Revised Code, less the sum of (1) one-half of the amount computed for all taxing districts in that county for the current fiscal year under section 5703.80 of the Revised Code for crediting to the property tax administration fund and (2) any reduction required by the commissioner under division (D) of section 718.83 of the Revised Code. Such payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall transfer to the county general fund from the amount thereof the total amount of all fees and charges which the auditor and treasurer would have been authorized to receive had such section not been in effect and that amount had been levied and collected as taxes. The county auditor shall distribute the amount remaining among the various taxing districts in the county as if it had been levied, collected, and settled as real property taxes. The amount distributed to each taxing district shall be reduced by the total of the amounts computed for the district under section 5703.80 of the Revised Code, but the reduction shall not exceed the amount that otherwise would be distributed to the taxing district under this division. The amount distributed to a taxing district shall account for any reduction required by the commissioner under division (D) of section 718.83 of the Revised Code. The tax commissioner shall make available to taxing districts such information as is sufficient for a taxing district to be able to determine the amount of the reduction in its distribution under this section.

(G)(1) Within thirty days after the day of the settlement required in division (D) of this section, the county treasurer shall notify the tax commissioner that the settlement has been

completed. Upon receipt of that notification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to the amount certified under former section 319.311 of the Revised Code and paid in the state's fiscal year 2003 multiplied by the percentage specified in division (G)(2) of this section. The payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall distribute the amount thereof among the various taxing districts of the county as if it had been levied, collected, and settled as personal property taxes. The amount received by a taxing district under this division shall be apportioned among its funds in the same proportion as the current year's personal property taxes are apportioned.

(2) Payments required under division (G)(1) of this section shall be made at the following percentages of the amount certified under former section 319.311 of the Revised Code and paid under division (G)(1) of this section in the state's fiscal year 2003:

(a) In fiscal year 2004, ninety per cent;

(b) In fiscal year 2005, eighty per cent;

(c) In fiscal year 2006, sixty-four per cent;

(d) In fiscal year 2007, forty per cent;

(e) In fiscal year 2008, thirty-two per cent;

(f) In fiscal year 2009, sixteen per cent.

After fiscal year 2009, no payments shall be made under division (G)(1) of this section.

(H)(1) On or before the fifteenth day of April each year, the county treasurer shall settle with the county auditor for all manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(2) On or before the fifteenth day of September each year, the county treasurer shall settle with the county auditor for all remaining manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(3) If the time for payment of such taxes is extended under section 4503.06 of the Revised Code, the time for making the settlement as prescribed by divisions (H)(1) and (2) of this section is extended for a like period of time.

(I) On or before the second Monday in September of each year, the county treasurer shall certify to the tax commissioner the total amount by which the manufactured home taxes levied in that year were reduced pursuant to section 319.302 of the Revised Code. Within ninety days after the receipt of such certification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to the amount certified by the treasurer. Such payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall transfer to the county general fund from the amount thereof the total amount of all fees and charges that the auditor and treasurer would have been authorized to receive had such section not been in effect and that amount had been levied and collected as manufactured home taxes. The county auditor shall distribute the amount remaining among the various taxing districts in the county as if it had been levied, collected, and settled as manufactured home taxes.

**Sec. 341.34.** (A) As used in this section, "building or structure" includes, but is not limited to, a modular unit, building, or structure and a movable unit, building, or structure.

(B)(1) The board of county commissioners of any county, by resolution, may dedicate and permit the use, as a minimum security

jail, of any vacant or abandoned public building or structure owned by the county that has not been dedicated to or is not then in use for any county or other public purpose, or any building or structure rented or leased by the county. The board of county commissioners of any county, by resolution, also may dedicate and permit the use, as a minimum security jail, of any building or structure purchased by or constructed by or for the county. Subject to divisions (B)(3) and (C) of this section, upon the effective date of such a resolution, the specified building or structure shall be used, in accordance with this section, for the confinement of persons who meet one of the following conditions:

(a) The person is sentenced to a term of imprisonment for a traffic violation or a misdemeanor or is sentenced to a residential sanction in the jail for a felony of the fourth or fifth degree pursuant to sections 2929.11 to 2929.19 of the Revised Code, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior.

(b) The person is charged with a traffic violation, a misdemeanor, or a felony of the fourth or fifth degree and has had bail set and has not been released on bail and is confined in a county or municipal jail pending trial, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current

behavior. Nothing in this division authorizes the operation or management of a minimum security jail by a private entity.

(c) The person is an inmate transferred by order of a judge of the sentencing court upon the request of the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in section 9.06 of the Revised Code, who is named in the request as being suitable for confinement in a minimum security facility.

(2) The board of county commissioners of any county, by resolution, may affiliate with one or more adjacent counties, or with one or more municipal corporations located within the county or within an adjacent county, and dedicate and permit the use, as a minimum security jail, of any vacant or abandoned public building or structure owned by any of the affiliating counties or municipal corporations that has not been dedicated to or is not then in use for any public purpose, or any building or structure rented or leased by any of the affiliating counties or municipal corporations. The board of county commissioners of any county, by resolution, also may affiliate with one or more adjacent counties or with one or more municipal corporations located within the county or within an adjacent county and dedicate and permit the use, as a minimum security jail, of any building or structure purchased by or constructed by or for any of the affiliating counties or municipal corporations. Any counties and municipal corporations that affiliate for purposes of this division shall enter into an agreement that establishes the responsibilities for the operation and for the cost of operation of the minimum security jail. Subject to divisions (B)(3) and (C) of this section, upon the effective date of a resolution adopted under this division, the specified building or structure shall be used, in accordance with this section, for the confinement of persons who meet one of the following conditions:

(a) The person is sentenced to a term of imprisonment for a traffic violation, a misdemeanor, or a violation of an ordinance of any municipal corporation, or is sentenced to a residential sanction in the jail for a felony of the fourth or fifth degree pursuant to sections 2929.11 to 2929.19 of the Revised Code, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior.

(b) The person is charged with a traffic violation, a misdemeanor, or a felony of the fourth or fifth degree and has had bail set and has not been released on bail and is confined in a county jail pending trial, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior. Nothing in this division authorizes the operation or management of a minimum security jail by a private entity.

(c) The person is an inmate transferred by order of a judge of the sentencing court upon the request of the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in section 9.06 of the Revised Code, who is named in the request as being suitable for confinement in a minimum security facility.

(3) No person shall be confined in a building or structure dedicated as a minimum security jail under division (B)(1) or (2)

of this section unless the judge who sentenced the person to the term of imprisonment for the traffic violation or the misdemeanor specifies that the term of imprisonment is to be served in that jail, and division (B)(1) or (2) of this section permits the confinement of the person in that jail or unless the judge who sentenced the person to the residential sanction for the felony specifies that the residential sanction is to be served in a jail, and division (B)(1) or (2) of this section permits the confinement of the person in that jail. If a rented or leased building or structure is so dedicated, the building or structure may be used as a minimum security jail only during the period that it is rented or leased by the county or by an affiliated county or municipal corporation. If a person convicted of a misdemeanor is confined to a building or structure dedicated as a minimum security jail under division (B)(1) or (2) of this section and the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in section 9.06 of the Revised Code determines that it would be more appropriate for the person so confined to be confined in another jail or workhouse facility, the sheriff, administrator, jailer, or other person may transfer the person so confined to a more appropriate jail or workhouse facility.

(C) All of the following apply to a building or structure that is dedicated pursuant to division (B)(1) or (2) of this section for use as a minimum security jail:

(1) To the extent that the use of the building or structure as a minimum security jail requires a variance from any county, municipal corporation, or township zoning regulations or ordinances, the variance shall be granted.

(2) Except as provided in this section, the building or structure shall not be used to confine any person unless it is in substantial compliance with any applicable housing, fire

prevention, sanitation, health, and safety codes, regulations, or standards.

(3) Unless such satisfaction or compliance is required under the standards described in division (C)(4) of this section, and notwithstanding any other provision of state or local law to the contrary, the building or structure need not satisfy or comply with any state or local building standard or code in order to be used to confine a person for the purposes specified in division (B) of this section.

(4) The building or structure shall not be used to confine any person unless it is in compliance with all minimum standards and minimum renovation, modification, and construction criteria for ~~minimum security~~ jails that have been proposed by the department of rehabilitation and correction, through its bureau of adult detention, under section 5120.10 of the Revised Code.

(5) The building or structure need not be renovated or modified into a secure detention facility in order to be used solely to confine a person for the purposes specified in divisions (B)(1)(a) or (b) and (B)(2)(a) or (b) of this section.

(6) The building or structure shall be used, equipped, furnished, and staffed in the manner necessary to provide adequate and suitable living, sleeping, food service or preparation, drinking, bathing and toilet, sanitation, and other necessary facilities, furnishings, and equipment.

(D) Except as provided in this section, a minimum security jail dedicated and used under this section shall be considered to be part of the jail, workhouse, or other correctional facilities of the county or the affiliated counties and municipal corporations for all purposes under the law. All persons confined in such a minimum security jail shall be and shall remain, in all respects, under the control of the county authority that has

responsibility for the management and operation of the jail, workhouse, or other correctional facilities of the county or, if it is operated by any affiliation of counties or municipal corporations, under the control of the specified county or municipal corporation with that authority, provided that, if the person was convicted of a felony and is serving a residential sanction in the facility, all provisions of law that pertain to persons convicted of a felony that would not by their nature clearly be inapplicable apply regarding the person. A minimum security jail dedicated and used under this section shall be managed and maintained in accordance with policies and procedures adopted by the board of county commissioners or the affiliated counties and municipal corporations governing the safe and healthful operation of the jail, the confinement and supervision of the persons sentenced to it, and their participation in work release or similar rehabilitation programs. In addition to other rules of conduct and discipline, the rights of ingress and egress of persons confined in a minimum security jail dedicated and used under this section shall be subject to reasonable restrictions. Every person confined in a minimum security jail dedicated and used under this section shall be given verbal and written notification, at the time of the person's admission to the jail, that purposely leaving, or purposely failing to return to, the jail without proper authority or permission constitutes the felony offense of escape.

(E) If a person who has been convicted of or pleaded guilty to an offense is sentenced to a term of imprisonment or a residential sanction in a minimum security jail as described in division (B)(1)(a) or (B)(2)(a) of this section, or if a person is an inmate transferred to a minimum security jail by order of a judge of the sentencing court as described in division (B)(1)(c) or (B)(2)(c) of this section, at the time of reception and at other times the person in charge of the operation of the jail

determines to be appropriate, the sheriff or other person in charge of the operation of the jail may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the jail may cause a convicted offender in the jail who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

**Sec. 718.83.** (A) On or before the last day of each month, the tax commissioner shall certify to the director of budget and management the amount to be paid to each municipal corporation, based on amounts reported on annual returns and declarations of estimated tax under sections 718.85 and 718.88 of the Revised Code, less any amounts previously distributed and net of any audit adjustments made or refunds granted by the commissioner, for the ~~calender~~ calendar month preceding the month in which the certification is made. Not later than the fifth day of each month, the director shall provide for payment of the amount certified to each municipal corporation from the municipal ~~income~~ net profit tax fund, plus a pro rata share of any investment earnings accruing to the fund since the previous payment under this section, and minus any reduction required by the commissioner under division (D) of this section. Each municipal corporation's share of such earnings shall equal the proportion that the municipal corporation's certified tax payment is of the total taxes certified to all municipal corporations in that quarter. All investment earnings on money in the municipal ~~income~~ net profit tax fund shall be credited to that fund.

(B) If the tax commissioner determines that the amount of tax paid by a taxpayer and distributed to a municipal corporation

under this section for a taxable year exceeds the amount payable to that municipal corporation under sections 718.80 to 718.95 of the Revised Code after accounting for amounts remitted with the annual return and as estimated taxes, the commissioner shall proceed according to divisions (A) and (B) of section 5703.77 of the Revised Code.

(C) If the amount of a municipal corporation's net distribution computed by the commissioner under division (A) of this section is less than zero, the commissioner may notify the municipal corporation of the deficiency. Within thirty days after receiving such a notice, the municipal corporation shall pay an amount equal to the deficiency to the treasurer of state. The treasurer of state shall credit any payment received under this division to the municipal net profit tax fund.

(D) If a municipal corporation fails to make a timely payment required under division (C) of this section, the commissioner may recover the deficiency using any or all of the following options:

(1) Deduct the amount of the deficiency from the next distribution to that municipal corporation under division (A) of this section or, if the amount of the deficiency exceeds the amount of such distribution, withhold such distributions entirely until the withheld amount equals the amount of the municipal corporation's deficiency;

(2) Deduct the amount of the deficiency from the next payment to that municipal corporation under division (A) of section 5745.05 of the Revised Code or, if the amount of the deficiency exceeds the amount of such distribution, withhold such distributions entirely until the withheld amount equals the amount of the municipal corporation's deficiency;

(3) Deduct the amount of the deficiency from the municipal corporation's share of the next payment made by the commissioner

under division (F) of section 321.24 of the Revised Code or, if the amount of the deficiency exceeds the amount of the municipal corporation's share of such payment, withhold the municipal corporation's share of the payments entirely until the withheld amount equals the amount of the municipal corporation's deficiency.

(E) The total amount of payments and distributions withheld from a municipal corporation under division (D) of this section shall not exceed the unpaid portion of the municipal corporation's net distribution deficiency. All amounts withheld under division (D) of this section shall be credited to the municipal net profit tax fund.

(F)(1) If the total amount in the municipal net profit tax fund, exclusive of amounts credited to the fund under Chapter 5745. of the Revised Code, is insufficient to make all payments under division (A) of this section and section 718.91 of the Revised Code at the times the payments are to be made, the director shall transfer from the general revenue fund to the municipal net profit tax fund the difference between the total amount to be paid under those sections and the total amount in the municipal net profit tax fund, exclusive of amounts credited to the fund under Chapter 5745. of the Revised Code.

(2) If a cash transfer is made from the general revenue fund to the municipal net profit tax fund under division (F)(1) of this section, the director and the commissioner shall jointly develop a plan to repay the general revenue fund as soon as the director and the commissioner deem practical.

(G) The commissioner may adopt rules necessary to administer this section.

**Sec. 718.85.** (A)(1) For each taxable year, every taxpayer shall file an annual return. Such return, along with the amount of

tax shown to be due on the return less the amount paid for the taxable year under section 718.88 of the Revised Code, shall be submitted to the tax commissioner, on a form and in the manner prescribed by the commissioner, on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year.

(2) If a taxpayer has multiple taxable years ending within one calendar year, the taxpayer shall aggregate the facts and figures necessary to compute the tax due under this chapter, in accordance with sections 718.81, 718.82, and, if applicable, 718.86 of the Revised Code onto its annual return.

(3) The remittance shall be made payable to the treasurer of state and in the form prescribed by the tax commissioner. If the amount payable with the tax return is ten dollars or less, no remittance is required.

(B) The tax commissioner shall immediately forward to the treasurer of state all amounts the commissioner receives pursuant to sections 718.80 to 718.95 of the Revised Code. The treasurer shall credit ninety-nine and one-half per cent of such amounts to the municipal ~~income~~ net profit tax fund, which is hereby created in the state treasury, and the remainder to the municipal income tax administrative fund established under section 5745.03 of the Revised Code.

(C)(1) Each return required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's identification number. Each return shall be verified by a declaration under penalty of perjury.

(2)(a) The tax commissioner may require a taxpayer to include, with each annual tax return, amended return, or request for refund filed with the commissioner under sections 718.80 to

718.95 of the Revised Code, copies of any relevant documents or other information.

(b) A taxpayer that files an annual tax return electronically through the Ohio business gateway or in another manner as prescribed by the tax commissioner shall either submit the documents required under this division electronically as prescribed at the time of filing or, if electronic submission is not available, mail the documents to the tax commissioner. The department of taxation shall publish a method of electronically submitting the documents required under this division on or before January 1, 2019.

(3) After a taxpayer files a tax return, the tax commissioner may request, and the taxpayer shall provide, any information, statements, or documents required to determine and verify the taxpayer's municipal income tax.

(D)(1)(a) Any taxpayer that has duly requested an automatic extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a tax return with the commissioner under this section. The extended due date of the return shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the commissioner grant the taxpayer a six-month extension of the date for filing the taxpayer's municipal income tax return. If the commissioner receives the request on or before the date the municipal income tax return is due, the commissioner shall grant the taxpayer's extension request.

(c) An extension of time to file under division (D)(1) of this section is not an extension of the time to pay any tax due

unless the tax commissioner grants an extension of that date.

(2) If the commissioner considers it necessary in order to ensure payment of a tax imposed in accordance with section 718.04 of the Revised Code, the commissioner may require taxpayers to file returns and make payments otherwise than as provided in this section, including taxpayers not otherwise required to file annual returns.

(E) Each return required to be filed in accordance with this section shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the tax commissioner about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the commissioner to contact the preparer or other person concerning questions that arise during the examination or other review of the return and authorizes the preparer or other person only to provide the commissioner with information that is missing from the return, to contact the commissioner for information about the examination or other review of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the commissioner and has shown to the preparer or other person.

(F) When income tax returns or other documents require the signature of a tax return preparer, the tax commissioner shall accept a facsimile or electronic version of such a signature in lieu of a manual signature.

**Sec. 718.90.** (A) If any taxpayer required to file a return under section 718.80 to 718.95 of the Revised Code fails to file the return within the time prescribed, files an incorrect return, or fails to remit the full amount of the tax due for the period

covered by the return, the tax commissioner may make an assessment against the taxpayer for any deficiency for the period for which the return or tax is due, based upon any information in the commissioner's possession.

The tax commissioner shall not make or issue an assessment against a taxpayer more than three years after the later of the date the return subject to assessment was required to be filed or the date the return was filed. Such time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension. Any such extension shall extend the three-year time limit in section 718.91 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against a taxpayer that fails to file a return subject to assessment as required by sections 718.80 to 718.95 of the Revised Code, or that files a fraudulent return. The commissioner shall give the taxpayer assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the taxpayer assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the authorized agent of the taxpayer assessed having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the taxpayer to the treasurer of state. The petition shall indicate the taxpayer's objections, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the taxpayer has an office or place of business in this state, the county in which the taxpayer's statutory agent is located, or Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for municipal income taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

(D) All money collected under this section shall be credited to the municipal ~~income~~ net profit tax fund and distributed to the municipal corporation to which the money is owed based on the

assessment issued under this section.

(E) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the taxpayer liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the taxpayer assessed or the taxpayer's legal representative in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the taxpayer assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(F) Notwithstanding the fact that a petition for reassessment is pending, the taxpayer may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition.

If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so 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 taxpayer under the corrected assessment is less than the portion paid, there shall be issued to the taxpayer, its assigns, or legal representative a refund in the amount of the overpayment as provided by section 718.91 of the

Revised Code, with interest on that amount as provided by that section.

**Sec. 753.21.** (A) As used in this section, "building or structure" includes, but is not limited to, a modular unit, building, or structure and a movable unit, building, or structure.

(B)(1) The legislative authority of a municipal corporation, by ordinance, may dedicate and permit the use, as a minimum security jail, of any vacant or abandoned public building or structure owned by the municipal corporation that has not been dedicated to or is not then in use for any municipal or other public purpose, or any building or structure rented or leased by the municipal corporation. The legislative authority of a municipal corporation, by ordinance, also may dedicate and permit the use, as a minimum security jail, of any building or structure purchased by or constructed by or for the municipal corporation. Subject to divisions (B)(3) and (C) of this section, upon the effective date of such an ordinance, the specified building or structure shall be used, in accordance with this section, for the confinement of persons who meet one of the following conditions:

(a) The person is sentenced to a term of imprisonment for a traffic violation, a misdemeanor, or a violation of a municipal ordinance and is under the jurisdiction of the municipal corporation or is sentenced to a residential sanction in the jail for a felony of the fourth or fifth degree pursuant to sections 2929.11 to 2929.19 of the Revised Code, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current

behavior.

(b) The person is an inmate transferred by order of a judge of the sentencing court upon the request of the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in section 9.06 of the Revised Code, who is named in the request as being suitable for confinement in a minimum security facility.

(2) The legislative authority of a municipal corporation, by ordinance, may affiliate with the county in which it is located, with one or more counties adjacent to the county in which it is located, or with one or more municipal corporations located within the county in which it is located or within an adjacent county, and dedicate and permit the use, as a minimum security jail, of any vacant or abandoned public building or structure owned by any of the affiliating counties or municipal corporations that has not been dedicated to or is not then in use for any public purpose, or any building or structure rented or leased by any of the affiliating counties or municipal corporations. The legislative authority of a municipal corporation, by ordinance, also may affiliate with one or more counties adjacent to the county in which it is located or with one or more municipal corporations located within the county in which it is located or within an adjacent county and dedicate and permit the use, as a minimum security jail, of any building or structure purchased by or constructed by or for any of the affiliating counties or municipal corporations. Any counties and municipal corporations that affiliate for purposes of this division shall enter into an agreement that establishes the responsibilities for the operation and for the cost of operation of the minimum security jail. Subject to divisions (B)(3) and (C) of this section, upon the effective date of an ordinance adopted under this division, the specified building or structure shall be used, in accordance with

this section, for the confinement of persons who meet one of the following conditions:

(a) The person is sentenced to a term of imprisonment for a traffic violation, a misdemeanor, or a violation of an ordinance of a municipal corporation and is under the jurisdiction of any of the affiliating counties or municipal corporations or is sentenced to a residential sanction in the jail for a felony of the fourth or fifth degree pursuant to sections 2929.11 to 2929.19 of the Revised Code, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior.

(b) The person is an inmate transferred by order of a judge of the sentencing court upon the request of the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in section 9.06 of the Revised Code, who is named in the request as being suitable for confinement in a minimum security facility.

(3) No person shall be confined in a building or structure dedicated as a minimum security jail under division (B)(1) or (2) of this section unless the judge who sentenced the person to the term of imprisonment for the traffic violation or the misdemeanor specifies that the term of imprisonment is to be served in that jail, and division (B)(1) or (2) of this section permits the confinement of the person in that jail or unless the judge who sentenced the person to the residential sanction for the felony specifies that the residential sanction is to be served in a jail, and division (B)(1) or (2) of this section permits the confinement of the person in that jail. If a rented or leased building or

structure is so dedicated, the building or structure may be used as a minimum security jail only during the period that it is rented or leased by the municipal corporation or by an affiliated county or municipal corporation. If a person convicted of a misdemeanor is confined to a building or structure dedicated as a minimum security jail under division (B)(1) or (2) of this section and the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in division (H) of section 9.06 of the Revised Code determines that it would be more appropriate for the person so confined to be confined in another jail or workhouse facility, the sheriff, administrator, jailer, or other person may transfer the person so confined to a more appropriate jail or workhouse facility.

(C) All of the following apply in relation to a building or structure that is dedicated pursuant to division (B)(1) or (2) of this section for use as a minimum security jail:

(1) To the extent that the use of the building or structure as a minimum security jail requires a variance from any municipal corporation, county, or township zoning ordinances or regulations, the variance shall be granted.

(2) Except as provided in this section, the building or structure shall not be used to confine any person unless it is in substantial compliance with any applicable housing, fire prevention, sanitation, health, and safety codes, regulations, or standards.

(3) Unless such satisfaction or compliance is required under the standards described in division (C)(4) of this section, and notwithstanding any other provision of state or local law to the contrary, the building or structure need not satisfy or comply with any state or local building standard or code in order to be used to confine a person for the purposes specified in division

(B) of this section.

(4) The building or structure shall not be used to confine any person unless it is in compliance with all minimum standards and minimum renovation, modification, and construction criteria for ~~minimum security~~ jails that have been proposed by the department of rehabilitation and correction, through its bureau of adult detention, under section 5120.10 of the Revised Code.

(5) The building or structure need not be renovated or modified into a secure detention facility in order to be used solely to confine a person for the purposes specified in divisions (B)(1)(a) and (B)(2)(a) of this section.

(6) The building or structure shall be used, equipped, furnished, and staffed to provide adequate and suitable living, sleeping, food service or preparation, drinking, bathing and toilet, sanitation, and other necessary facilities, furnishings, and equipment.

(D) Except as provided in this section, a minimum security jail dedicated and used under this section shall be considered to be part of the jail, workhouse, or other correctional facilities of the municipal corporation or the affiliated counties and municipal corporations for all purposes under the law. All persons confined in such a minimum security jail shall be and shall remain, in all respects, under the control of the authority of the municipal corporation that has responsibility for the management and operation of the jail, workhouse, or other correctional facilities of the municipal corporation or, if it is operated by any affiliation of counties or municipal corporations, under the control of the specified county or municipal corporation with that authority, provided that, if the person was convicted of a felony and is serving a residential sanction in the facility, all provisions of law that pertain to persons convicted of a felony that would not by their nature clearly be inapplicable apply

regarding the person. A minimum security jail dedicated and used under this section shall be managed and maintained in accordance with policies and procedures adopted by the legislative authority of the municipal corporation or the affiliated counties and municipal corporations governing the safe and healthful operation of the jail, the confinement and supervision of the persons sentenced to it, and their participation in work release or similar rehabilitation programs. In addition to other rules of conduct and discipline, the rights of ingress and egress of persons confined in a minimum security jail dedicated and used under this section shall be subject to reasonable restrictions. Every person confined in a minimum security jail dedicated and used under this section shall be given verbal and written notification, at the time of the person's admission to the jail, that purposely leaving, or purposely failing to return to, the jail without proper authority or permission constitutes the felony offense of escape.

(E) If a person who has been convicted of or pleaded guilty to an offense is sentenced to a term of imprisonment or a residential sanction in a minimum security jail as described in division (B)(1)(a) or (B)(2)(a) of this section, or if a person is an inmate transferred to a minimum security jail by order of a judge of the sentencing court as described in division (B)(1)(b) or (2)(b) of this section, at the time of reception and at other times the person in charge of the operation of the jail determines to be appropriate, the person in charge of the operation of the jail may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the jail may cause a convicted offender in the jail who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to

be tested and treated involuntarily.

**Sec. 939.07.** (A)(1) The director of agriculture may propose to require corrective actions and assess a civil penalty against the owner or operator of agricultural land or an animal feeding operation if the director or the director's designee determines that the owner or operator is doing one of the following:

(a) Not complying with a standard established in rules adopted under division (E)(1) of section 939.02 of the Revised Code;

(b) Not operating in accordance with an approved operation and management plan that is developed under division (A) of section 939.03 of the Revised Code, with an operation and management plan developed by the director or the director's designee under section 939.02 of the Revised Code or by the supervisors of the applicable soil and water conservation district under section 940.06 of the Revised Code, or with an operation and management plan required by the director under division (A)(2) of this section;

(c) Not complying with a standard established in rules adopted under division (E)(5)(a) of section 939.02 of the Revised Code;

(d) Not operating in accordance with a composting plan that is approved in accordance with rules adopted under division (E)(5)(b) of section 939.02 of the Revised Code or required by the director under division (A)(2) of this section.

(2) The director may include in the corrective actions a requirement that an owner or operator do one of the following:

(a) Operate under an operation and management plan approved by the director or the director's designee under section 939.02 of the Revised Code;

(b) If the owner or operator has failed to operate in accordance with an existing operation and management plan, operate in accordance with that plan;

(c) Prepare a composting plan in accordance with rules adopted under division (E)(5)(b) of section 939.02 of the Revised Code and operate in accordance with that plan;

(d) If the owner or operator has failed to operate in accordance with an existing composting plan, operate in accordance with that plan.

(3) The director may impose a civil penalty only if all of the following occur:

(a) The owner or operator is notified in writing of the deficiencies resulting in noncompliance, the actions that the owner or operator must take to correct the deficiencies, and the time period within which the owner or operator must correct the deficiencies and attain compliance.

(b) After the time period specified in the notice has elapsed, the director or the director's designee has inspected the agricultural land or animal feeding operation, determined that the owner or operator is still not in compliance, and issued a notice of an adjudication hearing.

(c) The director affords the owner or operator an opportunity for an adjudication hearing under Chapter 119. of the Revised Code to challenge the determination of the director or the director's designee that the owner or operator is not in compliance or the imposition of the civil penalty, or both. However, the owner or operator may waive the right to an adjudication hearing.

(4) If the opportunity for an adjudication hearing is waived or if, after an adjudication hearing, the director determines that noncompliance has occurred or is occurring, the director may issue an order requiring compliance and assess the civil penalty. The

order and the assessment of the civil penalty may be appealed in accordance with section 119.12 of the Revised Code.

(5) A person who has violated rules adopted under division (E) of section 939.02 of the Revised Code shall pay a civil penalty in an amount established in rules adopted under that section.

(B) The attorney general, upon the written request of the director, shall bring an action for an injunction in any court of competent jurisdiction against a person violating or threatening to violate rules adopted under division (E) of section 939.02 of the Revised Code or an order issued under division (A)(4) of this section.

(C)(1) In lieu of imposing a civil penalty under division (A) of this section, the director may request the attorney general, in writing, to bring an action for a civil penalty in a court of competent jurisdiction against a person that has violated or is violating this chapter or a rule adopted under division (E) of section 939.02 of the Revised Code.

(2) The civil penalty for which an action may be brought under division (C)(1) of this section shall not exceed ten thousand dollars per violation. Each day that a violation continues constitutes a separate violation.

(D) In addition to any other penalties imposed under this section, the director may impose an administrative penalty against the owner or operator of agricultural land or an animal feeding operation if the director or the director's designee determines that the owner or operator is not in compliance with best management practices that are established in rules adopted under division (E) of section 939.02 of the Revised Code. The administrative penalty shall not exceed five thousand dollars.

The director shall afford the owner or operator an

opportunity for an adjudication hearing under Chapter 119. of the Revised Code to challenge the determination of the director or the director's designee under this division, the director's imposition of an administrative penalty under this division, or both. The determination and the imposition of the administrative penalty may be appealed in accordance with section 119.12 of the Revised Code.

(E) Notwithstanding any other provision in this section, if the director determines that an emergency exists requiring immediate action to protect public health or safety or the environment, the director may issue an order, without notice or adjudication hearing, stating the existence of the emergency and requiring that action be taken that is necessary to address the emergency. The order shall take effect immediately. A person to whom the order is issued shall comply immediately, but on application to the director shall be afforded an adjudication hearing in accordance with Chapter 119. of the Revised Code as soon as possible, but not later than thirty days after the director's receipt of the application. Following the hearing, the director shall continue the order in effect, revoke it, or modify it. The order may be appealed in accordance with section 119.12 of the Revised Code. An emergency order shall not remain in effect for more than one hundred twenty days after its issuance.

If a person to whom an order is issued does not comply with the order within a reasonable period of time as determined by the director, the director or the director's designee may enter on private or public lands to investigate and take action to mitigate, minimize, remove, or abate the conditions that are the subject of the order.

(F) A person that is responsible for causing or allowing the unauthorized spill, release, or discharge of manure or residual farm products is liable to the director for the costs incurred in investigating, mitigating, minimizing, removing, or abating the

spill, release, or discharge. Upon request of the director, the attorney general shall bring a civil action against the responsible person or persons to recover those costs.

(G) Money recovered under division (F) of this section and money collected from civil penalties assessed under this section shall be paid into the state treasury to the credit of the agricultural pollution abatement fund created in section 939.10 of the Revised Code.

(H) As used in this section, "noncompliance" means doing one of the actions specified in division (A)(1) of this section.

**Sec. 1181.23.** (A) The superintendent of financial institutions may require persons licensed or registered by the division of financial institutions to participate in a multistate licensing system.

(B)(1) If the superintendent requires use of a multistate licensing system, the superintendent may establish, by rule, regulation, or order, requirements as necessary to enable information required by existing statutes providing for licensing or registration to be submitted to the superintendent through the multistate licensing system.

(2) The superintendent shall not adopt a requirement in conflict with a provision of the Revised Code, but may add to existing requirements with regard to all of the following:

(a) The manner of obtaining required criminal history records, civil or administrative records, or credit history records;

(b) The payment of fees required for the use of the multistate licensing system;

(c) The setting or resetting as necessary of renewal or reporting dates;

(d) The amending of or surrendering of a license or registration.

(C) Any person engaged in activity that requires licensure or registration pursuant to this section shall utilize the multistate licensing system for the application for, renewal of, amendment to, or surrender of a license or registration, as well as for any other activity as the superintendent may require. Such a person shall pay all applicable charges to utilize the multistate licensing system.

(D) The superintendent is authorized to establish relationships or contacts with the multistate licensing system or other entities designated by the multistate licensing system to collect and maintain records and process transaction fees or other fees related to licensees and registrants.

(E) Any confidentiality or privilege arising under federal or state law with respect to any information or material provided to the multistate licensing system shall continue to apply to the information or material after the information or material is provided to the multistate licensing system. The information and material so provided may be released to any state or federal regulatory official with applicable oversight authority without the loss of confidentiality or privilege protections provided by federal law or the law of any state.

(F) The superintendent may use the documents, materials, or other information made available to the superintendent through the multistate licensing system in furtherance of any action brought by the superintendent.

**Sec. 1321.73.** (A) No person shall engage in the business of entering into or otherwise acquiring premium finance agreements in the state without first having obtained a license as a premium finance company from the division of financial institutions.

(B) The annual license fee shall be determined by the superintendent of financial institutions pursuant to section 1321.20 of the Revised Code. Licenses may be renewed from year to year as of the first day of July of each year, or annually on a different date established by the superintendent pursuant to section 1181.23 of the Revised Code, upon payment of the fee.

(C) The person to whom the license or the renewal thereof is issued shall file sworn answers, subject to the penalties of perjury, to such interrogatories as the division requires. The division may, at any time, require the applicant to fully disclose the identity of all stockholders, partners, officers, and employees, and it may, at its discretion, refuse to issue or renew a license in the name of any firm, partnership, or corporation if it is not satisfied that any officer, employee, stockholder, or partner thereof, who may materially influence the applicant's conduct, meets the standards provided by sections 1321.71 to 1321.83 of the Revised Code.

(D) Each applicant shall execute and file with the division proof that the applicant has a net worth of at least fifty thousand dollars, as determined in accordance with generally accepted accounting principles. The proof is subject to the approval of the division.

**Sec. 1349.43.** (A) As used in this section, "loan officer," "mortgage broker," and "nonbank mortgage lender" have the same meanings as in section 1345.01 of the Revised Code.

(B) The department of commerce shall establish and maintain an electronic database accessible through the internet that contains information on all of the following:

(1) The enforcement actions taken by the superintendent of financial institutions for each violation of or failure to comply with any provision of Chapter 1322. of the Revised Code, upon

final disposition of the action;

(2) The enforcement actions taken by the attorney general under Chapter 1345. of the Revised Code against loan officers, mortgage brokers, and nonbank mortgage lenders, upon final disposition of each action;

(3) All judgments by courts of this state, concerning which appellate remedies have been exhausted or lost by the expiration of the time for appeal, finding either of the following:

(a) A violation of any provision of Chapter 1322. of the Revised Code;

(b) That specific acts or practices by a loan officer, mortgage broker, or nonbank mortgage lender violate section 1345.02, 1345.03, or 1345.031 of the Revised Code.

(C) The attorney general shall notify the department of all enforcement actions and judgments described in divisions (B)(2) and (3)(b) of this section.

(D) The department may adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to implement this section.

(E) The electronic database maintained by the department in accordance with this section shall not include information that, pursuant to section 1322.36 of the Revised Code, is confidential.

(F) The department may use the multistate licensing system authorized in section 1181.23 of the Revised Code to fulfill its obligations under this section.

**Sec. 1505.09.** (A) There is hereby created in the state treasury the geological mapping fund, to be administered by the chief of the division of geological survey. Except as provided in division ~~(B)~~(C) of this section, the fund shall be used for both of the following purposes ~~of performing~~:

(1) Performing the necessary field, laboratory, and administrative tasks to map and make public reports on the geology, geologic hazards, and energy and mineral resources of the state;

(2) The administration of the oil and gas leasing commission created in section 1509.71 of the Revised Code. ~~The source~~

(B) The sources of money for the fund shall include~~, but not be limited to, the~~ all of the following:

(1) The mineral severance tax as specified in section 5749.02 of the Revised Code ~~transfers~~;

(2) Transfers made to the fund in accordance with section 6111.046 of the Revised Code~~, and the~~;

(3) Contributions that a person pays to the bureau of motor vehicles to obtain "Ohio geology" license plates under section 4503.515 of the Revised Code;

(4) The fees collected under rules adopted under section 1505.05 of the Revised Code. ~~The~~

The chief may seek federal or other money in addition to the mineral severance tax and fees to carry out the purposes of this section. If the chief receives federal money for the purposes of this section, the chief shall deposit that money into the state treasury to the credit of a fund created by the controlling board to carry out those purposes. ~~Other~~

Other money received by the chief for the purposes of this section in addition to the mineral severance tax, fees, and federal money shall be credited to the geological mapping fund.

~~(B)~~(C) Any money transferred to the geological mapping fund in accordance with section 6111.046 of the Revised Code shall be used by the chiefs of the divisions of mineral resources management, oil and gas resources management, geological survey,

and water resources in the department of natural resources for the purpose of executing their duties under sections 6111.043 to 6111.047 of the Revised Code.

(D) The director of natural resources shall use contributions from "Ohio geology" license plates deposited into the fund for both of the following purposes in order of preference:

(1) To award grants to geology departments at state colleges and universities for graduate level research conducted at locations of geological interest in the state;

(2) To provide materials such as rock and mineral kits to state elementary and secondary schools to assist students in the study of geology.

The director shall award grants at least annually, but at the director's discretion, may award grants more frequently.

**Sec. ~~1533.09~~ 1533.06.** Before the fifteenth day of March of each year, each wild animal permit holder shall file with the division of wildlife a written report of the permit holder's operations under the permit and the disposition of the specimens collected or possessed during the preceding calendar year on report blanks furnished by the chief of the division. Failure to file a report shall cause the permit to be forfeited as of the fifteenth day of March. Permits are not transferable. No permit holder or person collecting or possessing wild animals under authority of such a permit shall take, possess, or transport the wild animals for any purpose not specified in the permit.

Conviction of a violation of this section, failure to carry a permit and exhibit it to any person requesting to see it as provided in section 1533.08 of the Revised Code, or the violation of any other law concerning wild animals constitutes a revocation and forfeiture of the permit involved. The former permit holder

shall not be entitled to another permit for a period of one year from the date of the conviction.

**Sec. 1533.09.** (A) The chief of the division of wildlife, with the approval of the director of natural resources and the wildlife council, may adopt rules in accordance with Chapter 119. of the Revised Code establishing fees, in lieu of the statutorily imposed fees, for all of the following:

(1) Hunting licenses in accordance with section 1533.10 of the Revised Code;

(2) Small game hunting licenses in accordance with section 1533.10 of the Revised Code;

(3) Deer and wild turkey permits in accordance with section 1533.11 of the Revised Code;

(4) Fur taker permits in accordance with section 1533.111 of the Revised Code;

(5) Wetland habitat stamps in accordance with section 1533.112 of the Revised Code;

(6) Fishing licenses in accordance with section 1533.32 of the Revised Code;

(7) Multi-year fishing and hunting licenses in accordance with section 1533.321 of the Revised Code.

(B) The chief shall make rules adopted under this section available to the public and shall include a copy of current rules in any authorized compilation of the division lawbook. The rules must be under the seal of the division and bear the signature, or facsimile of the chief.

**Sec. 1533.10.** (A) Except as provided in this section or division (A)(2) of section 1533.12 or section 1533.73 or 1533.731 of the Revised Code, no person shall hunt any wild bird or wild

quadruped without a hunting license. Each day that any person hunts within the state without procuring such a license constitutes a separate offense.

(B)(1) Except as otherwise provided in this section, division (A) of section 1533.12 of the Revised Code, or in rules adopted under section 1533.09 or division (B) of ~~that~~ section 1533.12 of the Revised Code, each applicant for a hunting license shall pay an annual fee for each annual license in accordance with the following schedule:

| | |
|---|---|
| Hunting license - resident | $18.00 |
| Hunting license - nonresident~~, and~~ that is not a resident of a reciprocal state, ages 18 and older | $174.00 |
| Hunting license - nonresident~~, but~~ that is a resident of a reciprocal state, ages 18 and older | $18.00 |
| Apprentice hunting license - resident | $18.00 |
| Apprentice hunting license - nonresident~~, and~~ that is not a resident of a reciprocal state | $174.00 |
| Apprentice hunting license - nonresident~~, but~~ that is a resident of a reciprocal state | $18.00 |
| Youth hunting license - resident and nonresident | $9.00 |
| Apprentice youth hunting license - resident | $9.00 |
| Senior hunting license - resident | $9.00 |
| Apprentice senior hunting license - resident | $9.00 |

(2) Apprentice resident hunting licenses, apprentice youth hunting licenses, apprentice senior hunting licenses, and apprentice nonresident hunting licenses are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted under it.

(3) As used in division (B)(1) of this section:

(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a ~~permit~~ license.

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a ~~permit~~ license.

(c) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.

(C) A resident of this state who owns lands in the state and the owner's children of any age and grandchildren under eighteen years of age may hunt on the lands without a hunting license. A resident of any other state who owns real property in this state, and the spouse and children living with the property owner, may hunt on that property without a license, provided that the state of residence of the real property owner allows residents of this state owning real property in that state, and the spouse and children living with the property owner, to hunt without a license. If the owner of land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's children of any age and grandchildren under eighteen years of age may hunt on the land owned by the limited liability company or limited liability partnership without a hunting license. In addition, if the owner of land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's children of any age and grandchildren under eighteen years of age may hunt on the land owned by the trust without a hunting license. The tenant and children of the tenant, residing on lands in the state, may hunt on them without a hunting license.

(D) The chief of the division of wildlife may issue a small game hunting license expiring three days from the effective date of the license to a nonresident of the state, the fee for which ~~shall be~~ is thirty-nine dollars unless otherwise provided in rules

adopted under section 1533.09 of the Revised Code. No person shall take or possess deer, wild turkeys, fur-bearing animals, ducks, geese, brant, or any nongame animal while possessing only a small game hunting license. ~~A~~

A small game hunting license or an apprentice nonresident hunting license does not authorize the taking or possessing of ducks, geese, or brant without having obtained, in addition to the small game hunting license or the apprentice nonresident hunting license, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code. A small game hunting license or an apprentice nonresident hunting license does not authorize the taking or possessing of deer, wild turkeys, or fur-bearing animals. A nonresident of the state who wishes to take or possess deer, wild turkeys, or fur-bearing animals in this state shall procure, respectively, a deer or wild turkey permit as provided in section 1533.11 of the Revised Code or a fur taker permit as provided in section 1533.111 of the Revised Code in addition to a nonresident hunting license, an apprentice nonresident hunting license, a special youth hunting license, or an apprentice youth hunting license, as applicable, as provided in this section.

(E) No person shall procure or attempt to procure a hunting license by fraud, deceit, misrepresentation, or any false statement.

(F)(1) This section does not authorize the taking and possessing of deer or wild turkeys without first having obtained, in addition to the hunting license required by this section, a deer or wild turkey permit as provided in section 1533.11 of the Revised Code or the taking and possessing of ducks, geese, or brant without first having obtained, in addition to the hunting license required by this section, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code.

(2) This section does not authorize the hunting or trapping

of fur-bearing animals without first having obtained, in addition to a hunting license required by this section, a fur taker permit as provided in section 1533.111 of the Revised Code.

(G)(1) No hunting license shall be issued unless it is accompanied by a written explanation of the law in section 1533.17 of the Revised Code and the penalty for its violation, including a description of terms of imprisonment and fines that may be imposed.

(2) No hunting license, other than an apprentice hunting license, shall be issued unless the applicant presents to the agent authorized to issue the license a previously held hunting license or evidence of having held such a license in content and manner approved by the chief, a certificate of completion issued upon completion of a hunter education and conservation course approved by the chief, or evidence of equivalent training in content and manner approved by the chief. A previously held apprentice hunting license does not satisfy the requirement concerning the presentation of a previously held hunting license or evidence of it.

(3) No person shall issue a hunting license, except an apprentice hunting license, to any person who fails to present the evidence required by this section. No person shall purchase or obtain a hunting license, other than an apprentice hunting license, without presenting to the issuing agent the evidence required by this section. Issuance of a hunting license in violation of the requirements of this section is an offense by both the purchaser of the illegally obtained hunting license and the clerk or agent who issued the hunting license. Any hunting license issued in violation of this section is void.

(H) The chief, with approval of the wildlife council, shall adopt rules prescribing a hunter education and conservation course for first-time hunting license buyers, other than buyers of

apprentice hunting licenses, and for volunteer instructors. The course shall consist of subjects including, but not limited to, hunter safety and health, use of hunting implements, hunting tradition and ethics, the hunter and conservation, the law in section 1533.17 of the Revised Code along with the penalty for its violation, including a description of terms of imprisonment and fines that may be imposed, and other law relating to hunting. Authorized personnel of the division or volunteer instructors approved by the chief shall conduct such courses with such frequency and at such locations throughout the state as to reasonably meet the needs of license applicants. The chief shall issue a certificate of completion to each person who successfully completes the course and passes an examination prescribed by the chief.

**Sec. 1533.11.** (A)(1) Except as provided in this section or section 1533.731 of the Revised Code, no person shall hunt deer on lands of another without first obtaining an annual deer permit. Except as provided in this section, no person shall hunt wild turkeys on lands of another without first obtaining an annual wild turkey permit. A deer or wild turkey permit is valid during the hunting license year in which the permit is purchased. Except as provided in rules adopted under section 1533.09 or division (B) of ~~that~~ section 1533.731 of the Revised Code, each applicant for a deer or wild turkey permit shall pay an annual fee for each permit in accordance with the following schedule:

| | |
|---|---|
| Deer permit – resident | ~~$23.00~~ $30.00 |
| Deer permit – nonresident~~, all ages~~ | $74.00 |
| Youth deer permit – resident and nonresident | ~~$11.50~~ $15.00 |
| Senior deer permit – resident | $11.50 |
| Wild turkey permit – resident | ~~$23.00~~ |

| | | |
|---|---|---|
| | $30.00 | |
| Wild turkey permit – nonresident~~, all ages~~ | ~~$28.00~~ | 7410 |
| | $37.00 | |
| Youth wild turkey permit – resident and | ~~$11.50~~ | 7411 |
| nonresident | $15.00 | |
| Senior wild turkey permit – resident | $11.50 | 7412 |

(2) As used in division (A)(1) of this section: 7413

(a) "Resident" means an individual who has resided in this state for not less than six months preceding the date of making application for a permit. 7414 7415 7416

(b) "Nonresident" means any individual who does not qualify as a resident. 7417 7418

(c) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit. 7419 7420

(d) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit. 7421 7422

(3) The money received shall be paid into the state treasury to the credit of the wildlife fund, created in section 1531.17 of the Revised Code, exclusively for the use of the division of wildlife in the acquisition and development of land for deer or wild turkey management, for investigating deer or wild turkey problems, and for the stocking, management, and protection of deer or wild turkey. 7423 7424 7425 7426 7427 7428 7429

(4) Every person, while hunting deer or wild turkey on lands of another, shall carry the person's deer or wild turkey permit and exhibit it to any enforcement officer so requesting. Failure to so carry and exhibit such a permit constitutes an offense under this section. 7430 7431 7432 7433 7434

(5) The chief of the division of wildlife shall adopt any additional rules the chief considers necessary to carry out this section and section 1533.10 of the Revised Code. 7435 7436 7437

(6) An owner who is a resident of this state or an owner who is exempt from obtaining a hunting license under section 1533.10 of the Revised Code and the children of the owner of lands in this state may hunt deer or wild turkey thereon without a deer or wild turkey permit. If the owner of land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's children of any age may hunt deer or wild turkey on the land owned by the limited liability company or limited liability partnership without a deer or wild turkey permit. In addition, if the owner of land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's children of any age may hunt deer or wild turkey on the land owned by the trust without a deer or wild turkey permit. The tenant and children of the tenant may hunt deer or wild turkey on lands where they reside without a deer or wild turkey permit.

(B) A deer or wild turkey permit is not transferable. No person shall carry a deer or wild turkey permit issued in the name of another person.

(C) The wildlife refunds fund is hereby created in the state treasury. The fund shall consist of money received from application fees for deer permits that are not issued. Money in the fund shall be used to make refunds of such application fees.

(D) If the division establishes a system for the electronic submission of information regarding deer or wild turkey that are taken, the division shall allow the owner and the children of the owner of lands in this state to use the owner's name or address for purposes of submitting that information electronically via that system.

**Sec. 1533.111.** (A) Except as provided in this section or division (A)(2) of section 1533.12 of the Revised Code, no person shall hunt or trap fur-bearing animals on land of another without first obtaining some type of an annual fur taker permit. ~~Each applicant for a fur taker permit or an apprentice fur taker permit shall pay an annual fee of fourteen dollars for the permit, except as otherwise provided in this section or unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for issuance of a fur taker permit to the applicant free of charge. Except as provided in rules adopted under division (B)(2) of that section, each applicant who is a resident of this state and who at the time of application is sixty-six years of age or older shall procure a special senior fur taker permit or an apprentice senior fur taker permit, the fee for which shall be one-half of the regular permit fee. Each applicant under the age of eighteen years shall procure a special youth fur taker permit or an apprentice youth fur taker permit, the fee for which shall be one-half of the regular fur taker permit fee. Each~~

(B)(1) Except as otherwise provided in rules adopted under section 1533.09 or division (B) of section 1533.12 of the Revised Code, each applicant for a fur taker permit or an apprentice fur taker permit shall pay an annual fee for each annual permit in accordance with the following schedule:

| | |
|---|---|
| Fur taker permit | $14.00 |
| Apprentice fur taker permit | $14.00 |
| Senior fur taker permit – resident only | $7.00 |
| Apprentice senior fur taker permit – resident only | $7.00 |
| Special youth fur taker permit | $7.00 |
| Apprentice youth fur taker permit | $7.00 |

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

(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit.

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit.

(C) Each type of fur taker permit is valid during the hunting license year in which the permit is purchased. The money received shall be paid into the state treasury to the credit of the fund established in section 1533.15 of the Revised Code. Apprentice fur taker permits and apprentice youth fur taker permits are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted pursuant to it.

(D)(1) No person shall issue a fur taker permit ~~shall be issued~~ to an applicant unless it is accompanied by a written explanation of the law in section 1533.17 of the Revised Code and the penalty for its violation, including a description of terms of imprisonment and fines that may be imposed.

(2) No person shall issue a fur taker permit, other than an apprentice fur taker permit or an apprentice youth fur taker permit, ~~shall be issued~~ to an applicant unless the applicant presents to the agent authorized to issue a fur taker permit a previously held hunting license or trapping or fur taker permit or evidence of having held such a license or permit in content and manner approved by the chief of the division of wildlife, a certificate of completion issued upon completion of a trapper education course approved by the chief, or evidence of equivalent training in content and manner approved by the chief. A previously held apprentice hunting license, apprentice fur taker permit, or apprentice youth fur taker permit does not satisfy the requirement concerning the presentation of a previously held hunting license or fur taker permit or evidence of such a license or permit.

(3) No person shall issue a fur taker permit, other than an

apprentice fur taker permit or an apprentice youth fur taker permit, to any person who fails to present the evidence required by this section. No person shall purchase or obtain a fur taker permit, other than an apprentice fur taker permit or an apprentice youth fur taker permit, without presenting to the issuing agent the evidence required by this section. Issuance of a fur taker permit in violation of the requirements of this section is an offense by both the purchaser of the illegally obtained permit and the clerk or agent who issued the permit. Any fur taker permit issued in violation of this section is void.

(E) The chief, with approval of the wildlife council, shall adopt rules prescribing a trapper education course for first-time fur taker permit buyers, other than buyers of apprentice fur taker permits or apprentice youth fur taker permits, and for volunteer instructors. The course shall consist of subjects that include, but are not limited to, trapping techniques, animal habits and identification, trapping tradition and ethics, the trapper and conservation, the law in section 1533.17 of the Revised Code along with the penalty for its violation, including a description of terms of imprisonment and fines that may be imposed, and other law relating to trapping. Authorized personnel of the division of wildlife or volunteer instructors approved by the chief shall conduct the courses with such frequency and at such locations throughout the state as to reasonably meet the needs of permit applicants. The chief shall issue a certificate of completion to each person who successfully completes the course and passes an examination prescribed by the chief.

(F) Every person, while hunting or trapping fur-bearing animals on lands of another, shall carry the person's fur taker permit with the person's signature written on the permit. Failure to carry such a signed permit constitutes an offense under this section. The chief shall adopt any additional rules the chief

considers necessary to carry out this section.

(G) An owner who is a resident of this state or an owner who is exempt from obtaining a hunting license under section 1533.10 of the Revised Code and the children of the owner of lands in this state may hunt or trap fur-bearing animals thereon without a fur taker permit. If the owner of land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's children of any age may hunt or trap fur-bearing animals on the land owned by the limited liability company or limited liability partnership without a fur taker permit. In addition, if the owner of land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's children of any age may hunt or trap fur-bearing animals on the land owned by the trust without a fur taker permit. The tenant and children of the tenant may hunt or trap fur-bearing animals on lands where they reside without a fur taker permit.

(H) A fur taker permit is not transferable. No person shall carry a fur taker permit issued in the name of another person.

(I) A fur taker permit entitles a nonresident to take from this state fur-bearing animals taken and possessed by the nonresident as provided by law or division rule.

**Sec. 1533.112.** Except as provided in this section or unless otherwise provided by division rule, no person shall hunt ducks, geese, or brant on the lands of another without first obtaining an annual wetlands habitat stamp. The annual fee for the wetlands habitat stamp ~~shall be~~ is fourteen dollars for each stamp unless ~~the~~ otherwise provided in rules adopted under section 1533.09 or

division (B) of section 1533.12 ~~provide for issuance of a wetlands habitat stamp to the applicant free of charge~~ of the Revised Code.

Moneys received from the stamp fee shall be paid into the state treasury to the credit of the wetlands habitat fund, which is hereby established. Moneys shall be paid from the fund on the order of the director of natural resources for the following purposes:

(A) Sixty per cent for projects that the division approves for the acquisition, development, management, or preservation of waterfowl areas within the state;

(B) Forty per cent for contribution by the division to an appropriate nonprofit organization for the acquisition, development, management, or preservation of lands and waters within the United States or Canada that provide or will provide habitat for waterfowl with migration routes that cross this state.

No moneys derived from the issuance of wetlands habitat stamps shall be spent for purposes other than those specified by this section. All investment earnings of the fund shall be credited to the fund.

Wetlands habitat stamps shall be furnished by and in a form prescribed by the chief of the division of wildlife and issued by clerks and other agents authorized to issue licenses and permits under section 1533.13 of the Revised Code. The record of stamps kept by the clerks and other agents shall be uniform throughout the state, in such form or manner as the director prescribes, and open at all reasonable hours to the inspection of any person. Unless otherwise provided by rule, each stamp shall remain in force until midnight of the thirty-first day of August next ensuing. Wetlands habitat stamps may be issued in any manner to any person on any date, whether or not that date is within the period in which they are effective.

Every person to whom this section applies, while hunting ducks, geese, or brant, shall carry an unexpired wetlands habitat stamp that is validated by the person's signature written on the stamp in ink and shall exhibit the stamp to any enforcement officer so requesting. No person shall fail to carry and exhibit the person's stamp.

A wetlands habitat stamp is not transferable.

The chief shall establish a procedure to obtain subject matter to be printed on the wetlands habitat stamp and shall use, dispose of, or distribute the subject matter as the chief considers necessary. The chief also shall adopt rules necessary to administer this section.

This section does not apply to persons under sixteen years of age nor to persons exempted from procuring a hunting license under section 1533.10 or division (A)(2) of section 1533.12 of the Revised Code.

**Sec. 1533.32.** (A) Except as provided in this section or division (A)(2) or (C) of section 1533.12 of the Revised Code or as exempted at the discretion of the chief of the division of wildlife, no person, including nonresidents, shall take or catch any fish by angling in any of the waters in the state or engage in fishing in those waters without a license. No person shall take or catch frogs or turtles without a valid fishing license, except as provided in this section. Persons fishing in privately owned ponds, lakes, or reservoirs to or from which fish are not accustomed to migrate are exempt from the license requirements set forth in this section. Persons fishing in privately owned ponds, lakes, or reservoirs that are open to public fishing through an agreement or lease with the division of wildlife shall comply with the license requirements set forth in this section.

(B)(1) ~~The fee for an annual license shall be forty-nine~~

~~dollars for a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code. The fee for an annual license shall be eighteen dollars for a resident of a state that is a party to such an agreement. The fee for an annual license for residents of this state shall be eighteen dollars unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for issuance of a resident fishing license to the applicant free of charge. Except as provided in rules adopted under division (B)(2) of that section, each applicant who is a resident of this state and who at the time of application is sixty-six years of age or older shall procure a special senior fishing license, the fee for which shall be one-half of the annual resident fishing license fee.~~

~~(2)~~ Except as otherwise provided in rules adopted under section 1533.09 or division (B) of section 1533.12 of the Revised Code, each applicant for a fishing license shall pay a fee for each license in accordance with the following schedule:

| | |
|---|---|
| Annual fishing license – resident | $24.00 |
| Annual fishing license – nonresident that is not a resident of a reciprocal state | $49.00 |
| Annual fishing license – nonresident that is a resident of a reciprocal state | $24.00 |
| Annual senior fishing license – resident | $9.00 |
| Three-day tourist fishing license – nonresident that is not a resident of a reciprocal state | $24.00 |
| One-day fishing license | $13.00 |

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

(a) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.

(3) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license.

(C)(1) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code. ~~The fee for a tourist's license shall be eighteen dollars.~~

(2) The chief shall adopt rules under section 1531.10 of the Revised Code providing for the issuance of a one-day fishing license to a resident of this state or of any other state. ~~The fee for such a license shall be fifty-five per cent of the amount established under this section for a tourist's license, rounded up to the nearest whole dollar.~~ A one-day fishing license shall allow the holder to take or catch fish by angling in the waters in the state, engage in fishing in those waters, or take or catch frogs or turtles in those waters for one day without obtaining an annual license or a tourist's license under this section. At the request of a holder of a one-day fishing license who wishes to obtain an annual license, a clerk or agent authorized to issue licenses under section 1533.13 of the Revised Code, not later than the last day on which the one-day license would be valid if it were an annual license, shall credit the amount of the fee paid for the one-day license toward the fee charged for the annual license if so authorized by the chief. The clerk or agent shall issue the annual license upon presentation of the one-day license and payment of a fee in an amount equal to the difference between the fee for the annual license and the fee for the one-day license.

(3) Unless otherwise provided by division rule, each annual license shall begin on the date of issuance and expire a year from the date of issuance.

(4) Unless otherwise provided by division rule, each

multi-year license issued in accordance with section 1533.321 of the Revised Code shall begin on the date of issuance and expire three years, five years, or ten years from the date of issuance, as applicable.

(5) No person shall alter a fishing license or possess a fishing license that has been altered.

(6) No person shall procure or attempt to procure a fishing license by fraud, deceit, misrepresentation, or any false statement.

(7) A resident of this state who owns land over, through, upon, or along which any water flows or stands, except where the land is in or borders on state parks or state-owned lakes, together with the members of the immediate families of such owners, may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught therefrom without procuring a license provided for in this section. This exemption extends to tenants actually residing upon such lands and to the members of the immediate families of the tenants. A resident of any other state who owns land in this state over, through, upon, or along which any water flows or stands, except where the land is in or borders on state parks or state-owned lakes, and the spouse and children living with the owner, may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught from that water without obtaining a license under this section, provided that the state of residence of the owner allows residents of this state owning real property in that state, and the spouse and children living with such a property owner, to take frogs and turtles and take or catch fish without a license. If the owner of such land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's

or partner's children of any age may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught therefrom without procuring a license provided for in this section. In addition, if the owner of such land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's children of any age may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught therefrom without procuring a license provided for in this section. Residents of state or county institutions, charitable institutions, and military homes in this state may take frogs and turtles without procuring the required license, provided that a member of the institution or home has an identification card, which shall be carried on that person when fishing.

(8) Every fisher required to be licensed, while fishing or taking or attempting to take frogs or turtles, shall carry the license and exhibit it to any person. Failure to so carry and exhibit the license constitutes an offense under this section.

**Sec. 1533.321.** (A) The chief of the division of wildlife may issue any of the following:

(1) Multi-year hunting or fishing licenses for three-, five-, or ten-year terms to a resident of this state;

(2) Lifetime hunting or fishing licenses to a resident of this state;

(3) A package consisting of any combination of license, stamp, or permit that the chief is authorized to issue under this chapter.

(B) The chief may adopt rules in accordance with section 1531.10 of the Revised Code governing multi-year hunting and

fishing licenses, lifetime hunting and fishing licenses, and combination packages, including rules establishing fees for the combination packages. The chief shall ensure that the price for a combination package is not discounted by more than five per cent of the total fees for the licenses, permits, or stamps that a person would otherwise pay for those licenses, permits, or stamps if the person purchased them individually.

(C)(1) The multi-year and lifetime license fund is hereby created in the state treasury. The fund shall consist of money received from application fees for multi-year and lifetime hunting and fishing licenses.

(2) Each fiscal year, a prorated amount of the money from each multi-year and lifetime license fee shall be transferred from the multi-year and lifetime license fund to the fund into which the applicable single year license fee would otherwise be deposited. The prorated amount shall equal the total amount of the fee charged for the license divided by the number of years the license is valid. The chief shall adopt rules in accordance with section 1531.10 of the Revised Code for the administration of this division, including establishing a system that prorates lifetime license fees for deposit each year into the wildlife fund created in section 1531.17 of the Revised Code.

(3) Each fiscal year, all previous year's investment earnings from the multi-year and lifetime license fund shall be transferred into the wildlife fund created in section 1531.17 of the Revised Code.

(D)(1) ~~Each~~ Except as otherwise provided in rules adopted under section 1533.09 of the Revised Code, each applicant for a multi-year or lifetime fishing license who is a resident of this state shall pay a fee for each license in accordance with the following schedule:

| | | |
|---|---|---|
| Senior 3-year fishing license | $27.50 | 7809 |
| Senior 5-year fishing license | $45.75 | 7810 |
| Senior lifetime fishing license | $81.00 | 7811 |
| 3-year fishing license | $52.00 | 7812 |
| 5-year fishing license | $86.75 | 7813 |
| 10-year fishing license | $173.50 | 7814 |
| Lifetime fishing license | $450.00 | 7815 |
| Youth lifetime fishing license | $414.00 | 7816 |

(2) As used in division (D)(1) of this section: 7817

(a) "Youth" means an applicant who is under the age of sixteen years at the time of application for a ~~permit~~ license. 7818 7819

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a ~~permit~~ license. 7820 7821

(E)(1) ~~Each~~ Except as otherwise provided in rules adopted under section 1533.09 of the Revised Code, each applicant for a multi-year or lifetime hunting license who is a resident of this state shall pay a fee for each license in accordance with the following schedule: 7822 7823 7824 7825 7826

| | | |
|---|---|---|
| Senior 3-year hunting license | $27.50 | 7827 |
| Senior 5-year hunting license | $45.75 | 7828 |
| Senior lifetime hunting license | $81.00 | 7829 |
| Youth 3-year hunting license | $27.50 | 7830 |
| Youth 5-year hunting license | $45.75 | 7831 |
| Youth 10-year hunting license | $91.50 | 7832 |
| Youth lifetime hunting license | $414.00 | 7833 |
| 3-year hunting license | $52.00 | 7834 |
| 5-year hunting license | $86.75 | 7835 |
| 10-year hunting license | $173.50 | 7836 |
| Lifetime hunting license | $450.00 | 7837 |

(2) As used in division (E)(1) of this section: 7838

(a) "Youth" means an applicant who is under the age of 7839

eighteen years at the time of application for a ~~permit~~ license.

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a ~~permit~~ license.

(F) If a person who is issued a multi-year hunting or fishing license or lifetime hunting or fishing license in accordance with division (A) of this section subsequently becomes a nonresident after issuance of the license, the person's license remains valid in this state during its term, regardless of residency status.

**Sec. 1561.011.** ~~Except as provided in section 1561.24 of the Revised Code, nothing~~ Nothing in this chapter applies to activities that are permitted and regulated under Chapter 1514. of the Revised Code.

**Sec. 1711.53.** (A)(1) No person shall operate an amusement ride within the state without a permit issued by the director of agriculture under division (A)(2) of this section. The owner of an amusement ride, whether the ride is a temporary amusement ride or a permanent amusement ride, who desires to operate the amusement ride within the state shall, prior to the operation of the amusement ride and annually thereafter, submit to the department of agriculture an application for a permit, together with the appropriate permit and inspection fee, on a form to be furnished by the department. Prior to issuing any permit the department shall, within thirty days after the date on which it receives the application, inspect each amusement ride described in the application. The owner of an amusement ride shall have the amusement ride ready for inspection not later than two hours after the time that is requested by the person for the inspection.

(2) For each amusement ride found to comply with the rules adopted by the director under division (B) of this section and division (B) of section 1711.551 of the Revised Code, the director

shall issue an annual permit, provided that evidence of liability insurance coverage for the amusement ride as required by section 1711.54 of the Revised Code is on file with the department.

(3) The director shall issue with each permit a decal indicating that the amusement ride has been issued the permit. The owner of the amusement ride shall affix the decal on the ride at a location where the decal is easily visible to the patrons of the ride. A copy of the permit shall be kept on file at the same address as the location of the amusement ride identified on the permit, and shall be made available for inspection, upon reasonable demand, by any person. An owner may operate an amusement ride prior to obtaining a permit, provided that the operation is for the purpose of testing the amusement ride or training amusement ride operators and other employees of the owner and the amusement ride is not open to the public.

(B) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules providing for a schedule of fines, with no fine exceeding five thousand dollars, for violations of sections 1711.50 to 1711.57 of the Revised Code or any rules adopted under this division and for the classification of amusement rides and rules for the safe operation and inspection of all amusement rides as are necessary for amusement ride safety and for the protection of the general public. Rules adopted by the director for the safe operation and inspection of amusement rides shall be reasonable and based upon generally accepted engineering standards and practices. In adopting rules under this section, the director may adopt by reference, in whole or in part, the national fire code or the national electrical code (NEC) prepared by the national fire protection association, the standards of the American society for testing and materials (ASTM) or the American national standards institute (ANSI), or any other principles, tests, or standards of nationally recognized technical or

scientific authorities. Insofar as is practicable and consistent with sections 1711.50 to 1711.57 of the Revised Code, rules adopted under this division shall be consistent with the rules of other states. The department shall cause sections 1711.50 to 1711.57 of the Revised Code and the rules adopted in accordance with this division and division (B) of section 1711.551 of the Revised Code to be published in pamphlet form and a copy to be furnished without charge to each owner of an amusement ride who holds a current permit or is an applicant therefor.

(C) With respect to an application for a permit for an amusement ride, an owner may apply to the director for a waiver or modification of any rule adopted under division (B) of this section if there are practical difficulties or unnecessary hardships for the amusement ride to comply with the rules. Any application shall set forth the reasons for the request. The director, with the approval of the advisory council on amusement ride safety, may waive or modify the application of a rule to any amusement ride if the public safety is secure. Any authorization by the director under this division shall be in writing and shall set forth the conditions under which the waiver or modification is authorized, and the department shall retain separate records of all proceedings under this division.

(D)(1) The director shall employ and provide for training of a chief inspector and additional inspectors and employees as may be necessary to administer and enforce sections 1711.50 to 1711.57 of the Revised Code. The director may appoint or contract with other persons to perform inspections of amusement rides, provided that the persons meet the qualifications for inspectors established by rules adopted under division (B) of this section and are not owners, or employees of owners, of any amusement ride subject to inspection under sections 1711.50 to 1711.57 of the Revised Code. No person shall inspect an amusement ride who,

within six months prior to the date of inspection, was an employee of the owner of the ride.

(2) Before the director contracts with other persons to inspect amusement rides, the director shall seek the advice of the advisory council on amusement ride safety on whether to contract with those persons. The advice shall not be binding upon the director. After having received the advice of the council, the director may proceed to contract with inspectors in accordance with the procedures specified in division (E)(2) of section 1711.11 of the Revised Code.

(3) With the advice and consent of the advisory council on amusement ride safety, the director may employ a special consultant to conduct an independent investigation of an amusement ride accident. This consultant need not be in the civil service of the state, but shall have qualifications to conduct the investigation acceptable to the council.

(E)(1) Except as otherwise provided in division (E)(1) of this section, the department shall charge the following amusement ride fees:

| | | |
|---|---|---|
| Permit | $ | ~~150~~ 225 |
| Annual inspection and reinspection per ride: | | |
| Kiddie rides | $ | ~~100~~ 150 |
| Roller coaster | $ | ~~1,200~~ 1,250 |
| Aerial lifts or bungee jumping facilities | $ | ~~450~~ 500 |
| Go karts, per kart | $ | 5 |
| Other rides | $ | ~~160~~ 210 |

| | | |
|---|---|---|
| Midseason operational inspection per ride | $ 25 | |
| Expedited inspection per ride | $ 100 | |
| Failure to cancel scheduled inspection per ride | $ 100 | |
| Failure to have amusement ride ready for inspection per ride | $ 100 | |

The go kart inspection fee is in addition to the inspection fee for the go kart track.

The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing an annual fee that is less than one hundred ~~five~~ fifty-four dollars for an inspection and reinspection of an inflatable ride. In adopting the rules, the director shall ensure that the fee reasonably reflects the costs of inspection and reinspection of an inflatable ride. If the director issues a permit for an inflatable ride for a time period of less than one year, the director shall charge a prorated fee for the permit equal to one-twelfth of the annual permit fee multiplied by the number of full months for which the permit is issued.

The fees for an expedited inspection, failure to cancel a scheduled inspection, and failure to have an amusement ride ready for inspection do not apply to go karts.

As used in division (E)(1) of this section, "expedited inspection" means an inspection of an amusement ride by the department not later than ten days after the owner of the amusement ride files an application for a permit under this section.

(2) All fees and fines collected by the department under sections 1711.50 to 1711.57 of the Revised Code shall be deposited in the state treasury to the credit of the amusement ride inspection fund, which is hereby created, and shall be used only for the purpose of administering and enforcing sections 1711.11 and 1711.50 to 1711.57 of the Revised Code.

(3) The owner of an amusement ride shall be required to pay a reinspection fee only if the reinspection was conducted at the owner's request under division (F) of this section, if the reinspection is required by division (F) of this section because of an accident, or if the reinspection is required by division (F) of section 1711.55 of the Revised Code. If a reinspection is conducted at the request of the chief officer of a fair, festival, or event where the ride is operating, the reinspection fee shall be charged to the fair, festival, or event.

(4) The rules adopted under division (B) of this section shall define "roller coaster," "aerial lifts," "go karts," and "other rides" for purposes of determining the fees under division (E) of this section. The rules shall define "other rides" to include go kart tracks.

(F) A reinspection of an amusement ride shall take place if an accident occurs, if the owner of the ride or the chief officer of the fair, festival, or event where the ride is operating requests a reinspection, or if the reinspection is required by division (F) of section 1711.55 of the Revised Code.

(G) As a supplement to its annual inspection of a temporary amusement ride, the department may inspect the ride during each scheduled event, as listed in the schedule of events provided to the department by the owner pursuant to division (C) of section 1711.55 of the Revised Code, at which the ride is operated in this state. These supplemental inspections are in addition to any other inspection or reinspection of the ride as may be required under sections 1711.50 to 1711.57 of the Revised Code, and the owner of the temporary amusement ride is not required to pay an inspection or reinspection fee for this supplemental inspection. Nothing in this division shall be construed to prohibit the owner of a temporary amusement ride having a valid permit to operate in this state from operating the ride at a scheduled event before the

department conducts a supplemental inspection.

(H) The department may annually conduct a midseason operational inspection of every amusement ride upon which it conducts an annual inspection pursuant to division (A) of this section. The midseason operational inspection is in addition to any other inspection or reinspection of the amusement ride as may be required pursuant to sections 1711.50 to 1711.57 of the Revised Code. The owner of an amusement ride shall submit to the department, at the time determined by the department, the midseason operational inspection fee specified in division (E) of this section. The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules specifying the time period during which the department will conduct midseason operational inspections.

**Sec. 1901.123.** (A)(1) Subject to reimbursement under division (B) of this section, the treasurer of the county in which a county-operated municipal court or other municipal court is located shall pay the per diem compensation to which an acting judge appointed pursuant to division (A)(2)(a), (B)(1), or (C)(1) of section 1901.121 of the Revised Code is entitled pursuant to division (A)(1) of section 1901.122 of the Revised Code.

(2) Subject to reimbursement under division ~~(B)~~(C) of this section, the ~~treasurer of the county in which a county-operated municipal court or other municipal court is located~~ supreme court shall pay the per diem compensation to which an assigned judge assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), (C)(2), or (D) of section 1901.121 of the Revised Code is entitled pursuant to division (B) of section 1901.122 of the Revised Code.

(B) The treasurer of a county that, pursuant to division (A)(1) of this section, is required to pay any compensation to which an acting judge ~~or assigned judge~~ is entitled under division

(A)(5) or (6) of section 141.04 of the Revised Code, shall submit to the administrative director of the supreme court quarterly requests for reimbursements of the per diem amounts so paid. The requests shall include verifications of the payment of those amounts and an affidavit from the acting judge ~~or assigned judge~~ stating the days and hours worked. The administrative director shall cause reimbursements of those amounts to be issued to the county if the administrative director verifies that those amounts were, in fact, so paid.

(C) The supreme court, pursuant to division (A)(2) of this section, is required to pay any compensation to which an assigned judge is entitled under division (A)(5) or (6) of section 141.04 of the Revised Code. Annually, on the first day of August, the administrative director of the supreme court shall issue a billing to the county treasurer of any county to which such a judge was assigned to a municipal court for reimbursement of the county or local portion of the compensation previously paid by the state for the twelve-month period preceding the last day of June. The county or local portion of the compensation shall be that part of each per diem paid by the state which is proportional to the county or local shares of the total compensation of a resident judge of such court. The county treasurer shall forward the payment within thirty days. After forwarding the payment, the county treasurer shall seek reimbursement from the applicable local municipalities as appropriate.

**Sec. 1907.143.** (A)(1) Subject to reimbursement under division (B) of this section, the treasurer of the county in which a county court is located shall pay the per diem compensation to which an acting judge appointed pursuant to division (A)(2)(b), (B)(1), or (C)(1) of section 1907.141 of the Revised Code is entitled pursuant to division (A) of section 1907.142 of the Revised Code.

(2) Subject to reimbursement under division ~~(B)~~(C) of this section, the ~~treasurer of the county in which a county court is located~~ supreme court shall pay the per diem compensation to which an assigned judge assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), or (C)(2) of section 1907.141 of the Revised Code is entitled pursuant to division (B) of section 1907.142 of the Revised Code.

(B) The treasurer of a county that, pursuant to division (A)(1) of this section, is required to pay any compensation to which an acting judge ~~or assigned judge~~ is entitled under division (A)(5) or (6) of section 141.04 of the Revised Code, shall submit to the administrative director of the supreme court quarterly requests for reimbursements of the per diem amounts so paid. The requests shall include verifications of the payment of those amounts and an affidavit from the acting judge ~~or assigned judge~~ stating the days and hours worked. The administrative director shall cause reimbursements of those amounts to be issued to the county if the administrative director verifies that those amounts were, in fact, so paid.

(C) The supreme court, pursuant to division (A)(2) of this section, is required to pay any compensation to which an assigned judge is entitled under division (A)(5) or (6) of section 141.04 of the Revised Code. Annually, on the first day of August, the administrative director of the supreme court shall issue a billing to the county treasurer of any county to which such a judge was assigned to a county court for reimbursement of the county portion of the compensation previously paid by the state for the twelve-month period preceding the last day of June. The county portion of the compensation shall be that part of each per diem paid by the state which is proportional to the county shares of the total compensation of a resident judge of such court. The county treasurer shall forward the payment within thirty days.

After forwarding the payment, the county treasurer shall seek reimbursement from the applicable local municipalities as appropriate.

**Sec. 2151.23.** (A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows:

(1) Concerning any child who on or about the date specified in the complaint, indictment, or information is alleged to have violated section 2151.87 of the Revised Code or an order issued under that section or to be a juvenile traffic offender or a delinquent, unruly, abused, neglected, or dependent child and, based on and in relation to the allegation pertaining to the child, concerning the parent, guardian, or other person having care of a child who is alleged to be an unruly child for being an habitual truant or who is alleged to be a delinquent child for violating a court order regarding the child's prior adjudication as an unruly child for being an habitual truant;

(2) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to determine the custody of any child not a ward of another court of this state;

(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;

(4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code;

(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;

(6) To hear and determine all criminal cases in which an

adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;

(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;

(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;

(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;

(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;

(11) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;

(12) Concerning an action commenced under section 121.38 of the Revised Code;

(13) To hear and determine violations of section 3321.38 of

the Revised Code;

(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;

(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40;

(16) To hear and determine a petition for a protection order against a child under section 2151.34 or 3113.31 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section against a child until a date certain but not later than the date the child attains nineteen years of age;

(17) Concerning emancipated young adults under sections 2151.45 to 2151.455 of the Revised Code.

(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:

(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;

(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18

of the Revised Code;

(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;

(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;

(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;

(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;

(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.

(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;

(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.

(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile court for trial, provided that no certification of that nature shall be made to any juvenile court unless the consent of the juvenile judge first is obtained. After a certification of that

nature is made and consent is obtained, the juvenile court shall proceed as if the action originally had been begun in that court, except as to awards for spousal support or support due and unpaid at the time of certification, over which the juvenile court has no jurisdiction.

(D) The juvenile court, except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and determine all matters as to custody and support of children duly certified by the court of common pleas to the juvenile court after a divorce decree has been granted, including jurisdiction to modify the judgment and decree of the court of common pleas as the same relate to the custody and support of children.

(E) The juvenile court, except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and determine the case of any child certified to the court by any court of competent jurisdiction if the child comes within the jurisdiction of the juvenile court as defined by this section.

(F)(1) The juvenile court shall exercise its jurisdiction in child custody matters in accordance with sections 3109.04 and 3127.01 to 3127.53 of the Revised Code and, as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.

(2) The juvenile court shall exercise its jurisdiction in child support matters in accordance with section 3109.05 of the Revised Code.

(G) Any juvenile court that makes or modifies an order for child support shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code. If any person required to pay child support under an order made by a juvenile court on or after April 15, 1985, or modified on or after December 1, 1986, is found in

contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

(H) If a child who is charged with an act that would be an offense if committed by an adult was fourteen years of age or older and under eighteen years of age at the time of the alleged act and if the case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code, except as provided in section 2152.121 of the Revised Code, the juvenile court does not have jurisdiction to hear or determine the case subsequent to the transfer. The court to which the case is transferred for criminal prosecution pursuant to that section has jurisdiction subsequent to the transfer to hear and determine the case in the same manner as if the case originally had been commenced in that court, subject to section 2152.121 of the Revised Code, including, but not limited to, jurisdiction to accept a plea of guilty or another plea authorized by Criminal Rule 11 or another section of the Revised Code and jurisdiction to accept a verdict and to enter a judgment of conviction pursuant to the Rules of Criminal Procedure against the child for the commission of the offense that was the basis of the transfer of the case for criminal prosecution, whether the conviction is for the same degree or a lesser degree of the offense charged, for the commission of a lesser-included offense, or for the commission of another offense that is different from the offense charged.

(I) If a person under eighteen years of age allegedly commits an act that would be a felony if committed by an adult and if the person is not taken into custody or apprehended for that act until

after the person attains twenty-one years of age, the juvenile court does not have jurisdiction to hear or determine any portion of the case charging the person with committing that act. In those circumstances, divisions (A) and (B) of section 2152.12 of the Revised Code do not apply regarding the act, and the case charging the person with committing the act shall be a criminal prosecution commenced and heard in the appropriate court having jurisdiction of the offense as if the person had been eighteen years of age or older when the person committed the act. All proceedings pertaining to the act shall be within the jurisdiction of the court having jurisdiction of the offense, and that court has all the authority and duties in the case that it has in other criminal cases in that court.

(J) In exercising its exclusive original jurisdiction under division (A)(16) of this section with respect to any proceedings brought under section 2151.34 or 3113.31 of the Revised Code in which the respondent is a child, the juvenile court retains all dispositionary powers consistent with existing rules of juvenile procedure and may also exercise its discretion to adjudicate proceedings as provided in sections 2151.34 and 3113.31 of the Revised Code, including the issuance of protection orders or the approval of consent agreements under those sections.

**Sec. 2151.353.** (A) If a child is adjudicated an abused, neglected, or dependent child, the court may make any of the following orders of disposition:

(1) Place the child in protective supervision;

(2) Commit the child to the temporary custody of any of the following:

(a) A public children services agency;

(b) A private child placing agency;

(c) Either parent;

(d) A relative residing within or outside the state;

(e) A probation officer for placement in a certified foster home;

(f) Any other person approved by the court.

(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:

(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;

(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or an age and schooling certificate. Responsibility beyond the age of majority shall terminate when the child ceases to continuously pursue such an education, completes such an education, or is

excused from such an education under standards adopted by the state board of education, whichever occurs first.

(c) That the parents of the child have residual parental rights, privileges, and responsibilities, including, but not limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support;

(d) That the person understands that the person must be present in court for the dispositional hearing in order to affirm the person's intention to become legal custodian, to affirm that the person understands the effect of the custodianship before the court, and to answer any questions that the court or any parties to the case may have.

(4) Commit the child to the permanent custody of a public children services agency or private child placing agency, if the court determines in accordance with division (E) of section 2151.414 of the Revised Code that the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with either parent and determines in accordance with division (D)(1) of section 2151.414 of the Revised Code that the permanent commitment is in the best interest of the child. If the court grants permanent custody under this division, the court, upon the request of any party, shall file a written opinion setting forth its findings of fact and conclusions of law in relation to the proceeding.

(5) Place the child in a planned permanent living arrangement with a public children services agency or private child placing agency, if a public children services agency or private child placing agency requests the court to place the child in a planned permanent living arrangement and if the court finds, by clear and convincing evidence, that a planned permanent living arrangement is in the best interest of the child, that the child is sixteen

years of age or older, and that one of the following exists:

(a) The child, because of physical, mental, or psychological problems or needs, is unable to function in a family-like setting and must remain in residential or institutional care now and for the foreseeable future beyond the date of the dispositional hearing held pursuant to section 2151.35 of the Revised Code.

(b) The parents of the child have significant physical, mental, or psychological problems and are unable to care for the child because of those problems, adoption is not in the best interest of the child, as determined in accordance with division (D)(1) of section 2151.414 of the Revised Code, and the child retains a significant and positive relationship with a parent or relative.

(c) The child has been counseled on the permanent placement options available to the child, and is unwilling to accept or unable to adapt to a permanent placement.

(6) Order the removal from the child's home until further order of the court of the person who committed abuse as described in section 2151.031 of the Revised Code against the child, who caused or allowed the child to suffer neglect as described in section 2151.03 of the Revised Code, or who is the parent, guardian, or custodian of a child who is adjudicated a dependent child and order any person not to have contact with the child or the child's siblings.

(B)(1) When making a determination on whether to place a child in a planned permanent living arrangement pursuant to division (A)(5)(b) or (c) of this section, the court shall consider all relevant information that has been presented to the court, including information gathered from the child, the child's guardian ad litem, and the public children services agency or private child placing agency.

(2) A child who is placed in a planned permanent living arrangement pursuant to division (A)(5)(b) or (c) of this section shall be placed in an independent living setting or in a family setting in which the caregiver has been provided by the agency that has custody of the child with a notice that addresses the following:

(a) The caregiver understands that the planned permanent living arrangement is intended to be permanent in nature and that the caregiver will provide a stable placement for the child through the child's emancipation or until the court releases the child from the custody of the agency, whichever occurs first.

(b) The caregiver is expected to actively participate in the youth's independent living case plan, attend agency team meetings and court hearings as appropriate, complete training, as ~~provided in division (B) of~~ developed and implemented under section 5103.035 of the Revised Code, related to providing the child independent living services, and assist in the child's transition into adulthood.

(3) The department of job and family services shall develop a model notice to be provided by an agency that has custody of a child to a caregiver under division (B)(2) of this section. The agency may modify the model notice to apply to the needs of the agency.

(C) No order for permanent custody or temporary custody of a child or the placement of a child in a planned permanent living arrangement shall be made pursuant to this section unless the complaint alleging the abuse, neglect, or dependency contains a prayer requesting permanent custody, temporary custody, or the placement of the child in a planned permanent living arrangement as desired, the summons served on the parents of the child contains as is appropriate a full explanation that the granting of an order for permanent custody permanently divests them of their

parental rights, a full explanation that an adjudication that the child is an abused, neglected, or dependent child may result in an order of temporary custody that will cause the removal of the child from their legal custody until the court terminates the order of temporary custody or permanently divests the parents of their parental rights, or a full explanation that the granting of an order for a planned permanent living arrangement will result in the removal of the child from their legal custody if any of the conditions listed in divisions (A)(5)(a) to (c) of this section are found to exist, and the summons served on the parents contains a full explanation of their right to be represented by counsel and to have counsel appointed pursuant to Chapter 120. of the Revised Code if they are indigent.

If after making disposition as authorized by division (A)(2) of this section, a motion is filed that requests permanent custody of the child, the court may grant permanent custody of the child to the movant in accordance with section 2151.414 of the Revised Code.

(D) If the court issues an order for protective supervision pursuant to division (A)(1) of this section, the court may place any reasonable restrictions upon the child, the child's parents, guardian, or custodian, or any other person, including, but not limited to, any of the following:

(1) Order a party, within forty-eight hours after the issuance of the order, to vacate the child's home indefinitely or for a specified period of time;

(2) Order a party, a parent of the child, or a physical custodian of the child to prevent any particular person from having contact with the child;

(3) Issue an order restraining or otherwise controlling the conduct of any person which conduct would not be in the best

interest of the child.

(E) As part of its dispositional order, the court shall journalize a case plan for the child. The journalized case plan shall not be changed except as provided in section 2151.412 of the Revised Code.

(F)(1) The court shall retain jurisdiction over any child for whom the court issues an order of disposition pursuant to division (A) of this section or pursuant to section 2151.414 or 2151.415 of the Revised Code until the child attains the age of eighteen years if the child is not mentally retarded, developmentally disabled, or physically impaired, the child attains the age of twenty-one years if the child is mentally retarded, developmentally disabled, or physically impaired, or the child is adopted and a final decree of adoption is issued, except that the court may retain jurisdiction over the child and continue any order of disposition under division (A) of this section or under section 2151.414 or 2151.415 of the Revised Code for a specified period of time to enable the child to graduate from high school or vocational school. ~~The court shall retain jurisdiction over a person who meets the requirements described in division (A)(1) of section 5101.1411 of the Revised Code and who is subject to a voluntary participation agreement that is in effect.~~ The court shall make an entry continuing its jurisdiction under this division in the journal.

(2) Any public children services agency, any private child placing agency, the department of job and family services, or any party, other than any parent whose parental rights with respect to the child have been terminated pursuant to an order issued under division (A)(4) of this section, by filing a motion with the court, may at any time request the court to modify or terminate any order of disposition issued pursuant to division (A) of this section or section 2151.414 or 2151.415 of the Revised Code. The

court shall hold a hearing upon the motion as if the hearing were the original dispositional hearing and shall give all parties to the action and the guardian ad litem notice of the hearing pursuant to the Juvenile Rules. If applicable, the court shall comply with section 2151.42 of the Revised Code.

(G) Any temporary custody order issued pursuant to division (A) of this section shall terminate one year after the earlier of the date on which the complaint in the case was filed or the child was first placed into shelter care, except that, upon the filing of a motion pursuant to section 2151.415 of the Revised Code, the temporary custody order shall continue and not terminate until the court issues a dispositional order under that section. In resolving the motion, the court shall not order an existing temporary custody order to continue beyond two years after the date on which the complaint was filed or the child was first placed into shelter care, whichever date is earlier, regardless of whether any extensions have been previously ordered pursuant to division (D) of section 2151.415 of the Revised Code.

(H)(1) No later than one year after the earlier of the date the complaint in the case was filed or the child was first placed in shelter care, a party may ask the court to extend an order for protective supervision for six months or to terminate the order. A party requesting extension or termination of the order shall file a written request for the extension or termination with the court and give notice of the proposed extension or termination in writing before the end of the day after the day of filing it to all parties and the child's guardian ad litem. If a public children services agency or private child placing agency requests termination of the order, the agency shall file a written status report setting out the facts supporting termination of the order at the time it files the request with the court. If no party requests extension or termination of the order, the court shall

notify the parties that the court will extend the order for six months or terminate it and that it may do so without a hearing unless one of the parties requests a hearing. All parties and the guardian ad litem shall have seven days from the date a notice is sent pursuant to this division to object to and request a hearing on the proposed extension or termination.

(a) If it receives a timely request for a hearing, the court shall schedule a hearing to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall extend the order for six months.

(b) If it does not receive a timely request for a hearing, the court may extend the order for six months or terminate it without a hearing and shall journalize the order of extension or termination not later than fourteen days after receiving the request for extension or termination or after the date the court notifies the parties that it will extend or terminate the order. If the court does not extend or terminate the order, it shall schedule a hearing to be held no later than thirty days after the expiration of the applicable fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the child's guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall issue an order extending the order for protective supervision six

months.

(2) If the court grants an extension of the order for protective supervision pursuant to division (H)(1) of this section, a party may, prior to termination of the extension, file with the court a request for an additional extension of six months or for termination of the order. The court and the parties shall comply with division (H)(1) of this section with respect to extending or terminating the order.

(3) If a court grants an extension pursuant to division (H)(2) of this section, the court shall terminate the order for protective supervision at the end of the extension.

(I) The court shall not issue a dispositional order pursuant to division (A) of this section that removes a child from the child's home unless the court complies with section 2151.419 of the Revised Code and includes in the dispositional order the findings of fact required by that section.

(J) If a motion or application for an order described in division (A)(6) of this section is made, the court shall not issue the order unless, prior to the issuance of the order, it provides to the person all of the following:

(1) Notice and a copy of the motion or application;

(2) The grounds for the motion or application;

(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application;

(4) An opportunity to be represented by counsel at the hearing.

(K) The jurisdiction of the court shall terminate one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, the date of the latest further action subsequent to the award, if the court awards

legal custody of a child to either of the following:

(1) A legal custodian who, at the time of the award of legal custody, resides in a county of this state other than the county in which the court is located;

(2) A legal custodian who resides in the county in which the court is located at the time of the award of legal custody, but moves to a different county of this state prior to one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, one year after the date of the latest further action subsequent to the award.

The court in the county in which the legal custodian resides then shall have jurisdiction in the matter.

**Sec. 2151.421.** (A)(1)(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as otherwise provided in this division or section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. If the person making the report is a peace officer, the officer shall make it to the public children services agency in the county in which the child resides or in which the abuse or

neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; health care professional; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; peace officer; agent of a county humane society; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of an entity that provides homemaker services; foster caregiver; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(c) If two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professionals may designate one of the health care professionals to report the abuse or neglect. A single report made under this division shall meet the reporting requirements of division (A)(1) of this section.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect that the client or patient has suffered or faces a threat of suffering any physical or mental

wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(4)(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code,

the person making the report shall make it to the entity specified in that section.

(b) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division (A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.

(c) The penitent in a cleric-penitent relationship described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a person under twenty-one

years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;

(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information, including, but not limited to, results and reports of any medical examinations, tests, or procedures performed under division (D) of this section, that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

(D)(1) Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically necessary for the purpose of diagnosing or treating injuries that are suspected to have occurred as a result of child abuse or child neglect, perform or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on, the child.

(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public children services agency, upon request.

(3) If a health care professional provides health care services in a hospital, children's advocacy center, or emergency medical facility to a child about whom a report has been made under division (A) of this section, the health care professional may take any steps that are reasonably necessary for the release or discharge of the child to an appropriate environment. Before the child's release or discharge, the health care professional may obtain information, or consider information obtained, from other entities or individuals that have knowledge about the child. Nothing in division (D)(3) of this section shall be construed to alter the responsibilities of any person under sections 2151.27 and 2151.31 of the Revised Code.

(4) A health care professional may conduct medical examinations, tests, or procedures on the siblings of a child about whom a report has been made under division (A) of this section and on other children who reside in the same home as the child, if the professional determines that the examinations, tests, or procedures are medically necessary to diagnose or treat the siblings or other children in order to determine whether reports under division (A) of this section are warranted with respect to such siblings or other children. The results of the examinations, tests, or procedures on the siblings and other children may be included in a report made pursuant to division (A) of this section.

(5) Medical examinations, tests, or procedures conducted under divisions (D)(1) and (4) of this section and decisions regarding the release or discharge of a child under division (D)(3) of this section do not constitute a law enforcement investigation or activity.

(E)(1) When a peace officer receives a report made pursuant to division (A) or (B) of this section, upon receipt of the report, the peace officer who receives the report shall refer the

report to the appropriate public children services agency, unless an arrest is made at the time of the report that results in the appropriate public children services agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child.

(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following:

(a) Comply with section 2151.422 of the Revised Code;

(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center.

(F) No peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(G)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (K) of this section. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (I)(1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its

investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(H)(1)(a) Except as provided in divisions (H)(1)(b) and (I)(3) of this section, any person, health care professional, hospital, institution, school, health department, or agency shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of any of the following:

(i) Participating in the making of reports pursuant to division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section;

(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;

(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;

(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.

(b) Immunity under division (H)(1)(a)(ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession.

(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the

cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(I)(1) Except as provided in divisions (I)(4) and (O) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (N) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2)(a) Except as provided in division (I)(2)(b) of this section, no person shall permit or encourage the unauthorized dissemination of the contents of any report made under this

section.

(b) A health care professional that obtains the same information contained in a report made under this section from a source other than the report may disseminate the information, if its dissemination is otherwise permitted by law.

(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or peace officer to which the report was made or referred, on the request of the child fatality review board or the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death or to the director. On the request of the review board or director, the agency or peace officer may, at its discretion, make the report available to the review board or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code.

(K)(1) Each public children services agency shall prepare a memorandum of understanding that is signed by all of the following:

(a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative;

(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;

(c) The county peace officer;

(d) All chief municipal peace officers within the county;

(e) Other law enforcement officers handling child abuse and neglect cases in the county;

(f) The prosecuting attorney of the county;

(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;

(h) The county humane society;

(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any

rights or any grounds for appeal or post-conviction relief to any person.

(3) A memorandum of understanding shall include all of the following:

(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;

(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected.

(4) If a public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section.

(5) The clerk of the court of common pleas in the county may sign the memorandum of understanding prepared under division (K)(1) of this section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum.

(L)(1) Except as provided in division (L)(4) or (5) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's

advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2) A person may request the information specified in division (L)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (L)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information

described in division (L)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (L)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (L) of this section.

(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in division (L)(1) of this section if the person requesting the information is associated with or acting on behalf of the health care professional who provided health care services to the child about whom the report was made.

(M) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(N) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have

been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(O)(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative

officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(P) As used in this section:

(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home

health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

**Sec. 2151.424.** (A) If a child has been placed in a certified foster home or is in the custody of, or has been placed with, a ~~relative of the child, other than a parent of the child~~ kinship caregiver as defined in section 5101.85 of the Revised Code, a court, prior to conducting any hearing pursuant to division (F)(2) or (3) of section 2151.412 or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, or 2151.417 of the Revised Code with respect to the child, shall notify the foster caregiver or ~~relative~~ kinship caregiver of the date, time, and place of the hearing. At the hearing, the foster caregiver or ~~relative~~ kinship caregiver shall have the right to ~~present evidence~~ be heard.

(B) If a public children services agency or private child placing agency has permanent custody of a child and a petition to adopt the child has been filed under Chapter 3107. of the Revised Code, the agency, prior to conducting a review under section 2151.416 of the Revised Code, or a court, prior to conducting a hearing under division (F)(2) or (3) of section 2151.412 or section 2151.416 or 2151.417 of the Revised Code, shall notify the prospective adoptive parent of the date, time, and place of the

review or hearing. At the review or hearing, the prospective adoptive parent shall have the right to ~~present evidence~~ be heard.

(C) The notice and the opportunity to ~~present evidence~~ be heard do not make the foster caregiver, ~~relative~~ kinship caregiver, or prospective adoptive parent a party in the action or proceeding pursuant to which the review or hearing is conducted.

**Sec. 2151.45.** As used in sections 2151.45 to 2151.455 of the Revised Code, "emancipated young adult" and "representative" have the same meanings as in section 5101.141 of the Revised Code.

**Sec. 2151.451.** The juvenile court of the county in which an emancipated young adult described under division (A)(1) of section 5101.1411 of the Revised Code resides shall have jurisdiction over the emancipated young adult for purposes of sections 2151.45 to 2151.455 of the Revised Code. A juvenile court, on its own motion or the motion of any party, may transfer a proceeding under those sections to a juvenile court with jurisdiction as provided in this section.

**Sec. 2151.452.** A juvenile court shall do both of the following regarding an emancipated young adult described under division (A)(1) of section 5101.1411 of the Revised Code:

(A) Not later than one hundred eighty days after the voluntary participation agreement becomes effective, make a determination as to whether the emancipated young adult's best interest is served by continuing the care and placement with the department of job and family services or its representative. An emancipated young adult shall not be eligible for continued care and placement if the court finds it is not in the emancipated young adult's best interest.

(B) Not later than twelve months after the date that the

voluntary participation agreement is signed, and annually thereafter, make a determination as to whether reasonable efforts have been made to prepare the emancipated young adult for independence.

**Sec. 2151.453.** If any determination required under division (B) of section 2151.452 of the Revised Code is not timely made, the federal payments for foster care under division (A)(1) of section 5101.1411 of the Revised Code for the emancipated young adult shall be suspended. The payments shall resume upon a subsequent determination that reasonable efforts have been made to prepare the emancipated young adult for independence, but only if both of the following apply:

(A) The emancipated young adult complies with division (A)(1) of section 5101.1411 of the Revised Code.

(B) There has been a timely determination of best interest under division (A) of section 2151.452 of the Revised Code.

**Sec. 2151.454.** For purposes of a determination under section 2151.452 of the Revised Code, the department of job and family services or its representative may file any documents and appear before the court in relation to such filings. Nothing in this section shall prohibit an emancipated young adult from obtaining legal representation pursuant to section 2151.455 of the Revised Code.

**Sec. 2151.455.** (A) An emancipated young adult is entitled to representation by legal counsel at all stages of proceedings conducted under section 2151.45 to 2151.455 of the Revised Code.

(B) If, as an indigent person, the emancipated young adult is unable to employ counsel, the emancipated young adult is entitled to have counsel provided pursuant to Chapter 120. of the Revised

Code.

(C) If an emancipated young adult appears without counsel, the court shall determine whether the emancipated young adult knows of the right to counsel, and to be provided with counsel, if indigent.

(D) The court may continue the case to enable an emancipated young adult to obtain counsel, to be represented by the county public defender or the joint county public defender, or to be appointed counsel upon request pursuant to Chapter 120. of the Revised Code.

(E) Upon written request, prior to any hearing involving the emancipated young adult, any report concerning an emancipated young adult that is used in, or is pertinent to, a hearing, shall for good cause shown be made available to any attorney representing the emancipated young adult and to any attorney representing any other party to the case.

**Sec. 2151.86.** (A)(1) The appointing or hiring officer of any entity that appoints or employs any person responsible for a child's care in out-of-home care shall request the superintendent of BCII to conduct a criminal records check with respect to any person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care~~, except that section 3319.39 of the Revised Code shall apply instead of this section if~~. The request shall be made at the time of initial application for appointment or employment and every four years thereafter. If the out-of-home care entity is a public school, educational service center, or chartered nonpublic school, then section 3319.39 of the Revised Code shall apply instead. If the out-of-home care entity is a child day-care center, type A family day-care home, type B family day-care home, certified in-home aide, or child day camp, then section 5104.013

of the Revised Code shall apply instead.

(2) At the times specified in this division, the administrative director of an agency, or attorney, who arranges an adoption for a prospective adoptive parent shall request the superintendent of BCII to conduct a criminal records check with respect to that prospective adoptive parent and a criminal records check with respect to all persons eighteen years of age or older who reside with the prospective adoptive parent. The administrative director or attorney shall request a criminal records check pursuant to this division at the time of the initial home study, every four years after the initial home study at the time of an update, and at the time that an adoptive home study is completed as a new home study.

(3) Before a recommending agency submits a recommendation to the department of job and family services on whether the department should issue a certificate to a foster home under section 5103.03 of the Revised Code, and every four years thereafter prior to a recertification under that section, the administrative director of the agency shall request that the superintendent of BCII conduct a criminal records check with respect to the prospective foster caregiver and a criminal records check with respect to all other persons eighteen years of age or older who reside with the foster caregiver.

(B)(1) ~~If a person subject to a criminal records check under division (A)(1) of this section does not present proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent of BCII has requested information about the person from the federal bureau of investigation in a criminal records check, the appointing or hiring officer shall request that the superintendent of BCII~~

~~obtain information from the federal bureau of investigation as a part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671. If a person subject to a criminal records check under division (A)(1) of this section presents proof that the person has been a resident of this state for that five-year period, the appointing or hiring officer or attorney may request that the superintendent of BCII include information from the federal bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671~~ When the appointing or hiring officer requests, at the time of initial application for appointment or employment, a criminal records check for a person subject to division (A)(1) of this section, the officer shall request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the appointing or hiring officer requests a criminal records check for a person pursuant to division (A)(1) of this section, the officer may request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check.

When the administrative director of an agency, or attorney, who arranges an adoption for a prospective parent requests, at the time of the initial home study, a criminal records check for a person pursuant to division (A)(2) of this section, the administrative director or attorney shall request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check, including

fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrative director of an agency, or attorney, who arranges an adoption for a prospective parent requests a criminal records check for a person pursuant to division (A)(2) of this section, the administrative director or attorney may request that the superintendent of BCII include information from the federal bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671.

When the administrative director of a recommending agency requests, before submitting a recommendation to the department of job and family services on whether the department should issue a certificate to a foster home under section 5103.03 of the Revised Code, a criminal records check for a person pursuant to division (A)(3) of this section, the administrative director shall request that the superintendent of BCII obtain information from the federal bureau of investigation as part of a criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrative director of a recommending agency requests a criminal records check for a person pursuant to division (A)(3) of this section, the administrative director may request that the superintendent of BCII include information from the federal bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671.

Prior to a hearing on a final decree of adoption or interlocutory order of adoption by a probate court, the administrative director of an agency, or an attorney, who arranges

an adoption for a prospective parent shall provide to the clerk of the probate court either of the following:

(a) Any information received pursuant to a request made under this division from the superintendent of BCII or the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check;

(b) Written notification that the person subject to a criminal records check pursuant to this division failed upon request to provide the information necessary to complete the form or failed to provide impressions of the person's fingerprints as required under division (B)(2) of this section.

(2) An appointing or hiring officer, administrative director, or attorney required by division (A) of this section to request a criminal records check shall provide to each person subject to a criminal records check a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from the person, and forward the completed form and impression sheet to the superintendent of BCII at the time the criminal records check is requested.

Any person subject to a criminal records check who receives pursuant to this division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the

person's fingerprints. If a person subject to a criminal records check, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the appointing or hiring officer shall not appoint or employ the person as a person responsible for a child's care in out-of-home care, a probate court may not issue a final decree of adoption or an interlocutory order of adoption making the person an adoptive parent, and the department of job and family services shall not issue a certificate authorizing the prospective foster caregiver to operate a foster home.

(C)(1) No appointing or hiring officer shall appoint or employ a person as a person responsible for a child's care in out-of-home care, the department of job and family services shall not issue a certificate under section 5103.03 of the Revised Code authorizing a prospective foster caregiver to operate a foster home, and no probate court shall issue a final decree of adoption or an interlocutory order of adoption making a person an adoptive parent if the person or, in the case of a prospective foster caregiver or prospective adoptive parent, any person eighteen years of age or older who resides with the prospective foster caregiver or prospective adoptive parent previously has been convicted of or pleaded guilty to any of the violations described in division (A)(4) of section 109.572 of the Revised Code, unless the person meets rehabilitation standards established in rules adopted under division (F) of this section.

(2) ~~The appointing or hiring officer may appoint or employ a person as a person responsible for a child's care in out-of-home care conditionally until the criminal records check required by this section is completed and the officer receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (C)(1) of this section, the person subject to the criminal records check does not qualify~~

~~for appointment or employment, the officer shall release the person from appointment or employment.~~

~~(3)~~ Prior to certification or recertification under section 5103.03 of the Revised Code, the prospective foster caregiver subject to a criminal records check under division (A)(3) of this section shall notify the recommending agency of the revocation of any foster home license, certificate, or other similar authorization in another state occurring within the five years prior to the date of application to become a foster caregiver in this state. The failure of a prospective foster caregiver to notify the recommending agency of any revocation of that type in another state that occurred within that five-year period shall be grounds for denial of the person's foster home application or the revocation of the person's foster home certification, whichever is applicable. If a person has had a revocation in another state within the five years prior to the date of the application, the department of job and family services shall not issue a foster home certificate to the prospective foster caregiver.

(D) The appointing or hiring officer, administrative director, or attorney shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request pursuant to division (A) of this section. The officer, director, or attorney may charge the person subject to the criminal records check a fee for the costs the officer, director, or attorney incurs in obtaining the criminal records check. A fee charged under this division shall not exceed the amount of fees the officer, director, or attorney pays for the criminal records check. If a fee is charged under this division, the officer, director, or attorney shall notify the person who is the applicant at the time of the person's initial application for

appointment or employment, an adoption to be arranged, or a certificate to operate a foster home of the amount of the fee and that, unless the fee is paid, the person who is the applicant will not be considered for appointment or employment or as an adoptive parent or foster caregiver.

(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) The appointing or hiring officer, administrative director, or attorney requesting the criminal records check or the officer's, director's, or attorney's representative;

(3) The department of job and family services, a county department of job and family services, or a public children services agency;

(4) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment, a final decree of adoption or interlocutory order of adoption, or a foster home certificate.

(F) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (A)(4) of section 109.572 of the Revised Code must meet for an appointing or hiring officer to appoint or employ the person as a person responsible for a child's care in out-of-home care, a probate court to issue a final decree of

adoption or interlocutory order of adoption making the person an adoptive parent, or the department to issue a certificate authorizing the prospective foster caregiver to operate a foster home or not revoke a foster home certificate for a violation specified in section 5103.0328 of the Revised Code.

(G) An appointing or hiring officer, administrative director, or attorney required by division (A) of this section to request a criminal records check shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment, an adoption to be arranged, or a foster home certificate, that the person subject to the criminal records check is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code.

(H) As used in this section:

(1) "Children's hospital" means any of the following:

(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a

children's hospital and the children's hospital meets all the requirements of division (H)(1)(a) of this section.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective employee of the department of youth services or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

(4) "Person subject to a criminal records check" means the following:

(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care;

(b) A prospective or current adoptive parent;

(c) A prospective or current foster caregiver;

(d) A person eighteen years old or older who resides with a prospective or current foster caregiver or a prospective or current adoptive parent.

(5) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of job and family services has delegated a duty to inspect and approve foster homes.

(6) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.

**Sec. 2301.27.** (A)(1)(a) The court of common pleas may establish a county department of probation. The establishment of the department shall be entered upon the journal of the court, and

the clerk of the court of common pleas shall certify a copy of the journal entry establishing the department to each elective officer and board of the county. The department shall consist of a chief probation officer and the number of other probation officers and employees, clerks, and stenographers that is fixed from time to time by the court. The court shall appoint those individuals, fix their salaries, and supervise their work.

(b) When appointing a chief probation officer, the court shall do all of the following:

(i) Publicly advertise the position on the court's web site, including, but not limited to, the job description, qualifications for the position, and the application requirements;

(ii) Conduct a competitive hiring process that adheres to state and federal equal employment opportunity laws;

(iii) Review applicants who meet the posted qualifications and comply with the application requirements.

(c) The court shall not appoint as a probation officer any person who does not possess the training, experience, and other qualifications prescribed by the adult parole authority created by section 5149.02 of the Revised Code or the department of youth services, as applicable. Probation officers have all the powers of regular police officers and shall perform any duties that are designated by the judge or judges of the court. All positions within the department of probation, except positions held by probation officers in the juvenile division of a court of common pleas, shall be in the classified service of the civil service of the county.

(2) If two or more counties desire to jointly establish a probation department for those counties, the judges of the courts of common pleas of those counties may establish a probation department for those counties. If a probation department is

established pursuant to division (A)(2) of this section to serve more than one county, the judges of the courts of common pleas that established the department shall designate the county treasurer of one of the counties served by the department as the treasurer to whom probation fees paid under section 2951.021 of the Revised Code are to be appropriated and transferred under division (A)(2) of section 321.44 of the Revised Code for deposit into the multicounty probation services fund established under division (B) of section 321.44 of the Revised Code.

The cost of the administration and operation of a probation department established for two or more counties shall be prorated to the respective counties on the basis of population.

(3) Probation officers shall receive, in addition to their respective salaries, their necessary and reasonable travel and other expenses incurred in the performance of their duties. Their salaries and expenses shall be paid monthly from the county treasury in the manner provided for the payment of the compensation of other appointees of the court.

(4) Adult probation officers shall be trained in accordance with a set of minimum standards that are established by the adult parole authority of the department of rehabilitation and correction. Probation officers in the juvenile division of a court of common pleas shall be trained in accordance with a set of minimum standards that are established by the department of youth services.

(B)(1)(a) In lieu of establishing a county department of probation under division (A) of this section and ~~in lieu~~ irrespective of ~~entering into an~~ any agreement with the adult parole authority as described in division (B) of section 2301.32 of the Revised Code, the court of common pleas may request the board of county commissioners to contract with, and upon that request the board may contract with, any nonprofit, public or

private agency, association, or organization for the provision of probation services and supervisory services for persons placed under community control sanctions. The contract shall specify that each individual providing the probation services and supervisory services shall possess the training, experience, and other qualifications prescribed by the adult parole authority or the department of youth services, as applicable. The individuals who provide the probation services and supervisory services shall not be included in the classified or unclassified civil service of the county.

(b) A court of common pleas that has established a county probation department or has entered into an agreement with the adult parole authority as described in division (A) or (B) of section 2301.32 of the Revised Code may request the board of county commissioners to contract with, and upon that request the board may contract with, any nonprofit, public or private agency, association, or organization for the provision of probation services and supervisory services, including the preparation of presentence investigation reports to supplement the probation services and supervisory services provided by the county probation department or adult parole authority, as applicable. The contract shall specify that each individual providing the probation services and supervisory services shall possess the training, experience, and other qualifications prescribed by the adult parole authority. The individuals who provide the probation services and supervisory services shall not be included in the classified or unclassified civil service of the county. A nonprofit, public or private agency, association, or organization providing probation services or supervisory services under this division is hereby designated a criminal justice agency in the provision of those services, and as such is authorized by this state to apply for access to the computerized databases administered by the national crime information center or the law

enforcement automated data system in Ohio and to other computerized databases administered for the purpose of making criminal justice information accessible to state criminal justice agencies.

(2)(a) In lieu of establishing a county department of probation under division (A) of this section and ~~in lieu~~ irrespective of ~~entering into an~~ any agreement with the adult parole authority as described in division (B) of section 2301.32 of the Revised Code, the courts of common pleas of two or more adjoining counties jointly may request the boards of county commissioners of those counties to contract with, and upon that request the boards of county commissioners of two or more adjoining counties jointly may contract with, any nonprofit, public or private agency, association, or organization for the provision of probation services and supervisory services for persons placed under community control sanctions for those counties. The contract shall specify that each individual providing the probation services and supervisory services shall possess the training, experience, and other qualifications prescribed by the adult parole authority or the department of youth services, as applicable. The individuals who provide the probation services and supervisory services shall not be included in the classified or unclassified civil service of any of those counties.

(b) The courts of common pleas of two or more adjoining counties that have jointly established a probation department for those counties or have entered into an agreement with the adult parole authority as described in division (A) or (B) of section 2301.32 of the Revised Code may jointly request the board of county commissioners of each county to contract with, and upon that request the board may contract with, any nonprofit, public or private agency, association, or organization for the provision of

probation services and supervisory services, including the preparation of presentence investigation reports to supplement the probation services and supervisory services provided by the probation department or adult parole authority, as applicable. The contract shall specify that each individual providing the probation services and supervisory services shall possess the training, experience, and other qualifications prescribed by the adult parole authority. The individuals who provide the probation services and supervisory services shall not be included in the classified or unclassified civil service of the county. A nonprofit, public or private agency, association, or organization providing probation services or supervisory services under this division is hereby designated a criminal justice agency in the provision of those services, and as such is authorized by this state to apply for access to the computerized databases administered by the national crime information center or the law enforcement automated data system in Ohio and to other computerized databases administered for the purpose of making criminal justice information accessible to state criminal justice agencies.

(C) The chief probation officer may grant permission to a probation officer to carry firearms when required in the discharge of official duties if the probation officer has successfully completed a basic firearm training program that is approved by the executive director of the Ohio peace officer training commission. A probation officer who has been granted permission to carry a firearm in the discharge of official duties, annually shall successfully complete a firearms requalification program in accordance with section 109.801 of the Revised Code.

(D) As used in this section and sections 2301.28 to 2301.32 of the Revised Code, "community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

**Sec. 2301.28.** The court of common pleas of a county in which a county department of probation has been established under division (A) of section 2301.27 of the Revised Code, in addition to employing the department in investigation and in the administration of its own orders imposing community control sanctions, shall receive into the legal control or supervision of the department any person who is a resident of the county and who has been placed under a community control sanction by order of any other court exercising criminal jurisdiction in this state, whether within or without the county in which the department of probation is located, upon the request of the other court and subject to its continuing jurisdiction. ~~The~~ If the court of common pleas has entered into an agreement for joint supervision with the adult parole authority pursuant to section 2967.29 of the Revised Code, the court ~~of common pleas~~ also shall receive into the legal custody or supervision of the department any person who is paroled, released under a post-release control sanction, or conditionally pardoned from a state correctional institution and who resides or remains in the county, ~~if requested~~ as agreed to by the adult parole authority created by section 5149.02 of the Revised Code ~~or any other authority having power to parole or release from any institution of that nature~~.

As used in this section and section 2301.30 of the Revised Code, "post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

**Sec. 2301.30.** The court of common pleas of a county in which a county department of probation is established under division (A) of section 2301.27 of the Revised Code shall require the department, in the rules through which the supervision of the department is exercised or otherwise, to do all of the following:

(A) Furnish to each person under its supervision or in its

custody under a community control sanction or, pursuant to an agreement for joint supervision under section 2967.29 of the Revised Code, under a post-release control sanction or on parole ~~under its supervision or in its custody~~, a written statement of the conditions of the community control sanction, post-release control sanction, or parole and instruct the person regarding the conditions;

(B) Keep informed concerning the conduct and condition of each person in its custody or under its supervision by visiting, the requiring of reports, and otherwise;

(C) Use all suitable methods, not inconsistent with the conditions of the community control sanction, post-release control sanction, or parole, to aid and encourage the persons under its supervision or in its custody and to bring about improvement in their conduct and condition;

(D) Establish policies regarding the supervision of probationers that shall include, but not be limited to, ~~all~~ both of the following:

(1) The minimum number of supervision contacts required for probationers, based on each probationer's risk to reoffend as determined by the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code, under which higher risk probationers receive the greatest amount of supervision;

(2) A graduated response policy to govern which types of violations a probation officer may respond to administratively and which type require a violation hearing by the court.

(E) Keep detailed records of the work of the department, keep accurate and complete accounts of all moneys collected from persons under its supervision or in its custody, and keep or give receipts for those moneys;

(F) Make reports to the adult parole authority created by section 5149.02 of the Revised Code that it requires.

**Sec. 2301.32.** (A) In any county in which a county department of probation has been established under division (A) of section 2301.27 of the Revised Code and complies with standards and conditions prescribed by the adult parole authority created by section 5149.02 of the Revised Code, an agreement may be entered into between the court of common pleas and the authority under which the county department of probation may receive supplemental investigation or supervisory services from the authority. However, the authority may limit the provision of its services in order to meet caseload and supervision standards developed by the authority for its officers under section 5149.04 of the Revised Code.

(B) In any county in which a county department of probation has not been established under division (A) of section 2301.27 of the Revised Code, an agreement may be entered into between the court of common pleas of that county and the adult parole authority under which the court of common pleas may place defendants under a community control sanction in charge of the authority, and, in consideration of those placements, the county shall pay to the state from time to time the amounts that are provided for in the agreement. However, the authority may limit the provision of its services in order to meet caseload and supervision standards developed by the authority for its officers under section 5149.04 of the Revised Code.

(C) If the adult parole authority does not have an existing agreement to provide investigation or supervisory services to a county pursuant to division (A) or (B) of this section, the authority may choose not to enter into a new agreement for those services. The authority may terminate or choose not to renew an existing agreement, subject to the terms of that agreement, but if

the authority terminates or chooses not to renew an existing agreement, the county shall instead be offered funding from the division of parole and community services of the department of rehabilitation and correction, provided the general assembly has appropriated sufficient funds for that purpose.

**Sec. 2317.54.** No hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program shall be held liable for a physician's failure to obtain an informed consent from the physician's patient prior to a surgical or medical procedure or course of procedures, unless the physician is an employee of the hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program.

Written consent to a surgical or medical procedure or course of procedures shall, to the extent that it fulfills all the requirements in divisions (A), (B), and (C) of this section, be presumed to be valid and effective, in the absence of proof by a preponderance of the evidence that the person who sought such consent was not acting in good faith, or that the execution of the consent was induced by fraudulent misrepresentation of material facts, or that the person executing the consent was not able to communicate effectively in spoken and written English or any other language in which the consent is written. Except as herein provided, no evidence shall be admissible to impeach, modify, or limit the authorization for performance of the procedure or procedures set forth in such written consent.

(A) The consent sets forth in general terms the nature and purpose of the procedure or procedures, and what the procedures are expected to accomplish, together with the reasonably known risks, and, except in emergency situations, sets forth the names

of the physicians who shall perform the intended surgical procedures.

(B) The person making the consent acknowledges that such disclosure of information has been made and that all questions asked about the procedure or procedures have been answered in a satisfactory manner.

(C) The consent is signed by the patient for whom the procedure is to be performed, or, if the patient for any reason including, but not limited to, competence, minority, or the fact that, at the latest time that the consent is needed, the patient is under the influence of alcohol, hallucinogens, or drugs, lacks legal capacity to consent, by a person who has legal authority to consent on behalf of such patient in such circumstances, including either of the following:

(1) The parent, whether the parent is an adult or a minor, of the parent's minor child;

(2) An adult whom the parent of the minor child has given written authorization to consent to a surgical or medical procedure or course of procedures for the parent's minor child.

Any use of a consent form that fulfills the requirements stated in divisions (A), (B), and (C) of this section has no effect on the common law rights and liabilities, including the right of a physician to obtain the oral or implied consent of a patient to a medical procedure, that may exist as between physicians and patients on July 28, 1975.

As used in this section the term "hospital" has the same meaning as in section 2305.113 of the Revised Code; "home health agency" has the same meaning as in section 5101.61 of the Revised Code; "ambulatory surgical facility" has the <u>same</u> meaning as in ~~division (A) of~~ section 3702.30 of the Revised Code; and "hospice care program" and "pediatric respite care program" have the same

meanings as in section 3712.01 of the Revised Code. The provisions of this division apply to hospitals, doctors of medicine, doctors of osteopathic medicine, and doctors of podiatric medicine.

**Sec. 2925.01.** As used in this chapter:

(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.

(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.

(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.

(D) "Bulk amount" of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, a d hashish and except as provided in division (D)(2), (5), or (6) of this section, whichever of the following is applicable:

(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;

(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;

(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;

(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;

(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;

(f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is or contains any amount of a schedule II depressant substance or a schedule II hallucinogenic substance;

(g) An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.

(2) An amount equal to or exceeding one hundred twenty grams

or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III or IV substance other than an anabolic steroid or a schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;

(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;

(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid;

(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of section 2925.11 of the Revised Code and the sentencing provisions set forth in divisions (C)(10)(b) and (C)(11) of that section will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (D)(1), (2), (3), (4), or (5) of this section for the other schedule III, IV, or V controlled substance that is combined with the fentanyl-related compound.

(E) "Unit dose" means an amount or unit of a compound,

mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(F) "Cultivate" includes planting, watering, fertilizing, or tilling.

(G) "Drug abuse offense" means any of the following:

(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;

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

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.

(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.

(I) "Harmful intoxicant" does not include beer or

intoxicating liquor but means any of the following:

(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:

(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;

(b) Any aerosol propellant;

(c) Any fluorocarbon refrigerant;

(d) Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.

(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had

been placed in a container plainly marked as a sample by a manufacturer.

(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.

(N) "Juvenile" means a person under eighteen years of age.

(O) "Counterfeit controlled substance" means any of the following:

(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;

(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;

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(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.

(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.

(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, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

(R) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(T) "Disciplinary counsel" means the disciplinary counsel

appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.

(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar association or of one or more local bar associations of the state of Ohio that complies with the criteria set forth in Rule V, section 6 of the Rules for the Government of the Bar of Ohio.

(V) "Professional license" means any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in divisions (W)(1) to (37) of this section and that qualifies a person as a professionally licensed person.

(W) "Professionally licensed person" means any of the following:

(1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;

(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;

(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;

(4) A person licensed under Chapter 4707. of the Revised Code;

(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the

Revised Code;

(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;

(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;

(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;

(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;

(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;

(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;

(12) A person licensed to act as a pawnbroker under Chapter

4727. of the Revised Code;

(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;

(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;

(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;

(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;

(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;

(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;

(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;

(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;

(22) A person registered as a registered sanitarian under Chapter ~~4736.~~ 3722. of the Revised Code;

(23) A person licensed to operate or maintain a junkyard

under Chapter 4737. of the Revised Code;

(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;

(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;

(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;

(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;

(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;

(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;

(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;

(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;

(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 social work assistant under Chapter 4757. of the Revised Code;

(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;

(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;

(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.

(X) "Cocaine" means any of the following:

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;

(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;

(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 extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(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.

(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.

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the following:

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;

(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.

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(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.

(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.

(KK) "Fentanyl-related compound" means any of the following:

(1) Fentanyl;

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;

(10) Alfentanil;

(11) Carfentanil;

(12) Remifentanil;

(13) Sufentanil;

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and

(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:

(a) A chemical scaffold consisting of both of the following:

(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;

(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.

(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;

(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and

(d) The compound has not been approved for medical use by the United States food and drug administration.

(LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A)(1)(b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after the effective date of this amendment, it means one of the minimum prison terms prescribed in division (A)(1)(a) of that section for a felony of the first

degree.

(MM) "Second degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after the effective date of this amendment, it means one of the minimum prison terms prescribed in division (A)(2)(a) of that section for a felony of the second degree.

(NN) "Maximum first degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(1)(b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after the effective date of this amendment, it means the longest minimum prison term prescribed in division (A)(1)(a) of that section for a felony of the first degree.

(OO) "Maximum second degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after the effective date of this amendment, it means the longest minimum prison term prescribed in division (A)(2)(a) of that section for a felony of the second degree.

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

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

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

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

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

(i) Any cigarette or other tobacco product;

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

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

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

(3) ~~"Child" has the same meaning as in section 2151.011 of the Revised Code.~~

~~(4)~~ "Cigarette" includes clove cigarettes and hand-rolled cigarettes.

~~(5)~~(4) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products,

or papers used to roll cigarettes.

~~(6)~~(5)(a) "Electronic cigarette" means, subject to division (A)~~(6)~~(5)(b) of this section, any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.

(b) "Electronic cigarette" does not include any item, product, or device described in divisions (A)(2)(b)(i) to (iv) of this section.

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

~~(8)~~(7) "Tobacco product" means any product that is made from tobacco, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, or snuff.

~~(9)~~(8) "Vapor product" means a product, other than a cigarette or other tobacco product as defined in Chapter 5743. of the Revised Code, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. "Vapor product" includes any component, part, or additive that is intended for use in a mechanical heating element, battery, or electronic circuit and is used to deliver the product, provided that the component, part, or additive is sold with the product and not separately stated on an invoice or other document of sale. "Vapor product" does not include any product that is a drug, device, or combination product, as those terms are defined or

described in 21 U.S.C. 321 and 353(g). "Vapor product" includes any product containing nicotine, regardless of concentration.

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

(B) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:

(1) Give, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any ~~child~~ person under twenty-one years of age;

(2) Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a legibly printed sign in letters at least one-half inch high stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under ~~eighteen~~ twenty-one years of age is prohibited by law;

(3) Knowingly furnish any false information regarding the name, age, or other identification of any ~~child~~ person under twenty-one years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that ~~child~~ person;

(4) Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;

(5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;

(6) Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification.

(C) No person shall sell or offer to sell cigarettes, other tobacco products, or alternative nicotine products by or from a vending machine, except in the following locations:

(1) An area within a factory, business, office, or other place not open to the general public;

(2) An area to which ~~children~~ persons under twenty-one years of age are not generally permitted access;

(3) Any other place not identified in division (C)(1) or (2) of this section, upon all of the following conditions:

(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.

(b) The vending machine is inaccessible to the public when the place is closed.

(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:

"It is illegal for any person under the age of 21 to purchase tobacco products."

(D) The following are affirmative defenses to a charge under division (B)(1) of this section:

(1) The ~~child~~ person under twenty-one years of age was accompanied by a parent, spouse who is ~~eighteen~~ twenty-one years of age or older, or legal guardian of the ~~child~~ person under twenty-one years of age.

(2) The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a ~~child~~ person under twenty-one years of age under division (B)(1) of this section is a parent, spouse who is ~~eighteen~~ twenty-one years of age or older, or legal guardian of the ~~child~~ person under twenty-one years of age.

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

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

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

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

(F)(1) Whoever violates division (B)(1), (2), (4), (5), or (6) or (C) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (B)(1), (2), (4), (5), or (6) or (C) of this section, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(2) Whoever violates division (B)(3) of this section is guilty of permitting ~~children~~ a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting ~~children~~ a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (B)(3) of this section, permitting ~~children~~ a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(G) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a ~~child~~ person under twenty-one years of age in violation of this section and that are used, possessed, purchased, or received by a ~~child~~ person under twenty-one years of age in violation of section 2151.87 of the Revised Code are subject to seizure and forfeiture as contraband under Chapter 2981. of the Revised Code.

**Sec. 2927.022.** (A) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of section 2927.02 of the Revised Code in which the age of the purchaser or other recipient of cigarettes, other tobacco products, or alternative nicotine products is an element of the alleged violation, if the seller, agent, or employee raises and proves as an affirmative defense that all of the following occurred:

(1) A card holder attempting to purchase or receive cigarettes, other tobacco products, or alternative nicotine products presented a driver's or commercial driver's license or an identification card.

(2) A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

(3) The cigarettes, other tobacco products, or alternative nicotine products were sold, given away, or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.

(B) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by division (A) of this section, the trier of fact in the action for the alleged violation of section 2927.02 of the Revised Code shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of section 2927.02 of the Revised Code. For purposes of division (A)(3) of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an

agent or employee of a seller from exercising reasonable diligence to determine, the following:

(1) Whether a person to whom the seller or agent or employee of a seller sells, gives away, or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is ~~eighteen~~ twenty-one years of age or older;

(2) Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.

(C) In any criminal action in which the affirmative defense provided by division (A) of this section is raised, the registrar of motor vehicles or a deputy registrar who issued an identification card under sections 4507.50 to 4507.52 of the Revised Code shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the bureau of motor vehicles in the action.

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or (G) of this section and unless a specific sanction is required to be imposed or is precluded from being imposed pursuant to law, a court that imposes a sentence upon an offender for a felony may impose any sanction or combination of sanctions on the offender that are provided in sections 2929.14 to 2929.18 of the Revised Code.

If the offender is eligible to be sentenced to community control sanctions, the court shall consider the appropriateness of imposing a financial sanction pursuant to section 2929.18 of the Revised Code or a sanction of community service pursuant to section 2929.17 of the Revised Code as the sole sanction for the offense. Except as otherwise provided in this division, if the court is required to impose a mandatory prison term for the offense for which sentence is being imposed, the court also shall

impose any financial sanction pursuant to section 2929.18 of the Revised Code that is required for the offense and may impose any other financial sanction pursuant to that section but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

If the offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, in addition to the mandatory term of local incarceration or the mandatory prison term required for the offense by division (G)(1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

(2) For a third or fourth degree felony OVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (B)(4) of section 2929.14 of the Revised Code or a community control sanction as described in division (G)(2) of this section.

(B)(1)(a) Except as provided in division (B)(1)(b) of this section, if an offender is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense, the court shall

sentence the offender to a community control sanction or combination of community control sanctions if all of the following apply:

(i) The offender previously has not been convicted of or pleaded guilty to a felony offense.

(ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree.

(iii) ~~If the court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of this section, the department, within the forty-five-day period specified in that division, provided the court with the names of, contact information for, and program details of one or more community control sanctions that are available for persons sentenced by the court.~~

~~(iv)~~ The offender previously has not been convicted of or pleaded guilty to a misdemeanor offense of violence that the offender committed within two years prior to the offense for which sentence is being imposed.

(b) The court has discretion to impose a prison term upon an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense if any of the following apply:

(i) The offender committed the offense while having a firearm on or about the offender's person or under the offender's control.

(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.

(iii) The offender violated a term of the conditions of bond

as set by the court.

(iv) ~~The court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of this section, and the department, within the forty-five-day period specified in that division, did not provide the court with the name of, contact information for, and program details of any community control sanction that is available for persons sentenced by the court.~~

~~(v)~~ The offense is a sex offense that is a fourth or fifth degree felony violation of any provision of Chapter 2907. of the Revised Code.

~~(vi)~~(v) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.

~~(vii)~~(vi) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person.

~~(viii)~~(vii) The offender held a public office or position of trust, and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.

~~(ix)~~(viii) The offender committed the offense for hire or as part of an organized criminal activity.

~~(x)~~(ix) The offender at the time of the offense was serving, or the offender previously had served, a prison term.

~~(xi)~~(x) The offender committed the offense while under a community control sanction, while on probation, or while released

from custody on a bond or personal recognizance.

(c) ~~If a court that is sentencing an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense believes that no community control sanctions are available for its use that, if imposed on the offender, will adequately fulfill the overriding principles and purposes of sentencing, the court shall contact the department of rehabilitation and correction and ask the department to provide the court with the names of, contact information for, and program details of one or more community control sanctions that are available for persons sentenced by the court. Not later than forty-five days after receipt of a request from a court under this division, the department shall provide the court with the names of, contact information for, and program details of one or more community control sanctions that are available for persons sentenced by the court, if any. Upon making a request under this division that relates to a particular offender, a court shall defer sentencing of that offender until it receives from the department the names of, contact information for, and program details of one or more community control sanctions that are available for persons sentenced by the court or for forty-five days, whichever is the earlier.~~

~~If the department provides the court with the names of, contact information for, and program details of one or more community control sanctions that are available for persons sentenced by the court within the forty-five-day period specified in this division, the court shall impose upon the offender a community control sanction under division (B)(1)(a) of this section, except that the court may impose a prison term under division (B)(1)(b) of this section if a factor described in division (B)(1)(b)(i) or (ii) of this section applies. If the~~

~~department does not provide the court with the names of, contact information for, and program details of one or more community control sanctions that are available for persons sentenced by the court within the forty-five-day period specified in this division, the court may impose upon the offender a prison term under division (B)(1)(b)(iv) of this section.~~

~~(d)~~ A sentencing court may impose an additional penalty under division (B) of section 2929.15 of the Revised Code upon an offender sentenced to a community control sanction under division (B)(1)(a) of this section if the offender violates the conditions of the community control sanction, violates a law, or leaves the state without the permission of the court or the offender's probation officer.

(2) If division (B)(1) of this section does not apply, except as provided in division (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the fourth or fifth degree, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code.

(C) Except as provided in division (D), (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the third degree or a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to this division for purposes of sentencing, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code.

(D)(1) Except as provided in division (E) or (F) of this section, for a felony of the first or second degree, for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption

in favor of a prison term is specified as being applicable, and for a violation of division (A)(4) or (B) of section 2907.05 of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, it is presumed that a prison term is necessary in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. Division (D)(2) of this section does not apply to a presumption established under this division for a violation of division (A)(4) of section 2907.05 of the Revised Code.

(2) Notwithstanding the presumption established under division (D)(1) of this section for the offenses listed in that division other than a violation of division (A)(4) or (B) of section 2907.05 of the Revised Code, the sentencing court may impose a community control sanction or a combination of community control sanctions instead of a prison term on an offender for a felony of the first or second degree or for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable if it makes both of the following findings:

(a) A community control sanction or a combination of community control sanctions would adequately punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a lesser likelihood of recidivism outweigh the applicable factors under that section indicating a greater likelihood of recidivism.

(b) A community control sanction or a combination of community control sanctions would not demean the seriousness of the offense, because one or more factors under section 2929.12 of the Revised Code that indicate that the offender's conduct was less serious than conduct normally constituting the offense are applicable, and they outweigh the applicable factors under that

section that indicate that the offender's conduct was more serious than conduct normally constituting the offense.

(E)(1) Except as provided in division (F) of this section, for any drug offense that is a violation of any provision of Chapter 2925. of the Revised Code and that is a felony of the third, fourth, or fifth degree, the applicability of a presumption under division (D) of this section in favor of a prison term or of division (B) or (C) of this section in determining whether to impose a prison term for the offense shall be determined as specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code, whichever is applicable regarding the violation.

(2) If an offender who was convicted of or pleaded guilty to a felony violates the conditions of a community control sanction imposed for the offense solely by reason of producing positive results on a drug test or by acting pursuant to division (B)(2)(b) of section 2925.11 of the Revised Code with respect to a minor drug possession offense, the court, as punishment for the violation of the sanction, shall not order that the offender be imprisoned unless the court determines on the record either of the following:

(a) The offender had been ordered as a sanction for the felony to participate in a drug treatment program, in a drug education program, or in narcotics anonymous or a similar program, and the offender continued to use illegal drugs after a reasonable period of participation in the program.

(b) The imprisonment of the offender for the violation is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code.

(3) A court that sentences an offender for a drug abuse offense that is a felony of the third, fourth, or fifth degree may

require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes addiction services and recovery supports included in a community-based continuum of care established under section 340.032 of the Revised Code. If the court imposes addiction services and recovery supports as a community control sanction, the court shall direct the level and type of addiction services and recovery supports after considering the assessment and recommendation of community addiction services providers.

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, divisions (C) to (I) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code and would be sentenced under section 2971.03 of the Revised Code;

(3) Gross sexual imposition or sexual battery, if the victim

is less than thirteen years of age and if any of the following applies:

(a) Regarding gross sexual imposition, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and the victim of the previous offense was less than thirteen years of age;

(b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation.

(c) Regarding sexual battery, either of the following applies:

(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.

(ii) The offense was committed on or after August 3, 2006.

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, or 2923.132 of the Revised Code if the section requires the imposition of a prison term;

(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;

(6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this

section, if the offender previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses;

(7) Any offense that is a third degree felony and either is a violation of section 2903.04 of the Revised Code or an attempt to commit a felony of the second degree that is an offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person if the offender previously was convicted of or pleaded guilty to any of the following offenses:

(a) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, a felony of the first or second degree that resulted in the death of a person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed in division (F)(7)(a) of this section that resulted in the death of a person or in physical harm to a person.

(8) Any offense, other than a violation of section 2923.12 of the Revised Code, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to division (B)(1)(a) of section 2929.14 of the Revised Code for having the firearm;

(9) Any offense of violence that is a felony, if the offender wore or carried body armor while committing the felony offense of

violence, with respect to the portion of the sentence imposed pursuant to division (B)(1)(d) of section 2929.14 of the Revised Code for wearing or carrying the body armor;

(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree;

(11) Any violent sex offense or designated homicide, assault, or kidnapping offense if, in relation to that offense, the offender is adjudicated a sexually violent predator;

(12) A violation of division (A)(1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A)(1) or (2) of that section, if the offender is an officer or employee of the department of rehabilitation and correction;

(13) A violation of division (A)(1) or (2) of section 2903.06 of the Revised Code if the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, or an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, with respect to the portion of the sentence imposed pursuant to division (B)(5) of section 2929.14 of the Revised Code;

(14) A violation of division (A)(1) or (2) of section 2903.06 of the Revised Code if the offender has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, with respect to the portion of the sentence imposed pursuant to division (B)(6) of section 2929.14 of the Revised Code;

(15) Kidnapping, in the circumstances specified in section 2971.03 of the Revised Code and when no other provision of division (F) of this section applies;

(16) Kidnapping, abduction, compelling prostitution, promoting prostitution, engaging in a pattern of corrupt activity, a violation of division (A)(1) or (2) of section 2907.323 of the Revised Code that involves a minor, or endangering children in violation of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code, if the offender is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense;

(17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division (D)(3), (4), or (5) of that section, and division (D)(6) of that section, require the imposition of a prison term;

(18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B)(8) of section 2929.14 of the Revised Code;

(19)(a) Any violent felony offense if the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control during the commission of the violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense, with respect to the portion of the sentence imposed under division (K) of section 2929.14 of the Revised Code.

(b) As used in division (F)(19)(a) of this section, "violent

career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code;

(20) Any violation of division (A)(1) of section 2903.11 of the Revised Code if the offender used an accelerant in committing the violation and the serious physical harm to another or another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity or any violation of division (A)(2) of that section if the offender used an accelerant in committing the violation, the violation caused physical harm to another or another's unborn, and the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity, with respect to a portion of the sentence imposed pursuant to division (B)(9) of section 2929.14 of the Revised Code. The provisions of this division and of division (D)(2) of section 2903.11, divisions (B)(9) and (C)(6) of section 2929.14, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(21) Any violation of division (A) of section 2903.11 of the Revised Code if the victim of the offense suffered permanent disabling harm as a result of the offense and the victim was under ten years of age at the time of the offense, with respect to a portion of the sentence imposed pursuant to division (B)(10) of section 2929.14 of the Revised Code.

(22) A felony violation of section 2925.03, 2925.05, or 2925.11 of the Revised Code, 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 the offender is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, with respect to the portion of the sentence imposed under division

(B)(11) of section 2929.14 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G)(1)(d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G)(1) of this section is not subject to any other Revised Code provision that pertains to a prison term except as provided in division (A)(1) of this section.

(2) If the offender is being sentenced for a third degree felony OVI offense, or if the offender is being sentenced for a fourth degree felony OVI offense and the court does not impose a mandatory term of local incarceration under division (G)(1) of this section, the court shall impose upon the offender a mandatory prison term of one, two, three, four, or five years if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the

Revised Code or shall impose upon the offender a mandatory prison term of sixty days or one hundred twenty days as specified in division (G)(1)(d) or (e) of section 4511.19 of the Revised Code if the offender has not been convicted of and has not pleaded guilty to a specification of that type. Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the court shall not reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or any other provision of the Revised Code. The offender shall serve the one-, two-, three-, four-, or five-year mandatory prison term consecutively to and prior to the prison term imposed for the underlying offense and consecutively to any other mandatory prison term imposed in relation to the offense. In no case shall an offender who once has been sentenced to a mandatory term of local incarceration pursuant to division (G)(1) of this section for a fourth degree felony OVI offense be sentenced to another mandatory term of local incarceration under that division for any violation of division (A) of section 4511.19 of the Revised Code. In addition to the mandatory prison term described in division (G)(2) of this section, the court may sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve the prison term prior to serving the community control sanction. The department of rehabilitation and correction may place an offender sentenced to a mandatory prison term under this division in an intensive program prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement. Upon the establishment of the initial intensive program prison pursuant to section 5120.033 of the Revised Code that is privately operated and managed by a contractor pursuant to a contract entered into under section 9.06 of the Revised Code, both of the following

apply:

(a) The department of rehabilitation and correction shall make a reasonable effort to ensure that a sufficient number of offenders sentenced to a mandatory prison term under this division are placed in the privately operated and managed prison so that the privately operated and managed prison has full occupancy.

(b) Unless the privately operated and managed prison has full occupancy, the department of rehabilitation and correction shall not place any offender sentenced to a mandatory prison term under this division in any intensive program prison established pursuant to section 5120.033 of the Revised Code other than the privately operated and managed prison.

(H) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a felony committed on or after January 1, 1997, the judge shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code.

(I) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration. If required under division (A)(2) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that section, or, if required under division (A)(6) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that division.

(J)(1) Except as provided in division (J)(2) of this section, when considering sentencing factors under this section in relation

to an offender who is convicted of or pleads guilty to an attempt to commit an offense in violation of section 2923.02 of the Revised Code, the sentencing court shall consider the factors applicable to the felony category of the violation of section 2923.02 of the Revised Code instead of the factors applicable to the felony category of the offense attempted.

(2) When considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt.

(K) As used in this section:

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

(3) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code.

(4) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C)(8)(b) or (C)(9)(b) of that section applies.

(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may

require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.

**Sec. 2929.15.** (A)(1) If in sentencing an offender for a felony the court is not required to impose a prison term, a mandatory prison term, or a term of life imprisonment upon the offender, the court may directly impose a sentence that consists of one or more community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the court is sentencing an offender for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code, in addition to the mandatory term of local incarceration imposed under that division and the mandatory fine required by division (B)(3) of section 2929.18 of the Revised Code, the court may impose upon the offender a community control sanction or combination of community control sanctions in accordance with sections 2929.16 and 2929.17 of the Revised Code. If the court is sentencing an offender for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, in addition to the mandatory prison term or mandatory prison term and additional prison term imposed under that division, the court also may impose upon the offender a community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

The duration of all community control sanctions imposed upon an offender under this division shall not exceed five years. If the offender absconds or otherwise leaves the jurisdiction of the court in which the offender resides without obtaining permission

from the court or the offender's probation officer to leave the jurisdiction of the court, or if the offender is confined in any institution for the commission of any offense while under a community control sanction, the period of the community control sanction ceases to run until the offender is brought before the court for its further action. If the court sentences the offender to one or more nonresidential sanctions under section 2929.17 of the Revised Code, the court shall impose as a condition of the nonresidential sanctions that, during the period of the sanctions, the offender must abide by the law and must not leave the state without the permission of the court or the offender's probation officer. The court may impose any other conditions of release under a community control sanction that the court considers appropriate, including, but not limited to, requiring that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in division (D) of this section to determine whether the offender ingested or was injected with a drug of abuse and requiring that the results of the drug test indicate that the offender did not ingest or was not injected with a drug of abuse.

(2)(a) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, the court shall place the offender under the general control and supervision of a department of probation in the county that serves the court for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer. Alternatively, if the offender resides in another county and a county department of probation has been established in that county or that county is served by a multicounty probation

department established under section 2301.27 of the Revised Code, the court may request the court of common pleas of that county to receive the offender into the general control and supervision of that county or multicounty department of probation for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer, subject to the jurisdiction of the trial judge over and with respect to the person of the offender, and to the rules governing that department of probation.

If there is no department of probation in the county that serves the court, the court shall place the offender, regardless of the offender's county of residence, under the general control and supervision of the adult parole authority <u>if the court has entered into an agreement with the authority as described in division (B) of section 2301.32 of the Revised Code</u> or <u>under</u> an entity authorized under division (B) of section 2301.27 of the Revised Code to provide probation and supervisory services to counties for purposes of reporting to the court a violation of any of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer.

(b) If the court imposing sentence upon an offender sentences the offender to any community control sanction or combination of community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and if the offender violates any condition of the sanctions, any condition of release under a community control sanction imposed by the court, violates any law, or departs the state without the permission of

the court or the offender's probation officer, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation or departure directly to the sentencing court, or shall report the violation or departure to the county or multicounty department of probation with general control and supervision over the offender under division (A)(2)(a) of this section or the officer of that department who supervises the offender, or, if there is no such department with general control and supervision over the offender under that division, to the adult parole authority <u>if the court has entered into an agreement with the authority as described in division (B) of section 2301.32 of the Revised Code,</u> or an entity authorized under division (B) of section 2301.27 of the Revised Code to provide probation and supervisory services to the county. If the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction reports the violation or departure to the county or multicounty department of probation, the adult parole authority, or any other entity providing probation and supervisory services to the county, the department's, authority's, or other entity's officers may treat the offender as if the offender were on probation and in violation of the probation, and shall report the violation of the condition of the sanction, any condition of release under a community control sanction imposed by the court, the violation of law, or the departure from the state without the required permission to the sentencing court.

(3) If an offender who is eligible for community control sanctions under this section admits to being drug addicted or the court has reason to believe that the offender is drug addicted, and if the offense for which the offender is being sentenced was related to the addiction, the court may require that the offender be assessed by a properly credentialed professional within a

specified period of time and shall require the professional to file a written assessment of the offender with the court. If a court imposes treatment and recovery support services as a community control sanction, the court shall direct the level and type of treatment and recovery support services after consideration of the written assessment, if available at the time of sentencing, and recommendations of the professional and other treatment and recovery support services providers.

(4) If an assessment completed pursuant to division (A)(3) of this section indicates that the offender is addicted to drugs or alcohol, the court may include in any community control sanction imposed for a violation of section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code a requirement that the offender participate in alcohol and drug addiction services and recovery supports certified under section 5119.36 of the Revised Code or offered by a properly credentialed community addiction services provider.

(B)(1) If the conditions of a community control sanction are violated or if the offender violates a law or leaves the state without the permission of the court or the offender's probation officer, the sentencing court may impose upon the violator one or more of the following penalties:

(a) A longer time under the same sanction if the total time under the sanctions does not exceed the five-year limit specified in division (A) of this section;

(b) A more restrictive sanction under section 2929.16, 2929.17, or 2929.18 of the Revised Code, including but not limited to, a new term in a community-based correctional facility, halfway house, or jail pursuant to division (A)(6) of section 2929.16 of the Revised Code;

(c) A prison term on the offender pursuant to section 2929.14 of the Revised Code and division (B)(3) of this section, provided that a prison term imposed under this division is subject to the following limitations, as applicable:

(i) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fifth degree or for any violation of law committed while under a community control sanction imposed for such a felony that consists of a new criminal offense and that is not a felony, the prison term shall not exceed ninety days.

(ii) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fourth degree that is not an offense of violence and is not a sexually oriented offense or for any violation of law committed while under a community control sanction imposed for such a felony that consists of a new criminal offense and that is not a felony, the prison term shall not exceed one hundred eighty days.

(2) If an offender was acting pursuant to division (B)(2)(b) of section 2925.11 of the Revised Code and in so doing violated the conditions of a community control sanction based on a minor drug possession offense, as defined in section 2925.11 of the Revised Code, the sentencing court may consider the offender's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the offender being the subject of another person seeking or obtaining medical assistance in accordance with that division as a mitigating factor before imposing any of the penalties described in division (B)(1) of this section.

(3) The prison term, if any, imposed upon a violator pursuant to this division and division (B)(1) of this section shall be within the range of prison terms described in this division and

shall not exceed the prison term specified in the notice provided to the offender at the sentencing hearing pursuant to division (B)(2) of section 2929.19 of the Revised Code. The court may reduce the longer period of time that the offender is required to spend under the longer sanction, the more restrictive sanction, or a prison term imposed pursuant to division (B)(1) of this section by the time the offender successfully spent under the sanction that was initially imposed. Except as otherwise specified in this division, the prison term imposed under this division and division (B)(1) of this section shall be within the range of prison terms available as a definite term for the offense for which the sanction that was violated was imposed. If the offense for which the sanction that was violated was imposed is a felony of the first or second degree committed on or after ~~the effective date of this amendment~~ March 22, 2019, the prison term so imposed under this division shall be within the range of prison terms available as a minimum term for the offense under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code.

(C) If an offender, for a significant period of time, fulfills the conditions of a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary manner, the court may reduce the period of time under the sanction or impose a less restrictive sanction, but the court shall not permit the offender to violate any law or permit the offender to leave the state without the permission of the court or the offender's probation officer.

(D)(1) If a court under division (A)(1) of this section imposes a condition of release under a community control sanction that requires the offender to submit to random drug testing, the department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender under division (A)(2)(a) of this section may cause the offender to

submit to random drug testing performed by a laboratory or entity that has entered into a contract with any of the governmental entities or officers authorized to enter into a contract with that laboratory or entity under section 341.26, 753.33, or 5120.63 of the Revised Code.

(2) If no laboratory or entity described in division (D)(1) of this section has entered into a contract as specified in that division, the department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender under division (A)(2)(a) of this section shall cause the offender to submit to random drug testing performed by a reputable public laboratory to determine whether the individual who is the subject of the drug test ingested or was injected with a drug of abuse.

(3) A laboratory or entity that has entered into a contract pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code shall perform the random drug tests under division (D)(1) of this section in accordance with the applicable standards that are included in the terms of that contract. A public laboratory shall perform the random drug tests under division (D)(2) of this section in accordance with the standards set forth in the policies and procedures established by the department of rehabilitation and correction pursuant to section 5120.63 of the Revised Code. An offender who is required under division (A)(1) of this section to submit to random drug testing as a condition of release under a community control sanction and whose test results indicate that the offender ingested or was injected with a drug of abuse shall pay the fee for the drug test if the department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender requires payment of a fee. A laboratory or entity that performs the random drug testing on an offender under division (D)(1) or (2) of this section shall

transmit the results of the drug test to the appropriate department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender under division (A)(2)(a) of this section.

**Sec. 2929.34.** (A) A person who is convicted of or pleads guilty to aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of life imprisonment or a prison term pursuant to that conviction shall serve that term in an institution under the control of the department of rehabilitation and correction.

(B)(1) A person who is convicted of or pleads guilty to a felony other than aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of imprisonment or a prison term pursuant to that conviction shall serve that term as follows:

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of this section, in an institution under the control of the department of rehabilitation and correction if the term is a prison term or as otherwise determined by the sentencing court pursuant to section 2929.16 of the Revised Code if the term is not a prison term;

(b) In a facility of a type described in division (G)(1) of section 2929.13 of the Revised Code, if the offender is sentenced pursuant to that division.

(2) If the term is a prison term, the person may be imprisoned in a jail that is not a minimum security jail pursuant to agreement under section 5120.161 of the Revised Code between the department of rehabilitation and correction and the local authority that operates the jail.

(3)(a) As used in divisions (B)(3)(a) to (d) of this section~~:~~

~~(i) "Target county" means Franklin county, Cuyahoga county, Hamilton county, Summit county, Montgomery county, Lucas county, Butler county, Stark county, Lorain county, and Mahoning county.~~

~~(ii) "Voluntary~~, "voluntary county" means any county in which the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county enter into an agreement of the type described in division (B)(3)(b) of this section and in which the agreement has not been terminated as described in that division.

(b) In any voluntary county ~~other than a target county~~, the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county may agree to having the county participate in the procedures regarding local and state confinement established under division (B)(3)(c) of this section. A board of county commissioners and an administrative judge of a court of common pleas that enter into an agreement of the type described in this division may terminate the agreement, but a termination under this division shall take effect only at the end of the state fiscal biennium in which the termination decision is made.

(c) Except as provided in division (B)(3)(d) of this section, on and after July 1, 2018, no person sentenced by the court of common pleas of a ~~target county or of a~~ voluntary county to a prison term ~~that is twelve months or less~~ for a felony of the fifth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C) or (D) of this section. Nothing in this division relieves the state of its obligation to pay for the cost of confinement of the person in a community-based correctional facility under division (D) of this section.

(d) Division (B)(3)(c) of this section does not apply to any person to whom any of the following apply:

(i) The felony of the fifth degree was an offense of violence, as defined in section 2901.01 of the Revised Code, a sex offense under Chapter 2907. of the Revised Code, a violation of section 2925.03 of the Revised Code, or any offense for which a mandatory prison term is required.

(ii) The person previously has been convicted of or pleaded guilty to any felony offense of violence, as defined in section 2901.01 of the Revised Code, unless the felony of the fifth degree for which the person is being sentenced is a violation of division (I)(1) of section 2903.43 of the Revised Code.

(iii) The person previously has been convicted of or pleaded guilty to any felony sex offense under Chapter 2907. of the Revised Code.

(iv) The person's sentence is required to be served concurrently to any other sentence imposed upon the person for a felony that is required to be served in an institution under the control of the department of rehabilitation and correction.

(C) A person who is convicted of or pleads guilty to one or more misdemeanors and who is sentenced to a jail term or term of imprisonment pursuant to the conviction or convictions shall serve that term in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse; in a community alternative sentencing center or district community alternative sentencing center when authorized by section 307.932 of the Revised Code; or, if the misdemeanor or misdemeanors are not offenses of violence, in a minimum security jail.

(D) Nothing in this section prohibits the commitment, referral, or sentencing of a person who is convicted of or pleads guilty to a felony to a community-based correctional facility.

**Sec. 2950.08.** (A) Subject to division (B) of this section, the statements, information, photographs, fingerprints, and material required by sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and provided by a person who registers, who provides notice of a change of residence, school, institution of higher education, or place of employment address and registers the new residence, school, institution of higher education, or place of employment address, or who provides verification of a current residence, school, institution of higher education, or place of employment address pursuant to those sections and that are in the possession of the bureau of criminal identification and investigation and the information in the possession of the bureau that was received by the bureau pursuant to section 2950.14 of the Revised Code shall not be open to inspection by the public or by any person other than the following persons:

(1) A regularly employed peace officer or other law enforcement officer;

(2) An authorized employee of the bureau of criminal identification and investigation for the purpose of providing information to a board, administrator, or person pursuant to division (F) or (G) of section 109.57 of the Revised Code;

(3) The registrar of motor vehicles, or an employee of the registrar of motor vehicles, for the purpose of verifying and updating any of the information so provided, upon the request of the bureau of criminal identification and investigation;

(4) The director of job and family services, or an employee of the director, for the purpose of complying with division (D) of section 5104.013 of the Revised Code.

(B) Division (A) of this section does not apply to any information that is contained in the internet sex offender and

child-victim offender database established by the attorney general under division (A)(11) of section 2950.13 of the Revised Code regarding offenders and that is disseminated as described in that division.

**Sec. 2967.02.** (A) The adult parole authority created by section 5149.02 of the Revised Code shall administer sections 2967.01 to 2967.28 of the Revised Code, and other sections of the Revised Code governing pardon, community control sanctions, post-release control, and parole.

(B) The governor may grant a pardon after conviction, may grant an absolute and entire pardon or a partial pardon, and may grant a pardon upon conditions precedent or subsequent.

(C) The adult parole authority shall supervise all parolees. The department of rehabilitation and correction has legal custody of a parolee until the authority grants the parolee a final release pursuant to section 2967.16 of the Revised Code.

(D) The adult parole authority shall supervise all releasees. The department of rehabilitation and correction has legal custody of a releasee until the ~~adult parole~~ authority grants the releasee a ~~final release~~ termination pursuant to section 2967.16 of the Revised Code.

**Sec. 2967.05.** (A) As used in this section:

(1) "Imminent danger of death" means that the inmate has a medically diagnosable condition that will cause death to occur within a short period of time.

As used in division (A)(1) of this section, "within a short period of time" means generally within six months.

(2)(a) "Medically incapacitated" means any diagnosable medical condition, including mental dementia and severe, permanent

medical or cognitive disability, that prevents the inmate from completing activities of daily living without significant assistance, that incapacitates the inmate to the extent that institutional confinement does not offer additional restrictions, that is likely to continue throughout the entire period of parole, and that is unlikely to improve noticeably.

(b) "Medically incapacitated" does not include conditions related solely to mental illness unless the mental illness is accompanied by injury, disease, or organic defect.

(3)(a) "Terminal illness" means a condition that satisfies all of the following criteria:

(i) The condition is irreversible and incurable and is caused by disease, illness, or injury from which the inmate is unlikely to recover.

(ii) In accordance with reasonable medical standards and a reasonable degree of medical certainty, the condition is likely to cause death to the inmate within twelve months.

(iii) Institutional confinement of the inmate does not offer additional protections for public safety or against the inmate's risk to reoffend.

(b) The department of rehabilitation and correction shall adopt rules pursuant to Chapter 119. of the Revised Code to implement the definition of "terminal illness" in division (A)(3)(a) of this section.

(B) ~~Upon the recommendation of the~~ The director of rehabilitation and correction, ~~accompanied by~~ upon receipt of a certificate of the attending physician that an inmate is terminally ill, medically incapacitated, or in imminent danger of death, ~~the governor~~ may order the inmate's release as if on parole, reserving the right to return the inmate to the institution pursuant to this section. If, subsequent to the

inmate's release, the inmate's health improves so that the inmate is no longer terminally ill, medically incapacitated, or in imminent danger of death, the inmate ~~shall~~ may be returned, by order of the ~~governor~~ director, to the institution from which the inmate was released. If the inmate violates any rules or conditions applicable to the inmate, the inmate may be returned to an institution under the control of the department of rehabilitation and correction. The ~~governor may~~ director shall direct the adult parole authority to investigate or cause to be investigated the inmate and make a recommendation. An inmate released under this section shall be subject to supervision by the adult parole authority in accordance with any recommendation of the adult parole authority that is approved by the ~~governor~~ director. The adult parole authority shall adopt rules pursuant to section 119.03 of the Revised Code to establish the procedure for medical release of an inmate when an inmate is terminally ill, medically incapacitated, or in imminent danger of death.

(C) No inmate is eligible for release under this section if the inmate is serving a death sentence, a sentence of life without parole, a sentence under Chapter 2971. of the Revised Code for a felony of the first or second degree, a sentence for aggravated murder or murder, or a mandatory prison term for an offense of violence or any specification described in Chapter 2941. of the Revised Code.

**Sec. 2967.29.** (A) A court of common pleas may cooperate with the ~~department of rehabilitation and correction~~ adult parole authority in the supervision of offenders who return to the court's territorial jurisdiction after serving a prison term. The court, after consultation with the board of county commissioners, may enter into an agreement with the ~~department~~ authority allowing the court and the ~~parole board~~ authority to make joint decisions relating to parole and post-release control to the extent

permitted by section 2967.28 of the Revised Code.

(B) An agreement made under this section shall include at least all of the following:

(1) The categories of offenders with regard to which the court may participate in making decisions;

(2) The process by which the offenders in each category will be identified;

(3) The process by which the court and the ~~parole board~~ authority will monitor offenders and make recommendations regarding programming while the offenders are in prison;

(4) The process by which the court will participate in setting appropriate sanctions and conditions on offenders who leave prison on post-release control or parole;

(5) The process by which the court may participate in reducing the duration of the period of post-release control;

(6) Guidelines for the supervision of offenders under post-release control or parole supervision;

(7) Guidelines for sanctions for violations of parole or post-release control;

(8) Provisions that take into account the perspective of affected victims.

(C) A court that enters into an agreement under this section shall provide the ~~department of rehabilitation and correction~~ adult parole authority with a presentence investigation upon the offender's admission to prison. The ~~department~~ authority shall provide the court with a summary of an offender's progress while in prison prior to the release of the offender.

**Sec. 3107.035.** (A) At the time of the initial home study, and

every two years thereafter, if the home study is updated, and until it becomes part of a final decree of adoption or an interlocutory order of adoption, the agency or attorney that arranges an adoption for the prospective adoptive parent shall conduct a search of the United States department of justice national sex offender public web site regarding the prospective adoptive parent and all persons eighteen years of age or older who reside with the prospective adoptive parent.

(B) A petition for adoption may be denied based solely on the results of the search of the national sex offender public web site.

(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

**Sec. 3107.14.** (A) The petitioner and the person sought to be adopted shall appear at the hearing on the petition, unless the presence of either is excused by the court for good cause shown.

(B) The court may continue the hearing from time to time to permit further observation, investigation, or consideration of any facts or circumstances affecting the granting of the petition, and may examine the petitioners separate and apart from each other.

(C) If, at the conclusion of the hearing, the court finds that the required consents have been obtained or excused and that the adoption is in the best interest of the person sought to be adopted as supported by the evidence, it may issue, subject to division (C)(1)~~(a)~~ of section 2151.86, section 3107.064, and division (E) of section 3107.09 of the Revised Code, and any other limitations specified in this chapter, a final decree of adoption or an interlocutory order of adoption, which by its own terms automatically becomes a final decree of adoption on a date

specified in the order, which, except as provided in division (B) of section 3107.13 of the Revised Code, shall not be less than six months or more than one year from the date the person to be adopted is placed in the petitioner's home, unless sooner vacated by the court for good cause shown. In determining whether the adoption is in the best interest of the person sought to be adopted, the court shall not consider the age of the petitioner if the petitioner is old enough to adopt as provided by section 3107.03 of the Revised Code.

In an interlocutory order of adoption, the court shall provide for observation, investigation, and a further report on the adoptive home during the interlocutory period.

(D) If the requirements for a decree under division (C) of this section have not been satisfied or the court vacates an interlocutory order of adoption, or if the court finds that a person sought to be adopted was placed in the home of the petitioner in violation of law, the court shall dismiss the petition and may determine the agency or person to have temporary or permanent custody of the person, which may include the agency or person that had custody prior to the filing of the petition or the petitioner, if the court finds it is in the best interest of the person as supported by the evidence, or if the person is a minor, the court may certify the case to the juvenile court of the county where the minor is then residing for appropriate action and disposition.

(E) The issuance of a final decree or interlocutory order of adoption for an adult adoption under division (A)(4) of section 3107.02 of the Revised Code shall not disqualify that adult for services under section 2151.82 or 2151.83 of the Revised Code.

**Sec. 3119.023.** (A) At least once every four years, the department of job and family services shall review the basic child

support schedule issued by the department pursuant to section 3119.021 of the Revised Code to determine whether child support orders issued in accordance with that schedule and the worksheets created under rules adopted under section 3119.022 of the Revised Code adequately provide for the needs of children who are subject to the child support orders. ~~The department may consider the adequacy and appropriateness of the current schedule, whether there are substantial and permanent changes in household consumption and savings patterns, particularly those resulting in substantial and permanent changes in the per cent of total household expenditures on children, and whether there have been substantial and permanent changes to the federal and state income tax code other than inflationary adjustments to such things as the exemption amount and income tax brackets, and other factors when conducting its review.~~ The review is in addition to, and independent of, any schedule update completed as set forth in section 3119.021 of the Revised Code. The department shall prepare a report of its review and include recommendations for statutory changes, and submit a copy of the report to both houses of the general assembly.

(B) Each review shall include all of the following:

(1) Consideration of all of the following:

(a) Economic data on the cost of raising children;

(b) Labor market data, such as unemployment rates, employment rates, hours worked, and earnings, by occupation and skill level for the state and local job markets;

(c) The impact of guidelines policies and amounts on custodial and noncustodial parents who have family incomes below two hundred per cent of the federal poverty level;

(d) Factors that influence employment rates among

noncustodial parents and compliance with child support orders.

(2) Analysis of all of the following, to be used to ensure that deviations from the basic child support schedule are limited and that support amounts are appropriate based on criteria established under division (G) of section 3119.05 of the Revised Code:

(a) Case data on the application of and deviations from the basic child support schedule, as gathered through sampling or other methods;

(b) Rates of default, child support orders with imputed income, and orders determined using low-income adjustments such as a self-sufficiency reserve or another method as determined by the state;

(c) A comparison of payments on child support orders by case characteristics, including whether the order was entered by default, based on imputed income, or determined using the low-income adjustment, as described in division (B)(2)(b) of this section.

(3) Meaningful opportunity for public input, including input from low-income custodial and noncustodial parents and their representatives.

(C) For each review, the department shall establish a child support guideline advisory council to assist the department in the completion of its reviews and reports. Each council shall be composed of:

(1) Obligors;

(2) Obligees;

(3) Judges of courts of common pleas who have jurisdiction over domestic relations and juvenile court cases that involve the determination of child support;

(4) Attorneys whose practice includes a significant number of domestic relations or juvenile court cases that involve the determination of child support;

(5) Representatives of child support enforcement agencies;

(6) Other persons interested in the welfare of children;

(7) Three members of the senate appointed by the president of the senate, not more than two of whom are members of the same political party; and

(8) Three members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party.

~~(C)~~(D) The department shall consider input from the council prior to the completion of any report under this section. The department shall submit its report on or before the first day of March of every fourth year after 2015.

~~(D)~~(E) The department shall publish on the internet and make accessible to the public all of the following:

(1) All reports of the council;

(2) The membership of the council;

(3) The effective date of new or modified guidelines adopted after the review;

(4) The date of the next review.

(F) The advisory council shall cease to exist at the time that the department submits its review to the general assembly under this section.

~~(E)~~(G) Any expenses incurred by an advisory council shall be paid by the department.

**Sec. 3119.05.** When a court computes the amount of child

support required to be paid under a court child support order or a child support enforcement agency computes the amount of child support to be paid pursuant to an administrative child support order, all of the following apply:

(A) The parents' current and past income and personal earnings shall be verified by electronic means or with suitable documents, including, but not limited to, paystubs, employer statements, receipts and expense vouchers related to self-generated income, tax returns, and all supporting documentation and schedules for the tax returns.

(B) The annual amount of any court-ordered spousal support actually paid, excluding any ordered payment on arrears, shall be deducted from the annual income of that parent to the extent that payment of that court-ordered spousal support is verified by supporting documentation.

(C) The court or agency shall adjust the amount of child support paid by a parent to give credit for children not included in the current calculation. When calculating the adjusted amount, the court or agency shall use the schedule and do the following:

(1) Determine the amount of child support that each parent would be ordered to pay for all children for whom the parent has the legal duty to support, according to each parent's annual income. If the number of children subject to the order is greater than six, multiply the amount for three children in accordance with division (C)(4) of this section to determine the amount of child support.

(2) Compute a child support credit amount for each parent's children who are not subject to this order by dividing the amount determined in division (C)(1) of this section by the total number of children whom the parent is obligated to support and multiplying that number by the number of the parent's children who

are not subject to this order.

(3) Determine the adjusted income of the parents by subtracting the credit for minor children not subject to this order computed under division (C)(2) of this section, from the annual income of each parent for the children each has a duty to support that are not subject to this order.

(4) If the number of children is greater than six, multiply the amount for three children by:

(a) 1.440 for seven children;

(b) 1.540 for eight children;

(c) 1.638 for nine children;

(d) 1.734 for ten children;

(e) 1.827 for eleven children;

(f) 1.919 for twelve children;

(g) 2.008 for thirteen children;

(h) 2.096 for fourteen children;

(i) 2.182 for more than fourteen children.

(D) When the court or agency calculates the annual income of a parent, it shall include the lesser of the following as income from overtime and bonuses:

(1) The yearly average of all overtime, commissions, and bonuses received during the three years immediately prior to the time when the person's child support obligation is being computed;

(2) The total overtime, commissions, and bonuses received during the year immediately prior to the time when the person's child support obligation is being computed.

(E) When the court or agency calculates the annual income of a parent, it shall not include any income earned by the spouse of

that parent.

(F) The court shall issue a separate medical support order for extraordinary medical expenses, including orthodontia, dental, optical, and psychological services.

If the court makes an order for payment of private education, and other appropriate expenses, it shall do so by issuing a separate order.

The court may consider these expenses in adjusting a child support order.

(G) When a court or agency calculates the amount of child support to be paid pursuant to a court child support order or an administrative child support order, the following shall apply:

(1) The court or agency shall apply the basic child support schedule to the parents' combined annual incomes and to each parent's individual income.

(2) If the combined annual income of both parents or the individual annual income of a parent is an amount that is between two amounts set forth in the first column of the schedule, the court or agency may use the basic child support obligation that corresponds to the higher of the two amounts in the first column of the schedule, use the basic child support obligation that corresponds to the lower of the two amounts in the first column of the schedule, or calculate a basic child support obligation that is between those two amounts and corresponds proportionally to the parents' actual combined annual income or the individual parent's annual income.

(3) If the annual individual income of either or both of the parents is within the self-sufficiency reserve in the basic child support schedule, the court or agency shall do both of the following:

(a) Calculate the basic child support obligation for the parents using the schedule amount applicable to the combined annual income and the schedule amount applicable to the income in the self-sufficiency reserve;

(b) Determine the lesser of the following amounts to be the applicable basic child support obligation:

(i) The amount that results from using the combined annual income of the parents not in the self-sufficiency reserve of the schedule; or

(ii) The amount that results from using the individual parent's income within the self-sufficiency reserve of the schedule.

(H) When the court or agency calculates annual income, the court or agency, when appropriate, may average income over a reasonable period of years.

(I) Unless it would be unjust or inappropriate and therefore not in the best interests of the child, a court or agency shall not determine a parent to be voluntarily unemployed or underemployed and shall not impute income to that parent if any of the following conditions exist:

(1) The parent is receiving recurring monetary income from means-tested public assistance benefits, including cash assistance payments under the Ohio works first program established under Chapter 5107. of the Revised Code, general assistance under former Chapter 5113. of the Revised Code, supplemental security income, or means-tested veterans' benefits;

(2) The parent is approved for social security disability insurance benefits because of a mental or physical disability, or the court or agency determines that the parent is unable to work based on medical documentation that includes a physician's diagnosis and a physician's opinion regarding the parent's mental

or physical disability and inability to work.

(3) The parent has proven that the parent has made continuous and diligent efforts without success to find and accept employment, including temporary employment, part-time employment, or employment at less than the parent's previous salary or wage.

(4) The parent is complying with court-ordered family reunification efforts in a child abuse, neglect, or dependency proceeding, to the extent that compliance with those efforts limits the parent's ability to earn income.

(5) The parent is ~~incarcerated or~~ institutionalized for a period of twelve months or more with no other available income or assets~~, unless the parent is incarcerated for an offense relating to the abuse or neglect of a child who is the subject of the support order or an offense under Title XXIX of the Revised Code against the obligee or a child who is the subject of the support order~~.

(J) When a court or agency calculates the income of a parent, it shall not determine a parent to be voluntarily unemployed or underemployed and shall not impute income to that parent if the parent is incarcerated.

(K) When a court or agency requires a parent to pay an amount for that parent's failure to support a child for a period of time prior to the date the court modifies or issues a court child support order or an agency modifies or issues an administrative child support order for the current support of the child, the court or agency shall calculate that amount using the basic child support schedule, worksheets, and child support laws in effect, and the incomes of the parents as they existed, for that prior period of time.

~~(K)~~(L) A court or agency may disregard a parent's additional income from overtime or additional employment when the court or

agency finds that the additional income was generated primarily to support a new or additional family member or members, or under other appropriate circumstances.

~~(L)~~(M) If both parents involved in the immediate child support determination have a prior order for support relative to a minor child or children born to both parents, the court or agency shall collect information about the existing order or orders and consider those together with the current calculation for support to ensure that the total of all orders for all children of the parties does not exceed the amount that would have been ordered if all children were addressed in a single judicial or administrative proceeding.

~~(M)~~(N) A support obligation of a parent with annual income subject to the self-sufficiency reserve of the basic child support schedule shall not exceed the support obligation that would result from application of the schedule without the reserve.

~~(N)~~(O) Any non-means tested benefit received by the child or children subject to the order resulting from the claims of either parent shall be deducted from that parent's annual child support obligation after all other adjustments have been made. If that non-means tested benefit exceeds the child support obligation of the parent from whose claim the benefit is realized, the child support obligation for that parent shall be zero.

~~(O)~~(P) As part of the child support calculation, the parents shall be ordered to share the costs of child care. Subject to the limitations in this division, a child support obligor shall pay an amount equal to the obligor's income share of the child care cost incurred for the child or children subject to the order.

(1) The child care cost used in the calculation:

(a) Shall be for the child determined to be necessary to allow a parent to work, or for activities related to employment

training;

(b) Shall be verifiable by credible evidence as determined by a court or child support enforcement agency;

(c) Shall exclude any reimbursed or subsidized child care cost, including any state or federal tax credit for child care available to the parent or caretaker, whether or not claimed~~;~~

(d) Shall not exceed the maximum state-wide average cost estimate ~~issued by the department of job and family services, using the data collected and reported~~ as ~~required in section 5104.04 of the Revised Code~~ determined in accordance with 45 C.F.R. 98.45.

(2) When the annual income of the obligor is subject to the self-sufficiency reserve of the basic support schedule, the share of the child care cost paid by the obligor shall be equal to the lower of the obligor's income share of the child care cost, or fifty per cent of the child care cost.

(Q) As used in this section, a parent is considered "incarcerated" if the parent is confined under a sentence imposed for an offense or serving a term of imprisonment, jail, or local incarceration, or other term under a sentence imposed by a government entity authorized to order such confinement.

**Sec. 3119.23.** The court may consider any of the following factors in determining whether to grant a deviation pursuant to section 3119.22 of the Revised Code:

(A) Special and unusual needs of the child or children, including needs arising from the physical or psychological condition of the child or children;

(B) Other court-ordered payments;

(C) Extended parenting time or extraordinary costs associated with parenting time, including extraordinary travel expenses when

exchanging the child or children for parenting time;

(D) The financial resources and the earning ability of the child or children;

(E) The relative financial resources, including the disparity in income between parties or households, other assets, and the needs of each parent;

(F) The obligee's income, if the obligee's annual income is equal to or less than one hundred per cent of the federal poverty level;

(G) Benefits that either parent receives from remarriage or sharing living expenses with another person;

(H) The amount of federal, state, and local taxes actually paid or estimated to be paid by a parent or both of the parents;

(I) Significant in-kind contributions from a parent, including, but not limited to, direct payment for lessons, sports equipment, schooling, or clothing;

(J) Extraordinary work-related expenses incurred by either parent;

(K) The standard of living and circumstances of each parent and the standard of living the child would have enjoyed had the marriage continued or had the parents been married;

(L) The educational opportunities that would have been available to the child had the circumstances requiring a child support order not arisen;

(M) The responsibility of each parent for the support of others, including support of a child or children with disabilities who are not subject to the support order;

(N) Post-secondary educational expenses paid for by a parent for the parent's own child or children, regardless of whether the child or children are emancipated;

(O) Costs incurred or reasonably anticipated to be incurred by the parents in compliance with court-ordered reunification efforts in child abuse, neglect, or dependency cases;

(P) Extraordinary child care costs required for the child or children that exceed the maximum state-wide average cost estimate ~~provided~~ as described in division ~~(O)~~(P)(1)(d) of section 3119.05 of the Revised Code, including extraordinary costs associated with caring for a child or children with specialized physical, psychological, or educational needs;

(Q) Any other relevant factor.

If the court grants a deviation based on division (Q) of this section, it shall specifically state in the order the facts that are the basis for the deviation.

**Sec. 3119.27.** (A) A court that issues or modifies a court support order, or an administrative agency that issues or modifies an administrative child support order, shall impose on the obligor under the support order a processing charge in the amount of two per cent of the support payment to be collected under a support order. No court or agency may call the charge a poundage fee.

(B) In each child support case that is a Title IV-D case, the department of job and family services shall annually claim ~~twenty-five~~ thirty-five dollars from the processing charge described in division (A) of this section for federal reporting purposes if the obligee has never received assistance under Title IV-A and the department has collected at least five hundred fifty dollars of child support for the obligee. The director of job and family services shall adopt rules under Chapter 119. of the Revised Code to implement this division, and the department shall implement this division not later than March 31, 2008.

(C) As used in this section:

(1) "Annual" means the period as defined in regulations issued by the United States secretary of health and human services to implement the Deficit Reduction Act of 2005 (P.L. 109-171).

(2) "Title IV-A" has the same meaning as in section 5107.02 of the Revised Code.

(3) "Title IV-D case" has the same meaning as in section 3125.01 of the Revised Code.

**Sec. 3119.29.** As used in this section and sections 3119.30 to 3119.56 of the Revised Code:

(A) ~~"Family coverage" means the health insurance plan that provides coverage for the children who are the subject of a child support order.~~

~~(B)~~ "Health care coverage" means such medical support that includes ~~coverage under a~~ health insurance coverage or a public health care plan, payment of costs of premiums, copayments, and deductibles, or payment for medical expenses incurred on behalf of the child.

~~(C)~~(B) "Health insurance coverage" means accessible private health insurance that provides primary care services within thirty miles from the residence of the child subject to the child support order.

~~(D)~~(C) "Health plan administrator" means any entity authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, any legal entity that is self-insured and provides benefits to its employees or members, and the administrator of any such entity or corporation.

~~(E)~~(D) "National medical support notice" means a form required by the "Child Support Performance and Incentive Act of 1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as

amended, and jointly developed and promulgated by the secretary of health and human services and the secretary of labor in federal regulations adopted under that act as modified by the department of job and family services under section 3119.291 of the Revised Code.

~~(F)~~(E) "Person required to provide health insurance coverage" means the obligor, obligee, or both, required by the court under a court child support order or by the child support enforcement agency under an administrative child support order to provide health insurance coverage pursuant to section 3119.30 of the Revised Code.

~~(G)~~(F) "Reasonable cost" means that the cost of ~~private~~ health insurance coverage to the person required to provide health insurance coverage for the children who are the subject of the child support order does not exceed an amount equal to five per cent of the annual income of that person. ~~For purposes of this division, the cost of health insurance is an amount equal to the difference in cost between self-only and family coverage.~~

~~However, if the United States secretary of health and human services issues a regulation that redefines "reasonable cost" or a similar term or phrase, or clarifies the elements of cost used when determining reasonable cost relating to the provision of health care for children in a child support order, and if those changes are substantively different than the definitions and terms used in this section, those terms shall have the meaning as defined by the United States secretary of health and human services.~~

**Sec. 3119.30.** (A) In any action or proceeding in which a child support order is issued or modified, the court, with respect to court child support orders, and the child support enforcement agency, with respect to administrative child support orders, shall

determine the person or persons responsible for the health care coverage of the children subject to the child support order and shall include provisions for the health care coverage of the children in the child support order. The order shall specify that the obligor and obligee are both liable for the health care expenses for the children who are not covered by private health insurance according to a formula established by each court, with respect to a court child support order, or each child support enforcement agency, with respect to an administrative child support order.

(B) The child support obligee is rebuttably presumed to be the appropriate parent to provide health insurance coverage for the children subject to the child support order. The order shall specify that the obligee must provide the health insurance coverage unless rebutted pursuant to division (B)(1) of this section.

(1) The court or child support enforcement agency may consider the following factors to rebut the presumption when determining if the child support obligor is the appropriate parent to provide health insurance coverage:

(a) The obligor already has health insurance coverage for the child that is reasonable in cost;

(b) The obligor already has health insurance coverage in place for the child that is not reasonable in cost, but the obligor wishes to be named the health insurance obligor and provide coverage under division (A)(2)(a) of section 3119.302 of the Revised Code;

(c) The obligor can obtain health insurance coverage for the child that is reasonable in cost through an employer or other source. For employer-based coverage, the court or child support enforcement agency shall consider the length of time the obligor

has worked with the employer and the stability of the insurance.

(d) The obligee is a non-parent individual or agency that has no duty to provide medical support.

(2) If ~~private~~ health insurance coverage for the children is not available at a reasonable cost to the obligor or the obligee at the time the court or agency issues the order, the order shall include a requirement that the obligee obtain ~~private~~ health ~~insurance~~ care coverage for the children not later than thirty days after it becomes available to the obligee at a reasonable cost, and to inform the child support enforcement agency when ~~private~~ health ~~insurance~~ care coverage for the children has been obtained.

(3) If ~~private~~ health insurance coverage becomes available to the obligor at a reasonable cost, the obligor shall inform the child support enforcement agency and may seek a modification of health ~~insurance~~ care coverage from the court with respect to a court child support order, or from the agency with respect to an administrative support order.

(C) When a child support order is issued or modified, the order shall include a cash medical support amount consistent with division (B) of section 3119.302 of the Revised Code for each child subject to the order. The cash medical support amount shall be ordered based on the number of children subject to the order and split between the parties using the parents' income share.

(D) Any cash medical support paid pursuant to division (C) of this section shall be paid through the department of job and family services by the obligor to either the obligee if the children are not medicaid recipients, or to the department of medicaid when a medicaid assignment is in effect for any child under the support order.

(E) The cost of providing health insurance coverage for a

child subject to an order shall be defrayed by a credit against that parent's annual income when calculating support as required under section 3119.02 of the Revised Code using the basic child support schedule and applicable worksheet. The credit shall be equal to the total actual out-of-pocket cost for health insurance premiums for the coverage. Any credit given will be less any subsidy, including a premium tax credit or cost-sharing reduction received by the parent providing coverage.

(F) Both parents may be ordered to provide health care coverage and pay cash medical support if the obligee is a nonparent individual or agency that has no duty to provide medical support.

**Sec. 3119.302.** (A) When the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, determines the person or persons responsible for the health care coverage of the children subject to the order pursuant to section 3119.30 of the Revised Code, all of the following apply:

(1) The court or agency shall consider any ~~private~~ health insurance coverage in which the obligor, obligee, or children, are enrolled at the time the court or agency issues the order.

(2) If the cost of ~~private~~ health insurance coverage to either parent exceeds a reasonable cost, that parent shall not be ordered to provide ~~private~~ health insurance coverage for the child except as follows:

(a) When the parent requests to obtain or maintain the ~~private~~ health insurance coverage that exceeds a reasonable cost;

(b) When the court determines that it is in the best interest of the children for a parent to obtain and maintain ~~private~~ health insurance coverage that exceeds a reasonable cost and the cost

will not impose an undue financial burden on either parent. If the court makes such a determination, the court must include the facts and circumstances of the determination in the child support order.

(3) If ~~private~~ health insurance coverage is available at a reasonable cost to either parent through a group policy, contract, or plan, and the court determines that it is not in the best interest of the children to utilize the available ~~private~~ health insurance coverage, the court shall state the facts and circumstances of the determination in the child support order.

(4) Notwithstanding division ~~(C)~~(B) of section 3119.29 of the Revised Code, the court or agency may do either of the following:

(a) Permit primary care services to be farther than thirty miles if residents in part or all of the immediate geographic area customarily travel farther distances ;

(b) Require primary care services be accessible by public transportation if public transportation is the obligee's only source of transportation.

If the court or agency makes either accessibility determination, it shall include this accessibility determination in the child support order.

(B) The director of job and family services shall periodically update the amount of the cash medical support obligation to be paid pursuant to division (C) of section 3119.30 of the Revised Code. The updates shall be made in consideration of the medical expenditure panel survey, conducted by the United States department of health and human services for health care research and quality. The amount shall be based on the most recent survey year data available and shall be calculated by multiplying the total amount expended for health services for children by the percentage that is out-of-pocket divided by the number of individuals less than eighteen years of age that have any private

insurance.

**Sec. 3119.31.** In any action or proceeding in which a court or child support enforcement agency is determining the person responsible for the health care coverage of the children who are or will be the subject of a child support order, each party shall provide to the court or child support enforcement agency a list of any group health insurance policies, contracts, or plans available to the party and the cost ~~for self-only and family~~ of coverage under the available policies, contracts, or plans.

**Sec. 3119.32.** A child support order shall contain all of the following:

(A)(1) If the obligor, obligee, or both obligor and obligee, are required under section 3119.30 of the Revised Code to provide ~~private~~ health ~~insurance~~ care coverage for the children, a requirement that whoever is required to provide ~~private~~ health ~~insurance~~ care coverage provide to the other, not later than thirty days after the issuance of the order, information regarding the benefits, limitations, and exclusions of the coverage, copies of any ~~insurance~~ forms necessary to receive reimbursement, payment, or other benefits under the coverage, and a copy of any necessary ~~insurance cards~~ proof of coverage;

(2) If the obligor, obligee, or both obligor and obligee, are required under section 3119.30 of the Revised Code to provide ~~private~~ health ~~insurance~~ care coverage for the children, a requirement that whoever is required to provide ~~private~~ health ~~insurance~~ care coverage provide to the child support enforcement agency, not later than thirty days after the issuance of the order, documentation that verifies that coverage is being provided as ordered.

(B) A statement setting forth the name and address of the

individual who is to be reimbursed for medical expenses.

(C) A requirement that a person required to provide ~~private~~ health ~~insurance~~ care coverage for the children designate the children as covered dependents under any ~~private~~ health ~~insurance~~ care coverage policy, contract, or plan ~~for which the person contracts~~.

(D) A requirement that the obligor, the obligee, or both of them under a formula established by the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, pay extraordinary medical expenses for the children.

(E) A notice that the employer of the person required to obtain ~~private~~ health ~~insurance~~ care coverage through that employer is required to release to the other parent, any person subject to an order issued under section 3109.19 of the Revised Code, or the child support enforcement agency on written request any necessary information on the ~~private~~ health ~~insurance~~ care coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with this section and any order or notice issued under this section.

(F) A statement setting forth the full name and date of birth of each child who is the subject of the child support order.

(G) A notice that states the following: "If the person required to obtain ~~private~~ health care ~~insurance~~ coverage for the children subject to this child support order obtains new employment, the agency shall comply with the requirements of section 3119.34 of the Revised Code, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the children in private health care insurance coverage provided by the new employer, when insurance is

not being provided by any other source.

**Sec. 3125.25.** The director of job and family services shall adopt rules under Chapter 119. of the Revised Code governing the operation of support enforcement by child support enforcement agencies. The rules shall include, but shall not be limited to, the following:

(A) Provisions relating to plans of cooperation between the agencies and boards of county commissioners entered into under section 3125.12 of the Revised Code;

(B) Provisions for the compromise and waiver of child support arrearages owed to the state and federal government, consistent with Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et seq., as amended;

(C) Requirements for public hearings by the agencies;

(D) Provisions for appeals of agency decisions under procedures established by the director;

(E) Provisions requiring the investigation and documentation of the factual basis for establishment and modification of support obligations in accordance with Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et seq., and any regulations promulgated by the United States department of health and human services;

(F) Provisions establishing criteria for child support enforcement agencies to initiate an action under section 2705.031 of the Revised Code in any case administered under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et seq.

**Sec. 3301.07.** The state board of education shall exercise under the acts of the general assembly general supervision of the

system of public education in the state. In addition to the powers otherwise imposed on the state board under the provisions of law, the board shall have the powers described in this section.

(A) The state board shall exercise policy forming, planning, and evaluative functions for the public schools of the state except as otherwise provided by law.

(B)(1) The state board shall exercise leadership in the improvement of public education in this state, and administer the educational policies of this state relating to public schools, and relating to instruction and instructional material, building and equipment, transportation of pupils, administrative responsibilities of school officials and personnel, and finance and organization of school districts, educational service centers, and territory. Consultative and advisory services in such matters shall be provided by the board to school districts and educational service centers of this state.

(2) The state board also shall develop a standard of financial reporting which shall be used by each school district board of education and each governing board of an educational service center, each governing authority of a community school established under Chapter 3314., each governing body of a STEM school established under Chapter 3328., and each board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code to make its financial information and annual budgets for each school building under its control available to the public in a format understandable by the average citizen. The format shall show, both at the district and at the school building level, revenue by source; expenditures for salaries, wages, and benefits of employees, showing such amounts separately for classroom teachers, other employees required to hold licenses issued pursuant to sections 3319.22 to 3319.31 of the Revised Code, and all other employees; expenditures other than

for personnel, by category, including utilities, textbooks and other educational materials, equipment, permanent improvements, pupil transportation, extracurricular athletics, and other extracurricular activities; and per pupil expenditures. The format shall also include information on total revenue and expenditures, per pupil revenue, and expenditures for both classroom and nonclassroom purposes, as defined by the standards adopted under section 3302.20 of the Revised Code in the aggregate and for each subgroup of students, as defined by section 3317.40 of the Revised Code, that receives services provided for by state or federal funding.

(3) Each school district board, governing authority, governing body, or board of trustees, or its respective designee, shall annually report, to the department of education, all financial information required by the standards for financial reporting, as prescribed by division (B)(2) of this section and adopted by the state board. The department shall make all reports submitted pursuant to this division available in such a way that allows for comparison between financial information included in these reports and financial information included in reports produced prior to July 1, 2013. The department shall post these reports in a prominent location on its web site and shall notify each school when reports are made available.

(C) The state board shall administer and supervise the allocation and distribution of all state and federal funds for public school education under the provisions of law, and may prescribe such systems of accounting as are necessary and proper to this function. It may require county auditors and treasurers, boards of education, educational service center governing boards, treasurers of such boards, teachers, and other school officers and employees, or other public officers or employees, to file with it such reports as it may prescribe relating to such funds, or to the

management and condition of such funds.

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, XLVII, and LI of the Revised Code a reference is made to standards prescribed under this section or division (D) of this section, that reference shall be construed to refer to the standards prescribed under division (D)(2) of this section, unless the context specifically indicates a different meaning or intent.

(2) The state board shall formulate and prescribe minimum standards to be applied to all elementary and secondary schools in this state for the purpose of providing children access to a general education of high quality according to the learning needs of each individual, including students with disabilities, economically disadvantaged students, ~~limited~~ English ~~proficient students~~ learners, and students identified as gifted. Such standards shall provide adequately for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; the provision of safe buildings, grounds, health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will assure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

The state board shall base any standards governing the promotion of students or requirements for graduation on the ability of students, at any grade level, to earn credits or advance upon demonstration of mastery of knowledge and skills

through competency-based learning models. Credits of grade level advancement shall not require a minimum number of days or hours in a classroom.

The state board shall base any standards governing the assignment of staff on ensuring each school has a sufficient number of teachers to ensure a student has an appropriate level of interaction to meet each student's personal learning goals.

In the formulation and administration of such standards for nonpublic schools the board shall also consider the particular needs, methods and objectives of those schools, provided they do not conflict with the provision of a general education of a high quality and provided that regular procedures shall be followed for promotion from grade to grade of pupils who have met the educational requirements prescribed.

(3) In addition to the minimum standards required by division (D)(2) of this section, the state board may formulate and prescribe the following additional minimum operating standards for school districts:

(a) Standards for the effective and efficient organization, administration, and supervision of each school district with a commitment to high expectations for every student based on the learning needs of each individual, including students with disabilities, economically disadvantaged students, ~~limited~~ English ~~proficient students~~ learners, and students identified as gifted, and commitment to closing the achievement gap without suppressing the achievement levels of higher achieving students so that all students achieve core knowledge and skills in accordance with the statewide academic standards adopted under section 3301.079 of the Revised Code;

(b) Standards for the establishment of business advisory councils under section 3313.82 of the Revised Code;

(c) Standards for school district buildings that may require the effective and efficient organization, administration, and supervision of each school district building with a commitment to high expectations for every student based on the learning needs of each individual, including students with disabilities, economically disadvantaged students, ~~limited~~ English ~~proficient students~~ learners, and students identified as gifted, and commitment to closing the achievement gap without suppressing the achievement levels of higher achieving students so that all students achieve core knowledge and skills in accordance with the statewide academic standards adopted under section 3301.079 of the Revised Code.

(E) The state board may require as part of the health curriculum information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts pursuant to Chapter 2108. of the Revised Code and may provide the information to high schools, educational service centers, and joint vocational school district boards of education;

(F) The state board shall prepare and submit annually to the governor and the general assembly a report on the status, needs, and major problems of the public schools of the state, with recommendations for necessary legislative action and a ten-year projection of the state's public and nonpublic school enrollment, by year and by grade level.

(G) The state board shall prepare and submit to the director of budget and management the biennial budgetary requests of the state board of education, for its agencies and for the public schools of the state.

(H) The state board shall cooperate with federal, state, and local agencies concerned with the health and welfare of children and youth of the state.

(I) The state board shall require such reports from school districts and educational service centers, school officers, and employees as are necessary and desirable. The superintendents and treasurers of school districts and educational service centers shall certify as to the accuracy of all reports required by law or state board or state department of education rules to be submitted by the district or educational service center and which contain information necessary for calculation of state funding. Any superintendent who knowingly falsifies such report shall be subject to license revocation pursuant to section 3319.31 of the Revised Code.

(J) In accordance with Chapter 119. of the Revised Code, the state board shall adopt procedures, standards, and guidelines for the education of children with disabilities pursuant to Chapter 3323. of the Revised Code, including procedures, standards, and guidelines governing programs and services operated by county boards of developmental disabilities pursuant to section 3323.09 of the Revised Code.

(K) For the purpose of encouraging the development of special programs of education for academically gifted children, the state board shall employ competent persons to analyze and publish data, promote research, advise and counsel with boards of education, and encourage the training of teachers in the special instruction of gifted children. The board may provide financial assistance out of any funds appropriated for this purpose to boards of education and educational service center governing boards for developing and conducting programs of education for academically gifted children.

(L) The state board shall require that all public schools emphasize and encourage, within existing units of study, the teaching of energy and resource conservation as recommended to each district board of education by leading business persons involved in energy production and conservation, beginning in the

primary grades.

(M) The state board shall formulate and prescribe minimum standards requiring the use of phonics as a technique in the teaching of reading in grades kindergarten through three. In addition, the state board shall provide in-service training programs for teachers on the use of phonics as a technique in the teaching of reading in grades kindergarten through three.

(N) The state board may adopt rules necessary for carrying out any function imposed on it by law, and may provide rules as are necessary for its government and the government of its employees, and may delegate to the superintendent of public instruction the management and administration of any function imposed on it by law. It may provide for the appointment of board members to serve on temporary committees established by the board for such purposes as are necessary. Permanent or standing committees shall not be created.

(O) Upon application from the board of education of a school district, the superintendent of public instruction may issue a waiver exempting the district from compliance with the standards adopted under divisions (B)(2) and (D) of this section, as they relate to the operation of a school operated by the district. The state board shall adopt standards for the approval or disapproval of waivers under this division. The state superintendent shall consider every application for a waiver, and shall determine whether to grant or deny a waiver in accordance with the state board's standards. For each waiver granted, the state superintendent shall specify the period of time during which the waiver is in effect, which shall not exceed five years. A district board may apply to renew a waiver.

**Sec. 3301.0710.** The state board of education shall adopt rules establishing a statewide program to assess student

achievement. The state board shall ensure that all assessments administered under the program are aligned with the academic standards and model curricula adopted by the state board and are created with input from Ohio parents, Ohio classroom teachers, Ohio school administrators, and other Ohio school personnel pursuant to section 3301.079 of the Revised Code.

The assessment program shall be designed to ensure that students who receive a high school diploma demonstrate at least high school levels of achievement in English language arts, mathematics, science, and social studies.

(A)(1) The state board shall prescribe all of the following:

(a) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of third grade;

(b) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of fourth grade;

(c) Three statewide achievement assessments, one each designed to measure the level of English language arts, mathematics, and science skill expected at the end of fifth grade;

(d) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of sixth grade;

(e) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of seventh grade;

(f) Three statewide achievement assessments, one each designed to measure the level of English language arts, mathematics, and science skill expected at the end of eighth grade.

(2) The state board shall determine and designate at least five ranges of scores on each of the achievement assessments described in divisions (A)(1) and (B)(1) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

(a) An advanced level of skill;

(b) An accelerated level of skill;

(c) A proficient level of skill;

(d) A basic level of skill;

(e) A limited level of skill.

(3) For the purpose of implementing division (A) of section 3313.608 of the Revised Code, the state board shall determine and designate a level of achievement, not lower than the level designated in division (A)(2)(e) of this section, on the third grade English language arts assessment for a student to be promoted to the fourth grade. The state board shall review and adjust upward the level of achievement designated under this division each year the test is administered until the level is set equal to the level designated in division (A)(2)(c) of this section.

(4) Each school district or school shall teach and assess social studies in at least the fourth and sixth grades. Any assessment in such area shall be determined by the district or school and may be formative or summative in nature. The results of such assessment shall not be reported to the department of education.

(B)(1) The assessments prescribed under division (B)(1) of this section shall collectively be known as the Ohio graduation tests. The state board shall prescribe five statewide high school

achievement assessments, one each designed to measure the level of reading, writing, mathematics, science, and social studies skill expected at the end of tenth grade. The state board shall designate a score in at least the range designated under division (A)(2)(c) of this section on each such assessment that shall be deemed to be a passing score on the assessment as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code until the assessment system prescribed by section 3301.0712 of the Revised Code is implemented in accordance with division (B)(2) of this section.

(2) The state board shall prescribe an assessment system in accordance with section 3301.0712 of the Revised Code that shall replace the Ohio graduation tests beginning with students who enter the ninth grade for the first time on or after July 1, 2014.

(3) The state board may enter into a reciprocal agreement with the appropriate body or agency of any other state that has similar statewide achievement assessment requirements for receiving high school diplomas, under which any student who has met an achievement assessment requirement of one state is recognized as having met the similar requirement of the other state for purposes of receiving a high school diploma. For purposes of this section and sections 3301.0711 and 3313.61 of the Revised Code, any student enrolled in any public high school in this state who has met an achievement assessment requirement specified in a reciprocal agreement entered into under this division shall be deemed to have attained at least the applicable score designated under this division on each assessment required by division (B)(1) or (2) of this section that is specified in the agreement.

(C) The superintendent of public instruction shall designate dates and times for the administration of the assessments

prescribed by divisions (A) and (B) of this section.

In prescribing administration dates pursuant to this division, the superintendent shall designate the dates in such a way as to allow a reasonable length of time between the administration of assessments prescribed under this section and any administration of the national assessment of educational progress given to students in the same grade level pursuant to section 3301.27 of the Revised Code or federal law.

(D) The state board shall prescribe a practice version of each Ohio graduation test described in division (B)(1) of this section that is of comparable length to the actual test.

(E) Any committee established by the department of education for the purpose of making recommendations to the state board regarding the state board's designation of scores on the assessments described by this section shall inform the state board of the probable percentage of students who would score in each of the ranges established under division (A)(2) of this section on the assessments if the committee's recommendations are adopted by the state board. To the extent possible, these percentages shall be disaggregated by gender, major racial and ethnic groups, ~~limited~~ English ~~proficient students~~ learners, economically disadvantaged students, students with disabilities, and migrant students.

**Sec. 3301.0711.** (A) The department of education shall:

(1) Annually furnish to, grade, and score all assessments required by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised Code to be administered by city, local, exempted village, and joint vocational school districts, except that each district shall score any assessment administered pursuant to division (B)(10) of this section. Each assessment so furnished shall include the data verification code of the student to whom

the assessment will be administered, as assigned pursuant to division (D)(2) of section 3301.0714 of the Revised Code. In furnishing the practice versions of Ohio graduation tests prescribed by division (D) of section 3301.0710 of the Revised Code, the department shall make the tests available on its web site for reproduction by districts. In awarding contracts for grading assessments, the department shall give preference to Ohio-based entities employing Ohio residents.

(2) Adopt rules for the ethical use of assessments and prescribing the manner in which the assessments prescribed by section 3301.0710 of the Revised Code shall be administered to students.

(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:

(1) Administer the English language arts assessments prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that assessment under division (A)(2)(c) of section 3301.0710 of the Revised Code.

(2) Administer the mathematics assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.

(3) Administer the assessments prescribed under division (A)(1)(b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.

(4) Administer the assessments prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.

(5) Administer the assessments prescribed under division

(A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.

(6) Administer the assessments prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.

(7) Administer the assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.

(8) Except as provided in division (B)(9) of this section, administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code as follows:

(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;

(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.

(9) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code at least twice annually to any student enrolled in the joint vocational school district who has not yet attained the score on that assessment designated under that division. A board of a joint vocational school district may also administer such an assessment to any student described in division (B)(8)(b) of this section.

(10) If the district has a three-year average graduation rate of not more than seventy-five per cent, administer each assessment prescribed by division (D) of section 3301.0710 of the Revised Code in September to all ninth grade students who entered ninth grade prior to July 1, 2014.

Except as provided in section 3313.614 of the Revised Code for administration of an assessment to a person who has fulfilled the curriculum requirement for a high school diploma but has not passed one or more of the required assessments, the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code shall not be administered after the date specified in the rules adopted by the state board of education under division (D)(1) of section 3301.0712 of the Revised Code.

(11)(a) Except as provided in division (B)(11)(b) of this section, administer the assessments prescribed by division (B)(2) of section 3301.0710 and section 3301.0712 of the Revised Code in accordance with the timeline and plan for implementation of those assessments prescribed by rule of the state board adopted under division (D)(1) of section 3301.0712 of the Revised Code;

(b) A student who has presented evidence to the district or school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. However, no board shall prohibit a student who is not required to take such assessment from taking the assessment.

(C)(1)(a) In the case of a student receiving special education 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 section,

except that a student with significant cognitive disabilities to whom an alternate assessment is administered in accordance with division (C)(1) of this section and a student determined to have a disability that includes an intellectual disability as outlined in guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. The individualized education program may excuse the student from taking any particular assessment required to be administered under this section if it instead specifies an alternate assessment method approved by the department of education as conforming to requirements of federal law for receipt of federal funds for disadvantaged pupils. To the extent possible, the individualized education program shall not excuse the student from taking an assessment unless no reasonable accommodation can be made to enable the student to take the assessment. No board shall prohibit a student who is not required to take an assessment under division (C)(1) of this section from taking the assessment.

(b) Any alternate assessment approved by the department for a student under this division shall produce measurable results comparable to those produced by the assessment it replaces in order to allow for the student's results to be included in the data compiled for a school district or building under section 3302.03 of the Revised Code.

(c)(i) Any student enrolled in a chartered nonpublic school who has been identified, based on an evaluation conducted in accordance with section 3323.03 of the Revised Code or section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with a disability shall be excused from taking any particular assessment required to be administered under this section if a plan developed for the student pursuant to rules adopted by the state board excuses the student from taking

that assessment.

(ii) A student with significant cognitive disabilities to whom an alternate assessment is administered in accordance with division (C)(1) of this section and a student determined to have a disability that includes an intellectual disability as outlined in guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(iii) In the case of any student so excused from taking an assessment under division (C)(1)(c) of this section, the chartered nonpublic school shall not prohibit the student from taking the assessment.

(2) A district board may, for medical reasons or other good cause, excuse a student from taking an assessment administered under this section on the date scheduled, but that assessment shall be administered to the excused student not later than nine days following the scheduled date. The district board shall annually report the number of students who have not taken one or more of the assessments required by this section to the state board not later than the thirtieth day of June.

(3) As used in this division, "~~limited~~ English ~~proficient student~~ learner" has the same meaning as in 20 U.S.C. 7801.

No school district board shall excuse any ~~limited~~ English ~~proficient student~~ learner from taking any particular assessment required to be administered under this section, except as follows:

(a) Any ~~limited~~ English ~~proficient student~~ learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(b) Any ~~limited~~ English ~~proficient student~~ learner who has been enrolled in United States schools for less than one full school year shall not be required to take any reading, writing, or English language arts assessment.

However, no board shall prohibit ~~a limited~~ an English ~~proficient student~~ learner who is not required to take an assessment under division (C)(3) of this section from taking the assessment. A board may permit any ~~limited~~ English ~~proficient student~~ learner to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each ~~limited~~ English ~~proficient student~~ learner, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

(4)(a) The governing authority of a chartered nonpublic school may excuse ~~a limited~~ an English ~~proficient student~~ learner from taking any assessment administered under this section.

(b) No governing authority shall require ~~a limited~~ an English ~~proficient student~~ learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(c) No governing authority shall prohibit ~~a limited~~ an English ~~proficient student~~ learner from taking an assessment from which the student was excused under division (C)(4) of this section.

(D)(1) In the school year next succeeding the school year in which the assessments prescribed by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code or former division (A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as it

existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on the assessment.

(2) Following any administration of the assessments prescribed by division (D) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has a three-year average graduation rate of not more than seventy-five per cent shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the assessments. In determining which high schools shall provide intervention services based on the resources available, the district shall consider each school's graduation rate and scores on the practice assessments. The district also shall consider the scores received by ninth grade students on the English language arts and mathematics assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

Each high school selected to provide intervention services under this division shall provide intervention services to any student whose results indicate that the student is failing to make satisfactory progress toward being able to attain scores at the proficient level on the Ohio graduation tests. Intervention services shall be provided in any skill in which a student demonstrates unsatisfactory progress and shall be commensurate with the student's performance. Schools shall provide the intervention services prior to the end of the school year, during

the summer following the ninth grade, in the next succeeding school year, or at any combination of those times.

(E) Except as provided in section 3313.608 of the Revised Code and division (N) of this section, no school district board of education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a higher grade level. However, a district board may choose not to promote to the next grade level any student who does not take an assessment administered under this section or make up an assessment as provided by division (C)(2) of this section and who is not exempt from the requirement to take the assessment under division (C)(3) of this section.

(F) No person shall be charged a fee for taking any assessment administered under this section.

(G)(1) Each school district board shall designate one location for the collection of assessments administered in the spring under division (B)(1) of this section and those administered under divisions (B)(2) to (7) of this section. Each district board shall submit the assessments to the entity with which the department contracts for the scoring of the assessments as follows:

(a) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was less than two thousand five hundred, not later than the Friday after all of the assessments have been administered;

(b) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was two thousand five hundred or more, but less than seven thousand, not later than the Monday after all of the assessments have been administered;

(c) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was seven thousand or more, not later than the Tuesday after all of the assessments have been administered.

However, any assessment that a student takes during the make-up period described in division (C)(2) of this section shall be submitted not later than the Friday following the day the student takes the assessment.

(2) The department or an entity with which the department contracts for the scoring of the assessment shall send to each school district board a list of the individual scores of all persons taking a state achievement assessment as follows:

(a) Except as provided in division (G)(2)(b) or (c) of this section, within forty-five days after the administration of the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code, but in no case shall the scores be returned later than the thirtieth day of June following the administration;

(b) In the case of the third-grade English language arts assessment, within forty-five days after the administration of that assessment, but in no case shall the scores be returned later than the fifteenth day of June following the administration;

(c) In the case of the writing component of an assessment or end-of-course examination in the area of English language arts, except for the third-grade English language arts assessment, the results may be sent after forty-five days of the administration of the writing component, but in no case shall the scores be returned later than the thirtieth day of June following the administration.

(3) For assessments administered under this section by a joint vocational school district, the department or entity shall also send to each city, local, or exempted village school district a list of the individual scores of any students of such city,

local, or exempted village school district who are attending school in the joint vocational school district.

(4) Beginning with the 2019-2020 school year, a school district, other public school, or chartered nonpublic school may administer the third-grade English language arts or mathematics assessment, or both, in a paper format in any school year for which the district board of education or school governing body adopts a resolution indicating that the district or school chooses to administer the assessment in a paper format. The board or governing body shall submit a copy of the resolution to the department of education not later than the first day of May prior to the school year for which it will apply. If the resolution is submitted, the district or school shall administer the assessment in a paper format to all students in the third grade, except that any student whose individualized education program or plan developed under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the assessment in an online format is an appropriate accommodation for the student may take the assessment in an online format.

(H) Individual scores on any assessments administered under this section shall be released by a district board only in accordance with section 3319.321 of the Revised Code and the rules adopted under division (A) of this section. No district board or its employees shall utilize individual or aggregate results in any manner that conflicts with rules for the ethical use of assessments adopted pursuant to division (A) of this section.

(I) Except as provided in division (G) of this section, the department or an entity with which the department contracts for the scoring of the assessment shall not release any individual scores on any assessment administered under this section. The state board shall adopt rules to ensure the protection of student confidentiality at all times. The rules may require the use of the

data verification codes assigned to students pursuant to division (D)(2) of section 3301.0714 of the Revised Code to protect the confidentiality of student scores.

(J) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to the board of education of any cooperative education school district except as provided under rules adopted pursuant to this division.

(1) In accordance with rules that the state board shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code may enter into an agreement with the board of education of the cooperative education school district for administering any assessment prescribed under this section to students of the city, exempted village, or local school district who are attending school in the cooperative education school district.

(2) In accordance with rules that the state board shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any assessment prescribed under this section to both of the following:

(a) Students who are attending school in the cooperative district and who, if the cooperative district were not established, would be entitled to attend school in the city, local, or exempted village school district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(b) Persons described in division (B)(8)(b) of this section.

Any assessment of students pursuant to such an agreement

shall be in lieu of any assessment of such students or persons pursuant to this section.

(K)(1) Except as otherwise provided in division (K)(1) or (2) of this section, each chartered nonpublic school for which at least sixty-five per cent of its total enrollment is made up of students who are participating in state scholarship programs shall administer the elementary assessments prescribed by section 3301.0710 of the Revised Code. In accordance with procedures and deadlines prescribed by the department, the parent or guardian of a student enrolled in the school who is not participating in a state scholarship program may submit notice to the chief administrative officer of the school that the parent or guardian does not wish to have the student take the elementary assessments prescribed for the student's grade level under division (A) of section 3301.0710 of the Revised Code. If a parent or guardian submits an opt-out notice, the school shall not administer the assessments to that student. This option does not apply to any assessment required for a high school diploma under section 3313.612 of the Revised Code.

(2) A chartered nonpublic school may submit to the superintendent of public instruction a request for a waiver from administering the elementary assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The state superintendent shall approve or disapprove a request for a waiver submitted under division (K)(2) of this section. No waiver shall be approved for any school year prior to the 2015-2016 school year.

To be eligible to submit a request for a waiver, a chartered nonpublic school shall meet the following conditions:

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis

by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (K)(1)(a) of this section for at least ten years.

(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills.

(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department.

(4) The department of education shall furnish the assessments prescribed by section 3301.0710 of the Revised Code to each chartered nonpublic school that is subject to division (K)(1) of this section or participates under division (K)(3) of this section.

(L) If a chartered nonpublic school is educating students in grades nine through twelve, the following shall apply:

(1) Except as provided in division (L)(4) of this section, for a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code or take an alternative assessment approved by the department under section 3313.619 of the Revised Code. However, a student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(2) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states, and who is not attending the school under a state scholarship program, the student shall not be required to take any assessment prescribed under section 3301.0712 or 3313.619 of the Revised Code.

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of this section, for a student who is enrolled in a chartered nonpublic school that is not accredited through the independent schools association of the central states, regardless of whether the student is attending or is not attending the school under a state scholarship program, the student shall do one of the

following:

(i) Take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code;

(ii) Take only the assessment prescribed by division (B)(1) of section 3301.0712 of the Revised Code, provided that the student's school publishes the results of that assessment for each graduating class. The published results of that assessment shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment.

(iii) Take an alternative assessment approved by the department under section 3313.619 of the Revised Code.

(b) A student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(4) The assessments prescribed by sections 3301.0712 and 3313.619 of the Revised Code shall not be administered to any student attending the school, if the school meets all of the following conditions:

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychologist or psychiatrist, or a psychologist who is

authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (L)(4)(a) of this section for at least ten years.

(c) The school makes available to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including growth in student achievement in reading or mathematics, or both, as measured by nationally norm-referenced assessments that have developed appropriate standards for students.

Division (L)(4) of this section applies to any student attending such school regardless of whether the student receives special education or related services and regardless of whether the student is attending the school under a state scholarship program.

(M)(1) The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code. Each superintendent shall administer the assessments in the same manner as district boards are required to do under this section and rules adopted by the department of education and in conformity with division (C)(1)(a) of this section.

(2) The department of education shall furnish the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code to each superintendent.

(N) Notwithstanding division (E) of this section, a school

district may use a student's failure to attain a score in at least the proficient range on the mathematics assessment described by division (A)(1)(a) of section 3301.0710 of the Revised Code or on an assessment described by division (A)(1)(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

(O)(1) In the manner specified in divisions (O)(3), (4), (6), and (7) of this section, the assessments required by division (A)(1) of section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on the thirty-first day of July following the school year that the assessments were administered.

(2) The department may field test proposed questions with samples of students to determine the validity, reliability, or appropriateness of questions for possible inclusion in a future year's assessment. The department also may use anchor questions on assessments to ensure that different versions of the same assessment are of comparable difficulty.

Field test questions and anchor questions shall not be considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A)(1) or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code.

(3) Any field test question or anchor question administered under division (O)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O)(1) of this section.

(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.

(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O)(3) of this section.

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.

(5) Each assessment prescribed by division (B)(1) of section 3301.0710 of the Revised Code shall not be a public record.

(6)(a) Except as provided in division (O)(6)(b) of this section, for the administrations in the 2014-2015, 2015-2016, and 2016-2017 school years, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows:

(i) Forty per cent of the questions and preferred answers on the assessments on the thirty-first day of July following the

administration of the assessment;

(ii) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment;

(iii) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of July two years after the administration of the assessment.

The entire content of an assessment shall become a public record within three years of its administration.

The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.

(b) No questions and corresponding preferred answers shall become a public record under division (O)(6) of this section after July 31, 2017.

(7) Division (O)(7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code.

Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the

corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section.

(P) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state. "Dropout" does not include a student who has departed the country.

(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.

(4) "State scholarship programs" means the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program established under section 3310.41 of the Revised Code, the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.

(5) "Other public school" means a community school

established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

**Sec. 3301.0714.** (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include:

(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;

(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;

(3) Procedures for annually compiling the data in accordance with division (G) of this section;

(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;

(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:

(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:

(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction,

specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.

(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C)(4)(a) of this section.

(c) Average student grades in each subject in grades nine through twelve;

(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;

(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;

(f) The numbers of students reported to the state board

pursuant to division (C)(2) of section 3301.0711 of the Revised Code;

(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.

(h) Expulsion rates;

(i) Suspension rates;

(j) Dropout rates;

(k) Rates of retention in grade;

(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;

(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;

(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.

(o) Beginning on the first day of July that next succeeds ~~the effective date of this amendment~~ September 29, 2017, for each disciplinary action which is required to be reported under

division (B)(4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.

Division (B)(1)(o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general assembly.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever

applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.

(d) The number of lead teachers employed by each school district and each school building.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of ~~limited~~ English ~~proficient students~~ learners in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs.

(4) Any data required to be collected pursuant to federal law.

(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted

under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:

(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;

(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category.

(4) Support or extracurricular services costs for each category of service directly provided to students and required by guidelines adopted pursuant to division (B)(1)(b) of this section. The guidelines shall require the cost units under division (C)(4) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each support or extracurricular services category required by guidelines adopted under division (B)(1)(b) of this section that is provided directly to students by a licensed employee, such as services provided by a guidance counselor or any services provided by a licensed employee under a supplemental contract;

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section,

such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring or the development of state assessments. The guidelines may require school districts to provide the social security numbers of individual staff members and the county of residence for a student. Nothing in this section prohibits the state board of education or department of education from providing a student's county of residence to the department of taxation to facilitate the distribution of tax revenue.

(2)(a) The guidelines shall provide for each school district or community school to assign a data verification code that is unique on a statewide basis over time to each student whose initial Ohio enrollment is in that district or school and to report all required individual student data for that student utilizing such code. The guidelines shall also provide for assigning data verification codes to all students enrolled in districts or community schools on the effective date of the guidelines established under this section. The assignment of data verification codes for other entities, as described in division (D)(2)(d) of this section, the use of those codes, and the reporting and use of associated individual student data shall be coordinated by the department in accordance with state and federal law.

School districts shall report individual student data to the department through the information technology centers utilizing the code. The entities described in division (D)(2)(d) of this section shall report individual student data to the department in the manner prescribed by the department.

(b)(i) Except as provided in sections 3301.941, 3310.11, 3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and in division (D)(2)(b)(ii) of this section, at no time shall the state board or the department have access to information that would enable any data verification code to be matched to personally identifiable student data.

(ii) For the purpose of making per-pupil payments to community schools under division (C) of section 3314.08 of the Revised Code, the department shall have access to information that would enable any data verification code to be matched to personally identifiable student data.

(c) Each school district and community school shall ensure that the data verification code is included in the student's

records reported to any subsequent school district, community school, or state institution of higher education, as defined in section 3345.011 of the Revised Code, in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

(d) The director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, shall request and receive, pursuant to sections 3301.0723 and 5123.0423 of the Revised Code, a data verification code for a child who is receiving those services.

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile formats required under division (G) of this section or the annual statewide report required under division (H) of this section.

(F) Beginning with the school year that begins July 1, 1991, the board of education of each school district shall annually collect and report to the state board, in accordance with the guidelines established by the board, the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.357 or 3319.321 of the Revised Code.

(G) The state board shall, in accordance with the procedures it adopts, annually compile the data reported by each school district pursuant to division (D) of this section. The state board

shall design formats for profiling each school district as a whole and each school building within each district and shall compile the data in accordance with these formats. These profile formats shall:

(1) Include all of the data gathered under this section in a manner that facilitates comparison among school districts and among school buildings within each school district;

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The state board shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.

(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education.

(3) Copies of the reports received from the state board under divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the school district, at least twice during the two weeks prior to the

week in which the reports will first be available, a notice containing the address where the reports are available and the date on which the reports will be available.

(I) Any data that is collected or maintained pursuant to this section and that identifies an individual pupil is not a public record for the purposes of section 149.43 of the Revised Code.

(J) As used in this section:

(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section.

(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.

(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.

(L)(1) In accordance with division (L)(2) of this section and the rules adopted under division (L)(10) of this section, the department of education may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by

this section.

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;

(ix) Any other action designed to correct the district's data reporting problems.

(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.

(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under

division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section.

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L)(2)(d)(i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the district shall reimburse the department for the full cost of the audit. The department may withhold state funds due to the district for this purpose.

(6) Prior to issuing a revised report card for a school district under division (L)(2)(d)(viii) of this section, the department may hold a hearing to provide the district with an opportunity to demonstrate that it made a good faith effort to report data as required by this section. The hearing shall be conducted by a referee appointed by the department. Based on the information provided in the hearing, the referee shall recommend whether the department should issue a revised report card for the district. If the referee affirms the department's contention that the district did not make a good faith effort to report data as required by this section, the district shall bear the full cost of conducting the hearing and of issuing any revised report card.

(7) If the department determines that any inaccurate data reported under this section caused a school district to receive excess state funds in any fiscal year, the district shall reimburse the department an amount equal to the excess funds, in accordance with a payment schedule determined by the department.

The department may withhold state funds due to the district for this purpose.

(8) Any school district that has funds withheld under division (L)(2) of this section may appeal the withholding in accordance with Chapter 119. of the Revised Code.

(9) In all cases of a disagreement between the department and a school district regarding the appropriateness of an action taken under division (L)(2) of this section, the burden of proof shall be on the district to demonstrate that it made a good faith effort to report data as required by this section.

(10) The state board of education shall adopt rules under Chapter 119. of the Revised Code to implement division (L) of this section.

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

(P) The department shall disaggregate the data collected under division (B)(1)(n) of this section according to the race and socioeconomic status of the students assessed.

(Q) If the department cannot compile any of the information required by division (H) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

**Sec. 3301.28.** Not later than one hundred twenty days after the effective date of this section, the department of education shall publish a list of approved, high-quality organizations that specialize in supporting school and school district academic achievement and performance improvement for purposes of school district improvement intervention under section 3302.11 of the Revised Code.

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the Revised Code:

(A) "Preschool program" means either of the following:

(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.

(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.

(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.

(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.

(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)~~(8)~~(7) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.

(I) "School child program" means 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.

(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 whose primary responsibility is the care, teaching, or supervision of children in a school child program.

(L) "Child care" means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home.

(M) "Child day-care center~~,~~" and "publicly funded child care~~,~~" ~~and "school-age child care center"~~ have the same meanings as in section 5104.01 of the Revised Code.

(N) "Community school" means either of the following:

(1) A community school established under Chapter 3314. of the Revised Code that is sponsored by an entity that is rated "exemplary" under section 3314.016 of the Revised Code.

(2) A community school established under Chapter 3314. of the Revised Code that has received, on its most recent report card, either of the following:

(a) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(b) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code.

**Sec. 3301.53.** (A) The state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county boards of developmental disabilities, community schools, or eligible nonpublic schools. The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives,

and meets the requirements of section 3301.55 of the Revised Code;

(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;

(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided inservice education without discrimination on the basis of age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience;

(4) A requirement that boards of education intending to establish a preschool program demonstrate a need for a preschool program prior to establishing the program;

(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board to prevent the spread of communicable disease;

(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code.

(B) The state board of education in consultation with the director of job and family services shall ensure that the rules adopted by the state board under sections 3301.52 to 3301.58 of the Revised Code are consistent with and meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child day-care centers. The state board and the director of job and family services shall review all such rules at least once every five years.

~~(C) The state board of education, in consultation with the director of job and family services, shall adopt rules for school child programs that are consistent with and meet or exceed the~~

~~requirements of the rules adopted for school-age child care centers under Chapter 5104. of the Revised Code.~~

**Sec. 3302.01.** As used in this chapter:

(A) "Performance index score" means the average of the totals derived from calculations, for each subject area, of the weighted proportion of untested students and students scoring at each level of skill described in division (A)(2) of section 3301.0710 of the Revised Code on the state achievement assessments, as follows:

(1) For the assessments prescribed by division (A)(1) of section 3301.0710 of the Revised Code, the average for each of the subject areas of English language arts, mathematics, and science.

(2) For the assessments prescribed by division (B)(1) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code, the average for each of the subject areas of English language arts and mathematics.

The department of education shall assign weights such that students who do not take an assessment receive a weight of zero and students who take an assessment receive progressively larger weights dependent upon the level of skill attained on the assessment. The department shall assign additional weights to students who have been permitted to pass over a subject in accordance with a student acceleration policy adopted under section 3324.10 of the Revised Code. If such a student attains the proficient score prescribed under division (A)(2)(c) of section 3301.0710 of the Revised Code or higher on an assessment, the department shall assign the student the weight prescribed for the next higher scoring level. If such a student attains the advanced score, prescribed under division (A)(2)(a) of section 3301.0710 of the Revised Code, on an assessment, the department shall assign to the student an additional proportional weight, as approved by the state board. For each school year that such a student's score is

included in the performance index score and the student attains the proficient score on an assessment, that additional weight shall be assigned to the student on a subject-by-subject basis.

Students shall be included in the "performance index score" in accordance with division (K)(2) of section 3302.03 of the Revised Code.

(B) "Subgroup" means a subset of the entire student population of the state, a school district, or a school building and includes each of the following:

(1) Major racial and ethnic groups;

(2) Students with disabilities;

(3) Economically disadvantaged students;

(4) ~~Limited~~ English ~~proficient students~~ learners;

(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field.

(6) Students in the lowest quintile for achievement statewide, as determined by a method prescribed by the state board of education.

(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or both thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education.

(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001."

(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001."

(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from the achievement assessments prescribed by section 3301.0710 of the Revised Code. The "value-added progress dimension" shall be developed and implemented in accordance with section 3302.021 of the Revised Code.

(G)(1) "Four-year adjusted cohort graduation rate" means the number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class.

(2) "Five-year adjusted cohort graduation rate" means the number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.

(H) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(I) "Annual measurable objectives" means a measure of student progress determined in accordance with an agreement between the department of education and the United States department of education.

(J) "Community school" means a community school established

under Chapter 3314. of the Revised Code.

(K) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(L) "Entitled to attend school in the district" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

**Sec. 3302.03.** Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department of education shall assign a letter grade for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The state board shall adopt rules pursuant to Chapter 119. of the Revised Code to establish performance criteria for each letter grade and prescribe a method by which the department assigns each letter grade. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the state board shall designate the performance measures that are applicable to the building and that must be calculated separately and used to calculate the building's overall grade. The department shall issue annual report cards reflecting the performance of each school district, each building within each district, and for the state as a whole using the performance measures and letter grade system described in this section. The department shall include on the report card for each district and each building within each district the most recent two-year trend data in student achievement for each subject and each grade.

(A)(1) For the 2012-2013 school year, the department shall issue grades as described in division (E) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as adopted by the state board. In adopting benchmarks for assigning letter grades under division (A)(1)(b) of this section, the state board of education shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.02 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (A)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates.

In adopting benchmarks for assigning letter grades under division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the department shall designate a four-year adjusted cohort graduation rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an "A."

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows:

(i) A score that is at least two standard errors of measure above the mean score shall be designated as an "A."

(ii) A score that is at least one standard error of measure

but less than two standard errors of measure above the mean score shall be designated as a "B."

(iii) A score that is less than one standard error of measure above the mean score but greater than or equal to one standard error of measure below the mean score shall be designated as a "C."

(iv) A score that is not greater than one standard error of measure below the mean score but is greater than or equal to two standard errors of measure below the mean score shall be designated as a "D."

(v) A score that is not greater than two standard errors of measure below the mean score shall be designated as an "F."

Whenever the value-added progress dimension is used as a graded performance measure, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

(B)(1) For the 2013-2014 and 2014-2015 school years, the department shall issue grades as described in division (E) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension of a school district or building, for which the

department shall use up to three years of value-added data as available.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B)(1)(g) of this section. In adopting benchmarks for assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of this section, the state board shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading and writing diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under divisions (B)(1)(g) and (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B)(1) of section 3313.608 of the Revised Code.

(h) For a high mobility school district or building, an

additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for only those students to whom the district or building has administered the assessments prescribed by section 3301.0710 of the Revised Code for each of the two most recent consecutive school years.

As used in this division, "high mobility school district or building" means a school district or building where at least twenty-five per cent of its total enrollment is made up of students who have attended that school district or building for less than one year.

(2) In addition to the graded measures in division (B)(1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade:

(a) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code;

(d) The percentage of the district's or the building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code.

(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations.

(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code.

(3) Not later than December 31, 2013, the state board shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (B)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(4) There shall not be an overall letter grade for a school district or building for the 2013-2014, 2014-2015, 2015-2016, and

2016-2017 school years.

(C)(1) For the 2014-2015 school year and each school year thereafter, the department shall issue grades as described in division (E) of this section for each of the performance measures prescribed in division (C)(1) of this section. The graded measures are as follows:

(a) Annual measurable objectives. For the 2017-2018 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty-five students. For the 2018-2019 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty students. Beginning with the 2019-2020 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than fifteen students.

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the state board, of a school district or building, for which the department shall use up to three years of value-added data as available.

In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C)(1)(e) of this section, the state board shall prohibit the assigning of a grade of "A" for that measure unless the district's or building's grade assigned for value-added progress dimension for all subgroups under division (C)(1)(f) of this section is a "B" or higher.

For the metric prescribed by division (C)(1)(e) of this section, the state board may adopt a student academic progress measure to be used instead of the value-added progress dimension. If the state board adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board. Each subgroup shall be a separate graded measure.

The state board may adopt student academic progress measures to be used instead of the value-added progress dimension. If the state board adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is

comparable to the method prescribed in division (A)(1)(e) of this section.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to a district or building for purposes of division (C)(1)(g) of this section. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under division (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the kindergarten diagnostic assessment under division (B)(1) of section 3313.608 of the Revised Code.

(h) For a high mobility school district or building, an additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for only those students to whom the district or building has administered the assessments prescribed by section 3301.0710 of the Revised Code for each of the two most recent consecutive school years.

As used in this division, "high mobility school district or building" means a school district or building where at least twenty-five per cent of its total enrollment is made up of students who have attended that school district or building for less than one year.

(2) In addition to the graded measures in division (C)(1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade:

(a) The percentage of students enrolled in a district or

building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with the standards adopted under division (F) of section 3345.061 of the Revised Code;

(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;

(e) The percentage of the district's or building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code;

(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;

(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code;

(h) Whether the school district or building has implemented a positive behavior intervention and supports framework in compliance with the requirements of section 3319.46 of the Revised Code, notated as a "yes" or "no" answer.

(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) of this section into the following components:

(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section;

(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;

(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section;

(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;

(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(g) of this section;

(f) Prepared for success, which shall include the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. The state board shall develop a method to determine a grade for the component in division (C)(3)(f) of this section using the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. When available, the state board

may incorporate the performance measure under division (C)(2)(g) of this section into the component under division (C)(3)(f) of this section. When determining the overall grade for the prepared for success component prescribed by division (C)(3)(f) of this section, no individual student shall be counted in more than one performance measure. However, if a student qualifies for more than one performance measure in the component, the state board may, in its method to determine a grade for the component, specify an additional weight for such a student that is not greater than or equal to 1.0. In determining the overall score under division (C)(3)(f) of this section, the state board shall ensure that the pool of students included in the performance measures aggregated under that division are all of the students included in the four- and five-year adjusted graduation cohort.

In the rules adopted under division (C)(3) of this section, the state board shall adopt a method for determining a grade for each component in divisions (C)(3)(a) to (f) of this section. The state board also shall establish a method to assign an overall grade of "A," "B," "C," "D," or "F" using the grades assigned for each component. The method the state board adopts for assigning an overall grade shall give equal weight to the components in divisions (C)(3)(b) and (c) of this section.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods for calculating the overall grade for the report card, as required by this division, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing the format for the report card, weights that will be assigned to the components of the overall grade, and the method for calculating the overall grade.

(D) On or after July 1, 2015, the state board may develop a

measure of student academic progress for high school students using only data from assessments in English language arts and mathematics. If the state board develops this measure, each school district and applicable school building shall be assigned a separate letter grade for it not sooner than the 2017-2018 school year. The district's or building's grade for that measure shall not be included in determining the district's or building's overall letter grade.

(E) The letter grades assigned to a school district or building under this section shall be as follows:

(1) "A" for a district or school making excellent progress;

(2) "B" for a district or school making above average progress;

(3) "C" for a district or school making average progress;

(4) "D" for a district or school making below average progress;

(5) "F" for a district or school failing to meet minimum progress.

(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:

(1) Performance of students by grade-level;

(2) Performance of students by race and ethnic group;

(3) Performance of students by gender;

(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;

(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;

(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;

(7) Performance of students grouped by those who are economically disadvantaged;

(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;

(9) Performance of students grouped by those who are classified as ~~limited~~ English ~~proficient~~ learners;

(10) Performance of students grouped by those who have disabilities;

(11) Performance of students grouped by those who are classified as migrants;

(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.

(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.

The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions

(F)(1) to (13) of this section that it deems relevant.

In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (F) of this section that contains less than ten students. If the department does not report student performance data for a group because it contains less than ten students, the department shall indicate on the report card that is why data was not reported.

(G) The department may include with the report cards any additional education and fiscal performance data it deems valuable.

(H) The department shall include on each report card a list of additional information collected by the department that is available regarding the district or building for which the report card is issued. When available, such additional information shall include student mobility data disaggregated by race and socioeconomic status, college enrollment data, and the reports prepared under section 3302.031 of the Revised Code.

The department shall maintain a site on the world wide web. The report card shall include the address of the site and shall specify that such additional information is available to the public at that site. The department shall also provide a copy of each item on the list to the superintendent of each school district. The district superintendent shall provide a copy of any item on the list to anyone who requests it.

(I)(1)(a) Except as provided in division (I)(1)(b) of this section, for any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department

shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the report card issued for the district under this section or section 3302.033 of the Revised Code.

(b) The department shall not combine data from any conversion community school that a district sponsors if a majority of the students enrolled in the conversion community school are enrolled in a dropout prevention and recovery program that is operated by the school, as described in division (A)(4)(a) of section 3314.35 of the Revised Code. The department shall include as an addendum to the district's report card the ratings and performance measures that are required under section 3314.017 of the Revised Code for any community school to which division (I)(1)(b) of this section applies. This addendum shall include, at a minimum, the data specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 3314.017 of the Revised Code.

(2) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district report card. Any district that so elects shall annually file a copy of the lease or agreement with the department.

(3) Any municipal school district, as defined in section 3311.71 of the Revised Code, that sponsors a community school located within the district's territory, or that enters into an agreement with a community school located within the district's

territory whereby the district and the community school endorse each other's programs, may exercise either or both of the following elections:

(a) To have data regarding the academic performance of students enrolled in that community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district's report card;

(b) To have the number of students attending that community school noted separately on the district's report card.

The election authorized under division (I)(3)(a) of this section is subject to approval by the governing authority of the community school.

Any municipal school district that exercises an election to combine or include data under division (I)(3) of this section, by the first day of October of each year, shall file with the department documentation indicating eligibility for that election, as required by the department.

(J) The department shall include on each report card the percentage of teachers in the district or building who are properly certified or licensed teachers, as defined in section 3319.074 of the Revised Code, and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.

(K)(1) In calculating English language arts, mathematics, or science assessment passage rates used to determine school district or building performance under this section, the department shall include all students taking an assessment with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code.

(2) In calculating performance index scores, rates of

achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and annual measurable objectives for determining adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any assessment prescribed by division (A)(1) or (B)(1) of section 3301.0710 or division (B) of section 3301.0712 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade English language arts achievement assessment;

(c) Except as required by the No Child Left Behind Act of 2001, exclude for each district or building any ~~limited~~ English ~~proficient student~~ learner who has been enrolled in United States schools for less than one full school year.

(L) Beginning with the 2015-2016 school year and at least once every three years thereafter, the state board of education shall review and may adjust the benchmarks for assigning letter grades to the performance measures and components prescribed under divisions (C)(3) and (D) of this section.

**Sec. 3302.042.** (A) This section shall operate as a pilot project that applies to any school that has been ranked according to performance index score under section 3302.21 of the Revised Code in the lowest five per cent of all public school buildings statewide for three or more consecutive school years and is operated by the Columbus city school district. The pilot project shall commence once the department of education establishes

implementation guidelines for the pilot project in consultation with the Columbus city school district.

(B) Except as provided in division (D), (E), or (F) of this section, if the parents or guardians of at least fifty per cent of the students enrolled in a school to which this section applies, or if the parents or guardians of at least fifty per cent of the total number of students enrolled in that school and the schools of lower grade levels whose students typically matriculate into that school, by the thirty-first day of December of any school year in which the school is subject to this section, sign and file with the school district treasurer a petition requesting the district board of education to implement one of the following reforms in the school, and if the validity and sufficiency of the petition is certified in accordance with division (C) of this section, the board shall implement the requested reform in the next school year:

(1) Reopen the school as a community school under Chapter 3314. of the Revised Code;

(2) Replace at least seventy per cent of the school's personnel who are related to the school's poor academic performance or, at the request of the petitioners, retain not more than thirty per cent of the personnel;

(3) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school;

(4) Turn operation of the school over to the department;

(5) Any other major restructuring of the school that makes fundamental reforms in the school's staffing or governance.

(C) Not later than thirty days after receipt of a petition under division (B) of this section, the district treasurer shall

verify the validity and sufficiency of the signatures on the petition and certify to the district board whether the petition contains the necessary number of valid signatures to require the board to implement the reform requested by the petitioners. If the treasurer certifies to the district board that the petition does not contain the necessary number of valid signatures, any person who signed the petition may file an appeal with the county auditor within ten days after the certification. Not later than thirty days after the filing of an appeal, the county auditor shall conduct an independent verification of the validity and sufficiency of the signatures on the petition and certify to the district board whether the petition contains the necessary number of valid signatures to require the board to implement the requested reform. If the treasurer or county auditor certifies that the petition contains the necessary number of valid signatures, the district board shall notify the superintendent of public instruction and the state board of education of the certification.

(D) The district board shall not implement the reform requested by the petitioners in any of the following circumstances:

(1) The district board has determined that the request is for reasons other than improving student academic achievement or student safety.

(2) The state superintendent has determined that implementation of the requested reform would not comply with the model of differentiated accountability described in section 3302.041 of the Revised Code.

(3) The petitioners have requested the district board to implement the reform described in division (B)(4) of this section and the department has not agreed to take over the school's operation.

(4) When all of the following have occurred:

(a) After a public hearing on the matter, the district board issued a written statement explaining the reasons that it is unable to implement the requested reform and agreeing to implement one of the other reforms described in division (B) of this section.

(b) The district board submitted its written statement to the state superintendent and the state board along with evidence showing how the alternative reform the district board has agreed to implement will enable the school to improve its academic performance.

(c) Both the state superintendent and the state board have approved implementation of the alternative reform.

(E) If the provisions of this section conflict in any way with the requirements of federal law, federal law shall prevail over the provisions of this section.

(F) If a school is restructured under this section, section 3302.10, 3302.11, or 3302.12 of the Revised Code, or federal law, the school shall not be required to restructure again under state law for three consecutive years after the implementation of that prior restructuring.

(G) Beginning not later than six months after the first petition under this section has been resolved, the department of education shall annually evaluate the pilot program and submit a report to the general assembly under section 101.68 of the Revised Code. Such reports shall contain its recommendations to the general assembly with respect to the continuation of the pilot program, its expansion to other school districts, or the enactment of further legislation establishing the program statewide under permanent law.

**Sec. 3302.061.** (A) A school district board of education shall review each application received under section 3302.06 of the Revised Code and, within sixty days after receipt of the application, shall approve or disapprove the application. In reviewing applications, the board shall give preference to applications that propose innovations in one or more of the following areas:

(1) Curriculum;

(2) Student assessments, other than the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code;

(3) Class scheduling;

(4) Accountability measures, including innovations that expand the number and variety of measures used in order to collect more complete data about student academic performance. For this purpose, schools may consider use of measures such as end-of-course examinations, portfolios of student work, nationally or internationally normed assessments, the percentage of students enrolling in post-secondary education, or the percentage of students simultaneously obtaining a high school diploma and an associate's degree or certification to work in an industry or career field.

(5) Provision of student services, including services for students who are disabled, identified as gifted under Chapter 3324. of the Revised Code, ~~limited~~ English ~~proficient~~ learners, at risk of academic failure or dropping out, or at risk of suspension or expulsion;

(6) Provision of health, counseling, or other social services to students;

(7) Preparation of students for transition to higher

education or the workforce;

(8) Teacher recruitment, employment, and evaluation;

(9) Compensation for school personnel;

(10) Professional development;

(11) School governance and the roles and responsibilities of principals;

(12) Use of financial or other resources.

(B)(1) If the board approves an application seeking designation as an innovation school, it shall so designate the school that submitted the application. If the board approves an application seeking designation as an innovation school zone, it shall so designate the participating schools that submitted the application.

(2) If the board disapproves an application, it shall provide a written explanation of the basis for its decision to the school or schools that submitted the application. The school or schools may reapply for designation as an innovation school or innovation school zone at any time.

(C) The board may approve an application that allows an innovation school or a school participating in an innovation school zone to determine the compensation of board employees working in the school, but the total compensation for all such employees shall not exceed the financial resources allocated to the school by the board. The school shall not be required to comply with the salary schedule adopted by the board under section 3311.78, 3317.14, or 3317.141 of the Revised Code. The board may approve an application that allows an innovation school or a school participating in an innovation school zone to remove board employees from the school, but no employee shall be terminated except as provided in section 3311.82, 3319.081, or 3319.16 of the

Revised Code.

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

(1) Designate a school as an innovation school by creating an innovation plan for that school and offering the school an opportunity to participate in the plan's creation;

(2) Designate as an innovation school zone two or more schools that share common interests based on factors such as geographical proximity or similar educational programs or that serve the same classes of students as they advance to higher grade levels, by creating an innovation plan for those schools and offering the schools an opportunity to participate in the plan's creation.

**Sec. 3302.10.** (A) ~~The~~ Pursuant to section 3302.11 of the Revised Code, the superintendent of public instruction ~~shall~~ may establish an academic distress commission for any school district that ~~meets one of the following conditions:~~

~~(1) The district has received an overall grade of "F" under division (C)(3) of section 3302.03 of the Revised Code for three consecutive years.~~

~~(2) An academic distress commission established for the district under former section 3302.10 of the Revised Code was still in existence on the effective date of this section and has been in existence for at least four years~~ qualifies for a school district improvement intervention under division (A) of section 3302.11 of the Revised Code.

(B)~~(1)~~ The academic distress commission shall consist of ~~five~~ the state superintendent, or the state superintendent's designee, and four other members appointed by the state superintendent as follows:

~~(a) Three members appointed by the state superintendent, one~~

~~of whom is a resident in the county in which a majority of the district's territory is located;~~

~~(b) One member appointed by the president of the district board of education, who shall be a teacher employed by the district;~~

~~(c) One member appointed by the mayor of the municipality in which a majority of the district's territory is located or, if no such municipality exists, by the mayor of a municipality selected by the state superintendent in which the district has territory.~~

(1) A school district superintendent currently employed by another district selected from a list of at least three candidates submitted by the buckeye association of school administrators;

(2) A current member of a school district board of education of another district selected from a list of at least three candidates submitted by the Ohio school boards association;

(3) A school district treasurer currently employed by another district selected from a list of at least three candidates submitted by the Ohio association of school business officials;

(4) A building principal currently employed by another district selected from a list of at least three candidates submitted jointly by the Ohio association of secondary school administrators and the Ohio association of elementary school administrators.

Appointments to the commission shall be made within ~~thirty~~ sixty days after the district is notified that it is subject to this section. Members of the commission shall serve at the pleasure of their appointing authority. The state superintendent shall designate a chairperson for the commission from among the members ~~appointed by the state superintendent~~. The chairperson shall call and conduct meetings, set meeting agendas, and serve as a liaison between the commission and the chief executive officer

appointed under division (C)(1) of this section.

~~(2) In the case of a school district that meets the condition in division (A)(2) of this section, the academic distress commission established for the district under former section 3302.10 of the Revised Code shall be abolished and a new academic distress commission shall be appointed for the district pursuant to division (B)(1) of this section.~~

(C)(1) Within sixty days after the state superintendent has designated a chairperson for the academic distress commission, a district board of education subject to an academic distress commission shall submit to the commission ~~shall appoint~~ a candidate for chief executive officer for the district, who shall be paid by the department of education and shall serve at the pleasure of the district board, with all personnel actions involving the chief executive officer approved by the commission. Upon approval by the commission, the district board shall appoint the board's candidate as chief executive officer. The individual appointed as chief executive officer shall have high-level management experience in the public or private sector. The chief executive officer shall exercise complete operational, managerial, and instructional control of the district, which shall include, but shall not be limited to, the following powers and duties, but the chief executive officer may delegate, in writing, specific powers or duties to the district board or district superintendent:

(a) Replacing school administrators and central office staff;

(b) Assigning employees to schools and approving transfers;

(c) Hiring new employees;

(d) Defining employee responsibilities and job descriptions;

(e) Establishing employee compensation;

(f) Allocating teacher class loads;

(g) Conducting employee evaluations;

(h) Making reductions in staff under section 3319.17, 3319.171, or 3319.172 of the Revised Code;

(i) Setting the school calendar;

(j) Creating a budget for the district;

(k) Contracting for services for the district;

(l) Modifying policies and procedures established by the district board;

(m) Establishing grade configurations of schools;

(n) Determining the school curriculum;

(o) Selecting instructional materials and assessments;

(p) Setting class sizes;

(q) Providing for staff professional development.

(2) If an improvement coordinator was previously appointed for the district pursuant to division (A) of section 3302.04 of the Revised Code, that position shall be terminated. However, nothing in this section shall prohibit the chief executive officer from employing the same individual or other staff to perform duties or functions previously performed by the improvement coordinator.

(D) ~~The academic distress commission, in consultation with the state superintendent and the chief executive officer, shall be responsible for expanding high-quality school choice options in the district. The commission, in consultation with the state superintendent, may create an entity to act as a high-quality school accelerator for schools not operated by the district. The accelerator shall promote high-quality schools in the district, lead improvement efforts for underperforming schools, recruit high-quality sponsors for community schools, attract new~~

~~high-quality schools to the district, and increase the overall capacity of schools to deliver a high-quality education for students. Any accelerator shall be an independent entity and the chief executive officer shall have no authority over the accelerator.~~

~~(E)~~(1) Within thirty days after the chief executive officer is appointed, the chief executive officer shall convene a group of community stakeholders. The purpose of the group shall be to develop expectations for academic improvement in the district and to assist the district in building relationships with organizations in the community that can provide needed services to students. Members of the group shall include, but shall not be limited to, educators, civic and business leaders, and representatives of institutions of higher education and government service agencies. Within ninety days after the chief executive officer is appointed, the chief executive officer also shall convene a smaller group of community stakeholders for each school operated by the district to develop expectations for academic improvement in that school. The group convened for each school shall have teachers employed in the school and parents of students enrolled in the school among its members.

(2) The chief executive officer shall create a plan to improve the district's academic performance. In creating the plan, the chief executive officer shall consult with the groups convened under division ~~(E)~~(D)(1) of this section and division (E) of section 3302.11 of the Revised Code. The chief executive officer also shall consider the availability of funding to ensure sustainability of the plan. The plan shall establish clear, measurable performance goals for the district and for each school operated by the district. The performance goals shall include, but not be limited to, the performance measures prescribed for report cards issued under section 3302.03 of the Revised Code. ~~Within~~

~~ninety~~ The plan shall include strategies for its implementation and specific actions for each school's role in the plan.

Within one hundred fifty days after the chief executive officer is appointed, the chief executive officer shall submit the plan to the ~~academic distress commission~~ district board of education for approval. Within thirty days after the submission of the plan, the ~~commission~~ board shall approve the plan or suggest modifications to the plan that will render it acceptable. If the ~~commission~~ board suggests modifications, the chief executive officer may revise the plan before resubmitting it ~~to the commission~~. The chief executive officer shall resubmit the plan, whether revised or not, within fifteen days after the ~~commission~~ board suggests modifications. The ~~commission~~ board shall approve the plan within thirty days after the plan is resubmitted. Upon approval of the plan by the ~~commission~~ board, the chief executive officer shall implement the plan.

~~(F)~~(E) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, if the district board has entered into, modified, renewed, or extended a collective bargaining agreement on or after ~~the effective date of this section~~ October 15, 2015, that contains provisions relinquishing one or more of the rights or responsibilities listed in division (C) of section 4117.08 of the Revised Code, those provisions are not enforceable and the chief executive officer and the district board shall resume holding those rights or responsibilities as if the district board had not relinquished them in that agreement until such time as both the academic distress commission ceases to exist and the district board agrees to relinquish those rights or responsibilities in a new collective bargaining agreement. For purposes of this section, "collective bargaining agreement" shall include any labor contract or agreement in effect with any applicable bargaining representative. The chief executive officer

and the district board are not required to bargain on subjects reserved to the management and direction of the school district, including, but not limited to, the rights or responsibilities listed in division (C) of section 4117.08 of the Revised Code. The way in which these subjects and these rights or responsibilities may affect the wages, hours, terms and conditions of employment, or the continuation, modification, or deletion of an existing provision of a collective bargaining agreement is not subject to collective bargaining or effects bargaining under Chapter 4117. of the Revised Code. The provisions of this paragraph apply to a collective bargaining agreement entered into, modified, renewed, or extended on or after ~~the effective date of this section~~ October 15, 2015, and those provisions are deemed to be part of that agreement regardless of whether the district satisfied the conditions prescribed in division (A) of this section at the time the district entered into that agreement. If the district board relinquished one or more of the rights or responsibilities listed in division (C) of section 4117.08 of the Revised Code in a collective bargaining agreement entered into prior to ~~the effective date of this section~~ October 15, 2015, and had resumed holding those rights or responsibilities pursuant to division (K) of former section 3302.10 of the Revised Code, as it existed prior to that date, the district board shall continue to hold those rights or responsibilities until such time as both the new academic distress commission appointed under this section ceases to exist upon ~~completion of the transition period specified in division (N)(1) of this section~~ the determination of the state superintendent under division (F) of section 3302.11 of the Revised Code and the district board agrees to relinquish those rights or responsibilities in a new collective bargaining agreement.

~~(G)~~(F) In each school year that the district is subject to this section, the following shall apply:

(1) The chief executive officer shall implement the improvement plan approved under division ~~(E)~~(D)(2) of this section and shall review the plan annually to determine if changes are needed. The chief executive officer may modify the plan upon the approval of the modifications by the academic distress commission.

(2) ~~The chief executive officer may implement innovative education programs to do any of the following:~~

~~(a) Address the physical and mental well-being of students and their families;~~

~~(b) Provide mentoring;~~

~~(c) Provide job resources;~~

~~(d) Disseminate higher education information;~~

~~(e) Offer recreational or cultural activities;~~

~~(f) Provide any other services that will contribute to a successful learning environment.~~

~~The chief executive officer shall establish a separate fund to support innovative education programs and shall deposit any moneys appropriated by the general assembly for the purposes of division (G)(2) of this section in the fund. The chief executive officer shall have sole authority to disburse moneys from the fund until the district is no longer subject to this section. All disbursements shall support the improvement plan approved under division (E)(2) of this section.~~

~~(3)~~ If the district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, each student who is entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and is enrolled in a school operated by the district or in a community school, or 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 following school year, shall be eligible to participate in the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code and an application for the student may be submitted during the next application period.

~~(4)~~(3) Notwithstanding anything to the contrary in the Revised Code, the chief executive officer may limit, suspend, or alter any contract with an administrator that is entered into, modified, renewed, or extended by the district board on or after the effective date of this section, provided that the chief executive officer shall not reduce any salary or base hourly rate of pay unless such salary or base hourly rate reductions are part of a uniform plan affecting all district employees and shall not reduce any insurance benefits unless such insurance benefit reductions are also applicable generally to other employees of the district.

~~(5)~~(4) The chief executive officer shall represent the district board during any negotiations to modify, renew, or extend a collective bargaining agreement entered into by the board under Chapter 4117. of the Revised Code.

~~(H)~~(G) If the report card for the district has been issued under section 3302.03 of the Revised Code for the first school year that the district is subject to this section and the district does not meet the qualification in division ~~(N)(1)~~(L) of this section, ~~the following shall apply:~~

~~(1) The chief executive officer may reconstitute any school operated by the district. The chief executive officer shall present to the academic distress commission a plan that lists each school designated for reconstitution and explains how the chief executive officer plans to reconstitute the school. The chief executive officer may take any of the following actions to~~

~~reconstitute a school:~~

~~(a) Change the mission of the school or the focus of its curriculum;~~

~~(b) Replace the school's principal and/or administrative staff;~~

~~(c) Replace a majority of the school's staff, including teaching and nonteaching employees;~~

~~(d) Contract with a nonprofit or for-profit entity to manage the operations of the school. The contract may provide for the entity to supply all or some of the staff for the school.~~

~~(e) Reopen the school as a community school under Chapter 3314. of the Revised Code or a science, technology, engineering, and mathematics school under Chapter 3326. of the Revised Code;~~

~~(f) Permanently close the school.~~

~~If the chief executive officer plans to reconstitute a school under division (H)(1)(e) or (f) of this section, the commission shall review the plan for that school and either approve or reject it by the thirtieth day of June of the school year. Upon approval of the plan by the commission, the chief executive officer shall reconstitute the school as outlined in the plan.~~

~~(2) Notwithstanding~~ and notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the chief executive officer, in consultation with the chairperson of the academic distress commission, may reopen any collective bargaining agreement entered into, modified, renewed, or extended on or after ~~the effective date of this section~~ October 15, 2015, for the purpose of renegotiating its terms. The chief executive officer shall have the sole discretion to designate any provisions of a collective bargaining agreement as subject to reopening by providing written notice to the bargaining representative. Any

provisions designated for reopening by the chief executive officer shall be subject to collective bargaining as set forth in Chapter 4117. of the Revised Code. Any changes to the provisions subject to reopening shall take effect on the following first day of July or another date agreed to by the parties. ~~The chief executive officer may reopen a collective bargaining agreement under division (H)(2) of this section as necessary to reconstitute a school under division (H)(1) of this section.~~

~~(I)~~(H) If the report card for the district has been issued under section 3302.03 of the Revised Code for the second school year that the district is subject to this section and the district does not meet the qualification in division ~~(N)(1)~~(L) of this section, the following shall apply:

(1) The chief executive officer may exercise any of the powers authorized under division ~~(H)~~(G) of this section.

(2) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the chief executive officer may limit, suspend, or alter any provision of a collective bargaining agreement entered into, modified, renewed, or extended on or after ~~the effective date of this section~~ October 15, 2015, provided that the chief executive officer shall not reduce any base hourly rate of pay and shall not reduce any insurance benefits. The decision to limit, suspend, or alter any provision of a collective bargaining agreement under this division is not subject to bargaining under Chapter 4117. of the Revised Code; however, the chief executive officer shall have the discretion to engage in effects bargaining on the way any such decision may affect wages, hours, or terms and conditions of employment. ~~The chief executive officer may limit, suspend, or alter a provision of a collective bargaining agreement under division (I)(2) of this section as necessary to reconstitute a school under division (H)(1) of this section.~~

~~(J)~~(I) If the report card for the district has been issued under section 3302.03 of the Revised Code for the third school year that the district is subject to this section and the district does not meet the qualification in division ~~(N)(1)~~(L) of this section, the following shall apply:

(1) The chief executive officer may exercise any of the powers authorized under division ~~(H)~~(G) or ~~(I)~~(H) of this section.

(2) The chief executive officer may continue in effect a limitation, suspension, or alteration of a provision of a collective bargaining agreement issued under division ~~(I)~~(H)(2) of this section. Any such continuation shall be subject to the requirements and restrictions of that division.

~~(K)~~(J) If the report card for the district has been issued under section 3302.03 of the Revised Code for the fourth school year or any subsequent school year that the district is subject to this section and the district does not meet the qualification in division ~~(N)(1)~~(L) of this section, ~~the following shall apply:~~

~~(1) The chief executive officer may exercise any of the powers authorized under division (H), (I), or (J) of this section.~~

~~(2) A new board of education shall be appointed for the district in accordance with section 3302.11 of the Revised Code. However, the chief executive officer shall retain complete operational, managerial, and instructional control of the district until the chief executive officer relinquishes that control to the district board under division (N)(1) of this section.~~

~~(L) If the report card for the district has been issued under section 3302.03 of the Revised Code for the fifth school year, or any subsequent school year, that the district is subject to this section and the district does not meet the qualification in division (N)(1) of this section,~~ the chief executive officer may exercise ~~any of~~ the powers authorized under division (G), (H),

(I), or (J)~~, or (K)(1)~~ of this section.

~~(M)~~(K) If division (H), (I), or (J)~~, (K), or (L)~~ of this section applies to a district, community schools, STEM schools, chartered nonpublic schools, and other school districts that enroll students residing in the district and meet academic accountability standards shall be eligible to be paid an academic performance bonus in each fiscal year for which the general assembly appropriates funds for that purpose. The academic performance bonus is intended to give students residing in the district access to a high-quality education by encouraging high-quality schools to enroll those students.

~~(N)(1) When a district subject to this section receives an overall grade of "C" or higher under division (C)(3) of section 3302.03 of the Revised Code, the district shall begin its transition out of being subject to this section. Except as provided in division (N)(2) of this section, the transition period shall last until the district has received an overall grade higher than "F" under division (C)(3) of section 3302.03 of the Revised Code for two consecutive school years after the transition period begins. The overall grade of "C" or higher that qualifies the district to begin the transition period shall not count as one of the two consecutive school years. During the transition period, the conditions described in divisions (F) to (L) of this section for the school year prior to the school year in which the transition period begins shall continue to apply and the chief executive officer shall work closely with the district board and district superintendent to increase their ability to resume control of the district and sustain the district's academic improvement over time. Upon completion of the transition period, the chief executive officer shall relinquish all operational, managerial, and instructional control of the district to the district board and district superintendent and the academic~~

~~distress commission shall cease to exist.~~

~~(2) If the district receives an overall grade of "F" under division (C)(3) of section 3302.03 of the Revised Code at any time during the transition period, the transition period shall end and the district shall be fully subject to this section again. The district shall resume being fully subject to this section at the point it began its transition out of being subject to this section and the division in divisions (H) to (L) of this section that would have applied to the district had the district not qualified to begin its transition under division (N)(1) of this section shall apply to the district.~~

~~(O)~~(L) The academic distress commission shall cease to exist upon the determination of the state superintendent under section 3302.11 of the Revised Code.

(M) If at any time there are no longer any schools operated by the district due to reconstitution or other closure of the district's schools under this section, the academic distress commission shall cease to exist and the chief executive officer shall cease to exercise any powers with respect to the district.

~~(P)~~(N) Beginning on ~~the effective date of this section~~ October 15, 2015, each collective bargaining agreement entered into by a school district board of education under Chapter 4117. of the Revised Code shall incorporate the provisions of this section.

~~(Q)~~(O) The chief executive officer, the members of the academic distress commission, the state superintendent, and any person authorized to act on behalf of or assist them shall not be personally liable or subject to any suit, judgment, or claim for damages resulting from the exercise of or failure to exercise the powers, duties, and functions granted to them in regard to their functioning under this section, but the chief executive officer,

commission, state superintendent, and such other persons shall be subject to mandamus proceedings to compel performance of their duties under this section.

~~(R)~~(P) The state superintendent shall not exempt any district from this section by approving an application for an innovative education pilot program submitted by the district under section 3302.07 of the Revised Code.

(Q) An academic distress commission may suspend or override any decision of the district board or district administration that the commission determines is inconsistent with the district's improvement plan created under this section.

(R) An academic distress commission established under this section is a body both corporate and politic, constituting an agency and instrumentality of the state and performing essential governmental functions of the state. It shall be subject to sections 121.22, 149.43, 2921.42, and 2921.43 and Chapter 102. of the Revised Code.

**Sec. 3302.11.** (A) The superintendent of public instruction shall designate a school district that receives an overall grade of "F" under division (C)(3) of section 3302.03 of the Revised Code as in "substantial and intensive support" status. The department of education shall conduct an academic performance review and a resource utilization analysis of such a district not later than six months after the district is so designated. The department may conduct additional academic performance reviews and resource utilization analyses as the state superintendent determines necessary. The academic performance review shall include state and school district data and improvement plans.

(B) Upon being designated as in substantial and intensive support status, a district shall negotiate an expectation and support agreement with the department, and shall continue to do so

annually thereafter until the district meets the criteria prescribed in division (I) of this section. The agreement shall specify actions that each party shall take and areas of support to be provided for the school district by each party.

(C) In addition to any other options required under this section, the state superintendent shall establish and appoint members to the following advisory groups for each district designated to be in substantial and intensive support status or subject to an improvement intervention under this section:

(1) A quality education advisory group to support the work of the district's administrators. The advisory group shall be made up of current and former school district superintendents, as recommended by the buckeye association of school administrators.

(2) A board support advisory group to support the work of the district's board of education. The advisory group shall be made up of current and former members of boards of education, as recommended by the Ohio school boards association.

(3) A resource utilization advisory group to support the work of the district's treasurer or business officials. The advisory group shall be made up of current and former district treasurers and business officials, as recommended by the Ohio association of school business officials.

(4) A community support coordinating group to organize and coordinate community support and provide community perspective on the district's improvement plan.

(D) The state superintendent shall establish a school district improvement intervention for any school district that meets one of the following conditions:

(1) The district has been designated as in substantial and intensive support status for not less than two consecutive years, and the state superintendent has determined that the district has

not complied with its expectation and support agreement entered into under division (B) of this section or has not made sufficient progress in making academic improvement.

(2) An academic distress commission established under section 3302.10 of the Revised Code is in existence for the district on the effective date of this section. For a school district that is subject to an academic distress commission on the effective date of this section, the superintendent shall determine whether to continue with the academic distress commission in place for the district or to select a different intervention for the district under division (F) of this section.

(E) When a school district becomes subject to an improvement intervention under division (D) of this section, the state superintendent shall review the district's expectation and support agreement entered into under division (B) of this section and academic performance review and resource utilization analysis conducted under division (A) of this section. Based on that review and any other evidence presented to the state superintendent, the state superintendent may grant the district not more than one additional year before implementing an improvement intervention.

(F) The state superintendent shall choose one of the following options for a district's improvement intervention based on the district's needs and situation:

(1) An assistive option, which may include the appointment of one of the following individuals:

(a) A district facilitator. A district facilitator shall be an individual with sufficient expertise and experience to support improvement activities. The state superintendent shall appoint the facilitator who shall be an employee of the department of education and shall offer specific supports to district leaders.

(b) A district monitor. Notwithstanding any other provision

of the Revised Code, a district monitor shall have access to district information and personnel in order to monitor the alignment of district actions with the district's improvement plan. The state superintendent shall appoint the district monitor, who shall be an employee of the department, and shall submit updates on the progress of the district toward meeting its improvement goals to the district board.

(c) A school-level coach. A school-level coach shall provide intensive coaching and support to staff and administrators at specific buildings in the district. The state superintendent shall appoint the coach who shall be an employee of the department. The coach may be an approved, high-quality organization that is included on the list created by the department under section 3301.28 of the Revised Code.

(2) An improvement supervisor. The board of education of a school district subject to an improvement intervention, with the approval of the state superintendent, shall select an improvement supervisor. The improvement supervisor shall be an employee of the department but shall submit progress reports on the improvement of the district to both the district board and state superintendent. The supervisor shall act in an advisory role and assist the district board and state superintendent to create an improvement plan using school district turnaround strategies. The supervisor may suspend any action of the district board or district administration if the supervisor determines that the action is inconsistent with the district's improvement plan or expectation and support agreement.

(3) A local superintendent supervisor. The state superintendent shall appoint the district's current administrator as supervisor. The superintendent supervisor may suspend any action of the district board of education when the supervisor determines that the action is inconsistent with the district's

improvement plan or expectation and support agreement. The supervisor shall serve at the pleasure of the state superintendent and, while appointed as supervisor, may not be terminated from employment or removed from office by the district board.

(4) A new mayorally appointed school district board of education. The mayor of the municipality in which a majority of the territory of a school district to which this section applies is located or, if no such municipality exists, the mayor of a municipality selected by the superintendent of public instruction in which the district has territory shall appoint a new seven-member board of education which shall assume all management and control of the district. No individual shall be appointed by the mayor unless the individual resides in the school district and holds no elected public office. The mayor shall designate one member as the chairperson of the board. The chairperson shall have all the rights, authority, and duties conferred upon the president of a board of education by the Revised Code.

The mayor shall prescribe the member's terms of office so that their expiration dates are staggered but no term shall be for longer than two years.

(5) School directors. The state superintendent shall appoint school directors to manage one or more school buildings in the district. A school director shall be an employee of the department and shall have authority over the operational, managerial, and instructional functions of the buildings assigned as designated in a contract with the department.

(6) Contracted school management. The state superintendent may place one or more buildings in the district under independent management by a nonprofit company. The state superintendent shall develop specifications for the operation of the building or buildings and issue a bidding process for management companies. The building shall remain as part of the district but be managed

by the nonprofit company.

(7) An academic distress commission under section 3302.10 of the Revised Code.

(8) A chief executive officer. The state superintendent shall appoint a chief executive officer who shall assume the management and control of a district subject to an improvement intervention. The chief executive officer shall be an employee of the department and shall have the same authority as a chief executive officer under division (C)(1) of section 3302.10 of the Revised Code.

(G) If the state superintendent implements a school district improvement intervention under division (F) of this section that replaces the authority of the school district board of education, the school district treasurer shall report to the governing entity specified under that intervention.

(H) If the state superintendent determines that a school district improvement intervention selected under division (F) of this section is failing to produce meaningful improvement, as determined by the state superintendent, the state superintendent may select a different intervention.

(I) A district shall not be considered under substantial and intensive support status and no longer be subject to any school district improvement intervention upon receiving an overall grade of "C" or above under division (C)(3) of section 3302.03 of the Revised Code or upon the determination of the state superintendent based on the academic performance of the district and individual school buildings operated by the district and evidence of a district's capacity for sustainable improvement.

**Sec. ~~3302.11~~ 3302.111.** (A) This section applies to any school district that becomes subject to a mayorally appointed board of education under division ~~(K)~~(F)(4) of section ~~3302.10~~ 3302.11 of

the Revised Code~~, as it exists on and after the effective date of this section~~.

(B) ~~As used in this section, "mayor" means the mayor of the municipality in which a majority of the territory of a school district to which this section applies is located or, if no such municipality exist, the mayor of a municipality selected by the superintendent of public instruction in which the district has territory.~~

~~(C) On the first day of January following the date on which this section first applies to a school district, the mayor shall appoint a new five-member board of education for the district from a slate of candidates nominated by the nominating panel established under division (D)(1) of this section.~~

~~(D)(1) Not later than thirty days after the date on which this section first applies to a school district, the superintendent of public instruction shall convene a nominating panel to nominate candidates for appointment to the district board of education. The panel shall consist of the following members:~~

~~(a) Two persons appointed by the mayor, one of whom shall be a representative of the business community or an institution of higher education located in the district;~~

~~(b) One principal employed by the district, who shall be selected by a vote of the district's principals conducted by the state superintendent;~~

~~(c) One teacher appointed by the bargaining representative for teachers employed by the district;~~

~~(d) One parent of a student enrolled in the district appointed by the parent-teacher association, or a similar organization selected by the state superintendent;~~

~~(e) The chairperson of the academic distress commission~~

~~established for the district under section 3302.10 of the Revised Code and the chief executive officer appointed under division (C)(1) of that section, until such time as the commission ceases to exist.~~

~~(2) The state superintendent shall be a nonvoting member of the panel and shall serve as chairperson of the panel for the first two years of the panel's existence. After that time, the panel shall select one of its members as chairperson. The panel shall meet as necessary to make nominations at the call of the chairperson. All members of the panel shall serve at the pleasure of their appointing authority. A vacancy on the panel shall be filled in the same manner as the initial appointment.~~

~~(E) Not later than thirty days after the nominating panel is convened, the panel shall nominate a slate of at least ten candidates for possible appointment to the district board of education. All candidates shall be residents of the school district and shall hold no elected public office. At least two of the candidates shall reside outside of the municipal corporation served by the mayor, if that municipal corporation does not contain all of the district's territory.~~

~~(F) Not later than thirty days after receiving the slate of candidates, the mayor shall select five members from the slate for appointment to the district board of education. Initial members of the board shall take office on the first day of January following their appointment and their terms shall expire on the thirtieth day of June following the referendum election required by division (G)(1) of this section.~~

~~(G)~~(1) At the general election held in the first even-numbered year occurring at least three years after the date on which the ~~academic distress commission established for the district ceases to exist pursuant to division (N)(1) of section 3302.10 of the Revised Code~~ appointed board assumed control of the

district, a referendum election shall be held to determine if the mayor shall continue to appoint the district board of education. Not later than ninety days before the general election, the board of education shall notify the board of elections of each county containing territory of the district of the referendum election. At the general election, the following question shall be submitted to the electors of the district:

"Shall the mayor of . . . (here insert the name of the applicable municipal corporation) continue to appoint the members of the board of education of the . . . (here insert the name of the school district to which this section applies)?"

The board of elections of the county in which the majority of the district's territory is located shall make all necessary arrangements for the submission of the question to the electors, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers, provided that in any such election in which only part of the electors of a precinct are qualified to vote, the board of elections may assign voters in such part to an adjoining precinct. Such an assignment may be made to an adjoining precinct in another county with the consent and approval of the board of elections of such other county. Notice of the election shall be published in a newspaper of general circulation in the district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall state the question on which the election is being held. The ballot shall be in the form prescribed by the secretary of state. Costs of submitting the question to the electors shall be charged to the district in accordance with section 3501.17 of the Revised Code.

(2) If a majority of the electors voting on the question proposed in division ~~(G)~~(B)(1) of this section approve the question, the mayor shall appoint a new board of education on the immediately following first day of July ~~from a slate of candidates nominated by the nominating panel~~ in the same manner as the initial board was appointed pursuant to ~~divisions (E) and (F) of this section. Three of the members of the new board shall be appointed to four-year terms and two of the members shall be appointed to two-year terms, each term beginning on the first day of July. Thereafter, the mayor shall appoint members to four-year terms in the same manner prescribed in divisions (E) and (F) of this section. Whenever the nominating panel is required to nominate a slate of candidates, the panel shall nominate at least twice the number of candidates as members to be appointed to the board at that time, including two candidates who reside outside of the municipal corporation served by the mayor, if that municipal corporation does not contain all of the district's territory. Nothing in this division shall preclude the nominating panel from nominating as a candidate a person who was a member of the board prior to the referendum election or shall preclude the mayor from appointing such a person to the new board~~ division (F)(4) of section 3302.11 of the Revised Code.

(3) If a majority of the electors voting on the question proposed in division ~~(G)~~(B)(1) of this section disapprove the question, a new board of education shall be elected at the next regular election occurring in November of an odd-numbered year. The board shall have the same number of members as the board in place prior to the board appointed under this section. At such election, one-half of the total number of members rounded up to the next whole number shall be elected for terms of four years and the remaining members shall be elected for terms of two years. Thereafter, their successors shall be elected in the same manner and for the same terms as provided in the Revised Code for members

of boards of education. All members of the board of education appointed under this section shall continue to serve after the end of the terms to which they were appointed until their successors are qualified and assume office in accordance with section 3313.09 of the Revised Code.

~~(H) All of the following shall apply to a board of education appointed under division (F) or (G)(2) of this section:~~

~~(1) At any given time, at least two of the board members shall have significant expertise in education, finance, or business management and at least one member shall reside outside of the municipal corporation served by the mayor, if that municipal corporation does not contain all of the district's territory.~~

~~(2) The members of the board shall designate one of its members as the chairperson of the board. The chairperson shall have all the rights, authority, and duties conferred upon the president of a board of education by the Revised Code.~~

~~(3) The mayor may remove any member of the board with the advice and consent of the nominating panel.~~

**Sec. 3302.12.** (A)(1) Except as provided in divisions (C) and (D) of this section, this section applies to a school building that is ranked according to performance index score under section 3302.21 of the Revised Code in the lowest five per cent of public school buildings statewide for three consecutive years and that meets any combination of the following for three consecutive years:

(a) The school building is declared to be under an academic watch or in a state of academic emergency under section 3302.03 of the Revised Code;

(b) The school building that has received a grade of "F" for

the value-added progress dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code;

(c) The school building that has received an overall grade of "F" under section 3302.03 of the Revised Code.

(2) In the case of a building to which this section applies, the district board of education in control of that building shall do one of the following at the conclusion of the school year in which the building first becomes subject to this section:

(a) Close the school and direct the district superintendent to reassign the students enrolled in the school to other school buildings that demonstrate higher academic achievement;

(b) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school;

(c) Replace the principal and all teaching staff of the school and, upon request from the new principal, exempt the school from all requested policies and regulations of the board regarding curriculum and instruction. The board also shall distribute funding to the school in an amount that is at least equal to the product of the per pupil amount of state and local revenues received by the district multiplied by the student population of the school.

(d) Reopen the school as a conversion community school under Chapter 3314. of the Revised Code.

(B) If an action taken by the board under division (A)(2) of this section causes the district to no longer maintain all grades kindergarten through twelve, as required by section 3311.29 of the Revised Code, the board shall enter into a contract with another school district pursuant to section 3327.04 of the Revised Code for enrollment of students in the schools of that other district to the extent necessary to comply with the requirement of section

3311.29 of the Revised Code. Notwithstanding any provision of the Revised Code to the contrary, if the board enters into and maintains a contract under section 3327.04 of the Revised Code, the district shall not be considered to have failed to comply with the requirement of section 3311.29 of the Revised Code. If, however, the district board fails to or is unable to enter into or maintain such a contract, the state board of education shall take all necessary actions to dissolve the district as provided in division (A) of section 3311.29 of the Revised Code.

(C) If a particular school is required to restructure under this section and a petition with respect to that same school has been filed and verified under divisions (B) and (C) of section 3302.042 of the Revised Code, the provisions of that section and the petition filed and verified under it shall prevail over the provisions of this section and the school shall be restructured under that section. However, if division (D)(1), (2), or (3) of section 3302.042 of the Revised Code also applies to the school, the school shall be subject to restructuring under this section and not section 3302.042 of the Revised Code.

If the provisions of this section conflict in any way with the requirements of federal law, federal law shall prevail over the provisions of this section.

(D) If a school is restructured under this section, section 3302.042 ~~or~~, 3302.10, or 3302.11 of the Revised Code, or federal law, the school shall not be required to restructure again under state law for three consecutive years after the implementation of that prior restructuring.

**Sec. 3302.17.** (A) Any school building operated by a city, exempted village, or local school district, or a community school established under Chapter 3314. of the Revised Code is eligible to initiate the community learning center process as prescribed by

this section.

(B) Beginning with the 2015-2016 school year, each district board of education or community school governing authority may initiate a community learning center process ~~for any school building to which this section applies~~.

First, the board or governing authority shall conduct a public information hearing at each school building to which this section applies to inform the community of the community learning center process. The board or governing authority may do all of the following with regard to the public information hearing:

(1) Announce the meeting not less than forty-five days in advance at the school and on the school's or district's web sites and using tools to ensure effective communication with individuals with disabilities;

(2) Schedule the meeting for an evening or weekend time;

(3) Provide interpretation services and written materials in all languages spoken by five per cent or more of the students enrolled in the school;

(4) Provide child care services for parents attending the meeting;

(5) Provide parents, students, teachers, nonteaching employees, and community members with the opportunity to speak at the meeting;

(6) Comply with section 149.43 of the Revised Code.

In preparing for the public information hearing, the board or governing authority shall ensure that information about the hearing is broadly distributed throughout the community.

The board or governing authority may enter into an agreement with any civic engagement organizations, community organizations,

or employee organizations to support the implementation of the community learning center process.

The board or governing authority shall conduct a follow-up hearing at least once annually until action is further taken under the section with respect to the school building or until the conditions described in division (A) of this section no longer apply to the school building.

(C) Not sooner than forty-five days after the first public information hearing, the board or governing authority shall conduct an election, by paper ballot, to initiate the process to become a community learning center. Only parents or guardians of students enrolled in the school and students enrolled in a different school operated by a joint vocational school district but are otherwise entitled to attend the school, and teachers and nonteaching employees who are assigned to the school may vote in the election.

The board or governing authority shall distribute the ballots by mail and shall make copies available at the school and on the web site of the school. The board or governing authority also may distribute the ballots by directly giving ballots to teachers and nonteaching employees and sending home ballots with every student enrolled in the school building.

(D) The board or governing authority shall initiate the transition of the building to a community learning center if the results of the election held under division (C) of this section are as follows:

(1) At least fifty per cent of parents and guardians of students enrolled in the eligible school building and students enrolled in a different building operated by a joint vocational school district but who are entitled to attend the school cast ballots by a date set by the board or governing authority, and of

those ballots at least sixty-seven per cent are in favor of initiating the process; and

(2) At least fifty per cent of teachers and nonteaching employees who are assigned to the school cast ballots by a date set by the board or governing authority, and of those ballots at least sixty-seven per cent are in favor of initiating the process.

(E) If a community learning center process is initiated under this section, the board or governing authority shall create a school action team under section 3302.18 of the Revised Code. Within four months upon selection, the school action team shall conduct and complete, in consultation with community partners, a performance audit of the school and review, with parental input, the needs of the school with regard to restructuring under section 3302.10, 3302.11, 3302.12, or 3302.042 of the Revised Code, or federal law.

The school action team shall provide quarterly updates of its work in a public hearing that complies with the same specifications prescribed in division (B) of this section.

(F) Upon completion of the audit and review, the school action team shall present its findings at a public hearing that complies with the same specifications prescribed in division (B) of this section. After the school action team presents its findings at the public hearing, it shall create a community learning center improvement plan that designates appropriate interventions, which may be based on the recommendations developed by the department under division (H)(1)(b) of this section.

If there is a federally mandated school improvement planning process, the team shall coordinate its work with that plan.

The school action team shall approve the plan by a majority vote.

(G) Upon approval of the plan by the school action team, the

team shall submit the community learning center improvement plan to the same individuals described in division (C) of this section. Ballots shall be distributed and an election shall be conducted in the same manner as indicated under that division.

The school action team shall submit the plan to the district board of education or community school governing authority, if the results of the election under division (G) of this section are as follows:

(1) At least thirty per cent of parents and guardians of students enrolled in the eligible school building and students enrolled in a different building operated by a joint vocational school district but who are entitled to attend the school cast ballots by a date set by the board or governing authority, and of those ballots at least fifty per cent are in favor of initiating the process; and

(2) At least thirty per cent of teachers and nonteaching employees who are assigned to the school cast ballots by a date set by the board or governing authority, and of those ballots at least fifty per cent are in favor of initiating the process.

The board or governing authority shall evaluate the plan and determine whether to adopt it. The board or governing authority shall adopt the plan in full or adopt portions of the plan. If the board or governing authority does not adopt the plan in full, it shall provide a written explanation of why portions of the plan were rejected.

(H)(1) The department shall do all of the following with respect to this section:

(a) Adopt rules regarding the elections required under this section;

(b) Develop appropriate interventions for a community learning center improvement plan that may be used by a school

action team under division (F) of this section;

(c) Publish a menu of programs and services that may be offered by community learning centers. The information shall be posted on the department's web site. To compile this information the department shall solicit input from resource coordinators of existing community learning centers~~;~~.

(d) Provide information regarding implementation of comprehensive community-based programs and supportive services including the community learning center model to school buildings meeting any of the following conditions:

(i) The building is in improvement status as defined by the "No Child Left Behind Act of 2001" or under an agreement between the Ohio department of education and the United States secretary of education.

(ii) The building is a secondary school that is among the lowest achieving fifteen per cent of secondary schools statewide, as determined by the department.

(iii) The building is a secondary school with a graduation rate of sixty per cent or lower for three or more consecutive years.

(iv) The building is a school that the department determines is persistently low-performing.

(2) The department may do the following with respect to this section:

(a) Provide assistance, facilitation, and training to school action teams in the conducting of the audit required under this section;

(b) Provide opportunities for members of school action teams from different schools to share school improvement strategies with parents, teachers, and other relevant stakeholders in higher

performing schools;

(c) Provide financial support in a school action team's planning process and create a grant program to assist in the implementation of a qualified community learning center plan.

(I) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after ~~the effective date of this section~~ October 15, 2015. However, the board or governing authority and the teachers' labor organization may negotiate additional factors to be considered in the adoption of a community learning center plan.

**Sec. 3302.18.** (A)(1) If a community learning center process is initiated under section 3302.17 of the Revised Code for any school building operated by a city, exempted village, or local school district or a community school established under Chapter 3314. of the Revised Code, the district board of education or community school governing authority shall create a school action team for the school building. The team shall consist of twelve members, as follows:

(a) Seven individuals, consisting of parents or guardians of students enrolled in the school and members of the community who are not teachers or nonteaching employees, as elected by their peers;

(b) Five teachers and nonteaching employees who are assigned to the school building and are not parents or guardians of students enrolled in the school, as elected by their peers.

(2) To assist a school action team initiated under section 3302.17 of the Revised Code, the district board, community school governing authority, or community partner shall select an

individual who is employed by the district, school, or community partner to serve as the resource coordinator for the community learning center. The school action team shall make recommendations to the board, governing authority, or community partner on potential candidates. The resource coordinator shall not be considered a member of a school action team. The resource coordinator shall assist in the development and coordination of programs and services for the community learning center.

(B) All members of a school action team shall serve as voting members. Terms of office shall be for three years, and vacancies shall be filled in the same manner as the original appointment.

Members shall serve without compensation.

(C) In addition to the responsibilities listed in section 3302.17 of the Revised Code, the school action team shall do all of the following:

(1) Monitor and assist in the implementation of the school improvement plan, if adopted;

(2) Meet with candidates for principal and other administrative positions and make recommendations to the superintendent and board of education of the district or governing authority of the community school;

(3) Advise on school budgets;

(4) Establish ongoing mechanisms that engage students, parents, and community members in the school;

(5) Continue to collect feedback and information from parents using an annual survey;

(6) Develop and approve a written parent involvement policy that outlines the role of parents and guardians in the school;

(7) Monitor school progress on data related to academic achievement; attendance, suspensions, and expulsions; graduation

rates; and reclassifications disaggregated by major racial and ethnic groups, ~~limited~~ English ~~proficient students~~ learners, economically disadvantaged students, and students with disabilities;

(8) Receive regular updates from the principal on policy matters affecting the school and provide advice on such matters;

(9) Meet regularly with parents and community members to discuss policy matters affecting the school.

**Sec. 3313.603.** (A) As used in this section:

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.

(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, three units;

(4) Physical education, one-half unit;

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:

(a) Biological sciences, one unit;

(b) Physical sciences, one unit.

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Social studies, two units.

Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (B)(7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.

(8) Elective units, seven units until September 15, 2003, and six units thereafter.

Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.

(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;

(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II, or one unit of advanced computer science as described in the standards adopted pursuant to division (A)(4) of section 3301.079 of the Revised Code. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II or advanced computer science, and instead may complete a career-based pathway mathematics course approved by the department of education as an alternative.

For students who choose to take advanced computer science in lieu of algebra II under division (C)(3) of this section, the school shall communicate to those students that some institutions of higher education may require algebra II for the purpose of college admission. Also, the parent, guardian, or legal custodian of each student who chooses to take advanced computer science in lieu of algebra II shall sign and submit to the school a document containing a statement acknowledging that not taking algebra II may have an adverse effect on college admission decisions.

(4) Physical education, one-half unit;

(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:

(a) Physical sciences, one unit;

(b) Life sciences, one unit;

(c) Advanced study in one or more of the following sciences, one unit:

(i) Chemistry, physics, or other physical science;

(ii) Advanced biology or other life science;

(iii) Astronomy, physical geology, or other earth or space science;

(iv) Computer science.

No student shall substitute a computer science course for a life sciences or biology course under division (C)(5) of this section.

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Social studies, two units.

Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(7) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.

Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (C)(7) of this section shall include at least one-half unit of instruction in the study of world history

and civilizations.

(8) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology which may include computer science, agricultural education, a junior reserve officer training corps (JROTC) program approved by the congress of the United States under title 10 of the United States Code, or English language arts, mathematics, science, or social studies courses not otherwise required under division (C) of this section.

Ohioans must be prepared to apply increased knowledge and skills in the workplace and to adapt their knowledge and skills quickly to meet the rapidly changing conditions of the twenty-first century. National studies indicate that all high school graduates need the same academic foundation, regardless of the opportunities they pursue after graduation. The goal of Ohio's system of elementary and secondary education is to prepare all students for and seamlessly connect all students to success in life beyond high school graduation, regardless of whether the next step is entering the workforce, beginning an apprenticeship, engaging in post-secondary training, serving in the military, or pursuing a college degree.

The requirements for graduation prescribed in division (C) of this section are the standard expectation for all students entering ninth grade for the first time at a public or chartered nonpublic high school on or after July 1, 2010. A student may satisfy this expectation through a variety of methods, including, but not limited to, integrated, applied, career-technical, and traditional coursework.

Stronger coordination between high schools and institutions of higher education is necessary to prepare students for more challenging academic endeavors and to lessen the need for academic remediation in college, thereby reducing the costs of higher

education for Ohio's students, families, and the state. The state board and the chancellor of higher education shall develop policies to ensure that only in rare instances will students who complete the requirements for graduation prescribed in division (C) of this section require academic remediation after high school.

School districts, community schools, and chartered nonpublic schools shall integrate technology into learning experiences across the curriculum in order to maximize efficiency, enhance learning, and prepare students for success in the technology-driven twenty-first century. Districts and schools shall use distance and web-based course delivery as a method of providing or augmenting all instruction required under this division, including laboratory experience in science. Districts and schools shall utilize technology access and electronic learning opportunities provided by the broadcast educational media commission, chancellor, the Ohio learning network, education technology centers, public television stations, and other public and private providers.

(D) Except as provided in division (E) of this section, a student who enters ninth grade on or after July 1, 2010, and before July 1, 2016, may qualify for graduation from a public or chartered nonpublic high school even though the student has not completed the requirements for graduation prescribed in division (C) of this section if all of the following conditions are satisfied:

(1) During the student's third year of attending high school, as determined by the school, the student and the student's parent, guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this

section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(2) The student and parent, guardian, or custodian fulfill any procedural requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements under division (D)(1) of this section. Annually, each district or school shall notify the department of the number of students who choose to qualify for graduation under division (D) of this section and the number of students who complete the student's success plan and graduate from high school.

(3) The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop a student success plan for the student in the manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(4) The student's high school provides counseling and support for the student related to the plan developed under division (D)(3) of this section during the remainder of the student's high school experience.

(5)(a) Except as provided in division (D)(5)(b) of this section, the student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.

(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2014, a student shall be required to complete successfully, at the minimum, the curriculum prescribed in division (B) of this section, except as follows:

(i) Mathematics, four units, one unit which shall be one of

the following:

(I) Probability and statistics;

(II) Computer science;

(III) Applied mathematics or quantitative reasoning;

(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.

(ii) Elective units, five units;

(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.

The department, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2016. The department shall submit its findings and any recommendations not later than December 1, 2015, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction.

(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the

following:

(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;

(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section;

(3) That no exception comparable to that provided in division (D) of this section is available.

If a school district or chartered nonpublic school requires a foreign language as an additional graduation requirement under division (E) of this section, a student may apply one unit of instruction in computer coding to satisfy one unit of foreign language. If a student applies more than one computer coding course to satisfy the foreign language requirement, the courses shall be sequential and progressively more difficult.

(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the requirements for graduation prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:

(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.

(2) The program enrolls students who, at the time of their

initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.

(3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board under division (D)(5) of section 3301.0712 of the Revised Code, division (B)(2) of that section.

(4) The program develops a student success plan for the student in the manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student's matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(5) The program provides counseling and support for the student related to the plan developed under division (F)(4) of this section during the remainder of the student's high school experience.

(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board under

section 3301.079 of the Revised Code will be taught and assessed.

(8) Prior to receiving the waiver, the program has submitted to the department a policy on career advising that satisfies the requirements of section 3313.6020 of the Revised Code, with an emphasis on how every student will receive career advising.

(9) Prior to receiving the waiver, the program has submitted to the department a written agreement outlining the future cooperation between the program and any combination of local job training, postsecondary education, nonprofit, and health and social service organizations to provide services for students in the program and their families.

Divisions (F)(8) and (9) of this section apply only to waivers granted on or after July 1, 2015.

If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.

(G) Every high school may permit students below the ninth grade to take advanced work. If a high school so permits, it shall award high school credit for successful completion of the advanced work and shall count such advanced work toward the graduation requirements of division (B) or (C) of this section if the advanced work was both:

(1) Taught by a person who possesses a license or certificate issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;

(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the chartered nonpublic school as meeting the high school curriculum requirements.

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript.

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) A school district or chartered nonpublic school may integrate academic content in a subject area for which the state board has adopted standards under section 3301.079 of the Revised Code into a course in a different subject area, including a career-technical education course, in accordance with guidance for integrated coursework developed by the department. Upon successful completion of an integrated course, a student may receive credit for both subject areas that were integrated into the course. Units earned for subject area content delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

For purposes of meeting graduation requirements, if an end-of-course examination has been prescribed under section 3301.0712 of the Revised Code for the subject area delivered through integrated instruction, the school district or school may administer the related subject area examinations upon the student's completion of the integrated course.

Nothing in division (I) of this section shall be construed to excuse any school district, chartered nonpublic school, or student from any requirement in the Revised Code related to curriculum,

assessments, or the awarding of a high school diploma.

(J)(1) The state board, in consultation with the chancellor, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall include a standard method for recording demonstrated proficiency on high school transcripts. Each school district and community school shall comply with the state board's plan adopted under this division and award units of high school credit in accordance with the plan. The state board may adopt existing methods for earning high school credit based on a demonstration of subject area competency as necessary prior to the 2009-2010 school year.

(2) Not later than December 31, 2015, the state board shall update the statewide plan adopted pursuant to division (J)(1) of this section to also include methods for students enrolled in seventh and eighth grade to meet curriculum requirements based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. Beginning with the 2017-2018 school year, each school district and community school also shall comply with the updated plan adopted pursuant to this division and permit students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency in accordance with the plan.

(3) Not later than December 31, 2017, the department shall develop a framework for school districts and community schools to use in granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education. Beginning with the 2018-2019 school year, each district and community school

shall comply with the framework. Each district and community school also shall review any policy it has adopted regarding the demonstration of subject area competency to identify ways to incorporate work-based learning experiences, internships, and cooperative education into the policy in order to increase student engagement and opportunities to earn units of high school credit.

(K) This division does not apply to students who qualify for graduation from high school under division (D) or (F) of this section, or to students pursuing a career-technical instructional track as determined by the school district board of education or the chartered nonpublic school's governing authority. Nevertheless, the general assembly encourages such students to consider enrolling in a fine arts course as an elective.

Beginning with students who enter ninth grade for the first time on or after July 1, 2010, each student enrolled in a public or chartered nonpublic high school shall complete two semesters or the equivalent of fine arts to graduate from high school. The coursework may be completed in any of grades seven to twelve. Each student who completes a fine arts course in grade seven or eight may elect to count that course toward the five units of electives required for graduation under division (C)(8) of this section, if the course satisfied the requirements of division (G) of this section. In that case, the high school shall award the student high school credit for the course and count the course toward the five units required under division (C)(8) of this section. If the course in grade seven or eight did not satisfy the requirements of division (G) of this section, the high school shall not award the student high school credit for the course but shall count the course toward the two semesters or the equivalent of fine arts required by this division.

(L) Notwithstanding anything to the contrary in this section, the board of education of each school district and the governing

authority of each chartered nonpublic school may adopt a policy to excuse from the high school physical education requirement each student who, during high school, has participated in interscholastic athletics, marching band, or cheerleading for at least two full seasons or in the junior reserve officer training corps for at least two full school years. If the board or authority adopts such a policy, the board or authority shall not require the student to complete any physical education course as a condition to graduate. However, the student shall be required to complete one-half unit, consisting of at least sixty hours of instruction, in another course of study. In the case of a student who has participated in the junior reserve officer training corps for at least two full school years, credit received for that participation may be used to satisfy the requirement to complete one-half unit in another course of study.

(M) It is important that high school students learn and understand United States history and the governments of both the United States and the state of Ohio. Therefore, beginning with students who enter ninth grade for the first time on or after July 1, 2012, the study of American history and American government required by divisions (B)(6) and (C)(6) of this section shall include the study of all of the following documents:

(1) The Declaration of Independence;

(2) The Northwest Ordinance;

(3) The Constitution of the United States with emphasis on the Bill of Rights;

(4) The Ohio Constitution.

The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.

The study of American history and government required by

divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.

(N) A student may apply one unit of instruction in computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure requirements prescribed by section 3319.236 of the Revised Code and, prior to teaching the course, completes a professional development program determined to be appropriate by the district board.

If a student applies more than one computer science course to satisfy curriculum requirements under that division, the courses shall be sequential and progressively more difficult or cover different subject areas within computer science.

**Sec. 3313.608.** (A)(1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, for any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:

(a) Promote the student to fourth grade if the student's

principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade;

(b) Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade;

(c) Retain the student in third grade.

(2) Beginning with students who enter third grade in the 2013-2014 school year, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, unless one of the following applies:

(a) The student is ~~a limited~~ an English ~~proficient student~~ learner who has been enrolled in United States schools for less than three full school years and has had less than three years of instruction in an English as a second language program.

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.

(d) All of the following apply:

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the

Revised Code.

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.

(iv) The student previously was retained in any of grades kindergarten to three.

(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.

(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers.

(B)(1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students with significant cognitive disabilities or other disabilities as authorized by the department on a case-by-case basis, enrolled in kindergarten to third grade and shall identify students who are reading below their grade level. The reading skills assessment

shall be completed by the thirtieth day of September for students in grades one to three, and by the first day of November for students in kindergarten. Each district shall use the diagnostic assessment to measure reading ability for the appropriate grade level adopted under section 3301.079 of the Revised Code, or a comparable tool approved by the department of education, to identify such students. The policies and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. The assessment may be administered electronically using live, two-way video and audio connections whereby the teacher administering the assessment may be in a separate location from the student.

(2) For each student identified by the diagnostic assessment prescribed under this section as having reading skills below grade level, the district shall do both of the following:

(a) Provide to the student's parent or guardian, in writing, all of the following:

(i) Notification that the student has been identified as having a substantial deficiency in reading;

(ii) A description of the current services that are provided to the student;

(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;

(iv) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall

specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) For each student retained under division (A) of this section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:

(i) Small group instruction;

(ii) Reduced teacher-student ratios;

(iii) More frequent progress monitoring;

(iv) Tutoring or mentoring;

(v) Transition classes containing third and fourth grade students;

(vi) Extended school day, week, or year;

(vii) Summer reading camps.

(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;

(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following:

(1) Identification of the student's specific reading deficiencies;

(2) A description of the additional instructional services

and support that will be provided to the student to remediate the identified reading deficiencies;

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section;

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section;

(5) A reading curriculum during regular school hours that does all of the following:

(a) Assists students to read at grade level;

(b) Provides scientifically based and reliable assessment;

(c) Provides initial and ongoing analysis of each student's reading progress.

(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.

(D) Each school district shall report annually to the department on its implementation and compliance with this section

using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered under division (B) of this section and the achievement assessments administered under divisions (A)(1)(a) and (b) of section 3301.0710 of the Revised Code in English language arts, aggregated by school district and building; the types of intervention services provided to students; and, if available, an evaluation of the efficacy of the intervention services provided.

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students under this section shall meet the following conditions:

(1) The remediation methods are based on reliable educational research.

(2) The school districts conduct assessment before and after students participate in the program to facilitate monitoring results of the remediation services.

(3) The parents of participating students are involved in programming decisions.

(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction.

(G) This section does not create a new cause of action or a substantive legal right for any person.

(H)(1) Except as provided under divisions (H)(2), (3), and (4) of this section, each student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or

more of the following criteria:

(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.

(b) The teacher has completed a master's degree program with a major in reading.

(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code.

(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.

(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section.

(3) Notwithstanding division (H)(1) of this section, a

student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H)(3) of this section shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(4) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may receive reading intervention or remediation services under this section from an individual employed as a speech-language pathologist who holds a license issued by the state speech and hearing professionals board under Chapter 4753. of the Revised Code and a professional pupil services license as a school speech-language pathologist issued by the state board of education.

(5) A teacher, other than a student's teacher of record, may provide any services required under this section, so long as that other teacher meets the requirements of division (H) of this section and the teacher of record and the school principal agree to the assignment. Any such assignment shall be documented in the student's reading improvement and monitoring plan.

As used in this division, "teacher of record" means the classroom teacher to whom a student is assigned.

(I) Notwithstanding division (H) of this section, a teacher may teach reading to any student who is an English language learner, and has been in the United States for three years or

less, or to a student who has an individualized education program developed under Chapter 3323. of the Revised Code if that teacher holds an alternative credential approved by the department or has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in this division shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(J) If, on or after June 4, 2013, a school district or community school cannot furnish the number of teachers needed who satisfy one or more of the criteria set forth in division (H) of this section for the 2013-2014 school year, the school district or community school shall develop and submit a staffing plan by June 30, 2013. The staffing plan shall include criteria that will be used to assign a student described in division (B)(3) or (C) of this section to a teacher, credentials or training held by teachers currently teaching at the school, and how the school district or community school will meet the requirements of this section. The school district or community school shall post the staffing plan on its web site for the applicable school year.

Not later than March 1, 2014, and on the first day of March in each year thereafter, a school district or community school that has submitted a plan under this division shall submit to the department a detailed report of the progress the district or school has made in meeting the requirements under this section.

A school district or community school may request an extension of a staffing plan beyond the 2013-2014 school year. Extension requests must be submitted to the department not later than the thirtieth day of April prior to the start of the applicable school year. The department may grant extensions valid

through the 2015-2016 school year.

Until June 30, 2015, the department annually shall review all staffing plans and report to the state board not later than the thirtieth day of June of each year the progress of school districts and community schools in meeting the requirements of this section.

(K) The department of education shall designate one or more staff members to provide guidance and assistance to school districts and community schools in implementing the third grade guarantee established by this section, including any standards or requirements adopted to implement the guarantee and to provide information and support for reading instruction and achievement.

**Sec. 3313.6024.** (A) Annually, beginning in the 2019-2020 school year, each school district shall report to the department of education, in the manner prescribed by the department, the types of prevention-focused programs, services, and supports used to assist students in developing the knowledge and skills to engage in healthy behaviors and decision-making and to increase their awareness of the dangers and consequences of risky behaviors, including substance abuse, suicide, bullying, and other harmful behaviors. The district shall report the following information regarding such programs, services, and supports for each building operated by the district and for each of grades kindergarten through twelve served by the building:

(1) Curriculum and instruction provided during the school day;

(2) Programs and supports provided outside of the classroom or outside of the school day;

(3) Professional development for teachers, administrators, and other staff;

(4) Partnerships with community coalitions and organizations to provide prevention services and resources to students and their families;

(5) School efforts to engage parents and the community;

(6) Activities designed to communicate with and learn from other schools or professionals with expertise in prevention education.

(B) The department may use information reported under this section, and any other information collected by the department pursuant to law, as a factor in the distribution of any funding available for prevention-focused programs, services, and supports.

**Sec. 3313.61.** (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply:

(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, or has qualified under division (D) or (F) of section 3313.603 of the Revised Code, provided that no school district shall require a student to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early;

(2) Subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(2)(a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to July 1, 2014, the person either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on

all the assessments required by that division unless the person was excused from taking any such assessment pursuant to section 3313.532 of the Revised Code or unless division (H) or (L) of this section applies to the person;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that the person is excused from an assessment prescribed by that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of this section.

(3) The person is not eligible to receive an honors diploma granted pursuant to division (B) of this section.

Except as provided in divisions (C), (E), (J), and (L) of this section, no diploma shall be granted under this division to anyone except as provided under this division.

(B) In lieu of a diploma granted under division (A) of this section, an honors diploma shall be granted, in accordance with rules of the state board, by any such district board to anyone who accomplishes all of the following:

(1) Successfully completes the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code;

(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to July 1, 2014, the person either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed under section 3313.618 of the Revised Code.

(3) Has met additional criteria established by the state board for the granting of such a diploma.

An honors diploma shall not be granted to a student who is subject to the requirements prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division.

The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. The rules may prescribe the granting of an honors diploma recognizing technical expertise for a career-technical student. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this division and the number of such criteria that must be met for the granting of that type of diploma. The number of such criteria for any type of honors diploma shall be at least one less than the total number of criteria designated for that type and no one or more particular

criteria shall be required of all persons who are to be granted that type of diploma.

(C) Any district board administering any of the assessments required by section 3301.0710 of the Revised Code to any person requesting to take such assessment pursuant to division (B)(8)(b) of section 3301.0711 of the Revised Code shall award a diploma to such person if the person attains at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments administered and if the person has previously attained the applicable scores on all the other assessments required by division (B)(1) of that section or has been exempted or excused from attaining the applicable score on any such assessment pursuant to division (H) or (L) of this section or from taking any such assessment pursuant to section 3313.532 of the Revised Code.

(D) Each diploma awarded under this section shall be signed by the president and treasurer of the issuing board, the superintendent of schools, and the principal of the high school. Each diploma shall bear the date of its issue, be in such form as the district board prescribes, and be paid for out of the district's general fund.

(E) A person who is a resident of Ohio and is eligible under state board of education minimum standards to receive a high school diploma based in whole or in part on credits earned while an inmate of a correctional institution operated by the state or any political subdivision thereof, shall be granted such diploma by the correctional institution operating the programs in which such credits were earned, and by the board of education of the school district in which the inmate resided immediately prior to the inmate's placement in the institution. The diploma granted by the correctional institution shall be signed by the director of the institution, and by the person serving as principal of the

institution's high school and shall bear the date of issue.

(F) Persons who are not residents of Ohio but who are inmates of correctional institutions operated by the state or any political subdivision thereof, and who are eligible under state board of education minimum standards to receive a high school diploma based in whole or in part on credits earned while an inmate of the correctional institution, shall be granted a diploma by the correctional institution offering the program in which the credits were earned. The diploma granted by the correctional institution shall be signed by the director of the institution and by the person serving as principal of the institution's high school and shall bear the date of issue.

(G) The state board of education shall provide by rule for the administration of the assessments required by sections 3301.0710 and 3301.0712 of the Revised Code to inmates of correctional institutions.

(H) Any person to whom all of the following apply shall be exempted from attaining the applicable score on the assessment in social studies designated under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board under division (D)(3) of section 3301.0712 of the Revised Code, or the test in citizenship designated under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001:

(1) The person is not a citizen of the United States;

(2) The person is not a permanent resident of the United States;

(3) The person indicates no intention to reside in the United

States after the completion of high school.

(I) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and section 3313.611 of the Revised Code do not apply to the board of education of any joint vocational school district or any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(J) Upon receipt of a notice under division (D) of section 3325.08 or division (D) of section 3328.25 of the Revised Code that a student has received a diploma under either section, the board of education receiving the notice may grant a high school diploma under this section to the student, except that such board shall grant the student a diploma if the student meets the graduation requirements that the student would otherwise have had to meet to receive a diploma from the district. The diploma granted under this section shall be of the same type the notice indicates the student received under section 3325.08 or 3328.25 of the Revised Code.

(K) As used in this division, "~~limited~~ English ~~proficient student~~ learner" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no ~~limited~~ English ~~proficient student~~ learner who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 of the Revised Code, shall be awarded a diploma under this section.

(L) Any student described by division (A)(1) of this section may be awarded a diploma without meeting the requirement prescribed by section 3313.618 of the Revised Code provided an

individualized education program specifically exempts the student from meeting such requirement. This division does not negate the requirement for a student to take the assessments prescribed by section 3301.0710 or under division (B) of section 3301.0712 of the Revised Code, or alternate assessments required by division (C)(1) of section 3301.0711 of the Revised Code, for the purpose of assessing student progress as required by federal law.

**Sec. 3313.611.** (A) The state board of education shall adopt, by rule, standards for awarding high school credit equivalent to credit for completion of high school academic and vocational education courses to applicants for diplomas under this section. The standards may permit high school credit to be granted to an applicant for any of the following:

(1) Work experiences or experiences as a volunteer;

(2) Completion of academic, vocational, or self-improvement courses offered to persons over the age of twenty-one by a chartered public or nonpublic school;

(3) Completion of academic, vocational, or self-improvement courses offered by an organization, individual, or educational institution other than a chartered public or nonpublic school;

(4) Other life experiences considered by the board to provide knowledge and learning experiences comparable to that gained in a classroom setting.

(B) The board of education of any city, exempted village, or local school district that operates a high school shall grant a diploma of adult education to any applicant if all of the following apply:

(1) The applicant is a resident of the district;

(2) The applicant is over the age of twenty-one and has not been issued a diploma as provided in section 3313.61 of the

Revised Code;

(3) Subject to section 3313.614 of the Revised Code, the applicant has met the assessment requirements of division (B)(3)(a) or (b) of this section, as applicable.

(a) Prior to July 1, 2014, the applicant either:

(i) Has attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all of the assessments required by that division or was excused or exempted from any such assessment pursuant to section 3313.532 or was exempted from attaining the applicable score on any such assessment pursuant to division (H) or (L) of section 3313.61 of the Revised Code;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) On or after July 1, 2014, has met the requirement prescribed by section 3313.618 of the Revised Code, except and only to the extent that the applicant is excused from some portion of that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of section 3313.61 of the Revised Code.

(4) The district board determines, in accordance with the standards adopted under division (A) of this section, that the applicant has attained sufficient high school credits, including equivalent credits awarded under such standards, to qualify as having successfully completed the curriculum required by the district for graduation.

(C) If a district board determines that an applicant is not eligible for a diploma under division (B) of this section, it shall inform the applicant of the reason the applicant is ineligible and shall provide a list of any courses required for the diploma for which the applicant has not received credit. An applicant may reapply for a diploma under this section at any

time.

(D) If a district board awards an adult education diploma under this section, the president and treasurer of the board and the superintendent of schools shall sign it. Each diploma shall bear the date of its issuance, be in such form as the district board prescribes, and be paid for from the district's general fund, except that the state board may by rule prescribe standard language to be included on each diploma.

(E) As used in this division, "~~limited~~ English ~~proficient student~~ learner" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no ~~limited~~ English ~~proficient student~~ learner who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or has not met the requirement prescribed by section 3313.618 of the Revised Code, shall be awarded a diploma under this section.

**Sec. 3313.612.** (A) No nonpublic school chartered by the state board of education shall grant a high school diploma to any person unless, subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(1) or (2) of this section, as applicable.

(1) If the person entered the ninth grade prior to July 1, 2014, the person has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(2) If the person entered the ninth grade on or after July 1,

2014, the person has met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code.

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

(1) Any person with regard to any assessment from which the person was excused pursuant to division (C)(1)(c) of section 3301.0711 of the Revised Code;

(2) Except as provided in division (B)(4) of this section, any person who attends a nonpublic school accredited through the independent schools association of the central states, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code;

(3) Any person with regard to the social studies assessment under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board of education under division (D)(3) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply:

(a) The person is not a citizen of the United States;

(b) The person is not a permanent resident of the United States;

(c) The person indicates no intention to reside in the United States after completion of high school.

(4) Any person who attends a chartered nonpublic school that satisfies the requirements of division (L)(4) of section 3301.0711 of the Revised Code. In the case of such a student, the student's chartered nonpublic school shall determine the student's

eligibility for graduation based on the standards of the school's accrediting body.

(C) As used in this division, "~~limited~~ English ~~proficient student~~ learner" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no ~~limited~~ English ~~proficient student~~ learner who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section.

(D) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section.

(E) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B)(1) of section 3301.0712 of the Revised Code.

**Sec. 3314.0211.** (A) No community school to which either of the following applies shall be eligible to merge with one or more other community schools under this section:

(1) The school has met the performance criteria for required closure specified in division (A)(3) of section 3314.35 or division (A) of section 3314.351 of the Revised Code for at least one of the two most recent school years.

(2) The school has been notified of the sponsor's intent to terminate or not renew the school's contract pursuant to section 3314.07 of the Revised Code.

(B) Two or more community schools may merge upon the adoption of a resolution by the governing authority of each school involved

in the merger. Any merger shall take effect on the first day of July of the year specified in the resolution.

(C) Not less than sixty days prior to the effective date of a merger under division (B) of this section, each community school involved in the merger shall do both of the following:

(1) Provide a copy of the resolution to the school's sponsor;

(2) Notify the department of education of all of the following:

(a) The impending merger;

(b) The effective date of the merger;

(c) The school that will be designated as the surviving school in accordance with section 1702.41 of the Revised Code;

(d) The entity that will sponsor the surviving school.

(D) Notwithstanding anything to the contrary in the Revised Code, the governing authority of the surviving community school shall enter into a new contract with the school's sponsor under section 3314.03 of the Revised Code.

(E) No sponsor shall do either of the following:

(1) Assign the sponsor's existing contract with a merging community school to the sponsor of the surviving community school;

(2) Assume an existing contract from the sponsor of a community school involved in a merger under division (B) of this section.

Division (E) of this section shall not apply to the office of Ohio school sponsorship established under section 3314.029 of the Revised Code.

(F)(1) The department shall issue a report card under section 3302.03 or 3314.017 of the Revised Code for the surviving community school.

(2) Notwithstanding anything to the contrary in division (B) of section 3314.012 of the Revised Code, all report card ratings associated with the surviving school, whether issued before or after the merger, shall be used for purposes of section 3314.35 or 3314.351 of the Revised Code and any other matter that is based on report card ratings or measures.

(G) Nothing in this section shall exempt a community school from closure under section 3314.35 or 3314.351 of the Revised Code.

**Sec. 3314.03.** A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6)(a) Dismissal procedures;

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:

(a) A detailed description of each facility used for instructional purposes;

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if

any.

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, ~~3319.074,~~ 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and

5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J)(1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who

demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.

(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:

(i) An internet- or computer-based community school;

(ii) A community school in which a majority of the enrolled

students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to

take such action.

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code;

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code.

(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent under section 3326.032 of the Revised Code;

(27) That the school's attendance and participation policies will be available for public inspection;

(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of

1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;

(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:

(a) An indication of what blended learning model or models will be used;

(b) A description of how student instructional needs will be determined and documented;

(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;

(e) A statement describing how student progress will be monitored;

(f) A statement describing how private student data will be protected;

(g) A description of the professional development activities that will be offered to teachers.

(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's

parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount

of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

**Sec. 3314.08.** (A) As used in this section:

(1)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.

(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.

(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code.

(d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code.

(e) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code.

(2)(a) "Category one ~~limited~~ English ~~proficient student~~ learner" means ~~a limited~~ an English ~~proficient student~~ learner described in division (A) of section 3317.016 of the Revised Code.

(b) "Category two ~~limited~~ English ~~proficient student~~ learner" means ~~a limited~~ an English ~~proficient student~~ learner described in division (B) of section 3317.016 of the Revised Code.

(c) "Category three ~~limited~~ English ~~proficient student~~ learner" means ~~a limited~~ an English ~~proficient student~~ learner described in division (C) of section 3317.016 of the Revised Code.

(3)(a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.

(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.

(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.

(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.

(e) "Category five special education student" means a student

who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.

(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.

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

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

(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

(B) The state board of education shall adopt rules requiring both of the following:

(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled.

(2) The governing authority of each community school established under this chapter to annually report all of the following:

(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(b) The number of enrolled students in grades one through

twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;

(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;

(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code that are provided by the community school;

(e) The number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;

(f) The number of students reported under divisions (B)(2)(a) and (b) of this section who are category one to three ~~limited~~ English ~~proficient students~~ learners described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;

(g) The number of students reported under divisions (B)(2)(a) and (b) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(2)(g) of this section based on anything other than family income.

(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school

under section 3313.64 or 3313.65 of the Revised Code.

(i) The number of students enrolled in a preschool program operated by the school that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP.

A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include in its report under divisions (B)(2)(a) to (h) of this section any student for whom tuition is charged under division (F) of this section.

(C)(1) Except as provided in division (C)(2) of this section, and subject to divisions (C)(3), (4), (5), (6), and (7) of this section, on a full-time equivalency basis, for each student enrolled in a community school established under this chapter, the department of education annually shall deduct from the state education aid of a student's resident district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the community school the sum of the following:

(a) An opportunity grant in an amount equal to the formula amount;

(b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;

(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as

follows:

(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;

(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;

(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;

(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;

(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;

(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.

(d) If the student is in kindergarten through third grade, an additional amount of $320;

(e) If the student is economically disadvantaged, an additional amount equal to the following:

$272 X the resident district's economically disadvantaged index

(f) ~~Limited~~ English ~~proficiency~~ learner funds as follows:

(i) If the student is a category one ~~limited~~ English ~~proficient student~~ learner, the amount specified in division (A) of section 3317.016 of the Revised Code;

(ii) If the student is a category two ~~limited~~ English ~~proficient student~~ learner, the amount specified in division (B) of section 3317.016 of the Revised Code;

(iii) If the student is a category three ~~limited~~ English ~~proficient student~~ learner, the amount specified in division (C) of section 3317.016 of the Revised Code.

(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:

(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;

(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;

(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;

(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;

(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.

Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code.

(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such

school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section.

No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section.

(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

(b) The community school shall report under division (C)(3)(a) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(4) In any fiscal year, a community school receiving funds under division (C)(1)(g) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the

school to report data annually so that the department may monitor the school's compliance with the requirements regarding the manner in which funding received under division (C)(1)(g) of this section may be spent.

(5) Notwithstanding anything to the contrary in section 3313.90 of the Revised Code, except as provided in division (C)(9) of this section, all funds received under division (C)(1)(g) of this section shall be spent in the following manner:

(a) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(6) A community school shall spend the funds it receives under division (C)(1)(e) of this section in accordance with section 3317.25 of the Revised Code.

(7) If the sum of the payments computed under divisions (C)(1) and (8)(a) of this section for the students entitled to attend school in a particular school district under sections 3313.64 and 3313.65 of the Revised Code exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under that division for the students entitled to

attend school in that district.

(8)(a) Subject to division (C)(7) of this section, the department annually shall pay to each community school, including each internet- or computer-based community school, an amount equal to the following:

(The number of students reported by the community school under division (B)(2)(e) of this section X the formula amount X .20)

(b) For each payment made to a community school under division (C)(8)(a) of this section, the department shall deduct from the state education aid of each city, local, and exempted village school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code an amount equal to the following:

(The number of the district's students reported by the community school under division (B)(2)(e) of this section X the formula amount X .20)

(9) The department may waive the requirement in division (C)(5) of this section for any community school that exclusively provides one or more career-technical workforce development programs in arts and communications that are not equipment-intensive, as determined by the department.

(D) A board of education sponsoring a community school may utilize local funds to make enhancement grants to the school or may agree, either as part of the contract or separately, to provide any specific services to the community school at no cost to the school.

(E) A community school may not levy taxes or issue bonds secured by tax revenues.

(F) No community school shall charge tuition for the

enrollment of any student who is a resident of this state. A community school may charge tuition for the enrollment of any student who is not a resident of this state.

(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division (C) of this section. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.

(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities.

(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.

(H) The department of education shall adjust the amounts subtracted and paid under division (C) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools and corresponding deductions from school district accounts as provided under division (C) of this section. For purposes of this section:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a

community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (H)(3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction time in non-classroom-based learning opportunities shall be certified by an employee of the community school. A student's enrollment shall be considered to cease on the date on which any of the following occur:

(a) The community school receives documentation from a parent terminating enrollment of the student.

(b) The community school is provided documentation of a student's enrollment in another public or private school.

(c) The community school ceases to offer learning opportunities to the student pursuant to the terms of the contract with the sponsor or the operation of any provision of this chapter.

Except as otherwise specified in this paragraph, beginning in the 2011-2012 school year, any student who completed the prior school year in an internet- or computer-based community school shall be considered to be enrolled in the same school in the subsequent school year until the student's enrollment has ceased as specified in division (H)(2) of this section. The department

shall continue subtracting and paying amounts for the student under division (C) of this section without interruption at the start of the subsequent school year. However, if the student without a legitimate excuse fails to participate in the first seventy-two consecutive hours of learning opportunities offered to the student in that subsequent school year, the student shall be considered not to have re-enrolled in the school for that school year and the department shall recalculate the payments to the school for that school year to account for the fact that the student is not enrolled.

(3) The department shall determine each community school student's percentage of full-time equivalency based on the percentage of learning opportunities offered by the community school to that student, reported either as number of hours or number of days, is of the total learning opportunities offered by the community school to a student who attends for the school's entire school year. However, no internet- or computer-based community school shall be credited for any time a student spends participating in learning opportunities beyond ten hours within any period of twenty-four consecutive hours. Whether it reports hours or days of learning opportunities, each community school shall offer not less than nine hundred twenty hours of learning opportunities during the school year.

(4) With respect to the calculation of full-time equivalency under division (H)(3) of this section, the department shall waive the number of hours or days of learning opportunities not offered to a student because the community school was closed during the school year due to disease epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, so

long as the school was actually open for instruction with students in attendance during that school year for not less than the minimum number of hours required by this chapter. The department shall treat the school as if it were open for instruction with students in attendance during the hours or days waived under this division.

(I) The department of education shall reduce the amounts paid under this section to reflect payments made to colleges under section 3365.07 of the Revised Code.

(J)(1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A)(23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted by the superintendent of public instruction, in consultation with the auditor of state, the department shall reduce the amounts otherwise payable under division (C) of this section to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or

services have not been provided according to the contract between the individual community school and its sponsor.

The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools.

(K)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:

(a) The department and the community school mutually agree to the extension.

(b) Delays in data submission caused by either a community school or its sponsor.

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal

hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for that veteran.

**Sec. 3314.088.** (A) As used in this section:

(1) "Base per pupil amount" has the same meaning as in section 3317.0219 of the Revised Code.

(2) "Resident district" has the same meaning as in section 3314.08 of the Revised Code.

(B) Subject to division (D) of this section, for fiscal years 2020 and 2021, the department of education shall calculate and pay to each community school that is not an internet- or computer-based community school student wellness and success funds, on a full-time equivalency basis, for each student enrolled in the school as of the school's payment under section 3314.08 of the Revised Code in June of the immediately preceding fiscal year in an amount equal to the following:

(The base per pupil amount of the student's resident district for that fiscal year + the scaled amount of the student's resident district, if any, computed under division (B)(4) of section 3317.0219 of the Revised Code)

However, each community school shall receive a minimum payment of $25,000, for fiscal year 2020, or $30,000, for fiscal

year 2021.

(C) Subject to division (D) of this section, for fiscal years 2020 and 2021, the department shall pay student wellness and success funds to each internet- or computer-based community school in an amount equal to $25,000, for fiscal year 2020, or $30,000, for fiscal year 2021.

(D) The department shall pay funds under divisions (B) and (C) of this section as follows:

(1) One-half of the amount shall be paid not later than the thirty-first day of October of the fiscal year for which the payment is calculated.

(2) One-half of the amount shall be paid not later than the twenty-eighth day of February of the fiscal year for which the payment is calculated.

Upon making a payment for a fiscal year under this section, the department shall not make any reconciliations or adjustments to that payment.

(E) A community school that receives a payment under this section shall comply with section 3317.26 of the Revised Code.

**Sec. 3317.016.** The amounts for ~~limited~~ English ~~proficient students~~ learners shall be as follows:

(A) An amount of $1,515 for each student who has been enrolled in schools in the United States for 180 school days or less and was not previously exempted from taking the spring administration of either of the state's English language arts assessments prescribed by section 3301.0710 of the Revised Code (reading or writing).

(B) An amount of $1,136 for each student who has been enrolled in schools in the United States for more than 180 school days or was previously exempted from taking the spring

administration of either of the state's English language arts assessments prescribed by section 3301.0710 of the Revised Code (reading or writing).

(C) An amount of $758 for each student who does not qualify for inclusion under division (A) or (B) of this section and is in a trial-mainstream period, as defined by the department.

**Sec. 3317.02.** As used in this chapter:

(A)(1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) of section 3317.014 of the Revised Code and certified under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code.

(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (B) of section 3317.014 of the Revised Code and certified under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code.

(3) "Category three career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (C) of section 3317.014 of the Revised Code and certified under division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised Code.

(4) "Category four career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (D) of section 3317.014 of the Revised Code and certified under division (B)(14) or (D)(2)(k) of section 3317.03

of the Revised Code.

(5) "Category five career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and certified under division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised Code.

(B)(1) "Category one ~~limited~~ English ~~proficient~~ learner ADM" means the full-time equivalent number of ~~limited~~ English ~~proficient students~~ learners described in division (A) of section 3317.016 of the Revised Code and certified under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code.

(2) "Category two ~~limited~~ English ~~proficient~~ learner ADM" means the full-time equivalent number of ~~limited~~ English ~~proficient students~~ learners described in division (B) of section 3317.016 of the Revised Code and certified under division (B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code.

(3) "Category three ~~limited~~ English ~~proficient~~ learner ADM" means the full-time equivalent number of ~~limited~~ English ~~proficient students~~ learners described in division (C) of section 3317.016 of the Revised Code and certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code.

(C)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code.

(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division

(B) of section 3317.013 of the Revised Code and certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code.

(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and certified under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code.

(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and certified under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code.

(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code.

(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code.

(D) "Economically disadvantaged index for a school district" means the square of the quotient of that district's percentage of students in its total ADM who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide total ADM identified as economically disadvantaged. For purposes of this calculation:

(1) For a city, local, or exempted village school district, the "statewide total ADM" equals the sum of the total ADM for all city, local, and exempted village school districts combined.

(2) For a joint vocational school district, the "statewide total ADM" equals the sum of the formula ADM for all joint vocational school districts combined.

(E)(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact.

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

(F) "Formula amount" means $6,010, for fiscal year 2018, and $6,020, for fiscal year 2019.

(G) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three,

four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in formula ADM.

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

(I) "Medically fragile child" means a child to whom all of the following apply:

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.

(2) The child requires the services of a registered nurse on a daily basis.

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(J)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply:

(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child."

(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of

"other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division (J)(1)(a) or (b) of this section.

(K) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(L) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.

(M) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (B)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;

(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;

(5) Any other related service needed by children with

disabilities in accordance with their individualized education programs.

(N) "School district," unless otherwise specified, means city, local, and exempted village school districts.

(O) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

(P) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.

(Q) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.

(R)(1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the average of total taxable value for tax years 2014, 2015, and 2016.

(2) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following:

(a) For fiscal year 2018, the average of total taxable value for tax years 2014, 2015, and 2016;

(b) For fiscal year 2019, the average of total taxable value for tax years 2015, 2016, and 2017.

(S) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

(T) "Total special education ADM" means the sum of categories one through six special education ADM.

(U) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

**Sec. 3317.022.** (A) The department of education shall compute and distribute state core foundation funding to each eligible school district for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, as prescribed in the following divisions:

(1) An opportunity grant calculated according to the following formula:

The formula amount X (formula ADM + preschool scholarship ADM) X the district's state share index

(2) Targeted assistance funds calculated under divisions (A) and (B) of section 3317.0217 of the Revised Code;

(3) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share index;

(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share index;

(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share index;

(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the

Revised Code X the district's state share index;

(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index;

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index.

(4) Kindergarten through third grade literacy funds calculated according to the following formula:

($193 X formula ADM for grades kindergarten through three X the district's state share index) + ($127 X formula ADM for grades kindergarten through three)

For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three.

(5) Economically disadvantaged funds calculated according to the following formula:

$272 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised Code

(6) ~~Limited~~ English ~~proficiency~~ learner funds calculated as the sum of the following:

(a) The district's category one ~~limited~~ English ~~proficient~~ learner ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share index;

(b) The district's category two ~~limited~~ English ~~proficient~~

learner ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share index;

(c) The district's category three ~~limited~~ English ~~proficient~~ learner ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share index.

(7)(a) Gifted identification funds calculated according to the following formula:

$5.05 X the district's formula ADM

(b) Gifted unit funding calculated under section 3317.051 of the Revised Code.

(8) Career-technical education funds calculated as the sum of the following:

(a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share index;

(b) The district's category two career-technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share index;

(c) The district's category three career-technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share index;

(d) The district's category four career-technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share index;

(e) The district's category five career-technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share index.

Payment of funds under division (A)(8) of this section is subject to approval under section 3317.161 of the Revised Code.

(9) Career-technical education associated services funds

calculated according to the following formula:

The district's state share index X the amount for career-technical education associated services specified in section 3317.014 of the Revised Code X the sum of categories one through five career-technical education ADM

(10) Capacity aid funds calculated under section 3317.0218 of the Revised Code;

(11) A graduation bonus calculated under section 3317.0215 of the Revised Code;

(12) A third-grade reading bonus calculated under section 3317.0216 of the Revised Code.

(B) In any fiscal year, a school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows:

(The formula amount X the total special education ADM) + (the district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code) + (the district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code) + (the district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code) + (the district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code) + (the district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code) + (the district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code)

The purposes approved by the department for special education expenses shall include, but shall not be limited to,

identification of children with disabilities, compliance with state rules governing the education of children with disabilities and prescribing the continuum of program options for children with disabilities, provision of speech language pathology services, and the portion of the school district's overall administrative and overhead costs that are attributable to the district's special education student population.

The scholarships deducted from the school district's account under sections 3310.41 and 3310.55 of the Revised Code shall be considered to be an approved special education and related services expense for the purpose of the school district's compliance with this division.

(C) In any fiscal year, a school district receiving funds under division (A)(8) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (A)(8) of this section may be spent.

(D) In any fiscal year, a school district receiving funds under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department

may deny payment under division (A)(9) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.

(E) All funds received under division (A)(8) of this section shall be spent in the following manner:

(1) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(2) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(F) A school district shall spend the funds it receives under division (A)(5) of this section in accordance with section 3317.25 of the Revised Code.

**Sec. 3317.0219.** (A) As used in this section:

(1) A district's "base per pupil amount" means the following:

(a) For a district in the highest quintile determined under division (B)(2) of this section, $250, for fiscal year 2020, and $300, for fiscal year 2021.

(b) For a district in the second highest quintile determined under division (B)(2) of this section, $200, for fiscal year 2020, and $240, for fiscal year 2021.

(c) For a district in the third highest quintile determined under division (B)(2) of this section, $110, for fiscal year 2020, and $130, for fiscal year 2021.

(d) For a district in the fourth highest quintile determined under division (B)(2) of this section, $50, for fiscal year 2020, and $60, for fiscal year 2021.

(e) For a district in the fifth highest quintile determined under division (B)(2) of this section, $20, for fiscal year 2020, and $25, for fiscal year 2021.

(2) "Base poverty percentage" for a quintile determined under division (B)(2) of this section means the poverty percentage of the district ranked lowest in that quintile.

(3) "Enrolled ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Add the students counted under division (A)(1)(b) of section 3317.03 of the Revised Code.

(b) Subtract the students counted under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised Code.

(c) Subtract the students counted under division (A)(3) of section 3317.03 of the Revised Code.

(B) Subject to division (C) of this section, for fiscal years 2020 and 2021, the department of education shall calculate and pay student wellness and success funds to city, local, and exempted village school districts as follows:

(1) Using the most recent five-year estimates published by

the United States census bureau in the American community survey or its successor report, compute the poverty percentage for each district, which equals the following quotient:

The number of children younger than eighteen years old residing in the district who live in a household with a family income below one hundred eighty-five per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code / the total number of children younger than eighteen years old residing in the district

(2) Rank all city, local, and exempted village school districts in order of poverty percentage calculated under division (B)(1) of this section, from the district with the highest percentage to the district with the lowest percentage, and group the districts into quintiles.

(3) Determine each district's enrolled ADM that was used for the second payment under Chapter 3317. of the Revised Code in June of the immediately preceding fiscal year. If a district's enrolled ADM that was used for the second payment under Chapter 3317. of the Revised Code in June of the immediately preceding fiscal year is determined to be less than five, the district's enrolled ADM, for purposes of computations under this section, shall be zero.

(4) For each district that is not in the highest quintile determined under division (B)(2) of this section, compute the district's scaled amount, which is equal to the following quotient:

[(The district's poverty percentage computed under division (B)(1) of this section – the base poverty percentage of the district's quintile) / (the base poverty percentage of the quintile that is the next highest quintile compared to the district's quintile – the base poverty percentage of the district's quintile)] X (the base per pupil amount for a district in the quintile that is the next highest quintile compared to the district's quintile – the

district's base per pupil amount)

(5) Compute a district's payment as follows:

(a) Subject to division (B)(5)(c) of this section, if a district is in the highest quintile determined under division (B)(2) of this section, the district's payment shall be equal to the following amount:

The district's base per pupil amount for that fiscal year X the district's enrolled ADM determined under division (B)(3) of this section

(b) Subject to division (B)(5)(c) of this section, if a district is not in the highest quintile determined under division (B)(2) of this section, the district's payment shall be equal to the following amount:

(The district's base per pupil amount for that fiscal year + the district's scaled amount computed under division (B)(4) of this section for that fiscal year) X the district's enrolled ADM determined under division (B)(3) of this section

(c) If the computation of a district's payment under division (B)(5)(a) or (b) of this section is greater than zero but less than $25,000, for fiscal year 2020, or $30,000, for fiscal year 2021, the district's payment shall be equal to $25,000, for fiscal year 2020, or $30,000, for fiscal year 2021.

If the computation of a district's payment under division (B)(5)(a) or (b) of this section is equal to zero, the district's payment shall be equal to zero.

(C) The department shall pay funds under division (B) of this section as follows:

(1) One-half of the amount shall be paid not later than the thirty-first day of October of the fiscal year for which the payment is calculated.

(2) One-half of the amount shall be paid not later than the

twenty-eighth day of February of the fiscal year for which the payment is calculated.

Upon making a payment for a fiscal year under this section, the department shall not make any reconciliations or adjustments to that payment.

(D) A city, local, or exempted village school district that receives a payment under this section shall comply with section 3317.26 of the Revised Code.

**Sec. 3317.03.** (A) The superintendent of each city, local, and exempted village school district shall report to the state board of education as of the last day of October, March, and June of each year the enrollment of students receiving services from schools under the superintendent's supervision, and the numbers of other students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code the superintendent is required to report under this section, so that the department of education can calculate the district's formula ADM, total ADM, category one through five career-technical education ADM, category one through three ~~limited~~ English ~~proficient~~ learner ADM, category one through six special education ADM, preschool scholarship ADM, transportation ADM, and, for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily membership.

(1) The enrollment reported by the superintendent during the reporting period shall consist of the number of students in grades kindergarten through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section

3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code;

(e) Students receiving services in the district through a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.

When reporting students under division (A)(1) of this section, the superintendent also shall report the district where each student is entitled to attend school pursuant to sections 3313.64 and 3313.65 of the Revised Code.

(2) The department of education shall compile a list of all students reported to be enrolled in a district under division (A)(1) of this section and of the students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code on an FTE basis but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;

(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also

enrolled in a community school pursuant to Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;

(e) An educational service center or cooperative education district;

(f) Another school district under a cooperative education agreement, compact, or contract;

(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, if the students qualified for the scholarship under section 3310.03 of the Revised Code;

(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.

As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;

(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.

(3) The department also shall compile a list of the students

entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a career-technical education compact.

The department shall provide each city, local, and exempted village school district with an opportunity to review the list of students compiled under divisions (A)(2) and (3) of this section to ensure that the students reported accurately reflect the enrollment of students in the district.

(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the reports provided by the department under division (A) of this section all of the following:

(1) The total student enrollment in regular learning day classes included in the report under division (A)(1) or (2) of this section for each of the individual grades kindergarten through twelve in schools under the superintendent's supervision;

(2) The unduplicated count of the number of preschool children with disabilities enrolled in the district for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, in accordance with the disability categories prescribed in section 3317.013 of the Revised Code;

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:

(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;

(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;

(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;

(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code and who qualified for the scholarship under section 3310.03 of the Revised Code;

(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;

(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with

a scholarship awarded under section 3310.41 of the Revised Code;

(i) Participating in a program operated by a county board of developmental disabilities or a state institution;

(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;

(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;

(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.

(4) The total enrollment of pupils in joint vocational schools;

(5) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(6) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the

Revised Code;

(7) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(8) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(9) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(10) The combined enrollment of children with disabilities reported under division (A)(1) or (2) and under division (B)(3)(h) of this section receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under either section

3310.41 or sections 3310.51 to 3310.64 of the Revised Code;

(11) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis in category one career-technical education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (G) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(12) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis in category two career-technical education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (G) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(13) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis in category three career-technical education programs or services, described in division (C) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (G) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(14) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis in

category four career-technical education programs or services, described in division (D) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (G) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(15) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis in category five career-technical education programs or services, described in division (E) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (G) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(16) The enrollment of pupils reported under division (A)(1) or (2) of this section who are ~~limited~~ English ~~proficient students~~ learners described in division (A) of section 3317.016 of the Revised Code, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school;

(17) The enrollment of pupils reported under division (A)(1) or (2) of this section who are ~~limited~~ English ~~proficient students~~ learners described in division (B) of section 3317.016 of the Revised Code, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school;

(18) The enrollment of pupils reported under division (A)(1) or (2) of this section who are ~~limited~~ English ~~proficient students~~

learners described in division (C) of section 3317.016 of the Revised Code, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school;

(19) The average number of children transported during the reporting period by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;

(20)(a) The number of children, other than preschool children with disabilities, the district placed with a county board of developmental disabilities in fiscal year 1998. Division (B)(20)(a) of this section does not apply after fiscal year 2013.

(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;

(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code;

(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;

(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category four disabilities

described in division (D) of section 3317.013 of the Revised Code;

(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;

(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code.

(21) The enrollment of students who are economically disadvantaged, as defined by the department, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school. A student shall not be categorically excluded from the number reported under division (B)(21) of this section based on anything other than family income.

(C)(1) The state board of education shall adopt rules necessary for implementing divisions (A), (B), and (D) of this section.

(2) A student enrolled in a community school established under Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code shall be counted in the formula ADM and, if applicable, the category one, two, three, four, five, or six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that

the student is counted in the enrollment of the community school, the science, technology, engineering, and mathematics school, or the college-preparatory boarding school for purposes of section 3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding the enrollment of students certified pursuant to division (B)(3)(d), (e), (j), or (k) of this section, the department may adjust the formula ADM of a school district to account for students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a community school, a science, technology, engineering, and mathematics school, or a college-preparatory boarding school for only a portion of the school year.

(3) No child shall be counted as more than a total of one child in the sum of the enrollment of students of a school district under division (A), divisions (B)(1) to (22), or division (D) of this section, except as follows:

(a) A child with a disability described in section 3317.013 of the Revised Code may be counted both in formula ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one, two, three, four, or five career-technical education ADM. As provided in division (G) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM.

(b) A child enrolled in career-technical education programs or classes described in section 3317.014 of the Revised Code may be counted both in formula ADM and category one, two, three, four, or five career-technical education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one, two, three, four, or five career-technical education ADM in the same

proportion as the percentage of time that the child spends in the career-technical education programs or classes.

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D)(1) The superintendent of each joint vocational school district shall report and certify to the superintendent of public instruction as of the last day of October, March, and June of each year the enrollment of students receiving services from schools under the superintendent's supervision so that the department can calculate the district's formula ADM, total ADM, category one through five career-technical education ADM, category one through three ~~limited~~ English ~~proficient~~ learner ADM, category one through six special education ADM, and for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily membership.

The enrollment reported and certified by the superintendent, except as otherwise provided in this division, shall consist of the ~~the~~ number of students in grades six through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the

territory of the joint vocational district;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the report provided under division (D)(1) of this section the enrollment for each of the following categories of students:

(a) Students enrolled in each individual grade included in the joint vocational district schools;

(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;

(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;

(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;

(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;

(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;

(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;

(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014

of the Revised Code;

(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;

(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;

(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;

(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;

(m) ~~Limited~~ English ~~proficient students~~ learners described in division (A) of section 3317.016 of the Revised Code;

(n) ~~Limited~~ English ~~proficient students~~ learners described in division (B) of section 3317.016 of the Revised Code;

(o) ~~Limited~~ English ~~proficient students~~ learners described in division (C) of section 3317.016 of the Revised Code;

(p) Students who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (D)(2)(p) of this section based on anything other than family income.

The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there

shall be maintained a record of school enrollment, which record shall accurately show, for each day the school is in session, the actual enrollment in regular day classes. For the purpose of determining the enrollment of students, the enrollment figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of enrollment for each school shall be maintained in such manner that no pupil shall be counted as enrolled prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as enrolled from and after the date of such withdrawal. There shall not be included in the enrollment of any school any of the following:

(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any pupil who is not a resident of the state;

(3) Any pupil who was enrolled in the schools of the district during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section;

(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge;

(5) Any pupil who has a certificate of high school equivalence as defined in section 5107.40 of the Revised Code.

If, however, any veteran described by division (E)(4) of this

section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in the enrollment of students determined under this section.

Notwithstanding division (E)(3) of this section, the enrollment of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the assessment to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.

The formula ADM, total ADM, category one through five career-technical education ADM, category one through three ~~limited~~ English ~~proficient~~ learner ADM, category one through six special education ADM, preschool scholarship ADM, transportation ADM, and, for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily membership of any school district shall be determined in accordance with rules adopted by the state board of education.

(F)(1) If a student attending a community school under Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code is not included in the formula ADM calculated for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department of education shall adjust the formula ADM of that school district to include the student in accordance with division (C)(2) of this section, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that

adjusted formula ADM.

(2) If a student awarded an educational choice scholarship is not included in the formula ADM of the school district from which the department deducts funds for the scholarship under section 3310.08 of the Revised Code, the department shall adjust the formula ADM of that school district to include the student to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.

(3) If a student awarded a scholarship under the Jon Peterson special needs scholarship program is not included in the formula ADM of the school district from which the department deducts funds for the scholarship under section 3310.55 of the Revised Code, the department shall adjust the formula ADM of that school district to include the student to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of the year each child is so enrolled;

(ii) The unduplicated count of the number of all preschool

children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code.

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the enrollment in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county board of developmental disabilities that maintains special education classes under section 3317.20 of the Revised Code or provides services to preschool children with disabilities pursuant to an agreement between the county board and the appropriate school district shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the enrollment in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the state board, in the manner prescribed by the board, the unduplicated count of the number of all preschool children with disabilities enrolled in classes for which the ~~DD~~ board is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code, and the number of those classes.

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides

instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's enrollment shall not be included in that district's enrollment figure used in calculating the district's payments under this chapter. The reporting official shall report separately the enrollment of all pupils whose attendance in the district is unauthorized attendance, and the enrollment of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

(I)(1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its enrollment.

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in its enrollment:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend an alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable enrollments for all students in the cooperative education district, also indicating the city, local,

or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction determines that a component of the enrollment certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXIII of the Revised Code be adjusted in the amount of the error.

**Sec. 3317.06.** Moneys paid to school districts under division (E)(1) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes:

(A) To purchase such secular textbooks or digital texts as have been approved by the superintendent of public instruction for use in public schools in the state and to loan such textbooks or digital texts to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code or to their parents and to hire clerical personnel to administer such lending program. Such loans shall be based upon individual requests submitted by such nonpublic school pupils or parents. Such requests shall be submitted to the school district in which the nonpublic school is located. Such individual requests for the loan of textbooks or digital texts shall, for administrative convenience, be submitted by the nonpublic school pupil or the pupil's parent to the nonpublic school, which shall prepare and submit collective summaries of the individual requests to the school district. As used in this section:

(1) "Textbook" means any book or book substitute that a pupil uses as a consumable or nonconsumable text, text substitute, or text supplement in a particular class or program in the school the

pupil regularly attends.

(2) "Digital text" means a consumable book or book substitute that a student accesses through the use of a computer or other electronic medium or that is available through an internet-based provider of course content, or any other material that contributes to the learning process through electronic means.

(B) To provide speech and hearing diagnostic services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such service shall be provided in the nonpublic school attended by the pupil receiving the service.

(C) To provide physician, nursing, dental, and optometric services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the nonpublic school pupil receiving the service.

(D) To provide diagnostic psychological services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the pupil receiving the service.

(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance, counseling, and social work services

to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(H) To supply for use by pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code such standardized tests and scoring services as are in use in the public schools of the state;

(I) To provide programs for children who attend nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code and are children with disabilities as defined in section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such programs are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(J) To hire clerical personnel to assist in the

administration of programs pursuant to divisions (B), (C), (D), (E), (F), (G), and (I) of this section and to hire supervisory personnel to supervise the providing of services and textbooks pursuant to this section.

(K) To purchase or lease any secular, neutral, and nonideological computer application software designed to assist students in performing a single task or multiple related tasks, device management software, learning management software, site-licensing, digital video on demand (DVD), wide area connectivity and related technology as it relates to internet access, mathematics or science equipment and materials, instructional materials, and school library materials that are in general use in the public schools of the state and loan such items to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code or to their parents, and to hire clerical personnel to administer the lending program. Only such items that are incapable of diversion to religious use and that are susceptible of loan to individual pupils and are furnished for the use of individual pupils shall be purchased and loaned under this division. As used in this section, "instructional materials" means prepared learning materials that are secular, neutral, and nonideological in character and are of benefit to the instruction of school children. "Instructional materials" includes media content that a student may access through the use of a computer or electronic device.

Mobile applications that are secular, neutral, and nonideological in character and that are purchased for less than twenty dollars for instructional use shall be considered to be consumable and shall be distributed to students without the expectation that the applications must be returned.

(L) To purchase or lease instructional equipment, including

computer hardware and related equipment in general use in the public schools of the state, for use by pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code and to loan such items to pupils attending such nonpublic schools within the district or to their parents, and to hire clerical personnel to administer the lending program. "Computer hardware and related equipment" includes desktop computers and workstations; laptop computers, computer tablets, and other mobile handheld devices; their operating systems and accessories; and any equipment designed to make accessible the environment of a classroom to a student, who is physically unable to attend classroom activities due to hospitalization or other circumstances, by allowing real-time interaction with other students both one-on-one and in group discussion.

(M) To purchase mobile units to be used for the provision of services pursuant to divisions (E), (F), (G), and (I) of this section and to pay for necessary repairs and operating costs associated with these units.

(N) To reimburse costs the district incurred to store the records of a chartered nonpublic school that closes. Reimbursements under this division shall be made one time only for each chartered nonpublic school described in division (E)(1) of section 3317.024 of the Revised Code that closes.

(O) To purchase life-saving medical or other emergency equipment for placement in nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code or to maintain such equipment.

(P) To procure and pay for security services from a county sheriff or a township or municipal police force or from a person certified through the Ohio peace officer training commission, in accordance with section 109.78 of the Revised Code, as a special

police, security guard, or as a privately employed person serving in a police capacity for nonpublic schools in the district described in division (E)(1) of section 3317.024 of the Revised Code.

(Q) To provide language and academic support services and other accommodations for English ~~language~~ learners attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code.

Clerical and supervisory personnel hired pursuant to division (J) of this section shall perform their services in the public schools, in nonpublic schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services.

All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency.

Transportation of pupils provided pursuant to divisions (E), (F), (G), and (I) of this section shall be provided by the school district from its general funds and not from moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code unless a special transportation request is submitted by the parent of the child receiving service pursuant to such divisions. If such an application is presented to the school district, it may pay for the transportation from moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code.

No school district shall provide health or remedial services to nonpublic school pupils as authorized by this section unless

such services are available to pupils attending the public schools within the district.

Materials, equipment, computer hardware or software, textbooks, digital texts, and health and remedial services provided for the benefit of nonpublic school pupils pursuant to this section and the admission of pupils to such nonpublic schools shall be provided without distinction as to race, creed, color, or national origin of such pupils or of their teachers.

No school district shall provide services, materials, or equipment that contain religious content for use in religious courses, devotional exercises, religious training, or any other religious activity.

As used in this section, "parent" includes a person standing in loco parentis to a child.

Notwithstanding section 3317.01 of the Revised Code, payments shall be made under this section to any city, local, or exempted village school district within which is located one or more nonpublic elementary or high schools described in division (E)(1) of section 3317.024 of the Revised Code and any payments made to school districts under division (E)(1) of section 3317.024 of the Revised Code for purposes of this section may be disbursed without submission to and approval of the controlling board.

The allocation of payments for materials, equipment, textbooks, digital texts, health services, and remedial services to city, local, and exempted village school districts shall be on the basis of the state board of education's estimated annual average daily membership in nonpublic elementary and high schools located in the district described in division (E)(1) of section 3317.024 of the Revised Code.

Payments made to city, local, and exempted village school districts under this section shall be equal to specific

appropriations made for the purpose. All interest earned by a school district on such payments shall be used by the district for the same purposes and in the same manner as the payments may be used.

The department of education shall adopt guidelines and procedures under which such programs and services shall be provided, under which districts shall be reimbursed for administrative costs incurred in providing such programs and services, and under which any unexpended balance of the amounts appropriated by the general assembly to implement this section may be transferred to the auxiliary services personnel unemployment compensation fund established pursuant to section 4141.47 of the Revised Code. The department shall also adopt guidelines and procedures limiting the purchase and loan of the items described in division (K) of this section to items that are in general use in the public schools of the state, that are incapable of diversion to religious use, and that are susceptible to individual use rather than classroom use. Within thirty days after the end of each biennium, each board of education shall remit to the department all moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code and any interest earned on those moneys that are not required to pay expenses incurred under this section during the biennium for which the money was appropriated and during which the interest was earned. If a board of education subsequently determines that the remittal of moneys leaves the board with insufficient money to pay all valid expenses incurred under this section during the biennium for which the remitted money was appropriated, the board may apply to the department of education for a refund of money, not to exceed the amount of the insufficiency. If the department determines the expenses were lawfully incurred and would have been lawful expenditures of the refunded money, it shall certify its determination and the amount of the refund to be made to the director of job and family

services who shall make a refund as provided in section 4141.47 of the Revised Code.

Each school district shall label materials, equipment, computer hardware or software, textbooks, and digital texts purchased or leased for loan to a nonpublic school under this section, acknowledging that they were purchased or leased with state funds under this section. However, a district need not label materials, equipment, computer hardware or software, textbooks, or digital texts that the district determines are consumable in nature or have a value of less than two hundred dollars.

**Sec. 3317.16.** (A) The department of education shall compute and distribute state core foundation funding to each joint vocational school district for the fiscal year as prescribed in the following divisions:

(1) An opportunity grant calculated according to the following formula:

(The formula amount X formula ADM) - (0.0005 X the district's three-year average valuation)

However, no district shall receive an opportunity grant that is less than 0.05 times the formula amount times formula ADM.

(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share percentage;

(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage;

(c) The district's category three special education ADM X the

amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;

(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;

(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage;

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage.

(3) Economically disadvantaged funds calculated according to the following formula:

$272 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code

(4) ~~Limited~~ English ~~proficiency~~ learner funds calculated as the sum of the following:

(a) The district's category one ~~limited~~ English ~~proficient~~ learner ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage;

(b) The district's category two ~~limited~~ English ~~proficient~~ learner ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage;

(c) The district's category three ~~limited~~ English ~~proficient~~ learner ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share percentage;

(5) Career-technical education funds calculated as the sum of the following:

(a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share percentage;

(b) The district's category two career-technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share percentage;

(c) The district's category three career-technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share percentage;

(d) The district's category four career-technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share percentage;

(e) The district's category five career-technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share percentage.

Payment of funds under division (A)(5) of this section is subject to approval under section 3317.161 of the Revised Code.

(6) Career-technical education associated services funds calculated under the following formula:

The district's state share percentage X the amount for career-technical education associated services specified in section 3317.014 of the Revised Code X the sum of categories one through five career-technical education ADM

(7) A graduation bonus calculated according to the following formula:

The district's graduation rate as reported on its most recent report card issued by the department under section 3302.033 of the

Revised Code X 0.075 X the formula amount X the number of the district's students who received high school or honors high school diplomas as reported by the district to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued X the district's state share percentage

(B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.

(2) The district shall report under division (B)(1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(C)(1) For each student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a

joint vocational school district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under division (A) of this section.

Those excess costs shall be calculated using a formula approved by the department.

(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C)(1) of this section to the department of education.

(3) If the board of education of the joint vocational school district reports excess costs under division (C)(2) of this section, the department shall pay the amount of excess cost calculated under division (C)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (C)(3)(a) or (b) of this section, as applicable:

(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (J) of section 3317.023 of the Revised Code.

(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.

(D)(1) In any fiscal year, a school district receiving funds under division (A)(5) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to

career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (A)(5) of this section may be spent.

(2) All funds received under division (A)(5) of this section shall be spent in the following manner:

(a) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(E) In any fiscal year, a school district receiving funds under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(6) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(6) of this section, or through a transfer of funds pursuant to division (I)

of section 3317.023 of the Revised Code, for other purposes.

(F) A joint vocational school district shall spend the funds it receives under division (A)(3) of this section in accordance with section 3317.25 of the Revised Code.

(G) As used in this section:

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(3) "State share percentage" is equal to the following:

The amount computed under division (A)(1) of this section /

(the formula amount X formula ADM)

**Sec. 3317.163.** (A) As used in this section:

(1) "Base per pupil amount" has the same meaning as in section 3317.0219 of the Revised Code.

(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(B) Subject to division (C) of this section, for fiscal years 2020 and 2021, the department of education shall calculate and pay to each joint vocational school district student wellness and success funds, on a full-time equivalency basis, for each student enrolled in the district as of the district's payment under section 3317.16 of the Revised Code in June of the immediately preceding fiscal year in an amount equal to the following:

(The base per pupil amount of the student's resident district for that fiscal year + the scaled amount of the student's resident district, if any, computed under division (B)(4) of section

3317.0219 of the Revised Code)

However, each joint vocational school district shall receive a minimum payment of $25,000, for fiscal year 2020, or $30,000 for fiscal year 2021.

(C) The department shall pay funds under division (B) of this section as follows:

(1) One-half of the amount shall be paid not later than the thirty-first day of October of the fiscal year for which the payment is calculated.

(2) One-half of the amount shall be paid not later than the twenty-eighth day of making a payment for a fiscal year under this section, the department shall not make any reconciliations or adjustments to that payment.

(D) A joint vocational school district that receives a payment under this section shall comply with section 3317.26 of the Revised Code.

**Sec. 3317.26.** (A) As used in this section, "student wellness and success funds" means the following:

(1) For a city, local, or exempted village school district, the funds received under section 3317.0219 of the Revised Code;

(2) For a joint vocational school district, the funds received under section 3317.163 of the Revised Code.

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under section 3314.088 of the Revised Code.

(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under section 3326.42 of the Revised Code.

(B) In any fiscal year, a city, local, exempted village, or

joint vocational school district, community school, or STEM school shall spend the student wellness and success funds it receives for any of the following initiatives or a combination of any of the following initiatives:

(1) Mental health services;

(2) Services for homeless youth;

(3) Services for child welfare involved youth;

(4) Community liaisons;

(5) Physical health care services;

(6) Mentoring programs;

(7) Family engagement and support services;

(8) City connects programming;

(9) Professional development regarding the provision of trauma informed care;

(10) Professional development regarding cultural competence.

(C) Each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the student wellness and success funds it receives in coordination with at least one of the following community partners:

(1) A board of alcohol, drug, and mental health services established under Chapter 340. of the Revised Code;

(2) An educational service center;

(3) A county board of developmental disabilities;

(4) A community-based mental health treatment provider;

(5) A board of health of a city or general health district;

(6) A county department of job and family services;

(7) A nonprofit organization with experience serving children.

(D) At the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's student wellness and success funds were spent during that fiscal year.

**Sec. 3317.40.** (A) As used in this section, "subgroup" means one of the following subsets of the entire student population of a school district or a school building:

(1) Students with disabilities;

(2) Economically disadvantaged students;

(3) ~~Limited~~ English ~~proficient students~~ learners;

(4) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code.

(B) It is the intent of the general assembly that funds provided under this chapter shall be used for the provision of a system of common schools and the advancement of the knowledge of all students. As such, school districts and schools shall be held accountable for those funds to ensure that all students are provided an opportunity to graduate from high school prepared for a career or for post-secondary education.

(C) When funds are provided under this chapter specifically for services for a subgroup of students, the general assembly has determined that these students experience unique challenges requiring additional resources and intends that the funds so provided be used for services that will allow students in those subgroups to master the knowledge base required for high school

graduation.

(D) If a district or school fails to show satisfactory achievement and progress, as determined by the state board of education, for any subgroup of students based on performance measures reported or graded under section 3302.03 of the Revised Code, the district or school shall submit an improvement plan to the department for approval. The plan may be included in any other improvement plan required of the district or school under state or federal law. The department may require that a plan required under division (C) of this section include an agreement to partner with another organization that has demonstrated the ability to improve the educational outcome for that subgroup of students to provide services to those students. The partner organization may be another school, district, or other education provider.

Not later than December 31, 2014, the state board of education shall establish measures of satisfactory achievement and progress, which include, but are not limited to, performance measures under section 3302.03 of the Revised Code. The department shall make the initial determination of satisfactory achievement and progress under this section using those measures not later than September 1, 2015, and then make determinations under this section annually thereafter.

The department shall publish a list of schools, school districts, and other educational providers that have demonstrated an ability to serve each subgroup of students.

**Sec. 3326.11.** Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481,

3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.6024, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district.

**Sec. 3326.31.** As used in sections 3326.31 to 3326.50 of the Revised Code:

(A)(1) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.

(2) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.

(3) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code.

(4) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code.

(5) "Category five career-technical education student" means

a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code.

(B)(1) "Category one ~~limited~~ English ~~proficient student~~ learner" means ~~a limited~~ an English ~~proficient student~~ learner described in division (A) of section 3317.016 of the Revised Code.

(2) "Category two ~~limited~~ English ~~proficient student~~ learner" means ~~a limited~~ an English ~~proficient student~~ learner described in division (B) of section 3317.016 of the Revised Code.

(3) "Category three ~~limited~~ English ~~proficient student~~ learner" means ~~a limited~~ an English ~~proficient student~~ learner described in division (C) of section 3317.016 of the Revised Code.

(C)(1) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.

(2) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.

(3) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.

(4) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.

(5) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.

(6) "Category six special education student" means a student who is receiving special education services for a disability

specified in division (F) of section 3317.013 of the Revised Code.

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

(E) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.

(F) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(G) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

**Sec. 3326.32.** Each science, technology, engineering, and mathematics school shall report to the department of education, in the form and manner required by the department, all of the following information:

(A) The total number of students enrolled in the school who are residents of this state;

(B) The number of students reported under division (A) of this section who are receiving special education and related services pursuant to an IEP;

(C) For each student reported under division (B) of this section, which category specified in divisions (A) to (F) of section 3317.013 of the Revised Code applies to the student;

(D) The full-time equivalent number of students reported under division (A) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A), (B), (C), (D), and (E) of section 3317.014 of the Revised Code that are provided by the STEM school;

(E) The number of students reported under division (A) of this section who are ~~limited~~ English ~~proficient students~~ learners

and which category specified in divisions (A) to (C) of section 3317.016 of the Revised Code applies to each student;

(F) The number of students reported under division (A) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (F) of this section based on anything other than family income.

(G) The resident district of each student reported under division (A) of this section;

(H) The total number of students enrolled in the school who are not residents of this state and any additional information regarding these students that the department requires the school to report. The school shall not receive any payments under this chapter for students reported under this division.

(I) Any additional information the department determines necessary to make payments under this chapter.

**Sec. 3326.33.** For each student enrolled in a science, technology, engineering, and mathematics school established under this chapter, on a full-time equivalency basis, the department of education annually shall deduct from the state education aid of a student's resident school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the school the sum of the following:

(A) An opportunity grant in an amount equal to the formula amount;

(B) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;

(C) Additional state aid for special education and related

services provided under Chapter 3323. of the Revised Code as follows:

(1) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;

(2) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;

(3) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;

(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;

(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;

(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.

(D) If the student is in kindergarten through third grade, $320;

(E) If the student is economically disadvantaged, an amount equal to the following:

$272 X the resident district's economically disadvantaged index

(F) ~~Limited~~ English ~~proficiency~~ learner funds, as follows:

(1) If the student is a category one ~~limited~~ English ~~proficient student~~ learner, the amount specified in division (A) of section 3317.016 of the Revised Code;

(2) If the student is a category two ~~limited~~ English

~~proficient student~~ learner, the amount specified in division (B) of section 3317.016 of the Revised Code;

(3) If the student is a category three ~~limited~~ English ~~proficient student~~ learner, the amount specified in division (C) of section 3317.016 of the Revised Code.

(G) Career-technical education funds as follows:

(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;

(2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;

(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;

(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;

(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.

Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.

**Sec. 3326.42.** (A) As used in this section:

(1) "Base per pupil amount" has the same meaning as in section 3317.0219 of the Revised Code.

(2) "Resident district" has the same meaning as in section 3326.31 of the Revised Code.

(B) Subject to division (C) of this section, for fiscal years 2020 and 2021, the department of education shall calculate and pay to each science, technology, engineering, and mathematics school student wellness and success funds, on a full-time equivalency basis, for each student enrolled in the school as of the school's payment under section 3326.33 of the Revised Code in June of the immediately preceding fiscal year in an amount equal to the following:

(The base per pupil amount of the student's resident district for that fiscal year + the scaled amount of the student's resident district, if any, computed under division (B)(4) of section 3317.0219 of the Revised Code)

However, each science, technology, engineering, and mathematics school shall receive a minimum payment of $25,000, for fiscal year 2020, or $30,000 for fiscal year 2021.

(C) The department shall pay funds under division (B) of this section as follows:

(1) One-half of the amount shall be paid not later than the thirty-first day of October of the fiscal year for which the payment is calculated.

(2) One-half of the amount shall be paid not later than the twenty-eighth day of February of the fiscal year for which the payment is calculated.

Upon making a payment for a fiscal year under this section, the department shall not make any reconciliations or adjustments to that payment.

(D) A science, technology, engineering, and mathematics school that receives a payment under this section shall comply with section 3317.26 of the Revised Code.

**Sec. 3328.24.** A college-preparatory boarding school

established under this chapter and its board of trustees shall comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 3313.6024, 3313.6411, 3313.668, 3313.7112, 3313.721, 3313.89, 3319.39, 3319.391, and 3319.46 and Chapter 3365. of the Revised Code as if the school were a school district and the school's board of trustees were a district board of education.

**Sec. 3345.48.** (A) As used in this section:

(1) "Cohort" means a group of students who will complete their bachelor's degree requirements and graduate from a state university at the same time. A cohort may include transfer students and other selected undergraduate student academic programs as determined by the board of trustees of a state university.

(2) "Eligible student" means an undergraduate student who:

(a) Is enrolled full-time in a bachelor's degree program at a state university;

(b) Is a resident of this state, as defined by the chancellor of higher education under section 3333.31 of the Revised Code.

(3) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of ~~a~~ each state university ~~may~~ shall establish an undergraduate tuition guarantee program that allows eligible students in the same cohort to pay a fixed rate for general and instructional fees for four years. A board of trustees may include room and board and any additional fees in the program.

~~If the board of trustees chooses to establish such a program, the~~ The board shall adopt rules for the program that include, but

are not limited to, all of the following:

(1) The number of credit hours required to earn an undergraduate degree in each major;

(2) A guarantee that the general and instructional fees for each student in the cohort shall remain constant for four years so long as the student complies with the requirements of the program, except that, notwithstanding any law to the contrary, the board may increase the guaranteed amount by up to six per cent above what has been charged in the previous academic year one time for the first cohort enrolled under the tuition guarantee program. If the board of trustees determines that economic conditions or other circumstances require an increase for the first cohort of above six per cent, the board shall submit a request to increase the amount by a specified percentage to the chancellor. The chancellor, based on information the chancellor requires from the board of trustees, shall approve or disapprove such a request. Thereafter, the board of trustees may increase the guaranteed amount by up to the sum of the following above what has been charged in the previous academic year one time per subsequent cohort:

(a) The average rate of inflation, as measured by the consumer price index prepared by the bureau of labor statistics of the United States department of labor (all urban consumers, all items), for the previous ~~sixty-month~~ thirty-six-month period; and

(b) The percentage amount the general assembly restrains increases on in-state undergraduate instructional and general fees for the applicable fiscal year. If the general assembly does not enact a limit on the increase of in-state undergraduate instructional and general fees, then no limit shall apply under this division for the cohort that first enrolls in any academic year for which the general assembly does not prescribe a limit.

If, beginning with the academic year that starts four years after September 29, 2013, the board of trustees determines that the general and instructional fees charged under the tuition guarantee have fallen significantly lower than those of other state universities, the board of trustees may submit a request to increase the amount charged to a cohort by a specified percentage to the chancellor, who shall approve or disapprove such a request.

(3) A benchmark by which the board sets annual increases in general and instructional fees. This benchmark and any subsequent change to the benchmark shall be subject to approval of the chancellor.

(4) Eligibility requirements for students to participate in the program;

(5) Student rights and privileges under the program;

(6) Consequences to the university for students unable to complete a degree program within four years, as follows:

(a) For a student who could not complete the program in four years due to a lack of available classes or space in classes provided by the university, the university shall provide the necessary course or courses for completion to the student free of charge.

(b) For a student who could not complete the program in four years due to military service or other circumstances beyond a student's control, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at the student's initial cohort rate.

(c) For a student who did not complete the program in four years for any other reason, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at a rate determined through a method established by the board under division (B)(7) of this

section.

(7) Guidelines for adjusting a student's annual charges if the student, due to circumstances under the student's control, is unable to complete a degree program within four years;

(8) A requirement that the rules adopted under division (B) of this section be published or posted in the university handbook, course catalog, and web site.

(C) ~~If a board of trustees implements a program under this section, the~~ The board shall submit the rules adopted under division (B) of this section to the chancellor for approval before beginning implementation of the program.

The chancellor shall not unreasonably withhold approval of a program if the program conforms in principle with the parameters and guidelines of this section.

(D) A board of trustees of a state university may establish an undergraduate tuition guarantee program for nonresident students.

(E) ~~Within five years after September 29, 2013, the chancellor shall publish on the chancellor's web site a report that includes all of the following:~~

~~(1) The state universities that have adopted an undergraduate tuition guarantee program under this section;~~

~~(2) The details of each undergraduate tuition guarantee program established under this section;~~

~~(3) Comparative data, including general and instructional fees, room and board, graduation rates, and retention rates, from all state universities.~~

~~(F)~~ Except as provided in this section, no other limitation on the increase of in-state undergraduate instructional and general fees shall apply to a state university that has

established an undergraduate tuition guarantee program under this section.

**Sec. 3701.044.** When ~~the director of health or department of health is~~ required or authorized to conduct or administer an examination or evaluation of ~~individuals~~ an individual for the purpose of determining competency or ~~for the purpose of~~ issuing a license, certificate, registration, or other authority to practice or perform duties, the director of health or department of health may ~~provide for the examination or evaluation by contracting~~ contract with ~~any public or private~~ an entity to conduct or administer the examination or evaluation. The contract may authorize the entity to collect and retain, as all or part of the entity's compensation under the contract, any fee paid by an individual for the examination or evaluation. ~~An~~ The entity ~~authorized to collect and retain a fee~~ is not required to deposit the fee into the state treasury.

The director or department shall post to the department's web site the dollar amounts for fees described in this section. Any changes in fee amounts shall be posted to the web site not later than thirty days before such changes are effective.

Except when considered to be necessary by the director or department, the director or department shall not disclose test materials, examinations, or evaluation tools used in any examination or evaluation the director or department conducts, administers, or provides for by contract. The test materials, examinations, and evaluation tools are not public records for the purpose of section 149.43 of the Revised Code and are not subject to inspection or copying under section 1347.08 of the Revised Code.

**Sec. 3701.049.** (A) As used in this section, "board of health"

has the same meaning as in section 3707.70 of the Revised Code.

(B) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for fetal-infant mortality review boards to follow in conducting a review of a fetal or infant death. The rules shall do all of the following:

(1) Specify the procedures a board of health must use to establish and operate a fetal-infant mortality review board under section 3707.71 of the Revised Code;

(2) Specify the data and other relevant information a review board must use when conducting the reviews described in section 3707.71 of the Revised Code;

(3) Establish guidelines for a review board to follow so that information presented to the review board does not include anything that would permit any person's identity to be ascertained;

(4) Specify the standards and procedures a review board must use when reporting fetal-infant mortality data to the fetal-infant mortality database maintained by the department of health or the national infant death review database.

**Sec. 3701.0410.** The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for county or regional drug overdose fatality review committees to follow in conducting a review of an overdose death. The rules shall do all of the following:

(A) Establish the format for the annual reports required by section 307.636 of the Revised Code;

(B) Establish guidelines for a county or regional review committee to follow in compiling statistics for annual reports so

that the reports do not contain any information that would permit any person's identity to be ascertained from a report;

(C) Establish guidelines for a county or regional review committee to follow in creating and maintaining the comprehensive database of overdose deaths required by section 307.634 of the Revised Code, including provisions establishing uniform record-keeping procedures;

(D) Establish guidelines for reporting drug overdose fatality review data to the department of health, which must maintain the confidentiality of information that would permit a person's identity to be ascertained;

(E) Establish guidelines, materials, and training to help educate members of county or regional review committees about the purpose of the review process and the confidentiality of the information described in section 307.639 of the Revised Code.

**Sec. 3701.139.** (A) Subject to division (B) of this section, the director of health shall convene meetings with staff of the department of health, department of medicaid, department of administrative services, and commission on minority health to do all of the following:

(1) Assess the prevalence of all types of diabetes in this state, including disparities in that prevalence among various demographic populations and local jurisdictions;

(2) Establish and reevaluate goals for each of the agencies to reduce that prevalence;

(3) Identify how to measure the progress achieved toward attaining the goals established under division (A)(2) of this section;

(4) Establish and monitor the implementation of plans for each agency to reduce the prevalence of all types of diabetes,

improve diabetes care, and control complications associated with diabetes among the populations of concern to each agency;

(5) Consider any other matter associated with reducing the prevalence of all types of diabetes in this state that the director considers appropriate;

(6) Collect the information needed to prepare the reports required by division (C) of this section.

(B) The director shall convene the meetings required by division (A) of this section at the director's discretion, but not less than twice each calendar year.

(C) Not later than the thirty-first day of January of ~~each even-numbered~~ every third year beginning in ~~2018~~ 2021, the director shall submit a report to the general assembly in accordance with section 101.68 of the Revised Code that addresses or contains all of the following for the ~~two-year~~ three-year period preceding the report's submission:

(1) The results of the assessment required by division (A)(1) of this section;

(2) The progress each agency has made toward achieving the goals established under division (A)(2) of this section and implementing the plans required by division (A)(4) of this section;

(3) An assessment of the health and financial impacts that all types of diabetes have had on the state and local jurisdictions, and, subject to division (D) of this section, each agency specified in division (A) of this section;

(4) A description of the efforts the agencies specified in division (A) of this section have taken to coordinate programs intended to prevent, treat, and manage all types of diabetes and associated complications;

(5) Recommendations for legislative policies to reduce the impact that diabetes, pre-diabetes, and complications from diabetes have on the citizens of this state, including specific action steps that could be taken, the expected outcomes of the action steps, and benchmarks for measuring progress toward achieving the outcomes;

(6) A budget proposal that identifies the needs and resources required to implement the recommendations described in division (C)(5) of this section, as well as estimates of the costs to implement the recommendations;

(7) Any other information concerning diabetes prevention, treatment, or management in this state that the director considers appropriate.

(D) An agency-specific assessment required by division (C) of this section shall include all of the following:

(1) A list and description of each diabetes prevention or control program the agency administers, the number of individuals with each type of diabetes and their dependents who are impacted by each program, the expenses associated with administering each program, and the funds appropriated for each program, along with each funding source;

(2) A comparison of the expenses described in division (D)(1) of this section with the expenses the agency incurs in administering programs to reduce the prevalence of other chronic diseases and conditions;

(3) An evaluation of the benefits that have resulted from each program listed pursuant to division (D)(1) of this section.

(E) Nothing in this section requires the agencies specified in division (A) of this section to establish programs for diabetes prevention, treatment, and management that had not been initiated or funded prior to ~~the effective date of this section~~ April 6,

2017.

**Sec. 3701.33.** (A) There is hereby created the Ohio public health advisory board. The board shall consist of the following members:

(1) The following members appointed by the director of health from among individuals who are not employed by the state and are recommended by statewide trade or professional organizations that represent interests in public health:

(a) One individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(b) One individual authorized under Chapter 4723. of the Revised Code to practice nursing as a registered nurse;

(c) Three members of the public, two of whom are representatives of entities licensed by the department of health or boards of health.

(2) One representative of the association of Ohio health commissioners, appointed by the association;

(3) One representative of the Ohio public health association, appointed by the association;

(4) One representative of the Ohio environmental health association, appointed by the association, who is registered as a sanitarian under Chapter ~~4736.~~ 3722. of the Revised Code;

(5) One representative of the Ohio association of boards of health, appointed by the association;

(6) One representative of the Ohio society for public health education, appointed by the society;

(7) One representative of the Ohio hospital association, appointed by the association.

The director of health or the director's designee shall serve as an ex officio, nonvoting member of the board.

(B) Not later than thirty days after ~~the effective date of this section~~ September 10, 2012, initial appointments shall be made to the board. Of the initial appointments, the members specified in divisions (A)(5), (6), and (7) and division (A)(1)(c) of this section representing entities licensed by the department of health or boards of health shall serve terms ending June 30, 2014, and the members specified in divisions (A)(1)(a) and (b), divisions (A)(2), (3), and (4), and division (A)(1)(c) of this section not representing entities licensed by the department or boards of health shall serve terms ending June 30, 2015. Thereafter, terms of office for all members shall be three years, with each term ending on the same day of the same month as the term it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed, except that no member who has served two consecutive terms may be reappointed until three years have elapsed since the member's last term ended.

Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Vacancies shall be filled in the same manner as original appointments.

Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of ninety days has elapsed, whichever occurs first.

(C) The board shall annually select from among its members a chairperson and vice-chairperson. The director shall designate an officer or employee of the department to act as the board's

secretary. The secretary shall be a nonvoting board member.

The board may adopt by laws governing its operation. The chairperson may appoint subcommittees as the chairperson considers necessary.

(D) The board shall meet at the call of the chairperson, but not less than four times per year. A majority of the members of the board constitutes a quorum. Special meetings may be called by the chairperson and shall be called by the chairperson at the request of the director. In a request for a special meeting, the director shall specify the purpose of the meeting and the date and place the meeting is to be held. No other business shall be considered at a special meeting except by a unanimous vote of members present at the meeting.

In conducting any meeting, the board and its subcommittees may use an interactive video teleconferencing system. If provisions are made that allow public attendance at a designated location with respect to a meeting using such a system, the board members who attend the meeting by video teleconference shall be counted for purposes of determining whether a quorum is present and shall be permitted to vote.

Members shall be expected to attend a majority of meetings of the board. Unexcused absence from three consecutive meetings shall be considered notice of a member's intent to resign from the board.

(E)(1) The department shall provide meeting space and staff and other administrative support for the board to carry out its duties.

(2) To facilitate the board's review of proposed rules under division (A)(1) of section 3701.34 of the Revised Code, the department shall establish and maintain an electronic web-based database of board meeting agendas, board meeting minutes, proposed

rules, public comments, and other documents relevant to the work of the board.

(F) Notice of meetings shall be provided to members through the board's mailing list, the department's web site, or any other means available to the board.

The minutes of previous meetings, the next meeting's agenda, and information on any matters to be presented to the board at any regular or special meeting shall be provided to the board in an electronic format.

(G) Members shall attend annual ethics training provided by the Ohio ethics commission.

(H) Members shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(I) Sections 101.82 to 101.87 of the Revised Code do not apply to the Ohio public health advisory board.

**Sec. 3701.36.** (A) As used in this section and in sections 3701.361 and 3701.362 of the Revised Code, "palliative care" has the same meaning as in section 3712.01 of the Revised Code.

(B) There is hereby created the palliative care and quality of life interdisciplinary council. Subject to division (C) of this section, members of the council shall be appointed by the director of health and include individuals with expertise in palliative care who represent the following professions or constituencies:

(1) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including those who are board-certified in pediatrics and those who are board-certified in psychiatry, as those designations are issued by a medical specialty certifying board recognized by the American board of medical specialties or American osteopathic

association;

(2) Physician assistants licensed under Chapter 4730. of the Revised Code;

(3) Advanced practice registered nurses licensed under Chapter 4723. of the Revised Code who are designated as clinical nurse specialists or certified nurse practitioners;

(4) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;

(5) Pharmacists licensed under Chapter 4729. of the Revised Code;

(6) Psychologists licensed under Chapter 4732. of the Revised Code;

(7) Licensed professional clinical counselors or licensed professional counselors licensed under Chapter 4757. of the Revised Code;

(8) Independent social workers or social workers licensed under Chapter 4757. of the Revised Code;

(9) Marriage and family therapists licensed under Chapter 4757. of the Revised Code;

(10) Child life specialists;

(11) Clergy or spiritual advisers;

(12) Exercise physiologists;

(13) Health insurers;

(14) Patients;

(15) Family caregivers.

The council's membership also may include employees of agencies of this state that administer programs pertaining to palliative care or are otherwise concerned with the delivery of

palliative care in this state.

(C) The council's membership shall include individuals who have worked with various age groups, including children and the elderly. The council's membership also shall include individuals who have experience or expertise in various palliative care delivery models, including acute care, long-term care, hospice care, home health agency services, home-based care, and spiritual care. At least two members shall be physicians who are board-certified in hospice and palliative care by a medical specialty certifying board recognized by the American board of medical specialties or American osteopathic association. At least one member shall be employed as an administrator of a hospital or system of hospitals in this state or be a professional specified in divisions (B)(1) to (10) or division (B)(12) of this section who treats patients as an employee or contractor of such a hospital or system of hospitals.

Not more than twenty individuals shall serve as members of the council at any one time. Not more than two members shall be employed by the same health care facility or provider or practice at or for the same health care facility or provider.

In making appointments to the council, the director shall seek to include as members individuals who represent underserved areas of the state and to have all geographic areas of the state represented.

(D) The director shall make initial appointments to the council not later than ninety days after ~~the effective date of this section~~ March 20, 2019. Terms of office shall be three years. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. In the event of death, removal, resignation, or incapacity of a council member, the director shall appoint a successor who shall hold office for the remainder of the term for which the successor's

predecessor was appointed. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

The council shall meet at the call of the director, but not less than twice annually. The council shall select annually from among its members a chairperson and vice-chairperson, whose duties shall be established by the council.

Each member shall serve without compensation, except to the extent that serving on the council is considered part of the member's regular employment duties.

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

(1) Consult with and advise the director on matters related to the establishment, maintenance, operation, and evaluation of palliative care initiatives in this state;

(2) Consult with the department of health for purposes of its implementation of section 3701.361 of the Revised Code;

(3) Identify national organizations that have established standards of practice and best practice models for palliative care;

(4) Identify initiatives established at the national and state levels aimed at integrating palliative care into the health care system and enhancing the use and development of palliative care;

(5) Establish guidelines for health care facilities and providers to use under section 3701.362 of the Revised Code in identifying patients and residents who could benefit from palliative care;

(6) On or before December 31 of each year, prepare and submit to the governor, general assembly, director of health, director of

aging, superintendent of insurance, and medicaid director~~, and executive director of the office of health transformation~~ a report of recommendations for improving the provision of palliative care in this state.

The council shall submit the report to the general assembly in accordance with section 101.68 of the Revised Code.

(F) The department of health shall provide to the council the administrative support necessary to execute its duties. At the request of the council, the department shall examine potential sources of funding to assist with any duties described in this section or sections 3701.361 and 3701.362 of the Revised Code.

(G) The council is not subject to sections 101.82 to 101.87 of the Revised Code.

**Sec. 3701.501.** (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules, adopted pursuant to this section.

(2) Division (A)(1) of this section does not apply in either of the following circumstances:

(a) If the parents of the child object to the screening on the grounds that it conflicts with their religious tenets and practices;

(b) With respect to the screening for Krabbe disease described in division (C)(1)(b) of this section, if the parents of the child communicate their decision to forgo the screening.

(B) There is hereby created the newborn screening advisory council to advise the director of health regarding the screening 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, 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. ~~The rules shall limit the screening requirement for Krabbe disease to the process known as "first tier testing," which is a screening for Krabbe disease that is accomplished by measuring galactocerebrosidase activity using mass spectrometry.~~

(2) The newborn screening advisory council shall evaluate

genetic, metabolic, and endocrine disorders to assist the director in determining which disorders should be included in the screenings required under this section. In determining whether a disorder should be included, the council shall consider all of the following:

(a) The disorder's incidence, mortality, and morbidity;

(b) Whether the disorder causes disability if diagnosis, treatment, and early intervention are delayed;

(c) The potential for successful treatment of the disorder;

(d) The expected benefits to children and society in relation to the risks and costs associated with screening for the disorder;

(e) Whether a screening for the disorder can be conducted without taking an additional blood sample or specimen.

(3) Based on the considerations specified in division (C)(2) of this section, the council shall make recommendations to the director of health for the adoption of rules under division (C)(1) of this section. The director shall promptly and thoroughly review each recommendation the council submits.

(D) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the screenings required by this section. The rules shall include standards and procedures for all of the following:

(1) Causing rescreenings to be performed when initial screenings have abnormal results;

(2) Designating the person or persons who will be responsible for causing screenings and rescreenings to be performed;

(3) Giving to the parents of a child notice of the required initial screening and the possibility that rescreenings may be necessary;

(4) Communicating to the parents of a child the results of

the child's screening and any rescreenings that are performed;

(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;

(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.

(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.

(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.

(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 division (E)(2) of this section.

**Sec. 3701.571.** (A) The director of health shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a graduated system of fines based on the scope and severity of

violations and the history of compliance, not to exceed seven hundred fifty dollars per incident, and in an adjudication under Chapter 119. of the Revised Code, may impose a fine against any person who violates division (C) of section 3701.23, division (C) of section 3701.232, division (C) of section 3701.24, ~~division (B) of section 3701.25,~~ or division (B) of section 3707.06 of the Revised Code or against any poison prevention and treatment center or other health-related entity that fails to comply with division (C) of section 3701.201 of the Revised Code.

(B) On request of the director, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under division (A) of this section that remains unpaid.

(C) All fines collected under this section shall be deposited into the state treasury to the credit of the general operations fund created under section 3701.83 of the Revised Code.

**Sec. 3701.601.** There is hereby created in the state treasury the breast and cervical cancer project income tax contribution fund, which shall consist of money contributed to it under section 5747.113 of the Revised Code and of contributions made directly to it. Any person may contribute directly to the fund in addition to or independently of the income tax refund contribution system established in section 5747.113 of the Revised Code.

The director of health shall distribute the contributed funds to the Ohio breast and cervical cancer project administered under section 3701.144 of the Revised Code. The contributed funds shall be used specifically for the provision of breast and cervical cancer screening, diagnostic, and outreach services to uninsured and under-insured women who meet the eligibility requirements specified in that section. The breast and cervical cancer project, through its regional agencies, shall use the contributed funds to pay for services provided directly by personnel of ~~local~~

~~departments~~ health facilities operated by boards of health, free clinics as defined in section 3701.071 of the Revised Code, mammography services providers, radiology services providers, federally qualified health centers as defined by section 3701.047 of the Revised Code, rural health centers, or other community health centers.

**Sec. 3701.611.** (A) ~~Not later than six months after April 6, 2017, the~~ The department of health ~~and the department of developmental disabilities~~ shall create a central intake and referral system for ~~the state's part C early intervention services program and~~ all home visiting programs operating in this state. ~~The system shall comply with all regulations governing the part C early intervention program for infants and toddlers with disabilities that are promulgated under the "Individuals with Disabilities Education Act of 1997," 20 U.S.C. 1400, as amended.~~ Through a competitive bidding process, the department of health ~~and department of developmental disabilities~~ may select one or more persons or government entities to operate the system.

(B) If the department of health ~~and department of developmental disabilities choose~~ chooses to select one or more system operators as described in division (A) of this section, a contract with any system operator shall require that the system do both of the following:

(1) Serve as a single point of entry for access, assessment, and referral of families to appropriate home visiting services ~~and part C early intervention services~~ based on each family's location of residence;

(2) Use a standardized form or other mechanism to assess for each family member's risk factors and social determinants of health, as well as ensure that the family is referred to the appropriate home visiting ~~or part C early intervention~~ program ~~or~~

~~service~~.

(C) The standardized form or other mechanism described in division (B)(2) of this section shall be agreed to by the home visiting consortium created under section 3701.612 of the Revised Code ~~and the early intervention services advisory council created under section 5123.0422 of the Revised Code~~.

(D) A contract entered into under division (B) of this section shall require a system operator to issue an annual report to the department of health ~~and department of developmental disabilities~~ that includes data regarding referrals made by the central intake and referral system, costs associated with the referrals, and the quality of services received by families who were referred to services through the system. The report shall be distributed to the home visiting consortium created under section 3701.612 of the Revised Code ~~and the early intervention services advisory council created under section 5123.0422 of the Revised Code~~.

(E) ~~The department of health and department of developmental disabilities shall share any funding made available to each department for local outreach and child find efforts after creating the central intake and referral system described in division (A) of this section.~~

~~(F)~~ Nothing in this section is intended to do any of the following:

(1) Prohibit the department of health ~~or department of developmental disabilities~~ from using alternative promotional materials or names for the central intake and referral system;

(2) Require the use of help me grow program promotional materials or names;

(3) Prohibit providers, central coordinators, the department of health, ~~the department of developmental disabilities,~~ or

stakeholders from using the help me grow name for promotional materials for ~~both the~~ home visiting ~~and part C early intervention services components~~.

**Sec. 3701.612.** (A) The Ohio home visiting consortium is hereby created. The purpose of the consortium is to ensure that home visiting services provided by home visiting programs operating in this state, as well as home visiting services provided or arranged for by medicaid managed care organizations, are high-quality and delivered through evidence-based or innovative, promising home visiting models. It is the intent of the general assembly that all home visiting services provided in this state do both of the following:

(1) Improve health, educational, and social outcomes for expectant and new parents and young children;

(2) Promote safe, connected families and communities in which children are able to grow up healthy and ready to learn.

(B)(1) In furtherance of the consortium's purpose, the consortium shall do both of the following:

(a) Make recommendations to the department of health, department of medicaid, department of mental health and addiction services, and department of developmental disabilities regarding how to leverage all funding sources available for home visiting services, including medicaid, to accomplish both of the following in this state:

(i) Expand the use of evidence-based home visiting program models;

(ii) Initiate, as pilot projects, innovative, promising home visiting models.

(b) Make recommendations to the department of medicaid on the terms to be included in contracts the department enters into with

medicaid managed care organizations under section 5167.10 of the Revised Code to ensure that the organizations are providing or arranging for the medicaid recipients enrolled in their ~~organizations~~ medicaid MCO plans, as defined in section 5167.01 of the Revised Code, to receive home visiting services that are delivered as part of the home visiting program models described in divisions (B)(1)(a)(i) and (ii) of this section.

(2) The consortium may recommend a standardized form or other mechanism to assess family risk factors and social determinants of health for purposes of the central intake and referral system described in section 3701.611 of the Revised Code.

(C) The consortium shall consist of the following members:

(1) The director of health or the director's designee;

(2) The medicaid director or the director's designee;

(3) The director of mental health and addiction services or the director's designee;

(4) The director of developmental disabilities or the director's designee;

(5) The executive director of the commission on minority health or the executive director's designee;

(6) A member of the commission on infant mortality who is not a legislator or an individual specified under this division;

(7) One individual who represents medicaid managed care organizations, recommended by the board of trustees of the Ohio association of health plans;

(8) One individual who represents county boards of developmental disabilities, recommended by the Ohio association of county boards of developmental disabilities;

(9) A home visiting contractor who provides services within the help me grow program through a contract, grant, or other

agreement with the department of health;

(10) An individual who receives home visiting services from the help me grow program;

(11) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate president;

(12) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by the speaker of the house of representatives.

(D) The consortium members described in divisions (C)(6) to (11) of this section shall be appointed not later than thirty days after ~~the effective date of this section~~ April 6, 2017. An appointed member shall hold office until a successor is appointed. A vacancy shall be filled in the same manner as the original appointment.

The director of health shall serve as the chairperson of the consortium.

A member shall serve without compensation except to the extent that serving on the consortium is considered part of the member's regular duties of employment.

(E) The consortium shall meet at the call of the director of health but not less than once each calendar quarter. The consortium's first meeting shall occur not later than sixty days after ~~the effective date of this section~~ April 6, 2017.

(F) The department of health shall provide meeting space and staff and other administrative support for the consortium.

(G) The consortium is not subject to sections 101.82 to 101.87 of the Revised Code.

**Sec. 3701.68.** (A) As used in this section:

(1) "Academic medical center" means a medical school and its affiliated teaching hospitals.

(2) "State registrar" has the same meaning as in section 3705.01 of the Revised Code.

(B) There is hereby created the commission on infant mortality. The commission shall do all of the following:

(1) Conduct a complete inventory of services provided or administered by the state that are available to address the infant mortality rate in this state;

(2) For each service identified under division (B)(1) of this section, determine both of the following:

(a) The sources of the funds that are used to pay for the service;

(b) Whether the service and its funding sources have a connection with programs provided or administered by local or community-based public or private entities and, to the extent they do not, whether they should.

(3) With assistance from academic medical centers, track and analyze infant mortality rates by county for the purpose of determining the impact of state and local initiatives to reduce those rates.

(C) The commission shall consist of the following members:

(1) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate president;

(2) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by the speaker of the house of representatives;

(3) ~~The executive director of the office of health transformation or the executive director's designee;~~

~~(4)~~ The medicaid director or the director's designee;

~~(5)~~(4) The director of health or the director's designee;

~~(6)~~(5) The director of developmental disabilities or the director's designee;

~~(7)~~(6) The executive director of the commission on minority health or the executive director's designee;

~~(8)~~(7) The attorney general or the attorney general's designee;

~~(9)~~(8) A health commissioner of a city or general health district, appointed by the governor;

~~(10)~~(9) A coroner, deputy coroner, or other person who conducts death scene investigations, appointed by the governor;

~~(11)~~(10) An individual who represents the Ohio hospital association, appointed by the association's president;

~~(12)~~(11) An individual who represents the Ohio children's hospital association, appointed by the association's president;

~~(13)~~(12) Two individuals who represent community-based programs that serve pregnant women or new mothers whose infants tend to be at a higher risk for infant mortality, appointed by the governor.

(D) ~~The commission members described in divisions (C)(1), (2), (9), (10), (11), (12), and (13) of this section shall be appointed not later than thirty days after March 19, 2015.~~ An appointed commission member shall hold office until a successor is appointed. A vacancy shall be filled in the same manner as the original appointment.

From among the members, the president of the senate and speaker of the house of representatives shall appoint two to serve as co-chairpersons of the commission.

A member shall serve without compensation except to the extent that serving on the commission is considered part of the member's regular duties of employment.

(E) The commission may request assistance from the staff of the legislative service commission.

(F) For purposes of division (B)(3) of this section, the state registrar shall ensure that the commission and academic medical centers located in this state have access to any electronic system of vital records the state registrar or department of health maintains, including the Ohio public health information warehouse. Not later than six months after March 19, 2015, the commission on infant mortality shall prepare a written report of its findings and recommendations concerning the matters described in division (B) of this section. On completion, the commission shall submit the report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly.

(G) The president of the senate and speaker of the house of representatives shall determine the responsibilities of the commission following submission of the report under division (F) of this section.

(H) The commission is not subject to sections 101.82 to 101.87 of the Revised Code.

(I) The commission shall provide information to the Ohio housing finance agency for the purposes of division (A) of section 175.14 of the Revised Code.

**Sec. 3701.83.** There is hereby created in the state treasury the general operations fund. Moneys in the fund shall be used for the purposes specified in sections 3701.04, 3701.344, 3702.20, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3722.03, 3729.07,

3730.02, 3730.021, 3730.05, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, ~~4736.06,~~ and 4769.09 of the Revised Code.

**Sec. 3701.95.** (A) ~~As used in this section, "government program providing public benefits" has the same meaning as in section 191.01 of the Revised Code.~~

~~(B)~~ The director of health shall identify each government program providing benefits, other than the help me grow program established by the department of health pursuant to section 3701.61 of the Revised Code, that has the goal of reducing infant mortality and negative birth outcomes or the goal of reducing disparities among women who are pregnant or capable of becoming pregnant and who belong to a racial or ethnic minority. A program shall be identified only if it provides education, training, and support services related to those goals to program participants in their homes. The director may consult with the Ohio partnership to build stronger families for assistance with identifying the programs.

~~(C)~~(B) An administrator of a program identified under division ~~(B)~~(A) of this section shall report to the director data on program performance indicators that are used to assess progress toward achieving program goals. The administrator shall report the data in the format and within the time frames specified in rules adopted under division ~~(D)~~(C) of this section. Using the data reported under this division, the director shall prepare an annual report assessing the performance of each government program identified pursuant to division ~~(B)~~(A) of this section during the immediately preceding twelve-month period. In addition, the report shall summarize and provide an analysis of the information contained in the "information for medical and health use only" section of the birth records for individuals born during the prior

twelve-month period.

The director shall provide a copy of the report to the general assembly and the joint medicaid oversight committee. The copy to the general assembly shall be provided in accordance with section 101.68 of the Revised Code.

~~(D)~~(C) The director shall adopt rules specifying program performance indicators on which data must be reported by the administrators described in division ~~(C)~~(B) of this section as well as the format and time frames in which the data must be reported. To the extent possible, the program performance indicators specified in the rules shall be consistent with federal reporting requirements for federally funded home visiting services. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 3701.953.** (A) As used in this section, "covered entity" and "protected health information" have the same meanings as in 45 C.F.R. 160.103.

(B)(1) Not later than January 1, 2020, the director of the governor's children's initiative created pursuant to executive order 2019-02D shall convene a workgroup to do both of the following:

(a) Develop a standard, electronic pregnancy risk assessment form for use under this section for the following purposes: to identify pregnancy risks, to ensure care coordination, and to facilitate referrals of pregnant women to additional services intended to achieve healthy pregnancies and optimal birth outcomes;

(b) Identify the processes and technology systems that are necessary for obstetric care providers to comply with division (E) of this section and persons and government entities to comply with

division (F) of this section.

(2) The workgroup shall consist of at least one representative from each of the following:

(a) The department of medicaid;

(b) The department of health;

(c) The department of insurance;

(d) The department of job and family services;

(e) The department of administrative services;

(f) The department of mental health and addiction services;

(g) Innovate Ohio;

(h) The Ohio association of health plans;

(i) The Ohio children's hospital association;

(j) The Ohio hospital association;

(k) The Ohio association of community health centers;

(l) The Ohio chapter of the American college of obstetrics and gynecology;

(m) The Ohio state medical association.

(C) In developing the pregnancy risk assessment form, the workgroup shall ensure that both of the following requirements are met:

(1) The form shall have components that address all of the purposes specified in division (B)(1)(a) of this section.

(2) The form shall be designed in a manner that facilitates both of the following:

(a) An administrative agency's ability to fulfill responsibilities to inform medicaid-eligible women about the benefits and importance of pregnancy related services, to make

requested or needed referrals to support services, and to provide nonmedical services promoting healthy birth outcomes;

(b) A covered entity's compliance with regulations governing the use and disclosure of protected health information in 45 C.F.R. 164.508 and, where applicable, 42 C.F.R. part 2.

(D) The pregnancy risk assessment form developed under this section shall be used solely for the purposes specified in division (B)(1)(a) of this section. Under no circumstances shall the form be used to penalize women for increased use of services or other discriminatory purposes.

(E) Beginning January 1, 2021, an obstetric care provider shall complete the pregnancy risk assessment form developed under this section for each obstetric patient at the patient's first visit designated for prenatal care. Not later than seven calendar days after completing the form, the provider shall submit the form through the state electronic interface designated by the workgroup for such submissions as part of its identification of processes and technology systems under division (B)(1)(b) of this section.

(F) Beginning January 1, 2021, a health insuring corporation, any other person, and any government entity that has or has had a relationship with a patient, or a designee of the foregoing, shall accept a completed pregnancy risk assessment form as valid authorization for the disclosure of that patient's protected health information to each person or government entity specified on the form. As soon as practicable after receiving a completed form, the person or government entity shall disclose the relevant protected health information in accordance with the form.

(G) A person or government entity to whom protected health information has been disclosed pursuant to division (F) of this section shall use the information solely for the purposes specified in division (B)(1)(a) of this section and shall not

disclose the information to any other person or government entity.

**Sec. 3701.99.** (A) Whoever violates division (C) of section 3701.23, division (C) of section 3701.232, division (C) of section 3701.24, ~~division (B) of section 3701.25,~~ division (D)(2) of section 3701.262, or sections 3701.46 to 3701.55 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates section 3701.82 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) Whoever violates section 3701.352 or 3701.81 of the Revised Code is guilty of a misdemeanor of the second degree.

**Sec. 3702.12.** Initial rules for each activity specified in section 3702.11 of the Revised Code and for each health care facility ~~listed~~ as defined in ~~division (A)(4) of~~ section 3702.30 of the Revised Code shall be adopted using the procedure prescribed by this section.

The director of health shall file proposed rules in accordance with section 119.03 of the Revised Code. If, prior to expiration of the time for legislative review and invalidation under division (I) of that section, the joint committee on agency rule review recommends the adoption of a concurrent resolution invalidating a proposed rule, the director shall withdraw the proposed rule, revise it, and refile it as if it were a newly proposed rule; the director shall not file the proposed rule in final form. A proposed rule that the director refiles following a recommendation for a concurrent resolution of invalidation shall be treated, for purposes of determining the time for legislative review and invalidation under section 119.03 of the Revised Code, as if it were a newly proposed rule. If, after filing the revised

proposed rule, the joint committee again recommends the adoption of a concurrent resolution of invalidation, the director shall file the revised proposed rule in final form in accordance with section 111.15 of the Revised Code, and the rule shall take effect in accordance with that section.

If, prior to expiration of the time for legislative review and invalidation, the joint committee does not recommend the adoption of a concurrent resolution invalidating a proposed rule or revised proposed rule filed in accordance with section 119.03 of the Revised Code, the director shall file the rule in final form in accordance with section 119.04 of the Revised Code, and the rule shall take effect in accordance with that section.

Initial rules adopted for each activity specified in section 3702.11 of the Revised Code shall include rules pertaining to all of the matters required by section 3702.16 of the Revised Code.

Initial rules shall not be adopted as emergency rules.

**Sec. 3702.13.** After the adoption, in accordance with section 3702.12 of the Revised Code, of initial rules applicable to an activity specified in section 3702.11 of the Revised Code or a health care facility ~~listed~~ as defined in ~~division (A)(4) of~~ section 3702.30 of the Revised Code, any amendments to the rules applicable to that activity or facility, including enactment of new rules or amendments or rescissions of existing rules, shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 3702.30.** (A) As used in this section:

(1) "Ambulatory surgical facility" means a facility~~, whether or not part of the same organization as a hospital, that is located in a building distinct from another~~ in which ~~inpatient care is provided~~ surgical services are provided to patients who do not require hospitalization for inpatient care, the duration of

services for any patient does not extend beyond twenty-four hours after the patient's admission, and to which any of the following apply:

(a) ~~Outpatient surgery is routinely performed in the facility, and the facility functions separately from a hospital's inpatient surgical service and from the offices of private physicians, podiatrists, and dentists~~ The surgical services are provided in a building that is separate from another building in which inpatient care is provided, regardless of whether the separate building is part of the same organization as the building in which inpatient care is provided.

(b) ~~Anesthesia is administered in the facility by an anesthesiologist or certified registered nurse anesthetist, and the facility functions separately from a hospital's inpatient surgical service and from the offices of private physicians, podiatrists, and dentists.~~

~~(c) The facility applies to be certified by the United States centers for medicare and medicaid services as an ambulatory surgical center for purposes of reimbursement under Part B of the medicare program, Part B of Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.~~

~~(d) The facility applies to be certified by a national accrediting body approved by the centers for medicare and medicaid services for purposes of deemed compliance with the conditions for participating in the medicare program as an ambulatory surgical center.~~

~~(e) The facility bills or receives from any third-party payer, governmental health care program, or other person or government entity any ambulatory surgical facility fee that is billed or paid in addition to any fee for professional services~~ The surgical services are provided within a building in which

inpatient care is provided and the entity that operates the portion of the building where the surgical services are provided is not the entity that operates the remainder of the building.

~~(f)~~(c) The facility is held out to any person or government entity as an ambulatory surgical facility or similar facility by means of signage, advertising, or other promotional efforts.

"Ambulatory surgical facility" does not include a hospital emergency department or an office of a physician, podiatrist, or dentist.

(2) ~~"Ambulatory surgical facility fee" means a fee for certain overhead costs associated with providing surgical services in an outpatient setting. A fee is an ambulatory surgical facility fee only if it directly or indirectly pays for costs associated with any of the following:~~

~~(a) Use of operating and recovery rooms, preparation areas, and waiting rooms and lounges for patients and relatives;~~

~~(b) Administrative functions, record keeping, housekeeping, utilities, and rent;~~

~~(c) Services provided by nurses, pharmacists, orderlies, technical personnel, and others involved in patient care related to providing surgery.~~

~~"Ambulatory surgical facility fee" does not include any additional payment in excess of a professional fee that is provided to encourage physicians, podiatrists, and dentists to perform certain surgical procedures in their office or their group practice's office rather than a health care facility, if the purpose of the additional fee is to compensate for additional cost incurred in performing office-based surgery.~~

~~(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.~~

~~(4)~~ "Health care facility" means any of the following:

(a) An ambulatory surgical facility;

(b) A freestanding dialysis center;

(c) A freestanding inpatient rehabilitation facility;

(d) A freestanding birthing center;

(e) A freestanding radiation therapy center;

(f) A freestanding or mobile diagnostic imaging center.

~~(5) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.~~

(B) By rule adopted in accordance with sections 3702.12 and 3702.13 of the Revised Code, the director of health shall establish quality standards for health care facilities. The standards may incorporate accreditation standards or other quality standards established by any entity recognized by the director.

In the case of an ambulatory surgical facility, the standards shall require the ambulatory surgical facility to maintain an infection control program. The purposes of the program are to minimize infections and communicable diseases and facilitate a functional and sanitary environment consistent with standards of professional practice. To achieve these purposes, ambulatory surgical facility staff managing the program shall create and administer a plan designed to prevent, identify, and manage infections and communicable diseases; ensure that the program is directed by a qualified professional trained in infection control; ensure that the program is an integral part of the ambulatory surgical facility's quality assessment and performance improvement program; and implement in an expeditious manner corrective and preventive measures that result in improvement.

(C) Every ambulatory surgical facility shall require that each physician who practices at the facility comply with all

relevant provisions in the Revised Code that relate to the obtaining of informed consent from a patient.

(D) The director shall issue a license to each health care facility that makes application for a license and demonstrates to the director that it meets the quality standards established by the rules adopted under division (B) of this section and satisfies the informed consent compliance requirements specified in division (C) of this section.

(E)(1) Except as provided in division (H) of this section and in section 3702.301 of the Revised Code, no health care facility shall operate without a license issued under this section.

The general assembly does not intend for the provisions of this section or section 3702.301 of the Revised Code that establish health care facility licensing requirements or exemptions to have an effect on any third-party payments that may be available for the services provided by either a licensed health care facility or an entity exempt from licensure.

(2) If the department of health finds that a physician who practices at a health care facility is not complying with any provision of the Revised Code related to the obtaining of informed consent from a patient, the department shall report its finding to the state medical board, the physician, and the health care facility.

(3) ~~This division~~ Division (E)(2) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a health care facility and in favor of a patient who allegedly sustains harm as a result of the failure of the patient's physician to obtain informed consent from the patient prior to performing a procedure on or otherwise caring for the patient in the health care facility.

(F) The rules adopted under division (B) of this section

shall include all of the following:

(1) Provisions governing application for, renewal, suspension, and revocation of a license under this section;

(2) Provisions governing orders issued pursuant to section 3702.32 of the Revised Code for a health care facility to cease its operations or to prohibit certain types of services provided by a health care facility;

(3) Provisions governing the imposition under section 3702.32 of the Revised Code of civil penalties for violations of this section or the rules adopted under this section, including a scale for determining the amount of the penalties;

(4) Provisions specifying the form inspectors must use when conducting inspections of ambulatory surgical facilities.

(G) An ambulatory surgical facility that performs or induces abortions shall comply with section 3701.791 of the Revised Code.

(H) The following entities are not required to obtain a license as a freestanding diagnostic imaging center issued under this section:

(1) A hospital registered under section 3701.07 of the Revised Code that provides diagnostic imaging;

(2) An entity that is reviewed as part of a hospital accreditation or certification program and that provides diagnostic imaging;

(3) An ambulatory surgical facility that provides diagnostic imaging in conjunction with or during any portion of a surgical procedure.

**Sec. 3702.967.** The director of health may accept gifts of money from any source for the implementation and administration of sections 3702.96 to 3702.965 of the Revised Code.

The director shall pay all gifts accepted under this section ~~into the state treasury, to the credit of the dental hygiene resource shortage area fund, which is hereby created,~~ and all damages collected under division (C)(3) of section 3702.965 of the Revised Code~~,~~ into the state treasury~~,~~ to the credit of the dental hygienist loan repayment fund, which is hereby created.

The director shall use the ~~dental hygiene resource shortage area and~~ dental hygienist loan repayment ~~funds~~ fund for the implementation and administration of sections 3702.96 to 3702.967 of the Revised Code.

**Sec. 3704.01.** As used in this chapter:

(A) "Administrator" means the administrator of the United States environmental protection agency or the chief executive of any successor federal agency responsible for implementation of the federal Clean Air Act.

(B) "Air contaminant" means particulate matter, dust, fumes, gas, mist, radionuclides, smoke, vapor, or odorous substances, or any combination thereof, but does not mean emissions from agricultural production activities, as defined in section 929.01 of the Revised Code, that are consistent with generally accepted agricultural practices, were established prior to adjacent nonagricultural activities, have no substantial, adverse effect on the public health, safety, or welfare, do not result from the negligent or other improper operations of any such agricultural activities, and would not be required to obtain a Title V permit. For the purposes of this chapter, agricultural production activities do not include the installation and operation of off-farm facilities for the storage or processing of agricultural products, including, but not limited to, alfalfa dehydrating facilities, rendering plants, and feed and grain mills, elevators, and terminals.

(C) "Air contaminant source" means each separate operation or activity that results or may result in the emission of any air contaminant.

(D) "Air pollution" means the presence in the ambient air of one or more air contaminants or any combination thereof in sufficient quantity and of such characteristics and duration as is or threatens to be injurious to human health or welfare, plant or animal life, or property, or as unreasonably interferes with the comfortable enjoyment of life or property.

(E) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts that surrounds human, plant, or animal life or property.

(F) "Best available technology" means any combination of work practices, raw material specifications, throughput limitations, source design characteristics, an evaluation of the annualized cost per ton of pollutant removed, and air pollution control devices that have been previously demonstrated to the director of environmental protection to operate satisfactorily in this state or other states with similar air quality on substantially similar air pollution sources.

(G) "Change within a permitted facility" means, within the context of the Title V permit program established under section 3704.036 of the Revised Code, a change that is limited by a federally enforceable provision of an applicable Title V permit and that does not include physical, production, or other changes that are neither addressed nor limited by the federally enforceable portion of a Title V permit unless the change would result in a violation of a federally enforceable requirement or a modification under Title I of the federal Clean Air Act or would be subject to any requirements under Title IV of that act.

(H) "Emit" or "emission" means the release into the ambient

air of an air contaminant.

(I) "Emission limitation" and "emission standard" mean a requirement that limits the quantity, rate, or concentration of emissions of air contaminants, including any requirement relating to the operation or maintenance of an air contaminant source.

(J) "Facility," for the purposes of the Title V permit program established under section 3704.036 of the Revised Code, means all of the emitting activities that are located on contiguous or adjacent properties that are under the control of the same person or persons or are under common control and that are in the same major group as described in the standard Industrial Classification Manual, 1987.

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments that have been or may hereafter be adopted, or any supplements to those acts and laws of the United States that have been or may hereafter be enacted in substitution therefor, together with any regulations that have been or may hereafter be adopted by the administrator by virtue of and in accordance with those acts and laws. Reference to a particular title or section of the federal Clean Air Act includes any amendments that have been or may hereafter be enacted in substitution therefor and any regulations pertaining to the title or section that have been or may hereafter be adopted by the administrator by virtue of and in accordance with the federal Clean Air Act.

(L) "Hazardous air pollutant" means any pollutant listed under section 112(b) of the federal Clean Air Act.

(M) "Implementation plan" means a program for the prevention and abatement of air pollution in the state that has been promulgated or approved by the administrator pursuant to the federal Clean Air Act.

(N) "Local air pollution control authority" includes all of the following unless terminated by the political subdivisions represented thereby:

(1) All of the following agencies representing the following political subdivisions, as those agencies existed on July 1, 1993:

(a) The Akron regional air quality management district representing Medina, Summit, and Portage counties;

(b) The Canton city health department representing Stark county;

(c) The Hamilton county department of environmental services, southwest Ohio air quality agency representing Butler, Warren, Hamilton, and Clermont counties;

(d) The city of Cleveland division of the environment representing Cuyahoga county;

(e) The regional air pollution control agency representing Darke, Preble, Miami, Montgomery, Clark, and Greene counties;

(f) The Lake county general health district representing Lake and Geauga counties;

(g) The Portsmouth city health department representing Brown, Adams, Scioto, and Lawrence counties;

(h) The city of Toledo division of pollution control representing Lucas county and the city of Rossford in Wood county~~;~~

~~(i) The Mahoning-Trumbull air pollution control agency, city~~

~~of Youngstown, representing Trumbull and Mahoning counties~~.

(2) Any successor to an existing local air pollution control authority listed in divisions (N)(1)(a) to (i) of this section that results from a change in the political subdivisions comprising the local air pollution control authority through the withdrawal of a political subdivision from membership in the local air pollution control authority or the inclusion of an additional political subdivision in the membership of the local air pollution control authority;

(3) Any new local air pollution control authority established on or after July 1, 1993, by one or more political subdivisions of this state for the purposes of exercising the powers reserved to political subdivisions of this state under division (A) of section 3704.11 of the Revised Code.

(O) "Person" means the federal government or any agency thereof, the state or any agency thereof, any political subdivision or any agency thereof, or any public or private corporation, individual, partnership, or other entity.

(P) "Research and development sources" means sources whose activities are conducted for nonprofit scientific or educational purposes; sources whose activities are conducted to test more efficient production processes or methods for preventing or reducing adverse environmental impacts, provided that the activities do not include the production of an intermediate or final product for sale or exchange for commercial profit, except in a de minimis manner; a research or laboratory source the primary purpose of which is to conduct research and development into new processes and products, that is operated under the close supervision of technically trained personnel, and that is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a de minimis manner; the temporary use of normal production sources in a research and development

mode to test the technical or commercial viability of alternative raw materials or production processes, provided that the use does not include the production of an intermediate or final product for sale or exchange for commercial profit, except in a de minimis manner; the experimental firing of any fuel or combination of fuels in a boiler, heater, furnace, or dryer for the purpose of conducting research and development of more efficient combustion or more effective prevention or control of air pollutant emissions, provided that, during those periods of research and development, the heat generated is not used for normal production purposes or for producing a product for sale or exchange for commercial profit, except in a de minimis manner; and such other similar sources as the director may prescribe by rule.

(Q) "Responsible official" means one of the following, as applicable:

(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of any such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a Title V permit and if one of the following applies:

(a) The facilities employ more than two hundred fifty individuals or have gross annual sales or expenditures exceeding twenty-five million dollars, in second quarter 1980 dollars;

(b) The delegation of authority to the representative is approved in advance by the director.

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

(3) For the federal government or any agency thereof, the

state or any agency thereof, a political subdivision or any agency thereof, or any other public agency, either a principal executive officer or authorized elected official. For the purposes of this division, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operation of a principal geographic unit of the agency.

(4) For affected sources, both of the following:

(a) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV of the federal Clean Air Act or regulations adopted under it are concerned;

(b) The designated representative for any other purposes under 40 C.F.R. part 70.

(R) "Small business stationary source" means any building, structure, facility, or installation that emits any federally regulated air pollutant and is owned or operated by a person who employs one hundred or fewer individuals; is a small business concern as defined in the "Small Business Act," 72 Stat. 384 (1958), 15 U.S.C.A. 632, as amended; is not a major stationary source as defined in section 302(j) of the federal Clean Air Act; does not emit fifty tons or more per year of any federally regulated air pollutant or any hazardous air pollutant; and emits less than seventy-five tons per year of all federally regulated air pollutants.

(S) "Title V permit" means an operating permit required to be issued by the state under section 502 of the federal Clean Air Act and issued under section 3704.036 of the Revised Code and rules adopted under it.

(T) For the purposes of the Title V permit program established under this chapter and rules adopted under it, all terms defined in 40 C.F.R. part 70 have the same meaning as in

that part.

**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 of this chapter;

(C) Encourage, participate in, or conduct studies, investigations, and research relating to air pollution, collect and disseminate information, and conduct education and training programs relating to the causes, prevention, control, and abatement of air pollution;

(D) Adopt, modify, and rescind rules prescribing ambient air quality standards for the state as a whole or for various areas of the state that are consistent with and no more stringent than the national ambient air quality standards in effect under the federal Clean Air Act;

(E) Adopt, modify, suspend, and rescind rules for the prevention, control, and abatement of air pollution, including rules prescribing for the state as a whole or for various areas of the state emission standards for air contaminants, and other necessary rules for the purpose of achieving and maintaining compliance with ambient air quality standards in all areas within the state as expeditiously as practicable, but not later than any deadlines applicable under the federal Clean Air Act; rules for the prevention or control of the emission of hazardous or toxic air contaminants; rules prescribing fugitive dust limitations and standards that are related, on an areawide basis, to attainment and maintenance of ambient air quality standards; rules

prescribing shade, density, or opacity limitations and standards for emissions, provided that with regard to air contaminant sources for which there are particulate matter emission standards in addition to a shade, density, or opacity rule, upon demonstration by such a source of compliance with those other standards, the shade, density, or opacity rule shall provide for establishment of a shade, density, or opacity limitation for that source that does not require the source to reduce emissions below the level specified by those other standards; rules for the prevention or control of odors and air pollution nuisances; rules that prevent significant deterioration of air quality to the extent required by the federal Clean Air Act; rules for the protection of visibility as required by the federal Clean Air Act; and rules prescribing open burning limitations and standards. In adopting, modifying, suspending, or rescinding any such rules, the director, to the extent consistent with the federal Clean Air Act, shall hear and give consideration to evidence relating to all of the following:

(1) Conditions calculated to result from compliance with the rules, the overall cost within this state of compliance with the rules, and their relation to benefits to the people of the state to be derived from that compliance;

(2) The quantity and characteristics of air contaminants, the frequency and duration of their presence in the ambient air, and the dispersion and dilution of those contaminants;

(3) Topography, prevailing wind directions and velocities, physical conditions, and other factors that may or may combine to affect air pollution.

Consistent with division (K) of section 3704.036 of the Revised Code, the director shall consider alternative emission limits proposed by the owner or operator of an air contaminant source that is subject to an emission limit established in rules

adopted under this division and shall accept those alternative emission limits that the director determines to be equivalent to emission limits established in rules adopted under this division.

(F)(1) Adopt, modify, suspend, and rescind rules consistent with the purposes of this chapter prohibiting the location, installation, construction, or modification of any air contaminant source or any machine, equipment, device, apparatus, or physical facility intended primarily to prevent or control the emission of air contaminants unless an installation permit therefor has been obtained from the director or the director's authorized representative.

(2)(a) Applications for installation permits shall be accompanied by plans, specifications, construction schedules, and such other pertinent information and data, including data on ambient air quality impact and a demonstration of best available technology, as the director may require. Installation permits shall be issued for a period specified by the director and are transferable. The director shall specify in each permit the applicable emission standards and that the permit 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 permit 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 such standards, this chapter, the rules adopted thereunder, and the conditions of any permit, variance, or order issued thereunder. Each proposed new or modified air contaminant source shall provide such notice of its proposed installation or modification to other states as is required under the federal Clean Air Act. Installation permits shall include the authorization to operate sources installed and operated in accordance with terms and

conditions of the installation permits for a period not to exceed one year from commencement of operation, which authorization shall constitute an operating permit under division (G) of this section and rules adopted under it.

No installation permit shall be required for activities that are subject to and in compliance with a plant-wide applicability limit issued by the director in accordance with rules adopted under this section.

No installation permit shall be issued except in accordance with all requirements of this chapter and rules adopted thereunder. No application shall be denied or permit revoked or modified without a written order stating the findings upon which denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or permit holder by certified mail.

(b) An air contaminant source that is the subject of an installation permit shall be installed or modified in accordance with the permit not later than eighteen months after the permit's effective date at which point the permit shall terminate unless one of the following applies:

(i) The owner or operator has undertaken a continuing program of installation or modification during the eighteen-month period.

(ii) The owner or operator has entered into a binding contractual obligation to undertake and complete within a reasonable period of time a continuing program of installation or modification of the air contaminant source during the eighteen-month period.

(iii) The director has extended the date by which the air contaminant source that is the subject of the installation permit must be installed or modified.

(iv) The installation permit is the subject of an appeal by a party other than the owner or operator of the air contaminant

source that is the subject of the installation permit, in which case the date of termination of the permit is not later than eighteen months after the effective date of the permit plus the number of days between the date in which the permit was appealed and the date on which all appeals concerning the permit have been resolved.

(v) The installation permit has been superseded by a subsequent installation permit, in which case the original installation permit terminates on the effective date of the superseding installation permit.

Division (F)(2)(b) of this section applies to an installation permit that has not terminated as of ~~the effective date of this amendment~~ October 16, 2009.

The director may adopt rules in accordance with Chapter 119. of the Revised Code for the purpose of establishing additional requirements that are necessary for the implementation of division (F)(2)(b) of this section.

(3) Not later than two years after August 3, 2006, the director shall adopt a rule in accordance with Chapter 119. of the Revised Code specifying that a permit to install is required only for new or modified air contaminant sources that emit any of the following air contaminants:

(a) An air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act;

(b) An air contaminant for which the air contaminant source is regulated under the federal Clean Air Act;

(c) An air contaminant that presents, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects, including, but not limited to, substances that are known to be, or may reasonably be anticipated to be, carcinogenic,

mutagenic, teratogenic, or neurotoxic, that cause reproductive dysfunction, or that are acutely or chronically toxic, or a threat of adverse environmental effects whether through ambient concentrations, bioaccumulation, deposition, or otherwise, and that is identified in the rule by chemical name and chemical abstract service number.

The director may modify the rule adopted under division (F)(3)(c) of this section for the purpose of adding or deleting air contaminants. For each air contaminant that is contained in or deleted from the rule adopted under division (F)(3)(c) of this section, the director shall include in a notice accompanying any proposed or final rule an explanation of the director's determination that the air contaminant meets the criteria established in that division and should be added to, or no longer meets the criteria and should be deleted from, the list of air contaminants. The explanation shall include an identification of the scientific evidence on which the director relied in making the determination. Until adoption of the rule under division (F)(3)(c) of this section, nothing shall affect the director's authority to issue, deny, modify, or revoke permits to install under this chapter and rules adopted under it.

(4)(a) Applications for permits to install new or modified air contaminant sources shall contain sufficient information regarding air contaminants for which the director may require a permit to install to determine conformity with the environmental protection agency's document entitled "Review of New Sources of Air Toxics Emissions, Option A," dated May 1986, which the director shall use to evaluate toxic emissions from new or modified air contaminant sources. The director shall make copies of the document available to the public upon request at no cost and post the document on the environmental protection agency's web site. Any inconsistency between the document and division (F)(4)

of this section shall be resolved in favor of division (F)(4) of this section.

(b) The maximum acceptable ground level concentration of an air contaminant shall be calculated in accordance with the document entitled "Review of New Sources of Air Toxics Emissions, Option A." Modeling shall be conducted to determine the increase in the ground level concentration of an air contaminant beyond the facility's boundary caused by the emissions from a new or modified source that is the subject of an application for a permit to install. Modeling shall be based on the maximum hourly rate of emissions from the source using information including, but not limited to, any emission control devices or methods, operational restrictions, stack parameters, and emission dispersion devices or methods that may affect ground level concentrations, either individually or in combination. The director shall determine whether the activities for which a permit to install is sought will cause an increase in the ground level concentration of one or more relevant air contaminants beyond the facility's boundary by an amount in excess of the maximum acceptable ground level concentration. In making the determination as to whether the maximum acceptable ground level concentration will be exceeded, the director shall give consideration to the modeling conducted under division (F)(4)(b) of this section and other relevant information submitted by the applicant.

(c) 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 greater than or equal to eighty per cent, but less than one hundred per cent of the maximum 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 the increased emissions. The requirements established in division (F)(4)(d) 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.

(e) Division (F)(4) of this section and the document entitled "Review of New Sources of Air Toxics Emissions, Option A" shall not be included in the state implementation plan under section 110 of the federal Clean Air Act and do not apply to an air contaminant source that is subject to a maximum achievable control technology standard or residual risk standard under section 112 of the federal Clean Air Act, to a particular air contaminant identified under 40 C.F.R. 51.166, division (b)(23), for which the director has determined that the owner or operator of the source is required to install best available control technology for that particular air contaminant, or to a particular air contaminant for which the director has determined that the source is required to meet the lowest achievable emission rate, as defined in 40 C.F.R. part 51, Appendix S, for that particular air contaminant.

(f)(i) Division (F)(4) of this section and the document entitled "Review of New Sources of Air Toxics Emissions, Option A" do not apply to parking lots, storage piles, storage tanks, transfer operations, grain silos, grain dryers, emergency generators, gasoline dispensing operations, air contaminant sources that emit air contaminants solely from the combustion of fossil fuels, or the emission of wood dust, sand, glass dust, coal dust, silica, and grain dust.

(ii) Notwithstanding division (F)(4)(f)(i) of this section, the director may require an individual air contaminant source that is within one of the source categories identified in division (F)(4)(f)(i) of this section to submit information in an application for a permit to install a new or modified source in order to determine the source's conformity to the document if the director has information to conclude that the particular new or modified source will potentially cause an increase in ground level concentration beyond the facility's boundary that exceeds the

maximum acceptable ground level concentration as set forth in the document.

(iii) The director may adopt rules in accordance with Chapter 119. of the Revised Code that are consistent with the purposes of this chapter and that add to or delete from the source category exemptions established in division (F)(4)(f)(i) of this section.

(5) Not later than one year after August 3, 2006, the director shall adopt rules in accordance with Chapter 119. of the Revised Code specifying activities that do not, by themselves, constitute beginning actual construction activities related to the installation or modification of an air contaminant source for which a permit to install is required such as the grading and clearing of land, on-site storage of portable parts and equipment, and the construction of foundations or buildings that do not themselves emit air contaminants. The rules also shall allow specified initial activities that are part of the installation or modification of an air contaminant source, such as the installation of electrical and other utilities for the source, prior to issuance of a permit to install, provided that the owner or operator of the source has filed a complete application for a permit to install, the director or the director's designee has determined that the application is complete, and the owner or operator of the source has notified the director that this activity will be undertaken prior to the issuance of a permit to install. Any activity that is undertaken by the source under those rules shall be at the risk of the owner or operator. The rules shall not apply to activities that are precluded prior to permit issuance under section 111, section 112, Part C of Title I, and Part D of Title I of the federal Clean Air Act.

(G) Adopt, modify, suspend, and rescind rules prohibiting the operation or other use of any new, modified, or existing air contaminant source unless an operating permit has been obtained

from the director or the director's authorized representative, or the air contaminant source is being operated in compliance with the conditions of a variance issued pursuant to division (H) of this section. Applications for operating permits shall be accompanied by such plans, specifications, and other pertinent information as the director may require. Operating permits may be issued for a period determined by the director not to exceed ten years, are renewable, and are transferable. The director shall specify in each operating permit that the permit 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 permit 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. Operating permits may be denied or revoked for failure to comply with this chapter or the rules adopted thereunder. An operating permit shall be issued only upon a showing satisfactory to the director or the director's representative that the air contaminant source is being operated in compliance with applicable emission standards and other rules or upon submission of a schedule of compliance satisfactory to the director for a source that is not in compliance with all applicable requirements at the time of permit issuance, provided that the compliance schedule shall be consistent with and at least as stringent as that contained in any judicial consent decree or administrative order to which the air contaminant source is subject. The rules shall provide for the issuance of conditional operating permits for such reasonable periods as the director may determine to allow the holder of an installation permit, who has constructed, installed, located, or modified a new air contaminant source in accordance with the

provisions of an installation permit, to make adjustments or modifications necessary to enable the new air contaminant source to comply with applicable emission standards and other rules. Terms and conditions of operating permits issued pursuant to this division shall be federally enforceable for the purpose of establishing the potential to emit of a stationary source and shall be expressly designated as federally enforceable. Any such federally enforceable restrictions on a source's potential to emit shall include both an annual limit and a short-term limit of not more than thirty days for each pollutant to be restricted together with adequate methods for establishing compliance with the restrictions. In other respects, operating permits issued pursuant to this division are enforceable as state law only. No application shall be denied or permit revoked or modified without a written order stating the findings upon which denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or permit holder by certified mail.

(H) Adopt, modify, and rescind rules governing the issuance, revocation, modification, or denial of variances that authorize emissions in excess of the applicable emission standards.

No variance shall be issued except pursuant to those rules. 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 and cause at least one publication of notice in a newspaper with general circulation in the county where the variance is sought. 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 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 information and data required by the director.

Any variance granted pursuant to rules adopted under this division shall be for a period specified by the director, not to exceed three years, and may be renewed from time to time on such terms and for such periods, not to exceed three years each, as the director determines to be appropriate. A variance may be revoked, or renewal denied, for failure to comply with conditions specified in the variance. No variance shall be issued, denied, revoked, or modified without a written order stating the findings upon which the issuance, denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or variance holder by certified mail.

(I) Require the owner or operator of an air contaminant source to install, employ, maintain, and operate such emissions, ambient air quality, meteorological, or other monitoring devices or methods as the director shall prescribe; to sample those

emissions at such locations, at such intervals, and in such manner as the director prescribes; to maintain records and file periodic reports with the director containing information as to location, size, and height of emission outlets, rate, duration, and composition of emissions, and any other pertinent information the director prescribes; and to provide such written notice to other states as the director shall prescribe. In requiring monitoring devices, records, and reports, the director, to the extent consistent with the federal Clean Air Act, shall give consideration to technical feasibility and economic reasonableness and allow reasonable time for compliance. For sources where a specific monitoring, record-keeping, or reporting requirement is specified for a particular air contaminant from a particular air contaminant source in an applicable regulation adopted by the United States environmental protection agency under the federal Clean Air Act or in an applicable rule adopted by the director, the director shall not impose an additional requirement in a permit that is a different monitoring, record-keeping, or reporting requirement other than the requirement specified in the applicable regulation or rule for that air contaminant except as otherwise agreed to by the owner or operator of the air contaminant source and the director. If two or more regulations or rules impose different monitoring, record-keeping, or reporting requirements for the same air contaminant from the same air contaminant source, the director may impose permit terms and conditions that consolidate or streamline the monitoring, record-keeping, or reporting requirements in a manner that conforms with each applicable requirement. To the extent consistent with the federal Clean Air Act and except as otherwise agreed to by the owner or operator of an air contaminant source and the director, the director shall not require an operating restriction that has the practical effect of increasing the stringency of an existing applicable emission limitation or

standard.

(J) Establish, operate, and maintain monitoring stations and other devices designed to measure air pollution and enter into contracts with any public or private agency for the establishment, operation, or maintenance of such stations and devices;

(K) By rule adopt procedures for giving reasonable public notice and conducting public hearings on any plans for the prevention, control, and abatement of air pollution that the director is required to submit to the federal government;

(L) Through any employee, agent, or authorized representative of the director or the environmental protection agency, enter upon 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 shall be performed, insofar as practical, by personnel of the environmental protection agency.

(Q) Certify to the government of the United States or any agency thereof that an industrial air pollution facility is in conformity with the state program or requirements for control of air pollution whenever such certificate is required for a taxpayer pursuant to any federal law or requirements;

(R) Issue, modify, or revoke orders requiring abatement of or prohibiting emissions that violate applicable emission standards or other requirements of this chapter and rules adopted thereunder, or requiring emission control devices or measures in order to comply with applicable emission standards or other requirements of this chapter and rules adopted thereunder. Any such order shall require compliance with applicable emission standards by a specified date and shall not conflict with any requirement of the federal Clean Air Act. In the making of such orders, the director, to the extent consistent with the federal Clean Air Act, shall give consideration to, and base the determination on, evidence relating to the technical feasibility and economic reasonableness of compliance with such orders and their relation to benefits to the people of the state to be

derived from such compliance. If, under the federal Clean Air Act, any such order shall provide for the posting of a bond or surety to secure compliance with the order as a condition of issuance of the order, the order shall so provide, but only to the extent required by the federal Clean Air Act.

(S) To the extent provided by the federal Clean Air Act, adopt, modify, and rescind rules providing for the administrative assessment and collection of monetary penalties, not in excess of those required pursuant to the federal Clean Air Act, for failure to comply with any emission limitation or standard, compliance schedule, or other requirement of any rule, order, permit, or variance issued or adopted under this chapter or required under the applicable implementation plan whether or not the source is subject to a federal or state consent decree. The director may require the submission of compliance schedules, calculations of penalties for noncompliance, and related information. Any orders, payments, sanctions, or other requirements imposed pursuant to rules adopted under this division shall be in addition to any other permits, orders, payments, sanctions, or other requirements established under this chapter and shall not affect any civil or criminal enforcement proceedings brought under any provision of this chapter or any other provision of state or local law. This division does not apply to any requirement of this chapter regarding the prevention or abatement of odors.

(T) Require new or modified air contaminant sources to install best available technology, but only in accordance with this division. With respect to permits issued pursuant to division (F) of this section beginning three years after August 3, 2006, best available technology for air contaminant sources and air contaminants emitted by those sources that are subject to standards adopted under section 112, Part C of Title I, and Part D of Title I of the federal Clean Air Act shall be equivalent to and

no more stringent than those standards. ~~For an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act, best available technology only shall be required to the extent required by rules adopted under Chapter 119. of the Revised Code for permit to install applications filed three or more years after August 3, 2006.~~

Best available technology requirements for an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act that are established in ~~rules adopted~~ permits issued under this ~~division~~ section shall be expressed only in one of the following ways that is most appropriate for the applicable source or source categories:

(1) Work practices;

(2) Source design characteristics or design efficiency of applicable air contaminant control devices;

(3) Raw material specifications or throughput limitations averaged over a twelve-month rolling period;

(4) ~~Monthly allowable emissions averaged over a~~ Rolling twelve-month ~~rolling period~~ summation of the allowable emissions.

Best available technology requirements shall not apply to an air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, less than ten tons per year of emissions of an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act. In addition, best available technology requirements established ~~in rules adopted~~ under this division shall not apply to any existing, new, or modified air contaminant source that is subject to a plant-wide applicability limit that has been approved by the

director. ~~Further, best available technology requirements established in rules adopted under this division shall not apply to general permits issued prior to January 1, 2006, under rules adopted under this chapter.~~

For permits to install issued three or more years after August 3, 2006, any new or modified air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, ten or more tons per year of volatile organic compounds or nitrogen oxides shall meet, regardless of the location of the source, at a minimum~~, the~~:

-- For volatile organic compounds, the requirements of any applicable reasonably available control technology rule in effect as of January 1, 2006~~, regardless of the location of the source~~;

-- For nitrogen oxide, the requirements of any applicable reasonably available control technology rule in effect as of December 22, 2007.

(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. 3704.111.** (A) Not later than October 1, 1993, the director of environmental protection shall enter into a delegation agreement with each local air pollution control authority listed in divisions (N)(1)(a) to ~~(i)~~(h) of section 3704.01 of the Revised Code under which the local air pollution control authority agrees to perform on behalf of the environmental protection agency air pollution control regulatory services within the political subdivision represented by the local air pollution control authority. The director may enter into such a delegation agreement with a local air pollution control authority established on or after the effective date of this section, subject to the condition established in division (B) of this section. Each delegation agreement shall be self-renewing on an annual basis on the first day of October of each year. The terms of each such delegation agreement shall remain unchanged from year to year unless they are amended by mutual agreement of the director and the local air pollution control authority.

(B) The director may conduct a periodic performance evaluation of the air pollution control program operated by each local air pollution control authority. Based upon the findings of such a performance evaluation, the director may terminate or refuse to renew the delegation agreement with a local air pollution control authority if the director determines that the

local air pollution control authority is not adequately performing its obligations under the agreement.

(C) The director may enter into contracts for payments to local air pollution control authorities from moneys credited to the clean air fund created in section 3704.035 of the Revised Code, subject to the limitation specified in that section, and any other moneys appropriated by the general assembly for that purpose. The director shall distribute the moneys available for making payments to the local air pollution control authorities pursuant to such contracts equitably among the local air pollution control authorities based upon the amount of local funding and the workload of each local air pollution control authority, including, without limitation, population served, number of air permits issued for both new and existing sources, land area, and number of air contaminant sources. The director biennially shall review the workload of each local air pollution control authority and shall determine the percentage of the moneys available for the purpose of making payments under the contracts. In determining the percentage of those moneys that is to be so distributed, the director shall consider the recommendations of the local air pollution control authorities.

(D) The director may modify a contract between the director and a local air pollution control authority to authorize the local air pollution control authority to perform air pollution control activities outside the geographic boundaries of that local air pollution control authority.

**Sec. 3704.14.** (A)(1) If the director of environmental protection determines that implementation of a motor vehicle inspection and maintenance program is necessary for the state to effectively comply with the federal Clean Air Act after June 30, ~~2015~~ 2019, the director may provide for the implementation of the

program in those counties in this state in which such a program is federally mandated. Upon making such a determination, the director of environmental protection may request the director of administrative services to extend the terms of the contract that was entered into under the authority of Am. Sub. H.B. ~~153~~ 64 of the ~~129th~~ 131st general assembly. Upon receiving the request, the director of administrative services shall extend the contract, beginning on July 1, ~~2015~~ 2019, in accordance with this section. The contract shall be extended for a period of up to twenty-four months with the contractor who conducted the motor vehicle inspection and maintenance program under that contract.

(2) Prior to the expiration of the contract extension that is authorized by division (A)(1) of this section, the director of environmental protection shall request the director of administrative services to enter into a contract with a vendor to operate a decentralized motor vehicle inspection and maintenance program in each county in this state in which such a program is federally mandated through June 30, ~~2019~~ 2023, with an option for the state to renew the contract for a period of up to twenty-four months through June 30, ~~2021~~ 2025. The contract shall ensure that the decentralized motor vehicle inspection and maintenance program achieves at least the same emission reductions as achieved by the program operated under the authority of the contract that was extended under division (A)(1) of this section. The director of administrative services shall select a vendor through a competitive selection process in compliance with Chapter 125. of the Revised Code.

(3) Notwithstanding any law to the contrary, the director of administrative services shall ensure that a competitive selection process regarding a contract to operate a decentralized motor vehicle inspection and maintenance program in this state incorporates the following, which shall be included in the

contract:

(a) For purposes of expanding the number of testing locations for consumer convenience, a requirement that the vendor utilize established local businesses, auto repair facilities, or leased properties to operate state-approved inspection and maintenance testing facilities;

(b) A requirement that the vendor selected to operate the program provide notification of the program's requirements to each owner of a motor vehicle that is required to be inspected under the program. The contract shall require the notification to be provided not later than sixty days prior to the date by which the owner of the motor vehicle is required to have the motor vehicle inspected. The director of environmental protection and the vendor shall jointly agree on the content of the notice. However, the notice shall include at a minimum the locations of all inspection facilities within a specified distance of the address that is listed on the owner's motor vehicle registration;

(c) A requirement that the vendor comply with testing methodology and supply the required equipment approved by the director of environmental protection as specified in the competitive selection process in compliance with Chapter 125. of the Revised Code.

(4) A decentralized motor vehicle inspection and maintenance program operated under this section shall comply with division (B) of this section. The director of environmental protection shall administer the decentralized motor vehicle inspection and maintenance program operated under this section.

(B) The decentralized motor vehicle inspection and maintenance program authorized by this section, at a minimum, shall do all of the following:

(1) Comply with the federal Clean Air Act;

(2) Provide for the issuance of inspection certificates;

(3) Provide for a new car exemption for motor vehicles four years old or newer and provide that a new motor vehicle is exempt for four years regardless of whether legal title to the motor vehicle is transferred during that period.

(C) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that the director determines are necessary to implement this section. The director may continue to implement and enforce rules pertaining to the motor vehicle inspection and maintenance program previously implemented under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th general assembly, provided that the rules do not conflict with this section.

(D) There is hereby created in the state treasury the auto emissions test fund, which shall consist of money received by the director from any cash transfers, state and local grants, and other contributions that are received for the purpose of funding the program established under this section. The director of environmental protection shall use money in the fund solely for the implementation, supervision, administration, operation, and enforcement of the motor vehicle inspection and maintenance program established under this section. Money in the fund shall not be used for either of the following:

(1) To pay for the inspection costs incurred by a motor vehicle dealer so that the dealer may provide inspection certificates to an individual purchasing a motor vehicle from the dealer when that individual resides in a county that is subject to the motor vehicle inspection and maintenance program;

(2) To provide payment for more than one free passing emissions inspection or a total of three emissions inspections for

a motor vehicle in any three-hundred-sixty-five-day period. The owner or lessee of a motor vehicle is responsible for inspection fees that are related to emissions inspections beyond one free passing emissions inspection or three total emissions inspections in any three-hundred-sixty-five-day period. Inspection fees that are charged by a contractor conducting emissions inspections under a motor vehicle inspection and maintenance program shall be approved by the director of environmental protection.

(E) The motor vehicle inspection and maintenance program established under this section expires upon the termination of all contracts entered into under this section and shall not be implemented beyond the final date on which termination occurs.

**Sec. 3705.07.** (A) The local registrar of vital statistics shall number consecutively each fetal death and death certificate printed on paper that the local registrar receives from the electronic death registration system (EDRS) maintained by the department of health. The number assigned to each certificate shall be the one provided by EDRS. Such local registrar shall sign the local registrar's name in attest to the date of filing in the local office. The local registrar shall make a complete and accurate copy of each fetal death and death certificate printed on paper that is filed. Each paper copy shall be filed and preserved as the local record until the electronic information regarding the event has been completed and made available in EDRS and EDRS is capable of issuing a complete and accurate electronic copy of the certificate. The local record may be a photographic, electronic, or other reproduction. The local registrar shall transmit to the state office of vital statistics all original fetal death and death certificates received using the state transmittal schedule specified by the department of health. The local registrar shall immediately notify the health commissioner with jurisdiction in the registration district of the receipt of a death certificate

attesting that death resulted from a communicable disease.

The office of vital statistics shall carefully examine the records and certificates received from local registrars of vital statistics and shall secure any further information that may be necessary to make each record and certificate complete and satisfactory. It shall arrange and preserve the records and certificates, or reproductions of them produced pursuant to section 3705.03 of the Revised Code, in a systematic manner and shall maintain a permanent index of all births, fetal deaths, and deaths registered, which shall show the name of the child or deceased person, place and date of birth or death, and number of the certificate.

(B)(1) The office of vital statistics shall make available ~~to the division of child support in the department of job and family services~~ all social security numbers that accompany a birth certificate submitted for filing under division (H) of section 3705.09 or section 3705.10 of the Revised Code or that accompany a death certificate registered under section 3705.16 of the Revised Code to both of the following:

(a) For the purpose of child support enforcement, the division of child support in the department of job and family services;

(b) For the purpose of eligibility determinations for medical assistance programs as defined in section 5160.01 of the Revised Code, the department of medicaid.

(2) The office of vital statistics also shall make available to the division of child support in the department of job and family services any other information recorded in the birth record that may enable the division to use the social security numbers provided under division (B)(1) of this section to obtain the location of the father of the child whose birth certificate was

accompanied by the social security number or to otherwise enforce a child support order pertaining to that child or any other child.

**Sec. 3705.09.** (A) A birth certificate for each live birth in this state shall be filed in the registration district in which it occurs within ten calendar days after such birth and shall be registered if it has been completed and filed in accordance with this section.

(B) When a birth occurs in or en route to an institution, the person in charge of the institution or a designated representative shall obtain the personal data, prepare the certificate, and complete and certify the facts of birth on the certificate within ten calendar days. The physician or certified nurse-midwife in attendance shall be listed on the birth record.

(C) When a birth occurs outside an institution, the birth certificate shall be prepared and filed by one of the following in the indicated order of priority:

(1) The physician or certified nurse-midwife in attendance at or immediately after the birth;

(2) Any other person in attendance at or immediately after the birth;

(3) The father;

(4) The mother;

(5) The person in charge of the premises where the birth occurred.

(D) Either of the parents of the child or other informant shall attest to the accuracy of the personal data entered on the birth certificate in time to permit the filing of the certificate within the ten days prescribed in this section.

(E) When a birth occurs in a moving conveyance within the

United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state and the place where it is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in this state, the birth shall be registered in this state but the record shall show the actual place of birth insofar as can be determined.

(F)(1) If the mother of a child was married at the time of either conception or birth or between conception and birth, the child shall be registered in the surname designated by the mother, and the name of the husband shall be entered on the certificate as the father of the child. The presumption of paternity shall be in accordance with section 3111.03 of the Revised Code.

(2) If the mother was not married at the time of conception or birth or between conception and birth, the child shall be registered by the surname designated by the mother. The name of the father of such child shall also be inserted on the birth certificate if both the mother and the father sign an acknowledgement of paternity affidavit before the birth record has been sent to the local registrar. If the father is not named on the birth certificate pursuant to division (F)(1) or (2) of this section, no other information about the father shall be entered on the record.

(G) When a man is presumed, found, or declared to be the father of a child, according to section 2105.26, sections 3111.01 to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 of the Revised Code, or the father has acknowledged the child as his child in an acknowledgment of paternity, and the acknowledgment has become final pursuant to section 2151.232, 3111.25, or 3111.821 of the Revised Code, and documentary evidence

of such fact is submitted to the department of health in such form as the director may require, a new birth record shall be issued by the department which shall have the same overall appearance as the record which would have been issued under this section if a marriage had occurred before the birth of such child. Where handwriting is required to effect such appearance, the department shall supply it. Upon the issuance of such new birth record, the original birth record shall cease to be a public record. Except as provided in division (C) of section 3705.091 of the Revised Code, the original record and any documentary evidence supporting the new registration of birth shall be placed in an envelope which shall be sealed by the department and shall not be open to inspection or copy unless so ordered by a court of competent jurisdiction.

(H) Every birth certificate filed under this section on or after July 1, 1990, shall be accompanied by all social security numbers that have been issued to the parents of the child, unless the division of child support in the department of job and family services, acting in accordance with regulations prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, as amended, finds good cause for not requiring that the numbers be furnished with the certificate. The parents' social security numbers shall not be recorded on the certificate. No social security number obtained under this division shall be used for any purpose other than ~~child support enforcement~~ the purposes specified in division (B)(1) of section 3705.07 of the Revised Code.

**Sec. 3705.10.** Any birth certificate submitted for filing eleven or more days after the birth occurred constitutes a delayed birth registration. A delayed birth certificate may be filed in accordance with rules which shall be adopted by the director of health. The rules shall include, but not be limited to, all of the

following requirements for each delayed birth certificate filed on or after July 1, 1990:

(A) The certificate shall be accompanied by all social security numbers that have been issued to the parents of the child, unless the division of child support in the department of job and family services, acting in accordance with regulations prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, as amended, finds good cause for not requiring that the numbers be furnished with the certificate.

(B) The parents' social security numbers shall not be recorded on the certificate.

(C) No social security number obtained under this section shall be used for any purpose other than ~~child support enforcement~~ the purposes specified in division (B)(1) of section 3705.07 of the Revised Code.

**Sec. 3706.25.** As used in sections 3706.25 to ~~3706.30~~ 3706.29 of the Revised Code:

(A) "Advanced energy project" means any technologies, products, activities, or management practices or strategies that facilitate the generation or use of electricity or energy and that reduce or support the reduction of energy consumption or support the production of clean, renewable energy for industrial, distribution, commercial, institutional, governmental, research, not-for-profit, or residential energy users including, but not limited to, advanced energy resources and renewable energy resources. "Advanced energy project" includes any project described in division (A), (B), or (C) of section 4928.621 of the Revised Code.

(B) "Advanced energy resource" means any of the following:

(1) Any method or any modification or replacement of any

property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility;

(2) Any distributed generation system consisting of customer cogeneration technology, primarily to meet the energy needs of the customer's facilities;

(3) Advanced nuclear energy technology consisting of generation III technology as defined by the nuclear regulatory commission; other, later technology; or significant improvements to existing facilities;

(4) Any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell;

(5) Advanced solid waste or construction and demolition debris conversion technology, including, but not limited to, advanced stoker technology, and advanced fluidized bed gasification technology, that results in measurable greenhouse gas emissions reductions as calculated pursuant to the United States environmental protection agency's waste reduction model (WARM).

(C) "Air contaminant source" has the same meaning as in section 3704.01 of the Revised Code.

(D) "Cogeneration technology" means technology that produces electricity and useful thermal output simultaneously.

(E) "Renewable energy resource" means solar photovoltaic or solar thermal energy, wind energy, power produced by a hydroelectric facility, power produced by a run-of-the-river hydroelectric facility placed in service on or after January 1, 1980, that is located within this state, relies upon the Ohio river, and operates, or is rated to operate, at an aggregate

capacity of forty or more megawatts, geothermal energy, fuel derived from solid wastes, as defined in section 3734.01 of the Revised Code, through fractionation, biological decomposition, or other process that does not principally involve combustion, biomass energy, energy produced by cogeneration technology that is placed into service on or before December 31, 2015, and for which more than ninety per cent of the total annual energy input is from combustion of a waste or byproduct gas from an air contaminant source in this state, which source has been in operation since on or before January 1, 1985, provided that the cogeneration technology is a part of a facility located in a county having a population of more than three hundred sixty-five thousand but less than three hundred seventy thousand according to the most recent federal decennial census, biologically derived methane gas, heat captured from a generator of electricity, boiler, or heat exchanger fueled by biologically derived methane gas, or energy derived from nontreated by-products of the pulping process or wood manufacturing process, including bark, wood chips, sawdust, and lignin in spent pulping liquors. "Renewable energy resource" includes, but is not limited to, any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell; wind turbine located in the state's territorial waters of Lake Erie; methane gas emitted from an abandoned coal mine; storage facility that will promote the better utilization of a renewable energy resource that primarily generates off peak; or distributed generation system used by a customer to generate electricity from any such energy. As used in this division, "hydroelectric facility" means a hydroelectric generating facility that is located at a dam on a river, or on any water discharged to a river, that is within or bordering this state or within or bordering an adjoining state and meets all of the following standards:

(1) The facility provides for river flows that are not detrimental for fish, wildlife, and water quality, including seasonal flow fluctuations as defined by the applicable licensing agency for the facility.

(2) The facility demonstrates that it complies with the water quality standards of this state, which compliance may consist of certification under Section 401 of the "Clean Water Act of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has not contributed to a finding by this state that the river has impaired water quality under Section 303(d) of the "Clean Water Act of 1977," 114 Stat. 870, 33 U.S.C. 1313.

(3) The facility complies with mandatory prescriptions regarding fish passage as required by the federal energy regulatory commission license issued for the project, regarding fish protection for riverine, anadromous, and catadromous fish.

(4) The facility complies with the recommendations of the Ohio environmental protection agency and with the terms of its federal energy regulatory commission license regarding watershed protection, mitigation, or enhancement, to the extent of each agency's respective jurisdiction over the facility.

(5) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended.

(6) The facility does not harm cultural resources of the area. This can be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission, through development of a plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility.

(7) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related

to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.

(8) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the particular agency has jurisdiction over the facility.

**Sec. 3706.29.** The Ohio air quality development authority shall, in accordance with Chapter 119. of the Revised Code, adopt any rules necessary to implement ~~section 166.30 and~~ sections 3706.25 to 3706.28 of the Revised Code.

**Sec. 3707.70.** As used in this section and sections 3707.71 to 3707.77 of the Revised Code:

(A) "Board of health" means a board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(B) "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which after such expulsion or extraction does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(C) "Infant" means a child who is less than one year of age.

**Sec. 3707.71.** (A) A board of health may, in accordance with rules adopted under section 3701.049 of the Revised Code, establish and operate a fetal-infant mortality review board to review both of the following:

(1) Each fetal death experienced by a woman who was, at the time of the fetal death, a resident of the health district in which the board exercises authority;

(2) Each death of an infant who was, at the time of death, a resident of the health district in which the board exercises authority.

(B) A fetal-infant mortality review board may not conduct a review of a death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney prosecuting the case, on the conclusion of the prosecution, shall notify the chairperson of the review board of the conclusion.

**Sec. 3707.72.** (A)(1) If a board of health establishes a fetal-infant mortality review board under section 3707.71 of the Revised Code, the board, by a majority vote of a quorum of its members, shall select the board's members. Members may include the following professionals or individuals representing the following constituencies:

(a) Fetal-infant mortality review coordinators;

(b) Physicians who are board-certified in obstetrics and gynecology by a certifying board recognized by the American board of medical specialties;

(c) Key community leaders from the board of health's jurisdiction;

(d) Health care providers;

(e) Human services providers;

(f) Consumer and advocacy groups;

(g) Community action teams.

(2) A majority of the board members specified in division (A)(1) of this section may invite additional individuals to serve on the board. The additional members shall serve for a period of time determined by a majority of the board members specified in division (A)(1) of this section and shall have the same authority, duties, and responsibilities as members specified in that division.

(3) A board, by a majority vote of a quorum of its members, shall select an individual to serve as its chairperson.

(B) A vacancy on a board shall be filled in the same manner as the original appointment.

(C) A board member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the board.

(D) A board may work in conjunction with, or be a component of, a child fatality review board or regional child fatality review board created under section 307.621 of the Revised Code.

(E) A board shall convene at least once a year at the call of the board's chairperson.

**Sec. 3707.73.** The purpose of a fetal-infant mortality review board is to decrease the incidence of preventable infant and fetal deaths by doing all of the following:

(A) Assessing, planning, improving, and monitoring the service systems and broad community resources that support and promote the health and well-being of women, infants, and families;

(B) Recommending and developing plans for implementing local service and program changes, as well as changes to the groups, professions, agencies, and entities that serve families, children, and pregnant women;

(C) Providing the department of health with aggregate data, trends, and patterns regarding fetal and infant deaths.

**Sec. 3707.74.** (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, an individual, public children services agency, private child placing agency, agency that provides services specifically to individuals or families, a law enforcement agency, or another public or private entity that provided services to a pregnant woman whose fetus died or an infant who died if the death is being reviewed by a fetal-infant mortality review board shall submit to the board copies of any record it possesses that the board requests. These records may include maternal health records. In addition, such an individual or entity may make available to the board additional information, documents, or reports that could be useful to the board's investigation.

(B) No person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding a fetal death or death of an infant to a fetal-infant mortality review board while an investigation of the death or prosecution of a person for causing the death is pending, unless the prosecuting attorney has agreed pursuant to division (B) of section 3707.71 of the Revised Code to allow review of the death.

(C) A family member of the deceased may decline to participate in an interview as part of the review process. In that case, the review shall continue without the family member's participation.

**Sec. 3707.75.** (A) Except as provided in sections 5153.171 to 5153.173 of the Revised Code, any record, document, report, or other information presented to a fetal-infant mortality review board or a person abstracting such materials on the board's

behalf, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code, are confidential. Such materials shall be used by the board and department of health only in the exercise of the proper functions of the review board and the department.

If the materials are presented to the board or a person abstracting the materials on the board's behalf in paper form, the materials shall be stored in a locked file cabinet. If a database is used to store the materials electronically, the database shall be stored in a secure manner. All information accessible to each board member and used during a review, including information provided by the deceased's mother, shall be de-identified.

(B) No person shall permit or encourage the authorized dissemination of confidential information described in division (A) of this section.

(C) Whoever violates division (B) of this section is guilty of a misdemeanor of the second degree.

**Sec. 3707.76.** (A) An individual or public or private entity providing records, documents, reports, or other information to a fetal-infant mortality review board is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the records, documents, reports, or information to the board.

(B) Each board member is immune from any civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the board.

**Sec. 3707.77.** Not later than the first day of April of each year, a fetal-infant mortality review board shall do both of the following:

(A) Submit to the fetal-infant mortality database maintained by the department of health or the national infant death review database individual data pertaining to each fetal or infant death reviewed in that board's jurisdiction within the twelve months immediately before the submission. The specific data to be submitted, as well as other information the board considers relevant to a review, shall be specified by the director of health in rules adopted under section 3701.049 of the Revised Code.

(B) Submit to the department of health a report that summarizes any trends or patterns identified by the board. The report may include recommendations on how to decrease the incidence of preventable fetal and infant deaths in the board's jurisdiction and the state, as well as any other information the board determines should be included.

(C) Reports prepared under division (B) of this section are public records under section 149.43 of the Revised Code.

**Sec. 3709.09.** (A) The board of health of a city or general health district may, by rule, establish a uniform system of fees to pay the costs of any services provided by the board.

The fee for issuance of a certified copy of a vital record or a certification of birth shall not be less than the fee prescribed for the same service under division (A)(1) of section 3705.24 of the Revised Code and shall include the fees required by division (B) of section 3705.24 and section 3109.14 of the Revised Code.

Fees for services provided by the board for purposes specified in sections 3701.344, 3711.10, 3718.06, 3729.07, ~~3730.03~~ 3730.02, 3730.021, 3730.05, and 3749.04 of the Revised Code shall

be established in accordance with rules adopted under division (B) of this section. The district advisory council, in the case of a general health district, and the legislative authority of the city, in the case of a city health district, may disapprove any fee established by the board of health under this division, and any such fee, as disapproved, shall not be charged by the board of health.

(B) The director of health shall adopt rules under section 111.15 of the Revised Code that establish fee categories and a uniform methodology for use in calculating the costs of services provided for purposes specified in sections 3701.344, 3711.10, 3718.06, 3729.07, ~~3730.03~~ 3730.02, 3730.021, 3730.05, and 3749.04 of the Revised Code. In adopting the rules, the director shall consider recommendations it receives from advisory boards established either by statute or the director for entities subject to the fees.

(C) Except when a board of health establishes a fee by adopting a rule as an emergency measure, the board of health shall hold a public hearing regarding each proposed fee for a service provided by the board for a purpose specified in section 3701.344, 3711.10, 3718.06, 3729.07, ~~3730.03~~ 3730.02, 3730.021, 3730.05, or 3749.04 of the Revised Code. If a public hearing is held, at least twenty days prior to the public hearing the board shall give written notice of the hearing to each entity affected by the proposed fee. The notice shall be mailed to the last known address of each entity and shall specify the date, time, and place of the hearing and the amount of the proposed fee.

(D) If payment of a fee established under this section is not received by the day on which payment is due, the board of health shall assess a penalty. The amount of the penalty shall be equal to twenty-five per cent of the applicable fee.

(E) All rules adopted by a board of health under this section

shall be adopted, recorded, and certified as are ordinances of municipal corporations and the record thereof shall be given in all courts the same effect as is given such ordinances, but the advertisements of such rules shall be by publication in one newspaper of general circulation within the health district. Publication shall be made once a week for two consecutive weeks or as provided in section 7.16 of the Revised Code, and such rules shall take effect and be in force ten days from the date of the first publication.

**Sec. 3709.092.** (A) A board of health of a city or general health district shall transmit to the director of health all fees or additional amounts that the director requires to be collected under sections 3701.344, 3718.06, 3729.07, 3730.02, 3730.05, and 3749.04 of the Revised Code. The fees and amounts shall be transmitted according to the following schedule:

(1) For fees and amounts received by the board on or after the first day of January but not later than the thirty-first day of March, transmit the fees and amounts not later than the fifteenth day of May;

(2) For fees and amounts received by the board on or after the first day of April but not later than the thirtieth day of June, transmit the fees and amounts not later than the fifteenth day of August;

(3) For fees and amounts received by the board on or after the first day of July but not later than the thirtieth day of September, transmit the fees and amounts not later than the fifteenth day of November;

(4) For fees and amounts received by the board on or after the first day of October but not later than the thirty-first day of December, transmit the fees and amounts not later than the fifteenth day of February of the following year.

(B) The director shall deposit the fees and amounts received under this section into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. Each amount shall be used solely for the purpose for which it was collected.

**Sec. 3710.01.** As used in this chapter:

(A) "Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophylite, and actinolite-tremolite as determined using the method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy (PLM).

(B) "Asbestos hazard abatement activity" means any activity involving the removal, renovation, enclosure, repair, ~~or~~ encapsulation, or operation and maintenance of reasonably related friable asbestos-containing materials in an amount greater than ~~fifty~~ three linear feet or ~~fifty~~ three square feet. ~~"Asbestos hazard abatement activity" also includes any such activity involving such asbestos-containing materials in an amount of fifty linear or fifty square feet or less if, when combined with any other reasonably related activity in terms of time and location of the activity, the total amount is in an amount greater than fifty linear or fifty square feet.~~

(C) "Asbestos hazard abatement contractor" means a business entity or public entity that engages in or intends to engage in asbestos hazard abatement ~~activities~~ projects and that employs or supervises one or more asbestos hazard abatement specialists for asbestos hazard abatement activities. "Asbestos hazard abatement contractor" does not mean an employee of an asbestos hazard abatement contractor, a general contractor who subcontracts to an asbestos hazard abatement contractor an asbestos hazard abatement ~~activity~~ project, or any individual who engages in an asbestos

hazard abatement ~~activity~~ project in the individual's own home.

(D) "Asbestos hazard abatement project" means one or more asbestos hazard abatement activities ~~that are~~ the sum total of which is greater than fifty linear feet or fifty square feet of friable asbestos-containing materials and is conducted by one asbestos hazard abatement contractor ~~and that are reasonably related to each other~~. "Asbestos hazard abatement project" includes any such activity involving such friable asbestos-containing materials in an amount of fifty linear feet or fifty square feet or less if, when combined with any other reasonably related activity in terms of time or location of the activity, the total amount is in an amount greater than fifty linear feet or fifty square feet.

(E) "Asbestos hazard abatement specialist" means a person with responsibility for the oversight or supervision of asbestos hazard abatement activities, including asbestos hazard abatement project managers, hazard abatement project supervisors and foremen, and employees of school districts or other governmental or public entities who coordinate or directly supervise or oversee asbestos hazard abatement activities performed by school district, governmental, or other public employees in school district, governmental, or other public buildings.

(F) "Asbestos hazard evaluation specialist" means a person responsible for the inspection, identification, detection, and assessment of asbestos-containing materials or suspect asbestos-containing materials, the determination of appropriate response actions, or the preparation of asbestos management plans for the purpose of protecting the public health from the hazards associated with exposure to asbestos, including the performance of air and bulk sampling. This category of specialists includes inspectors, management planners, health professionals, industrial hygienists, private consultants, or other individuals involved in

asbestos risk identification or assessment or regulatory activities.

(G) "Business entity" means a partnership, firm, association, corporation, sole proprietorship, or other business concern.

(H) "Public entity" means the state or any of its political subdivisions or any agency or instrumentality of either.

(I) "License" means a document issued by the director of environmental protection to a business entity or public entity affirming that the entity has met the requirements set forth in this chapter to engage in asbestos hazard abatement ~~activities~~ projects as an asbestos hazard abatement contractor.

(J) "Certificate" means:

(1) A document issued by the director to an individual affirming that the individual has successfully completed the training and other requirements set forth in this chapter to qualify as an asbestos hazard abatement specialist, an asbestos hazard evaluation specialist, an asbestos hazard abatement worker, an asbestos hazard abatement project designer, an asbestos hazard abatement air-monitoring technician, an approved asbestos hazard training provider, or other category of asbestos hazard specialist that the director establishes by rule; or

(2) A document issued by a training institution in accordance with rules adopted by the director affirming that an individual has successfully completed the instruction required in all categories as provided in sections 3710.07 and 3710.10 of the Revised Code.

(K) "Person" means any individual, business entity, governmental body, or other public or private entity.

(L) "Encapsulate" means to coat, bind, or resurface walls, ceilings, pipes, or other structures for asbestos-containing

materials with suitable products to prevent friable asbestos from becoming airborne.

(M) "Friable asbestos-containing material" means friable asbestos material as defined in rules adopted under Chapter 3704. of the Revised Code.

(N) "Enclosure" means the permanent confinement of friable asbestos-containing materials with an airtight barrier in an area not used as an air plenum.

(O) "Renovation" means altering a facility or one or more facility components in any way, including the stripping or removal of friable asbestos-containing material from a facility component.

(P) "Asbestos hazard abatement worker" means the person responsible in a nonsupervisory capacity for the performance of an asbestos hazard abatement activity.

(Q) "Asbestos hazard abatement project designer" means the person responsible for the oversight of an asbestos hazard abatement activity or the determination of the workscope, work sequence, or performance standards for an asbestos hazard abatement activity, including preparation of specifications, plans, and contract documents.

(R) "Clearance air sampling" means an air sampling performed after the completion of any asbestos hazard abatement ~~activity~~ project and prior to the reoccupation of the contained work area by the public and conducted for the purpose of protecting the public from the health hazards associated with exposure to friable asbestos-containing material.

(S) "Asbestos hazard abatement air-monitoring technician" means the person who is responsible for environmental monitoring or work area clearance air sampling, including air monitoring performed to determine completion of response actions under the rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United

States environmental protection agency pursuant to the "Asbestos Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 2970. "Asbestos hazard abatement air-monitoring technician" does not mean an industrial hygienist ~~or industrial hygienist in training,~~ certified by the American board of industrial hygiene.

**Sec. 3710.04.** (A) To qualify for an asbestos hazard abatement contractor's license, a business entity or public entity shall meet the requirements of this section.

(B) Each employee or agent of the business entity or public entity applying for a license who will come in contact with asbestos or will be responsible for an asbestos hazard abatement ~~project~~ activity shall:

(1) Be familiar with all applicable state and federal standards for asbestos hazard abatement projects;

(2) Have successfully completed the course of instruction on asbestos hazard abatement activities, for their particular certification, approved by the Ohio environmental protection agency pursuant to section 3710.10 of the Revised Code, have passed an examination approved by the agency, and demonstrate to the agency that the employee or agent is capable of complying with all applicable standards of this state, the United States environmental protection agency, and the United States occupational safety and health administration.

(C) A business entity or public entity applying for an asbestos hazard abatement contractor's license shall, in addition to the other requirements of this section, provide at least one asbestos hazard abatement specialist, certified pursuant to this chapter and the rules adopted under it, for each asbestos hazard abatement project, and demonstrate to the satisfaction of the Ohio environmental protection agency that the applicant:

(1) Has access to at least one asbestos disposal site approved by the agency that is sufficient for the deposit of all asbestos waste that the applicant will generate during the term of the license;

(2) Is sufficiently qualified to safely remove asbestos, demonstrated by reliability as an asbestos hazard abatement contractor, possesses a work program that prevents the contamination or recontamination of the environment and protects the public health from the hazards of exposure to asbestos, possesses evidence of certification of each individual employee or agent who will be responsible for others who may come in contact with friable asbestos-containing materials, possesses evidence of training of workers required by section 3710.07 of the Revised Code, and has prior successful experience in asbestos hazard abatement projects or equivalent qualifications as determined in accordance with rules adopted by the director of environmental protection;

(3) Possesses a worker protection program consistent with requirements established by the director if the contractor is a public entity, and a worker protection program consistent with the requirements of the United States occupational safety and health administration if the contractor is a business entity;

(4) Is registered as a business entity with the secretary of state.

(D) No applicant for licensure as an asbestos hazard abatement contractor, in order to meet the requirements of this chapter, shall list an employee of another contractor.

(E) The business entity or public entity shall meet any other standards that the director, by rule, sets.

(F) Nothing in this chapter or the rules adopted pursuant thereto relating to asbestos hazard abatement project designers

shall be interpreted as authorizing or permitting an individual who is certified as an asbestos hazard abatement project designer to perform the services of a registered architect or professional engineer unless that person is registered under Chapter 4703. or 4733. of the Revised Code to perform such services.

**Sec. 3710.05.** (A) Except as otherwise provided in this chapter, no person shall engage in any asbestos hazard abatement activities in this state unless licensed or certified pursuant to this chapter.

(B) To apply for licensure as an asbestos hazard abatement contractor or certification as an asbestos hazard abatement specialist, an asbestos hazard evaluation specialist, an asbestos hazard abatement project designer, or an asbestos hazard abatement air-monitoring technician, a person shall do all of the following:

(1) Submit a completed application to the director of environmental protection, on a form provided by the agency;

(2) Pay the requisite fee as provided in division (D) of this section;

(3) Submit any other information the director by rule requires.

(C) The application form for a business entity or public entity applying for an asbestos hazard abatement contractor's license shall include all of the following:

(1) A description of the protective clothing and respirators that the public entity will use to comply with rules adopted by the director and that the business entity will use to comply with requirements of the United States occupational safety and health administration;

(2) A description of procedures the business entity or public entity will use for the selection, utilization, handling, removal,

and disposal of clothing to prevent contamination or recontamination of the environment and to protect the public health from the hazards associated with exposure to asbestos;

(3) The name and address of each asbestos disposal site that the business entity or public entity might use during the year;

(4) A description of the site decontamination procedures that the business entity or public entity will use;

(5) A description of the asbestos hazard abatement procedures that the business entity or public entity will use;

(6) A description of the procedures that the business entity or public entity will use for handling waste containing asbestos;

(7) A description of the air-monitoring procedures that the business entity or public entity will use to prevent contamination or recontamination of the environment and to protect the public health from the hazards of exposure to asbestos;

(8) A description of the final clean-up procedures that the business entity or public entity will use;

(9) A list of all partners, owners, and officers of the business entity along with their social security numbers;

(10) The federal tax identification number of the business entity or the public entity.

(D) The fees to be charged to each public entity, except for the agency, and each business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are:

(1) Seven hundred fifty dollars for asbestos hazard abatement contractors;

(2) Two hundred dollars for asbestos hazard abatement project

designers;

(3) Fifty dollars for asbestos hazard abatement workers;

(4) Two hundred dollars for asbestos hazard abatement specialists;

(5) Two hundred dollars for asbestos hazard evaluation specialists; and

(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.

(E) Notwithstanding division (A) of this section, no business entity ~~which~~ that engages in asbestos hazard abatement ~~activities~~ projects solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health administration and provided further that all persons employed by the business entity on the ~~activity~~ project meet the requirements of this chapter.

**Sec. 3710.051.** No ~~person~~ asbestos hazard abatement contractor shall enter into an agreement to perform any aspect of an asbestos hazard abatement project unless the agreement is written and contains at least all of the following:

(A) A requirement that all persons working on the project are licensed or certified by the director of environmental protection as required by this chapter;

(B) A requirement that all project clearance levels and sampling be in accordance with rules adopted by the director;

(C) A requirement that all clearance air-monitoring be conducted by asbestos hazard abatement air-monitoring technicians or asbestos hazard evaluation specialists certified by the

director.

**Sec. 3710.06.** (A) Within fifteen business days after receiving an application, the director of environmental protection shall acknowledge receipt of the application and notify the applicant of any deficiency in the application. Within sixty calendar days after receiving a completed application, including all additional information requested by the director, the director shall issue a license or certificate or deny the application. The director shall issue only one license or certificate that is in effect at one time to a business entity and its principal officers and a public entity and its principal officers.

(B)(1) The director shall deny an application if it determines that the applicant has not demonstrated the ability to comply fully with all applicable federal and state requirements and all requirements, procedures, and standards established by the director in this chapter, Chapter 3704. of the Revised Code, or rules adopted under those chapters, as those chapters and rules pertain to asbestos.

(2) The director shall deny any application for an asbestos hazard abatement contractor's license if the applicant or an officer or employee of the applicant has been convicted of a felony or found liable in a civil proceeding under any state or federal law designed to protect the environment.

(3) The director shall send all denials of an application by certified mail to the applicant. If the director receives a timely request for a hearing from the applicant on the proposed denial of an application, the director shall hold a hearing in accordance with Chapter 119. of the Revised Code, as provided in division (A) of section 3710.13 of the Revised Code.

(C) In an emergency that results from a sudden, unexpected event that is not a planned asbestos hazard abatement project, the

director may waive the requirements for a license ~~or certificate~~. For the purposes of this division, "emergency" includes operations necessitated by nonroutine failures of equipment or by actions of fire and emergency medical personnel pursuant to duties within their official capacities. Any person who performs an asbestos hazard abatement ~~activity~~ project under emergency conditions shall notify the director within three days after performance thereof.

(D) Each license or certificate issued under this chapter expires one year after the date of issue, but each licensee or certificate holder may apply to the environmental protection agency for the extension of the holder's license or certificate under the standard renewal procedures of Chapter 4745. of the Revised Code.

To qualify for renewal of a license or certificate issued under this chapter, each licensee or certificate holder shall send the appropriate renewal fee set forth in division (D) of section 3710.05 of the Revised Code or as adopted by rule by the director pursuant to division (A)(4) of section 3710.02 of the Revised Code.

Certificate holders also shall successfully complete an annual renewal course approved by the agency pursuant to section 3710.10 of the Revised Code.

(E) The director may charge a fee in addition to those specified in division (D) of section 3710.05 of the Revised Code or in rules adopted by the director pursuant to division (A)(4) of section 3710.02 of the Revised Code if the licensee or certificate holder applies for renewal after the expiration thereof or requests a reissuance of any license or certificate, provided that no such fee shall exceed the original fees by more than fifty per cent.

**Sec. 3710.07.** (A) Prior to engaging in any asbestos hazard

abatement project, an asbestos hazard abatement contractor shall do all of the following:

(1) Prepare a written respiratory protection program as defined by the director of environmental protection pursuant to rule, and make the program available to the environmental protection agency, and workers at the job site if the contractor is a public entity or prepare a written respiratory protection program, consistent with 29 C.F.R. 1910.134 and make the program available to the agency, and workers at the job site if the contractor is a business entity;

(2) Ensure that each worker who will be involved in any asbestos hazard abatement project has been examined within the preceding year and has been declared by a physician to be physically capable of working while wearing a respirator;

(3) Ensure that each of the contractor's employees or agents who will come in contact with asbestos-containing materials or will be responsible for an asbestos hazard abatement project receives the appropriate certification or licensure required by this chapter and the following training:

(a) An initial course approved by the agency pursuant to section 3710.10 of the Revised Code, completed before engaging in any asbestos hazard abatement ~~project~~ activity; and

(b) An annual review course approved by the agency pursuant to section 3710.10 of the Revised Code.

(B) After obtaining or renewing a license, an asbestos hazard abatement contractor shall notify the agency, on a form approved by the director, at least ten working days before beginning each asbestos hazard abatement project conducted during the term of the contractor's license.

(C) In addition to any other fee imposed under this chapter, an asbestos hazard abatement contractor shall pay, at the time of

providing notice under division (B) of this section, the agency a fee of sixty-five dollars for each asbestos hazard abatement project conducted.

**Sec. 3710.08.** (A) An asbestos hazard abatement contractor engaging in any asbestos hazard abatement project shall, during the course of the project:

(1) Conduct each project in a manner that is in compliance with the requirements the director of environmental protection adopts pursuant to section 3704.03 of the Revised Code and the asbestos requirements of the United States occupational safety and health administration set forth in 29 C.F.R. 1926.1101;

(2) Comply with all applicable rules adopted by the director of environmental protection pursuant to sections 3704.03 and 3710.02 of the Revised Code.

(B) An asbestos hazard abatement contractor that is a public entity shall:

(1) Provide workers with protective clothing and equipment and ensure that the workers involved in any asbestos hazard abatement project use the items properly. Protective clothing and equipment shall include:

(a) Respirators approved by the national institute of occupational safety and health. These respirators shall be fit tested in accordance with requirements of the United States occupational safety and health administration set forth in 29 C.F.R. 1926.1101. At the request of an employee, the asbestos hazard abatement contractor shall provide the employee with a powered air purifying respirator, in which case, the testing requirements of division (B)(1)(a) of this section do not apply.

(b) Items required by the director by rule as provided in division (A)(7) of section 3710.02 of the Revised Code.

(2) Comply with all applicable standards of conduct and requirements adopted by the director pursuant to section 3710.02 of the Revised Code.

(C) An asbestos hazard abatement specialist engaging in any asbestos hazard abatement ~~project~~ activity shall, during the course of the ~~project~~ activity:

(1) Conduct each ~~project~~ activity in a manner that will meet decontamination procedures, project containment procedures, and asbestos fiber dispersal methods as provided in division (A)(6) of section 3710.02 of the Revised Code;

(2) Ensure that workers utilize, handle, remove, and dispose of the disposable clothing provided by abatement contractors in a manner that will prevent contamination or recontamination of the environment and protect the public health from the hazards of exposure to asbestos;

(3) Ensure that workers utilize protective clothing and equipment and comply with the applicable health and safety standards set forth in division (A) of section 3710.08 of the Revised Code;

(4) Ensure that there is no smoking, eating, or drinking in the work area;

(5) Comply with all applicable standards of conduct and requirements adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code.

(D) An asbestos hazard evaluation specialist engaged in the identification, detection, and assessment of asbestos-containing materials, the determination of appropriate response actions, or other activities associated with an abatement project or the preparation of management plans, shall comply with the applicable standards of conduct and requirements adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code.

(E) Every asbestos hazard abatement worker shall comply with all applicable standards adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code.

~~(F) The director may, on a case-by-case basis, approve an alternative to the worker protection requirements of divisions (A), (B), and (C) of this section for an asbestos hazard abatement project conducted by a public entity, provided that the asbestos hazard abatement contractor submits the alternative procedure to the director in writing and demonstrates to the satisfaction of the director that the proposed alternative procedure provides equivalent worker protection.~~

**Sec. 3710.12.** Subject to section 3710.13 of the Revised Code, the director of environmental protection may deny, suspend, or revoke any license or certificate, or renewal thereof, if the licensee or certificate holder:

(A) Fraudulently or deceptively obtains or attempts to obtain a license or certificate;

(B) Fails at any time to meet the qualifications for a license or certificate;

(C) Is violating or threatening to violate any provisions of any of the following:

(1) This chapter, Chapters 3704. and 3745. of the Revised Code, or the rules of the director adopted pursuant to those chapters, as those chapters and rules pertain to asbestos;

(2) The "National Emission Standard for Hazardous Air Pollutants" regulations of the United States environmental protection agency as the regulations pertain to asbestos;

(3) The regulations of the United States occupational safety and health administration as the regulations pertain to asbestos;

(4) The regulations adopted by the United States

environmental protection agency pursuant to Title II of the "Federal Toxic Substances Control Act," 90 Stat. 2003, 15 U.S.C. 2641 et seq. (1976).

**Sec. 3711.02.** (A) Except as provided in division (B) of this section, no person shall operate any of the following, unless the person holds the appropriate license issued under this chapter and the license is valid:

(1) A maternity unit;

(2) A newborn care nursery;

(3) A maternity home.

(B) Division (A) of this section does not apply to a health care facility, as defined in ~~division (A)(4) of~~ section 3702.30 of the Revised Code.

**Sec. 3717.27.** (A) All inspections of retail food establishments conducted by a licensor under this chapter shall be conducted according to the procedures and schedule of frequency specified in rules adopted under section 3717.33 of the Revised Code. An inspection may be ~~preformed~~ performed only by an individual registered as a sanitarian or ~~sanitarian-in-training~~ sanitarian in training under Chapter ~~4736.~~ 3722. of the Revised Code. Each inspection shall be recorded on a form prescribed and furnished by the director of agriculture or a form approved by the director that has been prescribed by a board of health acting as licensor. With the assistance of the director, a board acting as licensor, to the extent practicable, shall computerize the inspection process and standardize the manner in which its inspections are conducted.

(B) A person or government entity holding a retail food establishment license shall permit the licensor to inspect the retail food establishment for purposes of determining compliance

with this chapter and the rules adopted under it or investigating a complaint concerning the establishment. On request of the licensor, the license holder shall permit the licensor to examine the records of the retail food establishment to obtain information about the purchase, receipt, or use of food, supplies, and equipment.

A licensor may inspect any mobile retail food establishment being operated within the licensor's district. If an inspection of a mobile retail food establishment is conducted by a licensor other than the licensor that issued the license for the establishment, a report of the inspection shall be sent to the issuing licensor. The issuing licensor may use the inspection report to suspend or revoke the license under section 3717.29 or 3717.30 of the Revised Code.

(C) An inspection may include the following:

(1) An investigation to determine the identity and source of a particular food;

(2) Removal from use of any equipment, utensils, hand tools, or parts of facilities found to be maintained in a condition that presents a clear and present danger to the public health.

**Sec. 3717.47.** (A) All inspections of food service operations conducted by a licensor under this chapter shall be conducted according to the procedures and schedule of frequency specified in rules adopted under section 3717.51 of the Revised Code. An inspection may be performed only by an individual registered as a sanitarian or ~~sanitarian-in-training~~ sanitarian in training under Chapter ~~4736.~~ 3722. of the Revised Code. Each inspection shall be recorded on a form prescribed and furnished by the director of health or a form approved by the director that has been prescribed by a board of health acting as licensor. With the assistance of the director, a board acting as licensor, to the extent

practicable, shall computerize the inspection process and shall standardize the manner in which its inspections are conducted.

(B) A person or government entity holding a food service operation license shall permit the licensor to inspect the food service operation for purposes of determining compliance with this chapter and the rules adopted under it or investigating a complaint regarding foodborne disease. On request of the licensor, the license holder shall permit the licensor to examine the records of the food service operation to obtain information about the purchase, receipt, or use of food, supplies, and equipment.

A licensor may inspect any mobile food service operation or catering food service operation being operated within the licensor's district. If an inspection of a mobile or catering food service operation is conducted by a licensor other than the licensor that issued the license for the operation, a report of the inspection shall be sent to the issuing licensor. The issuing licensor may use the inspection report to suspend or revoke the license under section 3717.49 of the Revised Code.

(C) An inspection may include an investigation to determine the identity and source of a particular food.

**Sec. 3718.011.** (A) For purposes of this chapter, a sewage treatment system is causing a public health nuisance if any of the following situations occurs and, after notice by a board of health to the applicable property owner, timely repairs are not made to that system to eliminate the situation:

(1) The sewage treatment system is not operating properly due to a missing component, incorrect settings, or a mechanical or electrical failure.

(2) There is a blockage in a known sewage treatment system component or pipe that causes a backup of sewage or effluent

affecting the treatment process or inhibiting proper plumbing drainage.

(3) An inspection conducted by, or under the supervision of, the environmental protection agency or a sanitarian registered under Chapter ~~4736.~~ 3722. of the Revised Code documents that there is ponding of liquid or bleeding of liquid onto the surface of the ground or into surface water and the liquid has a distinct sewage odor, a black or gray coloration, or the presence of organic matter and any of the following:

(a) The presence of sewage effluent identified through a dye test;

(b) The presence of fecal coliform at a level that is equal to or greater than five thousand colonies per one hundred milliliters of liquid as determined in two or more samples of the liquid when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples of the liquid are collected;

(c) Water samples that exceed one thousand thirty e. coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are collected.

(4) With respect to a discharging system for which an NPDES permit has been issued under Chapter 6111. of the Revised Code and rules adopted under it, the system routinely exceeds the effluent discharge limitations specified in the permit.

(B) With respect to divisions (A)(1) and (2) of this section, a property owner may request a test to be conducted by a board of health to verify that the sewage treatment system is causing a public health nuisance. The property owner is responsible for the costs of the test.

**Sec. 3718.03.** (A) There is hereby created the sewage treatment system technical advisory committee consisting of the director of health or the director's designee and thirteen members who are knowledgeable about sewage treatment systems and technologies. The director or the director's designee shall serve as committee secretary and may vote on actions taken by the committee. Of the thirteen members, five shall be appointed by the governor, four shall be appointed by the president of the senate, and four shall be appointed by the speaker of the house of representatives.

(1) Of the members appointed by the governor, one shall represent academia and shall be active in teaching or research in the area of on-site wastewater treatment, one shall be a representative of the public who is not employed by the state or any of its political subdivisions and who does not have a pecuniary interest in sewage treatment systems, one shall be a registered professional engineer employed by the environmental protection agency, one shall be selected from among soil scientists in the division of soil and water conservation in the department of agriculture, and one shall be a representative of a statewide organization representing townships.

(2) Of the members appointed by the president of the senate, one shall be a health commissioner who is a member of and recommended by the association of Ohio health commissioners, one shall represent the interests of manufacturers of sewage treatment systems, one shall represent installers and service providers, and one shall be a person with demonstrated experience in the design of sewage treatment systems.

(3) Of the members appointed by the speaker of the house of representatives, one shall be a health commissioner who is a member of and recommended by the association of Ohio health

commissioners, one shall represent the interests of manufacturers of sewage treatment systems, one shall be a sanitarian who is registered under Chapter ~~4736.~~ 3722. of the Revised Code and who is a member of the Ohio environmental health association, and one shall be a registered professional engineer with experience in sewage treatment systems.

(B) Terms of members appointed to the committee shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall serve from the date of appointment until the end of the term for which the member was appointed.

Members may be reappointed. Vacancies shall be filled in the same manner as provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member was appointed shall hold office for the remainder of that term. A member shall continue to serve after the expiration date of the member's term until the member's successor is appointed or until a period of sixty days has elapsed, whichever occurs first. The applicable appointing authority may remove a member from the committee for failure to attend two consecutive meetings without showing good cause for the absences.

(C) The technical advisory committee annually shall select from among its members a chairperson and a vice-chairperson. The secretary shall keep a record of its proceedings. A majority vote of the members of the full committee is necessary to take action on any matter. The committee may adopt bylaws governing its operation, including bylaws that establish the frequency of meetings.

(D) Serving as a member of the sewage treatment system technical advisory committee does not constitute holding a public office or position of employment under the laws of this state and

does not constitute grounds for removal of public officers or employees from their offices or positions of employment. Members of the committee shall serve without compensation for attending committee meetings.

(E) A member of the committee shall not have a conflict of interest with the position. For the purposes of this division, "conflict of interest" means the taking of any action that violates any provision of Chapter 102. or 2921. of the Revised Code.

(F) The sewage treatment system technical advisory committee shall do all of the following:

(1) Develop with the department of health standards, guidelines, and protocols for approving or disapproving a sewage treatment system or components of a system under section 3718.04 of the Revised Code. Any guideline requiring the submission of scientific information or testing data shall specify, in writing, the protocol and format to be used in submitting the information or data.

(2) Develop with the department an application form to be submitted to the director by an applicant for approval or disapproval of a sewage treatment system or components of a system and specify the information that must be included with an application form;

(3) Make recommendations to the director regarding the approval or disapproval of an application sent to the director under section 3718.04 of the Revised Code requesting approval of a sewage treatment system or components of a system;

(4) Pursue and recruit in an active manner the research, development, introduction, and timely approval of innovative and cost-effective sewage treatment systems and components of a system for use in this state, which shall include conducting pilot

projects to assess the effectiveness of a system or components of a system.

(G) The chairperson of the committee shall prepare and submit an annual report concerning the activities of the committee to the general assembly not later than ninety days after the end of the calendar year. The report shall discuss the number of applications submitted under section 3718.04 of the Revised Code for the approval of a new sewage treatment system or a component of a system, the number of such systems and components that were approved, any information that the committee considers beneficial to the general assembly, and any other information that the chairperson determines is beneficial to the general assembly. If other members of the committee determine that certain information should be included in the report, they shall submit the information to the chairperson not later than thirty days after the end of the calendar year.

(H) The department shall provide meeting space for the committee. The committee shall be assisted in its duties by the staff of the department.

(I) Sections 101.82 to 101.87 of the Revised Code do not apply to the sewage treatment system technical advisory committee.

**Sec. ~~4736.01~~ 3722.01.** As used in this chapter:

(A) "Environmental health science" means the aspect of public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation, and rabies control.

(B) "Sanitarian" means a person who performs for compensation educational, investigational, technical, or administrative duties requiring specialized knowledge and skills in the field of environmental health science.

(C) "Registered sanitarian" means a person who is registered as a sanitarian in accordance with this chapter.

(D) "~~Sanitarian-in-training~~ Sanitarian in training" means a person who is registered as a ~~sanitarian-in-training~~ sanitarian in training in accordance with this chapter.

(E) "Practice of environmental health" means consultation, instruction, investigation, inspection, or evaluation by an employee of a city health district, a general health district, the environmental protection agency, the department of health, or the department of agriculture requiring specialized knowledge, training, and experience in the field of environmental health science, with the primary purpose of improving or conducting administration or enforcement under any of the following:

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., ~~or~~ 3730., or 3733. of the Revised Code;

(2) Chapter 3734. of the Revised Code as it pertains to solid and hazardous waste;

(3) Section 955.26, 955.261, 3701.344, 3707.01, ~~or~~ 3707.03, ~~sections 3707.38 to 3707.99~~ 3707.26, or ~~section 3715.21~~ 3715.021 of the Revised Code;

(4) Rules adopted under ~~former section 3701.34~~ Chapter 3749. of the Revised Code pertaining to ~~rabies control or~~ swimming pools~~;~~

~~(5) Rules adopted under section 3701.935 of the Revised Code for school health and safety network inspections and rules adopted under section 3707.26 of the Revised Code for sanitary~~

~~inspections~~.

"Practice of environmental health" does not include sampling, testing, controlling of vectors, reporting of observations, or other duties that do not require application of specialized knowledge and skills in environmental health science performed under the supervision of a registered sanitarian.

The director of health may further define environmental health science in relation to specific functions in the practice of environmental health through rules adopted by the director under Chapter 119. of the Revised Code.

**Sec. ~~4736.02~~ 3722.02.** There is hereby created the sanitarian advisory board consisting of seven members appointed by the director of health ~~with the advice and consent of the senate~~ for terms established in accordance with rules adopted by the director under section ~~4736.03~~ 3722.03 of the Revised Code. The advisory board shall advise the director regarding the registration of ~~sanitarians-in-training and~~ sanitarians and sanitarians in training, continuing education requirements for sanitarians and sanitarians in training, the administration of examinations prescribed by section ~~4736.09~~ 3722.06 of the Revised Code, the education criteria required under section ~~4736.08~~ 3722.05 of the Revised Code, and any other matters as may be of assistance to the director in the regulation of sanitarians and ~~sanitarians-in-training~~ sanitarians in training.

Each member appointed by the director shall be a registered sanitarian who meets the education and ~~experience~~ employment requirements of section ~~4736.08~~ 3722.05 of the Revised Code for registration as a sanitarian. At least one and not more than two of the members shall be employees of a general health district; at least one and not more than two shall be employees of a city health district; and at least one and not more than two shall be

employed in private industry. Not more than one member may be employed by a university and not more than one member may be employed by an agency or department of the state.

Within ninety days of ~~the effective date of this amendment~~ September 29, 2017, the director shall make initial appointments to the advisory board.

**Sec. ~~4736.03~~ 3722.03.** (A) The director of health shall adopt ~~and may amend or rescind rules,~~ in accordance with Chapter 119. of the Revised Code ~~governing the administration of the examinations prescribed by section 4736.09 of the Revised Code, prescribing the form for application, establishing criteria for determining what courses may be included toward fulfillment of the science course requirements of section 4736.08 of the Revised Code, determining the continuing education program requirements of section 4736.11 of the Revised Code, and for the administration and enforcement of this chapter.~~

~~The director shall adopt, in accordance with Chapter 119. of the Revised Code, rules establishing terms of office for members of the sanitarian advisory board created in section 4736.02 of the Revised Code~~, rules of general application throughout the state for the practice of environmental health as are necessary to administer and enforce this chapter, including rules governing all of the following:

(1) The registration, advancement, and reinstatement of applicants to practice as a sanitarian or a sanitarian in training;

(2) The administration of the examinations prescribed by section 3722.06 of the Revised Code;

(3) Educational requirements necessary for qualification for registration as a sanitarian or a sanitarian in training;

(4) Criteria for determining what courses may be included toward fulfillment of the science course requirements of section 3722.05 of the Revised Code;

(5) Continuing education requirements for sanitarians and sanitarians in training, including the process for applying for continuing education credits;

(6) The application process for agencies to register to become training agencies and offer continuing education courses;

(7) The terms of office for members of the sanitarian advisory board created in section 3722.02 of the Revised Code;

(8) Fees necessary to provide funding for the administration and enforcement of this chapter and the rules adopted under it.

All fees collected in accordance with rules adopted under division (A)(8) of this section shall be deposited into the general operations fund created in section 3701.83 of the Revised Code. The director shall use the money collected from such fees for the administration and enforcement of this chapter and rules adopted under it.

(B) In addition to rules adopted under division (A) of this section, the director, in accordance with Chapter 119. of the Revised Code, may adopt any other rule necessary for the administration and enforcement of this chapter.

**Sec. ~~4736.07~~ 3722.04.** The director of health shall keep a record of all applications for registration, which shall include:

(A) The name and address of each applicant;

(B) The name and address of the employer or business connection of each applicant;

(C) The date of the application;

(D) The educational and ~~experience~~ employment qualifications

of each applicant;

(E) The date on which the director reviewed and acted upon each application;

(F) The action taken by the director on each application~~;~~

~~(G) A serial number of each certificate of registration issued by the director.~~

~~The director shall prepare annually a list of the names and addresses of every person registered by it and a list of every person whose registration has been suspended or revoked within the previous year~~.

**Sec. ~~4736.08~~ 3722.05.** (A) An application for registration as a sanitarian or sanitarian in training shall be made to the director of health on ~~a form~~ forms prescribed by the director and accompanied by the application fee prescribed in rules adopted under section ~~4736.12~~ 3722.03 of the Revised Code. ~~The~~

(B) The director shall register an applicant for registration as a sanitarian if the applicant is of good moral character, passes an examination conducted by the director in accordance with section ~~4736.09~~ 3722.06 of the Revised Code, and meets any of the following education and ~~experience~~ employment requirements ~~of division (A), (B), or (C) of this section~~:

~~(A) Graduated~~ (1) The applicant has graduated from an accredited college or university with at least a baccalaureate degree, including at least forty-five quarter units or thirty semester units of science courses approved by the director; and completed at least two years of full-time employment as a sanitarian~~;~~.

~~(B) Graduated~~ (2) The applicant has graduated from an accredited college or university with at least a baccalaureate degree, completed a major in environmental health science which

included an internship program approved by the director; and completed at least one year of full-time employment as a sanitarian~~;~~.

~~(C) Graduated~~ (3) The applicant has graduated from an accredited college or university with a degree higher than a baccalaureate degree, including at least forty-five quarter units or thirty semester units of science courses approved by the director; and completed at least one year of full-time employment as a sanitarian.

(C) The director shall register a sanitarian in training applicant if the applicant meets the educational qualifications of division (B)(1), (2), or (3) of this section, but does not meet the employment requirement of such division, and if the applicant passes the examination required for registration as a sanitarian in training in accordance with section 3722.06 of the Revised Code.

(D) A sanitarian in training shall apply for registration as a sanitarian within three years after registration as a sanitarian in training. The director may extend the registration of any sanitarian in training who furnishes, in writing, sufficient cause for not applying for registration as a sanitarian within the three-year period.

**Sec. ~~4736.09~~ 3722.06.** ~~Examinations required by section 4736.08 of the Revised Code shall be conducted not less than once each calendar year at such times and places as the director of health prescribes. Such~~ The director of health shall conduct examinations ~~shall be~~ for applicants that apply for registration under section 3722.05 of the Revised Code. The director shall ensure that examinations are written and ~~shall~~ include applicable subjects in the field of environmental health science and such other subjects as the director may prescribe. The ~~examination~~

~~shall be objective and practical. Any examination papers~~ director also shall ~~not disclose the name of the applicant, but shall be identified by a number assigned by the director~~ ensure that the examination is objective and practical. The ~~preparation of the examination shall be the responsibility of the director; however,~~ ~~the~~ director may use material prepared by recognized examination ~~agencies~~ entities.

~~No~~ The director shall not register a person ~~shall be registered~~ if the person fails to meet the minimum grade requirements for the examination specified by the director. An applicant who fails to meet such minimum grade requirements in the applicant's first examination may ~~be reexamined~~ retake the examination at any time and place specified by the director, upon resubmission of an application and payment of the fee prescribed in rules adopted under section ~~4736.12~~ 3722.03 of the Revised Code.

**Sec. ~~4736.11~~ 3722.07.** (A) The director of health shall issue a certificate of registration to practice to any applicant whom ~~it~~ the director registers as a sanitarian or a ~~sanitarian-in-training. Such certificate shall bear~~ sanitarian in training. The director shall include all of the following in the certificate of registration:

~~(A)~~(1) The name of the person;

~~(B)~~(2) The date of issue;

~~(C) A serial number, designated by the director;~~

~~(D)~~(3) The signature of the director;

~~(E)~~(4) The designation "registered sanitarian" or "~~sanitarian-in-training~~ sanitarian in training."

(B) The director shall issue certificates of registration to practice in January and July of each calendar year. Certificates

of registration ~~shall~~ to practice expire annually on the date fixed by the director and become invalid on that date unless renewed pursuant to this section. The director may renew a certificate to practice sixty days prior to the date of expiration after an applicant has done both of the following:

(1) Paid the renewal fee prescribed in rules adopted under section 3722.03 of the Revised Code;

(2) Submitted proof of having complied with the continuing education requirements of this section.

(C) All registered sanitarians ~~shall be~~ and sanitarians in training are required annually to complete a continuing education program in subjects relating to practices of the profession as a sanitarian or sanitarian in training to the end that the utilization and application of new techniques, scientific advancements, and research findings will assure comprehensive service to the public. ~~The~~

(D) The director ~~shall prescribe~~, when prescribing by rule a continuing education program for registered sanitarians ~~to meet this requirement. The~~ and sanitarians in training, shall specify a length of study for ~~this~~ the program ~~shall be determined by the director but shall be~~ that is not less than six nor more than twenty-five hours during the calendar year. ~~At least once annually the director shall provide to each registered sanitarian a list of courses approved by the director as satisfying the program prescribed by rule. Upon the request of a registered sanitarian, the director shall supply a list of applicable courses that the director has approved. A certificate may be renewed for a period of one year at any time prior to the date of expiration upon payment of the renewal fee prescribed by section 4736.12 of the Revised Code and upon showing proof of having complied with the continuing education requirements of this section. The~~

(E) The director may waive the continuing education requirement in cases of certified illness or disability ~~which~~ that prevents the attendance at any qualified educational seminars during the twelve months immediately preceding the annual certificate of registration renewal date. ~~Certificates which~~

(F) Certificates that expire may be reinstated under rules adopted by the director.

**Sec. ~~4736.13~~ 3722.08.** The director of health may deny, refuse to renew, revoke, or suspend a certificate of registration to practice in accordance with Chapter 119. of the Revised Code for unprofessional conduct, the practice of fraud or deceit in obtaining a certificate of registration, dereliction of duty, incompetence in the practice of environmental health science, or for other good and sufficient cause.

**Sec. ~~4736.14~~ 3722.09.** The director of health may, upon application and proof of valid registration, issue a certificate of registration to any person who is or has been registered as a sanitarian by any other state, if the requirements of that state at the time of such registration are determined by the director to be at least equivalent to the requirements of this chapter.

**Sec. ~~4736.15~~ 3722.10.** (A) No person shall engage in, or offer to engage in, the practice of environmental health without being registered in accordance with sections ~~4736.01~~ 3722.01 to ~~4736.15~~ 3722.10 of the Revised Code. ~~A sanitarian-in-training may engage in the practice of environmental health for a period not to exceed five years, provided the sanitarian-in-training is supervised by a registered sanitarian. No~~

(B) No person except a registered sanitarian shall use the title "registered sanitarian" or the abbreviation "R.S." after the person's name, or represent ~~self~~ oneself as a registered

sanitarian. ~~Whoever~~

(C)(1) No person except a registered sanitarian in training shall use the title "sanitarian in training" or the abbreviation "S.I.T." after the person's name or represent oneself as a registered sanitarian in training.

(2) No sanitarian in training shall engage in the active practice of environmental health for a period exceeding five years from the date that the sanitarian in training's registration was issued. The sanitarian in training, in order to be eligible for advancement, must be supervised by a registered sanitarian in good standing during this period.

(D) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

**Sec. ~~4736.17~~ 3722.11.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the director of health shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate issued pursuant to this chapter.

**Sec. ~~4736.18~~ 3722.12.** The director of health shall comply with section 4776.20 of the Revised Code.

**Sec. 3730.01.** As used in this chapter:

(A) "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.

(B) "Body art" means the practice of physical body adornment, including tattooing and body piercing, but does not include ear piercing performed with an ear piercing gun.

(C) "Body artist" means an individual, including an operator, who performs tattooing or body piercing and is registered with the director of health.

(D) "Body piercing" means puncturing or penetration of the skin or mucosa of a person and the insertion of jewelry or other object in the opening and includes ear piercing except when the ear piercing procedure is performed with an ear piercing gun.

~~(C)~~(E) "Business" means any entity that provides services for compensation.

~~(D)~~(F) "Custodian" has the same meaning as in section 2151.011 of the Revised Code.

~~(E)~~(G) "Director of health" means the director of health or the director's authorized representative.

(H) "Ear piercing gun" means a mechanical device that pierces the ear by forcing a disposable single-use stud or solid needle through the ear.

~~(F)~~(I) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.

(J) "Licensor" means either the board of health of a city or general health district, or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code, or the director of health. "Licensor" also means an authorized representative of any of those entities or of the director.

(K) "Tattooing" means any method of placing ink or other pigment into or under the skin or mucosa using needles or any other instruments used to puncture the skin, resulting in permanent or temporary colorization of the skin or mucosa.

**Sec. 3730.02.** (A) The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt rules of general

application throughout the state governing the issuance of licenses, approval of plans, layout, construction, sanitation, safety, and operation of a body art business. Such rules shall not be applied to the construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code is applicable. The rules shall include all of the following:

(1) Safety and sanitation standards and procedures to be followed to prevent the transmission of infectious diseases during the performance of body art procedures;

(2) Standards and procedures to be followed for appropriate disinfection and sterilization of all invasive equipment or parts of equipment used in body art and ear piercing procedures performed with an ear piercing gun;

(3) Procedures for suspending and revoking licenses under section 3730.05 of the Revised Code;

(4) Universal blood and body fluid precautions to be used by any individual who performs body art procedures. The precautions shall include all of the following:

(a) The appropriate use of hand washing;

(b) The handling and disposal of all needles and other sharp instruments used in body art procedures;

(c) The wearing and disposal of gloves and other protective garments and devices.

(B) The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the issuance of registration for body artists. The rules shall specify registration and renewal procedures and fees as described in section 3730.021 of the Revised Code.

The rules may include standards and procedures to be followed by a business that offers body art services to ensure that the

individuals who perform body art procedures for the business are registered and adequately trained to perform the procedures properly.

(C) The director shall investigate all complaints of persons providing body art services who are not properly registered.

(D) No person shall recklessly violate a rule adopted under this section.

**Sec. 3730.021.** (A) Each person who intends to perform a body art procedure or those activities of a body artist shall apply for a body art registration in the form prescribed by the director of health under section 3730.02 of the Revised Code.

(B) The director of health shall register body artist applicants that meet the requirements as described under this chapter and the rules adopted by the director. Registration shall be effective for one year and may be renewed annually by the thirtieth day of June of each year. The fee for registration shall be two hundred fifty dollars. The director may increase the fee pursuant to section 3730.02 of the Revised Code. The director may adopt a rule prorating the fee to be charged for an initial registration.

(C) Each registration shall be effective from the date of issuance until the last day of June of the year in which the registration was issued, except each initial registration issued after the first of April shall be effective from the date of issuance until the last day of June of the following year.

(D) The amounts collected under this section shall be administered by the director and shall be used solely for the administration and enforcement of this chapter and the rules adopted under this chapter.

**Sec. 3730.03.** (A) No person shall construct or install, or

renovate or otherwise substantially alter, a body art business until the plans for the business have been submitted to and approved by the licensor. The licensor shall approve or disapprove the plans within thirty days of receipt of the plans. Any person aggrieved by the licensor's disapproval of plans under this division may, within thirty days following receipt of the licensor's notice of disapproval, request a hearing on the matter. The hearing shall be provided, if requested.

(B) The applicant for a license to operate a newly constructed or altered body art business shall notify the licensor that the body art business is ready for an inspection. Within five days of receiving the notice, the licensor shall verify that the construction or alterations are consistent with the plans submitted and approved under division (A) of this section. If the construction or alterations are consistent with the plans, the licensor shall issue the license. If the construction or alterations are not consistent with the submitted plans, the licensor shall reject the application or defer the issuance of the license pending a subsequent inspection. If the plans are rejected, the applicant may request a hearing on the matter. The hearing shall be provided, if requested.

(C) The director of health shall adopt rules specifying who shall provide the hearing and when the hearing shall be held in divisions (A) and (B) of this section and any other rules necessary to implement this section.

**Sec. ~~3730.02~~ 3730.04.** No person shall do any of the following:

(A) Operate a business that offers ~~tattooing or body piercing~~ body art services unless a ~~board of health~~ licensor has ~~approved~~ licensed the business under section ~~3730.03~~ 3730.05 of the Revised

Code;

(B) Beginning June 30, 2020, recklessly perform, for compensation, a body art procedure or those activities of a body artist without being registered by the director of health;

(C) Perform a ~~tattooing or body piercing~~ body art procedure in a manner that does not meet the safety and sanitation standards established by this chapter and the rules adopted under section ~~3730.10~~ 3730.02 of the Revised Code;

~~(C)~~(D) Perform a ~~tattooing procedure, body piercing~~ body art procedure, or ear piercing procedure with an ear piercing gun~~,~~ in a manner that does not meet the standards for appropriate disinfection and sterilization of invasive equipment or parts of equipment used in performing the procedures established by this chapter and the rules adopted under section ~~3730.10~~ 3730.02 of the Revised Code.

**Sec. ~~3730.03~~ 3730.05.** ~~A~~ (A) Every person ~~seeking approval~~ who intends to operate or maintain a body art business ~~that offers tattooing or body piercing services~~ shall apply to the ~~board of health of the city or general health district in which the business is located on forms the board shall prescribe and provide. The applicant shall submit all information the board of health determines is necessary to process the application~~ licensor having jurisdiction for a license to operate the body art business. Any person proposing to operate or maintain a new or otherwise unlicensed body art business shall apply to the licensor having jurisdiction at least thirty days prior to the intended start of operation of the body art business. A currently licensed business may apply for renewal of that license between the first day and the thirty-first day of December. The applicant shall include the fee established under section 3709.09 of the Revised Code with the application.

~~Boards of health shall deposit all fees collected under this section into the health fund of the district that the board serves. The fees shall be used solely for the purposes of implementing and enforcing this chapter.~~

(B) Each license issued shall be effective from the date of issuance until the last day of December of the year in which the license was issued. Each initial license issued after the first of October shall be effective from the date of issuance until the last day of December of the following year.

(C) Each licensor administering and enforcing this chapter and the rules adopted thereunder may establish plan review, licensing, and inspection fees in accordance with section 3709.09 of the Revised Code, which shall not exceed the cost of plan review, licensing, and inspecting the body art business, respectively.

(D) Except as provided in division (E) of this section and division (B) of section 3730.13 of the Revised Code, all license fees collected by a licensor shall be deposited into a body art fund. The body art fund shall be used for the expenses of the licensor for administering and enforcing this chapter and the rules adopted under this chapter.

(E) The annual license fee established under this section shall include any additional amount determined by rule of the director of health, which the board of health shall collect and transmit to the director of health pursuant to section 3709.092 of the Revised Code. The additional amounts collected under this division shall be administered by the director and shall be used solely for the administration and enforcement of this chapter and the rules adopted under this chapter.

(F) To receive ~~approval~~ a license to offer ~~tattooing or body piercing~~ body art services, a business must demonstrate to a ~~board~~

~~of health~~ licensor the ability to meet the requirements established by this chapter and the rules adopted under section ~~3730.10~~ 3730.02 of the Revised Code for safe performance of the ~~tattooing or body piercing~~ procedures, ~~training~~ registration of the individuals who perform the procedures, and maintenance of records.

~~A board of health that determines, following an inspection conducted under section 3730.04 of the Revised Code, that a business meets the requirements for approval shall approve the business. Approval remains valid for one year, unless earlier suspended or revoked under section 3730.05 of the Revised Code. A business's approval may be renewed. Approval is not transferable.~~

A license may be transferred to a new owner of the existing business address.

**Sec. ~~3730.04~~ 3730.06.** ~~A board of health shall conduct at least one inspection of a business prior to approving the business under section 3730.03 of the Revised Code to offer tattooing or body piercing services. The board may conduct additional inspections as necessary for the approval process. A board of health may inspect an approved business at any time the board considers necessary.~~ Prior to the issuance of an initial license and annually thereafter, the licensor shall inspect each body art business in their jurisdiction to determine whether the business is in compliance with this chapter and the rules adopted under it. A licensor may, as the licensor determines appropriate, inspect a business at any other time. The licensor shall make the initial inspection within five days from the date of receipt of notification that the business is ready for operation in accordance with section 3730.03 of the Revised Code and shall maintain a record of each inspection that is conducted for a period of at least five years on forms prescribed by the director

of health. In an inspection, a ~~board of health~~ licensor shall be given access to the business's premises and to all records relevant to the inspection.

**Sec. ~~3730.05~~ 3730.07.** A board of health may suspend or revoke the ~~approval~~ license of a business to offer ~~tattooing or body piercing~~ body art services at any time the board determines that the business is being operated in violation of this chapter or the rules adopted under section ~~3730.10~~ 3730.02 of the Revised Code. ~~Proceedings for suspensions and revocations shall be conducted in accordance with rules adopted under section 3730.10 of the Revised Code.~~

**Sec. ~~3730.06~~ 3730.08.** (A) No person shall recklessly perform a ~~tattooing procedure, body piercing~~ body art procedure~~,~~ or ear piercing procedure with an ear piercing gun on an individual who is under eighteen years of age unless consent has been given by the individual's parent, guardian, or custodian in accordance with division (B) of this section.

(B) A parent, guardian, or custodian of an individual under age eighteen who desires to give consent to a business to perform on the individual under age eighteen a ~~tattooing procedure, body piercing~~ body art procedure~~,~~ or ear piercing procedure performed with an ear piercing gun shall do ~~both~~ all of the following:

(1) Appear in person at the business at the time the procedure is performed;

(2) Sign a document provided by the business that explains the manner in which the procedure will be performed and methods for proper care of the affected body area following performance of the procedure~~;~~

(3) Provide documentation that they are the parent, guardian, or custodian of the individual under the age of eighteen.

**Sec. ~~3730.07~~ 3730.09.** (A) No individual shall knowingly show or give any false information as to the name, age, or other identification of an individual who is under age eighteen for the purpose of obtaining for the individual under age eighteen a ~~tattooing service, body piercing~~ body art service~~,~~ or ear piercing service performed with an ear piercing gun.

(B) No individual shall impersonate the parent, guardian, or custodian of an individual who is under age eighteen for the purpose of obtaining for the individual under age eighteen a ~~tattooing service, body piercing~~ body art service~~,~~ or ear piercing service performed with an ear piercing gun.

**Sec. ~~3730.08~~ 3730.10.** (A) An operator or employee of a business that performs ~~tattooing services, body piercing~~ body art services~~,~~ or ear piercing services performed with an ear piercing gun may not be found guilty of a violation of division (A) of section ~~3730.06~~ 3730.08 of the Revised Code or any rule adopted under section ~~3730.10~~ 3730.02 of the Revised Code in which age is an element of the provisions of the rule, if the ~~board of health~~ licensor or any court of record finds all of the following:

(1) That the individual obtaining a ~~tattooing service, body piercing~~ body art service~~,~~ or ear piercing service performed with an ear piercing gun, at the time of so doing, exhibited to the operator or employee of the ~~tattooing, body piercing,~~ body art or ear piercing business a driver's or commercial driver's license or an identification card issued under sections 4507.50 to 4507.52 of the Revised Code showing that the individual was then at least age eighteen;

(2) That the operator or employee made a bona fide effort to ascertain the true age of the individual obtaining a ~~tattooing, body piercing,~~ body art service or ear piercing service by

checking the identification presented, at the time of the service, to ascertain that the description on the identification compared with the appearance of the individual and that the identification had not been altered in any way;

(3) That the operator or employee had reason to believe that the individual obtaining a ~~tattooing, body piercing,~~ body art service or ear piercing service was at least age eighteen.

(B) In any hearing before a ~~board of health~~ licensor and in any action or proceeding before a court of record in which a defense is raised under this section, the registrar of motor vehicles or the registrar's deputy who issued a driver's or commercial driver's license or an identification card under sections 4507.50 to 4507.52 of the Revised Code shall be permitted to submit certified copies of the records, in the registrar's or deputy's possession, of such issuance in lieu of the testimony of the personnel of the bureau of motor vehicles at such hearing, action, or proceeding.

**Sec. ~~3730.09~~ 3730.11.** (A) Each operator of a business that offers ~~tattooing or body piercing~~ body art services shall do all of the following:

(1) Maintain procedures for ensuring that the individuals who perform ~~tattooing or body piercing~~ body art procedures are adequately trained to perform the procedures properly;

(2) With respect to tattooing services, maintain written records that include the color, manufacturer, and lot number of each pigment used for each tattoo performed;

(3) Comply with the safety and sanitation requirements for preventing transmission of infectious diseases, as established in rules adopted under section ~~3730.10~~ 3730.02 of the Revised Code;

(4) Ensure individuals who perform body art procedures are

registered with the director of health and, for individuals who perform body art procedures immediately prior to June 30, 2020, ensure that those individuals are so registered by that date.

(5) Ensure that all invasive equipment or parts of equipment used in ~~performing tattooing and body piercing~~ body art procedures are disinfected and sterilized by using methods that meet the disinfection and sterilization requirements established in rules adopted under section ~~3730.10~~ 3730.02 of the Revised Code;

~~(5)~~(6) Ensure that weekly tests of the business's heat sterilization devices are performed to determine whether the devices are functioning properly. In having the devices tested, the operator of the business shall use a biological monitoring system that indicates whether the devices are killing microorganisms. If a test indicates that a device is not functioning properly, the operator shall take immediate remedial action to ensure that heat sterilization is being accomplished. The operator shall maintain documentation that the weekly tests are being performed. To comply with the documentation requirement, the documents must consist of a log that indicates the date on which each test is performed and the name of the person who performed the test or, if a test was conducted by an independent testing entity, a copy of the entity's testing report. The operator shall maintain records of each test performed for at least two years.

(B) Each operator of a business that offers ear piercing services performed with an ear piercing gun shall require the individuals who perform the ear piercing services to disinfect and sterilize the ear piercing gun by using chemical solutions that meet the disinfection and sterilization requirements established in rules adopted under section ~~3730.10~~ 3730.02 of the Revised Code.

**Sec. ~~3730.11~~ 3730.12.** Nothing in this chapter shall be interpreted as prohibiting municipal corporations, or townships that have adopted the limited self-government form of township government under Chapter 504. of the Revised Code, from adopting ordinances or resolutions that prohibit the establishment of businesses that offer ~~tattooing or body piercing~~ body art services.

**Sec. 3730.13.** (A) The director of health may annually survey each board of health that wishes to license body art businesses to determine whether the board of health is in substantial compliance with this chapter and the rules adopted thereunder. If the director determines that a board of health is in substantial compliance, the director shall approve the board of health for issuance of licenses pursuant to this chapter. The director may make additional surveys of a board of health as the director considers appropriate.

(B) If the director determines that a board of health is not in substantial compliance, the director shall register the same to the president of the board of health and shall perform the duties of the licensor in that area until the director approves the board of health. All fees payable to the board of health during the time that the director performs the duties of the licensor and all other such fees that have not been expended or otherwise encumbered shall be deposited by the director in the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code, to be used by the director as the licensor. The director shall keep a record of the fees so deposited and, when the board of health is approved, shall transfer any remaining balance of the fees to the board of health's body art fund created under division (D) of section 3730.05 of the Revised Code.

**Sec. 3730.99.** (A) Whoever violates division (D) of section 3730.02, division (A), (B), ~~or~~ (C), or (D) of section ~~3730.02~~ 3730.04, or division (A) of section ~~3730.06~~ 3730.08 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (A) or (B) of section ~~3730.07~~ 3730.09 of the Revised Code is guilty of a misdemeanor of the first degree.

**Sec. 3734.01.** As used in this chapter:

(A) "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 in any city as authorized by section 3709.05 of the Revised Code.

(B) "Director" means the director of environmental protection.

(C) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code.

(D) "Agency" means the environmental protection agency.

(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural products made from shale and clay products, and slag

and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste.

(F) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes or hazardous waste into or on any land or ground or surface water or into the air, except if the disposition or placement constitutes storage or treatment or, if the solid wastes consist of scrap tires, the disposition or placement constitutes a beneficial use or occurs at a scrap tire recovery facility licensed under section 3734.81 of the Revised Code.

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

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

(I) "Open dumping" means the depositing of solid wastes into a body or stream of water ~~or,~~ onto the surface of the ground, or into an abandoned building or structure at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code or, if the solid wastes consist of scrap tires, as a

scrap tire collection, storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code; the depositing of solid wastes that consist of scrap tires onto the surface of the ground at a site or in a manner not specifically identified in divisions (C)(2) to (5), (7), or (10) of section 3734.85 of the Revised Code; the depositing of untreated infectious wastes into a body or stream of water ~~or,~~ onto the surface of the ground, or into an abandoned building or structure; or the depositing of treated infectious wastes into a body or stream of water ~~or,~~ onto the surface of the ground, or into an abandoned building or structure at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code.

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

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

(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) "Storage," when used in connection with hazardous waste, means the holding of hazardous waste for a temporary period in such a manner that it remains retrievable and substantially unchanged physically and chemically and, at the end of the period, is treated; disposed of; stored elsewhere; or reused, recycled, or reclaimed in a beneficial manner. When used in connection with solid wastes that consist of scrap tires, "storage" means the holding of scrap tires for a temporary period in such a manner that they remain retrievable and, at the end of that period, are beneficially used; stored elsewhere; placed in a scrap tire monocell or monofill facility licensed under section 3734.81 of the Revised Code; processed at a scrap tire recovery facility licensed under that section or a solid waste incineration or

energy recovery facility subject to regulation under this chapter; or transported to a scrap tire monocell, monofill, or recovery facility, any other solid waste facility authorized to dispose of scrap tires, or a facility that will beneficially use the scrap tires, that is located in another state and is operating in compliance with the laws of the state in which the facility is located.

(N) "Facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for the collection, storage, or processing of the solid wastes; for the transfer of solid wastes; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.

(O) "Closure" means the time at which a hazardous waste facility will no longer accept hazardous waste for treatment, storage, or disposal, the time at which a solid waste facility will no longer accept solid wastes for transfer or disposal or, if the solid wastes consist of scrap tires, for storage or processing, or the effective date of an order revoking the permit for a hazardous waste facility or the registration certificate, permit, or license for a solid waste facility, as applicable. "Closure" includes measures performed to protect public health or safety, to prevent air or water pollution, or to make the facility suitable for other uses, if any, including, but not limited to, the removal of processing residues resulting from solid wastes that consist of scrap tires; the establishment and maintenance of a suitable cover of soil and vegetation over cells in which hazardous waste or solid wastes are buried; minimization of erosion, the infiltration of surface water into such cells, the production of leachate, and the accumulation and runoff of contaminated surface water; the final construction of facilities

for the collection and treatment of leachate and contaminated surface water runoff, except as otherwise provided in this division; the final construction of air and water quality monitoring facilities, except as otherwise provided in this division; the final construction of methane gas extraction and treatment systems; or the removal and proper disposal of hazardous waste or solid wastes from a facility when necessary to protect public health or safety or to abate or prevent air or water pollution. With regard to a solid waste facility that is a scrap tire facility, "closure" includes the final construction of facilities for the collection and treatment of leachate and contaminated surface water runoff and the final construction of air and water quality monitoring facilities only if those actions are determined to be necessary.

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

(1) Geographically contiguous property owned by a generator;

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

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

(R) "Infectious wastes" means any wastes or combination of

wastes that include cultures and stocks of infectious agents and associated biologicals, human blood and blood products, and substances that were or are likely to have been exposed to or contaminated with or are likely to transmit an infectious agent or zoonotic agent, including all of the following:

(1) Laboratory wastes;

(2) Pathological wastes;

(3) Animal blood and blood products;

(4) Animal carcasses and parts;

(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.

(6) Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals;

(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.

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.

(S) "Infectious agent" means a type of microorganism, pathogen, virus, or proteinaceous infectious particle that can cause or significantly contribute to disease in or death of human beings.

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

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

(V) "Beneficially use" includes:

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

(2) With regard to material from a horizontal well that has come in contact with a refined oil-based substance and that is not technologically enhanced naturally occurring radioactive material,

to use the material in any manner authorized as a beneficial use in rules adopted by the director under section 3734.125 of the Revised Code.

(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.

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

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

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

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

scrap tire 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.

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

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

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

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

**Sec. 3734.57.** (A) The following fees are hereby levied on the transfer or disposal of solid wastes in this state:

(1) Ninety cents per ton through June 30, ~~2020~~ 2022, twenty cents of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste facility management

fund created in section 3734.18 of the Revised Code and seventy cents of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste clean-up fund created in section 3734.28 of the Revised Code;

(2) An additional seventy-five cents per ton through June 30, ~~2020~~ 2022, the proceeds of which shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code.

(3) An additional two dollars and eighty-five cents per ton through June 30, ~~2020~~ 2022, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code;

(4) An additional twenty-five cents per ton through June 30, ~~2020~~ 2022, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code.

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was

not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division. Fees levied under this division do not apply to materials separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream through recycling, as "recycling" is defined in rules adopted under section 3734.02 of the Revised Code.

The owner or operator of a solid waste transfer facility or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees required to be collected under this division during that month. In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid wastes received from transfer facilities located in this state during that month for which the fees were required to be collected by the transfer facilities. The monthly returns shall be filed on a form prescribed by the director. Not later than thirty days after the last day of the month to which a return applies, the owner or operator shall mail to the director the return for that month together with the fees required to be collected under this division during that month as indicated on the return or may submit the return and fees electronically in a manner approved by the director. If the return is filed and the amount of the fees due is paid in a timely manner as required in this division, the owner or operator may retain a discount of three-fourths of one per cent of the total amount of the fees that are required to be paid as indicated on the return.

The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request

in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are not remitted within thirty days after the last day of the month to which the return applies or are not remitted by the last day of an extension approved by the director, the owner or operator shall not retain the three-fourths of one per cent discount and shall pay an additional ten per cent of the amount of the fees for each month that they are late. For purposes of calculating the late fee, the first month in which fees are late begins on the first day after the deadline has passed for timely submitting the return and fees, and one additional month shall be counted every thirty days thereafter.

The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted under it. Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable fees. A request for a refund or credit shall not include any costs resulting from those efforts to collect unpaid fees.

A request for a refund or credit of fees shall be made in writing, on a form prescribed by the director, and shall be supported by evidence that may be required in rules adopted by the director under this chapter. After reviewing the request, and if

the request and evidence submitted with the request indicate that a refund or credit is warranted, the director shall grant a refund to the owner or operator or shall permit a credit to be taken by the owner or operator on a subsequent monthly return submitted by the owner or operator. The amount of a refund or credit shall not exceed an amount that is equal to ninety days' worth of fees owed to an owner or operator by a particular debtor of the owner or operator. A refund or credit shall not be granted by the director to an owner or operator more than once in any twelve-month period for fees owed to the owner or operator by a particular debtor.

If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly return submitted to the director together with a written explanation of the reason for the submittal.

For purposes of computing the fees levied under this division or division (B) of this section, any solid waste transfer or disposal facility that does not use scales as a means of determining gate receipts shall use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste, as applicable.

The fees levied under this division and divisions (B) and (C) of this section are in addition to all other applicable fees and taxes and shall be paid by the customer or a political subdivision to the owner or operator of a solid waste transfer or disposal facility. In the alternative, the fees shall be paid by a customer or political subdivision to a transporter of waste who subsequently transfers the fees to the owner or operator of such a facility. The fees shall be paid notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator or with a transporter of waste to the facility that would not require or

allow such payment regardless of whether the contract was entered prior to or after October 16, 2009. For those purposes, "customer" means a person who contracts with, or utilizes the solid waste services of, the owner or operator of a solid waste transfer or disposal facility or a transporter of solid waste to such a facility.

(B) For the purposes specified in division (G) of this section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

(1) The disposal at a solid waste disposal facility located in the district of solid wastes generated within the district;

(2) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of the district, but inside this state;

(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state.

The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the basis of cubic yards shall do so in accordance with division (A) of this section.

The fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be

not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section.

Prior to the approval of the solid waste management plan of a district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare and publish the resolution and a notice of the time and location where a public hearing on the fees will be held. Upon adopting the resolution, the committee shall deliver written notice of the adoption of the resolution; of the amount of the proposed fees; and of the date, time, and location of the public hearing to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the largest quantities of solid wastes, as determined by the committee, and to their local trade associations. The committee shall make good faith efforts to identify those generators within the district and their local trade associations, but the nonprovision of notice under this division to a particular generator or local trade association does not invalidate the proceedings under this division. The publication shall occur at least thirty days before the hearing. After the hearing, the committee may make such revisions to the proposed fees as it considers appropriate and thereafter, by resolution, shall adopt the revised fee schedule. Upon adopting the revised fee schedule, the committee shall deliver a copy of the resolution doing so to the board of county commissioners of each county forming the

district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district. Within sixty days after the delivery of a copy of the resolution adopting the proposed revised fees by the policy committee, each such board and legislative authority, by ordinance or resolution, shall approve or disapprove the revised fees and deliver a copy of the ordinance or resolution to the committee. If any such board or legislative authority fails to adopt and deliver to the policy committee an ordinance or resolution approving or disapproving the revised fees within sixty days after the policy committee delivered its resolution adopting the proposed revised fees, it shall be conclusively presumed that the board or legislative authority has approved the proposed revised fees. The committee shall determine if the resolution has been ratified in the same manner in which it determines if a draft solid waste management plan has been ratified under division (B) of section 3734.55 of the Revised Code.

The committee may amend the schedule of fees levied pursuant to a resolution adopted and ratified under this division by adopting a resolution establishing the proposed amount of the amended fees. The committee may repeal the fees levied pursuant to such a resolution by adopting a resolution proposing to repeal them. Upon adopting such a resolution, the committee shall proceed to obtain ratification of the resolution in accordance with this division.

Not later than fourteen days after declaring the new fees to be ratified or the fees to be repealed under this division, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the ratification and the amount of the fees or of the repeal of the fees. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the

second month following the month in which notification is sent to the owner or operator.

Fees levied under this division also may be established, amended, or repealed by a solid waste management policy committee through the adoption of a new district solid waste management plan, the adoption of an amended plan, or the amendment of the plan or amended plan in accordance with sections 3734.55 and 3734.56 of the Revised Code or the adoption or amendment of a district plan in connection with a change in district composition under section 3734.521 of the Revised Code.

Not later than fourteen days after the director issues an order approving a district's solid waste management plan, amended plan, or amendment to a plan or amended plan that establishes, amends, or repeals a schedule of fees levied by the district, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the approval of the plan or amended plan, or the amendment to the plan, as appropriate, and the amount of the fees, if any. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, the committee, within fourteen days after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the amount of the fees, if any. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director

completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, forty-five days or more before the beginning of a calendar year, the policy committee of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change, within fourteen days after the director's completion of the required actions, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the issuance of the notice and of the amount of the fees or amended fees levied under divisions (B)(1) to (3) of this section pursuant to the district's initial or amended plan as so approved or, if appropriate, the repeal of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall commence on the first day of January immediately following the issuance of the notice. If such an initial or amended plan repeals a schedule of fees, collection of the fees shall cease on that first day of January.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, less than forty-five days before the beginning of a calendar year, the director, on behalf of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change proceedings, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the mailing of the notice and of the amount of the fees or amended fees levied under divisions (B)(1) to (3) of this section pursuant to the district's initial or amended plan

as so approved or, if appropriate, the repeal of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall commence on the first day of the second month following the month in which notification is sent to the owner or operator. If such an initial or amended plan repeals a schedule of fees, collection of the fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If the schedule of fees that a solid waste management district is levying under divisions (B)(1) to (3) of this section is amended or repealed, the fees in effect immediately prior to the amendment or repeal shall continue to be collected until collection of the amended fees commences or collection of the repealed fees ceases, as applicable, as specified in this division. In the case of a change in district composition, money so received from the collection of the fees of the former districts shall be divided among the resulting districts in accordance with division (B) of section 343.012 of the Revised Code and the agreements entered into under division (B) of section 343.01 of the Revised Code to establish the former and resulting districts and any amendments to those agreements.

For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or repealed is required to cease, "fees" or "schedule of fees" includes, in addition to fees levied under divisions (B)(1) to (3) of this section, those levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township for

reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of where the wastes were generated.

The legislative authority of a municipal corporation or township may levy fees under this division by enacting an ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a certified copy of the ordinance or resolution to the board of county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator

of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) Are generated from the combustion of coal, or from the combustion of primarily coal, regardless of whether the disposal facility is located on the premises where the wastes are generated;

(c) Are asbestos or asbestos-containing materials or products disposed of at a construction and demolition debris facility that is licensed under Chapter 3714. of the Revised Code or at a solid waste facility that is licensed under this chapter.

(2) Except as provided in section 3734.571 of the Revised Code, any fees levied under division (B)(1) of this section apply to solid wastes originating outside the boundaries of a county or joint district that are covered by an agreement for the joint use of solid waste facilities entered into under section 343.02 of the Revised Code by the board of county commissioners or board of directors of the county or joint district where the wastes are generated and disposed of.

(3) When solid wastes, other than solid wastes that consist of scrap tires, are burned in a disposal facility that is an incinerator or energy recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon

the disposal of the fly ash and bottom ash remaining after burning of the solid wastes and shall be collected by the owner or operator of the sanitary landfill where the ash is disposed of.

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (B) and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(8) The director of environmental protection may issue an

order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director of environmental protection has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination. An order issued by the director of environmental protection under division (D)(8) of this section shall include a determination that the amount of the fees not received by a solid waste management district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste management plan and any approved amendments to the plan. Such an order is a final action of the director of environmental protection.

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter,

has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit of the district. Moneys in the special fund of the county or joint district arising from the fees levied under division (B) of this section and the fee levied under division (A) of section 3734.573 of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's solid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the

district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;

(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions;

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys

for administrative costs incurred.

Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys in the special fund of the district arising from the fees shall be expended for those purposes in the manner prescribed by the solid waste management policy committee by resolution.

Notwithstanding division (G)(6) of this section as it existed prior to October 29, 1993, or any provision in a district's solid waste management plan prepared in accordance with division (B)(2)(e) of section 3734.53 of the Revised Code as it existed prior to that date, any moneys arising from the fees levied under division (B)(3) of this section prior to January 1, 1994, may be expended for any of the purposes authorized in divisions (G)(1) to (10) of this section.

(H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for collecting and forwarding the fees levied under divisions (B) and (C) of this section to the boards of county commissioners or directors of county or joint solid waste management districts and to the treasurers or other officers of municipal corporations and the fiscal officers of townships. The rules also shall prescribe the dates for forwarding the fees to the boards and officials and may prescribe any other requirements the director considers necessary or appropriate to implement and administer divisions (A), (B), and (C) of this section.

**Sec. 3734.85.** (A)(1) On and after the effective date of the rules adopted under sections 3734.70, 3734.71, 3734.72, and 3734.73 of the Revised Code, the director of environmental protection may take action under this section to abate accumulations of scrap tires. If the director determines that an accumulation of scrap tires constitutes a danger to the public

health or safety or to the environment, the director shall issue an order under section 3734.13 of the Revised Code to the person responsible for the accumulation of scrap tires ~~directing~~. In that order, the director shall direct that person, within one hundred twenty days after the issuance of the order, to remove the accumulation of scrap tires from the premises on which it is located and transport the tires to ~~a~~ one of the following:

(a) A scrap tire storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code~~, to such~~;

(b) Such a facility in another state operating in compliance with the laws of the state in which it is located~~, or to any~~;

(c) Any other solid waste disposal facility in another state that is operating in compliance with the laws of that state. ~~If~~

(2) The director may include in the removal order a requirement that the property owner remove any additional solid waste disposed of by open dumping or construction and demolition debris illegally disposed of at the premises. If the person responsible for causing the accumulation of scrap tires is a person different from the owner of the land on which the accumulation is located, the director may issue ~~such an~~ the removal order to the landowner.

(3) If the director is unable to ascertain immediately the identity of the person responsible for causing the accumulation of scrap tires, the director shall examine the records of the applicable board of health and law enforcement agencies to ascertain that person's identity. Before initiating any enforcement or removal actions under this ~~division~~ section against the owner of the land on which the accumulation is located, the director shall initiate any such actions against the person that the director has identified as responsible for causing the

accumulation of scrap tires. Failure of the director to make diligent efforts to ascertain the identity of the person responsible for causing the accumulation of scrap tires or to initiate an action against the person responsible for causing the accumulation ~~shall~~ does not constitute an affirmative defense by a landowner to an enforcement action initiated by the director under this ~~division~~ section requiring immediate removal of any accumulation of scrap tires.

(4) Upon the written request of the recipient of ~~an~~ a removal order ~~issued under this division~~, the director may extend the time for compliance with the order if the request demonstrates that the recipient has acted in good faith to comply with the order. ~~If~~ The director shall take any actions as the director considers reasonable and necessary to remove and properly manage scrap tires located on the land named in a removal order if the recipient of ~~an~~ the order ~~issued under this division~~ fails to comply with the order within ~~one~~ either of the following:

(a) One hundred twenty days after the issuance of the order; or~~, if~~

(b) If the time for compliance with the order was ~~so~~ extended, within that time~~, the director shall take such actions as the director considers reasonable and necessary to remove and properly manage the scrap tires located on the land named in the order~~. ~~The~~

(5) The director, through employees of the environmental protection agency or a contractor, may enter upon the land on which the accumulation of scrap tires is located and remove and transport them to a scrap tire recovery facility for processing, to a scrap tire storage facility for storage, or to a scrap tire monocell or monofill facility for storage or disposal. When performing a removal action, the director may also remove, transport, and dispose of any additional solid waste or

construction and demolition debris named in the removal order if one or more of the following apply:

(a) The property owner consents to the removal in writing.

(b) The removal of the additional solid waste or construction and demolition debris is required by the removal order.

The director shall enter into contracts for the storage, disposal, or processing of scrap tires removed through removal operations conducted under this section.

(6) If a person to whom a removal order is issued ~~under this division~~ fails to comply with the removal order and if the director performs a removal action under this section, the person to whom the removal order is issued is liable to the director for the costs incurred by the director for conducting the removal operation~~, storage at a scrap tire storage facility, storage or disposal at a scrap tire monocell or monofill facility, or processing of the scrap tires so removed, the~~. Such costs may include costs associated with any of the following:

(a) The removal, storage, processing, or disposal of scrap tires and any additional solid waste or construction and demolition debris;

(b) The transportation of the scrap tires from the site of the accumulation to the ~~scrap tire storage, monocell, monofill, or recovery~~ facility where the scrap tires were stored, disposed of, or processed~~, and the~~;

(c) The transportation of any solid waste or construction and demolition debris to an appropriate facility;

(d) The administrative and legal expenses incurred by the director in connection with the removal operation. ~~The~~

The director shall keep an itemized record of those costs. Upon completion of the actions for which the costs were incurred,

the director shall record the costs at the office of the county recorder of the county in which the ~~accumulation of~~ scrap tires ~~was~~, any additional solid waste, or construction and demolition debris so removed were located. The costs so recorded constitute a lien on the property ~~on which the accumulation of scrap tires was located~~ until discharged. Upon the written request of the director, the attorney general shall bring a civil action against the person responsible for the accumulation of the scrap tires that were the subject of the removal operation to recover the costs for which the person is liable ~~under this division~~. Any money so received or recovered shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

(7) If, in a civil action brought under this division, an owner of real property is ordered to pay to the director the costs of a removal action that removed an accumulation of scrap tires from the person's land or if a lien is placed on the person's land for the costs of such a removal action, and, in either case, if the landowner was not the person responsible for causing the accumulation of scrap tires so removed, the landowner may bring a civil action against the person who was responsible for causing the accumulation to recover the ~~amount~~ portion of the removal costs that the court ordered the landowner to pay to the director or the ~~amount~~ portion of the removal costs certified to the county recorder as a lien on the landowner's property, ~~whichever is applicable~~ that, in the court's determination, is attributable to the person responsible for the accumulation. If the landowner prevails in the civil action against the person who was responsible for causing the accumulation of scrap tires, the court, as it considers appropriate, may award to the landowner the reasonable attorney's fees incurred by the landowner for bringing the action, court costs, and other reasonable expenses incurred by the landowner in connection with the civil action. A landowner shall bring such a civil action within two years after making the

final payment of the removal costs to the director pursuant to the judgment rendered against the landowner in the civil action brought under this division upon the director's request or within two years after the director certified the costs of the removal action to the county recorder, as appropriate. A person who, at the time that a removal action was conducted ~~under this division~~, owned the land on which the removal action was performed may bring an action under this division to recover the costs of the removal action from the person responsible for causing the accumulation of scrap tires so removed regardless of whether the person owns the land at the time of bringing the action.

(8) Subject to the limitations set forth in division (G) of section 3734.82 of the Revised Code, the director may use moneys in the scrap tire management fund for conducting removal actions under this ~~division~~ section. Any moneys recovered under this ~~division~~ section shall be credited to the scrap tire management fund.

(B) The director shall initiate enforcement and removal actions under ~~division (A) of~~ this section in accordance with the following descending listing of priorities:

(1) Accumulations of scrap tires that the director finds constitute a fire hazard or threat to public health;

(2) Accumulations of scrap tires determined by the director to contain more than one million scrap tires;

(3) Accumulations of scrap tires in densely populated areas;

(4) Other accumulations of scrap tires that the director or board of health of the health district in which the accumulation is located determines constitute a public nuisance;

(5) Any other accumulations of scrap tires present on premises operating without a valid license issued under section 3734.05 or 3734.81 of the Revised Code.

(C) The director shall not take enforcement and removal actions under ~~division (A) of~~ this section against the owner or operator of, or the owner of the land on which is located, any of the following:

(1) A premises where not more than one hundred scrap tires are present at any time;

(2) The premises of a business engaging in the sale of tires at retail that meets either of the following criteria:

(a) Not more than one thousand scrap tires are present on the premises at any time in an unsecured, uncovered outdoor location.

(b) Any number of scrap tires are secured in a building or a covered, enclosed container, trailer, or installation.

(3) The premises of a tire retreading business, a tire manufacturing finishing center, or a tire adjustment center on which is located a single, covered scrap tire storage area where not more than four thousand scrap tires are stored;

(4) The premises of a business that removes tires from motor vehicles in the ordinary course of business and on which is located a single scrap tire storage area that occupies not more than twenty-five hundred square feet;

(5) A solid waste facility licensed under section 3734.05 of the Revised Code that stores scrap tires on the surface of the ground if the total land area on which scrap tires are actually stored does not exceed ten thousand square feet;

(6) A premises where not more than two hundred fifty scrap tires are stored or kept for agricultural use;

(7) A construction site where scrap tires are stored for use or used in road resurfacing or the construction of embankments;

(8) A scrap tire collection, storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised

Code;

(9) A solid waste incineration or energy recovery facility that is subject to regulation under this chapter and that burns scrap tires;

(10) A premises where scrap tires are beneficially used and for which the notice required by rules adopted under section 3734.84 of the Revised Code has been given;

(11) A transporter registered under section 3734.83 of the Revised Code that collects and holds scrap tires in a covered trailer or vehicle for not longer than thirty days prior to transporting them to their final destination.

(D) Nothing in this section restricts any right any person may have under statute or common law to enforce or seek enforcement of any law applicable to the management of scrap tires, abate a nuisance, or seek any other appropriate relief.

(E) An owner of real property upon which there is located an accumulation of not more than five thousand scrap tires is not liable under ~~division (A) of~~ this section for the cost of the removal of the scrap tires, and no lien shall attach to the property under this section, if all of the following conditions are met:

(1) The tires were placed on the property after the owner acquired title to the property, or the tires were placed on the property before the owner acquired title to the property and the owner acquired title to the property by bequest or devise.

(2) The owner of the property did not have knowledge that the tires were being placed on the property, or the owner posted on the property signs prohibiting dumping or took other action to prevent the placing of tires on the property.

(3) The owner of the property did not participate in or

consent to the placing of the tires on the property.

(4) The owner of the property received no financial benefit from the placing of the tires on the property or otherwise having the tires on the property.

(5) Title to the property was not transferred to the owner for the purpose of evading liability under ~~division (A) of~~ this section.

(6) The person responsible for placing the tires on the property, in doing so, was not acting as an agent for the owner of the property.

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire provisions of this chapter, rules adopted under those provisions, and terms and conditions of orders, variances, and licenses issued under those provisions; to abate accumulations of scrap tires; to make grants supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes and to support scrap tire amnesty and cleanup events; to make loans to promote the recycling or recovery of energy from scrap tires; and to defray the costs of administering and enforcing sections 3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents per tire is hereby levied on the sale of tires. The proceeds of the fee shall be deposited in the state treasury to the credit of the scrap tire management fund created in section 3734.82 of the Revised Code. The fee is levied from the first day of the calendar month that begins next after thirty days from October 29, 1993, through June 30, ~~2020~~ 2022.

(2) Beginning on July 1, 2011, and ending on June 30, ~~2020~~ 2022, there is hereby levied an additional fee of fifty cents per tire on the sale of tires the proceeds of which shall be deposited in the state treasury to the credit of the soil and water

conservation district assistance fund created in section 940.15 of the Revised Code.

(B) Only one sale of the same article shall be used in computing the amount of the fee due.

**Sec. 3738.01.** (A) As used in this section and sections 3738.02 to 3738.09 of the Revised Code, "pregnancy-associated death" means the death of a woman while pregnant or anytime within one year of pregnancy regardless of cause.

(B) The department of health may establish a pregnancy-associated mortality review (PAMR) board to identify and review all pregnancy-associated deaths statewide for the purpose of reducing the incidence of those deaths.

**Sec. 3738.02.** A PAMR board may not conduct a review of a pregnancy-associated death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney prosecuting the case, on the conclusion of the prosecution, shall notify the chairperson of the PAMR board of the conclusion.

**Sec. 3738.03.** If the department of health establishes a PAMR board under section 3738.01 of the Revised Code, all of the following apply:

(A) The director of health shall appoint the board's members. In doing so, the director shall make a good faith effort to select members who represent all regions of the state and multiple areas of expertise and constituencies concerned with the care of pregnant and postpartum women.

(B) The board, by a majority vote of a quorum of its members,

shall select an individual to serve as its chairperson. The board may replace a chairperson in the same manner.

(C) An appointed member shall hold office until a successor is appointed. The director of health shall fill a vacancy as soon as practicable.

(D) A member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the board.

(E) The board shall meet at the call of the board's chairperson as often as the chairperson determines necessary for timely completion of pregnancy-associated death reviews. The reviews shall be conducted in accordance with rules adopted under section 3738.09 of the Revised Code.

(F) The department of health shall provide meeting space, staff services, and other technical assistance required by the board in carrying out its duties.

**Sec. 3738.04.** If established, the PAMR board shall seek to reduce the incidence of pregnancy-associated deaths in this state by doing all of the following:

(A) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, and entities that serve pregnant and postpartum women and families;

(B) Recommending and developing plans for implementing service and program changes, as well as changes to the groups, professions, agencies, and entities that serve pregnant and postpartum women and families;

(C) Providing the department of health with aggregate data, trends, and patterns regarding pregnancy-associated deaths using data and other relevant information specified in rules adopted under section 3738.09 of the Revised Code;

(D) Developing effective interventions to reduce the mortality of pregnant and postpartum women.

**Sec. 3738.05.** (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, and except as provided in division (B) of this section, an individual, government entity, agency that provides services specifically to individuals or families, law enforcement agency, health care provider, or other public or private entity that provided services to a woman whose death is being reviewed by a PAMR board established under section 3738.01 of the Revised Code shall submit to the board a copy of any record it possesses that the board requests. In addition, such an individual or entity may make available to the board additional information, documents, or reports that could be useful to the board's investigation.

(B) No person, government entity, law enforcement agency, or prosecuting attorney shall provide any information regarding a pregnancy-associated death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review.

(C) A family member of the deceased may decline to participate in an interview as part of the review process. In that case, the review shall continue without the family member's participation.

**Sec. 3738.06.** (A) Any record, document, report, or other information presented to a PAMR board established under section 3738.01 of the Revised Code, as well as all statements made by board members during board meetings, all work products of the board, and data submitted to the department of health by the board, other than the triennial reports described in section 3738.08 of the Revised Code, are confidential. Such materials

shall be used by the board and department only in the exercise of the proper functions of the board and department.

(B) No person shall permit or encourage the unauthorized dissemination of confidential information described in division (A) of this section.

(C) Whoever violates division (B) of this section is guilty of a misdemeanor of the second degree.

**Sec. 3738.07.** (A) An individual or public or private entity providing records, documents, reports, or other information to a PAMR board established under section 3738.01 of the Revised Code is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the records, documents, reports, or information to the board.

(B) Each board member is immune from any civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the board.

**Sec. 3738.08.** (A) A PAMR board established under section 3738.01 of the Revised Code shall prepare a triennial report that does all of the following:

(1) Summarizes the board's findings from the reviews completed in the immediately preceding three calendar years, including any trends or patterns identified by the board;

(2) Makes recommendations on how pregnancy-associated deaths may be prevented, including changes that should be made to policies and laws;

(3) Includes any other information related to pregnancy-associated mortality the board considers useful.

(B) A report shall not contain individually identifiable information regarding any woman whose death was reviewed by the board.

(C) The board shall submit a copy of each report to the director of health, the general assembly, and the governor. The copy to the general assembly shall be submitted in accordance with section 101.68 of the Revised Code. The initial report shall be submitted not later than March 1, 2020, with subsequent reports submitted not later than March 1 every three years thereafter.

The director shall make a copy of each report available on the department of health's web site.

(D) Reports prepared under this section are public records under section 149.43 of the Revised Code.

**Sec. 3738.09.** If a PAMR board is established under section 3738.01 of the Revised Code, the director of health shall adopt rules that are necessary for the implementation of sections 3738.01 to 3738.08 of the Revised Code, including rules that do all of the following:

(A) Establish a procedure for the board to follow in conducting pregnancy-associated death reviews;

(B) Specify the data and other relevant information the board must use when conducting pregnancy-associated death reviews;

(C) Establish guidelines for the board to follow to prevent an unauthorized dissemination of confidential information in violation of division (B) of section 3738.06 of the Revised Code.

The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 3742.03.** The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code for the

administration and enforcement of sections 3742.01 to 3742.19 and 3742.99 of the Revised Code. The rules shall specify all of the following:

(A) Procedures to be followed by a lead abatement contractor, lead abatement project designer, lead abatement worker, lead inspector, or lead risk assessor licensed under section 3742.05 of the Revised Code for undertaking lead abatement activities and procedures to be followed by a clearance technician, lead inspector, or lead risk assessor in performing a clearance examination;

(B)(1) Requirements for training and licensure, in addition to those established under section 3742.08 of the Revised Code, to include levels of training and periodic refresher training for each class of worker, and to be used for licensure under section 3742.05 of the Revised Code. Except in the case of clearance technicians, these requirements shall include at least twenty-four classroom hours of training based on the Occupational Safety and Health Act training program for lead set forth in 29 C.F.R. 1926.62. For clearance technicians, the training requirements to obtain an initial license shall not exceed six hours and the requirements for refresher training shall not exceed two hours every four years. In establishing the training and licensure requirements, the director shall consider the core of information that is needed by all licensed persons, and establish the training requirements so that persons who would seek licenses in more than one area would not have to take duplicative course work.

(2) Persons certified by the American board of industrial hygiene as a certified industrial hygienist or as an industrial hygienist-in-training, and persons registered as a sanitarian or ~~sanitarian-in-training~~ sanitarian in training under Chapter ~~4736.~~ 3722. of the Revised Code, shall be exempt from any training requirements for initial licensure established under this chapter,

but shall be required to take any examinations for licensure required under section 3742.05 of the Revised Code.

(C) Fees for licenses issued under section 3742.05 of the Revised Code and for their renewal;

(D) Procedures to be followed by lead inspectors, lead abatement contractors, environmental lead analytical laboratories, lead risk assessors, lead abatement project designers, and lead abatement workers to prevent public exposure to lead hazards and ensure worker protection during lead abatement projects;

(E)(1) Record-keeping and reporting requirements for clinical laboratories, environmental lead analytical laboratories, lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, and lead abatement workers for lead abatement projects and record-keeping and reporting requirements for clinical laboratories, environmental lead analytical laboratories, and clearance technicians for clearance examinations;

(2) Record-keeping and reporting requirements regarding lead poisoning for physicians~~, in addition to the requirements of section 3701.25 of the Revised Code~~;

(3) Information that is required to be reported under rules based on divisions (E)(1) and (2) of this section and that is a medical record is not a public record under section 149.43 of the Revised Code and shall not be released, except in aggregate statistical form.

(F) Environmental sampling techniques for use in collecting samples of air, water, dust, paint, and other materials;

(G) Requirements for a respiratory protection plan prepared in accordance with section 3742.07 of the Revised Code;

(H) Requirements under which a manufacturer of encapsulants

must demonstrate evidence of the safety and durability of its encapsulants by providing results of testing from an independent laboratory indicating that the encapsulants meet the standards developed by the "E06.23.30 task group on encapsulants," which is the task group of the lead hazards associated with buildings subcommittee of the performance of buildings committee of the American society for testing and materials.

**Sec. 3742.04.** (A) The director of health shall do all of the following:

(1) Administer and enforce the requirements of sections 3742.01 to 3742.19 and 3742.99 of the Revised Code and the rules adopted pursuant to those sections;

(2) Examine records and reports submitted by lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, lead abatement workers, and clearance technicians in accordance with section 3742.05 of the Revised Code to determine whether the requirements of this chapter are being met;

(3) Examine records and reports submitted by physicians~~,~~ pursuant to rules adopted under section 3742.03 of the Revised Code and by clinical laboratories~~,~~ and environmental lead analytical laboratories under section ~~3701.25 or~~ 3742.09 of the Revised Code;

(4) Issue approval to manufacturers of encapsulants that have done all of the following:

(a) Submitted an application for approval to the director on a form prescribed by the director;

(b) Paid the application fee established by the director;

(c) Submitted results from an independent laboratory indicating that the manufacturer's encapsulants satisfy the

requirements established in rules adopted under division (H) of section 3742.03 of the Revised Code;

(d) Complied with rules adopted by the director regarding durability and safety to workers and residents.

(5) Establish liaisons and cooperate with the directors or agencies in states having lead abatement, licensing, accreditation, certification, and approval programs to promote consistency between the requirements of this chapter and those of other states in order to facilitate reciprocity of the programs among states;

(6) Establish a program to monitor and audit the quality of work of lead inspectors, lead risk assessors, lead abatement project designers, lead abatement contractors, lead abatement workers, and clearance technicians. The director may refer improper work discovered through the program to the attorney general for appropriate action.

(B) In addition to any other authority granted by this chapter, the director of health may do any of the following:

(1) Employ persons who have received training from a program the director has determined provides the necessary background. The appropriate training may be obtained in a state that has an ongoing lead abatement program under which it conducts educational programs.

(2) Cooperate with the United States environmental protection agency in any joint oversight procedures the agency may propose for laboratories that offer lead analysis services and are accredited under the agency's laboratory accreditation program;

(3) Advise, consult, cooperate with, or enter into contracts or cooperative agreements with any person, government entity, interstate agency, or the federal government as the director considers necessary to fulfill the requirements of this chapter

and the rules adopted under it.

**Sec. 3742.18.** (A)(1) At the request of the director of health, the attorney general may commence a civil action for civil penalties and injunctive and other equitable relief against any person who violates section 3742.02, 3742.06, or 3742.07 of the Revised Code. The action shall be commenced in the court of common pleas of the county in which the violation occurred or is about to occur.

(2) The court shall grant injunctive and other equitable relief on a showing that the person has violated or is about to violate section 3742.02, 3742.06, or 3742.07 of the Revised Code. On a finding of a violation, the court shall assess a civil penalty of not more than one thousand dollars. Each day a violation continues is a separate violation. All civil penalties collected by the court under this section shall be deposited into the state treasury to the credit of the lead abatement personnel licensing fund created under section 3742.19 of the Revised Code.

(B) At the request of the director or a board of health, a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer may commence a civil action for injunctive and other equitable relief against any person who violates or is about to violate an order issued by the director or board of health under section 3742.40 of the Revised Code. The court shall grant injunctive or other equitable relief on a showing that the person has violated or is about to violate the order.

**Sec. 3742.32.** (A) The director of health shall appoint an advisory council to assist in the ongoing development and implementation of the child lead poisoning prevention program created under section 3742.31 of the Revised Code. The advisory

council shall consist of the following members:

(1) A representative of the department of medicaid;

(2) A representative of the bureau of child care in the department of job and family services;

(3) A representative of the department of environmental protection;

(4) A representative of the department of education;

(5) A representative of the development services agency;

(6) A representative of the Ohio apartment owner's association;

(7) A representative of the Ohio ~~help end lead poisoning coalition~~ healthy homes network;

(8) A representative of the Ohio environmental health association;

(9) An Ohio representative of the ~~national paint and~~ American coatings association;

(10) A representative from Ohio realtors;

(11) A representative of the Ohio housing finance agency;

(12) A physician knowledgeable in the field of lead poisoning prevention;

(13) A representative of the public.

(B) The advisory council shall do both of the following:

(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;

(2) Submit a report of the state's activities to the

governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.

(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.

**Sec. 3742.40.** If the owner and manager of a residential unit, child care facility, or school fails or refuses for any reason to comply with a lead hazard control order issued under section 3742.37 of the Revised Code, the director of health or board of health that issued the order shall issue an order prohibiting the owner and manager from permitting the unit, facility, or school to be used ~~as a residential unit, child care facility, or school~~ for any purpose until the unit, facility, or school passes a clearance examination. On receipt of the order, the owner or manager shall take appropriate measures to notify each occupant, in the case of a residential unit, and the parent, guardian, or custodian of each child attending the facility or school, in the case of a child care facility or school, to vacate the unit, facility, or school until the unit, facility, or school passes a clearance examination. The director or board shall post a sign at the unit, facility, or school that warns the public that the unit, facility, or school has a lead hazard. The sign shall include a declaration that the unit, facility, or school is unsafe for human occupation, especially for children under six years of age and pregnant women. The director or board shall ensure that the sign remains posted at the unit, facility, or school and that the unit, facility, or school is not used ~~as a residential unit, child care facility, or school~~ until the unit, facility, or school passes a clearance examination.

**Sec. 3742.50.** (A) As used in this section:

(1) "Lead abatement costs" means costs incurred by a taxpayer

for either of the following:

(a) A lead abatement specialist to conduct a lead risk assessment, a lead abatement project, or a clearance examination, provided the specialist is authorized under this chapter to conduct the respective task;

(b) Relocation costs incurred in the relocation of occupants of an eligible dwelling to achieve occupant protection, as described in 24 C.F.R. 35.1345(a).

"Lead abatement costs" do not include such costs for which the taxpayer is reimbursed or such costs the taxpayer deducts or excludes in computing the taxpayer's federal adjusted gross income for federal income tax purposes or Ohio adjusted gross income as determined under section 5747.01 of the Revised Code.

(2) "Eligible dwelling" means a residential unit constructed in this state before 1978.

(3) "Lead abatement specialist" means an individual who holds a valid license issued under section 3742.05 of the Revised Code.

(4) "Taxable year" and "taxpayer" have the same meanings as in section 5747.01 of the Revised Code.

(B) A taxpayer who incurs lead abatement costs on an eligible dwelling during a taxable year may apply to the director of health for a lead abatement tax credit certificate. The applicant shall list on the application the amount of lead abatement costs the applicant incurred for the eligible dwelling during the taxable year. The director, in consultation with the tax commissioner, shall prescribe the form of a lead abatement tax credit certificate, the manner by which an applicant shall apply for the certificate, and requirements for the submission of any record or other information an applicant must furnish with the application to verify the lead abatement costs.

(C)(1) Upon receipt of an application under division (B) of this section, the director of health shall verify all of the following:

(a) The residential unit that is the subject of the application is an eligible dwelling.

(b) The taxpayer incurred lead abatement costs during the taxable year related to the eligible dwelling.

(c) The eligible dwelling has passed a clearance examination in accordance with standards prescribed in rules adopted by the director under section 3742.03 or 3742.45 of the Revised Code.

(2) After verifying the conditions described in division (C)(1) of this section, the director shall issue a lead abatement tax credit certificate to the applicant equal to the lesser of (a) the lead abatement costs incurred by the taxpayer on the eligible dwelling during the taxable year, (b) the amount of lead abatement costs listed on the application, or (c) ten thousand dollars, subject to the limitation in division (C)(3) of this section.

(3) The director may not issue more than five million dollars in lead abatement tax credit certificates in any fiscal biennium.

(D) The director of health, in consultation with the tax commissioner, may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the administration of this section.

**Sec. 3745.11.** (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee to the environmental protection agency for each such issuance and each application for an issuance as provided by this section. No fee shall be charged for any issuance for which no application has

been submitted to the director.

(B) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in this division. For the purposes of this division, total emissions of air contaminants may be calculated using engineering calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.

The following fees shall be assessed on the total actual emissions from a source in tons per year of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead:

(1) Fifteen dollars per ton on the total actual emissions of each such regulated pollutant during the period July through December 1993, to be collected no sooner than July 1, 1994;

(2) Twenty dollars per ton on the total actual emissions of each such regulated pollutant during calendar year 1994, to be collected no sooner than April 15, 1995;

(3) Twenty-five dollars per ton on the total actual emissions of each such regulated pollutant in calendar year 1995, and each subsequent calendar year, to be collected no sooner than the fifteenth day of April of the year next succeeding the calendar year in which the emissions occurred.

The fees levied under this division do not apply to that portion of the emissions of a regulated pollutant at a facility that exceed four thousand tons during a calendar year.

(C)(1) The fees assessed under division (B) of this section are for the purpose of providing funding for the Title V permit program.

(2) The fees assessed under division (B) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year.

(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice.

(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

| Total tons per year of regulated pollutants emitted | Annual fee per facility |
|---|---|

| | |
|---|---|
| More than 0, but less than 50 | $ 75 |
| 50 or more, but less than 100 | 300 |
| 100 or more | 700 |

(2) Except as provided in division (D)(3) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

| Total tons per year of regulated pollutants emitted | Annual fee per facility |
|---|---|
| More than 0, but less than 10 | $ 100 |
| 10 or more, but less than 50 | 200 |
| 50 or more, but less than 100 | 300 |
| 100 or more | 700 |

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2020~~ 2022, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen

dioxide, organic compounds, and lead in accordance with the following schedule:

| Combined total tons per year of all regulated pollutants emitted | Annual fee per facility |
|---|---|
| Less than 10 | $ 170 |
| 10 or more, but less than 20 | 340 |
| 20 or more, but less than 30 | 670 |
| 30 or more, but less than 40 | 1,010 |
| 40 or more, but less than 50 | 1,340 |
| 50 or more, but less than 60 | 1,680 |
| 60 or more, but less than 70 | 2,010 |
| 70 or more, but less than 80 | 2,350 |
| 80 or more, but less than 90 | 2,680 |
| 90 or more, but less than 100 | 3,020 |
| 100 or more | 3,350 |

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)

| Input capacity (maximum) (million British thermal units per hour) | Permit to install |
|---|---|
| Greater than 0, but less than 10 | $ 200 |
| 10 or more, but less than 100 | 400 |

| | | |
|---|---|---|
| 100 or more, but less than 300 | 1000 | 25766 |
| 300 or more, but less than 500 | 2250 | 25767 |
| 500 or more, but less than 1000 | 3750 | 25768 |
| 1000 or more, but less than 5000 | 6000 | 25769 |
| 5000 or more | 9000 | 25770 |

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section. 25771 25772 25773

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity 25774 25775

| Generating capacity (mega watts) | Permit to install | |
|---|---|---|
| 0 or more, but less than 10 | $ 25 | 25777 |
| 10 or more, but less than 25 | 150 | 25778 |
| 25 or more, but less than 50 | 300 | 25779 |
| 50 or more, but less than 100 | 500 | 25780 |
| 100 or more, but less than 250 | 1000 | 25781 |
| 250 or more | 2000 | 25782 |

(3) Incinerators 25783

| Input capacity (pounds per hour) | Permit to install | |
|---|---|---|
| 0 to 100 | $ 100 | 25785 |
| 101 to 500 | 500 | 25786 |
| 501 to 2000 | 1000 | 25787 |
| 2001 to 20,000 | 1500 | 25788 |
| more than 20,000 | 3750 | 25789 |

(4)(a) Process 25790

| Process weight rate (pounds per hour) | Permit to install | |
|---|---|---|
| 0 to 1000 | $ 200 | 25792 |
| 1001 to 5000 | 500 | 25793 |
| 5001 to 10,000 | 750 | 25794 |
| 10,001 to 50,000 | 1000 | 25795 |
| more than 50,000 | 1250 | 25796 |

In any process where process weight rate cannot be 25797

ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F)(4)(a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee established in division (F)(2) of this section.

(b) Notwithstanding division (F)(4)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(4)(c) of this section for a process used in any of the following industries, as identified by the applicable two-digit, three-digit, or four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1987, as revised:

Major group 10, metal mining;

Major group 12, coal mining;

Major group 14, mining and quarrying of nonmetallic minerals;

Industry group 204, grain mill products;

2873 Nitrogen fertilizers;

2874 Phosphatic fertilizers;

3281 Cut stone and stone products;

3295 Minerals and earth, ground or otherwise treated;

4221 Grain elevators (storage only);

5159 Farm related raw materials;

5261 Retail nurseries and lawn and garden supply stores.

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(4)(b) of this section:

| Process weight rate (pounds per hour) | Permit to install |
|---|---|
| 0 to 10,000 | $ 200 |
| 10,001 to 50,000 | 400 |
| 50,001 to 100,000 | 500 |
| 100,001 to 200,000 | 600 |
| 200,001 to 400,000 | 750 |
| 400,001 or more | 900 |

(5) Storage tanks

| Gallons (maximum useful capacity) | Permit to install |
|---|---|
| 0 to 20,000 | $ 100 |
| 20,001 to 40,000 | 150 |
| 40,001 to 100,000 | 250 |
| 100,001 to 500,000 | 400 |
| 500,001 or greater | 750 |

(6) Gasoline/fuel dispensing facilities

| | |
|---|---|
| For each gasoline/fuel dispensing facility (includes all units at the facility) | Permit to install $ 100 |

(7) Dry cleaning facilities

| | |
|---|---|
| For each dry cleaning facility (includes all units at the facility) | Permit to install $ 100 |

(8) Registration status

| | |
|---|---|
| For each source covered by registration status | Permit to install $ 75 |

(G) An owner or operator who is responsible for an asbestos

demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay, upon submitting a notification pursuant to rules adopted under that section, the fees set forth in the following schedule:

| Action | Fee |
|---|---|
| Each notification | $75 |
| Asbestos removal | $3/unit |
| Asbestos cleanup | $4/cubic yard |

For purposes of this division, "unit" means any combination of linear feet or square feet equal to fifty.

(H) A person who is issued an extension of time for a permit to install an air contaminant source pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay a fee equal to one-half the fee originally assessed for the permit to install under this section, except that the fee for such an extension shall not exceed two hundred dollars.

(I) A person who is issued a modification to a permit to install an air contaminant source pursuant to rules adopted under section 3704.03 of the Revised Code shall pay a fee equal to one-half of the fee that would be assessed under this section to obtain a permit to install the source. The fee assessed by this division only applies to modifications that are initiated by the owner or operator of the source and shall not exceed two thousand dollars.

(J) Notwithstanding division (F) of this section, a person who applies for or obtains a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code after the date actual construction of the source began shall pay a fee for the permit to install that is equal to twice the fee that otherwise would be assessed under the applicable division unless the applicant received authorization to begin construction under division (W) of section 3704.03 of the Revised Code. This division

only applies to sources for which actual construction of the source begins on or after July 1, 1993. The imposition or payment of the fee established in this division does not preclude the director from taking any administrative or judicial enforcement action under this chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised Code, or a rule adopted under any of them, in connection with a violation of rules adopted under division (F) of section 3704.03 of the Revised Code.

As used in this division, "actual construction of the source" means the initiation of physical on-site construction activities in connection with improvements to the source that are permanent in nature, including, without limitation, the installation of building supports and foundations and the laying of underground pipework.

(K)(1) Money received under division (B) of this section shall be deposited in the state treasury to the credit of the Title V clean air fund created in section 3704.035 of the Revised Code. Annually, not more than fifty cents per ton of each fee assessed under division (B) of this section on actual emissions from a source and received by the environmental protection agency pursuant to that division may be transferred by the director using an interstate transfer voucher to the state treasury to the credit of the small business assistance fund created in section 3706.19 of the Revised Code. In addition, annually, the amount of money necessary for the operation of the office of ombudsperson as determined under division (B) of that section shall be transferred to the state treasury to the credit of the small business ombudsperson fund created by that section.

(2) Money received by the agency pursuant to divisions (D), (F), (G), (H), (I), and (J) of this section shall be deposited in the state treasury to the credit of the non-Title V clean air fund created in section 3704.035 of the Revised Code.

(L)(1) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a nonrefundable fee of one hundred dollars plus sixty-five one-hundredths of one per cent of the estimated project cost through June 30, ~~2020~~ 2022, and a nonrefundable application fee of one hundred dollars plus two-tenths of one per cent of the estimated project cost on and after July 1, ~~2020~~ 2022, except that the total fee shall not exceed fifteen thousand dollars through June 30, ~~2020~~ 2022, and five thousand dollars on and after July 1, ~~2020~~ 2022. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under section 6111.14 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons who have entered into agreements under that section, or who have applied for agreements, of the amount of the fee.

(3)(a)(i) Not later than January 30, ~~2018~~ 2020, and January 30, ~~2019~~ 2021, a person holding an NPDES discharge permit issued pursuant to Chapter 6111. of the Revised Code with an average daily discharge flow of five thousand gallons or more shall pay a nonrefundable annual discharge fee. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required annual discharge fee.

(ii) The billing year for the annual discharge fee established in division (L)(3)(a)(i) of this section shall consist of a twelve-month period beginning on the first day of January of the year preceding the date when the annual discharge fee is due. In the case of an existing source that permanently ceases to

discharge during a billing year, the director shall reduce the annual discharge fee, including the surcharge applicable to certain industrial facilities pursuant to division (L)(3)(c) of this section, by one-twelfth for each full month during the billing year that the source was not discharging, but only if the person holding the NPDES discharge permit for the source notifies the director in writing, not later than the first day of October of the billing year, of the circumstances causing the cessation of discharge.

(iii) The annual discharge fee established in division (L)(3)(a)(i) of this section, except for the surcharge applicable to certain industrial facilities pursuant to division (L)(3)(c) of this section, shall be based upon the average daily discharge flow in gallons per day calculated using first day of May through thirty-first day of October flow data for the period two years prior to the date on which the fee is due. In the case of NPDES discharge permits for new sources, the fee shall be calculated using the average daily design flow of the facility until actual average daily discharge flow values are available for the time period specified in division (L)(3)(a)(iii) of this section. The annual discharge fee may be prorated for a new source as described in division (L)(3)(a)(ii) of this section.

(b)(i) An NPDES permit holder that is a public discharger shall pay the fee specified in the following schedule:

| Average daily discharge flow | Fee due by January 30, ~~2018~~ 2020, and January 30, ~~2019~~ 2021 |
|---|---|
| 5,000 to 49,999 | $ 200 |
| 50,000 to 100,000 | 500 |
| 100,001 to 250,000 | 1,050 |

| | |
|---|---|
| 250,001 to 1,000,000 | 2,600 |
| 1,000,001 to 5,000,000 | 5,200 |
| 5,000,001 to 10,000,000 | 10,350 |
| 10,000,001 to 20,000,000 | 15,550 |
| 20,000,001 to 50,000,000 | 25,900 |
| 50,000,001 to 100,000,000 | 41,400 |
| 100,000,001 or more | 62,100 |

(ii) Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand persons shall pay an annual discharge fee under division (L)(3)(b)(i) of this section that is based on the combined average daily discharge flow of the treatment works.

(c)(i) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

| Average daily discharge flow | Fee due by January 30, ~~2018~~ 2020, and January 30, ~~2019~~ 2021 |
|---|---|
| 5,000 to 49,999 | $ 250 |
| 50,000 to 250,000 | 1,200 |
| 250,001 to 1,000,000 | 2,950 |
| 1,000,001 to 5,000,000 | 5,850 |
| 5,000,001 to 10,000,000 | 8,800 |
| 10,000,001 to 20,000,000 | 11,700 |
| 20,000,001 to 100,000,000 | 14,050 |
| 100,000,001 to 250,000,000 | 16,400 |

250,000,001 or more 18,700

(ii) In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(3)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2018~~ 2020, and not later than January 30, ~~2019~~ 2021. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(3)(b) and (c) of this section, a public discharger, that is not a separate municipal storm sewer system, identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2018~~ 2020, and not later than January 30, ~~2019~~ 2021. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(4) Each person obtaining an NPDES permit for municipal storm water discharge shall pay a nonrefundable storm water annual discharge fee of ten dollars per one-tenth of a square mile of area permitted. The fee shall not exceed ten thousand dollars and shall be payable on or before January 30, 2004, and the thirtieth day of January of each year thereafter. Any person who fails to pay the fee on the date specified in division (L)(4) of this section shall pay an additional amount per year equal to ten per cent of the annual fee that is unpaid.

(5) The director shall transmit all moneys collected under division (L) of this section to the treasurer of state for deposit into the state treasury to the credit of the surface water

protection fund created in section 6111.038 of the Revised Code.

(6) As used in this section:

(a) "NPDES" means the federally approved national pollutant discharge elimination system individual and general program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Chapter 6111. of the Revised Code and rules adopted under it.

(b) "Public discharger" means any holder of an NPDES permit identified by P in the second character of the NPDES permit number assigned by the director.

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director.

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director.

(M) Through June 30, ~~2020~~ 2022, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

Except as provided in divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule:

(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2020~~ 2022, the fee is:

| Number of service connections | Fee amount |
|---|---|
| Not more than 49 | $ 112 |
| 50 to 99 | 176 |

| Number of service connections | Average cost per connection |
|---|---|
| 100 to 2,499 | $ 1.92 |
| 2,500 to 4,999 | 1.48 |
| 5,000 to 7,499 | 1.42 |
| 7,500 to 9,999 | 1.34 |
| 10,000 to 14,999 | 1.16 |
| 15,000 to 24,999 | 1.10 |
| 25,000 to 49,999 | 1.04 |
| 50,000 to 99,999 | .92 |
| 100,000 to 149,999 | .86 |
| 150,000 to 199,999 | .80 |
| 200,000 or more | .76 |

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to

January 31, ~~2020~~ 2022, the fee is:

| Population served | Fee amount |
|---|---|
| Fewer than 150 | $ 112 |
| 150 to 299 | 176 |
| 300 to 749 | 384 |
| 750 to 1,499 | 628 |
| 1,500 to 2,999 | 1,268 |
| 3,000 to 7,499 | 2,816 |
| 7,500 to 14,999 | 5,510 |
| 15,000 to 22,499 | 9,048 |
| 22,500 to 29,999 | 12,430 |
| 30,000 or more | 16,820 |

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2020~~ 2022, the fee is:

| Number of wells or sources, other than surface water, supplying system | Fee amount |
|---|---|
| 1 | $112 |
| 2 | 112 |
| 3 | 176 |
| 4 | 278 |
| 5 | 568 |
| System designated as using a surface water source | 792 |

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2020~~ 2022, and fifteen thousand dollars on and after July 1, ~~2020~~ 2022. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2020~~ 2022, the following fee, on a per survey basis, shall be charged any person for services rendered by

the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

| | |
|---|---|
| microbiological | |
| MMO-MUG | $2,000 |
| MF | 2,100 |
| MMO-MUG and MF | 2,550 |
| organic chemical | 5,400 |
| trace metals | 5,400 |
| standard chemistry | 2,800 |
| limited chemistry | 1,550 |

On and after July 1, ~~2020~~ 2022, the following fee, on a per survey basis, shall be charged any such person:

| | |
|---|---|
| microbiological | $ 1,650 |
| organic chemicals | 3,500 |
| trace metals | 3,500 |
| standard chemistry | 1,800 |
| limited chemistry | 1,000 |

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2020~~ 2022, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay eighteen hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

(a) "MF" means microfiltration.

(b) "MMO" means minimal medium ONPG.

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director to take an examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time the application is submitted, shall pay a fee in accordance with the following schedule through November 30, ~~2020~~ 2022:

| | |
|---|---|
| Class A operator | $ 80 |
| Class I operator | 105 |
| Class II operator | 120 |
| Class III operator | 130 |
| Class IV operator | 145 |

On and after December 1, ~~2020~~ 2022, the applicant shall pay a fee in accordance with the following schedule:

| | |
|---|---|
| Class A operator | $ 50 |
| Class I operator | 70 |
| Class II operator | 80 |
| Class III operator | 90 |
| Class IV operator | 100 |

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

| | |
|---|---|
| Class A operator | $25 |

| | |
|---|---|
| Class I operator | 35 |
| Class II operator | 45 |
| Class III operator | 55 |
| Class IV operator | 65 |

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

| | |
|---|---|
| Class A operator | $45 |
| Class I operator | 55 |
| Class II operator | 65 |
| Class III operator | 75 |
| Class IV operator | 85 |

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the

Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment facility using incineration as its principal method of treatment,

under that chapter shall pay a fee of one thousand dollars. The increases in the permit fees under this division resulting from the amendments made by Amended Substitute House Bill 592 of the 117th general assembly do not apply to any person who submitted an application for a permit to install a new, or modify an existing, solid waste disposal facility under that chapter prior to September 1, 1987; any such person shall pay the permit fee established in this division as it existed prior to June 24, 1988. In addition to the applicable permit fee under this division, a person issued a permit to install or modify a solid waste facility or an infectious waste treatment facility under that chapter who fails to pay the permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the permit fee is late.

Permit and late payment fees paid to the director under this division shall be credited to the general revenue fund.

(R)(1) A person issued a registration certificate for a scrap tire collection facility under section 3734.75 of the Revised Code shall pay a fee of two hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(2) A person issued a registration certificate for a new scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of three hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(3) A person issued a permit for a scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of one thousand dollars, except that if the facility is owned or

operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of fifty dollars.

(4) A person issued a permit for a scrap tire monocell or monofill facility under section 3734.77 of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal capacity or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars.

(5) A person issued a registration certificate for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one hundred dollars.

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), (P), and (S)(2) of this section, division (A)(2) of section 3734.05 of the Revised Code, section 3734.79 of the Revised Code, and rules adopted under division (T)(1) of this section, any person applying for a registration certificate under section

3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, variance, or plan approval under Chapter 3734. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted.

(b) Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable application fee of one hundred dollars at the time the application is submitted through June 30, ~~2020~~ 2022, and a nonrefundable application fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2020~~ 2022.

(c)(i) Except as otherwise provided in divisions (S)(1)(c)(iii) and (iv) of this section, through June 30, ~~2020~~ 2022, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a nonrefundable application fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2020~~ 2022, such a person shall pay a nonrefundable application fee of fifteen dollars at the time of application.

(ii) In addition to the nonrefundable application fee, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a design flow discharge fee based on each point source to which the issuance is applicable in accordance with the following schedule:

| Design flow discharge (gallons per day) | Fee |
|---|---|
| 0 to ~~1000~~ 1,000 | $ 0 |
| 1,001 to ~~5000~~ 5,000 | 100 |
| 5,001 to 50,000 | 200 |
| 50,001 to 100,000 | 300 |
| 100,001 to 300,000 | 525 |
| over 300,000 | 750 |

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this

section, the application and design flow discharge fee for an NPDES permit for a public discharger identified by the letter I in the third character of the NPDES permit number shall not exceed nine hundred fifty dollars.

(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a coal mining operation regulated under Chapter 1513. of the Revised Code shall not exceed four hundred fifty dollars per mine.

(v) A person issued a modification of an NPDES permit shall pay a nonrefundable modification fee equal to the application fee and one-half the design flow discharge fee based on each point source, if applicable, that would be charged for an NPDES permit, except that the modification fee shall not exceed six hundred dollars.

(d) In addition to the application fee established under division (S)(1)(c)(i) of this section, any person applying for an NPDES general storm water construction permit shall pay a nonrefundable fee of twenty dollars per acre for each acre that is permitted above five acres at the time the application is submitted. However, the per acreage fee shall not exceed three hundred dollars. In addition to the application fee established under division (S)(1)(c)(i) of this section, any person applying for an NPDES general storm water industrial permit shall pay a nonrefundable fee of one hundred fifty dollars at the time the application is submitted.

(e) The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(f) The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6111. of the Revised Code and under division (S)(3) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(g) If a registration certificate is issued under section 3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of the application fee paid shall be deducted from the amount of the registration certificate fee due under division (R)(1), (2), or (5) of this section, as applicable.

(h) If a person submits an electronic application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section, the person shall pay all applicable fees as expeditiously as possible after the submission of the electronic application. An application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section shall not be reviewed or processed until the applicable application fee, and any other fees established under this division, are paid.

(2) Division (S)(1) of this section does not apply to an application for a registration certificate for a scrap tire collection or storage facility submitted under section 3734.75 or 3734.76 of the Revised Code, as applicable, if the owner or operator of the facility or proposed facility is a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code.

(3) A person applying for coverage under an NPDES general discharge permit for household sewage treatment systems shall pay the following fees:

(a) A nonrefundable fee of two hundred dollars at the time of application for initial permit coverage;

(b) A nonrefundable fee of one hundred dollars at the time of application for a renewal of permit coverage.

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an

unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee;

(4) Prescribe measures that the director considers necessary to carry out this section.

(U) When the director reasonably demonstrates that the direct cost to the state associated with the issuance of a permit, license, variance, plan approval, or certification exceeds the fee for the issuance or review specified by this section, the director may condition the issuance or review on the payment by the person receiving the issuance or review of, in addition to the fee specified by this section, the amount, or any portion thereof, in excess of the fee specified under this section. The director shall not so condition issuances for which a fee is prescribed in division (S)(1)(c)(iii) of this section.

(V) Except as provided in divisions (L), (M), (P), and (S) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late.

(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code.

(X) As used in divisions (B), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code:

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;

(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;

(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;

(e) Emission and ambient monitoring;

(f) Modeling, analyses, or demonstrations;

(g) Preparing inventories and tracking emissions;

(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance

assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.

(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.

(2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.

(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division (Y)(1) of this section, subject to the following exceptions:

(i) Except as provided in division (Y)(2)(d) of this section, a sewage sludge facility that treats or disposes of exceptional quality sludge shall pay a minimum annual sewage sludge fee of one hundred dollars.

(ii) A sewage sludge facility that treats or disposes of exceptional quality sludge shall not be required to pay the annual

sludge fee for treatment or disposal in this state of exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity.

A thirty-five per cent reduction for exceptional quality sludge applies to the maximum annual fees established under division (Y)(3) of this section.

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section.

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the

following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge or a sewage sludge facility that treats sewage sludge and transfers the sewage sludge to an incineration facility for disposal, the incineration facility, and not the entity generating the sewage sludge or the sewage sludge facility treating the sewage sludge, shall pay the annual sludge fee for the tons of sewage sludge that are transferred. However, the entity or facility generating or treating the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

(b) In the case of an entity that generates sewage sludge and transfers the sewage sludge to a landfill for disposal or to a sewage sludge facility for land reclamation or surface disposal, the entity generating the sewage sludge, and not the landfill or sewage sludge facility, shall pay the annual sludge fee for the tons of sewage sludge that are transferred.

(5) Not later than the first day of April of the calendar year following March 17, 2000, and each first day of April thereafter, the director shall issue invoices to persons who are required to pay the annual sludge fee. The invoice shall identify the nature and amount of the annual sludge fee assessed and state the first day of May as the deadline for receipt by the director of objections regarding the amount of the fee and the first day of July as the deadline for payment of the fee.

Not later than the first day of May following receipt of an invoice, a person required to pay the annual sludge fee may submit objections to the director concerning the accuracy of information regarding the number of dry tons of sewage sludge used to calculate the amount of the annual sludge fee or regarding whether the sewage sludge qualifies for the exceptional quality sludge discount established in division (Y)(2)(b) of this section. The director may consider the objections and adjust the amount of the fee to ensure that it is accurate.

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall issue with the notification a new invoice to the person identifying the amount of the annual sludge fee assessed and stating the first day of July as the deadline for payment.

Not later than the first day of July, any person who is required to do so shall pay the annual sludge fee. Any person who is required to pay the fee, but who fails to do so on or before that date shall pay an additional amount that equals ten per cent of the required annual sludge fee.

(6) The director shall transmit all moneys collected under division (Y) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. The moneys shall be used to defray the costs of administering and enforcing provisions in Chapter 6111. of the Revised Code and rules adopted under it that govern the use,

storage, treatment, or disposal of sewage sludge.

(7) Beginning in fiscal year 2001, and every two years thereafter, the director shall review the total amount of moneys generated by the annual sludge fees to determine if that amount exceeded six hundred thousand dollars in either of the two preceding fiscal years. If the total amount of moneys in the fund exceeded six hundred thousand dollars in either fiscal year, the director, after review of the fee structure and consultation with affected persons, shall issue an order reducing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will not exceed six hundred thousand dollars in any fiscal year.

If, upon review of the fees under division (Y)(7) of this section and after the fees have been reduced, the director determines that the total amount of moneys collected and accumulated is less than six hundred thousand dollars, the director, after review of the fee structure and consultation with affected persons, may issue an order increasing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will be approximately six hundred thousand dollars. Fees shall never be increased to an amount exceeding the amount specified in division (Y)(7) of this section.

Notwithstanding section 119.06 of the Revised Code, the director may issue an order under division (Y)(7) of this section without the necessity to hold an adjudicatory hearing in connection with the order. The issuance of an order under this division is not an act or action for purposes of section 3745.04 of the Revised Code.

(8) As used in division (Y) of this section:

(a) "Sewage sludge facility" means an entity that performs

treatment on or is responsible for the disposal of sewage sludge.

(b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that meets all of the following qualifications:

(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);

(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);

(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;

(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.

(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.

(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.

(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage

sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.

(g) "Land reclamation" means the returning of disturbed land to productive use.

(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.

(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.

(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway.

(k) "Annual sludge fee" means the fee assessed under division (Y)(1) of this section.

(l) "Landfill" means a sanitary landfill facility, as defined in rules adopted under section 3734.02 of the Revised Code, that is licensed under section 3734.05 of the Revised Code.

(m) "Preexisting land reclamation project" means a property-specific land reclamation project that has been in continuous operation for not less than five years pursuant to approval of the activity by the director and includes the implementation of a community outreach program concerning the activity.

**Sec. 3770.06.** (A) There is hereby created the state lottery gross revenue fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. All gross

revenues received from sales of lottery tickets, fines, fees, and related proceeds in connection with the statewide lottery and all gross proceeds from statewide joint lottery games shall be deposited into the fund. The treasurer of state shall invest any portion of the fund not needed for immediate use in the same manner as, and subject to all provisions of law with respect to the investment of, state funds. The treasurer of state shall disburse money from the fund on order of the director of the state lottery commission or the director's designee.

Except for gross proceeds from statewide joint lottery games, all revenues of the state lottery gross revenue fund that are not paid to holders of winning lottery tickets, that are not required to meet short-term prize liabilities, that are not credited to lottery sales agents in the form of bonuses, commissions, or reimbursements, that are not paid to financial institutions to reimburse those institutions for sales agent nonsufficient funds, and that are collected from sales agents for remittance to insurers under contract to provide sales agent bonding services shall be transferred to the state lottery fund, which is hereby created in the state treasury. In addition, all revenues of the state lottery gross revenue fund that represent the gross proceeds from the statewide joint lottery games and that are not paid to holders of winning lottery tickets, that are not required to meet short-term prize liabilities, that are not credited to lottery sales agents in the form of bonuses, commissions, or reimbursements, and that are not necessary to cover operating expenses associated with those games or to otherwise comply with the agreements signed by the governor that the director enters into under division (J) of section 3770.02 of the Revised Code or the rules the commission adopts under division (B)(5) of section 3770.03 of the Revised Code shall be transferred to the state lottery fund. All investment earnings of the fund shall be credited to the fund. Moneys shall be disbursed from the fund

pursuant to vouchers approved by the director. Total disbursements for monetary prize awards to holders of winning lottery tickets in connection with the statewide lottery and purchases of goods and services awarded as prizes to holders of winning lottery tickets shall be of an amount equal to at least fifty per cent of the total revenue accruing from the sale of lottery tickets.

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, there is hereby established in the state treasury the lottery profits education fund. Whenever, in the judgment of the director of the state lottery commission, the amount to the credit of the state lottery fund that does not represent proceeds from statewide joint lottery games is in excess of that needed to meet the maturing obligations of the commission and as working capital for its further operations, the director of the state lottery commission shall recommend the amount of the excess to be transferred to the lottery profits education fund, and the director of budget and management may transfer the excess to the lottery profits education fund in connection with the statewide lottery. In addition, whenever, in the judgment of the director of the state lottery commission, the amount to the credit of the state lottery fund that represents proceeds from statewide joint lottery games equals the entire net proceeds of those games as described in division (B)(5) of section 3770.03 of the Revised Code and the rules adopted under that division, the director of the state lottery commission shall recommend the amount of the proceeds to be transferred to the lottery profits education fund, and the director of budget and management may transfer those proceeds to the lottery profits education fund. Investment earnings of the lottery profits education fund shall be credited to the fund.

The lottery profits education fund shall be used solely for the support of elementary, secondary, vocational, and special

education programs as determined in appropriations made by the general assembly, or as provided in applicable bond proceedings for the payment of debt service on obligations issued to pay costs of capital facilities, including those for a system of common schools throughout the state pursuant to section 2n of Article VIII, Ohio Constitution. When determining the availability of money in the lottery profits education fund, the director of budget and management may consider all balances and estimated revenues of the fund.

(C) There is hereby established in the state treasury the deferred prizes trust fund. With the approval of the director of budget and management, an amount sufficient to fund annuity prizes shall be transferred from the state lottery fund and credited to the trust fund. The treasurer of state shall credit all earnings arising from investments purchased under this division to the trust fund. Within sixty days after the end of each fiscal year, the treasurer of state shall certify to the director of budget and management whether the actuarial amount of the trust fund is sufficient over the fund's life for continued funding of all remaining deferred prize liabilities as of the last day of the fiscal year just ended. Also, within that sixty days, the director of budget and management shall certify the amount of investment earnings necessary to have been credited to the trust fund during the fiscal year just ending to provide for such continued funding of deferred prizes. Any earnings credited in excess of the latter certified amount shall be transferred to the lottery profits education fund.

To provide all or a part of the amounts necessary to fund deferred prizes awarded by the commission in connection with the statewide lottery, the treasurer of state, in consultation with the commission, may invest moneys contained in the deferred prizes trust fund which represents proceeds from the statewide lottery in

obligations of the type permitted for the investment of state funds but whose maturities are thirty years or less. Notwithstanding the requirements of any other section of the Revised Code, to provide all or part of the amounts necessary to fund deferred prizes awarded by the commission in connection with statewide joint lottery games, the treasurer of state, in consultation with the commission, may invest moneys in the trust fund which represent proceeds derived from the statewide joint lottery games in accordance with the rules the commission adopts under division (B)(5) of section 3770.03 of the Revised Code. Investments of the trust fund are not subject to the provisions of division (A)(10) of section 135.143 of the Revised Code limiting to twenty-five per cent the amount of the state's total average portfolio that may be invested in debt interests other than commercial paper and limiting to five per cent the amount that may be invested in debt interests, including commercial paper, of a single issuer.

All purchases made under this division shall be effected on a delivery versus payment method and shall be in the custody of the treasurer of state.

The treasurer of state may retain an investment advisor, if necessary. The commission shall pay any costs incurred by the treasurer of state in retaining an investment advisor.

(D) The auditor of state shall conduct annual audits of all funds and any other audits as the auditor of state or the general assembly considers necessary. The auditor of state may examine all records, files, and other documents of the commission, and records of lottery sales agents that pertain to their activities as agents, for purposes of conducting authorized audits.

(E) The state lottery commission shall establish an internal audit plan before the beginning of each fiscal year, subject to the approval of the office of internal audit in the office of

budget and management. At the end of each fiscal year, the commission shall prepare and submit an annual report to the office of internal audit for the office's review and approval, specifying the internal audit work completed by the end of that fiscal year and reporting on compliance with the annual internal audit plan.

(1) Except as provided in division (E)(2) of this section, any internal audit report and all work papers of the internal audit produced by commission staff are confidential and are not public records under section 149.43 of the Revised Code until the final report is submitted to the director and the chairperson of the commission.

(2) Any internal audit report or work paper that meets the definition of a security record or infrastructure record under section 149.433 of the Revised Code is not a public record under section 149.43 of the Revised Code.

(F) Whenever, in the judgment of the director of budget and management, an amount of net state lottery proceeds is necessary to be applied to the payment of debt service on obligations, all as defined in sections 151.01 and 151.03 of the Revised Code, the director shall transfer that amount directly from the state lottery fund or from the lottery profits education fund to the bond service fund defined in those sections. The provisions of this division are subject to any prior pledges or obligation of those amounts to the payment of bond service charges as defined in division (C) of section 3318.21 of the Revised Code, as referred to in division (B) of this section.

**Sec. 3781.10.** (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the

construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of the Revised Code is enforceable. The rules governing residential buildings are uniform requirements for residential buildings in any area with a building department certified to enforce the state residential building code. In no case shall any local code or regulation differ from the state residential building code unless that code or regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to section 3781.01 of the Revised Code.

(3) The rules adopted pursuant to this section are complete, lawful alternatives to any requirements specified for buildings or industrialized units in any section of the Revised Code. Except as otherwise provided in division (I) of this section, the board shall, on its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, formulate, propose, adopt, modify, amend, or repeal the rules to the extent necessary or desirable to effectuate the purposes of sections 3781.06 to 3781.18 of the Revised Code.

(B) The board shall report to the general assembly proposals for amendments to existing statutes relating to the purposes declared in section 3781.06 of the Revised Code that public health and safety and the development of the arts require and shall

recommend any additional legislation to assist in carrying out fully, in statutory form, the purposes declared in that section. The board shall prepare and submit to the general assembly a summary report of the number, nature, and disposition of the petitions filed under sections 3781.13 and 3781.14 of the Revised Code.

(C) On its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, and after thorough testing and evaluation, the board shall determine by rule that any particular fixture, device, material, process of manufacture, manufactured unit or component, method of manufacture, system, or method of construction complies with performance standards adopted pursuant to section 3781.11 of the Revised Code. The board shall make its determination with regard to adaptability for safe and sanitary erection, use, or construction, to that described in any section of the Revised Code, wherever the use of a fixture, device, material, method of manufacture, system, or method of construction described in that section of the Revised Code is permitted by law. The board shall amend or annul any rule or issue an authorization for the use of a new material or manufactured unit on any like application. No department, officer, board, or commission of the state other than the board of building standards or the board of building appeals shall permit the use of any fixture, device, material, method of manufacture, newly designed product, system, or method of construction at variance with what is described in any rule the board of building standards adopts or issues or that is authorized by any section of the Revised Code. Nothing in this section shall be construed as requiring approval, by rule, of plans for an industrialized unit that conforms with the rules the board of building standards adopts pursuant to section 3781.11 of the Revised Code.

(D) The board shall recommend rules, codes, and standards to

help carry out the purposes of section 3781.06 of the Revised Code and to help secure uniformity of state administrative rulings and local legislation and administrative action to the bureau of workers' compensation, the director of commerce, any other department, officer, board, or commission of the state, and to legislative authorities and building departments of counties, townships, and municipal corporations, and shall recommend that they audit those recommended rules, codes, and standards by any appropriate action that they are allowed pursuant to law or the constitution.

(E)(1) The board shall certify municipal, township, and county building departments ~~and~~, the personnel of those building departments, ~~and~~ persons described in division (E)(7) of this section, and employees of individuals, firms, the state, or corporations ~~as~~ described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. Any department, personnel, or person may enforce only the type of building code for which certified.

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential

and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the council of American building officials, national model code organizations, and agencies or entities the board recognizes are acceptable for purposes of this division. The rules shall specify requirements that are consistent with the provisions of section 5903.12 of the Revised Code relating to active duty military service and are compatible, to the extent possible, with requirements the council of American building officials and national model code organizations establish.

(4) The board shall establish and collect a certification and renewal fee for building department personnel, and persons and employees of persons, firms, or corporations as described in this section, who are certified pursuant to this division.

(5) Any individual certified pursuant to this division shall complete the number of hours of continuing building code education that the board requires or, for failure to do so, forfeit certification.

(6) This division does not require or authorize the board to certify personnel of municipal, township, and county building departments, and persons and employees of persons, firms, or corporations as described in this section, whose responsibilities do not include the exercise of enforcement authority, the approval of plans and specifications, or making inspections under the state residential and nonresidential building codes.

(7) Enforcement authority for approval of plans and

specifications and enforcement authority for inspections may be exercised, and plans and specifications may be approved and inspections may be made on behalf of a municipal corporation, township, or county, by any of the following who the board of building standards certifies:

(a) Officers or employees of the municipal corporation, township, or county;

(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as applicable.

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;

(e) The proposed budget for the operation of the building department.

(11) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified

personnel to enforce the residential and nonresidential building codes as they pertain to that work.

(b) The minimum services to be provided by a certified building department.

(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in section 3781.101 of the Revised Code for other proceedings of the board of building standards.

(13) Upon certification, and until that authority is revoked, any county or township building department shall enforce the residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised Code or boards of township trustees under Chapter 505. of the Revised Code.

(F) In addition to hearings sections 3781.06 to 3781.18 and 3791.04 of the Revised Code require, the board of building standards shall make investigations and tests, and require from other state departments, officers, boards, and commissions information the board considers necessary or desirable to assist it in the discharge of any duty or the exercise of any power mentioned in this section or in sections 3781.06 to 3781.18, 3791.04, and 4104.43 of the Revised Code.

(G) The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product

of a manufacturing process. The fee shall bear some reasonable relationship to the cost of the review or testing of the materials, assembly, or products and for the notification of approval or disapproval as provided in section 3781.12 of the Revised Code.

(H) The residential construction advisory committee shall provide the board with a proposal for a state residential building code that the committee recommends pursuant to division (D)(1) of section 4740.14 of the Revised Code. Upon receiving a recommendation from the committee that is acceptable to the board, the board shall adopt rules establishing that code as the state residential building code.

(I)(1) The committee may provide the board with proposed rules to update or amend the state residential building code that the committee recommends pursuant to division (E) of section 4740.14 of the Revised Code.

(2) If the board receives a proposed rule to update or amend the state residential building code as provided in division (I)(1) of this section, the board either may accept or reject the proposed rule for incorporation into the residential building code. If the board does not act to either accept or reject the proposed rule within ninety days after receiving the proposed rule from the committee as described in division (I)(1) of this section, the proposed rule shall become part of the residential building code.

(J) The board shall cooperate with the director of job and family services when the director promulgates rules pursuant to section 5104.05 of the Revised Code regarding safety and sanitation in type A family day-care homes.

(K) The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code.

**Sec. 3798.01.** As used in this chapter:

(A) "Administrative safeguards," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304.

(B) ~~"Approved health information exchange" means a health information exchange that has been approved or reapproved by the medicaid director pursuant to the approval or reapproval process, as applicable, the director establishes in rules adopted under division (A) of section 3798.15 of the Revised Code or that has been certified by the office of the national coordinator for health information technology in the United States department of health and human services.~~

~~(C)~~ "Covered entity," "disclosure," "health care provider," "health information," "individually identifiable health information," "protected health information," and "use" have the same meanings as in 45 C.F.R. 160.103.

~~(D)~~(C) "Designated record set" has the same meaning as in 45 C.F.R. 164.501.

~~(E)~~(D) "Direct exchange" means the activity of electronic transmission of health information through a direct connection between the electronic record systems of health care providers without the use of a health information exchange.

~~(F)~~(E) "Health care component" and "hybrid entity" have the same meanings as in 45 C.F.R. 164.103.

~~(G)~~(F) "Health information exchange" means any person or governmental entity that provides in this state a technical infrastructure to connect computer systems or other electronic devices used by covered entities to facilitate the secure transmission of health information. "Health information exchange" excludes health care providers engaged in direct exchange,

including direct exchange through the use of a health information service provider.

~~(H)~~(G) "HIPAA privacy rule" means the standards for privacy of individually identifiable health information in 45 C.F.R. part 160 and in 45 C.F.R. part 164, subparts A and E.

~~(I)~~(H) "Interoperability" means the capacity of two or more information systems to exchange information in an accurate, effective, secure, and consistent manner.

~~(J)~~(I) "Minor" means an unemancipated person under eighteen years of age or a mentally or physically disabled person under twenty-one years of age who meets criteria specified in rules adopted by the medicaid director under section 3798.13 of the Revised Code.

~~(K)~~(J) "More stringent" has the same meaning as in 45 C.F.R. 160.202.

~~(L) "Office of health transformation" means the office of health transformation created by executive order 2011-02K or a successor governmental entity responsible for health system oversight in this state.~~

~~(M)~~(K) "Personal representative" means a person who has authority under applicable law to make decisions related to health care on behalf of an adult or emancipated minor, or the parent, legal guardian, or other person acting in loco parentis who is authorized under law to make health care decisions on behalf of an unemancipated minor. "Personal representative" does not include the parent or legal guardian of, or another person acting in loco parentis to, a minor who consents to the minor's own receipt of health care or a minor who makes medical decisions on the minor's own behalf pursuant to law, court approval, or because the minor's parent, legal guardian, or other person acting in loco parentis has assented to an agreement of confidentiality between the

provider and the minor.

~~(N)~~(L) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.

~~(O)~~(M) "State agency" means any one or more of the following:

(1) The department of administrative services;

(2) The department of aging;

(3) The department of mental health and addiction services;

(4) The department of developmental disabilities;

(5) The department of education;

(6) The department of health;

(7) The department of insurance;

(8) The department of job and family services;

(9) The department of medicaid;

(10) The department of rehabilitation and correction;

(11) The department of youth services;

(12) The bureau of workers' compensation;

(13) The opportunities for Ohioans with disabilities agency;

(14) The office of the attorney general;

(15) A health care licensing board created under Title XLVII of the Revised Code that possesses individually identifiable health information.

**Sec. 3798.07.** (A) ~~In addition to a covered entity generally being subject to the conditions specified in divisions (A) to (D) of section 3798.06 of the Revised Code when the covered entity discloses protected health information to a health information~~

~~exchange without a valid authorization, the~~ A covered entity shall ~~also~~ be subject to the following conditions when it discloses protected health information to a health information exchange:

(1) The covered entity shall restrict disclosure consistent with all applicable federal laws governing the disclosure~~;~~.

(2) If the protected health information concerns a minor, the covered entity shall restrict disclosure in a manner that complies with laws of this state pertaining to the circumstances under which a minor may consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of the Revised Code unless the minor authorizes the disclosure.

(3) The covered entity shall restrict disclosure in a manner that is consistent with a written request from the individual or the individual's personal representative to restrict disclosure of all of the individual's protected health information.

~~(4) The covered entity shall restrict disclosure in a manner that is consistent with a written request from the individual or the individual's personal representative concerning specific categories of protected health information to the extent that rules adopted pursuant to section 3798.16 of the Revised Code require the covered entity to comply with such a request.~~

(B) The conditions in division (A) of this section on a covered entity's disclosure of protected health information to a health information exchange do not render unenforceable or restrict in any manner any of the following:

(1) A provision of the Revised Code that on ~~the effective date of this section~~ September 10, 2012, requires a person or governmental entity to disclose protected health information to a

state agency, political subdivision, or other governmental entity;

(2) The confidential status of proceedings and records within the scope of a peer review committee of a health care entity as described in section 2305.252 of the Revised Code;

(3) The confidential status of quality assurance program activities and quality assurance records as described in section 5122.32 of the Revised Code;

(4) The testimonial privilege established by division (B) of section 2317.02 of the Revised Code;

(5) Any of the following items that govern the confidentiality, privacy, security, or privileged status of protected health information in the possession or custody of an agency as defined in section 111.15 of the Revised Code; govern the process for obtaining from a patient consent to the provision of health care or consent for participation in medical or other scientific research; govern the process for determining whether an adult has a physical or mental impairment or an adult's capacity to make health care decisions for purposes of Chapter 5126. of the Revised Code; or govern the process for determining whether a minor has been emancipated:

(a) A section of the Revised Code that is not in this chapter;

(b) A rule as defined in section 119.01 of the Revised Code;

(c) An internal management rule as defined in section 111.15 of the Revised Code;

(d) Guidance issued by an agency as defined in section 111.15 of the Revised Code;

(e) Orders or regulations of a board of health of a city health district made under section 3709.20 of the Revised Code;

(f) Orders or regulations of a board of health of a general

health district made under section 3709.21 of the Revised Code;

(g) An ordinance or resolution adopted by a political subdivision;

(h) A professional code of ethics;

(i) When a minor is authorized to consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including the circumstances described in sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of the Revised Code.

**Sec. 3798.10.** (A) ~~Not later than six months after September 10, 2012, the~~ The medicaid director~~, in consultation with the office of health transformation,~~ shall prescribe by rules adopted in accordance with Chapter 119. of the Revised Code a standard authorization form for the use and disclosure of protected health information by covered entities in this state. The form shall meet all requirements specified in 45 C.F.R. 164.508 and, where applicable, 42 C.F.R. part 2.

(B) If a form the medicaid director prescribes under division (A) of this section is properly executed by an individual or the individual's personal representative, it shall be accepted by any person or governmental entity in this state as valid authorization for the use or disclosure of the individual's protected health information to the persons or governmental entities specified in the form.

(C) This section does not preclude a person or governmental entity from accepting as valid authorization for the use or disclosure of protected health information a form other than the form prescribed under division (A) of this section if the other form meets all requirements specified in 45 C.F.R. 164.508 and, if applicable, 42 C.F.R. part 2.

**Sec. 3901.381.** (A) Except as provided in sections 3901.382, 3901.383, 3901.384, and 3901.386 of the Revised Code, a third-party payer shall process a claim for payment for health care services rendered by a provider to a beneficiary in accordance with this section.

(B)(1) Unless division (B)(2) or (3) of this section applies, when a third-party payer receives from a provider or beneficiary a claim on the standard claim form prescribed in rules adopted by the superintendent of insurance under section 3902.22 of the Revised Code, the third-party payer shall pay or deny the claim not later than thirty days after receipt of the claim. When a third-party payer denies a claim, the third-party payer shall notify the provider and the beneficiary. The notice shall state, with specificity, why the third-party payer denied the claim.

(2)(a) Unless division (B)(3) of this section applies, when a provider or beneficiary has used the standard claim form, but the third-party payer determines that reasonable supporting documentation is needed to establish the third-party payer's responsibility to make payment, the third-party payer shall pay or deny the claim not later than forty-five days after receipt of the claim. Supporting documentation includes the verification of employer and beneficiary coverage under a benefits contract, confirmation of premium payment, medical information regarding the beneficiary and the services provided, information on the responsibility of another third-party payer to make payment or confirmation of the amount of payment by another third-party payer, and information that is needed to correct material deficiencies in the claim related to a diagnosis or treatment or the provider's identification.

Not later than thirty days after receipt of the claim, the third-party payer shall notify all relevant external sources that

the supporting documentation is needed. All such notices shall state, with specificity, the supporting documentation needed. If the notice was not provided in writing, the provider, beneficiary, or third-party payer may request the third-party payer to provide the notice in writing, and the third-party payer shall then provide the notice in writing. If any of the supporting documentation is under the control of the beneficiary, the beneficiary shall provide the supporting documentation to the third-party payer.

The number of days that elapse between the third-party payer's last request for supporting documentation within the thirty-day period and the third-party payer's receipt of all of the supporting documentation that was requested shall not be counted for purposes of determining the third-party payer's compliance with the time period of not more than forty-five days for payment or denial of a claim. Except as provided in division (B)(2)(b) of this section, if the third-party payer requests additional supporting documentation after receiving the initially requested documentation, the number of days that elapse between making the request and receiving the additional supporting documentation shall be counted for purposes of determining the third-party payer's compliance with the time period of not more than forty-five days.

(b) If a third-party payer determines, after receiving initially requested documentation, that it needs additional supporting documentation pertaining to a beneficiary's preexisting condition, which condition was unknown to the third-party payer and about which it was reasonable for the third-party payer to have no knowledge at the time of its initial request for documentation, and the third-party payer subsequently requests this additional supporting documentation, the number of days that elapse between making the request and receiving the additional

supporting documentation shall not be counted for purposes of determining the third-party payer's compliance with the time period of not more than forty-five days.

(c) When a third-party payer denies a claim, the third-party payer shall notify the provider and the beneficiary. The notice shall state, with specificity, why the third-party payer denied the claim.

(d) If a third-party payer determines that supporting documentation related to medical information is routinely necessary to process a claim for payment of a particular health care service, the third-party payer shall establish a description of the supporting documentation that is routinely necessary and make the description available to providers in a readily accessible format.

Third-party payers and providers shall, in connection with a claim, use the most current CPT code in effect, as published by the American medical association, the most current ICD-10 code in effect, as published by the United States department of health and human services, the most current CDT code in effect, as published by the American dental association, or the most current HCPCS code in effect, as published by the United States ~~health care financing administration~~ centers for medicare and medicaid services.

(3) When a provider or beneficiary submits a claim by using the standard claim form prescribed in the superintendent's rules, but the information provided in the claim is materially deficient, the third-party payer shall notify the provider or beneficiary not later than fifteen days after receipt of the claim. The notice shall state, with specificity, the information needed to correct all material deficiencies. Once the material deficiencies are corrected, the third-party payer shall proceed in accordance with division (B)(1) or (2) of this section.

It is not a violation of the notification time period of not more than fifteen days if a third-party payer fails to notify a provider or beneficiary of material deficiencies in the claim related to a diagnosis or treatment or the provider's identification. A third-party payer may request the information necessary to correct these deficiencies after the end of the notification time period. Requests for such information shall be made as requests for supporting documentation under division (B)(2) of this section, and payment or denial of the claim is subject to the time periods specified in that division.

(C) For purposes of this section, if a dispute exists between a provider and a third-party payer as to the day a claim form was received by the third-party payer, both of the following apply:

(1) If the provider or a person acting on behalf of the provider submits a claim directly to a third-party payer by mail and retains a record of the day the claim was mailed, there exists a rebuttable presumption that the claim was received by the third-party payer on the fifth business day after the day the claim was mailed, unless it can be proven otherwise.

(2) If the provider or a person acting on behalf of the provider submits a claim directly to a third-party payer electronically, there exists a rebuttable presumption that the claim was received by the third-party payer twenty-four hours after the claim was submitted, unless it can be proven otherwise.

(D) Nothing in this section requires a third-party payer to provide more than one notice to an employer whose premium for coverage of employees under a benefits contract has not been received by the third-party payer.

(E) Compliance with the provisions of division (B)(3) of this section shall be determined separately from compliance with the provisions of divisions (B)(1) and (2) of this section.

(F) A third-party payer shall transmit electronically any payment with respect to claims that the third-party payer receives electronically and pays to a contracted provider under this section and under sections 3901.383, 3901.384, and 3901.386 of the Revised Code. A provider shall not refuse to accept a payment made under this section or sections 3901.383, 3901.384, and 3901.386 of the Revised Code on the basis that the payment was transmitted electronically.

**Sec. 3901.3814.** Sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code do not apply to the following:

(A) Policies offering coverage that is regulated under Chapters 3935. and 3937. of the Revised Code;

(B) An employer's self-insurance plan and any of its administrators, as defined in section 3959.01 of the Revised Code, to the extent that federal law supersedes, preempts, prohibits, or otherwise precludes the application of any provisions of those sections to the plan and its administrators;

(C) A third-party payer for coverage provided under the medicare advantage program operated under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.~~A.~~ 301, as amended;

(D) A third-party payer for coverage provided under the medicaid program~~, except that if a federal waiver applied for under section 5167.25 of the Revised Code is granted or the medicaid director determines that this provision can be implemented without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code apply to claims submitted electronically or non-electronically that are made with respect to coverage of medicaid recipients by health insuring corporations licensed under Chapter 1751. of the Revised Code, instead of the prompt payment requirements of 42 C.F.R. 447.46~~;

(E) A third-party payer for coverage provided under the tricare program offered by the United States department of defense.

**Sec. 3902.30.** (A) As used in this section:

(1) "Health benefit plan," "health care services," and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code.

(2) "Health care professional" means any of the following:

(a) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(b) The holder of a telemedicine certificate issued under section 4731.296 of the Revised Code;

(c) A physician assistant licensed under Chapter 4731. of the Revised Code;

(d) An advanced practice registered nurse as defined in section 4723.01 of the Revised Code.

(3) "In-person health care services" means health care services delivered by a health care professional through the use of any communication method where the professional and patient are simultaneously present in the same geographic location.

(4) "Recipient" means a patient receiving health care services or a health care professional with whom the provider of health care services is consulting regarding the patient.

(5) "Telemedicine services" means a mode of providing health care services through synchronous or asynchronous 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 the recipient is located.

(B)(1) A health benefit plan shall provide coverage for telemedicine services on the same basis and to the same extent that the plan provides coverage for the provision of in-person health care services.

(2) A health benefit plan shall not exclude coverage for a service solely because it is provided as a telemedicine service.

(C) A health benefit plan shall not impose any annual or lifetime benefit maximum in relation to telemedicine services other than such a benefit maximum imposed on all benefits offered under the plan.

(D) This section shall not be construed as prohibiting a health benefit plan from assessing cost-sharing requirements to a covered individual for telemedicine services, provided that such cost-sharing requirements for telemedicine services are not greater than those for comparable in-person health care services.

(E) This section shall not be construed as requiring a health plan issuer to reimburse a physician for any costs or fees associated with the provision of telemedicine services that would be in addition to or greater than the standard reimbursement for comparable in-person health care services.

(F) This section applies to all health benefit plans issued, offered, or renewed on or after January 1, 2020.

**Sec. 4109.05.** (A) The director of commerce, after consultation with the director of health, shall adopt rules, in accordance with Chapter 119. of the Revised Code, prohibiting the employment of minors in occupations which are hazardous or detrimental to the health and well-being of minors.

In adopting the rules, the director of commerce shall consider the orders issued pursuant to the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended.

The director of commerce shall not adopt any rule that prohibits a minor who is sixteen or seventeen years of age and who is employed by an employer under the construction and manufacturing mentorship program created in section 4109.22 of the Revised Code from being employed in a construction occupation or manufacturing occupation if the orders issued pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., permit the employment of the minor in the construction occupation or manufacturing occupation. As used in this division, "construction occupation" and "manufacturing occupation" have the same 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, 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.

(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)(1) There is hereby created the construction and

manufacturing 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:

(a) Determine the duration of the minor's employment;

(b) Assign the minor a mentor to provide direct and close supervision while the minor is engaged in any workplace activity;

(c) Provide the minor with the training described in division (C) of this section;

(d) Encourage the minor to participate in a career-technical education program approved by the department of education after the minor's employment ends, if the minor is not participating in a career-technical education program when the minor begins employment;

(e) Comply with all applicable state and federal laws and regulations relating to the employment of minors.

(2) The mentor assigned under division (B)(1)(b) of this section is liable for the minor while the minor is employed by the employer.

(C)(1) An employer employing a minor who is sixteen or seventeen years of age in a construction occupation or manufacturing occupation under the mentorship program shall provide the minor with training that includes all of the following:

(a) A ten-hour course in construction or general industry safety and health hazard recognition and prevention approved by the occupational safety and health administration of the United States department of labor;

(b) Instructions on how to operate the specific tools the

minor will use during the minor's employment;

(c) The general safety and health hazards to which the minor may be exposed at the minor's workplace;

(d) The value of safety and management commitment;

(e) Information on the employer's drug testing policy.

(2) For purposes of division (C)(1)(a) of this section, a minor may participate in a thirty-hour course in construction or general industry safety and health hazard recognition and prevention approved by the occupational safety and health administration if the minor has already successfully completed a ten-hour course.

(3) The employer shall pay any costs associated with providing the training required by division (C)(1) or permitted under division (C)(2) of this section.

(D) The director of commerce, in consultation with employers, shall adopt rules in accordance with Chapter 119. of the Revised Code specifying a list of the tools that a minor who is sixteen or seventeen years of age who is employed under the mentorship program may operate during the minor's employment in a construction occupation or manufacturing occupation. The director shall use the manual issued by the wage and hour division of the United States department of labor titled "field operations handbook" or its successor for guidance in developing the list. Nothing in this division requires the director to include a tool on the list if the orders issued pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., and section 4109.05 of the Revised Code or rules adopted under that section specifically permit minors of that age to operate the tool.

(E) A minor who is sixteen or seventeen years of age who is employed by an employer under the mentorship program may work in any construction occupation or manufacturing occupation not denied

by law to minors of that age under section 4109.05 of the Revised Code or rules adopted under that section.

(F) No employer shall do either of the following:

(1) Permit a minor who is sixteen or seventeen years of age to operate a tool minors of that age are permitted to operate pursuant to the rules adopted under division (D) of this section unless the minor is employed by the employer under the mentorship program;

(2) Permit a minor who is sixteen or seventeen years of age who is employed by the employer under the mentorship program to operate a tool prohibited for use by minors of that age pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., and section 4109.05 of the Revised Code or rules adopted under that section.

**Sec. 4109.99.** (A) Whoever violates section 4109.04, division (C) of section 4109.07, division (A), (B), or (D) of section 4109.08, section 4109.11, or division (B) of section 4109.12 of the Revised Code is guilty of a minor misdemeanor.

(B) Whoever violates section 4109.05 of the Revised Code is guilty of a misdemeanor of the third degree.

(C) Whoever violates section 4109.03, division (A), (B), or (D) of section 4109.07, or section 4109.10 of the Revised Code is guilty of a minor misdemeanor on a first offense and a misdemeanor of the third degree on each subsequent offense.

(D) Whoever violates division (A) of section 4109.12 of the Revised Code is guilty of a minor misdemeanor for each day the violation continues.

(E) Whoever violates division (A) of section 4109.21 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense and a first degree misdemeanor on each subsequent

offense. If, however, the violation on a first offense contains aggravating circumstances, including, but not limited to, threats to a minor, reckless operation of a motor vehicle, or abandonment of or endangerment to a minor but not including circumstances that are the basis of a felony violation of section 2919.22 of the Revised Code, then the person is guilty of a misdemeanor of the first degree. If the offender previously has been convicted under this section and if the subsequent offense contains aggravating circumstances other than circumstances that are the basis of a felony violation of section 2919.22 of the Revised Code, then the person is guilty of a felony of the fourth degree.

(F) Whoever violates division (F) of section 4109.22 of the Revised Code shall be assessed a civil penalty of up to one thousand seven hundred thirty dollars for each violation.

**Sec. 4141.35.** (A) If the director of job and family services finds that any fraudulent misrepresentation has been made by an applicant for or a recipient of benefits with the object of obtaining benefits to which the applicant or recipient was not entitled, and in addition to any other penalty or forfeiture under this chapter, then the director:

(1) Shall within four years after the end of the benefit year in which the fraudulent misrepresentation was made reject or cancel such person's entire weekly claim for benefits that was fraudulently claimed, or the person's entire benefit rights if the misrepresentation was in connection with the filing of the claimant's application for determination of benefit rights;

(2) Shall by order declare that, for each application for benefit rights and for each weekly claim canceled, such person shall be ineligible for two otherwise valid weekly claims for benefits, claimed within six years subsequent to the discovery of such misrepresentation;

(3) By order shall require that the total amount of benefits rejected or canceled under division (A)(1) of this section be repaid to the director before such person may become eligible for further benefits, and shall withhold such unpaid sums from future benefit payments accruing and otherwise payable to such claimant. Effective with orders issued on or after January 1, 1993, if such benefits are not repaid within thirty days after the director's order becomes final, interest on the amount remaining unpaid shall be charged to the person at a rate and calculated in the same manner as provided under section 4141.23 of the Revised Code. When a person ordered to repay benefits has repaid all overpaid benefits according to a plan approved by the director, the director may cancel the amount of interest that accrued during the period of the repayment plan. The director may take action in any court of competent jurisdiction to collect benefits and interest as provided in sections 4141.23 and 4141.27 of the Revised Code, in regard to the collection of unpaid contributions, using the final repayment order as the basis for such action. Except as otherwise provided in this division, no administrative or legal proceedings for the collection of such benefits or interest due, or for the collection of a penalty under division (A)(4) of this section, shall be initiated after the expiration of six years from the date on which the director's order requiring repayment became final and the amount of any benefits, penalty, or interest not recovered at that time, and any liens thereon, shall be canceled as uncollectible. The time limit for instituting proceedings shall be extended by the period of any stay to the collection or by any other time period to which the parties mutually agree.

(4) Shall, for findings made on or after October 21, 2013, by order assess a mandatory penalty on such a person in an amount equal to twenty-five per cent of the total amount of benefits rejected or canceled under division (A)(1) of this section. The first sixty per cent of each penalty collected under division

(A)(4) of this section shall be deposited into the unemployment compensation fund created under section 4141.09 of the Revised Code and shall be credited to the mutualized account, as provided in division (B)(2)(g) of section 4141.25 of the Revised Code. The remainder of each penalty collected shall be deposited into the unemployment compensation special administrative fund created under section 4141.11 of the Revised Code.

(5) May take action to collect benefits fraudulently obtained under the unemployment compensation law of any other state or the United States or Canada. Such action may be initiated in the courts of this state in the same manner as provided for unpaid contributions in section 4141.41 of the Revised Code.

(6) May take action to collect benefits that have been fraudulently obtained from the director, interest pursuant to division (A)(3) of this section, and court costs, through attachment proceedings under Chapter 2715. of the Revised Code and garnishment proceedings under Chapter 2716. of the Revised Code.

(B) If the director finds that an applicant for benefits has been credited with a waiting period or paid benefits to which the applicant was not entitled for reasons other than fraudulent misrepresentation, the director shall:

(1)(a) Within six months after the determination under which the claimant was credited with that waiting period or paid benefits becomes final pursuant to section 4141.28 of the Revised Code, or within three years after the end of the benefit year in which such benefits were claimed, whichever is later, by order cancel such waiting period and require that such benefits be repaid to the director or be withheld from any benefits to which such applicant is or may become entitled before any additional benefits are paid, provided that the repayment or withholding shall not be required where the overpayment is the result of the director's correcting a prior decision due to a typographical or

clerical error in the director's prior decision, or an error in an employer's report under division (G) of section 4141.28 of the Revised Code.

(b) The limitation specified in division (B)(1)(a) of this section shall not apply to cases involving the retroactive payment of remuneration covering periods for which benefits were previously paid to the claimant. However, in such cases, the director's order requiring repayment shall not be issued unless the director is notified of such retroactive payment within six months from the date the retroactive payment was made to the claimant.

(2) The director may, by reciprocal agreement with the United States secretary of labor or another state, recover overpayment amounts from unemployment benefits otherwise payable to an individual under Chapter 4141. of the Revised Code. Any overpayments made to the individual that have not previously been recovered under an unemployment benefit program of the United States may be recovered in accordance with section 303(g) of the "Social Security Act" and sections 3304(a)(4) and 3306(f) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(3) If the amounts required to be repaid under division (B) of this section are not recovered within three years from the date the director's order requiring payment became final, initiate no further action to collect such benefits and the amount of any benefits not recovered at that time shall be canceled as uncollectible, provided that the time limit for collection shall be extended by the period of any stay to the collection or by any other time period to which the parties mutually agree.

(C) The appeal provisions of sections 4141.281 and 4141.282 of the Revised Code shall apply to all orders and determinations issued under this section, except that an individual's right of

appeal under division (B)(2) of this section shall be limited to this state's authority to recover overpayment of benefits.

(D) The director shall deposit any repayment collected under this section that the director determines to be payment of interest or court costs into the unemployment compensation special administrative fund established pursuant to section 4141.11 of the Revised Code.

(E) If an individual makes a full repayment or a repayment that is less than the full amount required by this section, the director shall apply the repayment to the mutualized account under division (B) of section 4141.25 of the Revised Code, except that the director shall credit the repayment to the accounts of the individual's base period employers that previously have not been credited for the amount of improperly paid benefits charged against their accounts based on the proportion of benefits charged against the accounts as determined pursuant to division (D) of section 4141.24 of the Revised Code.

~~The director shall deposit any repayment collected under this section that the director determines to be payment of interest or court costs into the unemployment compensation special administrative fund established pursuant to section 4141.11 of the Revised Code.~~

This division does not apply to any of the following:

(1) Federal tax refund offsets under 31 C.F.R. 285.8;

(2) Unclaimed fund recoveries under section 131.024 of the Revised Code;

(3) Lottery award offsets under section 3770.073 of the Revised Code;

(4) State tax refund offsets under section 5747.12 of the Revised Code;

(5) Unemployment compensation debts collected by the attorney general under Chapter 131. of the Revised Code.

**Sec. 4141.50.** (A) As used in this section and in sections 4141.51 to 4141.56 of the Revised Code:

(1) "Affected unit" means a department, shift, or other organizational unit of two or more employees that is designated by a participating employer in a shared work plan.

(2) "Approved shared work plan" means an employer's shared work plan, submitted pursuant to section 4141.51 of the Revised Code, that satisfies all of the requirements for approval under that section and that the director of job and family services has approved in writing.

(3) "Intermittent basis" means employment that is not continuous but may consist of periodic intervals of weekly work and intervals of no weekly work.

(4) "Normal weekly hours of work" means the normal hours of work in employment each week for an employee in an affected unit when that unit is operating on a full-time basis, not to exceed forty hours and not including any overtime worked.

(5) "Participating employee" means an employee whose normal weekly hours of work are reduced by the reduction percentage under an approved shared work plan.

(6) "Participating employer" means an employer who has an approved shared work plan in effect.

(7) "Reduction percentage" means the percentage by which each participating employee's normal weekly hours of work are reduced under an approved shared work plan.

(8) "Seasonal basis" has the same meaning as "seasonal employment" as defined in division (A) of section 4141.33 of the Revised Code.

(9) "Shared work compensation" means the pro rata share of unemployment compensation benefits payable to a participating employee under an approved shared work plan. "Shared work compensation" does not include unemployment compensation benefits otherwise payable to an eligible claimant who is totally or partially unemployed.

(10) "Temporary basis" means employment where an employee is expected to remain in a position for only a limited period of time or is hired by a temporary agency to fill a gap in the employer's workforce.

(B) There is hereby created the "SharedWork Ohio" program, under which an employer who participates in the program reduces the number of hours worked by the employees of the employer in lieu of layoffs.

The director may adopt rules as the director determines necessary to implement any guidance issued by the United States secretary of labor with respect to the SharedWork Ohio program.

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of the Revised Code:

(1) "Gallon" or "wine gallon" means one hundred twenty-eight fluid ounces.

(2) "Sale" or "sell" includes exchange, barter, gift, distribution, and, except with respect to A-4 permit holders, offer for sale.

(B) For the purposes of providing revenues for the support of the state and encouraging the grape industries in the state, a tax is hereby levied on the sale or distribution of wine in Ohio, except for known sacramental purposes, at the rate of thirty cents per wine gallon for wine containing not less than four per cent of alcohol by volume and not more than fourteen per cent of alcohol

by volume, ninety-eight cents per wine gallon for wine containing more than fourteen per cent but not more than twenty-one per cent of alcohol by volume, one dollar and eight cents per wine gallon for vermouth, and one dollar and forty-eight cents per wine gallon for sparkling and carbonated wine and champagne, the tax to be paid by the holders of A-2, A-2f, and B-5 permits or by any other person selling or distributing wine upon which no tax has been paid. From the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to one cent per gallon for each gallon upon which the tax is paid.

(C) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on prepared and bottled highballs, cocktails, cordials, and other mixed beverages at the rate of one dollar and twenty cents per wine gallon to be paid by holders of A-4 permits or by any other person selling or distributing those products upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of tax due. The tax on mixed beverages to be paid by holders of A-4 permits under this section shall not attach until the ownership of the mixed beverage is transferred for valuable consideration to a wholesaler or retailer, and no payment of the tax shall be required prior to that time.

(D) During the period of July 1, ~~2017~~ 2019, through June 30, ~~2019~~ 2021, from the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to two cents per gallon upon which the tax is paid. The amount credited under this division is in addition to the amount credited to the Ohio grape industries fund under division (B) of this section.

(E) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on cider at the rate of twenty-four cents per wine gallon to be paid by the holders of A-2, A-2f, and B-5 permits or by any other person selling or distributing cider upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of the tax due.

**Sec. 4313.02.** (A) The state may transfer to JobsOhio, and JobsOhio may accept the transfer of, all or a portion of the enterprise acquisition project for a transfer price payable by JobsOhio to the state. Any such transfer shall be treated as an absolute conveyance and true sale of the interest in the enterprise acquisition project purported to be conveyed for all purposes, and not as a pledge or other security interest. The characterization of any such transfer as a true sale and absolute conveyance shall not be negated or adversely affected by the acquisition or retention by the state of a residual or reversionary interest in the enterprise acquisition project, the participation of any state officer or employee as a member or officer of, or contracting for staff support to, JobsOhio or any subsidiary of JobsOhio, any regulatory responsibility of an officer or employee of the state, including the authority to collect amounts to be received in connection therewith, the retention of the state of any legal title to or interest in any portion of the enterprise acquisition project for the purpose of regulatory activities, or any characterization of JobsOhio or obligations of JobsOhio under accounting, taxation, or securities regulations, or any other reason whatsoever. An absolute conveyance and true sale or lease shall exist under this section regardless of whether JobsOhio has any recourse against the state or the treatment or characterization of the transfer as a financing for any purpose. Upon and following the transfer, the

state shall not have any right, title, or interest in the enterprise acquisition project so transferred other than any residual interest that may be described in the transfer agreement pursuant to the following paragraph and division (D) of this section. Any determination of the fair market value of the enterprise acquisition project reflected in the transfer agreement shall be conclusive and binding on the state and JobsOhio.

Any transfer of the enterprise acquisition project that is a lease or grant of a franchise shall be for a term not to exceed twenty-five years. Any transfer of the enterprise acquisition project that is an assignment and sale, conveyance, or other transfer shall contain a provision that the state shall have the option to have conveyed or transferred back to it, at no cost, the enterprise acquisition project, as it then exists, no later than twenty-five years after the original transfer authorized in the transfer agreement on such other terms as shall be provided in the transfer agreement.

The exercise of the powers granted by this section will be for the benefit of the people of the state. All or any portion of the enterprise acquisition project transferred pursuant to the transfer agreement that would be exempt from real property taxes or assessments or real property taxes or assessments in the absence of such transfer shall, as it may from time to time exist thereafter, remain exempt from real property taxes or assessments levied by the state and its subdivisions to the same extent as if not transferred. The gross receipts and income of JobsOhio derived from the enterprise acquisition project shall be exempt from taxation levied by the state and its subdivisions, including, but not limited to, the taxes levied pursuant to Chapters 718., 5739., 5741., 5747., and 5751. of the Revised Code. Any transfer from the state to JobsOhio of the enterprise acquisition project, or item included or to be included in the project, shall be exempt from

the taxes levied pursuant to Chapters 5739. and 5741. of the Revised Code.

(B) The proceeds of any transfer under division (A) of this section may be expended as provided in the transfer agreement for any one or more of the following purposes:

(1) Funding, payment, or defeasance of outstanding bonds issued pursuant to Chapters 151. and 166. of the Revised Code and secured by pledged liquor profits as defined in section 151.40 of the Revised Code;

(2) Deposit into the general revenue fund;

(3) Deposit into the clean Ohio revitalization fund created pursuant to section 122.658 of the Revised Code, the innovation Ohio loan fund created pursuant to section 166.16 of the Revised Code, the research and development loan fund created pursuant to section 166.20 of the Revised Code, and the logistics and distribution infrastructure fund created pursuant to section 166.26 of the Revised Code~~, the advanced energy research and development fund created pursuant to section 3706.27 of the Revised Code, and the advanced energy research and development taxable fund created pursuant to section 3706.27 of the Revised Code~~;

(4) Conveyance to JobsOhio for the purposes for which it was created.

(C)(1) The state may covenant, pledge, and agree in the transfer agreement, with and for the benefit of JobsOhio, that it shall maintain statutory authority for the enterprise acquisition project and the revenues of the enterprise acquisition project and not otherwise materially impair any obligations supported by a pledge of revenues of the enterprise acquisition project. The transfer agreement may provide or authorize the manner for determining material impairment of the security for any such

outstanding obligations, including by assessing and evaluating the revenues of the enterprise acquisition project.

(2) The director of budget and management, in consultation with the director of commerce, may, without need for any other approval, negotiate terms of any documents, including the transfer agreement, necessary to effect the transfer and the acceptance of the transfer of the enterprise acquisition project. The director of budget and management and the director of commerce shall execute the transfer agreement on behalf of the state. The director of budget and management may also, without need for any other approval, retain or contract for the services of commercial appraisers, underwriters, investment bankers, and financial advisers, as are necessary in the judgment of the director of budget and management to effect the transfer agreement. Any transfer agreement may contain terms and conditions established by the state to carry out and effectuate the purposes of this section, including, without limitation, covenants binding the state in favor of JobsOhio. Any such transfer agreement shall be sufficient to effectuate the transfer without regard to any other laws governing other property sales or financial transactions by the state. The director of budget and management may create any funds or accounts, within or without the state treasury, as are needed for the transactions and activities authorized by this section.

(3) The transfer agreement may authorize JobsOhio, in the ordinary course of doing business, to convey, lease, release, or otherwise dispose of any regular inventory or tangible personal property. Ownership of the interest in the enterprise acquisition project that is transferred to JobsOhio under this section and the transfer agreement shall be maintained in JobsOhio or a nonprofit entity the sole member of which is JobsOhio until the enterprise acquisition project is transferred back to the state pursuant to

the second paragraph of division (A) and division (D) of this section.

(D) The transfer agreement may authorize JobsOhio to fix, alter, and collect rentals and other charges for the use and occupancy of all or any portion of the enterprise acquisition project and to lease any portion of the enterprise acquisition project to the state, and shall include a contract with, or the granting of an option to, the state to have the enterprise acquisition project, as it then exists, transferred back to it without charge in accordance with the terms of the transfer agreement after retirement or redemption, or provision therefor, of all obligations supported by a pledge of spirituous liquor profits.

(E) JobsOhio, the director of budget and management, and the director of commerce shall, subject to approval by the controlling board, enter into a contract, which may be part of the transfer agreement, for the continuing operation by the division of liquor control of spirituous liquor distribution and merchandising subject to standards for performance provided in that contract that may relate to or support division (C)(1) of this section. The contract shall establish other terms and conditions for the assignment of duties to, and the provision of advice, services, and other assistance by, the division of liquor control, including providing for the necessary staffing and payment by JobsOhio of appropriate compensation to the division for the performance of such duties and the provision of such advice, services, and other assistance. The division of liquor control shall manage and actively supervise the activities required or authorized under sections 4301.10 and 4301.17 of the Revised Code as those sections exist on September 29, 2011, including, but not limited to, controlling the traffic in intoxicating liquor in this state and fixing the wholesale and retail prices at which the various

classes, varieties, and brands of spirituous liquor are sold.

(F) The transfer agreement shall require JobsOhio to pay for the operations of the division of liquor control with regard to the spirituous liquor merchandising operations of the division. The payments from JobsOhio shall be deposited into the state treasury to the credit of the liquor operating services fund, which is hereby created in the state treasury. The fund shall be used to pay for the operations of the division specified in this division.

(G) The transaction and transfer provided for under this section shall comply with all applicable provisions of the Ohio Constitution.

**Sec. 4501.10.** (A) Except as provided in division (B) of this section, money received by the department of public safety from the sale of motor vehicles and related equipment pursuant to section 125.13 of the Revised Code shall be transferred to the public safety - highway purposes fund created in section 4501.06 of the Revised Code. The money shall be used only to purchase replacement motor vehicles and related equipment.

(B) Money received by the department of public safety investigative unit established under section 5502.13 of the Revised Code from the sale of motor vehicles and other equipment pursuant to section 125.13 of the Revised Code shall be deposited into the ~~public safety~~ Ohio investigative unit ~~salvage and exchange~~ fund~~, which is hereby~~ created in ~~the state treasury~~ section 5502.132 of the Revised Code. The money ~~in the fund~~ shall be used only to purchase replacement motor vehicles and other equipment for that unit.

**Sec. 4501.24.** There is hereby created in the state treasury the scenic rivers protection fund. The fund shall consist of the

donations to the fund received by the department of natural resources and the contributions not to exceed forty dollars that are paid to the registrar of motor vehicles by applicants who voluntarily choose to obtain scenic rivers license plates pursuant to section 4503.56 of the Revised Code.

The contributions deposited in the fund shall be used by the department ~~of natural resources~~ to help finance wild, scenic, and recreational river areas conservation, education, corridor protection, restoration, and habitat enhancement and clean-up projects along rivers in those areas. The chief of the division of parks and watercraft in the department may expend money in the fund for the acquisition of wild, scenic, and recreational river areas, for the maintenance, protection, and administration of such areas, and for construction of facilities within those areas. All investment earnings of the fund shall be credited to the fund.

As used in this section, "wild river areas," "scenic river areas," and "recreational river areas" have the same meanings as in section 1546.01 of the Revised Code.

**Sec. 4503.515.** (A) The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and issuance of "Ohio geology" license plates. The application may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance by the applicant with divisions (B) and (C) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of "Ohio geology" license plates and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code.

In addition to the letters and numbers ordinarily inscribed on the license plates, "Ohio geology" license plates shall bear an appropriate logo and words selected by the director of natural resources and approved by the registrar. "Ohio geology" license plates shall display county identification stickers that identify the county of registration as required under section 4503.19 of the Revised Code.

(B) "Ohio geology" license plates and a validation sticker, or validation sticker alone, shall be issued upon receipt of an application for registration of a motor vehicle under this section; payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle license tax levied under Chapter 4504. of the Revised Code, any applicable additional fee prescribed by section 4503.40 or 4503.42 of the Revised Code, an additional fee of ten dollars, and a contribution as provided in division (C) of this section; and compliance with all other applicable laws relating to the registration of motor vehicles.

(C) For each application for registration and registration renewal notice the registrar receives under this section, the registrar shall collect a contribution of fifteen dollars. The registrar shall transmit this contribution to the treasurer of state for deposit into the state treasury to the credit of the ~~"Ohio geology" license plate~~ geological mapping fund created by section ~~1505.13~~ 1505.09 of the Revised Code.

The registrar shall transmit the additional fee of ten dollars, the purpose of which is to compensate the bureau of motor vehicles for the additional services required in the issuing of "Ohio geology" license plates, to the treasurer of state for deposit into the state treasury to the credit of the public safety - highway purposes fund created by section 4501.06 of the Revised Code.

**Sec. 4506.03.** (A) Except as provided in divisions (B) and (C) of this section, the following shall apply:

(1) No person shall drive a commercial motor vehicle on a highway in this state unless the person holds, and has in the person's possession, any of the following:

(a) A valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by the registrar of motor vehicles or by another jurisdiction recognized by this state;

(b) A valid examiner's commercial driving permit issued under section 4506.13 of the Revised Code;

(c) A valid restricted commercial driver's license and waiver for farm-related service industries issued under section 4506.24 of the Revised Code;

(d) A valid commercial driver's license temporary instruction permit issued by the registrar, provided that the person is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in the person's immediate possession a current, valid commercial driver's license and who meets the requirements of division (B) of section 4506.06 of the Revised Code.

(2) No person's commercial driver's license temporary instruction permit shall be upgraded, and no commercial driver's license shall be upgraded, renewed, or issued to a person until the person surrenders to the registrar of motor vehicles all valid licenses and permits issued to the person by this state or by another jurisdiction recognized by this state. If the license or permit was issued by any other state or another jurisdiction recognized by this state, the registrar shall report the surrender of a license or permit to the issuing authority, together with

information that a license or permit is now issued in this state. The registrar shall destroy any such license or permit that is not returned to the issuing authority.

(3) No person who has been a resident of this state for thirty days or longer shall drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

(B) Nothing in division (A) of this section applies to any qualified person when engaged in the operation of any of the following:

(1) A farm truck;

(2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, ~~or~~ joint fire district, or the state fire marshal;

(3) A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;

(4) A recreational vehicle;

(5) A commercial motor vehicle within the boundaries of an eligible unit of local government, if the person is employed by the eligible unit of local government and is operating the commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, but only if either the employee who holds a commercial driver's license issued under this chapter and ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle, or the employing eligible unit of local government determines that a snow or ice emergency exists that requires additional assistance;

(6) A vehicle operated for military purposes by any member or uniformed employee of the armed forces of the United States or their reserve components, including the Ohio national guard. This

exception does not apply to United States reserve technicians.

(7) A commercial motor vehicle that is operated for nonbusiness purposes. "Operated for nonbusiness purposes" means that the commercial motor vehicle is not used in commerce as "commerce" is defined in 49 C.F.R. 383.5, as amended, and is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.

(8) A motor vehicle that is designed primarily for the transportation of goods and not persons, while that motor vehicle is being used for the occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise;

(9) A police SWAT team vehicle;

(10) A police vehicle used to transport prisoners.

(C) Nothing contained in division (B)(5) of this section shall be construed as preempting or superseding any law, rule, or regulation of this state concerning the safe operation of commercial motor vehicles.

(D) Whoever violates this section is guilty of a misdemeanor of the first degree.

**Sec. 4506.11.** (A) Every commercial driver's license shall be marked "commercial driver's license" or "CDL" and shall be of such material and so designed as to prevent its reproduction or alteration without ready detection~~, and, to this end, shall be laminated with a transparent plastic material~~. The commercial driver's license for licensees under twenty-one years of age shall have characteristics prescribed by the registrar of motor vehicles distinguishing it from that issued to a licensee who is twenty-one years of age or older. Every commercial driver's license shall display all of the following information:

(1) The name and residence address of the licensee;

(2) A color photograph of the licensee showing the licensee's uncovered face;

(3) A physical description of the licensee, including sex, height, weight, and color of eyes and hair;

(4) The licensee's date of birth;

(5) The licensee's social security number if the person has requested that the number be displayed in accordance with section 4501.31 of the Revised Code or if federal law requires the social security number to be displayed and any number or other identifier the director of public safety considers appropriate and establishes by rules adopted under Chapter 119. of the Revised Code and in compliance with federal law;

(6) The licensee's signature;

(7) The classes of commercial motor vehicles the licensee is authorized to drive and any endorsements or restrictions relating to the licensee's driving of those vehicles;

(8) The name of this state;

(9) The dates of issuance and of expiration of the license;

(10) If the licensee has certified willingness to make an anatomical gift under section 2108.05 of the Revised Code, any symbol chosen by the registrar of motor vehicles to indicate that the licensee has certified that willingness;

(11) If the licensee has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the licensee wishes the license to indicate that the licensee has executed either type of instrument, any symbol chosen by the registrar to indicate that the licensee has executed either type of instrument;

(12) On and after October 7, 2009, if the licensee has specified that the licensee wishes the license to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the licensee's DD-214 form or an equivalent document, any symbol chosen by the registrar to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States;

(13) Any other information the registrar considers advisable and requires by rule.

(B) The registrar may establish and maintain a file of negatives of photographs taken for the purposes of this section.

(C) Neither the registrar nor any deputy registrar shall issue a commercial driver's license to anyone under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the commercial driver's license issued to persons who are twenty-one years of age or older.

(D) Whoever violates division (C) of this section is guilty of a minor misdemeanor.

**Sec. 4507.01.** (A) As used in this chapter, "motor vehicle," "motorized bicycle," "state," "owner," "operator," "chauffeur," and "highways" have the same meanings as in section 4501.01 of the Revised Code.

"Driver's license" means a class D license issued to any person to operate a motor vehicle or motor-driven cycle, other than a commercial motor vehicle, and includes "probationary license," "restricted license," and any operator's or chauffeur's license issued before January 1, 1990.

"Probationary license" means the license issued to any person

between sixteen and eighteen years of age to operate a motor vehicle.

"Restricted license" means the license issued to any person to operate a motor vehicle subject to conditions or restrictions imposed by the registrar of motor vehicles.

"Commercial driver's license" means the license issued to a person under Chapter 4506. of the Revised Code to operate a commercial motor vehicle.

"Commercial motor vehicle" has the same meaning as in section 4506.01 of the Revised Code.

"Motorcycle operator's temporary instruction permit, license, or endorsement" includes a temporary instruction permit, license, or endorsement for a motor-driven cycle or motor scooter unless otherwise specified.

"Motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person to operate a motorized bicycle including a "probationary motorized bicycle license."

"Probationary motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person between fourteen and sixteen years of age to operate a motorized bicycle.

"Identification card" means a card issued under sections 4507.50 and 4507.51 of the Revised Code.

"Resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a permanent basis.

"Temporary resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a temporary basis.

(B) In the administration of this chapter and Chapter 4506. of the Revised Code, the registrar has the same authority as is conferred on the registrar by section 4501.02 of the Revised Code. Any act of an authorized deputy registrar of motor vehicles under direction of the registrar is deemed the act of the registrar.

To carry out this chapter, the registrar shall appoint such deputy registrars in each county as are necessary.

The registrar also shall provide at each place where an application for a driver's or commercial driver's license or identification card may be made the necessary equipment to take a color photograph of the applicant for such license or card as required under section 4506.11 or 4507.06 of the Revised Code, and to conduct the vision screenings required by section 4507.12 of the Revised Code~~, and equipment to laminate licenses, motorized bicycle licenses, and identification cards as required by sections 4507.13, 4507.52, and 4511.521 of the Revised Code~~.

The registrar shall assign one or more deputy registrars to any driver's license examining station operated under the supervision of the director of public safety, whenever the registrar considers such assignment possible. Space shall be provided in the driver's license examining station for any such deputy registrar so assigned. The deputy registrars shall not exercise the powers conferred by such sections upon the registrar, unless they are specifically authorized to exercise such powers by such sections.

(C) No agent for any insurance company, writing automobile insurance, shall be appointed deputy registrar, and any such appointment is void. No deputy registrar shall in any manner solicit any form of automobile insurance, nor in any manner advise, suggest, or influence any licensee or applicant for license for or against any kind or type of automobile insurance, insurance company, or agent, nor have the deputy registrar's

office directly connected with the office of any automobile insurance agent, nor impart any information furnished by any applicant for a license or identification card to any person, except the registrar. This division shall not apply to any nonprofit corporation appointed deputy registrar.

(D) The registrar shall immediately remove a deputy registrar who violates the requirements of this chapter.

~~(E) The registrar shall periodically solicit bids and enter into a contract for the provision of laminating equipment and laminating materials to the registrar and all deputy registrars. The registrar shall not consider any bid that does not provide for the supplying of both laminating equipment and laminating materials. The laminating materials selected shall contain a security feature so that any tampering with the laminating material covering a license or identification card is readily apparent. In soliciting bids and entering into a contract for the provision of laminating equipment and laminating materials, the registrar shall observe all procedures required by law.~~

**Sec. 4507.13.** (A) The registrar of motor vehicles shall issue a driver's license to every person licensed as an operator of motor vehicles other than commercial motor vehicles. No person licensed as a commercial motor vehicle driver under Chapter 4506. of the Revised Code need procure a driver's license, but no person shall drive any commercial motor vehicle unless licensed as a commercial motor vehicle driver.

Every driver's license shall display on it the distinguishing number assigned to the licensee and shall display the licensee's name and date of birth; the licensee's residence address and county of residence; a color photograph of the licensee; a brief description of the licensee for the purpose of identification; a facsimile of the signature of the licensee as it appears on the

application for the license; a notation, in a manner prescribed by the registrar, indicating any condition described in division (D)(3) of section 4507.08 of the Revised Code to which the licensee is subject; if the licensee has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the licensee wishes the license to indicate that the licensee has executed either type of instrument, any symbol chosen by the registrar to indicate that the licensee has executed either type of instrument; on and after October 7, 2009, if the licensee has specified that the licensee wishes the license to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the licensee's DD-214 form or an equivalent document, any symbol chosen by the registrar to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States; and any additional information that the registrar requires by rule. No license shall display the licensee's social security number unless the licensee specifically requests that the licensee's social security number be displayed on the license. If federal law requires the licensee's social security number to be displayed on the license, the social security number shall be displayed on the license notwithstanding this section.

The driver's license for licensees under twenty-one years of age shall have characteristics prescribed by the registrar distinguishing it from that issued to a licensee who is twenty-one years of age or older, except that a driver's license issued to a person who applies no more than thirty days before the applicant's twenty-first birthday shall have the characteristics of a license issued to a person who is twenty-one years of age or older.

The driver's license issued to a temporary resident shall

contain the word "nonrenewable" and shall have any additional characteristics prescribed by the registrar distinguishing it from a license issued to a resident.

Every driver's or commercial driver's license displaying a motorcycle operator's endorsement and every restricted license to operate a motor vehicle also shall display the designation "novice," if the endorsement or license is issued to a person who is eighteen years of age or older and previously has not been licensed to operate a motorcycle by this state or another jurisdiction recognized by this state. The "novice" designation shall be effective for one year after the date of issuance of the motorcycle operator's endorsement or license.

Each license issued under this section shall be of such material and so designed as to prevent its reproduction or alteration without ready detection ~~and, to this end, shall be laminated with a transparent plastic material~~.

(B) Except in regard to a driver's license issued to a person who applies no more than thirty days before the applicant's twenty-first birthday, neither the registrar nor any deputy registrar shall issue a driver's license to anyone under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the driver's license issued to persons who are twenty-one years of age or older.

(C) Whoever violates division (B) of this section is guilty of a minor misdemeanor.

**Sec. 4507.23.** (A) Except as provided in division (I) of this section, each application for a temporary instruction permit and examination shall be accompanied by a fee of five dollars.

(B) Except as provided in division (I) of this section, each

application for a driver's license made by a person who previously held such a license and whose license has expired not more than two years prior to the date of application, and who is required under this chapter to give an actual demonstration of the person's ability to drive, shall be accompanied by a fee of three dollars in addition to any other fees.

(C)(1) Except as provided in divisions (E) and (I) of this section, each application for a driver's license, or motorcycle operator's endorsement, or renewal of a driver's license shall be accompanied by a fee of six dollars.

(2) Except as provided in division (I) of this section, each application for a duplicate driver's license shall be accompanied by a fee of seven dollars and fifty cents. The duplicate driver's licenses issued under this section shall be distributed by the deputy registrar in accordance with rules adopted by the registrar of motor vehicles.

(D) Except as provided in division (I) of this section, each application for a motorized bicycle license or duplicate thereof shall be accompanied by a fee of two dollars and fifty cents.

(E) Except as provided in division (I) of this section, each application for a driver's license or renewal of a driver's license that will be issued to a person who is less than twenty-one years of age shall be accompanied by whichever of the following fees is applicable:

(1) If the person is sixteen years of age or older, but less than seventeen years of age, a fee of seven dollars and twenty-five cents;

(2) If the person is seventeen years of age or older, but less than eighteen years of age, a fee of six dollars;

(3) If the person is eighteen years of age or older, but less than nineteen years of age, a fee of four dollars and seventy-five

cents;

(4) If the person is nineteen years of age or older, but less than twenty years of age, a fee of three dollars and fifty cents;

(5) If the person is twenty years of age or older, but less than twenty-one years of age, a fee of two dollars and twenty-five cents.

(F) Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for ~~laminating~~ the authentication of the documents required for processing a driver's license, motorized bicycle license, or temporary instruction permit identification cards as required by sections 4507.13 and 4511.521 of the Revised Code. A deputy registrar ~~laminating~~ that authenticates the required documents for a driver's license, motorized bicycle license, or temporary instruction permit identification cards shall retain the entire amount of the fee ~~charged for lamination, less the actual cost to the registrar of the laminating materials used for that lamination, as specified in the contract executed by the bureau for the laminating materials and laminating equipment. The deputy registrar shall forward the amount of the cost of the laminating materials to the registrar for deposit as provided in this section~~.

(G) Except as provided in division (I) of this section, each transaction described in divisions (A), (B), (C), (D), and (E) of this section shall be accompanied by an additional fee of twelve dollars. The additional fee is for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws of Ohio.

(H) At the time and in the manner provided by section 4503.10 of the Revised Code, the deputy registrar shall transmit the fees

collected under divisions (A), (B), (C), (D), and (E)~~, those portions of the fees specified in and collected under division (F),~~ and the additional fee under division (G) of this section to the registrar. The registrar shall deposit the fees into the public safety - highway purposes fund established in section 4501.06 of the Revised Code.

(I) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration may apply to the registrar or a deputy registrar for the issuance to that veteran, without the payment of any fee prescribed in this section, of any of the following items:

(1) A temporary instruction permit and examination;

(2) A new, renewal, or duplicate driver's or commercial driver's license;

(3) A motorcycle operator's endorsement;

(4) A motorized bicycle license or duplicate thereof;

(5) ~~Lamination of a driver's license, motorized bicycle license, or temporary instruction permit identification card~~ A document authentication fee as provided in division (F) of this section.

An application made under division (I) of this section shall be accompanied by such documentary evidence of disability as the registrar may require by rule.

(J)(1) The registrar of motor vehicles shall adopt rules that establish a prorated fee schedule that specifies the fee to be charged by the registrar or a deputy registrar for the issuance of a duplicate driver's license. The rules shall require the base fee to be equal to the fee for a duplicate driver's license that existed immediately prior to July 1, 2015. In order to determine the prorated amount for a duplicate license under the rules, the

registrar shall reduce the base fee by an amount determined by the registrar that is correlated with the number of months between the date a person applies for the duplicate and the date of expiration of the license. The registrar shall allocate the money received from a prorated duplicate driver's license fee to the same funds and in the same proportion as the allocation of the base fee.

(2) Notwithstanding any other provision of law, after the registrar has adopted rules under division (J)(1) of this section, an applicant for a duplicate driver's license shall be required to pay only the appropriate prorated fee established under those rules.

**Sec. 4507.50.** (A) The registrar of motor vehicles or a deputy registrar, upon receipt of an application filed in compliance with section 4507.51 of the Revised Code by any person who is a resident or a temporary resident of this state and, except as otherwise provided in this section, is not licensed as an operator of a motor vehicle in this state or another licensing jurisdiction, and, except as provided in division (B) or (C) of this section, upon receipt of a fee of three dollars and fifty cents, shall issue an identification card to that person.

Any person who is a resident or temporary resident of this state whose Ohio driver's or commercial driver's license has been suspended or canceled, upon application in compliance with section 4507.51 of the Revised Code and, except as provided in division (B) or (C) of this section, payment of a fee of three dollars and fifty cents, may be issued a temporary identification card. The temporary identification card shall be identical to an identification card, except that it shall be printed on its face with a statement that the card is valid during the effective dates of the suspension or cancellation of the cardholder's license, or until the birthday of the cardholder in the fourth year after the

date on which it is issued, whichever is shorter. The cardholder shall surrender the identification card to the registrar or any deputy registrar before the cardholder's driver's or commercial driver's license is restored or reissued.

Except as provided in division (B) or (C) of this section, the deputy registrar shall be allowed a fee equal to the amount established under section 4503.038 of the Revised Code for each identification card issued under this section. The fee allowed to the deputy registrar shall be in addition to the fee for issuing an identification card.

Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for ~~laminating~~ the authentication of the documents required for processing an identification card or temporary identification card. A deputy registrar ~~laminating such a card~~ that authenticates the required documents shall retain the entire amount of the fee ~~charged for lamination, less the actual cost to the registrar of the laminating materials used for that lamination, as specified in the contract executed by the bureau for the laminating materials and laminating equipment. The deputy registrar shall forward the amount of the cost of the laminating materials to the registrar for deposit as provided in this section~~.

The fee collected for issuing an identification card under this section, except the fee allowed to the deputy registrar, shall be paid into the state treasury to the credit of the public safety - highway purposes fund created in section 4501.06 of the Revised Code.

(B) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration may apply to the registrar or a deputy registrar for the issuance to that veteran of an identification card or a temporary identification card under this section without payment of any fee

prescribed in division (A) of this section~~, including any lamination fee~~.

An application made under division (B) of this section shall be accompanied by such documentary evidence of disability as the registrar may require by rule.

(C) A resident who is eligible for an identification card with an expiration date that is in accordance with division (A)(8)(b) of section 4507.52 of the Revised Code and who is currently unemployed may apply to the registrar or a deputy registrar for the issuance of an identification card under this section without payment of any fee as prescribed in division (A) of this section~~, including any lamination fee~~.

An application made under division (C) of this section shall be accompanied by such documentary evidence of disability and unemployment as the registrar may require by rule.

**Sec. 4507.52.** (A)(1) Each identification card issued by the registrar of motor vehicles or a deputy registrar shall display a distinguishing number assigned to the cardholder, and shall display the following inscription:

"STATE OF OHIO IDENTIFICATION CARD

This card is not valid for the purpose of operating a motor vehicle. It is provided solely for the purpose of establishing the identity of the bearer described on the card, who currently is not licensed to operate a motor vehicle in the state of Ohio."

(2) The identification card shall display substantially the same information as contained in the application and as described in division (A)(1) of section 4507.51 of the Revised Code, but shall not display the cardholder's social security number unless the cardholder specifically requests that the cardholder's social security number be displayed on the card. If federal law requires

the cardholder's social security number to be displayed on the identification card, the social security number shall be displayed on the card notwithstanding this section.

(3) The identification card also shall display the color photograph of the cardholder.

(4) If the cardholder has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the cardholder wishes the identification card to indicate that the cardholder has executed either type of instrument, the card also shall display any symbol chosen by the registrar to indicate that the cardholder has executed either type of instrument.

(5) If the cardholder has specified that the cardholder wishes the identification card to indicate that the cardholder is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the cardholder's DD-214 form or an equivalent document, the card also shall display any symbol chosen by the registrar to indicate that the cardholder is a veteran, active duty, or reservist of the armed forces of the United States.

(6) The card shall be ~~sealed in transparent plastic or similar material and shall be so~~ designed as to prevent its reproduction or alteration without ready detection.

(7) The identification card for persons under twenty-one years of age shall have characteristics prescribed by the registrar distinguishing it from that issued to a person who is twenty-one years of age or older, except that an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday shall have the characteristics of an identification card issued to a person who

is twenty-one years of age or older.

(8)(a) Except as provided in division (A)(8)(b) of this section, every identification card issued to a resident of this state shall expire, unless canceled or surrendered earlier, on the birthday of the cardholder in the fourth year after the date on which it is issued.

(b) The registrar or a deputy registrar shall issue an identification card to a resident of this state who is permanently or irreversibly disabled that shall expire, unless canceled or surrendered earlier, on the birthday of the cardholder in the eighth year after the date on which it is issued. The registrar shall issue a reminder notice to a cardholder, at the last known address of the cardholder, six months before the identification card is scheduled to expire. The registrar shall adopt rules governing the documentation a cardholder shall submit to certify that the cardholder is permanently or irreversibly disabled.

As used in this section, "permanently or irreversibly disabled" means a condition of disability from which there is no present indication of recovery.

(c) Every identification card issued to a temporary resident shall expire in accordance with rules adopted by the registrar and is nonrenewable, but may be replaced with a new identification card upon the applicant's compliance with all applicable requirements.

(9) A cardholder may renew the cardholder's identification card within ninety days prior to the day on which it expires by filing an application and paying the prescribed fee in accordance with section 4507.50 of the Revised Code.

(10) If a cardholder applies for a driver's or commercial driver's license in this state or another licensing jurisdiction, the cardholder shall surrender the cardholder's identification

card to the registrar or any deputy registrar before the license is issued.

(B)(1) If a card is lost, destroyed, or mutilated, the person to whom the card was issued may obtain a duplicate by doing both of the following:

(a) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar or a deputy registrar;

(b) Filing an application and presenting documentary evidence under section 4507.51 of the Revised Code.

(2) Any person who loses a card and, after obtaining a duplicate, finds the original, immediately shall surrender the original to the registrar or a deputy registrar.

(3) A cardholder may obtain a replacement identification card that reflects any change of the cardholder's name by furnishing suitable proof of the change to the registrar or a deputy registrar and surrendering the cardholder's existing card.

(4)(a) When a cardholder applies for a duplicate or obtains a replacement identification card, the cardholder shall pay a fee of two dollars and fifty cents. A deputy registrar shall be allowed an additional fee equal to the amount established under section 4503.038 of the Revised Code for issuing a duplicate or replacement identification card.

(b) A disabled veteran who is a cardholder and has a service-connected disability rated at one hundred per cent by the veterans' administration may apply to the registrar or a deputy registrar for the issuance of a duplicate or replacement identification card without payment of any fee prescribed in this section~~, and without payment of any lamination fee if the disabled veteran would not be required to pay a lamination fee in connection with the issuance of an identification card or temporary identification card as provided in division (B) of~~

~~section 4507.50 of the Revised Code~~.

(c) A resident who is permanently or irreversibly disabled and who is unemployed may apply to the registrar or a deputy registrar for the issuance of a duplicate or replacement identification card without payment of any fee prescribed in this section~~, and without payment of any lamination fee, if the resident would not be required to pay any fee in connection with the issuance of an identification card as provided in division (C) of section 4507.50 of the Revised Code~~.

(5) A duplicate or replacement identification card expires on the same date as the card it replaces.

(C) The registrar shall cancel any card upon determining that the card was obtained unlawfully, issued in error, or was altered. The registrar also shall cancel any card that is surrendered to the registrar or to a deputy registrar after the holder has obtained a duplicate, replacement, or driver's or commercial driver's license.

(D)(1) No agent of the state or its political subdivisions shall condition the granting of any benefit, service, right, or privilege upon the possession by any person of an identification card. Nothing in this section shall preclude any publicly operated or franchised transit system from using an identification card for the purpose of granting benefits or services of the system.

(2) No person shall be required to apply for, carry, or possess an identification card.

(E) Except in regard to an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday, neither the registrar nor any deputy registrar shall issue an identification card to a person under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the

identification card issued to persons who are twenty-one years of age or older.

(F) Whoever violates division (E) of this section is guilty of a minor misdemeanor.

**Sec. 4511.521.** (A) No person shall operate a motorized bicycle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking, unless all of the following conditions are met:

(1) The person is fourteen or fifteen years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in this section, or the person is sixteen years of age or older and holds either a valid commercial driver's license issued under Chapter 4506. or a driver's license issued under Chapter 4507. of the Revised Code or a valid motorized bicycle license issued after the person has passed the test provided for in this section, except that if a person is sixteen years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, the person is not required to comply with the testing requirements provided for in this section;

(2) The motorized bicycle is equipped in accordance with the rules adopted under division (B) of this section and is in proper working order;

(3) The person, if under eighteen years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened and the motorized bicycle is equipped with a rear-view mirror.

(4) The person operates the motorized bicycle when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles.

(B) The director of public safety, subject to sections 119.01 to 119.13 of the Revised Code, shall adopt and promulgate rules concerning protective helmets, the equipment of motorized bicycles, and the testing and qualifications of persons who do not hold a valid driver's or commercial driver's license. The test shall be as near as practicable to the examination required for a motorcycle operator's endorsement under section 4507.11 of the Revised Code. The test shall also require the operator to give an actual demonstration of the operator's ability to operate and control a motorized bicycle by driving one under the supervision of an examining officer.

(C) Every motorized bicycle license expires on the birthday of the applicant in the fourth year after the date it is issued, but in no event shall any motorized bicycle license be issued for a period longer than four years.

(D) No person operating a motorized bicycle shall carry another person upon the motorized bicycle.

(E) The protective helmet and rear-view mirror required by division (A)(3) of this section shall, on and after January 1, 1985, conform with rules adopted by the director under division (B) of this section.

(F) ~~Each probationary motorized bicycle license or motorized bicycle license shall be laminated with a transparent plastic material.~~

~~(G)~~ Whoever violates division (A), (D), or (E) of this section is guilty of a minor misdemeanor.

**Sec. 4712.02.** (A) A credit services organization shall file a registration application with, and receive a certificate of registration from, the division of financial institutions before conducting business in this state. The registration application

shall be accompanied by a one-hundred-dollar fee and shall contain all of the following information:

(1) The name and address of the credit services organization;

(2) The name and address of any person that directly or indirectly owns or controls ten per cent or more of the outstanding shares of stock in the organization;

(3) Either of the following:

(a) A full and complete disclosure of any litigation commenced against the organization or unresolved complaint that relates to the operation of the organization and that is filed with the attorney general, the secretary of state, or any other governmental authority of the United States, this state, or any other state of the United States;

(b) A notarized statement stating that no litigation has been commenced and no unresolved complaint relating to the operation of the organization has been filed with the attorney general, the secretary of state, or any other governmental authority of the United States, this state, or any other state of the United States.

(4) Any other information required at any time by the division.

(B)(1) Except as otherwise provided in division (B)(2) of this section, each credit services organization shall notify the division in writing within thirty days after the date of a change in the information required by division (A) of this section.

(2) Each organization shall notify the division in writing no later than thirty days prior to any change in the information required by division (A)(1) or (2) of this section and shall receive approval from the division before making any such change.

(C)(1) A credit services organization shall attach both of

the following to the registration application submitted pursuant to division (A) of this section:

(a) A copy of the contract that the organization intends to execute with its customers;

(b) Evidence of the bond required under section 4712.06 of the Revised Code.

(2) Any modification made to the contract described in division (C)(1)(a) of this section shall be filed with the division prior to its use by the organization.

(D) Each credit services organization registering under this section shall maintain a copy of the registration application in its files. The organization shall allow a buyer to inspect the registration application upon request.

(E) Each nonresident credit services organization registering under this section shall designate and maintain a resident of this state as the organization's statutory agent for purposes of receipt of service of process.

(F) If, in order to issue a certificate of registration to a credit services organization, investigation by the division outside this state is necessary, the division may require the organization to advance sufficient funds to pay the actual expenses of the investigation.

(G) Each credit services organization registering under this section shall use no more than one fictitious or trade name.

(H)(1) A certificate of registration issued by the division pursuant to this section shall expire annually on the thirtieth day of April<u>, or annually on a different date established by the superintendent pursuant to section 1181.23 of the Revised Code</u>.

(2) A credit services organization may renew its certificate of registration by filing with the division a renewal application

accompanied by a one-hundred-dollar renewal fee.

(I) All money collected by the division pursuant to this section shall be deposited by it in the state treasury to the credit of the consumer finance fund.

(J)(1) No credit services organization shall fail to comply with division (A) of this section.

(2) No credit services organization shall fail to comply with division (B), (D), (E), (F), or (G) of this section.

**Sec. 4717.03.** (A) Members of the board of embalmers and funeral directors shall annually in July, or within thirty days after the senate's confirmation of the new members appointed in that year, meet and organize by selecting from among its members a president, vice-president, and secretary-treasurer. The board may hold other meetings as it determines necessary. A quorum of the board consists of four members, of whom at least three shall be members who are funeral directors. The concurrence of at least four members is necessary for the board to take any action. The president and secretary-treasurer shall sign all licenses issued under this chapter and affix the board's seal to each license.

(B) The board may appoint an individual who is not a member of the board to serve as executive director of the board. The executive director serves at the pleasure of the board and shall do all of the following:

(1) Serve as the board's chief administrative officer;

(2) Act as custodian of the board's records;

(3) Execute all of the board's orders;

(4) Employ staff who are not members of the board and who serve at the pleasure of the executive director to provide any assistance that the board considers necessary.

(C) In executing the board's orders as required by division (B)(3) of this section, the executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or crematory operator in this state. The executive director may serve and execute any process issued by any court under this chapter.

(D) The executive director may employ necessary inspectors, who shall be licensed embalmers and funeral directors. An inspector employed by the executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or crematory operator, embalming facility, funeral home, or crematory facility in this state, for the purposes of inspecting the facility and premises; the license, permit, and ~~registration~~ certification of embalmers, funeral directors, and crematory operators operating in the facility; and the license of the funeral home, embalming facility, or crematory facility and perform any other duties delegated to the inspector by the board or assigned to the inspector by the executive director. The executive director may enter the facility or premises of a funeral home, embalming facility, or crematory for the purpose of an inspection if accompanied by an inspector or, if an inspector is not available, when a situation presents a danger of immediate and serious harm to the public.

(E) The president of the board shall designate three of the board's members to serve on the crematory review board, which is hereby created, for such time as the president finds appropriate to carry out the provisions of this chapter. Those members of the crematory review board designated by the president to serve and three members designated by the cemetery dispute resolution commission shall designate, by a majority vote, one person who holds a crematory operator permit, who is experienced in the operation of a crematory facility, and who is not affiliated with

a cemetery or a funeral home to serve on the crematory review board for such time as the crematory review board finds appropriate. Members serving on the crematory review board shall not receive any additional compensation for serving on the board, but may be reimbursed for their actual and necessary expenses incurred in the performance of official duties as members of the board. Members of the crematory review board shall designate one from among its members to serve as a chairperson for such time as the board finds appropriate. Costs associated with conducting an adjudicatory hearing in accordance with division (F) of this section shall be paid from funds available to the board of embalmers and funeral directors.

(F) Upon receiving written notice from the board of embalmers and funeral directors of any of the following, the crematory review board shall conduct an adjudicatory hearing on the matter in accordance with Chapter 119. of the Revised Code, except as otherwise provided in this section or division (C) of section 4717.14 of the Revised Code:

(1) Notice provided under division (I) of this section of an alleged violation of any provision of this chapter or any rules adopted under this chapter governing or in connection with crematory operators, crematory facilities, or cremation;

(2) Notice provided under division (B) of section 4717.14 of the Revised Code that the board of embalmers and funeral directors proposes to refuse to grant or renew, or to suspend or revoke, a license to operate a crematory facility;

(3) Notice provided under division (C) of section 4717.14 of the Revised Code that the board of embalmers and funeral directors has issued an order summarily suspending a crematory operator permit or a license to operate a crematory facility;

(4) Notice provided under division (B) of section 4717.15 of

the Revised Code that the board of embalmers and funeral directors proposes to issue a notice of violation and order requiring payment of a forfeiture for any violation described in divisions (A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in connection with a crematory operator, crematory facility, or cremation.

Nothing in division (F) of this section precludes the crematory review board from appointing an independent examiner in accordance with section 119.09 of the Revised Code to conduct any adjudication hearing required under division (F) of this section.

The crematory review board shall submit a written report of findings and advisory recommendations, and a written transcript of its proceedings, to the board of embalmers and funeral directors. The board of embalmers and funeral directors shall serve a copy of the written report of the crematory review board's findings and advisory recommendations on the party to the adjudication or the party's attorney, by certified mail, within five days after receiving the report and advisory recommendations. A party may file objections to the written report with the board of embalmers and funeral directors within ten days after receiving the report. No written report is final or appealable until it is issued as a final order by the board of embalmers and funeral directors and entered on the record of the proceedings. The board of embalmers and funeral directors shall consider objections filed by the party prior to issuing a final order. After reviewing the findings and advisory recommendations of the crematory review board, the written transcript of the crematory review board's proceedings, and any objections filed by a party, the board of embalmers and funeral directors shall issue a final order in the matter. Any party may appeal the final order issued by the board of embalmers and funeral directors in a matter described in divisions (F)(1) to (4) of this section in accordance with section 119.12 of the

Revised Code, except that the appeal may be made to the court of common pleas in the county in which is located the crematory facility to which the final order pertains, or in the county in which the party resides.

(G) On its own initiative or on receiving a written complaint from any person whose identity is made known to the board of embalmers and funeral directors, the board shall investigate the acts or practices of any person holding or claiming to hold a license, permit, or ~~registration~~ certification under this chapter that, if proven to have occurred, would violate this chapter or any rules adopted under it. The board may compel witnesses by subpoena to appear and testify in relation to investigations conducted under this chapter and may require by subpoena duces tecum the production of any book, paper, or document pertaining to an investigation. If a person does not comply with a subpoena or subpoena duces tecum, the board may apply to the court of common pleas of any county in this state for an order compelling the person to comply with the subpoena or subpoena duces tecum, or for failure to do so, to be held in contempt of court.

(H) If, as a result of its investigation conducted under division (G) of this section, the board of embalmers and funeral directors has reasonable cause to believe that the person investigated is violating any provision of this chapter or any rules adopted under this chapter governing or in connection with embalming, funeral directing, cremation, funeral homes, embalming facilities, or cremation facilities, or the operation of funeral homes, embalming facilities, or crematory facilities, it may, after providing the opportunity for an adjudicatory hearing, issue an order directing the person to cease the acts or practices that constitute the violation. The board shall conduct the adjudicatory hearing in accordance with Chapter 119. of the Revised Code except that, notwithstanding the provisions of that chapter, the

following shall apply:

(1) The board shall send the notice informing the person of the person's right to a hearing by certified mail.

(2) The person is entitled to a hearing only if the person requests a hearing and if the board receives the request within thirty days after the mailing of the notice described in division (H)(1) of this section.

(3) A stenographic record shall be taken, in the manner prescribed in section 119.09 of the Revised Code, at every adjudicatory hearing held under this section, regardless of whether the record may be the basis of an appeal to a court.

(I) If, as a result of its investigation conducted under division (G) of this section, the board of embalmers and funeral directors has reasonable cause to believe that the person investigated is violating any provision of this chapter or any rules adopted under this chapter governing or in connection with crematory operators, crematory facilities, or cremation, the board shall send written notice of the alleged violation to the crematory review board. If, after the conclusion of the adjudicatory hearing in the matter conducted under division (F) of this section, the board of embalmers and funeral directors finds that a person is in violation of any provision of this chapter or any rules adopted under this chapter governing or in connection with crematory operators, crematory facilities, or cremation, the board may issue a final order under that division directing the person to cease the acts or practices that constitute the violation.

(J) The board of embalmers and funeral directors may bring a civil action to enjoin any violation or threatened violation of sections 4717.01 to 4717.15 of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section

4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; divisions (A) to (C) of section 4717.28, or division (D) or (E) of section 4717.31 of the Revised Code. The action shall be brought in the county where the violation occurred or the threatened violation is expected to occur. At the request of the board, the attorney general shall represent the board in any matter arising under this chapter.

(K) The board of embalmers and funeral directors and the crematory review board may issue subpoenas for any person holding a license or permit under this chapter or persons holding themselves out as such, or for any other person whose testimony, in the opinion of either board, is necessary. The subpoena shall require the person to appear before the appropriate board or any designated member of either board, upon any hearing conducted under this chapter. The penalty for disobedience to the command of such a subpoena is the same as for refusal to answer such a process issued under authority of the court of common pleas.

(L) Except as provided in section 4717.41 of the Revised Code, all moneys received by the board of embalmers and funeral directors from any source shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund created in section 4743.05 of the Revised Code.

(M) The board of embalmers and funeral directors shall submit a written report to the governor on or before the first Monday of July of each year. This report shall contain a detailed statement of the nature and amount of the board's receipts and the amount and manner of its expenditures.

**Sec. 4717.05.** (A) Any person who desires to be licensed as an embalmer shall apply to the board of embalmers and funeral directors on a form provided by the board. The applicant shall

include with the application an initial license fee as set forth in section 4717.07 of the Revised Code and evidence, verified by oath and satisfactory to the board, that the applicant meets all of the following requirements:

(1) The applicant is at least eighteen years of age and of good moral character.

(2) If the applicant has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in another jurisdiction for a substantially equivalent offense, at least five years has elapsed since the applicant was released from incarceration, a community control sanction, a post-release control sanction, parole, or treatment in connection with the offense.

(3) The applicant holds at least a bachelor's degree from a college or university authorized to confer degrees by the department of higher education or the comparable legal agency of another state in which the college or university is located and submits an official transcript from that college or university with the application.

(4) The applicant has satisfactorily completed at least twelve months of instruction in a prescribed course in mortuary science as approved by the board and has presented to the board a certificate showing successful completion of the course. The course of mortuary science college training may be completed either before or after the completion of the educational standard

set forth in division (A)(3) of this section.

(5) The applicant has ~~registered with~~ been certified by the board prior to beginning an embalmer apprenticeship.

(6) The applicant has satisfactorily completed at least one year of apprenticeship under an embalmer licensed in this state and has participated in embalming at least twenty-five dead human bodies.

(7) The applicant, upon meeting the educational standards provided for in divisions (A)(3) and (4) of this section and completing the apprenticeship required in division (A)(6) of this section, has completed the examination for an embalmer's license required by the board.

(B) Upon receiving satisfactory evidence verified by oath that the applicant meets all the requirements of division (A) of this section, the board shall issue the applicant an embalmer's license.

(C) Any person who desires to be licensed as a funeral director shall apply to the board on a form prescribed by the board. The application shall include an initial license fee as set forth in section 4717.07 of the Revised Code and evidence, verified by oath and satisfactory to the board, that the applicant meets all of the following requirements:

(1) Except as otherwise provided in division (D) of this section, the applicant has satisfactorily met all the requirements for an embalmer's license as described in divisions (A)(1) to (4) of this section.

(2) The applicant has ~~registered with~~ been certified by the board prior to beginning a funeral director apprenticeship.

(3) The applicant, following mortuary science college training described in division (A)(4) of this section, has

satisfactorily completed a one-year apprenticeship under a licensed funeral director in this state and has participated in directing at least twenty-five funerals.

(4) The applicant has satisfactorily completed the examination for a funeral director's license as required by the board.

(D) In lieu of mortuary science college training required for a funeral director's license under division (C)(1) of this section, the applicant may substitute a satisfactorily completed two-year apprenticeship under a licensed funeral director in this state assisting that person in directing at least fifty funerals.

(E) Upon receiving satisfactory evidence that the applicant meets all the requirements of division (C) of this section, the board shall issue to the applicant a funeral director's license.

(F) A funeral director or embalmer may request the funeral director's or embalmer's license be placed on inactive status by submitting to the board a form prescribed by the board and such other information as the board may request. A funeral director or embalmer may not place the funeral director's or embalmer's license on inactive status unless the funeral director or embalmer is in good standing with the board and is in compliance with applicable continuing education requirements. A funeral director or embalmer who is granted inactive status is prohibited from participating in any activity for which a funeral director's or embalmer's license is required in this state. A funeral director or embalmer who has been granted inactive status is exempt from the continuing education requirements under section 4717.09 of the Revised Code during the period of the inactive status.

(G) A funeral director or embalmer who has been granted inactive status may not return to active status for at least two years following the date that the inactive status was granted.

Following a period of at least two years of inactive status, the funeral director or embalmer may apply to return to active status upon completion of all of the following conditions:

(1) The funeral director or embalmer files with the board a form prescribed by the board seeking active status and provides any other information as the board may request;

(2) The funeral director or embalmer takes and passes the Ohio laws examination for each license being activated;

(3) The funeral director or embalmer pays a reactivation fee to the board in the amount of one hundred forty dollars for each license being reactivated.

(H) As used in this section:

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(2) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

**Sec. 4717.07.** (A) The board of embalmers and funeral directors shall charge and collect the following fees:

(1) For applying for an initial or biennial renewal of an embalmer's or funeral director's license, ~~one~~ two hundred ~~fifty~~ dollars;

(2) ~~For applying for an embalmer or funeral director registration, twenty-five dollars;~~

~~(3)~~ For ~~filing~~ applying for an embalmer or funeral director certificate of apprenticeship, ~~ten~~ thirty-five dollars;

~~(4)~~(3) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;

~~(5)~~(4) For applying for an initial license to operate a

funeral home, ~~three~~ four hundred ~~fifty~~ dollars and biennial renewal of a license to operate a funeral home, ~~three~~ four hundred ~~fifty~~ dollars;

~~(6)~~(5) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A)(1) of this section plus fifty dollars for each month or portion of a month the license is lapsed, but not more than one thousand dollars;

~~(7)~~(6) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)~~(5)~~(4) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than one thousand dollars;

~~(8)~~(7) For applying for a license to operate an embalming facility, ~~three~~ four hundred ~~fifty~~ dollars and biennial renewal of a license to operate an embalming facility, ~~three~~ four hundred ~~fifty~~ dollars;

~~(9)~~(8) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)~~(8)~~(7) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than one thousand dollars;

~~(10)~~(9) For applying for a license to operate a crematory facility, ~~three~~ four hundred ~~fifty~~ dollars and biennial renewal of a license to operate a crematory facility, ~~three~~ four hundred ~~fifty~~ dollars;

~~(11)~~(10) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)~~(10)~~(9) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than five hundred dollars;

~~(12)~~(11) For applying for the initial or biennial renewal of a crematory operator permit, one hundred fifty dollars;

~~(13)~~(12) For the reinstatement of a lapsed crematory operator permit, the renewal fee prescribed in division (A)~~(12)~~(11) of this section plus fifty dollars for each month or portion of a month the permit is lapsed, but not more than five hundred dollars;

~~(14)~~(13) For the issuance of a duplicate of a license issued under this chapter, ten dollars;

~~(15)~~(14) For each preneed funeral contract sold in the state other than those funded by the assignment of an existing insurance policy, ten dollars.

(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter.

(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent.

**Sec. 4717.41.** (A) There is hereby created the preneed recovery fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. All fees collected under division (A)~~(15)~~(14) of section 4717.07 of the Revised Code shall be deposited into the fund. The fund shall be used to reimburse purchasers of preneed funeral contracts who have suffered financial loss as a result of the malfeasance, misfeasance, default, failure, or insolvency in connection with the sale of a preneed funeral contract by any licensee under this chapter, regardless of whether the sale of such contract occurred

before or after the establishment of the fund. The fund, and all investment earnings thereon, shall only be used for the purposes set forth in this section and shall not be used for any other purposes. The fund shall be administered by the board of embalmers and funeral directors.

(B) All fees collected under division (A)~~(15)~~(14) of section 4717.07 of the Revised Code shall be deposited into the fund. Deposits to and disbursements from the fund account shall be subject to rules established by the board.

(C) If at the end of any fiscal year for this state, the balance in the fund exceeds two million dollars, the fee required by division (A)~~(15)~~(14) of section 4717.07 of the Revised Code for the upcoming fiscal year shall be reduced by fifty per cent. If the balance in the fund at the end of a fiscal year exceeds three million dollars, the payment of the fee required by division (A)~~(15)~~(14) of section 4717.07 of the Revised Code shall be suspended for the upcoming fiscal year.

(D) The board shall adopt rules governing management of the fund, the presentation and processing of applications for reimbursement, subrogation, or assignment of the rights of any reimbursed applicant.

(E) The board may expend moneys in the fund for the following purposes:

(1) To make reimbursements on approved applications;

(2) To purchase insurance to cover losses as considered appropriate by the board and not inconsistent with the purposes of the fund;

(3) To invest such portions of the fund as are not currently needed to reimburse losses and maintain adequate reserves, as are permitted to be made by fiduciaries under the laws of this state;

(4) To pay the expenses of the board for administering the fund, including employment of local counsel to prosecute subrogation claims.

(F) Reimbursements from the fund shall be made only to the extent to which those losses are not bonded or otherwise covered, protected, or reimbursed and only after the applicant has complied with all applicable rules of the board.

(G) The board shall investigate all applications made and may reject or allow such claims in whole or in part to the extent that moneys are available in the fund. The board shall have complete discretion to determine the order and manner of payment of approved applications. All payments shall be a matter of privilege and not of right, and no person shall have any right in the fund as a third-party beneficiary or otherwise. No attorney may be compensated by the board for prosecuting an application for reimbursement.

(H) If reimbursement is made to an applicant under this section, the board shall be subrogated in the reimbursement amount and may bring any action it considers advisable against any person. The board may enforce any claims it may have for restitution or otherwise and may employ and compensate consultants, agents, legal counsel, accountants, and other persons it considers appropriate.

**Sec. 4727.03.** (A) As used in this section, "experience and fitness in the capacity involved" means that the applicant for a pawnbroker's license demonstrates sufficient financial responsibility, reputation, and experience in the pawnbroker business, or in a related business, to act as a pawnbroker in compliance with this chapter. "Experience and fitness in the capacity involved" shall be determined by:

(1) Prior or current ownership or management of, or

employment in, a pawnshop;

(2) Demonstration to the satisfaction of the superintendent of financial institutions of a thorough working knowledge of all pawnbroker laws and rules as they relate to the actual operation of a pawnshop.

A demonstration shall include a demonstration of an ability to properly complete forms, knowledge of how to properly calculate interest and storage charges, and knowledge of legal notice and forfeiture procedures. The final determination of whether an applicant's demonstration is adequate rests with the superintendent.

(3) A submission by the applicant and any stockholders, owners, managers, directors, or officers of the pawnshop, and employees of the applicant to a police record check; and

(4) Liquid assets in a minimum amount of one hundred twenty-five thousand dollars at the time of applying for initial licensure and demonstration of the ability to maintain the liquid assets at a minimum amount of seventy-five thousand dollars for the duration of holding a valid pawnbroker's license. If an applicant holds a pawnbroker's license at the time of application or is applying for more than one license, this requirement shall be met separately for each license.

(B) The superintendent may grant a license to act as a pawnbroker to any person of good character and having experience and fitness in the capacity involved to engage in the business of pawnbroking upon the payment to the superintendent of a license fee determined by the superintendent pursuant to section 1321.20 of the Revised Code. A license is not transferable or assignable.

(C) The superintendent may consider an application withdrawn and may retain the investigation fee required under division (D) of this section if both of the following are true:

(1) An application for a license does not contain all of the information required under division (B) of this section.

(2) The information is not submitted to the superintendent within ninety days after the superintendent requests the information from the applicant in writing.

(D) The superintendent shall require an applicant for a pawnbroker's license to pay to the superintendent a nonrefundable initial investigation fee of two hundred dollars, which is for the exclusive use of the state.

(E)(1) Except as otherwise provided in division (E)(2) of this section, a pawnbroker's license issued by the superintendent expires on the thirtieth day of June next following the date of its issuance, or on a different date set by the superintendent pursuant to section 1181.23 of the Revised Code, and may be renewed annually ~~by the thirtieth day of June~~ in accordance with the standard renewal procedure set forth in Chapter 4745. of the Revised Code. Fifty per cent of the annual license fee shall be for the use of the state, and fifty per cent shall be paid by the state to the municipal corporation, or if outside the limits of any municipal corporation, to the county, in which the office of the licensee is located. All such fees payable to municipal corporations or counties shall be paid annually.

(2) A pawnbroker's license issued or renewed by the superintendent on or after January 1, 2006, expires on the thirtieth day of June in the even-numbered year next following the date of its issuance or renewal, as applicable, and may be renewed biennially by the thirtieth day of June in accordance with the standard renewal procedure set forth in Chapter 4745. of the Revised Code. Fifty per cent of the biennial license fee shall be for the use of the state, and fifty per cent shall be paid by the state to the municipal corporation, or if outside the limits of any municipal corporation, to the county, in which the office of

the licensee is located. All such fees payable to municipal corporations or counties shall be paid biennially. If deemed necessary for participation, the superintendent may reset the renewal date and require annual registration pursuant to section 1181.23 of the Revised Code.

(F) The fee for renewal of a license shall be equivalent to the fee for an initial license established by the superintendent pursuant to section 1321.20 of the Revised Code. Any licensee who wishes to renew the pawnbroker's license but who fails to do so on or before the date the license expires shall reapply for licensure in the same manner and pursuant to the same requirements as for initial licensure, unless the licensee pays to the superintendent on or before the thirty-first day of August of the year the license expires, a late renewal penalty of one hundred dollars in addition to the regular renewal fee. Any licensee who fails to renew the license on or before the date the license expires is prohibited from acting as a pawnbroker until the license is renewed or a new license is issued under this section. Any licensee who renews a license between the first day of July and the thirty-first day of August of the year the license expires is not relieved from complying with this division. The superintendent may refuse to issue to or renew the license of any licensee who violates this division.

(G) No license shall be granted to any person not a resident of or the principal office of which is not located in the municipal corporation or county designated in such license unless that applicant, in writing and in due form approved by and filed with the superintendent, first appoints an agent, a resident of the state, and city or county where the office is to be located, upon whom all judicial and other process, or legal notice, directed to the applicant may be served. In case of the death, removal from the state, or any legal disability or any

disqualification of any such agent, service of such process or notice may be made upon the superintendent.

The superintendent may, upon notice to the licensee and reasonable opportunity to be heard, suspend or revoke any license or assess a penalty against the licensee if the licensee, or the licensee's officers, agents, or employees, has violated this chapter. Any penalty shall be appropriate to the violation but in no case shall the penalty be less than two hundred nor more than two thousand dollars. Whenever, for any cause, a license is suspended or revoked, the superintendent shall not issue another license to the licensee nor to the legal spouse of the licensee, nor to any business entity of which the licensee is an officer or member or partner, nor to any person employed by the licensee, until the expiration of at least two years from the date of revocation or suspension of the license. The superintendent shall deposit all penalties allocated pursuant to this section into the state treasury to the credit of the consumer finance fund.

Any proceedings for the revocation or suspension of a license or to assess a penalty against a licensee are subject to Chapter 119. of the Revised Code.

(H) If a licensee surrenders or chooses not to renew the pawnbroker's license, the licensee shall notify the superintendent thirty days prior to the date on which the licensee intends to close the licensee's business as a pawnbroker. Prior to the date, the licensee shall do either of the following with respect to all active loans:

(1) Dispose of an active loan by selling the loan to another person holding a valid pawnbroker's license issued under this section;

(2) Reduce the rate of interest on pledged articles held as security for a loan to eight per cent per annum or less effective

on the date that the pawnbroker's license is no longer valid.

**Sec. 4728.03.** (A) As used in this section, "experience and fitness in the capacity involved" means that the applicant for a precious metals dealer's license has had sufficient financial responsibility, reputation, and experience in the business of precious metals dealer, or a related business, to act as a precious metals dealer in compliance with this chapter.

(B)(1) The division of financial institutions in the department of commerce may grant a precious metals dealer's license to any person of good character, having experience and fitness in the capacity involved, who demonstrates a net worth of at least ten thousand dollars and the ability to maintain that net worth during the licensure period. The superintendent of financial institutions shall compute the applicant's net worth according to generally accepted accounting principles.

(2) In place of the demonstration of net worth required by division (B)(1) of this section, an applicant may obtain a surety bond issued by a surety company authorized to do business in this state if all of the following conditions are met:

(a) A copy of the surety bond is filed with the division;

(b) The bond is in favor of any person, and of the state for the benefit of any person, injured by any violation of this chapter;

(c) The bond is in the amount of not less than ten thousand dollars.

(3) Before granting a license under this division, the division shall determine that the applicant meets the requirements of division (B)(1) or (2) of this section.

(C) The division shall require an applicant for a precious metals dealer's license to pay to the division a nonrefundable,

initial investigation fee of two hundred dollars which shall be for the exclusive use of the state. The license fee for a precious metals dealer's license and the renewal fee shall be determined by the superintendent, provided that the fee may not exceed three hundred dollars. A license issued by the division shall expire on the last day of June next following the date of its issuance or annually on a different date set by the superintendent pursuant to section 1181.23 of the Revised Code. Fifty per cent of license fees shall be for the use of the state, and fifty per cent shall be paid to the municipal corporation, or if outside the limits of any municipal corporation, to the county in which the office of the licensee is located. All portions of license fees payable to municipal corporations or counties shall be paid as they accrue, by the treasurer of state, on vouchers issued by the director of budget and management.

(D) Every such license shall be renewed annually by the last day of June, or annually on a different date set by the superintendent pursuant to section 1181.23 of the Revised Code, according to the standard renewal procedure of Chapter 4745. of the Revised Code. No license shall be granted to any person not a resident of or the principal office of which is not located in the municipal corporation or county designated in such license, unless, and until such applicant shall, in writing and in due form, to be first approved by and filed with the division, appoint an agent, a resident of the state, and city or county where the office is to be located, upon whom all judicial and other process, or legal notice, directed to the applicant may be served; and in case of the death, removal from the state, or any legal disability or any disqualification of any agent, service of process or notice may be made upon the superintendent.

(E) The division may, pursuant to Chapter 119. of the Revised Code, upon notice to the licensee and after giving the licensee

reasonable opportunity to be heard, revoke or suspend any license, if the licensee or the licensee's officers, agents, or employees violate this chapter. Whenever, for any cause, the license is revoked or suspended, the division shall not issue another license to the licensee nor to the husband or wife of the licensee, nor to any copartnership or corporation of which the licensee is an officer, nor to any person employed by the licensee, until the expiration of at least one year from the date of revocation of the license.

(F) In conducting an investigation to determine whether an applicant satisfies the requirements for licensure under this section, the superintendent may request that the superintendent of the bureau of criminal identification and investigation investigate and determine whether the bureau has procured any information pursuant to section 109.57 of the Revised Code pertaining to the applicant.

If the superintendent of financial institutions determines that conducting an investigation to determine whether an applicant satisfies the requirements for licensure under this section will require procuring information outside the state, then, in addition to the fee established under division (C) of this section, the superintendent may require the applicant to pay any of the actual expenses incurred by the division to conduct such an investigation, provided that the superintendent shall assess the applicant a total no greater than one thousand dollars for such expenses. The superintendent may require the applicant to pay in advance of the investigation, sufficient funds to cover the estimated cost of the actual expenses. If the superintendent requires the applicant to pay investigation expenses, the superintendent shall provide to the applicant an itemized statement of the actual expenses incurred by the division to conduct the investigation.

(G)(1) Except as otherwise provided in division (G)(2) of this section a precious metals dealer licensed under this section shall maintain a net worth of at least ten thousand dollars, computed as required under division (B)(1) of this section, for as long as the licensee holds a valid precious metals dealer's license issued pursuant to this section.

(2) A licensee who obtains a surety bond under division (B)(2) of this section is exempt from the requirement of division (G)(1) of this section, but shall maintain the bond for at least two years after the date on which the licensee ceases to conduct business in this state.

**Sec. 4729.20.** As used in this section, "medication synchronization" means a pharmacy service that synchronizes the filling or refilling of prescriptions in a manner that allows the dispensed drugs to be obtained on the same date each month.

A pharmacist may dispense a drug in a manner that varies from the prescription for the drug by dispensing a quantity or amount of the drug that is less than a thirty-day supply, if the pharmacist's action is taken solely for the purpose of medication synchronization pursuant to section 1751.68, 3923.602, or 5164.7511~~, or 5167.12~~ of the Revised Code.

**Sec. 4729.80.** (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board is authorized or required to provide information from the database only as follows:

(1) On receipt of a request from a designated representative of a government entity responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs, the board may provide to the representative information from the database relating to the

professional who is the subject of an active investigation being conducted by the government entity or relating to a professional who is acting as an expert witness for the government entity in such an investigation.

(2) On receipt of a request from a federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs, the board shall provide to the officer information from the database relating to the person who is the subject of an active investigation of a drug abuse offense, as defined in section 2925.01 of the Revised Code, being conducted by the officer's employing government entity.

(3) Pursuant to a subpoena issued by a grand jury, the board shall provide to the grand jury information from the database relating to the person who is the subject of an investigation being conducted by the grand jury.

(4) Pursuant to a subpoena, search warrant, or court order in connection with the investigation or prosecution of a possible or alleged criminal offense, the board shall provide information from the database as necessary to comply with the subpoena, search warrant, or court order.

(5) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber a report of information from the database relating to a patient who is either a current patient of the prescriber or a potential patient of the prescriber based on a referral of the patient to the prescriber, if all of the following conditions are met:

(a) The prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to the patient who is the subject of the request;

(b) The prescriber has not been denied access to the database

by the board.

(6) On receipt of a request from a pharmacist or the pharmacist's delegate approved by the board, the board shall provide to the pharmacist information from the database relating to a current patient of the pharmacist, if the pharmacist certifies in a form specified by the board that it is for the purpose of the pharmacist's practice of pharmacy involving the patient who is the subject of the request and the pharmacist has not been denied access to the database by the board.

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own prescription history.

(8) On receipt of a request from a medical director or a pharmacy director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the ~~managed care organization~~ organization's medicaid MCO plan, as defined in section 5167.01 of the Revised Code, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B)(4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, if the administrator of workers' compensation confirms, upon request from the board, that the claimant is assigned to the managed care organization.

(11) On receipt of a request from the administrator of workers' compensation, the board shall provide to the administrator information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code.

(12) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber information from the database relating to a patient's mother, if the prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to a newborn or infant patient diagnosed as opioid dependent and the prescriber has not been denied access to the database by the board.

(13) On receipt of a request from the director of health, the board shall provide to the director information from the database relating to the duties of the director or the department of health

in implementing the Ohio violent death reporting system established under section 3701.93 of the Revised Code.

(14) On receipt of a request from a requestor described in division (A)(1), (2), (5), or (6) of this section who is from or participating with another state's prescription monitoring program, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.

(15) On receipt of a request from a delegate of a retail dispensary licensed under Chapter 3796. of the Revised Code who is approved by the board to serve as the dispensary's delegate, the board shall provide to the delegate a report of information from the database pertaining only to a patient's use of medical marijuana, if both of the following conditions are met:

(a) The delegate certifies in a form specified by the board that it is for the purpose of dispensing medical marijuana for use in accordance with Chapter 3796. of the Revised Code.

(b) The retail dispensary or delegate has not been denied access to the database by the board.

(16) On receipt of a request from a judge of a program certified by the Ohio supreme court as a specialized docket program for drugs, the board shall provide to the judge, or an employee of the program who is designated by the judge to receive the information, information from the database that relates specifically to a current or prospective program participant.

(17) On receipt of a request from a coroner, deputy coroner, or coroner's delegate approved by the board, the board shall provide to the requestor information from the database relating to a deceased person about whom the coroner is conducting or has conducted an autopsy or investigation.

(18) On receipt of a request from a prescriber, the board may provide to the prescriber a summary of the prescriber's prescribing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter.

(19)(a) On receipt of a request from a pharmacy's responsible person, the board may provide to the responsible person a summary of the pharmacy's dispensing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter.

(b) As used in division (A)(19)(a) of this section, "responsible person" has the same meaning as in rules adopted by the board under section 4729.26 of the Revised Code.

(20) The board may provide information from the database without request to a prescriber or pharmacist who is authorized to use the database pursuant to this chapter.

(21)(a) On receipt of a request from a prescriber or pharmacist, or the prescriber's or pharmacist's delegate, who is a designated representative of a peer review committee, the board shall provide to the committee information from the database relating to a prescriber who is subject to the committee's evaluation, supervision, or discipline if the information is to be used for one of those purposes. The board shall provide only information that it determines, in accordance with rules adopted under section 4729.84 of the Revised Code, is appropriate to be provided to the committee.

(b) As used in division (A)(21)(a) of this section, "peer review committee" has the same meaning as in section 2305.25 of the Revised Code, except that it includes only a peer review committee of a hospital or a peer review committee of a nonprofit health care corporation that is a member of the hospital or of

which the hospital is a member.

(22) Any personal health information submitted to the board pursuant to section 4729.772 of the Revised Code may be provided by the board only as authorized by the submitter of the information and in accordance with rules adopted under section 4729.84 of the Revised Code.

(B) The state board of pharmacy shall maintain a record of each individual or entity that requests information from the database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may use the records to document and report statistics and law enforcement outcomes.

The board may provide records of an individual's requests for database information only to the following:

(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active criminal or disciplinary investigation being conducted by the government entity of the individual who submitted the requests for database information;

(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs and who is involved in an active investigation being conducted by the officer's employing government entity of the individual who submitted the requests for database information;

(3) A designated representative of the department of medicaid regarding a prescriber who is treating or has treated a recipient of a program administered by the department and who submitted the requests for database information.

(C) Information contained in the database and any information

obtained from it is confidential and is not a public record. Information contained in the records of requests for information from the database is confidential and is not a public record. Information contained in the database that does not identify a person, including any licensee or registrant of the board or other entity, may be released in summary, statistical, or aggregate form.

(D) A pharmacist or prescriber shall not be held liable in damages to any person in any civil action for injury, death, or loss to person or property on the basis that the pharmacist or prescriber did or did not seek or obtain information from the database.

**Sec. 4731.22.** (A) The state medical board, by an affirmative vote of not fewer than six of its members, may limit, revoke, or suspend a license or certificate to practice or certificate to recommend, refuse to grant a license or certificate, refuse to renew a license or certificate, refuse to reinstate a license or certificate, or reprimand or place on probation the holder of a license or certificate if the individual applying for or holding the license or certificate is found by the board to have committed fraud during the administration of the examination for a license or certificate to practice or to have committed fraud, misrepresentation, or deception in applying for, renewing, or securing any license or certificate to practice or certificate to recommend issued by the board.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend a license or certificate to practice or certificate to recommend, refuse to issue a license or certificate, refuse to renew a license or certificate, refuse to reinstate a license or certificate, or reprimand or place on probation the holder of a

license or certificate for one or more of the following reasons:

(1) Permitting one's name or one's license or certificate to practice to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;

(2) Failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;

(3) Except as provided in section 4731.97 of the Revised Code, selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug;

(4) Willfully betraying a professional confidence.

For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports under sections 307.621 to 307.629 of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports under sections 307.631 to 307.639 of the Revised Code to a drug overdose fatality review committee; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code; does not include written notice to a mental health professional under section 4731.62 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the

employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section 2305.33 or 4731.62 of the Revised Code upon a physician who makes a report in accordance with section 2305.33 or notifies a mental health professional in accordance with section 4731.62 of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or

anything of value by fraudulent misrepresentations in the course of practice;

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice;

(16) Failure to pay license renewal fees specified in this chapter;

(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;

(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American

medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose license or certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.

For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(19) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.

In enforcing this division, the board, upon a showing of a possible violation, may compel any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. 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 an individual unable to practice because of the reasons set forth in this division, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or certificate. For the purpose of this division, any individual who applies for or receives a license or certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(20) Except as provided in division (F)(1)(b) of section 4731.282 of the Revised Code or when civil penalties are imposed under section 4731.225 of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a

conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the director of health pursuant to section 3701.341 of the Revised Code;

(22) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(23) The violation of section 2919.12 of the Revised Code or the performance or inducement of an abortion upon a pregnant woman with actual knowledge that the conditions specified in division (B) of section 2317.56 of the Revised Code have not been satisfied or with a heedless indifference as to whether those conditions have been satisfied, unless an affirmative defense as specified in division (H)(2) of that section would apply in a civil action authorized by division (H)(1) of that section;

(24) The revocation, suspension, restriction, reduction, or

termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;

(25) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency;

(26) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.

For the purposes of this division, any individual authorized to practice by this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license or certificate to practice under this chapter, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination reports that constitute privileged communications.

If it has reason to believe that any individual authorized to practice by this chapter or any applicant for licensure or certification to practice 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 be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board.

Failure to submit to a mental or physical examination 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 determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or certificate or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure or certification to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a license or certificate suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or certificate. The demonstration shall include, but shall not be limited to, the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination.

The board may reinstate a license or certificate suspended under this division after that demonstration and after the

individual has entered into a written consent agreement.

When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety.

(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;

(28) Except as provided in division (N) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's

medical record;

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;

(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;

(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;

(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;

(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;

(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;

(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;

(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;

(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;

(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;

(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;

(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;

(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the

facility has obtained and maintains the license with the classification;

(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;

(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section 2919.191 of the Revised Code prior to performing or inducing an abortion upon a pregnant woman;

(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;

(49) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;

(50) Practicing at a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless the person operating that place has obtained and maintains the license with the classification;

(51) Owning a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless that place is licensed with the classification;

(52) A pattern of continuous or repeated violations of division (E)(2) or (3) of section 3963.02 of the Revised Code.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license or certificate to practice or certificate to recommend. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the disciplinary action shall consist of a suspension of the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice. Any consent agreement entered into under this division with an individual that pertains to a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of that section shall provide for a suspension of the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice.

(D) For purposes of divisions (B)(10), (12), and (14) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F)(1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising

member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.

(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board.

(a) Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.

(b) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent

designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the 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 evidence that no bona fide physician-patient relationship exists.

The board may share any information it receives pursuant to an investigation or inspection, 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.

(6) 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:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the complaint;

(d) The disposition of the case.

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 shall be a public record under section 149.43 of the Revised Code.

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing:

(1) That there is clear and convincing evidence that an individual has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension 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 individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any 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 seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(9), (11), 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, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition of that nature and supporting court documents, the board shall reinstate the individual's license or certificate to practice. 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 an opportunity for a 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, the board may order any of the sanctions identified under division (B) of this section.

(I) The license or certificate to practice issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date of the individual's second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code. In addition, the license or certificate to practice or certificate to recommend issued to an individual under this

chapter and the individual's practice in this state are automatically suspended as of the date the individual 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 or 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 suspension shall be considered practicing without a license or certificate.

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 or certificate is automatically suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall do whichever of the following is applicable:

(1) If the automatic suspension under this division is for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the board shall enter an order suspending the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, imposing a more serious sanction involving the individual's license or certificate to practice.

(2) In all circumstances in which division (I)(1) of this section does not apply, enter a final order permanently revoking the individual's license or certificate to practice.

(J) If the board is required by Chapter 119. of the Revised

Code to give notice of an opportunity for a hearing and if 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 that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, 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 or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license or certificate issued under this chapter shall not be effective unless or until accepted by

the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a license or certificate made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license or certificate to practice in accordance with this chapter or a certificate to recommend in accordance with rules adopted under section 4731.301 of the Revised Code shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a license or certificate holder shall immediately surrender to the board a license or certificate that the board has suspended, revoked, or permanently revoked.

(N) Sanctions shall not be imposed under division (B)(28) of this section against any person who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(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.

**Sec. 4735.023.** (A) An oil and gas land professional who is

not otherwise permitted to engage in the activities described in division (A) of section 4735.01 of the Revised Code may perform such activities, if the oil and gas land professional does all of the following:

(1)(a) Registers on an annual basis as an oil and gas land professional with the superintendent of real estate by such date specified and on a form approved by the superintendent, which form includes both of the following:

(i) The name and address of the oil and gas land professional;

(ii) Evidence of the oil and gas land professional's membership in good standing in a national, state, or local professional organization that has been in existence for at least three years and has, as part of its mission, developed a set of standards of performance and ethics for oil and gas land professionals.

(b) Pays an annual fee, established by the superintendent in an amount not to exceed one hundred dollars, which shall accompany the registration.

(2) At or prior to first contacting any landowner or other person with an interest in real estate for the purpose of engaging in the activities of an oil and gas land professional, and on a form approved by the superintendent, discloses to the landowner or other person all of the following:

(a) The oil and gas land professional's name and address as registered with the superintendent;

(b) That the oil and gas land professional is registered as such with the superintendent and is a member in good standing in a national, state, or local professional organization that has been in existence for at least three years and has, as part of its

mission, developed a set of standards of performance and ethics for oil and gas land professionals;

(c) That the oil and gas land professional is not a licensed real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;

(d) That the landowner or other person with an interest in real estate may seek legal counsel in connection with any transaction with the oil and gas land professional;

(e) That the oil and gas land professional is not representing the landowner or other person with an interest in real estate.

(3) At or prior to entering into any agreements for the purpose of exploring for, transporting, producing, or developing oil and gas mineral interests including, but not limited to, oil and gas leases and pipeline easements with any landowner or other person with an interest in real estate, and on a form approved by the superintendent, discloses to the landowner or other person with an interest in real estate all of the following:

(a) The oil and gas land professional's name and address as registered with the superintendent;

(b) That the oil and gas land professional is registered as such with the superintendent and a member in good standing in a national, state, or local professional organization that has been in existence for at least three years and has, as part of its mission, developed a set of standards of performance and ethics for oil and gas land professionals;

(c) That the oil and gas land professional is not a licensed real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;

(d) That the landowner or other person may seek legal counsel

in connection with any transaction with the oil and gas land professional;

(e) That the oil and gas land professional is not representing the landowner or other person with an interest in real estate.

(B) Any oil and gas land professional who must be registered as such with the superintendent pursuant to this section who ceases to be a member in good standing of an organization described in division (A)(1)(a)(ii) of this section shall report the change in membership status to the superintendent within thirty days of that change. Failure to report such change in membership status shall result in the automatic suspension of registration status and subject the registrant to the penalties for unlicensed activity as found in section ~~4735.02~~ 4735.052 of the Revised Code.

(C) Any oil and gas land professional who fails to register with the superintendent pursuant to this section is subject to the penalties for unlicensed activity as found in section ~~4735.02~~ 4735.052 of the Revised Code.

**Sec. 4735.052.** (A) Upon receipt of a written complaint or upon the superintendent's own motion, the superintendent may investigate any person that has allegedly violated section 4735.02, 4735.023, or 4735.25 of the Revised Code, except that the superintendent shall not initiate an investigation, pursuant to this section, of any person who held a suspended or inactive license under this chapter on the date of the alleged violation.

(B) If, after investigation, the superintendent determines there exists reasonable evidence of a violation of section 4735.02, 4735.023, or 4735.25 of the Revised Code, within fourteen business days after that determination, the superintendent shall send the party who is the subject of the investigation, a written

notice, by regular mail, that includes all of the following information:

(1) A description of the activity in which the party allegedly is engaging or has engaged that is a violation of section 4735.02, 4735.023, or 4735.25 of the Revised Code;

(2) The applicable law allegedly violated;

(3) A statement informing the party that a hearing concerning the alleged violation will be held, upon the party's request, before a hearing examiner pursuant to Chapter 119. of the Revised Code.

(C)(1) If a hearing is requested, the hearing examiner shall hear the testimony of all parties present at the hearing and consider any written testimony submitted pursuant to this section, and determine if there has been a violation of section 4735.02, 4735.023, or 4735.25 of the Revised Code.

(2) After the conclusion of formal hearings, the hearing examiner shall file a report of findings of fact and conclusions of law with the superintendent, the commission, the complainant, and the parties. Within twenty days of receipt of such copy of the written report of findings of fact and conclusions of law, the parties and the division may file with the commission written objections to the report, which shall be considered by the commission before approving, modifying, or disapproving the report.

(3) The commission shall review the hearing examiner's report at the next regularly scheduled commission meeting held at least twenty business days after receipt of the hearing examiner's report. The commission shall hear the testimony of the complainant or the parties upon request.

(4) The commission shall decide whether to impose disciplinary sanctions upon a party for a violation of section

4735.02 or 4735.023 of the Revised Code. If the commission finds that a violation has occurred, the commission may assess a civil penalty, in an amount it determines, not to exceed one thousand dollars per violation. Each day a violation occurs or continues is a separate violation. The commission shall determine the terms of payment. The commission shall maintain a record of the proceedings of the hearing and issue a written opinion to all parties, citing its findings and grounds for any action taken.

(D) Civil penalties collected under this section shall be deposited in the real estate operating fund, which is created in the state treasury under section 4735.211 of the Revised Code.

(E) If a party fails to pay a civil penalty assessed pursuant to this section within the time prescribed by the commission, the superintendent shall forward to the attorney general the name of the party and the amount of the civil penalty, for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the party also shall pay any fee assessed by the attorney general for collection of the civil penalty.

(F) The superintendent may reserve the right to bring a civil action against a party that fails to pay a civil penalty for breach of contract in a court of competent jurisdiction.

**Sec. 4735.06.** (A) Application for a license as a real estate broker shall be made to the superintendent of real estate on forms furnished by the superintendent and filed with the superintendent and shall be signed by the applicant or its members or officers. Each application shall state the name of the person applying and the location of the place of business for which the license is desired, and give such other information as the superintendent requires in the form of application prescribed by the superintendent.

(B)(1) If the applicant is a partnership, limited liability company, limited liability partnership, or association, the names of all the members also shall be stated, and, if the applicant is a corporation, the names of its president and of each of its officers also shall be stated.

The superintendent has the right to reject the application of any partnership, association, limited liability company, limited liability partnership, or corporation if the name proposed to be used by such partnership, association, limited liability company, limited liability partnership, or corporation is likely to mislead the public or if the name is not such as to distinguish it from the name of any existing partnership, association, limited liability company, limited liability partnership, or corporation licensed under this chapter, unless there is filed with the application the written consent of such existing partnership, association, limited liability company, limited liability partnership, or corporation, executed by a duly authorized representative of it, permitting the use of the name of such existing partnership, association, limited liability company, limited liability partnership, or corporation.

(2) The superintendent shall approve the use of a trade name by a brokerage, if the name meets both of the following criteria:

(a) The proposed name is not the same as or is clearly distinguishable from a name registered with the division of real estate and professional licensing by another existing brokerage. If the superintendent determines that the proposed name is not clearly distinguishable from any other existing brokerage, the superintendent may approve the use of the trade name if there is filed with the superintendent the written consent of the existing brokerage with the same or similar name.

(b) The name is not misleading or likely to mislead the public.

(3) The superintendent may approve the use of more than one trade name for a brokerage.

(4) When a brokerage has received the approval of the superintendent to conduct business under one or more trade names, those trade names shall be the only identifying names used by the brokerage in all advertising.

(C) A fee of one hundred thirty-five dollars shall accompany the application for a real estate broker's license. The initial licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. However, if the applicant was an inactive or active salesperson immediately preceding application for a broker's license, then the initial licensing period shall commence at the time the broker's license is issued and ends on the date the licensee's continuing education is due as set when the applicant was a salesperson. The application fee shall be nonrefundable. A fee of one hundred thirty-five dollars shall be charged by the superintendent for each successive application made by an applicant. In the case of issuance of a three-year license, upon passing the examination, or upon waiver of the examination requirement, if the superintendent determines it is necessary, the applicant shall submit an additional fee determined by the superintendent based upon the number of years remaining in a real estate salesperson's licensing period.

(D) One dollar of each application fee for a real estate broker's license shall be credited to the real estate education and research fund, which is hereby created in the state treasury. The Ohio real estate commission may use the fund in discharging the duties prescribed in divisions (E), (F), (G), and (H) of section 4735.03 of the Revised Code and shall use it in the advancement of education and research in real estate at any institution of higher education in the state, or in contracting

with any such institution or a trade organization for a particular research or educational project in the field of real estate, or in advancing loans, not exceeding two thousand dollars, to applicants for salesperson licenses, to defray the costs of satisfying the educational requirements of division (F) of section 4735.09 of the Revised Code. Such loans shall be made according to rules established by the commission under the procedures of Chapter 119. of the Revised Code, and they shall be repaid to the fund within three years of the time they are made. No more than twenty-five thousand dollars shall be lent from the fund in any one fiscal year.

The governor may appoint a representative from the executive branch to be a member ex officio of the commission for the purpose of advising on research requests or educational projects. The commission shall report to the general assembly on the third Tuesday after the third Monday in January of each year setting forth the total amount contained in the fund and the amount of each research grant that it has authorized and the amount of each research grant requested. A copy of all research reports shall be submitted to the state library of Ohio and the library of the legislative service commission.

(E) If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate broker's examination, pursuant to division (A) of section 4735.07 of the Revised Code, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, each applicant shall submit to the superintendent a processing fee in an amount determined by the Ohio real estate commission pursuant to division (A)(2) of section 4735.10 of the Revised Code.

**Sec. 4735.09.** (A) Application for a license as a real estate salesperson shall be made to the superintendent of real estate on forms furnished by the superintendent and signed by the applicant. The application shall be in the form prescribed by the superintendent and shall contain such information as is required by this chapter and the rules of the Ohio real estate commission. The application shall be accompanied by the recommendation of the real estate broker with whom the applicant is associated or with whom the applicant intends to be associated, certifying that the applicant is honest, truthful, and of good reputation, has not been convicted of a felony or a crime involving moral turpitude, 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, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination.

(B) A fee of ~~sixty~~ eighty-one dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The initial year of the licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. The application fee shall be nonrefundable. A fee of ~~sixty~~ eighty-one dollars shall be charged by the superintendent for each successive application made by the applicant. One dollar of each application fee shall be credited to the real estate education and research fund.

(C) There shall be no limit placed on the number of times an applicant may retake the examination.

(D) The superintendent, with the consent of the commission, may enter into an agreement with a recognized national testing

service to administer the real estate salesperson's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of the examination.

If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate salesperson's examination, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, each applicant shall submit to the superintendent a processing fee in an amount determined by the Ohio real estate commission pursuant to division (A)(1) of section 4735.10 of the Revised Code.

(E) The superintendent shall issue a real estate salesperson's license when satisfied that the applicant has received a passing score on each portion of the salesperson's examination as determined by rule by the real estate commission, except that the superintendent may waive one or more of the requirements of this section in the case of an applicant who is a licensed real estate salesperson in another state pursuant to a reciprocity agreement with the licensing authority of the state from which the applicant holds a valid real estate salesperson's license.

(F) No applicant for a salesperson's license shall take the salesperson's examination who has not established to the satisfaction of the superintendent that the applicant:

(1) Is honest, truthful, and of good reputation;

(2)(a) Has not been convicted of a felony or crime of moral turpitude or, if the applicant has been so convicted, the superintendent has disregarded the conviction because the

applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved;

(b) 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 or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved.

(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to this chapter, or, if the applicant has violated such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued by the department of education;

(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:

(a) Forty hours of instruction in real estate practice;

(b) Forty hours of instruction that includes the subjects of

Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(c) Twenty hours of instruction in real estate appraisal;

(d) Twenty hours of instruction in real estate finance.

(G)(1) Successful completion of the instruction required by division (F)(6) of this section shall be determined by the law in effect on the date the instruction was completed.

(2) Division (F)(6)(c) of this section does not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate salesperson's license.

(H) Only for noncredit course offerings, an institution of higher education shall obtain approval from the appropriate state authorizing entity prior to offering a real estate course that is designed and marketed as satisfying the salesperson license education requirements of division (F)(6) of this section. The state authorizing entity may consult with the superintendent in reviewing the course for compliance with this section.

(I) Any person who has not been licensed as a real estate salesperson or broker within a four-year period immediately preceding the person's current application for the salesperson's

examination shall have successfully completed the prelicensure instruction required by division (F)(6) of this section within a ten-year period immediately preceding the person's current application for the salesperson's examination.

(J) Not earlier than the date of issue of a real estate salesperson's license to a licensee, but not later than twelve months after the date of issue of a real estate salesperson license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of twenty hours of instruction that shall be completed in schools, seminars, and educational institutions approved by the commission. The instruction shall include, but is not limited to, current practices relating to commercial real estate, property management, short sales, and land contracts; contract law; federal and state programs; economic conditions; and fiduciary responsibility. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education.

If proof of completion of the required instruction is not submitted within twelve months of the date a license is issued under this section, the licensee's license is suspended automatically without the taking of any action by the superintendent. The superintendent immediately shall notify the broker with whom such salesperson is associated of the suspension of the salesperson's license. A salesperson whose license has been suspended under this division shall have twelve months after the date of the suspension of the salesperson's license to submit proof of successful completion of the instruction required under this division. No such license shall be reactivated by the superintendent until it is established, to the satisfaction of the superintendent, that the requirements of this division have been

met and that the licensee is in compliance with this chapter. A licensee's license is revoked automatically without the taking of any action by the superintendent when the licensee fails to submit the required proof of completion of the education requirements under division (I) of this section within twelve months of the date the license is suspended.

(K) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12189. The contents of an examination shall be consistent with the classroom instructional requirements of division (F)(6) of this section. An applicant who has completed the classroom instructional requirements of division (F)(6) of this section at the time of application shall be examined no later than twelve months after the applicant is notified of the applicant's admission to the examination.

**Sec. 4735.12.** (A) The real estate recovery fund is hereby created in the state treasury, to be administered by the superintendent of real estate. Amounts collected by the superintendent as prescribed in this section and interest earned on the assets of the fund shall be credited by the treasurer of state to the fund. The amount of money in the fund shall be ascertained by the superintendent as of the first day of July of each year.

The commission, in accordance with rules adopted under division (A)(2)(g) of section 4735.10 of the Revised Code, shall impose a special assessment not to exceed ten dollars per year for each year of a licensing period on each licensee filing a notice of renewal under section 4735.14 of the Revised Code if the amount available in the fund is less than ~~five~~ two hundred fifty thousand dollars on the first day of July preceding that filing. ~~The~~

~~commission may impose a special assessment not to exceed five dollars per year for each year of a licensing period if the amount available in the fund is greater than one million dollars, but less than two million dollars on the first day of July preceding that filing.~~ The commission shall not impose a special assessment if the amount available in the fund exceeds two ~~million~~ hundred fifty thousand dollars on the first day of July preceding that filing.

(B)(1) Any person who obtains a final judgment in any court of competent jurisdiction against any broker or salesperson licensed under this chapter, on the grounds of conduct that is in violation of this chapter or the rules adopted under it, and that is associated with an act or transaction that only a licensed real estate broker or licensed real estate salesperson is authorized to perform as specified in division (A) or (C) of section 4735.01 of the Revised Code, may file a verified application, as described in division (B)(3) of this section, in the court of common pleas of Franklin county for an order directing payment out of the real estate recovery fund of the portion of the judgment that remains unpaid and that represents the actual and direct loss sustained by the applicant.

(2) Punitive damages, attorney's fees, and interest on a judgment are not recoverable from the fund. In the discretion of the superintendent of real estate, court costs may be recovered from the fund, and, if the superintendent authorizes the recovery of court costs, the order of the court of common pleas then may direct their payment from the fund.

(3) The application shall specify the nature of the act or transaction upon which the underlying judgment was based, the activities of the applicant in pursuit of remedies available under law for the collection of judgments, and the actual and direct losses, attorney's fees, and the court costs sustained or incurred

by the applicant. The applicant shall attach to the application a copy of each pleading and order in the underlying court action.

(4) The court shall order the superintendent to make such payments out of the fund when the person seeking the order has shown all of the following:

(a) The person has obtained a judgment, as provided in this division;

(b) All appeals from the judgment have been exhausted and the person has given notice to the superintendent, as required by division (C) of this section;

(c) The person is not a spouse of the judgment debtor, or the personal representative of such spouse;

(d) The person has diligently pursued the person's remedies against all the judgment debtors and all other persons liable to the person in the transaction for which the person seeks recovery from the fund;

(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment.

(5) Divisions (B)(1) to (4) of this section do not apply to any of the following:

(a) Actions arising from property management accounts maintained in the name of the property owner;

(b) A bonding company when it is not a principal in a real estate transaction;

(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code;

(d) Losses incurred by investors in real estate if the

applicant and the licensee are principals in the investment.

(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed salesperson is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that the superintendent shall give written notice to the applicant at least ten days before such motion. The superintendent may, subject to court approval, compromise a claim based upon the application of an aggrieved party. The superintendent shall not be bound by any prior compromise or stipulation of the judgment debtor.

(D) Notwithstanding any other provision of this section, the liability of the fund shall not exceed forty thousand dollars for any one licensee. If a licensee's license is reactivated as provided in division (E) of this section, the liability of the fund for the licensee under this section shall again be forty thousand dollars, but only for transactions that occur subsequent to the time of reactivation.

If the forty-thousand-dollar liability of the fund is insufficient to pay in full the valid claims of all aggrieved persons by whom claims have been filed against any one licensee,

the forty thousand dollars shall be distributed among them in the ratio that their respective claims bear to the aggregate of valid claims or in such other manner as the court finds equitable. Distribution of moneys shall be among the persons entitled to share in it, without regard to the order of priority in which their respective judgments may have been obtained or their claims have been filed. Upon petition of the superintendent, the court may require all claimants and prospective claimants against one licensee to be joined in one action, to the end that the respective rights of all such claimants to the fund may be equitably adjudicated and settled.

(E) If the superintendent pays from the fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensed broker or salesperson, the license of the broker or salesperson shall be automatically suspended upon the date of payment from the fund. The superintendent shall not reactivate the suspended license of that broker or salesperson until the broker or salesperson has repaid in full, plus interest per annum at the rate specified in division (A) of section 1343.03 of the Revised Code, the amount paid from the fund on the broker's or salesperson's account. A discharge in bankruptcy does not relieve a person from the suspension and requirements for reactivation provided in this section unless the underlying judgment has been included in the discharge and has not been reaffirmed by the debtor.

(F) If, at any time, the money deposited in the fund is insufficient to satisfy any duly authorized claim or portion of a claim, the superintendent shall, when sufficient money has been deposited in the fund, satisfy such unpaid claims or portions, in the order that such claims or portions were originally filed, plus accumulated interest per annum at the rate specified in division (A) of section 1343.03 of the Revised Code.

(G) When, upon the order of the court, the superintendent has paid from the fund any sum to the judgment creditor, the superintendent shall be subrogated to all of the rights of the judgment creditor to the extent of the amount so paid, and the judgment creditor shall assign all the judgment creditor's right, title, and interest in the judgment to the superintendent to the extent of the amount so paid. Any amount and interest so recovered by the superintendent on the judgment shall be deposited in the fund.

(H) Nothing contained in this section shall limit the authority of the superintendent to take disciplinary action against any licensee under other provisions of this chapter; nor shall the repayment in full of all obligations to the fund by any licensee nullify or modify the effect of any other disciplinary proceeding brought pursuant to this chapter.

(I) The superintendent shall collect from the fund a service fee in an amount equivalent to the interest rate specified in division (A) of section 1343.03 of the Revised Code multiplied by the annual interest earned on the assets of the fund, to defray the expenses incurred in the administration of the fund.

**Sec. 4735.13.** (A) Every real estate broker licensed under this chapter shall have and maintain a definite place of business in this state. A post office box address is not a definite place of business for purposes of this section. The license of a real estate broker shall be prominently displayed in the office or place of business of the broker, and no license shall authorize the licensee to do business except from the location specified in it. If the broker maintains more than one place of business within the state, the broker shall apply for and procure a duplicate license for each branch office maintained by the broker. Each branch office shall be in the charge of a licensed broker or

salesperson. The branch office license shall be prominently displayed at the branch office location.

(B) The license of each real estate salesperson shall be mailed to and remain in the possession of the licensed broker with whom the salesperson is or is to be associated until the licensee places the license on inactive or resigned status or until the salesperson leaves the brokerage or is terminated. The broker shall keep each salesperson's license in a way that it can, and shall on request, be made immediately available for public inspection at the office or place of business of the broker. Except as provided in divisions (G) and (H) of this section, immediately upon the salesperson's leaving the association or termination of the association of a real estate salesperson with the broker, the broker shall return the salesperson's license to the superintendent of real estate.

The failure of a broker to return the license of a real estate salesperson or broker who leaves or who is terminated, via certified mail return receipt requested, within three business days of the receipt of a written request from the superintendent for the return of the license, is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(C) A licensee shall notify the superintendent in writing within fifteen days of any of the following occurrences:

(1) The licensee is convicted of a felony.

(2) The licensee is convicted of a crime involving moral turpitude.

(3) The licensee is found to have violated any federal, state, or municipal civil rights law pertaining to discrimination in housing.

(4) The licensee is found to have engaged in a discriminatory

practice pertaining to housing accommodations described in division (H) of section 4112.02 of the Revised Code.

(5) The licensee is the subject of an order by the department of commerce, the department of insurance, or the department of agriculture revoking or permanently surrendering any professional license, certificate, or registration.

(6) The licensee is the subject of an order by any government agency concerning real estate, financial matters, or the performance of fiduciary duties with respect to any license, certificate, or registration.

If a licensee fails to notify the superintendent within the required time, the superintendent immediately may suspend the license of the licensee.

Any court that convicts a licensee of a violation of any municipal civil rights law pertaining to housing discrimination also shall notify the Ohio civil rights commission within fifteen days of the conviction.

(D) In case of any change of business location, a broker shall give notice to the superintendent, on a form prescribed by the superintendent, within thirty days after the change of location, whereupon the superintendent shall issue new licenses for the unexpired period without charge. If a broker changes a business location without giving the required notice and without receiving new licenses that action is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The

application shall be made on a form prescribed by the 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 ~~twenty-five~~ 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, truthful, and of good reputation, has not been convicted of a felony or a crime involving moral turpitude, 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 ~~twenty-five~~ 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 estate broker for such partnership, association, limited liability company, limited liability partnership, or corporation.

(G)(1) If a real estate broker or salesperson enters the armed forces, the broker or salesperson may place the broker's or salesperson's license on deposit with the Ohio real estate commission. The licensee shall not be required to renew the license until the renewal date that follows the date of discharge from the armed forces. Any license deposited with the commission shall be subject to this chapter.

Any licensee whose license is on deposit under this division and who fails to meet the continuing education requirements of section 4735.141 of the Revised Code because the licensee is in the armed forces shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months of the licensee's first birthday after discharge or within the amount of time equal to the total number of months the licensee spent on active duty, whichever is greater. The licensee shall submit proper documentation of active duty service and the length of that active duty service to the superintendent. The extension shall not exceed the total number of months that the licensee served in active duty. The superintendent shall notify the licensee of the licensee's obligations under section 4735.141 of the Revised Code at the time the licensee applies for reactivation of the licensee's license.

(2) If a licensee is a spouse of a member of the armed forces and the spouse's service resulted in the licensee's absence from this state, both of the following apply:

(a) The licensee shall not be required to renew the license until the renewal date that follows the date of the spouse's discharge from the armed forces.

(b) If the licensee fails to meet the continuing education requirements of section 4735.141 of the Revised Code, the licensee shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months after the licensee's first birthday after the spouse's discharge or within the amount of time equal to the total number of months the licensee's spouse spent on active duty, whichever is greater. The licensee shall submit proper documentation of the spouse's active duty service and the length of that active duty service. This extension shall not exceed the total number of months that the licensee's spouse served in active duty.

(3) In the case of a licensee as described in division (G)(2) of this section, who holds the license through a reciprocity agreement with another state, the spouse's service shall have resulted in the licensee's absence from the licensee's state of residence for the provisions of that division to apply.

(4) As used in this division, "armed forces" means the armed forces of the United States or reserve component of the armed forces of the United States including the Ohio national guard or the national guard of any other state.

(H) If a licensed real estate salesperson submits an application to the superintendent to leave the association of one broker to associate with a different broker, the broker possessing the licensee's license need not return the salesperson's license to the superintendent. The superintendent may process the application regardless of whether the licensee's license is returned to the superintendent.

**Sec. 4735.15.** (A) The nonrefundable fees for reactivation or transfer of a license shall be as follows:

(1) Reactivation or transfer of a broker's license into or out of a partnership, association, limited liability company,

limited liability partnership, or corporation or from one partnership, association, limited liability company, limited liability partnership, or corporation to another partnership, association, limited liability company, limited liability partnership, or corporation, ~~twenty-five~~ thirty-four dollars. An application for such transfer shall be made to the superintendent of real estate on forms provided by the superintendent.

(2) Reactivation or transfer of a license by a real estate salesperson, ~~twenty-five~~ thirty-four dollars.

(B) Except as may otherwise be specified pursuant to division (F) of this section or any rules adopted by the Ohio real estate commission pursuant to division (A)(2)(b) of section 4735.10 of the Revised Code, the nonrefundable fees ~~for a branch office license, license renewal, late filing, and foreign real estate dealer and salesperson license~~ are as follows ~~per year~~ for each ~~year of a~~ licensing period:

(1) Branch office license, ~~fifteen~~ twenty dollars;

(2) Renewal of a three-year real estate broker's license, ~~sixty~~ two hundred forty-three dollars. If the licensee is a partnership, association, limited liability company, limited liability partnership, or corporation, the full broker's renewal fee shall be required for each member of such partnership, association, limited liability company, limited liability partnership, or corporation that is a real estate broker. If the real estate broker has not less than eleven nor more than twenty real estate salespersons associated with the broker, an additional fee of sixty-four dollars shall be assessed to the brokerage. For every additional ten real estate salespersons or fraction of that number, the brokerage assessment fee shall be increased in the amount of thirty-seven dollars.

(3) Renewal of a three-year real estate salesperson's

license, ~~forty-five~~ one hundred eighty-two dollars;

(4) Renewal of a real estate broker's or salesperson's license filed within twelve months after the licensee's renewal date, an additional late filing penalty of fifty per cent of the required three-year fee;

(5) Foreign real estate dealer's license and each renewal of the license, thirty dollars per salesperson employed by the dealer, but not less than ~~one~~ two hundred ~~fifty~~ three dollars;

(6) Foreign real estate salesperson's license and each renewal of the license, ~~fifty~~ sixty-eight dollars.

(C) All fees collected under this section shall be paid to the treasurer of state. One dollar of each such fee shall be credited to the real estate education and research fund, except that for fees that are assessed only once every three years, three dollars of each triennial fee shall be credited to the real estate education and research fund.

(D) In all cases, the fee and any penalty shall accompany the application for the license, license transfer, or license reactivation or shall accompany the filing of the renewal.

(E) The commission may establish by rule reasonable fees for services not otherwise established by this chapter.

(F) The commission may adopt rules that provide for a reduction in the fees established in divisions (B)(2) and (3) of this section.

**Sec. 4735.182.** If a check or other draft instrument used to pay any fee required under this chapter is returned to the superintendent unpaid by the financial institution upon which it is drawn for any reason, the superintendent shall notify the entity or person that the check or other draft instrument was returned for insufficient funds.

(A) If the check or draft instrument was submitted by a licensee, the superintendent shall also notify the licensee that the licensee's license will be suspended unless the licensee, within fifteen days after the mailing of the notice, submits the fee and a one-hundred-dollar fee to the superintendent. If the licensee does not submit both fees within that time period, or if any check or other draft instrument used to pay either of those fees is returned to the superintendent unpaid by the financial institution upon which it is drawn for any reason, the license shall be suspended immediately without a hearing and the licensee shall cease activity as a licensee under this chapter.

(B) If the check or draft instrument was remitted by a person or entity applying to qualify foreign real estate or renew a property registration, the superintendent shall also notify the applicant that registration will be suspended, unless the applicant, within fifteen days after the mailing of the notice, submits the fee and a one-hundred-dollar fee to the superintendent. If the applicant does not submit both fees within that time period, or if any check or other draft instrument used to pay either of the fees is returned to the superintendent unpaid by the financial institution upon which it is drawn for any reason, the property registration shall be suspended immediately without a hearing and the applicant shall cease activity.

(C) If the check or draft instrument was remitted by an applicant for licensure, that application shall automatically be rejected or approval withdrawn, unless the applicant, within fifteen days after the mailing of the notice, submits the fee and a one-hundred-dollar fee to the superintendent. If the applicant does not submit both fees within that time period, or if any check or other draft instrument used to pay either of those fees is returned to the superintendent unpaid by the financial institution upon which it is drawn for any reason, the application shall be

denied or approval withdrawn.

(D) If the check or draft instrument was remitted by an education course provider or course provider applicant, that application shall automatically be rejected or approval withdrawn, unless the applicant, within fifteen days after the mailing of the notice, submits the fee and a ~~one-hundred-dollar~~ one-hundred-thirty-five-dollar fee to the superintendent. If the applicant does not submit both fees within that time period, or if any check or other draft instrument used to pay either of those fees is returned to the superintendent unpaid by the financial institution upon which it is drawn for any reason, the application shall be denied or approval withdrawn.

**Sec. 4735.27.** (A) An application to act as a foreign real estate dealer shall be in writing and filed with the superintendent of real estate. It shall be in the form the superintendent prescribes and shall contain the following information:

(1) The name and address of the applicant;

(2) A description of the applicant, including, if the applicant is a partnership, unincorporated association, or any similar form of business organization, the names and the residence and business addresses of all partners, officers, directors, trustees, or managers of the organization, and the limitation of the liability of any partner or member; and if the applicant is a corporation, a list of its officers and directors, and the residence and business addresses of each, and, if it is a foreign corporation, a copy of its articles of incorporation in addition;

(3) The location and addresses of the principal office and all other offices of the applicant;

(4) A general description of the business of the applicant

prior to the application, including a list of states in which the applicant is a licensed foreign real estate dealer;

(5) The names and addresses of all ~~salesmen~~ salespersons of the applicant at the date of the application;

(6) The nature of the business of the applicant, and its places of business, for the ten-year period preceding the date of application.

(B) Every nonresident applicant shall name a person within this state upon whom process against the applicant may be served and shall give the complete residence and business address of the person designated. Every applicant shall file an irrevocable written consent, executed and acknowledged by an individual duly authorized to give such consent, that actions growing out of a fraud committed by the applicant in connection with the sale in this state of foreign real estate may be commenced against it, in the proper court of any county in this state in which a cause of action for such fraud may arise or in which the plaintiff in such action may reside, by serving on the secretary of state any proper process or pleading authorized by the laws of this state, in the event that the applicant if a resident of this state, or the person designated by the nonresident applicant, cannot be found at the address given. The consent shall stipulate that the service of process on the secretary of state shall be taken in all courts to be as valid and binding as if service had been made upon the foreign real estate dealer. If the applicant is a corporation or an unincorporated association, the consent shall be accompanied by a certified copy of the resolution of the board of directors, trustees, or managers of the corporation or association, authorizing such individual to execute the consent.

(C) The superintendent may investigate any applicant for a dealer's license, and may require any additional information ~~he~~ the superintendent considers necessary to determine the business

repute and qualifications of the applicant to act as a foreign real estate dealer. If the application for a dealer's license involves investigation outside this state, the superintendent may require the applicant to advance sufficient funds to pay any of the actual expenses of the investigation, and an itemized statement of such expense shall be furnished to the applicant.

(D) Every applicant shall take a written examination, prescribed and conducted by the superintendent, which covers ~~his~~ the applicant's knowledge of the principles of real estate practice, real estate law, financing and appraisal, real estate transactions and instruments relating to them, canons of business ethics relating to real estate transactions, and the duties of foreign real estate dealers and ~~salesmen~~ salespersons. The fee for the examination, when administered by the superintendent, is ~~seventy-five~~ one hundred one dollars. If the applicant does not appear for the examination, the fee shall be forfeited and a new application and fee shall be filed, unless good cause for the failure to appear is shown to the superintendent. The requirement of an examination may be waived in whole or in part by the superintendent if an applicant is licensed as a real estate broker by any state.

Any applicant who fails the examination twice shall wait six months before applying to retake the examination.

(E) No person shall take the foreign real estate dealer's examination who has not established to the satisfaction of the superintendent that ~~he~~ the person:

(1) Has not been convicted of a felony or a crime of moral turpitude or, if ~~he~~ the applicant has been so convicted, the superintendent has disregarded the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that ~~his~~ the applicant's activities and employment record since the conviction show that ~~he~~ the applicant is honest,

truthful, and of good reputation, and there is no basis in fact for believing that ~~he~~ the applicant again will violate the laws involved;

(2) 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 or, if ~~he~~ the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that ~~his~~ the applicant's activities and employment record since the adjudication show that ~~he~~ the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that ~~he~~ the applicant again will violate the laws involved;

(3) Has not, during any period for which ~~he~~ the applicant was licensed under this chapter or any former section of the Revised Code applicable to licensed foreign real estate dealers or ~~salesmen~~ salespersons, violated any provision of, or any rule adopted pursuant to, this chapter or that section, or, if ~~he~~ the applicant has violated any such provision or rule, has established to the satisfaction of the superintendent that ~~he~~ the applicant will not again violate the provision or rule.

(F) If the superintendent finds that an applicant for a license as a foreign real estate dealer, or each named member, manager, or officer of a partnership, association, or corporate applicant is at least eighteen years of age, is of good business repute, has passed the examination required under this section or has had the requirement of an examination waived, and appears otherwise qualified, the superintendent shall issue a license to the applicant to engage in business in this state as a foreign real estate dealer. Dealers licensed pursuant to this section shall employ as ~~salesmen~~ salespersons of foreign real estate only

persons licensed pursuant to section 4735.28 of the Revised Code. If at any time such ~~salesmen~~ salespersons resign or are discharged or new ~~salesmen~~ salespersons are added, the dealer forthwith shall notify the superintendent and shall file with the division of real estate the names and addresses of new ~~salesmen~~ salespersons.

(G) If the applicant merely is renewing ~~his~~ the applicant's license for the previous year, the application need contain only the information required by divisions (A)(2), (3), and (6) of this section.

**Sec. 4735.28.** (A) An application to act as a foreign real estate ~~salesman~~ salesperson shall be in writing and filed with the superintendent of real estate. It shall be in the form the superintendent prescribes and shall contain the following information:

(1) The name and complete residence and business addresses of the applicant;

(2) The name of the foreign real estate dealer who is employing the applicant or who intends to employ ~~him~~ the applicant;

(3) The age and education of the applicant, and ~~his~~ the applicant's experience in the sale of foreign real estate; whether ~~he~~ the applicant has ever been licensed by the superintendent, and if so, when; whether ~~he~~ the applicant has ever been refused a license by the superintendent; and whether ~~he~~ the applicant has ever been licensed or refused a license or any similar permit by any division or superintendent of real estate, by whatsoever name known or designated, anywhere;

(4) The nature of the employment, and the names and addresses of the employers, of the applicant for the period of ten years immediately preceding the date of the application.

(B) Every applicant shall take a written examination, prescribed and conducted by the superintendent, which covers ~~his~~ the applicant's knowledge of the principles of real estate practice, real estate law, financing and appraisal, real estate transactions and instruments relating to them, canons of business ethics relating to real estate transactions, and the duties of foreign real estate ~~salesmen~~ salespersons. The fee for the examination, when administered by the superintendent, is ~~fifty~~ sixty-eight dollars. If the applicant does not appear for the examination, the fee shall be forfeited and a new application and fee shall be filed, unless good cause for the failure to appear is shown to the superintendent. The requirement of an examination may be waived in whole or in part by the superintendent if an applicant is licensed as a real estate broker or ~~salesman~~ salesperson by any state.

Any applicant who fails the examination twice shall wait six months before applying to retake the examination.

(C) No person shall take the foreign real estate ~~salesman's~~ salesperson's examination who has not established to the satisfaction of the superintendent that ~~he~~ the person:

(1) Has not been convicted of a felony or a crime of moral turpitude or, if ~~he~~ the applicant has been so convicted, the superintendent has disregarded the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that ~~his~~ the applicant's activities and employment record since the conviction show that ~~he~~ the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that ~~he~~ the applicant again will violate the laws involved;

(2) 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 or, if ~~he~~ the

applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that ~~his~~ the applicant's activities and employment record since the adjudication show that ~~he~~ the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that ~~he~~ the applicant will again violate the laws;

(3) Has not, during any period for which ~~he~~ the applicant was licensed under this chapter or any former section of the Revised Code ~~apicable~~ applicable to licensed foreign real estate dealers or ~~salesmen~~ salespersons, violated any provision of, or any rule adopted pursuant to, this chapter or that section, or, if ~~he~~ the applicant has violated any such provision or rule, has established to the satisfaction of the superintendent that ~~he~~ the applicant will not again violate the provision or rule.

(D) Every ~~salesman~~ salesperson of foreign real estate shall be licensed by the superintendent of real estate and shall be employed only by the licensed foreign real estate dealer specified on ~~his~~ the salesperson's license.

(E) If the superintendent finds that the applicant is of good business repute, appears to be qualified to act as a foreign real estate ~~salesman~~ salesperson, and has fully complied with the provisions of this chapter, and that the dealer in the application is a licensed foreign real estate dealer, the superintendent, upon payment of the fees prescribed by section 4735.15 of the Revised Code, shall issue a license to the applicant authorizing ~~him~~ the applicant to act as ~~salesman~~ a salesperson for the dealer named in the application.

**Sec. 4737.045.** (A) To register as a scrap metal dealer or a bulk merchandise container dealer with the director of public

safety as required by division (B) of section 4737.04 of the Revised Code, a person shall do all of the following:

(1) Provide the name and street address of the dealer's place of business;

(2) Provide the name of the primary owner of the business, and of the manager of the business, if the manager is not the primary owner;

(3) Provide the electronic mail address of the business;

(4) Provide confirmation that the dealer has the capabilities to electronically connect with the department of public safety for the purpose of sending and receiving information;

(5) Provide any other information required by the director in rules the director adopts pursuant to sections 4737.01 to 4737.045 of the Revised Code;

(6) Pay an initial registration fee of two hundred dollars.

(B) A person engaging in the business of a scrap metal dealer or a bulk merchandise container dealer in this state on or before September 28, 2012, shall register with the director not later than January 1, 2013. With respect to a person who commences engaging in the business of a scrap metal dealer or a bulk merchandise container dealer after September 28, 2012, the person shall register with the director pursuant to this section prior to commencing business as a scrap metal dealer or a bulk merchandise container dealer.

(C) A registration issued to a scrap metal dealer or a bulk merchandise container dealer pursuant to this section is valid for a period of one year. A dealer shall renew the registration in accordance with the rules adopted by the director and pay a renewal fee of one hundred fifty dollars to cover the costs of operating and maintaining the registry created pursuant to

division (E) of this section.

(D) A scrap metal dealer or a bulk merchandise container dealer registered under this section shall prominently display a copy of the annual registration certificate received from the director pursuant to division (E)(2) of this section.

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

(1) Develop and implement, by January 1, 2014, and maintain as a registry a secure database for use by law enforcement agencies that is capable of all of the following:

(a) Receiving and securely storing all of the information required by division (A) of this section and the daily transaction data that scrap metal dealers and bulk merchandise dealers are required to send pursuant to division (E)(1) of section 4737.04 of the Revised Code;

(b) Providing secure search capabilities to law enforcement agencies for enforcement purposes;

(c) Creating a link and retransmission capability for receipt of routine scrap theft alerts published by the institute of scrap recycling industries for transmission to dealers and law enforcement agencies in the state;

(d) Making the electronic lists prepared pursuant to division (F)(2) of section 4737.04 of the Revised Code available through an electronic searchable format for individual law enforcement agencies and for dealers in the state;

(e) Providing, without charge, interlink programming enabling the transfer of information to dealers.

(2) Issue, reissue, or deny registration to dealers;

(3) Adopt rules to enforce sections 4737.01 to 4737.045 of the Revised Code, rules establishing procedures to renew a registration issued under this section, rules for the format and

maintenance for the records required under division (A) of section 4737.012 of the Revised Code or division (C) of section 4737.04 of the Revised Code, and rules regarding the delivery of the report required by division (E)(1) of section 4737.04 of the Revised Code to the registry, which shall be used exclusively by law enforcement agencies.

(F) A scrap metal dealer or bulk merchandise container dealer may search, modify, or update only the dealer's own business data contained within the registry established in division (E) of this section.

(G) All fees received by the director pursuant to this section and division (F) of section 4737.99 of the Revised Code shall be used to develop and maintain the registry required under this section and for the department of public safety's operating expenses. The fees shall be deposited into the infrastructure protection fund which is hereby created in the state treasury.

**Sec. 4743.05.** Except as otherwise provided in sections 4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the Revised Code, all money collected under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., ~~4736.,~~ 4741., 4744., 4747., 4753., 4755., 4757., 4758., 4771., 4775., 4779., and 4781. of the Revised Code shall be paid into the state treasury to the credit of the occupational licensing and regulatory fund, which is hereby created for use in administering such chapters.

At the end of each quarter, the director of budget and management shall transfer from the occupational licensing and regulatory fund to the nurse education assistance fund created in section 3333.28 of the Revised Code the amount certified to the director under division (B) of section 4723.08 of the Revised Code.

At the end of each quarter, the director shall transfer from the occupational licensing and regulatory fund to the certified public accountant education assistance fund created in section 4701.26 of the Revised Code the amount certified to the director under division (H)(2) of section 4701.10 of the Revised Code.

**Sec. 4757.10.** (A) The counselor, social worker, and marriage and family therapist board may adopt any rules necessary to carry out this chapter.

(B) The board shall adopt rules that do all of the following:

~~(A)~~(1) Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter;

~~(B)~~(2) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;

~~(C)~~(3) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter;

~~(D)~~(4) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

~~(E)~~(5) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code;

~~(F)~~(6) Establish the amount and content of corrective action courses required by the board under section ~~4755.36~~ 4757.36 of the Revised Code;

~~(G)~~(7) Provide for voluntary registration of all of the

following:

~~(1)~~(a) Master's level counselor trainees enrolled in practice and internships;

~~(2)~~(b) Master's level social worker trainees enrolled in fieldwork, practice, and internships;

~~(3)~~(c) Master's level marriage and family therapist trainees enrolled in practice and internships.

(8) Establish a schedule of deadlines for renewal.

(C) Rules adopted under division ~~(G)~~(B)(7) of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with respect to a trainee's application for licensure by the board.

(D) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling, social work, or marriage and family therapy.

**Sec. 4757.13.** ~~(A) Each individual who engages in the practice of professional counseling, social work, or marriage and family therapy shall prominently display, in a conspicuous place in the office or place where a major portion of the individual's practice is conducted, and in such a manner as to be easily seen and read, the license granted to the individual by the state counselor, social worker, and marriage and family therapist board.~~

~~(B)~~ A person holding a license ~~holder~~ issued under this chapter who is engaged in a private individual practice, partnership, or group practice shall prominently display the license holder's fee schedule in the office or place where a major

portion of the license holder's practice is conducted. The bottom of the first page of the fee schedule shall include the following statement, which shall be followed by the name, address, and telephone number of the board:

"This information is required by the Counselor, Social Worker, and Marriage and Family Therapist Board, which regulates the practices of professional counseling, social work, and marriage and family therapy in this state."

**Sec. 4757.18.** The counselor, social worker, and marriage and family therapist board may enter into a reciprocal agreement with any state that regulates individuals practicing in the same capacities as those regulated under this chapter if the board finds that the state has requirements substantially equivalent to the requirements this state has for receipt of a license or certificate of registration under this chapter. In a reciprocal agreement, the board agrees to issue the appropriate license or certificate of registration to any resident of the other state whose practice is currently authorized by that state if that state's regulatory body agrees to authorize the appropriate practice of any resident of this state who holds a valid license or certificate of registration issued under this chapter.

~~The~~ Subject to section 4757.25 of the Revised Code, the professional standards committees of the board may, by endorsement, issue the appropriate license or certificate of registration to a resident of a state with which the board does not have a reciprocal agreement, if the person submits proof satisfactory to the committee of currently being licensed, certified, registered, or otherwise authorized to practice by that state.

**Sec. 4757.22.** (A) The counselors professional standards

committee of the counselor, social worker, and marriage and family therapist board shall issue a license to practice as a licensed professional clinical counselor to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements specified in division (B) of this section.

(B)(1) To be eligible for a licensed professional clinical counselor license, an individual must meet the following requirements:

(a) The individual must be of good moral character.

(b) The individual must hold a graduate degree in counseling as described in division (B)(2) of this section.

(c) The individual must complete a minimum of ninety quarter hours or sixty semester hours of graduate credit in counselor training acceptable to the committee, including instruction in the following areas:

(i) Clinical psychopathology, personality, and abnormal behavior;

(ii) Evaluation of mental and emotional disorders;

(iii) Diagnosis of mental and emotional disorders;

(iv) Methods of prevention, intervention, and treatment of mental and emotional disorders.

(d) The individual must complete, in either a private or clinical counseling setting, supervised experience in counseling that is of a type approved by the committee, is supervised by a licensed professional clinical counselor or other qualified professional approved by the committee, and is in the following amounts:

(i) In the case of an individual holding only a master's

degree, not less than two years of experience, which must be completed after the award of the master's degree;

(ii) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate.

(e) The individual must pass a field evaluation that meets the following requirements:

(i) Has been completed by the applicant's instructors, employers, supervisors, or other persons determined by the committee to be competent to evaluate an individual's professional competence;

(ii) Includes documented evidence of the quality, scope, and nature of the applicant's experience and competence in diagnosing and treating mental and emotional disorders.

(f) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional clinical counselor.

(2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a ~~mental health~~ counseling program in this state after January 1, 2018, must be from one of the following:

(a) A ~~clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction~~ counseling program accredited by the council for accreditation of counseling and related educational programs;

(b) A counseling education program approved by the board in accordance with rules adopted by the board under division (G) of this section.

(3) All of the following meet the educational requirements of division (B)(1)(c) of this section:

(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(c) A graduate degree in counseling issued by another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program that is accredited by the council for accreditation of counseling and related educational programs;

(d) A counseling education program approved by the board in accordance with rules adopted under division (G) of this section.

(C) To be accepted by the committee for purposes of division (B) of this section, counselor training must include at least the following:

(1) Instruction in human growth and development; counseling theory; counseling techniques; group dynamics, processing, and counseling; appraisal of individuals; research and evaluation; professional, legal, and ethical responsibilities; social and cultural foundations; and lifestyle and career development;

(2) Participation in a supervised practicum and <u>clinical</u> internship in counseling.

(D) The committee may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license to practice as a licensed professional clinical counselor.

(E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be

licensed under this section. An individual who is denied admission to the licensing examination may appeal the denial in accordance with Chapter 119. of the Revised Code.

(F) The board shall adopt any rules necessary for the committee to implement this section. The rules shall do both of the following:

(1) Establish criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved;

(2) Establish course content requirements for qualifying counseling degrees issued by institutions in other states from clinical mental health counseling programs, clinical rehabilitation counseling programs, and addiction counseling programs that are not accredited by the council for accreditation of counseling and related educational programs.

Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code.

(G)(1) The board may adopt rules to temporarily approve a counseling education program created after January 1, 2018, that has not been accredited by the council for accreditation of counseling and related educational programs. If the board adopts rules under this division, the board shall do all of the following in the rules:

(a) Create an application process under which a program administrator may apply to the board for approval of the program;

(b) Identify the educational requirements that an individual must satisfy to receive a graduate degree in counseling from the approved program;

(c) Establish a time period during which an individual may use an unaccredited degree granted under the program to satisfy

the requirements of divisions (B)(1)(b) and (c) of this section;

(d) Specify that, if the program is denied accreditation, a student enrolled in the program before the accreditation is denied may apply for licensure before completing the program and, on receiving a degree from the program, is considered to satisfy divisions (B)(1)(b) and (c) of this section.

(2) A degree from a counseling education program approved by the board pursuant to the rules adopted under division (G)(1) of this section satisfies the requirements of divisions (B)(1)(b) and (c) of this section for the time period approved by the board.

**Sec. 4757.23.** (A) The counselors professional standards committee of the counselor, social worker, and marriage and family therapist board shall issue a license as a licensed professional counselor to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements established under division (B) of this section.

(B)(1) To be eligible for a license as a licensed professional counselor, an individual must meet the following requirements:

(a) The individual must be of good moral character.

(b) The individual must hold a graduate degree in counseling as described in division (B)(2) of this section.

(c) The individual must complete a minimum of ninety quarter hours or sixty semester hours of graduate credit in counselor training acceptable to the committee, which the individual may complete while working toward receiving a graduate degree in counseling, or subsequent to receiving the degree, and which shall include training in the following areas:

(i) Clinical psychopathology, personality, and abnormal

behavior;

(ii) Evaluation of mental and emotional disorders;

(iii) Diagnosis of mental and emotional disorders;

(iv) Methods of prevention, intervention, and treatment of mental and emotional disorders.

(d) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional counselor.

(2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a ~~mental health~~ counseling program in this state after January 1, 2018, must be from one of the following:

(a) A ~~clinical mental health counseling program, clinical rehabilitation counseling program, or addiction~~ counseling program accredited by the council for accreditation of counseling and related educational programs;

(b) A counseling education program approved by the board in accordance with rules adopted by the board under division (G) of this section.

(3) All of the following meet the educational requirements of division (B)(1)(c) of this section:

(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(c) A graduate degree in counseling issued by an institution in another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction

counseling program that is accredited by the council for accreditation of counseling and related educational programs;

(d) A counseling education program approved by the board in accordance with rules adopted under division (G) of this section.

(C) To be accepted by the committee for purposes of division (B) of this section, counselor training must include at least the following:

(1) Instruction in human growth and development; counseling theory; counseling techniques; group dynamics, processing, and counseling; appraisal of individuals; research and evaluation; professional, legal, and ethical responsibilities; social and cultural foundations; and lifestyle and career development;

(2) Participation in a supervised practicum and clinical internship in counseling.

(D) The committee may issue a temporary license to practice as a licensed professional counselor to an applicant who meets all of the requirements to be licensed under this section as follows:

(1) Pending the receipt of transcripts or action by the committee to issue a license as a licensed professional counselor;

(2) For a period not to exceed ninety days, to an applicant who provides the board with a statement from the applicant's academic institution indicating that the applicant has met the academic requirements for the applicant's degree and the projected date the applicant will receive the applicant's transcript showing a conferred degree.

On application to the committee, a temporary license issued under division (D)(2) of this section may be renewed for good cause shown.

(E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be

licensed under this section. An individual who is denied admission to the licensing examination may appeal the denial in accordance with Chapter 119. of the Revised Code.

(F) The board shall adopt any rules necessary for the committee to implement this section. The rules shall do both of the following:

(1) Establish criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved;

(2) Establish course content requirements for qualifying counseling degrees issued by institutions in other states from clinical mental health counseling programs, clinical rehabilitation counseling programs, and addiction counseling programs that are not accredited by the council for accreditation of counseling and related educational programs.

Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code.

(G)(1) The board may adopt rules to temporarily approve a counseling education program created after January 1, 2018, that has not been accredited by the council for accreditation of counseling and related educational programs. If the board adopts rules under this division, the board shall do all of the following in the rules:

(a) Create an application process under which a program administrator may apply to the board for approval of the program;

(b) Identify the educational requirements that an individual must satisfy to receive a graduate degree in counseling from the approved program;

(c) Establish a time period during which an individual may use an unaccredited degree granted under the program to satisfy

the requirements of divisions (B)(1)(b) and (c) of this section;

(d) Specify that, if the program is denied accreditation, a student enrolled in the program before the accreditation is denied may apply for licensure before completing the program and, on receiving a degree from the program, is considered to satisfy divisions (B)(1)(b) and (c) of this section.

(2) A degree from a counseling education program approved by the board pursuant to the rules adopted under division (G)(1) of this section satisfies the requirements of divisions (B)(1)(b) and (c) of this section for the time period approved by the board.

**Sec. 4757.25.** (A) Notwithstanding any provision in sections 4757.22 and 4757.23 of the Revised Code to the contrary, the counselors professional standards committee of the counselor, social worker, and marriage and family therapist board may, by endorsement, issue a license to practice as a licensed professional clinical counselor or a licensed professional counselor to a person who is authorized to practice in another state even though the person does not hold a graduate degree in counseling if the person meets all of the following requirements:

(1) The person has a graduate degree in a field of study that demonstrates an education in the diagnosis and treatment of mental and emotional disorders.

(2) The person has continuously engaged in the practice of professional counseling in the other state for a period of five years or more immediately preceding the date the application is submitted.

(3) The person's scope of practice in the other state is comparable to the scope of practice associated with the license the person is requesting.

(4) The person's license, certificate, registration, or other

authorization to practice in the other state is in good standing at the time the person submits the application.

(5) The person has not been disciplined by the regulatory authority of the other state that issued the license, certificate, registration, or other authorization for a period of five years or more preceding the date the application is submitted.

(6) The person has achieved a passing score on the examination required by the board for licensure as a licensed professional clinical counselor or a licensed professional counselor, as applicable.

(B) To meet the requirement of division (A)(1) of this section, the coursework the person completed to obtain the graduate degree must be comparable to the coursework required to obtain a degree in clinical mental health counseling from a program accredited by the council for accreditation of counseling and related educational programs.

(C) Before issuing a license to practice as a licensed professional clinical counselor by endorsement under this section, the committee shall require an applicant to complete not less than seven hundred fifty hours of supervised experience that is of a type approved by the committee.

**Sec. 4757.32.** A license or certificate of registration issued under this chapter ~~expires two years after it is issued and~~ is valid without further recommendation or examination until revoked or suspended or until the license or certificate of registration expires for failure to renew as provided for in this section. Licenses and certificates of registration shall be renewed biennially in accordance with the schedule established in rules adopted by the counselor, social worker, and marriage and family therapist board under section 4757.10 of the Revised Code. A license or certificate of registration may be renewed in

accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code.

Subject to section 4757.36 of the Revised Code, the staff of the appropriate professional standards committee of the ~~counselor, social worker, and marriage and family therapist~~ board shall, on behalf of each committee, issue a renewed license or certificate of registration to each applicant who has paid the renewal fee established by the board under section 4757.31 of the Revised Code and satisfied the continuing education requirements established by the board under section 4757.33 of the Revised Code.

A license or certificate of registration that is not renewed lapses on its expiration date. A license or certificate of registration that has lapsed may be restored if the individual, not later than two years after the license or certificate expired, applies for restoration of the license or certificate. The staff of the appropriate professional standards committee shall issue a restored license or certificate of registration to the applicant if the applicant pays the renewal fee established under section 4757.31 of the Revised Code and satisfies the continuing education requirements established under section 4757.33 of the Revised Code for restoring the license or certificate of registration. The board and its professional standards committees shall not require a person to take an examination as a condition of having a lapsed license or certificate of registration restored.

**Sec. 4757.33.** (A) Except as provided in division (B) of this section, each person who holds a license ~~or certificate of registration~~ issued under this chapter shall complete during the period that the license ~~or certificate~~ is in effect not less than thirty clock hours of continuing professional education as a condition of receiving a renewed license ~~or certificate~~. ~~To~~ Except as provided in division (B) of this section, each person who holds

a certificate of registration as a social work assistant shall complete during the period the certificate is in effect fifteen clock hours of continuing professional education as a condition of receiving a renewed certificate of registration.

To have a lapsed license or certificate of registration restored, a person shall complete the number of hours of continuing education specified by the counselor, social worker, and marriage and family therapist board in rules it shall adopt in accordance with Chapter 119. of the Revised Code.

The professional standards committees of the counselor, social worker, and marriage and family therapist board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures to be followed by the committees in conducting the continuing education approval process, which shall include registering individuals and entities to provide continuing education programs approved by the board.

(B) The board may waive the continuing education requirements established under this section for persons who are unable to fulfill them because of military service, illness, residence abroad, or any other reason the committee considers acceptable.

**Sec. 4763.16.** (A) The real estate appraiser recovery fund is hereby created in the state treasury, to be administered by the superintendent of real estate. The treasurer of state shall credit to the fund amounts collected by the superintendent as prescribed in this section and interest earned on the assets of the fund. The superintendent shall ascertain the balance of the fund as of the first day of October of each year. If that balance is less than ~~five~~ two hundred thousand dollars at any time, the director of budget and management, upon the request of the superintendent, may transfer from the real estate appraiser operating fund to the real

estate appraiser recovery fund a sum as will bring the real estate appraiser recovery fund to that amount.

(B) When any person obtains a final judgment in any court of competent jurisdiction against a certificate holder, registrant, or licensee, based upon conduct that is in violation of this chapter or the rules adopted under it, which conduct occurred on or after the date of their certification, registration, or licensure, and that is associated with an act or transaction of a certificate holder, registrant, or licensee specified in this chapter, that person may file a verified complaint, as described in this division, in the Franklin county court of common pleas for an order directing payment out of the real estate appraiser recovery fund of the portion of the judgment that remains unpaid and that represents the actual and direct loss of the person for the act or transaction upon which the underlying judgment was based, and court costs, if awarded in the underlying judgment, provided that no person shall receive more than ten thousand dollars from the fund for any one judgment. A bonding or insurance company or any partnership, corporation, or association that uses any tool to develop a valuation of real property for purposes of a loan or that employs, retains, or engages as an independent contractor a person licensed, registered, or certified as a real estate appraiser in its usual or occasional operations may not seek an order directing, and is not eligible for, payment out of the fund. Punitive or exemplary damages are not recoverable from the fund.

The complaint shall specify the nature of the act or transaction upon which the underlying judgment was based, the activities of the applicant in pursuit of remedies available under law for the collection of judgments, and the amount of the fee paid by the applicant to the certificate holder, registrant, or licensee. The applicant shall attach to the complaint a copy of

each pleading and order in the underlying court action.

The Franklin county court of common pleas shall order the superintendent to make payments out of the fund when the person seeking the order has shown all of the following:

(1) The person has obtained a judgment, as provided in this division;

(2) All appeals from the judgment have been exhausted and the person has given notice to the superintendent, as required by division (C) of this section;

(3) The person is not a spouse of the certificate holder, registrant, or licensee, or the personal representative of the spouse;

(4) The person has diligently pursued the person's remedies against all the certificate holders, registrants, licensees, and all other persons liable to the person in the transaction for which the person seeks recovery from the fund;

(5) The person is making a complaint not more than one year after termination of all proceedings, including appeals, in connection with the judgment.

(C) A person who applies to the Franklin county court of common pleas for an order directing payment out of the fund shall file notice of the complaint with the superintendent. The superintendent shall send notice to the affected certificate holder, registrant, or licensee, where possible. The superintendent may defend the action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses. The superintendent may move the court at any time to dismiss the complaint when it appears there are no triable issues and the complaint is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that

the complaint, including the judgment referred to in the complaint, does not form the basis for a meritorious recovery claim. The superintendent may, subject to court approval, compromise a claim based upon the complaint of an aggrieved party. The superintendent is not bound by any prior compromise or stipulation of the certificate holder, registrant, or licensee. Upon petition of the superintendent, the court may require all claimants and prospective claimants against one certificate holder, registrant, or licensee to be joined in one action, to the end that the respective rights of all such claimants to the fund may be equitably adjudicated and settled.

(D) If the superintendent pays from the fund any amount in settlement of a claim or toward satisfaction of a judgment against a certificate holder, registrant, or licensee, the certificate, registration, or license of the certificate holder, registrant, or licensee automatically is suspended upon the date of payment from the fund. No certificate, registration, or license that has been suspended pursuant to this division shall be reinstated until the certificate holder, registrant, or licensee has repaid in full, plus interest per annum at the rate specified in division (A) of section 1343.03 of the Revised Code, the amount paid from the fund on the certificate holder's, registrant's, or licensee's account. A discharge in bankruptcy does not relieve a person from the suspension and requirements for reinstatement provided in this section.

(E) If, at any time, the money deposited in the fund is insufficient to satisfy any duly authorized claim or portion of a claim, the superintendent shall, when sufficient money has been deposited in the fund, satisfy the unpaid claims or portions, in the order that the claims or portions were originally filed, plus accumulated interest per annum at the rate specified in division (A) of section 1343.03 of the Revised Code.

(F) When, upon the order of the court, the superintendent has paid from the fund any sum to the judgment creditor, the superintendent is subrogated to all of the rights of the judgment creditor to the extent of the amount so paid, and the judgment creditor shall assign all of the judgment creditor's right, title, and interest in the judgment to the superintendent to the extent of the amount so paid. The superintendent shall deposit in the fund any amount and interest so recovered by the superintendent on the judgment.

(G) Nothing contained in this section shall limit the authority of the real estate appraiser board to take disciplinary action against a certificate holder, registrant, or licensee under other provisions of this chapter. The repayment in full of all obligations to the fund by a certificate holder, registrant, or licensee does not nullify or modify the effect of any other disciplinary proceeding brought pursuant to this chapter, unless repayment is imposed as a condition in that proceeding.

(H) The superintendent shall collect from the fund a service fee in an amount equivalent to the interest rate specified in division (A) of section 1343.03 of the Revised Code multiplied by the annual interest earned on the assets of the fund, to defray the expenses incurred in the administration of the fund.

**Sec. 4768.09.** (A) ~~Except within the first thirty days after an appraiser is first added to the appraiser panel of an appraisal management company, an~~ An appraisal management company shall not remove the appraiser from its appraiser panel or otherwise refuse to assign requests for real estate appraisal services to the appraiser without first doing both of the following:

(1) Notifying the appraiser in writing of the reasons the appraiser is being removed from the appraiser panel or is refused assignment requests for appraisal services;

(2) Providing the appraiser with an opportunity to respond to that notification, in writing, within ten business days after the appraisal management company sends the removal notification.

(B) The notice described in division (A)(1) of this section shall be sent by a delivery system that delivers letters, packages, and other materials in its ordinary course of business with traceable delivery and signature receipt. An appraisal management company that sends such notice shall keep a copy of the notice for at least five years from the date the notice is sent to the appraiser.

(C) Nothing in this section prohibits an appraisal management company from suspending an appraiser from receiving assignment requests during the period described in division (A)(2) of this section.

**Sec. 4773.01.** As used in this chapter:

(A) "General x-ray machine operator" means an individual who ~~performs~~ operates ionizing radiation-generating equipment in order to perform standard~~, diagnostic, radiologic~~ radiography procedures; whose performance of ~~radiologic~~ such procedures is limited to specific body sites; and who does not, to any significant degree, determine procedure positioning or the ~~site or~~ dosage of radiation to which a patient is exposed.

(B) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.

(C) "Ionizing radiation" means any electromagnetic or particulate radiation that interacts with atoms to produce ionization in matter, including x-rays, gamma rays, alpha and beta particles, high speed electrons, neutrons, and other nuclear particles.

(D) "Physician" means an individual ~~who holds a certificate~~

~~issued~~ authorized under Chapter 4731. of the Revised Code ~~authorizing the individual~~ to practice medicine and surgery or osteopathic medicine and surgery.

(E) "Podiatrist" means an individual ~~who holds a certificate issued~~ authorized under Chapter 4731. of the Revised Code ~~authorizing the individual~~ to practice ~~podiatry~~ podiatric medicine and surgery.

(F) "Nuclear medicine technologist" means an individual who prepares and administers radio-pharmaceuticals to human beings and conducts in vivo or in vitro detection and measurement of ra0dioactivity for medical purposes.

(G) "Radiation therapy technologist" or "radiation therapist" means an individual who utilizes ionizing radiation-generating equipment, including therapy simulator radiation-generating equipment, for therapeutic purposes on human ~~subjects~~ beings.

(H) "Radiographer" means an individual who ~~performs~~ operates ionizing radiation-generating equipment, administers contrast, and determines procedure positioning and the dosage of ionizing radiation in order to perform a comprehensive scope of ~~diagnostic radiologic~~ radiography procedures ~~employing equipment that emits ionizing radiation, exposes radiographs, and performs other procedures that contribute significantly to determining the site or dosage of ionizing radiation to which a patient is exposed~~ on human beings.

(I) "Mechanotherapist" means an individual who holds a certificate issued under section 4731.15 of the Revised Code authorizing the individual to practice mechanotherapy.

**Sec. 4773.011.** As used in this chapter, "radiation therapy technologist" includes a radiation therapist.

**Sec. 4773.061.** Subject to section 4773.06 of the Revised

Code, a radiation therapy technologist or nuclear medicine technologist may perform computed tomography procedures if the technologist is certified in computed tomography by a national certifying organization approved by the director of health under section 4773.08 of the Revised Code.

When performing computed tomography procedures, the radiation therapy technologist or nuclear medicine technologist shall act in accordance with rules adopted under section 4773.08 of the Revised Code.

**Sec. 4773.08.** The director of health shall adopt rules to implement and administer this chapter. In adopting the rules, the director shall consider any recommendations made by the radiation advisory council created under section ~~3701.93~~ 3748.20 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and shall not be less stringent than any applicable standards specified in 42 C.F.R. 75. The rules shall establish all of the following:

(A) Standards for licensing general x-ray machine operators, radiographers, radiation therapy technologists, and nuclear medicine technologists;

(B) Application, renewal, and reinstatement fees for licenses issued under this chapter that do not exceed the cost incurred in issuing, renewing, and reinstating the licenses;

(C) Standards for accreditation of educational programs and approval of continuing education programs in general x-ray machine operation, radiography, radiation therapy technology, and nuclear medicine technology;

(D) Fees for accrediting educational programs and approving continuing education programs in general x-ray machine operation, radiography, radiation therapy technology, and nuclear medicine

technology that do not exceed the cost incurred in accrediting the educational programs;

(E) Fees for issuing conditional licenses under section 4773.05 of the Revised Code that do not exceed the cost incurred in issuing the licenses;

(F) Continuing education requirements that must be met to have a license renewed or reinstated under section 4773.03 of the Revised Code;

(G) Continuing education requirements that the holder of a conditional license must meet to receive a license issued under section 4773.03 of the Revised Code;

(H) Standards for approving national certifying organizations that certify nuclear medicine technologists or radiation therapy technologists to perform computed tomography;

(I) Standards for performing computed tomography procedures;

(J) Any other rules necessary for the implementation or administration of this chapter.

**Sec. 4776.20.** (A) As used in this section:

(1) "Licensing agency" means, in addition to each board identified in division (C) of section 4776.01 of the Revised Code, the board or other government entity authorized to issue a license under Chapters 3722., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., ~~4736.,~~ 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 4781. of the Revised Code. "Licensing agency" includes an administrative officer that has authority to issue a license.

(2) "Licensee" means, in addition to a licensee as described in division (B) of section 4776.01 of the Revised Code, the person to whom a license is issued by the board or other government

entity authorized to issue a license under Chapters 3722., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., ~~4736.,~~ 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 4781. of the Revised Code.

(3) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) On a licensee's conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of guilt resulting from a plea of no contest to the offense of trafficking in persons in violation of section 2905.32 of the Revised Code, the prosecutor in the case shall promptly notify the licensing agency of the conviction, plea, or finding and provide the licensee's name and residential address. On receipt of this notification, the licensing agency shall immediately suspend the licensee's license.

(C) If there is a conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of guilt resulting from a plea of no contest to the offense of trafficking in persons in violation of section 2905.32 of the Revised Code and all or part of the violation occurred on the premises of a facility that is licensed by a licensing agency, the prosecutor in the case shall promptly notify the licensing agency of the conviction, plea, or finding and provide the facility's name and address and the offender's name and residential address. On receipt of this notification, the licensing agency shall immediately suspend the facility's license.

(D) Notwithstanding any provision of the Revised Code to the contrary, the suspension of a license under division (B) or (C) of this section shall be implemented by a licensing agency without a prior hearing. After the suspension, the licensing agency shall give written notice to the subject of the suspension of the right

to request a hearing under Chapter 119. of the Revised Code. After a hearing is held, the licensing agency shall either revoke or permanently revoke the license of the subject of the suspension, unless it determines that the license holder has not been convicted of, pleaded guilty to, been found guilty of, or been found guilty based on a plea of no contest to the offense of trafficking in persons in violation of section 2905.32 of the Revised Code.

**Sec. 4937.01.** As used in sections 4937.01 to 4937.05 of the Revised Code:

(A) "Hazard" has the same meaning as in section 5502.21 of the Revised Code.

(B) "Member agency" means the state agency of which a member of the utility radiological safety board is an officer.

(C) "Nuclear electric facility" means any facility operated by a nuclear electric utility using nuclear energy to produce electricity and any facility for the storage of spent nuclear fuel arising from such production.

(D) "Nuclear electric facility incident" means any hazard within the state which is associated with a nuclear electric facility and requires, pursuant to sections 5502.21 to 5502.51 of the Revised Code, emergency management to mitigate its effects.

(E) "Nuclear electric utility" includes every person, their agents, assignees, or trustees, within this state engaged in the business of producing electricity using nuclear energy<u>, or in the storage of spent nuclear fuel arising from such production</u>.

(F) "Nuclear electric utility holding company" means any company that holds an equity interest in a nuclear electric utility and is part of an electric utility holding company system exempt under section 3(a)(1) or (2) of the "Public Utility Holding

Company Act of 1935," 49 Stat. 810, 15 U.S.C.A. 79c, and the regulations adopted under the act.

**Sec. 4937.05.** (A) Subject to division (B) of this section, the utility radiological safety board may apportion among and assess against each nuclear electric utility in this state against which an assessment may be made under section 4905.10 of the Revised Code an amount no greater than the maximums specified in the applicable main operating appropriations act. The assessment shall be made in proportion to the intrastate gross receipts of the utility, excluding receipts from sales to other public utilities for resale, for the calendar year next preceding that in which the assessments are made<u>, or be made based upon the utility's decommissioning budget for the year of the assessment, if the utility is not engaged in the business of producing electricity using nuclear energy</u>. On or before the first day of October in each year, the board shall notify each such utility of the sum assessed against it, whereupon payment shall be made to the board. The board shall deposit the payment into any nuclear safety fund for which a maximum is specified, for the purposes of this section, in the applicable main operating appropriations act. Any assessments so deposited which are not expended shall be credited ratably to each nuclear electric utility that paid them, according to the respective portions of the amount assessable against the utility for the ensuing calendar year. The assessments for such calendar year shall be adjusted accordingly.

(B) The board shall assess an amount against the nuclear electric utilities pursuant to division (A) of this section only in accordance with this division and subject to the conditions it specifies.

(1) Nuclear electric utilities and, separately, the environmental protection agency, the department of health, the

department of agriculture, and the emergency management agency of the department of public safety, as member agencies of the board, shall negotiate, in good faith, amounts to be given as grants by the nuclear electric utilities pursuant to this division for funding the member agency for a fiscal biennium. Any such grant shall cover all costs related to the statutory requirements or agreements specified in division (B)(4) of this section, but shall not be required to cover any costs of activities not directly related to those statutory requirements or agreements.

(2)(a) If any of the member agencies specified in division (B)(1) of this section disagrees, before the first day of September of the first year of a fiscal biennium, with the nuclear electric utilities on a grant amount under that division for the agency's funding for that biennium and the agency is requesting a specified amount not exceeding seventy-five per cent of the maximum specified in the applicable main operating appropriations act, the agency shall make a written directive to the board for an assessment against the nuclear electric utilities for that specified amount and shall notify the controlling board, the director of budget and management, and the nuclear electric utilities in writing of that directive. Upon receipt of the directive, the utility radiological safety board shall assess the specified amount against the nuclear electric utilities as provided in division (A) of this section, notwithstanding any provision of that division to the contrary, provided the amount assessed does not exceed the maximum specified in the applicable main operating appropriations act.

(b) If any of the member agencies specified in division (B)(1) of this section disagrees, before the first day of September of the first year of a fiscal biennium, with the nuclear electric utilities on a grant amount under that division for the agency's funding for that biennium and the agency is requesting a

specified amount that exceeds seventy-five per cent of the maximum specified for that agency in the applicable main operating appropriations act, the agency may request that the controlling board approve an assessment against the electric utilities in the specified amount. The controlling board shall not approve an assessment so requested if it exceeds that maximum or will not be used for the purposes specified in division (B)(4) of this section. If the controlling board approves the request, the utility radiological safety board shall impose an assessment in the approved amount against the nuclear electric utilities as provided in division (A) of this section, notwithstanding any provision of that division to the contrary.

(c) The board shall not assess against the nuclear electric utilities pursuant to division (A) of this section in any fiscal biennium for which each member agency and the nuclear electric utilities agree on grant amounts pursuant to division (B)(1) of this section.

(3) Revenues received pursuant to grants or assessments under division (B)(1) or (2) of this section shall be deposited into the requesting agency's nuclear safety fund, as such fund is specified in the applicable main operating appropriations act.

(4) Funding provided under this division to a member agency shall be for the purpose of enabling a member agency to fulfill its authority and duties under the statutes related to nuclear safety or the utility safety radiological board, or under agreements with the nuclear regulatory commission.

(5) If a nuclear electric utility makes any recommendation to render the nuclear safety programs of member agencies of the utility radiological safety board more cost effective, the member agencies shall implement the recommendation or provide to the utility a written statement explaining why the recommendation will not be implemented or will be implemented with substantial

modification.

**Sec. 5101.061.** (A) There is hereby established in the department of job and family services the office of human services innovation. The office shall develop recommendations, as described in division (B) of this section, regarding the coordination and reform of state programs to assist the residents of this state in preparing for life and the dignity of work and to promote individual responsibility and work opportunity.

The director of job and family services shall establish the office's organizational structure, may reassign the department's staff and resources as necessary to support the office's activities, and is responsible for the office's operations. The superintendent of public instruction, chancellor of the Ohio board of regents, and director of the governor's office of workforce transformation~~, and director of the governor's office of health transformation~~ shall assist the director of job and family services with leadership and organizational support for the office.

(B) Not later than January 1, 2015, the office shall submit to the governor recommendations for all of the following:

(1) Coordinating services across all public assistance programs to help individuals find employment, succeed at work, and stay out of poverty;

(2) Revising incentives for public assistance programs to foster person-centered case management;

(3) Standardizing and automating eligibility determination policies and processes for public assistance programs;

(4) Other matters the office considers appropriate.

(C) Not later than three months after ~~the effective date of this section~~ September 15, 2014, the office shall establish clear

principles to guide the development of its recommendations, shall identify in detail the problems to be addressed in the recommendations, and shall make an inventory of all state and other resources that the office considers relevant to the recommendations.

(D) The office shall convene the directors and staff of the departments, agencies, offices, boards, commissions, and institutions of the executive branch of the state as necessary to develop the office's recommendations. The departments, agencies, offices, boards, commissions, and institutions shall comply with all requests and directives that the office makes, subject to the supervision of the directors of the departments, agencies, offices, boards, commissions, and institutions. The office also shall convene other individuals interested in the issues that the office addresses in the development of the recommendations to obtain their input on, and support for, the recommendations.

**Sec. 5101.14.** (A) As used in this section and section 5101.144 of the Revised Code, "children services" means services provided to children pursuant to Chapter 5153. of the Revised Code.

(B) Within available funds, the department of job and family services shall distribute funds to the counties within thirty days after the beginning of each calendar quarter for a part of the counties' costs for children services.

Funds provided to the county under this section shall be deposited into the children services fund created pursuant to section 5101.144 of the Revised Code.

(C) In each fiscal year, the amount of funds available for distribution under this section shall be allocated to counties as follows:

(1) If the amount is less than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the percentage of the funding it received in the immediately preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(2) If the amount is equal to the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the amount it received in the preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(3) If the amount is greater than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive the amount determined under division (C)(2) of this section as a base allocation, plus a percentage of the amount that exceeds the amount initially appropriated for the immediately preceding fiscal year. The amount exceeding the amount initially appropriated in the immediately preceding fiscal year shall be allocated to the counties as follows:

(a) Twelve per cent divided equally among all counties;

(b) Forty-eight per cent in the ratio that the number of residents of the county under the age of eighteen bears to the total number of such persons residing in this state;

(c) Forty per cent in the ratio that the number of residents of the county with incomes under the federal poverty guideline bears to the total number of such persons in this state.

As used in division (C)(3)(c) of this section, "federal poverty guideline" means the poverty guideline as defined by the United States office of management and budget and revised by the United States secretary of health and human services in accordance

with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended.

(D) Within ninety days after the end of each state fiscal biennium, each county shall return any unspent funds to the department.

(E) Each county shall contribute local funds in accordance with division (F)(2) of this section to the county children services fund described in section 5101.144 of the Revised Code.

(F)(1) The director of job and family services may adopt the following rules in accordance with section 111.15 of the Revised Code:

(1)(a) Rules that are necessary for the allocation of funds under this section;

~~(2)~~(b) Rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section.

(2) The director shall adopt rules that determine the amount of local funds to be contributed by each county under division (E) of this section in accordance with section 111.15 of the Revised Code.

**Sec. 5101.141.** (A) As used in sections 5101.141 to 5101.1414 of the Revised Code:

(1) "Adopted young adult" means a person:

(a) Who was in the temporary or permanent custody of a public children services agency;

(b) Who was adopted at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E adoption assistance agreement became effective;

(c) Who has attained the age of eighteen; and

(d) Who has not yet attained the age of twenty-one.

(2) "Child" ~~includes a~~ means any of the following:

(a) A person who meets the requirements of division ~~(A)(1)~~ (B)(3) of section ~~5101.1411~~ 5153.01 of the Revised Code ~~or an adopted person who meets the requirements applicable to such a person under division (B)(1) of section 5101.1411 of the Revised Code.~~

~~(2) "Designee" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2) of this section;~~

(b) An adopted young adult;

(c) An emancipated young adult.

(3) "Emancipated young adult" means a person:

(a) Who was in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services;

(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and

(c) Who has not yet attained the age of twenty-one.

(4) "Representative" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2)(b) of this section.

(5) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended.

(B)(1) Except as provided in division (B)(2) of this section, the department of job and family services shall act as the single state agency to administer federal payments for foster care and

adoption assistance made pursuant to Title IV-E. The director of job and family services shall adopt rules to implement this authority. Rules governing financial and administrative requirements applicable to public children services agencies and government entities that provide Title IV-E reimbursable placement services to children shall be adopted in accordance with section 111.15 of the Revised Code, as if they were internal management rules. Rules governing requirements applicable to private child placing agencies and private noncustodial agencies and rules establishing eligibility, program participation, and other requirements concerning Title IV-E shall be adopted in accordance with Chapter 119. of the Revised Code. A public children services agency to which the department distributes Title IV-E funds shall administer the funds in accordance with those rules.

(2) If the state plan is amended under divisions (A) and (B) of section 5101.1411 of the Revised Code, both of the following shall apply:

(a) Implementation of the amendments to the plan shall begin fifteen months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, if both of the following apply:

(i) The plan as amended is approved by the secretary of health and human services;

(ii) The general assembly has appropriated sufficient funds to operate the program required under the plan as amended.

(b) The department shall have, exercise, and perform all new duties required under the plan as amended. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E.

(C)(1) ~~The~~ Except with regard to the new duties imposed on the department or its contractor under division (B)(2)(b) of this

section that are not imposed on the county, the county, on behalf of each child eligible for foster care maintenance payments under Title IV-E, shall make payments to cover the cost of providing all of the following:

(a) The child's food, clothing, shelter, daily supervision, and school supplies;

(b) The child's personal incidentals;

(c) Reasonable travel to the child's home for visitation.

(2) In addition to payments made under division (C)(1) of this section, the county may, on behalf of each child eligible for foster care maintenance payments under Title IV-E, make payments to cover the cost of providing the following:

(a) Liability insurance with respect to the child;

(b) If the county is participating in the demonstration project established under division (A) of section 5101.142 of the Revised Code, services provided under the project.

(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more certified foster homes operated by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in divisions (C)(1) and (2) of this section.

(D) To the extent that either foster care maintenance payments under division (C) of this section or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the

department.

(E) The department shall distribute to public children services agencies that incur and report expenditures of the type described in division (D) of this section federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance and adoption assistance programs. The department may withhold not more than three per cent of the federal financial participation received. The funds withheld may be used only to fund the following:

(1) The Ohio child welfare training program established under section 5103.30 of the Revised Code;

(2) The university partnership program for college and university students majoring in social work who have committed to work for a public children services agency upon graduation;

(3) Efforts supporting organizational excellence, including voluntary activities to be accredited by a nationally recognized accreditation organization.

The funds withheld shall be in addition to any administration and training cost for which the department is reimbursed through its own cost allocation plan.

(F) All federal financial participation funds received by a county pursuant to this section shall be deposited into the county's children services fund created pursuant to section 5101.144 of the Revised Code.

(G) The department shall periodically publish and distribute the maximum amounts that the department will reimburse public children services agencies for making payments on behalf of children eligible for foster care maintenance payments.

(H) The department, by and through its director, is hereby authorized to develop, participate in the development of,

negotiate, and enter into one or more interstate compacts on behalf of this state with agencies of any other states, for the provision of social services to children in relation to whom all of the following apply:

(1) They have special needs.

(2) This state or another state that is a party to the interstate compact is providing adoption assistance on their behalf.

(3) They move into this state from another state or move out of this state to another state.

**Sec. 5101.1411.** (A)(1) The director of job and family services shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for foster care under Title IV-E directly to, or on behalf of, any ~~person~~ emancipated young adult who meets the following requirements:

(a) ~~The person has attained the age of eighteen but not attained the age of twenty-one.~~

~~(b) The person was in the custody of a public children services agency upon attaining the age of eighteen.~~

~~(c)~~ The ~~person~~ emancipated young adult signs a voluntary participation agreement.

~~(d)~~(b) The ~~person~~ emancipated young adult satisfies division (C) of this section.

(2) Any ~~person~~ emancipated young adult who meets the requirements of division (A)(1) of this section may apply for foster care payments and make the appropriate application at any time.

(B)(1) The director of job and family services shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for adoption assistance under Title IV-E available to any parent who meets all of the following requirements:

(a) The parent adopted a person ~~while the adopted person was sixteen or seventeen and had been in the custody of a public children services agency, or~~ who is an adopted young adult and the parent ~~enters~~ entered into an adoption assistance agreement under 42 U.S.C. 673~~;~~ while the adopted person was age sixteen or seventeen.

(b) ~~The adopted person has attained the age of eighteen but has not attained the age of twenty-one;~~

~~(c)~~ The parent maintains parental responsibility ~~to that~~ for the adopted ~~person;~~ young adult.

~~(d)~~(c) The adopted ~~person~~ young adult satisfies division (C) of this section.

(2) Any parent who meets the requirements of division (B)(1) of this section that are applicable to a parent may request an extension of adoption assistance payments at any time before the adopted ~~person~~ young adult reaches age twenty-one.

(3) An adopted young adult who is eligible to receive adoption assistance payments is not considered an emancipated young adult and is therefore not eligible to receive payment under division (A) of this section.

(C) In addition to other requirements, ~~a person who is in foster care or has been adopted~~ an adopted or emancipated young adult must meet at least one of the following criteria:

(1) Is completing secondary education or a program leading to an equivalent credential;

(2) Is enrolled in an institution that provides post-secondary or vocational education;

(3) Is participating in a program or activity designed to promote, or remove barriers to, employment;

(4) Is employed for at least eighty hours per month;

(5) Is incapable of doing any of the activities described in ~~division~~ divisions (C)(1) to (4) of this section due to a ~~medical~~ physical or mental condition, which incapacity is supported by regularly updated information in the person's case record or plan.

(D) Any ~~person~~ emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any parent receiving adoption assistance payments, ~~pursuant to this section~~ may refuse the payments at any time. ~~If the person or parent refuses payments and seeks payments at a later date, the person or parent must reapply for the payments in accordance with this section.~~

(E)(1) ~~A person~~ An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or a parent receiving adoption assistance payments and the adopted ~~person, pursuant to this section,~~ young adult shall be eligible for services set forth in the federal, "Fostering Connections to Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 Stat. 3949.

(2) ~~A person~~ An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, pursuant to this section, may be eligible to reside in a

supervised independent living setting, including apartment living, room and board arrangements, college or university dormitories, host homes, and shared roommate settings.

(F) Any determination by the department that denies or terminates foster care or adoption assistance payments shall be subject to a state hearing pursuant to section 5101.35 of the Revised Code.

**Sec. 5101.1412.** (A) Without the approval of a court, ~~a child~~ an emancipated young adult who receives payments, or on whose behalf payments are received, under division (A) of section 5101.1411 of the Revised Code, may enter into a voluntary participation agreement with the department of job and family services, or its ~~designee~~ representative, for the ~~child's~~ emancipated young adult's care and placement. The agreement shall ~~expire within one hundred eighty days and may not be renewed without court approval~~ stay in effect until one of the following occurs:

(1) The emancipated young adult enrolled in the program notifies the department, or its representative, that they want to terminate the agreement.

(2) The emancipated young adult becomes ineligible for the program.

(B) ~~Prior to the agreement's expiration~~ During the one-hundred-eighty-day period after the voluntary participation agreement becomes effective, the department or its ~~designee~~ representative shall seek approval from the court that the ~~child's~~ emancipated young adult's best interest is served by ~~extending~~ continuing the care and placement with the department or its ~~designee~~ representative.

(C) In order to maintain Title IV-E eligibility for the

emancipated young adult, not later than twelve months after the effective date of the voluntary participation agreement, and at least once every twelve months thereafter, the department or its representative must petition the court for, and obtain, a judicial determination that the department or its representative has made reasonable efforts to finalize a permanency plan that addresses the department's or its representative's efforts to prepare the emancipated young adult for independence.

**Sec. 5101.1414.** (A) Not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, the department of job and family services shall adopt rules necessary to carry out the purposes of sections 5101.1411 to 5101.1413 of the Revised Code, including rules that do all of the following:

(1) Allow ~~a person~~ an emancipated young adult described in division (A)(1) of section 5101.1411 of the Revised Code who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or ~~a person~~ an adopted young adult whose adoptive parents are receiving adoption assistance payments, to maintain eligibility while transitioning into, or out of, qualified employment or educational activities;

(2) Require that a thirty-day notice of termination be given by the department to ~~a person~~ an emancipated young adult described in division (A)(1) of section 5101.1411 of the Revised Code who is receiving foster care payments, or on whose behalf such foster care payments are received, or to a parent receiving adoption assistance payments for an adopted ~~person~~ young adult described in division (B)(1) of section 5101.1411 of the Revised Code, who is determined to be ineligible for payments;

(3) Establish the scope of practice and training necessary for ~~foster care workers and foster care worker~~ case managers and

supervisors who care for ~~persons~~ emancipated young adults described in division (A)(1) of section 5101.1411 of the Revised Code who are receiving foster care payments, or on whose behalf such foster care payments are received, under section 5101.1411 of the Revised Code.

(B) The department of job and family services shall create an advisory council to evaluate and make recommendations for statewide implementation of sections 5101.1411 and 5101.1412 of the Revised Code not later than one month after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly.

**Sec. 5101.1415.** The provisions of divisions (A) and (C) to (F) of section 5101.1411 of the Revised Code shall not apply if the person is eligible for temporary or permanent custody until age twenty-one pursuant to a dispositional order under sections 2151.353, 2151.414, and 2151.415 of the Revised Code.

**Sec. 5101.83.** (A) As used in this section:

(1) "Assistance group" has the same meaning as in section 5107.02 of the Revised Code, except that it also means a group provided benefits and services under the prevention, retention, and contingency program or the comprehensive case management and employment program.

(2) "Fraudulent assistance" means assistance and ~~service~~ services, including cash assistance, provided under the Ohio works first program established under Chapter 5107., or benefits and services provided under the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code or under the comprehensive case management and employment program established under Chapter 5116. of the Revised Code, to or on behalf of an assistance group that is provided as a result of fraud by a member of the assistance group, including an

intentional violation of the program's requirements. "Fraudulent assistance" does not include assistance or services to or on behalf of an assistance group that is provided as a result of an error that is the fault of a county department of job and family services or the ~~state~~ Ohio department of job and family services.

(B) If a county director of job and family services determines that an assistance group has received fraudulent assistance, the assistance group is ineligible to participate in the Ohio works first program ~~or,~~ the prevention, retention, and contingency program, or the comprehensive case management and employment program until a member of the assistance group repays the cost of the fraudulent assistance. If a member repays the cost of the fraudulent assistance and the assistance group otherwise meets the eligibility requirements for the Ohio works first program ~~or,~~ the prevention, retention, and contingency program, or the comprehensive case management and employment program, the assistance group shall not be denied the opportunity to participate in the program.

This section does not limit the ability of a county department of job and family services to recover erroneous payments under section 5107.76 of the Revised Code.

The ~~state~~ Ohio department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

**Sec. 5101.85.** As used in sections 5101.851 to ~~5101.853~~ 5101.856 of the Revised Code, "kinship caregiver" means any of the following who is eighteen years of age or older and is caring for a child in place of the child's parents:

(A) The following individuals related by blood or adoption to the child:

(1) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";

(2) Siblings;

(3) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";

(4) First cousins and first cousins once removed.

(B) Stepparents and stepsiblings of the child;

(C) Spouses and former spouses of individuals named in divisions (A) and (B) of this section;

(D) A legal guardian of the child;

(E) A legal custodian of the child;

(F) Any nonrelative adult having a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties.

**Sec. 5101.851.** The department of job and family services ~~may~~ shall establish a statewide ~~program of~~ kinship care ~~navigators~~ navigator program to assist kinship caregivers who are seeking information regarding, or assistance obtaining, services and benefits available at the state and local level that address the needs of those caregivers residing in each county. The program shall provide to kinship caregivers information and referral services and assistance obtaining support services including the following:

(A) Publicly funded child care;

(B) Respite care;

(C) Training related to caring for special needs children;

(D) A toll-free telephone number that may be called to obtain

basic information about the rights of, and services available to, kinship caregivers;

(E) Legal services.

**Sec. 5101.853.** The director of job and family services shall divide the state into not less than five and not greater than twelve regions, for the kinship care navigator program under section 5101.851 of the Revised Code. The director shall take the following into consideration when establishing the regions:

(A) The population size;

(B) The estimated number of kinship caregivers;

(C) The expertise of kinship navigators;

(D) Any other factor the director considers relevant.

**Sec. 5101.854.** The program in each kinship care navigator region established under section 5101.853 of the Revised Code shall provide information and referral services and assistance in obtaining support services for kinship caregivers within its region.

**Sec. ~~5101.853~~ 5101.855.** ~~The~~ Not later than one year after the effective date of this amendment, the department of job and family services ~~may~~ shall adopt rules to implement the kinship care ~~navigators~~ navigator program. The rules shall be adopted under Chapter 119. of the Revised Code, except that rules governing fiscal and administrative matters related to implementation of the ~~navigators~~ program are internal management rules and shall be adopted under section 111.15 of the Revised Code.

**Sec. 5101.856.** (A)(1) The kinship care navigator program shall be funded to the extent that general revenue funds have been appropriated by the general assembly for that purpose.

(2) The director of job and family services shall take any action necessary to obtain funds available for the kinship care navigator program under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C. 670, as amended.

(B) The department shall pay the full nonfederal share for the kinship care navigator program. No county department of job and family services or public children services agency shall be responsible for the cost of the program.

**Sec. 5103.02.** As used in sections 5103.03 to ~~5103.17~~ 5103.181 of the Revised Code:

(A)(1) "Association" or "institution" includes all of the following:

(a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks;

(b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage;

(c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage or is the appointed guardian of such children.

(2) "Association" or "institution" does not include any of the following:

(a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under

the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities;

(b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody;

(c) A private, nonprofit therapeutic wilderness camp.

(B) "Family foster home" means a foster home that is not a specialized foster home.

(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.

(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes.

(E) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:

(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care.

(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the

instability of their medical conditions.

(3) The children require the services of a registered nurse on a daily basis.

(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(F) "Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:

(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.

(2) The children have been placed there by their parents or another relative having custody.

(3) The camp accepts no public funds for use in its operations.

(G) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

(1) Issue a certificate;

(2) Deny a certificate;

(3) Renew a certificate;

(4) Deny renewal of a certificate;

(5) Revoke a certificate.

(H) "Specialized foster home" means a medically fragile foster home or a treatment foster home.

(I) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs.

**Sec. 5103.031.** Except as provided in section 5103.033 of the Revised Code, the department of job and family services may not issue a certificate under section 5103.03 of the Revised Code to a foster home unless the prospective foster caregiver successfully completes ~~the following amount of~~ preplacement training through a preplacement training program approved by the department of job and family services under section 5103.038 of the Revised Code or preplacement training provided under division (B) of section 5103.30 of the Revised Code~~:~~

~~(A) If the foster home is a family foster home, at least thirty-six hours;~~

~~(B) If the foster home is a specialized foster home, at least thirty-six hours~~. Up to twenty per cent of the required preplacement training may be provided online.

**Sec. 5103.032.** (A) Except as provided in ~~divisions (C), (D), and (E)~~ division (B) of this section and in section 5103.033 of the Revised Code ~~and subject to division (B) of this section~~, the department of job and family services may not renew a foster home certificate under section 5103.03 of the Revised Code unless the foster caregiver successfully completes ~~the following amount of~~ continuing training in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section 5103.035 of the Revised Code~~:~~

~~(1) If the foster home is a family foster home, at least forty hours in the preceding two-year period;~~

~~(2) If the foster home is a specialized foster home, at least sixty hours in the preceding two-year period~~.

~~The continuing training required by this section shall comply with rules the department adopts pursuant to section 5103.0316 of the Revised Code.~~

(B) ~~A foster caregiver may fulfill up to twenty per cent of the required amount of continuing training described in division (A) of this section by teaching one or more training classes for other foster caregivers or by providing mentorship services to other foster caregivers. The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the qualification of foster caregivers to provide training or mentorship services to other foster caregivers.~~

~~(C) At the beginning of a foster caregiver's two-year certification period, a public children services agency, private child placing agency, or private noncustodial agency acting as a recommending agency for a foster caregiver holding a certificate issued under section 5103.03 of the Revised Code for a family foster home or specialized foster home may waive up to eight hours of continuing training the foster caregiver is otherwise required by division (A) of this section to complete in that two-year certification period if all of the following apply:~~

~~(1) The foster caregiver has held a certificate issued under section 5103.03 of the Revised Code for a family foster home or specialized foster home for at least two years;~~

~~(2) The foster caregiver has provided foster care for at least ninety days of the twelve months preceding the date the agency issues the waiver;~~

~~(3) The foster caregiver has not violated any requirements governing certification of foster homes during the twelve months preceding the date the agency issues the waiver;~~

~~(4) The foster caregiver has complied in full with the needs assessment and continuing training plan developed for the foster caregiver under section 5103.035 of the Revised Code for the preceding certification period.~~

~~(D) Each recommending agency shall establish and implement a policy regarding good cause for a foster caregiver's failure to complete the continuing training in accordance with division (A) of this section. If the foster caregiver complies with the policy, as determined by the agency, the department may renew the foster caregiver's foster home certificate. The agency shall submit the policy to the department and provide a copy to each foster home the agency recommends for certification or renewal. The policy shall include the following:~~

~~(1) What constitutes good cause, including documented illness, critical emergencies, and lack of accessible training programs;~~

~~(2) Procedures for developing a scheduled corrective action plan that provides for prompt completion of the continuing training;~~

~~(3) Procedures for recommending revocation of the foster home certificate if the foster caregiver fails to comply with the corrective action plan.~~

~~(E)~~ A foster caregiver shall be given an additional amount of time within which the foster caregiver must complete the continuing training required under division (A) of this section in accordance with rules adopted by the department of job and family services if either of the following applies:

(1) The foster caregiver has served in active duty outside

this state with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period.

(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, for more than thirty days in the preceding two-year period and that active duty relates to either an emergency in or outside of this state or to military duty in or outside of this state.

**Sec. 5103.033.** (A) The department of job and family services may issue or renew a certificate under section 5103.03 of the Revised Code to a foster home for the care of a child who is in the custody of a public children services agency or private child placing agency pursuant to an agreement entered into under section 5103.15 of the Revised Code regarding a child who was less than six months of age on the date the agreement was executed if the prospective foster caregiver or foster caregiver successfully completes the following ~~amount of training~~:

(1) ~~For an initial certificate, at least twelve hours of preplacement training through a~~ A preplacement training program approved ~~by the department of job and family services~~ under section 5103.038 of the Revised Code or ~~preplacement training~~ a program provided under division (B) of section 5103.30 of the Revised Code;

(2) ~~For renewal of a certificate, at least twenty-four hours of continuing training in the preceding two-year period in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section 5103.035 of the Revised Code~~ Continuing training in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section 5103.035 of the Revised Code.

(B) A foster caregiver to whom either division (B)(1) or (2) of this section applies shall be given an additional amount of time within which to complete the continuing training required under division (A)(2) of this section in accordance with rules adopted by the department of job and family services:

(1) The foster caregiver has served in active duty outside this state with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period.

(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, for more than thirty days in the preceding two-year period and that active duty relates to either an emergency in or outside of this state or to military duty in or outside of this state.

**Sec. 5103.035.** A public children services agency, private child placing agency, or private noncustodial agency acting as a recommending agency for a foster caregiver shall develop and implement a written needs assessment and continuing training plan for the foster caregiver in accordance with rules adopted under section 5103.0316 of the Revised Code. ~~Each needs assessment and continuing training plan shall satisfy all of the following requirements:~~

~~(A) Be effective for the two-year period the foster caregiver's certificate is in effect;~~

~~(B) Be appropriate for the type of foster home the foster caregiver operates, and include training for the caregiver that relates to providing independent living services, as defined in section 2151.81 of the Revised Code, to a child placed as provided in division (B)(2) of section 2151.353 of the Revised Code;~~

~~(C) Require the foster caregiver to successfully complete the~~

~~training required by the department in rules adopted pursuant to section 5103.0316 of the Revised Code and any other courses the agency considers appropriate;~~

~~(D) Include criteria the agency is to use to determine whether the foster caregiver has successfully completed the courses;~~

~~(E) Guarantee that the courses the foster caregiver is required to complete are available to the foster caregiver at reasonable times and places;~~

~~(F) Specify the number of hours of continuing training, if any, the foster caregiver may complete by teaching one or more training classes to other foster caregivers or by providing mentoring services to other foster caregivers pursuant to division (B) of section 5103.032 of the Revised Code;~~

~~(G) Specify the number of hours of continuing training, if any, the agency will waive pursuant to division (C) of section 5103.032 of the Revised Code.~~

**Sec. 5103.037.** (A) Prior to employing or appointing a person as board president, or as an administrator or officer, an institution or association shall do the following regarding the person:

(1) Request a summary report of a search of the uniform statewide automated child welfare information system in accordance with divisions (A) and (B) of section 5103.18 of the Revised Code;

(2) Request a certified search of the findings for recovery database;

(3) Conduct a database review at the federal web site known as the system for award management;

(4) Conduct a search of the United States department of justice national sex offender public web site.

(B) The institution or association may refuse to hire or appoint a person as board president, or as an administrator or officer as follows:

(1) Based solely on the findings of the summary report described in division (B)(1)(a) of section 5103.18 of the Revised Code or the results of the search described in division (A)(4) of this section;

(2) Based on the results of a certified search or database review described in division (A)(2) or (3) of this section, when considered within the totality of circumstances.

(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

**Sec. 5103.038.** (A) Every other year by a date specified in rules adopted under section 5103.0316 of the Revised Code, each private child placing agency and private noncustodial agency that seeks to operate a preplacement training program or continuing training program under section 5103.034 of the Revised Code shall submit to the department of job and family services a proposal outlining the program. The proposal may be the same as, a modification of, or different from, a model design developed by the department.

(B) Not later than thirty days after receiving a proposal under division (A) of this section, the department shall either approve or disapprove the proposed program. The department shall approve a proposed preplacement training program if it complies with ~~section 5103.039 or 5103.0311~~ rules adopted under section 5103.0316 of the Revised Code, as appropriate, and, in the case of a proposal submitted by an agency operating a preplacement training program at the time the proposal is submitted, the department is satisfied with the agency's operation of the

program. The department shall approve a proposed continuing training program if it complies with rules adopted ~~pursuant to division (C) of~~ under section 5103.0316 of the Revised Code and, in the case of a proposal submitted by an agency operating a continuing training program at the time the proposal is submitted, the department is satisfied with the agency's operation of the program. If the department disapproves a proposal, it shall provide the reason for disapproval to the agency that submitted the proposal and advise the agency of how to revise the proposal so that the department can approve it.

(C) The department's approval under division (B) of this section of a proposed preplacement training program or continuing training program is valid only for two years following the year the proposal for the program is submitted to the department under division (A) of this section.

**Sec. 5103.0310.** (A) Prior to employing a person, an institution or association, as defined in division (A)(1)(a) of section 5103.02 of the Revised Code, shall do the following regarding the person:

(1) Conduct a search of the United States department of justice national sex offender public web site regarding the person;

(2) Request a summary report of a search of the uniform statewide automated child welfare information system in accordance with divisions (A) and (B) of section 5103.18 of the Revised Code.

(B) The institution or association may refuse to hire the person based solely on the results of the search described in division (A)(1) of this section or the findings of the summary report described in division (B)(1)(a) of section 5103.18 of the Revised Code.

(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

**Sec. 5103.0313.** Except as provided in section 5103.303 of the Revised Code, the department of job and family services shall compensate a private child placing agency or private noncustodial agency for the cost of procuring or operating preplacement and continuing training programs approved by the department of job and family services under section 5103.038 of the Revised Code for prospective foster caregivers and foster caregivers who are recommended for initial certification or recertification by the agency.

The compensation shall be paid to the agency in the form of an allowance to reimburse the agency for the ~~minimum required amount of preplacement and continuing~~ cost of training ~~provided or received under section 5103.031 or 5103.032 of the Revised Code~~ pursuant to the rules adopted by the department of job and family services in accordance with section 5103.0316 of the Revised Code.

**Sec. 5103.0314.** The department of job and family services shall not compensate a recommending agency for any training the agency requires a foster caregiver to undergo as a condition of the agency recommending the department certify ~~or recertify~~ the foster caregiver's foster home under section 5103.03 of the Revised Code if the training is in ~~addition to the minimum~~ excess of the training required ~~by~~ under section 5103.031 ~~or 5103.032~~ of the Revised Code.

The department of job and family services shall not compensate a recommending agency for any training the agency requires a foster caregiver to undergo as a condition of the agency recommending the department recertify the foster

caregiver's foster home under section 5103.03 of the Revised Code if the training is in addition to the minimum training required under section 5103.032 of the Revised Code.

**Sec. 5103.0316.** The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of sections 5103.031 to 5103.0316 of the Revised Code. The rules shall provide for all of the following:

(A) For the purpose of section 5103.038 of the Revised Code, the date by which a private child placing agency or private noncustodial agency that seeks to operate a preplacement training program or continuing training program under section 5103.034 of the Revised Code must submit to the department a proposal outlining the program;

(B) Requirements governing the department's compensation of private child placing agencies and private noncustodial agencies under sections 5103.0312 and 5103.0313 of the Revised Code, including the allowance to reimburse the agencies for the cost of providing the training under sections 5103.031, 5103.032, and 5103.033 of the Revised Code;

(C) Requirements governing the continuing training required by sections 5103.032 and 5103.033 of the Revised Code;

(D) The amount of training hours necessary for preplacement training and continuing training for purposes of sections 5103.031, 5103.032, and 5103.033 of the Revised Code;

(E) Courses necessary to meet the preplacement and continuing training requirements for foster homes under sections 5103.031, 5103.032, and 5103.033 of the Revised Code;

(F) Criteria used to create a written needs assessment and continuing training plan for each foster caregiver as required by

section 5103.035 of the Revised Code;

(G) Any other matter the department considers appropriate.

**Sec. 5103.0328.** (A) Not later than ninety-six hours after receiving notice from the superintendent of the bureau of criminal identification and investigation pursuant to section 109.5721 of the Revised Code that a foster caregiver has been arrested for, convicted of, or pleaded guilty to any foster caregiver-disqualifying offense, and not later than ninety-six hours after learning in any other manner that a foster caregiver has been arrested for, convicted of, or pleaded guilty to any foster caregiver-disqualifying offense, the department of job and family services shall provide notice of that arrest, conviction, or guilty plea to both the recommending agency relative to the foster caregiver and the custodial agency of any child currently placed with that caregiver.

(B) If a recommending agency receives notice from the department of job and family services pursuant to division (A) of this section that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense, or if a recommending agency learns in any other manner that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense, the recommending agency shall assess the foster caregiver's overall situation for safety concerns and forward any recommendations, if applicable, for revoking the foster caregiver's certificate to the department for the department's review for possible revocation.

(C) As used in this section, "foster caregiver-disqualifying offense" means any offense or violation listed or described in division (C)(1)~~(a) or (b)~~ of section 2151.86 of the Revised Code.

**Sec. 5103.13.** (A) As used in this section and section

5103.131 of the Revised Code:

(1)(a) "Children's crisis care facility" means a facility that has as its primary purpose the provision of residential and other care to either or both of the following:

(i) One or more preteens voluntarily placed in the facility by the preteen's parent or other caretaker who is facing a crisis that causes the parent or other caretaker to seek temporary care for the preteen and referral for support services;

(ii) One or more preteens placed in the facility by a public children services agency or private child placing agency that has legal custody or permanent custody of the preteen and determines that an emergency situation exists necessitating the preteen's placement in the facility rather than an institution certified under section 5103.03 of the Revised Code or elsewhere.

(b) "Children's crisis care facility" does not include either of the following:

(i) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities;

(ii) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody.

(2) "Legal custody" and "permanent custody" have the same meanings as in section 2151.011 of the Revised Code.

(3) "Preteen" means an individual under thirteen years of age.

(B) No person shall operate a children's crisis care facility or hold a children's crisis care facility out as a certified children's crisis care facility unless there is a valid children's crisis care facility certificate issued under this section for the facility.

(C) A person seeking to operate a children's crisis care facility shall apply to the director of job and family services to obtain a certificate for the facility. The director shall certify the person's children's crisis care facility if the facility meets all of the certification standards established in rules adopted under division (F) of this section and the person complies with all of the rules governing the certification of children's crisis care facilities adopted under that division. The issuance of a children's crisis care facility certificate does not exempt the facility from a requirement to obtain another certificate or license mandated by law.

(D)(1) No certified children's crisis care facility shall do any of the following:

(a) Provide residential care to a preteen for more than one hundred twenty days in a calendar year;

(b) Subject to division (D)(1)(c) of this section and except as provided in division (D)(2) of this section, provide residential care to a preteen for more than sixty consecutive days;

(c) ~~Except as provided in division (D)(3) of this section, provide~~ Provide residential care to a preteen for more than ~~seventy-two~~ fourteen consecutive ~~hours~~ days if a public children services agency or private child placing agency placed the preteen in the facility;

(d) Fail to comply with section 2151.86 of the Revised Code.

(2) A certified children's crisis care facility may provide

residential care to a preteen for up to ninety consecutive days, other than a preteen placed in the facility by a public children services agency or private child placing agency, if any of the following are the case:

(a) The preteen's parent or other caretaker is enrolled in an alcohol and drug addiction service or a community mental health service certified under section 5119.36 of the Revised Code;

(b) The preteen's parent or other caretaker is an inpatient in a hospital;

(c) The preteen's parent or other caretaker is incarcerated;

(d) A physician has diagnosed the preteen's parent or other caretaker as medically incapacitated.

~~(3) A certified children's crisis care facility may provide residential care to a preteen placed in the facility by a public children services agency or private child placing agency for more than seventy-two consecutive hours if the director of job and family services or the director's designee issues the agency a waiver of the seventy-two consecutive hour limitation. The waiver may authorize the certified children's crisis care facility to provide residential care to the preteen for up to fourteen consecutive days.~~

(E) The director of job and family services may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code if the facility violates division (D) of this section or ceases to meet any of the certification standards established in rules adopted under division (F) of this section or the facility's operator ceases to comply with any of the rules governing the certification of children's crisis care facilities adopted under that division.

(F) Not later than ninety days after September 21, 2006, the director of job and family services shall adopt rules pursuant to

Chapter 119. of the Revised Code for the certification of children's crisis care facilities. The rules shall specify that a certificate shall not be issued to an applicant if the conditions at the children's crisis care facility would jeopardize the health or safety of the preteens placed in the facility.

**Sec. 5103.181.** (A) Prior to certification or recertification of a foster home under section 5103.03 of the Revised Code, a recommending agency shall conduct a search of the United States department of justice national sex offender public web site regarding the prospective or current foster caregiver and all persons eighteen years of age or older who reside with the prospective or current foster caregiver. Certification or recertification may be denied based solely on the results of the search.

(B) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

**Sec. 5103.30.** The Ohio child welfare training program is hereby established in the department of job and family services as a statewide program. The program shall provide all of the following:

(A) The training that section 3107.014 of the Revised Code requires an assessor to complete;

(B) The preplacement training that sections 5103.031 and 5103.033 of the Revised Code require a prospective foster caregiver to complete;

(C) The continuing training that sections 5103.032 and 5103.033 of the Revised Code require a foster caregiver to complete;

(D) The training that section 5153.122 of the Revised Code

requires a PCSA caseworker to complete;

(E) The training that section 5153.123 of the Revised Code requires a PCSA caseworker supervisor to complete;

(F) The training required under section 5101.1414 of the Revised Code for a ~~foster care worker or foster care worker~~ case manager and supervisor.

**Sec. 5103.31.** Training provided under section 5103.30 of the Revised Code shall provide the knowledge, skill, and ability needed to do the jobs that the training is for. The Ohio child welfare training program coordinator shall identify the competencies needed to do the jobs that the training is for so that the training helps the development of those competencies. In addition, the training shall do all of the following:

(A) In the case of the training provided under division (A) of section 5103.30 of the Revised Code, comply with the rules adopted under section 3107.015 of the Revised Code;

(B) In the case of the preplacement training provided under division (B) of section 5103.30 of the Revised Code, comply with ~~section 5103.039 of the Revised Code and division (A) of~~ the rules adopted under section ~~5103.0311~~ 5103.0316 of the Revised Code;

(C) In the case of the continuing training provided under division (C) of section 5103.30 of the Revised Code, comply with rules adopted under ~~division (C) of~~ section 5103.0316 of the Revised Code;

(D) In the case of the training provided under divisions (D) and (E) of section 5103.30 of the Revised Code, comply with rules adopted under section 5153.124 of the Revised Code.

**Sec. 5104.01.** As used in this chapter:

(A) "Administrator" means the person responsible for the

daily operation of a center, type A home, or ~~type B home~~ approved child day camp. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.

(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following:

(1) Communicate on the owner's behalf;

(2) Submit on the owner's behalf applications for licensure or approval;

(3) Enter into on the owner's behalf provider agreements for publicly funded child care.

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act.

~~(D)~~(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following:

(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;

(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

~~(E)~~(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose

presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.

~~(F)~~(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the Revised Code.

~~(G)~~(H) "Child" includes an infant, toddler, preschool-age child, or school-age child.

~~(H)~~(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of ~~1990," established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990)~~ 2014," 128 Stat. 1971 (2014), 42 U.S.C. 9858, as amended.

~~(I)~~(J) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than ~~seven~~ twelve hours per day~~, that operates only during one or more public school district's regular vacation periods or for~~ and no more than fifteen weeks during the summer~~, and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day~~. For purposes of this division, the maximum ~~seven~~ twelve hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.

~~(J)~~(K) "Child care" means all of the following:

(1) Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours;

(2) By persons other than their parents, guardians, or custodians;

(3) For ~~any~~ part of the twenty-four-hour day;

(4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home;

(5) By a provider required by this chapter to be licensed or approved by the department of job and family services, certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.

~~(K)~~(L) "Child day-care center" and "center" mean ~~any place in which child care or publicly funded child care is provided for thirteen or more children at one time or~~ any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven ~~to twelve~~ or more children at one time. ~~In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.~~ "Child day-care center" and "center" do not include any of the following:

(1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are

exhibiting symptoms of a communicable disease or other illness or are injured;

(2) A child day camp;

(3) A place that provides ~~child care, but not publicly funded child~~ care, if all of the following apply:

(a) An organized religious body provides the ~~child~~ care;

(b) A parent, custodian, or guardian of at least one child receiving ~~child~~ care is on the premises and readily accessible at all times;

(c) The ~~child~~ care is not provided for more than thirty days a year;

(d) The ~~child~~ care is provided only for preschool-age and school-age children.

~~(L)~~(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.

~~(M)~~(N) "Child care resource and referral services" means all of the following services:

(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;

(2) Provision of individualized consumer education to families seeking child care;

(3) Provision of timely referrals of available child care providers to families seeking child care;

(4) Recruitment of child care providers;

(5) Assistance in ~~the development, conduct, and dissemination of~~ developing, conducting, and disseminating training for child

care ~~providers~~ professionals and provision of technical assistance to current and potential child care providers, employers, and the community;

(6) Collection and analysis of data on the supply of and demand for child care in the community;

(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;

(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;

(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;

(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;

(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.

~~(N)~~(O) "Child-care staff member" means an employee of a child day-care center ~~or,~~ type A family day-care home, licensed type B family day-care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a ~~part-time~~ child-care staff member when not involved in other duties.

~~(O)~~(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home"

mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.

~~(P)~~(Q) "Employee" means a person who either:

(1) Receives compensation for duties performed in a child day-care center ~~or,~~ type A family day-care home, licensed type B family day-care home, or approved child day camp;

(2) Is assigned specific working hours or duties in a child day-care center ~~or,~~ type A family day-care home, licensed type B family day-care home, or approved child day camp.

~~(Q)~~(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center ~~or,~~ type A family day-care home, licensed type B family day-care home, or approved child day camp subject to licensure or approval under this chapter.

~~(R)~~(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

~~(S)~~(T) "Head start program" means a comprehensive child development program serving birth to three years old and preschool-age children that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child ~~day-care center~~ care program.

~~(T)~~(U) "Homeless child care" means child care provided to a child who satisfies any of the following:

(1) Is homeless as defined in 42 U.S.C. 11302;

(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;

(3) Resides temporarily with a caretaker in a facility

providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.

(V) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

~~(U)~~(W) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements.

~~(V)~~(X) "Infant" means a child who is less than eighteen months of age.

~~(W)~~(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

~~(X)~~(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and licensed type B family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.

~~(Y)~~(AA) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center ~~or,~~ type A family day-care home, or licensed type B family

day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies. ~~For the purposes of a provisional license issued under this chapter, the director shall also consider the number of available child-care staff members when determining "license capacity" for the provisional license.~~

~~(Z)~~(BB) "Licensed child care program" means any of the following:

(1) A child day-care center licensed by the department of job and family services pursuant to this chapter;

(2) A type A family day-care home or type B family day-care home licensed by the department of job and family services pursuant to this chapter;

(3) A licensed preschool program or licensed school child program.

~~(AA)~~(CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code.

~~(BB)~~(DD) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code.

~~(CC)~~(EE) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring ~~its~~ compliance with this chapter and rules adopted pursuant to this chapter.

~~(DD)~~(FF) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.

~~(EE)~~(GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.

~~(FF)~~(HH) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation.

~~(GG)~~(II) "Part-time child day-care center," "part-time center," "part-time type A family day-care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for not more than four hours a day for any child or not more than fifteen consecutive weeks per year, regardless of the number of hours per day.

~~(HH)~~(JJ) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

~~(II)~~(KK) "Preschool-age child" means a child who is three years old or older but is not a school-age child.

~~(JJ)~~(LL) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom ~~either~~

all of the following ~~applies~~ apply:

(1) A case plan has been prepared and maintained for the child pursuant to section 2151.412 of the Revised Code.

(2) The case plan indicates a need for protective care ~~and the~~.

(3) The child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code~~;~~

~~(2) The child and the child's caretaker either temporarily reside in a facility providing emergency shelter for homeless families or are determined by the county department of job and family services to be homeless, and are otherwise ineligible for publicly funded child care~~.

~~(KK)~~(MM) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of job and family services.

~~(LL)~~(NN) "Religious activities" means any of the following: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted during or prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or programs; meals; festivals; or meetings conducted by an organized religious group.

~~(MM)~~(OO) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who

is receiving special needs child care, is less than eighteen years old.

~~(NN) "School-age child care center" and "school-age child type A home" mean a center or type A home that provides child care for school-age children only and that does either or both of the following:~~

~~(1) Operates only during that part of the day that immediately precedes or follows the public school day of the school district in which the center or type A home is located;~~

~~(2) Operates only when the public schools in the school district in which the center or type A home is located are not open for instruction with pupils in attendance.~~

~~(OO)~~(PP) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.

~~(PP) "State median income" means the state median income calculated by the department of development pursuant to division (A)(1)(g) of section 5709.61 of the Revised Code~~

(QQ) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.

~~(QQ)~~(RR) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

~~(RR)~~(SS) "Title XX" means Title XX of the "Social Security

Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

~~(SS)~~(TT) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

~~(TT)~~(UU) "Type A family day-care home" and "type A home" mean ~~a~~ the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" and "type A home" do not include any child day camp.

~~(UU)~~(VV) "Type B family day-care home" and "type B home" mean a permanent residence of the provider in which ~~child~~ care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp.

**Sec. 5104.013.** ~~(A)(1) At the times specified in division (A)(3) of this section, the director of job and family services, as part of the process of licensure of child day-care centers, type A family day-care homes, and type B family day-care homes shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to the following persons:~~

~~(a) Any owner, licensee, or administrator of a center;~~

~~(b) Any owner, licensee, or administrator of a type A home or type B home and any person eighteen years of age or older who resides in a type A home or type B home.~~

~~(2) At the time specified in division (A)(3) of this section, the director of a county department of job and family services, as part of the process of certification of in-home aides, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any in-home aide.~~

~~(3) The director of job and family services shall request a criminal records check pursuant to division (A)(1) of this section at the time of the initial application for licensure and every five years thereafter. The director of a county department of job and family services shall request a criminal records check pursuant to division (A)(2) of this section at the time of the initial application for certification and every five years thereafter. When the director of job and family services or the director of a county department of job and family services requests pursuant to division (A)(1) or (2) of this section a criminal records check for a person at the time of the person's initial application for licensure or certification, the director shall request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as a part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. In all other cases in which the director of job and family services or the director of a county department of job and family services requests a criminal records check for an applicant pursuant to division (A)(1) or (2) of this section, the director may request that the superintendent include information from the federal

~~bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671.~~

~~(4) The director of job and family services shall review the results of a criminal records check subsequent to a request made pursuant to divisions (A)(1) and (3) of this section prior to approval of a license. The director of a county department of job and family services shall review the results of a criminal records check subsequent to a request made pursuant to divisions (A)(2) and (3) of this section prior to approval of certification.~~

~~(B) The director of job and family services or the director of a county department of job and family services shall provide to each person for whom a criminal records check is required under this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section, obtain the completed form and impression sheet from that person, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.~~

~~(C) A person who receives pursuant to division (B) of this section a copy of the form and standard impression sheet described in that division and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director may consider the failure as a reason to deny licensure or certification.~~

~~(D) Except as provided in rules adopted under division (N) of~~

~~this section:~~

~~(1) The director of job and family services shall not grant a license to a center, type A home, or type B home and a county director of job and family services shall not certify an in-home aide if a person for whom a criminal records check was required in connection with the center or home previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.~~

~~(2) The director of job and family services shall not grant a license to a type A home or type B home if a resident of the type A home or type B home is under eighteen years of age and has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.~~

~~(E) Each center, type A home, and type B home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section.~~

~~(F)(1) At the times specified in division (F)(2) of this section, the administrator of a center, type A home or licensed type B home shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the center, type A home, or licensed type B home for employment.~~

~~(2) The administrator shall request a criminal records check pursuant to division (F)(1) of this section at the time of the applicant's initial application for employment and every five years thereafter. When the administrator requests pursuant to division (F)(1) of this section a criminal records check for an~~

~~applicant at the time of the applicant's initial application for employment, the administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrator requests a criminal records check for an applicant pursuant to division (F)(1) of this section, the administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671.~~

~~(G) Any person required by division (F) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, that the person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.~~

~~(H) A person required by division (F) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and~~

~~investigation at the time the person requests a criminal records check pursuant to division (F) of this section.~~

~~(I) An applicant who receives pursuant to division (H) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the center or type A home shall not employ that applicant for any position for which a criminal records check is required by division (F) of this section.~~

~~(J)(1) Except as provided in rules adopted under division (N) of this section, no center, type A home, or licensed type B home shall employ or contract with another entity for the services of a person if the person previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.~~

~~(2) A center, type A home, or licensed type B home may employ an applicant conditionally until the criminal records check required by this section is completed and the center or home receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (J)(1) of this section, the applicant does not qualify for employment, the center, type A home, or licensed type B home shall release the applicant from employment.~~

~~(3) The administrator of a center, type A home, or licensed type B home shall review the results of the criminal records check~~

~~before an applicant has sole responsibility for the care, custody, or control of any child.~~

~~(K)(1) Each center, type A home, and licensed type B home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (F) of this section of the administrator of the center, type A home, or licensed type B home.~~

~~(2) A center, type A home, or licensed type B home may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the center, type A home, or licensed type B home pays under division (K)(1) of this section. If a fee is charged under this division, the center, type A home, or licensed type B home shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the center, type A home, or licensed type B home will not consider the applicant for employment.~~

~~(L) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) or (F) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the director of a county department of job and family services, the center, type A home, or type B home involved, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial of licensure or certification related to the~~

~~criminal records check.~~

~~(M)(1) Each of the following persons shall sign a statement on forms prescribed by the director of job and family services attesting to the fact that the person has not been convicted of or pleaded guilty to any offense set forth in division (A)(5) of section 109.572 of the Revised Code and that no child has been removed from the person's home pursuant to section 2151.353 of the Revised Code:~~

~~(a) An employee of a center, type A home, or licensed type B home;~~

~~(b) A person eighteen years of age or older who resides in a type A home or licensed type B home;~~

~~(c) An in-home aide;~~

~~(d) An owner, licensee, or administrator of a center, type A home, or licensed type B home.~~

~~(2) Each licensee of a type A home or type B home shall sign a statement on a form prescribed by the director of job and family services attesting to the fact that no person who resides at the type A home or licensed type B home and is under eighteen years of age has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.~~

~~(3) The statements required under divisions (M)(1) and (2) of this section shall be kept on file as follows:~~

~~(a) With respect to an owner, licensee, administrator, or employee of a center, type A home, or licensed type B home, or a person eighteen years of age or older residing in a type A home or licensed type B home, at the center, type A home, or licensed type B home;~~

~~(b) With respect to in-home aides, at the county department~~

~~of job and family services.~~

~~(4) No owner, administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.~~

~~(N) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the prohibitions in divisions (D) and (J) of this section for persons who have been convicted of an offense listed in division (A)(5) of section 109.572 of the Revised Code but who meet standards in regard to rehabilitation set by the director.~~

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

~~(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a center, a type A home, or licensed type B home or any person who would serve in any position with a center, type A home, or licensed type B home pursuant to a contract with another entity.~~

~~(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.~~

(A) As used in this section:

(1) "Applicant" means either of the following:

(a) A person who is under final consideration for appointment to or employment in a position with a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or child day camp;

(b) A person who would serve in any position with a licensed

preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or child day camp pursuant to a contract with another entity.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(B)(1) At the times specified in division (B)(2)(a) of this section, the director of job and family services shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check for each of the following persons:

(a) Any owner or licensee of a child day-care center;

(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home;

(c) Any owner of an approved child day camp;

(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care;

(e) Any in-home aide;

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.

(2)(a) The director shall request a criminal records check at the following times:

(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five

years thereafter;

(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;

(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter;

(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;

(v) Except as provided in division (B)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter;

(vi) In the case of an applicant who has been determined eligible for employment after a review of a criminal records check within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination.

(b) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(c) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(3) With respect to a criminal records check requested for a person described in division (B)(1) of this section, the director of job and family services shall do all of the following:

(a) Provide to the person a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and impression sheet from the person;

(c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation;

(d) Review the results of the criminal records check.

(4) A person who receives from the director a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director or a county director of job and family services may consider the failure a reason to deny

licensure, approval, or certification or to determine an employee ineligible for employment.

(5) Except as provided in rules adopted under division (F) of this section:

(a) The director of job and family services shall refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program, and shall revoke a license or approval, and a county director of job and family services shall not certify an in-home aide and shall revoke a certification, if a person for whom a criminal records check was required under division (B)(1)(a) to (B)(1)(e) of this section has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.

(b) The director of job and family services shall not issue a license to a type A home or type B home if a resident of the type A home or type B home is under eighteen years of age and has been adjudicated a delinquent child for committing either a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code or an offense of another state or the United States that is substantially equivalent to an offense listed in division (A)(5) of section 109.572 of the Revised Code.

(c) The director shall determine an applicant or employee ineligible for employment if the person has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.

(6) Each child day-care center, type A home, type B home, approved child day camp, licensed child care program, licensed school child program, and in-home aide shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code

for each criminal records check conducted in accordance with that section upon a request made pursuant to division (B) of this section.

A center, home, camp, preschool program, or school child program may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount the center, home, camp, or program pays under this section. If a fee is charged, the center, home, camp, or program shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the center, home, camp, or program will not consider the applicant for employment.

(7) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (B) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The report shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the criminal records check.

(C)(1) At the times specified in division (C)(2) of this section, the director of job and family services shall search the uniform statewide automated child welfare information system for information concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code of which any of the following persons is a subject:

(a) Any owner or licensee of a child day-care center;

(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home;

(c) Any owner of an approved child day camp;

(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care;

(e) Any in-home aide;

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.

(2) The director shall search the information system at the following times:

(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter;

(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;

(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter;

(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;

(v) Except as provided in division (C)(2)(a)(vi) of this

section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter;

(vi) In the case of an applicant who has been determined eligible for employment after a search of the uniform statewide automated child welfare information system within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination.

(3) The director shall consider any information discovered pursuant to division (C)(1) of this section or that is provided by a public children services agency pursuant to section 5153.175 of the Revised Code. If the director determines that the information, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the person may directly or indirectly endanger the health, safety, or welfare of children, the director or county director of job and family services shall do any of the following:

(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program;

(b) Revoke a license or approval;

(c) Refuse to certify an in-home aide or revoke a certification;

(d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program.

(4) Any information obtained under division (C) of this

section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the search or the person's representative, the director of job and family services, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search.

(D)(1) At the times specified in division (D)(2) of this section, the director of job and family services shall inspect the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 to determine if any of the following persons is registered or required to be registered as an offender:

(a) Any owner or licensee of a child day-care center;

(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home;

(c) Any owner of an approved child day camp;

(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care;

(e) Any in-home aide;

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.

(2) The director shall inspect each registry at the following

times:

(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter;

(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;

(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care;

(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;

(v) Except as provided in division (D)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter;

(vi) In the case of an applicant who has been determined eligible for employment after an inspection of the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination.

(3) If the director determines that the person is registered or required to be registered on either registry, the director or

county director of job and family services shall do any of the following:

(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program;

(b) Revoke a license or approval;

(c) Refuse to certify an in-home aide or revoke a certification;

(d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program.

(4) Any information obtained under division (D) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the inspection or the person's representative, the director of job and family services, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search.

(E) Whenever the director of job and family services determines a person ineligible for employment under division (B), (C), or (D) of this section, the director shall as soon as practicable notify the following of that determination: the licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp that is considering the person for appointment or employment. A licensed preschool program or licensed school child program that provides publicly funded child

care, child day-center, type A family day-care home, licensed type B family day-care home, or approved child day camp shall not employ a person who is determined under this section to be ineligible for employment.

(F)(1) An administrator of a child day camp, other than an approved child day camp shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check for any applicant or employee, including an administrator, of the child day camp. The request shall be made at the time of initial application for employment and every five years thereafter.

(2) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(3) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(4) With respect to a criminal records check requested under division (F) of this section, the administrator shall do all of the following:

(a) Provide to the applicant or employee a copy of the form

prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and impression sheet from the applicant or employee;

(c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation;

(d) Review the results of the criminal records check.

(5) An applicant or employee who receives from the administrator a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the applicant or employee, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the administrator may consider the failure a reason to determine an applicant or employee ineligible for employment.

(6) A child day camp, other than an approved child day camp, may employ an applicant or continue to employ an employee until the criminal records check required by this section is completed and the camp receives the results of the check. Until the administrator has reviewed the results of the criminal records check and determines that the applicant or employee is eligible for employment, the camp shall not grant the applicant or employee sole responsibility for the care, custody, or control of a child. If the results indicate that the applicant or employee is ineligible for employment, the camp shall immediately release the

applicant or employee from employment.

(7) Except as provided in rules adopted under this section, the administrator shall determine an applicant or employee ineligible for employment if the person has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code. If the applicant or employee is determined ineligible, the child day camp shall not employ the applicant or employee or contract with another entity for the services of the applicant or employee.

(8) Each child day camp shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (F) of this section. A camp may charge an applicant or employee a fee for the costs it incurs in obtaining a criminal records check under division (F) of this section. A fee charged under this division shall not exceed the fees the camp pays under this section. If a fee is charged, the camp shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the camp will not consider the applicant for employment.

(9) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (F) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The report shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the administrator, and any court, hearing officer, or other necessary individual involved in a case dealing with a

denial or revocation of registration related to the criminal records check.

(G) The director of job and family services shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The rules shall specify exceptions to the prohibitions in division (B), (E), and (F) of this section for a person who has been convicted of or pleaded guilty to a criminal offense listed in division (A)(5) of section 109.572 of the Revised Code but who meets standards in regard to rehabilitation set by the director.

(H)(1) Whenever the director of job and family services requests a criminal records check, searches the uniform statewide automated child welfare information system, or inspects the state registry of sex offenders and child-victim offenders and national sex offender registry as required by this section and finds that a person who is subject to the requirements of division (B), (C), or (D) of this section resided in another state during the previous five years, the director shall request the following from the other state: a criminal records check and information from the uniform statewide automated child welfare information system or state registry of sex offenders.

(2) Whenever the director receives from an agency of another state a request for a criminal records check or for information from the uniform statewide automated child welfare information system or state registry of sex offenders that is related to a child care license or the provision of publicly funded child care, the director shall provide to that other state's agency the results of the records check and information from the system and registry.

**Sec. 5104.015.** The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code

governing the operation of child day-care centers, including parent cooperative centers, part-time centers, and drop-in centers~~, and school-age child care centers~~. The rules shall reflect the various forms of child care and the needs of children receiving child care or publicly funded child care and shall include specific rules for school-age child care centers that are developed in consultation with the department of education. ~~The rules shall not require an existing school facility that is in compliance with applicable building codes to undergo an additional building code inspection or to have structural modifications.~~ The rules shall include the following:

(A) Submission of a site plan and descriptive plan of operation to demonstrate how the center proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;

(B) Standards for ensuring that the physical surroundings of the center are safe and sanitary including the physical environment, the physical plant, and the equipment of the center;

(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the center;

(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers.

(E) Admissions policies and procedures;

(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;

(G) First aid and emergency procedures;

(H) Procedures for discipline and supervision of children;

(I) Standards for the provision of nutritious meals and snacks;

(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;

(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;

(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;

(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;

(N) Procedures for record keeping, organization, and administration;

(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;

(P) Inspection procedures;

(Q) Procedures and standards for setting initial license application fees;

(R) Procedures for receiving, recording, and responding to complaints about centers;

(S) Procedures for enforcing section 5104.04 of the Revised Code;

(T) ~~A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter~~ Minimum qualifications for employment as an administrator or child-care staff member;

(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;

(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;

(W) A procedure for reporting of injuries of children that occur at the center;

(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;

(Y) Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;

(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.

**Sec. 5104.016.** The director of job and family services, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include the

requirements set forth in sections 5104.032 to ~~5104.036~~ 5104.034 of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of section 5104.032 of the Revised Code~~;~~ or the maximum number of children per child-care staff member and maximum group size requirements of section 5104.033 of the Revised Code~~; the educational and experience requirements of section 5104.035 of the Revised Code; the age, educational, and experience requirements of section 5104.036 of the Revised Code; however~~. However, the rules shall provide procedures for determining compliance with those requirements.

**Sec. 5104.02.** (A) The director of job and family services is responsible for ~~the~~ licensing ~~of~~ child day-care centers ~~and~~, type A family day-care homes, and type B family day-care homes. Each entity operating a head start program shall meet the criteria for, and be licensed as, a child day-care center. The director is responsible for the enforcement of this chapter and of rules promulgated pursuant to this chapter.

No person, firm, organization, institution, or agency shall operate, establish, manage, conduct, or maintain a child day-care center or type A family day-care home without a license issued under section 5104.03 of the Revised Code. The current license shall be posted ~~in a conspicuous place~~ in the center or ~~type A~~ home in a conspicuous place that is accessible to parents, custodians, or guardians and employees of the center or ~~type A~~ home at all times when the center or ~~type A~~ home is in operation.

(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the requirements of this chapter:

(1) A program ~~of child care~~ caring for children that operates

for two ~~or less~~ consecutive weeks or less and not more than six weeks total in each calendar year;

(2) ~~Child care~~ Caring for children in places of worship during religious activities ~~during which children are cared for~~ while at least one parent, guardian, or custodian of each child is participating in such activities and is readily available;

(3) ~~Religious activities which do not provide child care;~~

~~(4)~~ Supervised training, instruction, or activities of children in specific areas, including, but not limited to: art; drama; dance; music; ~~gymnastics, swimming, or another~~ athletic ~~skill or sport~~ skills or sports; computers; or an educational subject conducted on an organized or periodic basis ~~no more than one day a week and for no more than six hours duration~~ that a child does not attend for more than eight total hours per week;

~~(5)~~(4) Programs in which the director determines that at least one parent, custodian, or guardian of each child who is not an employee of the facility engaged in employment duties is on the premises of the facility ~~offering child~~ that offers care and is readily accessible at all times~~, except that child care provided on the premises at which a parent, custodian, or guardian is employed more than two and one-half hours a day shall be licensed in accordance with division (A) of this section~~;

~~(6)(a)~~(5) Programs that provide ~~child~~ care ~~funded and regulated or operated~~ and are regulated by state departments other than the department of job and family services or the state board of education ~~when the director of job and family services has determined that the rules governing the program are equivalent to or exceed the rules promulgated pursuant to this chapter~~.

~~Notwithstanding any exemption from regulation under this chapter, each state department shall submit to the director of job and family services a copy of the rules that govern programs that~~

~~provide child care and are regulated or operated and regulated by the department. Annually, each state department shall submit to the director a report for each such program it regulates or operates and regulates that includes the following information:~~

~~(i) The site location of the program;~~

~~(ii) The maximum number of infants, toddlers, preschool-age children, or school-age children served by the program at one time;~~

~~(iii) The number of adults providing child care for the number of infants, toddlers, preschool-age children, or school-age children;~~

~~(iv) Any changes in the rules made subsequent to the time when the rules were initially submitted to the director.~~

~~The director shall maintain a record of the child care information submitted by other state departments and shall provide this information upon request to the general assembly or the public.~~

~~(b) Child care programs conducted by boards of education or by chartered nonpublic schools that are conducted in school buildings and that provide child care to school-age children only shall be exempt from meeting or exceeding rules promulgated pursuant to this chapter.~~

~~(7)~~(6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code.

~~(8)~~(7) Any program providing ~~child~~ care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only:

(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five;

(c) The program is conducted in a school building;

(d) The program is operated in accordance with rules promulgated by the state board under ~~sections 3301.52 to 3301.57~~ section 3301.53 of the Revised Code.

~~(9)~~(8) A youth development program operated outside of school hours ~~by a community-based center~~ to which all of the following apply:

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

(b) The program provides informal ~~child~~ care, which is ~~child~~ care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program~~;~~.

(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

(d) ~~The program is eligible for participation in the child and adult care food program as an outside-school-hours care center pursuant to standards established under section 3313.813 of the Revised Code.~~

~~(e)~~ The ~~community-based center~~ entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C.

501(a) and (c)(3).

~~(10)~~(9) A preschool program operated by a nonchartered, nontax-supported school if the preschool program meets all of the following conditions:

(a) The program complies with state and local health, fire, and safety laws.

(b) The program annually certifies in a report to the parents of its pupils that the school is in compliance with division (B)~~(10)~~(9)(a) of this section and files a copy of the report with the department of job and family services on or before the thirtieth day of September of each year.

(c) The program complies with all applicable reporting requirements in the same manner as required by the state board of education for nonchartered, nonpublic primary and secondary schools.

(d) The program is associated with a nonchartered, nontax-supported primary or secondary school.

(10) A program that provides activities for children who are five years of age or older and is operated by a county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.

**Sec. 5104.021.** The director of job and family services may issue a child day-care center or type A family day-care home license to a youth development program that is exempted by division (B)~~(9)~~(8) of section 5104.02 of the Revised Code from the requirements of this chapter if the youth development program applies for and meets all of the requirements for the license.

**Sec. 5104.03.** (A) As used in this section, "owner" has the same meaning as in section 5104.01 of the Revised Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner.

(B) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form.

Fees shall be set by the director pursuant to sections 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be paid at the time of application for a license to operate a center, type A home, or type B home. Fees collected under this section shall be paid into the state treasury to the credit of the general revenue fund.

(C)(1) Upon filing of the application for a license, the director shall investigate and inspect the center, type A home, or type B home to determine the license capacity for each age category of children of the center, type A home, or type B home and to determine whether the center, type A home, or type B home complies with this chapter and rules adopted pursuant to this chapter. When, after investigation and inspection, the director is satisfied that this chapter and rules adopted pursuant to it are complied with, subject to division ~~(I)~~(G) of this section, a license shall be issued as soon as practicable in such form and manner as prescribed by the director. The license shall be

designated as provisional and shall be valid for at least twelve months from the date of issuance ~~unless~~ and until the continuous license is issued or until the provisional license is revoked or suspended pursuant to section 5104.042 of the Revised Code.

(2) The director may contract with a government entity or a private nonprofit entity for the entity to inspect type A or type B family day-care homes pursuant to this section. If the director contracts with a government entity or private nonprofit entity for that purpose, the entity may contract with another government entity or private nonprofit entity for the other entity to inspect type A or type B homes pursuant to this section. The director, government entity, or private nonprofit entity shall conduct an inspection prior to the issuance of a license for a type A or type B home and, as part of that inspection, ensure that the home is safe and sanitary.

(D)~~(1) On receipt of an application for licensure as a type B family day-care home to provide publicly funded child care, the director shall search the uniform statewide automated child welfare information system for information concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code of which the applicant, any other adult residing in the applicant's home, or a person designated by the applicant to be an emergency or substitute caregiver for the applicant is the subject.~~

~~(2) The director shall consider any information discovered pursuant to division (D)(1) of this section or that is provided by a public children services agency pursuant to section 5153.175 of the Revised Code. If the director determines that the information, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the applicant may directly or indirectly endanger the health, safety, or welfare of children, the director shall deny the application for licensure or revoke~~

~~the license of a type B family day-care home.~~

~~(E)~~ The director shall investigate and inspect the center, type A home, or type B home at least once during operation under a license designated as provisional. If after the investigation and inspection the director determines that the requirements of this chapter and rules adopted pursuant to this chapter are met, subject to division ~~(I)~~(G) of this section, the director shall issue a ~~new~~ continuous license to the center or home.

~~(F)~~(E) Each license shall state the name of the licensee, the name of the administrator, the address of the center, type A home, or licensed type B home, and the license capacity for each age category of children. The license shall include thereon, in accordance with sections 5104.015, 5104.017, and 5104.018 of the Revised Code, the toll-free telephone number to be used by persons suspecting that the center, type A home, or licensed type B home has violated a provision of this chapter or rules adopted pursuant to this chapter. A license is valid only for the licensee, administrator, address, and license capacity for each age category of children designated on the license. The license capacity specified on the license is the maximum number of children in each age category that may be cared for in the center, type A home, or licensed type B home at one time.

~~The~~ A center or ~~type A~~ home licensee shall notify the director in writing when the administrator, address, or license capacity of the center or home changes. The director shall amend the current license to reflect a change in ~~an~~ any of the following:

(1) An administrator, if the administrator meets the requirements of this chapter and rules adopted pursuant to this chapter~~, or a change in license~~;

(2) Address, if the new address meets the requirements of

this chapter and rules adopted pursuant to this chapter;

(3) License capacity for any age category of children as determined by the director of job and family services.

~~(G)~~(F) If the director revokes the license of a center, a type A home, or a type B home, the director shall not issue another license to the owner of the center, type A home, or type B home until five years have elapsed from the date the license is revoked.

If the director denies an application for a license, the director shall not consider another application from the applicant until five years have elapsed from the date the application is denied.

~~(H) If during the application for licensure process the director determines that the license of the owner has been revoked, the investigation of the center, type A home, or type B home shall cease. This action does not constitute denial of the application and may not be appealed under division (I) of this section.~~

~~(I)~~(G)(1) Except as provided in division ~~(I)~~(G)(2) of this section, all actions of the director with respect to licensing centers, type A homes, or type B homes, refusal to license, and revocation of a license shall be in accordance with Chapter 119. of the Revised Code. Except as provided in division ~~(I)~~(G)(2) of this section, any applicant who is denied a license or any owner whose license is revoked may appeal in accordance with section 119.12 of the Revised Code.

(2) The following actions by the director are not subject to Chapter 119. of the Revised Code:

(a) The director ~~does not issue a license to~~ ceases its review of an application because the owner of a center, type A home, or type B home ~~because the owner~~ sought a license before

five years had elapsed from the date the previous license was revoked and the director does not issue the license.

(b) The director ~~does not issue a license~~ ceases its review of an application because the applicant applied for licensure before five years had elapsed from the date the previous application was denied and the director does not issue the license.

(c) The director closes a license because the director has determined that the center, type A home, or type B home is no longer operating at the address stated on the license and did not notify the director of the address change as described in division (E) of this section.

~~(J)~~(H) In no case shall the director issue a license under this section for a center, type A home, or type B home if the director, based on documentation provided by the appropriate county department of job and family services, determines that the applicant had been certified as ~~a type B family day-care home when such certifications were issued by county departments prior to January 1, 2014~~ an in-home aide, that the county department revoked that certification within the immediately preceding five years, that the revocation was based on the applicant's refusal or inability to comply with the criteria for certification, and that the refusal or inability resulted in a risk to the health or safety of children.

~~(K)(1) Except as provided in division (K)(2) of this section, an administrator~~ (I) An owner of a type B family day-care home that receives a license pursuant to this section ~~to provide publicly funded child care~~ is an independent contractor and is not an employee of the department of job and family services.

~~(2) For purposes of Chapter 4141. of the Revised Code, determinations concerning the employment of an administrator of a~~

~~type B family day-care home that receives a license pursuant to this section shall be determined under Chapter 4141. of the Revised Code.~~

**Sec. 5104.04.** (A) The department of job and family services shall establish procedures to be followed in investigating, inspecting, and licensing child day-care centers, type A family day-care homes, and licensed type B family day-care homes.

(B)(1)(a) The department shall, at least once during every twelve-month period of operation of a center, type A home, or licensed type B home, inspect the center, type A home, or licensed type B home. ~~The department shall inspect a part-time center or part-time type A home at least once during every twelve-month period of operation.~~ The department shall provide a written inspection report to the licensee within a reasonable time after each inspection. ~~The licensee shall display its most recent inspection report in a conspicuous place in the center, type A home, or licensed type B home.~~

Inspections may be unannounced. No person, firm, organization, institution, or agency shall interfere with the inspection of a center, type A home, or licensed type B home by any state or local official engaged in performing duties required of the state or local official by this chapter or rules adopted pursuant to this chapter, including inspecting the center, type A home, or licensed type B home, reviewing records, or interviewing licensees, employees, children, or parents.

(b) Upon receipt of any complaint that a center, type A home or licensed type B home is out of compliance with the requirements of this chapter or rules adopted pursuant to this chapter, the department shall investigate the center or home, and both of the following apply:

(i) If the complaint alleges that a child suffered physical

harm while receiving child care at the center or home or that the noncompliance alleged in the complaint involved, resulted in, or poses a substantial risk of physical harm to a child receiving child care at the center or home, the department shall inspect the center or home.

(ii) If division (B)(1)(b)(i) of this section does not apply regarding the complaint, the department may inspect the center or home.

(c) Division (B)(1)(b) of this section does not limit, restrict, or negate any duty of the department to inspect a center, type A home, or licensed type B home that otherwise is imposed under this section, or any authority of the department to inspect a center, type A home, or licensed type B home that otherwise is granted under this section ~~when the department believes the inspection is necessary and it is permitted under the grant~~.

(2) If the department implements an instrument-based program monitoring information system, it may use an indicator checklist to comply with division (B)(1) of this section.

~~(3) The department shall contract with a third party by the first day of October in each even-numbered year to collect information concerning the amounts charged by the center or home for providing child care services for use in establishing reimbursement ceilings and payment pursuant to section 5104.30 of the Revised Code. The third party shall compile the information and report the results of the survey to the department not later than the first day of December in each even-numbered year.~~

(C) The department may deny an application or revoke a license of a center, type A home, or licensed type B home, if the applicant knowingly ~~makes a false statement on the application,~~ submits falsified information to the department or if the center

or home does not comply with the requirements of this chapter or rules adopted pursuant to this chapter~~, or the applicant or owner has pleaded guilty to or been convicted of an offense described in division (A)(5) of section 109.572 of the Revised Code~~.

(D) If the department finds, after notice and hearing pursuant to Chapter 119. of the Revised Code, that any applicant, person, firm, organization, institution, or agency applying for licensure or licensed under section 5104.03 of the Revised Code is in violation of any provision of this chapter or rules adopted pursuant to this chapter, the department may issue an order of denial to the applicant or an order of revocation to the center, type A home, or licensed type B home revoking the license previously issued by the department. Upon the issuance of such an order, the person whose application is denied or whose license is revoked may appeal in accordance with section 119.12 of the Revised Code.

(E) The surrender of a center, type A home, or licensed type B home license to the department or the withdrawal of an application for licensure by the owner or administrator of the center, type A home, or licensed type B home shall not prohibit the department from instituting any of the actions set forth in this section.

(F) Whenever the department receives a complaint, is advised, or otherwise has any reason to believe that a center or type A home is providing child care without a license issued pursuant to section 5104.03 and is not exempt from licensing pursuant to section 5104.02 of the Revised Code, the department shall investigate the center or type A home and may inspect the areas children have access to or areas necessary for the care of children in the center or type A home during suspected hours of operation to determine whether the center or type A home is subject to the requirements of this chapter or rules adopted

pursuant to this chapter.

(G) The department, upon determining that the center or type A home is operating without a license, shall notify the attorney general, the prosecuting attorney of the county in which the center or type A home is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the center or type A home is located, that the center or type A home is operating without a license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center or type A home is located requesting that the court grant an order enjoining the owner from operating the center or type A home in violation of section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

(H) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

**Sec. 5104.042.** (A) The department of job and family services may suspend, without a prior hearing, the license of a child day-care center, type A family day-care home, or licensed type B family day-care home if any of the following occur:

(1) A child dies or suffers a serious injury while receiving

child care in the center, type A home, or licensed type B home.

(2) A public children services agency receives a report pursuant to section 2151.421 of the Revised Code, and the person alleged to have inflicted abuse or neglect on the child who is the subject of the report is any of the following:

(a) The owner, licensee, or administrator of the center, type A home, or licensed type B home;

(b) An employee of the center, type A home, or licensed type B home who has not immediately been placed on administrative leave or released from employment;

(c) Any person who resides in the type A home or licensed type B home.

(3) An owner, licensee, administrator, or employee of the center, type A home, or licensed type B home, or a resident of the type A home or licensed type B home is charged by an indictment, information, or complaint with an offense relating to the abuse or neglect of a child.

(4) The department or a county department of job and family services determines that the center, type A home, or licensed type B home created a serious risk to the health or safety of a child receiving child care in the center, type A home, or licensed type B home that resulted in or could have resulted in a child's death or injury.

(5) The department determines that the owner~~,~~ or licensee~~, or administrator~~ of the center, type A home, or licensed type B home ~~is charged by indictment, information, or complaint with fraud~~ does not meet the requirements of section 5104.013 of the Revised Code.

(B) The department shall issue a written order of suspension and furnish a copy to the licensee either by certified mail or in

person as described in section 119.07 of the Revised Code. The licensee may ~~appeal the suspension in accordance with section~~ request an adjudicatory hearing before the department pursuant to sections 119.06 to 119.12 of the Revised Code.

(C) ~~Except as provided in division (D) of this section, any~~ Any summary suspension imposed under this section shall remain in effect~~, unless reversed on appeal,~~ until any of the following occurs:

(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal~~,~~ or a finding of not guilty~~, conviction, or a plea of guilty~~.

(3) ~~A final order is issued by the~~ The department issues pursuant to Chapter 119. of the Revised Code ~~becomes effective~~ a final order terminating the suspension.

(D) ~~If the department initiates the revocation of a license that has been suspended pursuant to this section, the suspension shall continue until the revocation process is completed.~~

~~(E)~~ The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension.

~~(F)~~(E) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses.

(F) This section does not limit the authority of the department to revoke a license pursuant to section 5104.04 of the Revised Code.

**Sec. 5104.09.** No administrator, employee, licensee, or child-care staff member shall discriminate in the enrollment of children in a child day-care center, type A home, licensed type B home, or approved child day camp upon the basis of race, color, religion, sex, disability, or national origin.

**Sec. 5104.12.** (A) ~~The~~(1) A county director of job and family services may certify in-home aides to provide publicly funded child care pursuant to this chapter and any rules adopted under it. Any in-home aide who receives a certificate pursuant to this section to provide publicly funded child care is an independent contractor and is not an employee of the county department of job and family services that issues the certificate.

~~(B)~~(2) Every person desiring to receive certification as an in-home aide shall apply for certification to ~~the~~ a county director of job and family services on such forms as the director of job and family services prescribes. ~~The~~ A county director shall provide at no charge to each applicant a copy of rules for certifying in-home aides adopted pursuant to this chapter.

(B) To be eligible for certification as an in-home aide, a person shall not be either of the following:

(1) The owner of a center or home whose license was revoked pursuant to section 5104.04 of the Revised Code within the previous five years;

(2) An in-home aide whose certificate was revoked under division (C)(2) of this section within the previous five years.

(C)(1) If the county director of job and family services determines that ~~public funds are available and that~~ the ~~person~~

applicant complies with this chapter and any rules adopted under it, the county director shall certify the person as an in-home aide and issue the person a certificate to provide publicly funded child care for ~~twelve~~ twenty-four months. The county director shall furnish a copy of the certificate to the parent, custodian, or guardian. The certificate shall state the name and address of the in-home aide, the expiration date of the certification, and the name and telephone number of the county director who issued the certificate.

(2) The county director may revoke the certificate in either of the following circumstances:

(a) The county director determines, pursuant to rules adopted under Chapter 119. of the Revised Code, that revocation is necessary;

(b) The in-home aide does not comply with division ~~(D)~~(C)(2) of section 5104.32 of the Revised Code.

(D)(1) The county director of job and family services shall inspect every home of a child who is receiving publicly funded child care in the child's own home while the in-home aide is providing the services. Inspections may be unannounced. Upon receipt of a complaint, the county director shall investigate the in-home aide, shall investigate the home of a child who is receiving publicly funded child care in the child's own home, and division (D)(2) of this section applies regarding the complaint. The caretaker parent shall permit the county director to inspect any part of the child's home. The county director shall prepare a written inspection report and furnish one copy each to the in-home aide and the caretaker parent within a reasonable time after the inspection.

(2) Upon receipt of a complaint as described in division (D)(1) of this section, in addition to the investigations that are

required under that division, both of the following apply:

(a) If the complaint alleges that a child suffered physical harm while receiving publicly funded child care in the child's own home from an in-home aide or that the noncompliance with law or act alleged in the complaint involved, resulted in, or poses a substantial risk of physical harm to a child receiving publicly funded child care in the child's own home from an in-home aide, the county director shall inspect the home of the child.

(b) If division (D)(2)(a) of this section does not apply regarding the complaint, the county director may inspect the home of the child.

(3) Division (D)(2) of this section does not limit, restrict, or negate any duty of the county director to inspect a home of a child who is receiving publicly funded child care from an in-home aide that otherwise is imposed under this section, or any authority of the county director to inspect such a home that otherwise is granted under this section when the county director believes the inspection is necessary and it is permitted under the grant.

**Sec. 5104.21.** (A) The department of job and family services shall register child day camps and enforce this section and ~~section~~ sections 5104.211 and 5104.22 of the Revised Code and the rules adopted pursuant to those sections. No person, firm, organization, institution, or agency shall operate a child day camp without annually registering with the department.

(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the provisions of this section and ~~section~~ sections 5104.211 and 5104.22 of the Revised Code:

(1) A child day camp that operates for two ~~or less~~

consecutive weeks or less and for no more than a total of two weeks during each calendar year;

(2) Supervised training, instruction, or activities of children that is conducted on an organized or periodic basis ~~no more than one day a week and for no more than six hours' duration and that is conducted~~ in specific areas or in a combination of areas for a maximum of eight hours each week, including~~, but not limited to,~~ art~~;~~, drama~~;~~, dance~~;~~, music~~; gymnastics, swimming, or another,~~ athletic skill or sport~~;~~, computers~~;~~, or an educational subject;

(3) Programs in which the department determines that at least one parent, custodian, or guardian of each child attending or participating in the child day camp is on the child day camp activity site and is readily accessible at all times, except that a child day camp on the premises of a parent's, custodian's, or guardian's place of employment shall be registered in accordance with division (A) of this section;

(4) Child day camps ~~funded and regulated or operated and~~ regulated by any state department~~,~~ other than the department of job and family services~~, when the department of job and family services has determined that the rules governing the child day camp are equivalent to or exceed the rules adopted pursuant to this section and section 5104.22;~~

(5) A program that provides activities for children who are five years of age or older and is operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.04 of the Revised Code.

(C) A person, firm, organization, institution, or agency operating a child day camp that is exempt under division (B) of

this section from registering under division (A) of this section may elect to register itself under division (A) of this section. All requirements of this section and the rules adopted pursuant to this section shall apply to any exempt child day camp that so elects to register.

(D) The director of job and family services shall adopt pursuant to Chapter 119. of the Revised Code rules prescribing the registration form and establishing the procedure for the child day camps to register. The form shall ~~not be longer than one typewritten page and shall~~ state both of the following:

(1) That the child day camp administrator or the administrator's representative agrees to provide the parents of each school-age child who attends or participates in that child day camp with the telephone number of the county department of health and the public children services agency of the county in which the child day camp is located;

(2) That the child day camp administrator or the administrator's representative agrees to permit a public children services agency or the county department of health to review or inspect the child day camp if a complaint is made to that department or any other state department or public children services agency against that child day camp.

(E) The department may charge a fee to register a child day camp. The fee for each child day camp shall be twenty-five dollars. No organization that operates, or owner of, child day camps shall pay a fee that exceeds two hundred fifty dollars for all of its child day camps.

(F) If a child day camp that is required to register under this section fails to register with the department in accordance with this section or the rules adopted pursuant to it or if a child day camp that files a registration form under this section

knowingly provides false or misleading information on the registration form, the department shall require the child day camp to register or register correctly and to pay a registration fee that equals three times the registration fee as set forth in division (E) of this section.

(G) A child day camp administrator or the administrator's representative shall provide the parents of each school-age child who attends or participates in that child day camp with both of the ~~telephone~~ following:

(1) Telephone numbers of the county department of health and the county public children services agency of the county in which the child day camp is located ~~and a~~;

(2) A statement that the parents may ~~use these telephone numbers to~~ contact ~~or otherwise contact~~ the ~~departments~~ county department or agency to make a complaint regarding the child day camp.

**Sec. 5104.211.** (A) The director of job and family services may periodically conduct a random sampling of child day camps to determine compliance with section 5104.013 of the Revised Code.

(B)(1) No child day camp shall fail to comply with section 5104.013 of the Revised Code in regards to a person it appoints or employs.

(2) If the director determines that a camp has violated division (B)(1) of this section, the director shall do both of the following:

(a) Consider imposing a civil penalty on the camp in an amount that shall not exceed ten per cent of the camp's gross revenues for the full month immediately preceding the month in which the violation occurred. If the camp was not operating for the entire calendar month preceding the month in which the

violation occurred, the penalty shall be five hundred dollars.

(b) Order the camp to initiate a criminal records check of the person who is the subject of the violation within a specified period of time.

(3) If, within the specified period of time, the camp fails to comply with an order to initiate a criminal records check of the person who is the subject of the violation or to release the person from the appointment or employment, the director shall do both of the following:

(a) Impose a civil penalty in an amount that is not less than the amount previously imposed and that does not exceed twice the amount permitted by division (B)(2)(a) of this section;

(b) Order the camp to initiate a criminal records check of the person who is the subject of the violation within a specified period of time.

(C) If the director determines that a child day camp has violated division (B)(1) of this section, the director may post a notice at a prominent place at the camp that states that the camp has failed to conduct criminal records checks of its appointees or employees as required by section 5104.013 of the Revised Code. Once the camp demonstrates to the department that the camp is in compliance with that section, the director shall permit the camp to remove the notice.

(D) The director may include on the web site of the department of job and family services a list of child day camps that the director has determined to not be in compliance with the criminal records check requirements of section 5104.013 of the Revised Code. The director shall remove a camp's name from the list when the camp demonstrates to the director that the camp is in compliance with that section.

(E) For the purposes of divisions (C) and (D) of this

section, a child day camp will be considered to be in compliance with section 5104.013 of the Revised Code by doing any of the following:

(1) Requesting that the bureau of criminal identification and investigation conduct a criminal records check regarding the person who is the subject of the violation of division (B)(1) of this section and, if the person does not qualify for the appointment or employment, releasing the person from the appointment or employment;

(2) Releasing the person who is the subject of the violation from the appointment or employment.

(F) The attorney general shall commence and prosecute to judgment a civil action in a court of competent jurisdiction to collect any civil penalty imposed under this section that remains unpaid.

(G) This section does not apply to a child day camp that is an approved child day camp.

**Sec. 5104.22.** (A) The director of job and family services, no later than September 1, 1993, and pursuant to Chapter 119. of the Revised Code, shall adopt rules establishing a procedure and standards for the approval of child day camps that will enable an approved child day camp to receive public moneys pursuant to sections 5104.30 to 5104.39 of the Revised Code. ~~The procedure and standards shall be similar and comparable to the procedure and standards for accrediting child day camps used by the American camping association.~~ The department of job and family services may charge a reasonable fee to inspect a child day camp to determine whether that child day camp meets the standards set forth in this section or in the rules adopted under this section. The department shall approve any child day camp that ~~the~~ meets both of the following:

(1) The department inspects ~~and approves, that~~ the camp and determines that it meets the standards established in rules adopted under this section;

(2) The camp is accredited by the American ~~camping~~ camp association ~~inspects and accredits,~~ or ~~that is inspected and accredited by any~~ a nationally recognized organization that accredits child day camps by using standards that the department has determined are substantially similar and comparable to those of the American ~~camping~~ camp association. The department shall approve a child day camp for ~~no longer than two years~~ a period of one year and shall inspect an approved child day camp ~~no less than biennially~~ on an annual basis.

(B) An approved child day camp shall comply with this section and section 5104.21 of the Revised Code and the rules adopted pursuant to those sections. If an approved child day camp is not in substantial compliance with those sections or rules at any time, the department shall terminate the child day camp's approval until the child day camp complies with those sections and rules or for a period of two years, whichever period is longer.

**Sec. 5104.29.** (A) As used in this section, "early learning and development program" has the same meaning as "licensed child care program" as defined in section 5104.01 of the Revised Code.

(B) There is hereby created in the department of job and family services the step up to quality program, under which the department of job and family services, in cooperation with the department of education, shall develop a tiered quality rating and improvement system for all early learning and development programs in this state. The step up to quality program shall include all of the following components:

(1) Quality program standards for early learning and development programs;

(2) Accountability measures that include tiered ratings representing each program's level of quality;

(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;

(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards;

(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.

(C) The step up to quality program shall have the following goals:

(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;

(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;

(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;

(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.

(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards.

(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's

performance in meeting program standards in the following four domains:

(1) Learning and development;

(2) Administration and leadership practices;

(3) Staff quality and professional development;

(4) Family and community partnerships.

(F) The director of job and family services, in collaboration with the superintendent of public instruction, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section.

(G)(1) The department of job and family services shall ensure that the following percentages of early learning and development programs ~~that are not type B family day-care homes and~~ that provide publicly funded child care are rated in the third highest tier or above in the step up to quality program:

(a) By June 30, 2017, twenty-five per cent;

(b) By June 30, 2019, forty per cent;

(c) By June 30, 2021, sixty per cent;

(d) By June 30, 2023, eighty per cent;

(e) By June 30, 2025, one hundred per cent.

(2) ~~The department of job and family services and the department of education shall identify ways to accelerate early learning and development programs moving to higher tiers in the step up to quality program and identify strategies for appropriate ratings of type B homes. The departments may consult with the early childhood advisory council established pursuant to section 3301.90 of the Revised Code to facilitate their efforts and shall include owners and administrators of early learning and development programs in the identification process. The~~

~~departments shall report their recommendations to the general assembly not later than October 31, 2016~~ This division does not apply to early learning and development programs that are either of the following:

(a) Licensed type B family day-care homes;

(b) Providers described in division (C)(2) of section 5104.31 of the Revised Code.

**Sec. 5104.30.** (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following:

(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code;

(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code;

(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;

(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line;

(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.

The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and

family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care.

(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care.

(C) In the use of federal funds available under the child care block grant act, all of the following apply:

(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care.

(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for administrative costs.

(3) The department shall allocate and use at least four per cent of the federal funds for the following:

(a) Activities designed to provide comprehensive consumer education to parents and the public;

(b) Activities that increase parental choice;

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care;

(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code.

(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means.

(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter into interagency agreements with the department of education, the chancellor of higher education, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of job and family services to fulfill its duties and responsibilities under this chapter.

The department shall develop and maintain a registry of persons providing child care. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing

procedures and requirements for the registry's administration.

(E)(1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing both of the following:

(a) Reimbursement ceilings for providers of publicly funded child care not later than the first day of July in each odd-numbered year;

(b) A procedure for reimbursing and paying providers of publicly funded child care.

(2) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director shall do all of the following:

(a) Use the information obtained ~~under division (B)(3) of section 5104.04 of the Revised Code~~ in accordance with 45 C.F.R. 98.45;

(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours;

~~(c) For an in-home aide, establish an hourly reimbursement ceiling;~~

~~(d)~~(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, do both of the following:

(i) Establish enhanced reimbursement ceilings for child day-care providers that participate in the program and maintain quality ratings;

(ii) Weigh any reduction in reimbursement ceilings more heavily against providers that do not participate in the program or do not maintain quality ratings.

(3) In establishing reimbursement ceilings under division

(E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:

(a) Geographic location of the provider;

(b) Type of care provided;

(c) Age of the child served;

(d) Special needs of the child served;

(e) Whether the expanded hours of service are provided;

(f) Whether weekend service is provided;

(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;

(h) Any other factors the director considers appropriate.

**Sec. 5104.31.** (A) Publicly funded child care may be provided only by the following:

(1) Any of the following licensed by the department of job and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code:

(a) A child day-care center, including a parent cooperative child day-care center;

(b) A type A family day-care home, including a parent cooperative type A family day-care home;

(c) A licensed type B family day-care home.

(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;

(3) A child day camp approved pursuant to section 5104.22 of the Revised Code;

(4) A licensed preschool program;

(5) A licensed school child program;

(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.

(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide.

(C)(1) Beginning July 1, 2020, and except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care ~~may be provided~~ only ~~by a provider that~~ if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code.

(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program:

(a) A program that operates only during the summer and for not more than fifteen consecutive weeks;

(b) A program that operates only during school breaks;

(c) A program that operates only on weekday evenings, weekends, or both;

(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;

(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;

(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked.

**Sec. 5104.32.** (A) ~~Except as provided in division (C) of this section, all~~ All purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, licensed type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job and family services. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds, all contracts for publicly funded child care shall be entered into in accordance with the provisions of this chapter and are exempt from any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds.

(B) Each contract for publicly funded child care shall specify at least the following:

(1) That the provider of publicly funded child care agrees to be paid for rendering services at the lower of the rate customarily charged by the provider for children enrolled for child care or the reimbursement ceiling or rate of payment established pursuant to section 5104.30 of the Revised Code;

(2) That, if a provider provides child care to an individual potentially eligible for publicly funded child care who is subsequently determined to be eligible, the department agrees to pay for all child care provided between the date the county

department of job and family services receives the individual's completed application and the date the individual's eligibility is determined;

(3) Whether the county department of job and family services, the provider, or a child care resource and referral service organization will make eligibility determinations, whether the provider or a child care resource and referral service organization will be required to collect information to be used by the county department to make eligibility determinations, and the time period within which the provider or child care resource and referral service organization is required to complete required eligibility determinations or to transmit to the county department any information collected for the purpose of making eligibility determinations;

(4) That the provider, other than a border state child care provider, shall continue to be licensed, approved, or certified pursuant to this chapter and shall comply with all standards and other requirements in this chapter and in rules adopted pursuant to this chapter for maintaining the provider's license, approval, or certification;

(5) That, in the case of a border state child care provider, the provider shall continue to be licensed, certified, or otherwise approved by the state in which the provider is located and shall comply with all standards and other requirements established by that state for maintaining the provider's license, certificate, or other approval;

(6) Whether the provider will be paid by the state department of job and family services or in some other manner as prescribed by rules adopted under section 5104.42 of the Revised Code;

(7) That the contract is subject to the availability of state and federal funds.

~~(C) Unless specifically prohibited by federal law or by rules adopted under section 5104.42 of the Revised Code, the county department of job and family services shall give individuals eligible for publicly funded child care the option of obtaining certificates that the individual may use to purchase services from any provider qualified to provide publicly funded child care under section 5104.31 of the Revised Code. Providers of publicly funded child care may present these certificates for payment in accordance with rules that the director of job and family services shall adopt. Only providers may receive payment for certificates. The value of the certificate shall be based on the lower of the rate customarily charged by the provider or the rate of payment established pursuant to section 5104.30 of the Revised Code. The county department may provide the certificates to the individuals or may contract with child care providers or child care resource and referral service organizations that make determinations of eligibility for publicly funded child care pursuant to contracts entered into under section 5104.34 of the Revised Code for the providers or resource and referral service organizations to provide the certificates to individuals whom they determine are eligible for publicly funded child care.~~

~~For each six-month period a provider of publicly funded child care provides publicly funded child care to the child of an individual given certificates, the individual shall provide the provider certificates for days the provider would have provided publicly funded child care to the child had the child been present. The maximum number of days providers shall be provided certificates shall not exceed ten days in a six-month period during which publicly funded child care is provided to the child regardless of the number of providers that provide publicly funded child care to the child during that period.~~

~~(D)~~(1) The department shall establish ~~the Ohio electronic~~ an

automated child care system to track attendance and calculate payments for publicly funded child care. ~~The system shall include issuing an electronic child care card to each caretaker parent to swipe through a point of service device issued to an eligible provider, as described in section 5104.31 of the Revised Code.~~

(2) Each eligible provider that provides publicly funded child care shall participate in the ~~Ohio electronic~~ automated child care system. A provider participating in the system shall not do any of the following:

(a) Use or have possession of ~~an electronic child care card~~ a personal identification number or password issued to a caretaker parent under the automated child care system;

(b) Falsify attendance records;

(c) Knowingly seek or accept payment for publicly funded child care that was not provided or for which the provider was not eligible;

(d) Knowingly ~~accept reimbursement for publicly funded child care that was not provided~~ seek or accept payment for child care provided to a child who resides in the provider's own home.

(D) The department may withhold any money due under this chapter and may recover through any appropriate method any money erroneously paid under this chapter if evidence demonstrates that a provider of publicly funded child care failed to comply with either of the following:

(1) The terms of the contract entered into under this section;

(2) This chapter or any rules adopted under it.

(E) If the department has evidence that a provider has employed an individual who is ineligible for employment under section 5104.013 of the Revised Code and the provider has not

released the individual from employment upon notice that the individual is ineligible, the department may terminate immediately the contract entered into under this section to provide publicly funded child care.

(F) Any decision by the department concerning publicly funded child care, including the recovery of funds, overpayment determinations, and contract terminations is final and is not subject to appeal, hearing, or further review under Chapter 119. of the Revised Code.

**Sec. 5104.34.** (A)(1) Each county department of job and family services shall implement procedures for making determinations of eligibility for publicly funded child care. Under those procedures, the eligibility determination for each applicant shall be made no later than thirty calendar days from the date the county department receives a completed application for publicly funded child care. Each applicant shall be notified promptly of the results of the eligibility determination. An applicant aggrieved by a decision or delay in making an eligibility determination may appeal the decision or delay to the department of job and family services in accordance with section 5101.35 of the Revised Code. The due process rights of applicants shall be protected.

To the extent permitted by federal law, the county department may make all determinations of eligibility for publicly funded child care, may contract with child care providers or child care resource and referral service organizations for the providers or resource and referral service organizations to make all or any part of the determinations, and may contract with child care providers or child care resource and referral service organizations for the providers or resource and referral service organizations to collect specified information for use by the

county department in making determinations. If a county department contracts with a child care provider or a child care resource and referral service organization for eligibility determinations or for the collection of information, the contract shall require the provider or resource and referral service organization to make each eligibility determination no later than thirty calendar days from the date the provider or resource and referral organization receives a completed application that is the basis of the determination and to collect and transmit all necessary information to the county department within a period of time that enables the county department to make each eligibility determination no later than thirty days after the filing of the application that is the basis of the determination.

The county department may station employees of the department in various locations throughout the county to collect information relevant to applications for publicly funded child care and to make eligibility determinations. The county department, child care provider, and child care resource and referral service organization shall make each determination of eligibility for publicly funded child care no later than thirty days after the filing of the application that is the basis of the determination, shall make each determination in accordance with any relevant rules adopted pursuant to section 5104.38 of the Revised Code, and shall notify promptly each applicant for publicly funded child care of the results of the determination of the applicant's eligibility.

The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code for monitoring the eligibility determination process. In accordance with those rules, the state department shall monitor eligibility determinations made by county departments of job and family services and shall direct any entity that is not in compliance

with this division or any rule adopted under this division to implement corrective action specified by the department.

(2)(a) All eligibility determinations for publicly funded child care shall be made in accordance with rules adopted pursuant to division (A) of section 5104.38 of the Revised Code. Except as otherwise provided in this section, both of the following apply:

(i) Publicly funded child care may be provided only to eligible infants, toddlers, preschool-age children, ~~and~~ school-age children under age thirteen, or children receiving special needs child care.

(ii) For an applicant to be eligible for publicly funded child care, the caretaker parent must be employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving publicly funded child care. This restriction does not apply to families whose children are eligible for protective child care.

(b) In accordance with rules adopted under division (B) of section 5104.38 of the Revised Code, an applicant may receive publicly funded child care while the county department determines eligibility. An applicant may receive publicly funded child care while a county department determines eligibility only once during a twelve-month period. If the county department determines that an applicant is not eligible for publicly funded child care, the ~~licensed~~ child care ~~program~~ provider shall be paid for providing publicly funded child care for up to five days after that determination if the county department received a completed application with all required documentation. A program may appeal a denial of payment under this division.

(c) If a caretaker parent who has been determined eligible to receive publicly funded child care no longer meets the

requirements of division (A)(2)(a)(ii) of this section, the caretaker parent may continue to receive publicly funded child care for a period of up to thirteen weeks not to extend beyond the caretaker parent's twelve-month eligibility period. ~~Such authorization may be given only once during a twelve-month period.~~

(d) If a child turns thirteen, or if a child receiving special needs child care turns eighteen, during the twelve-month eligibility period, the caretaker parent may continue to receive publicly funded child care until the end of that twelve-month period.

Subject to available funds, the department of job and family services shall allow a family to receive publicly funded child care unless the family's income exceeds the maximum income eligibility limit. Initial and continued eligibility for publicly funded child care is subject to available funds unless the family is receiving child care pursuant to division (A)(1), (2), (3), or (4) of section 5104.30 of the Revised Code. If the department must limit eligibility due to lack of available funds, it shall give first priority for publicly funded child care to an assistance group whose income is not more than the maximum income eligibility limit that received transitional child care in the previous month but is no longer eligible because the twelve-month period has expired. Such an assistance group shall continue to receive priority for publicly funded child care until its income exceeds the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the Ohio works first program established under Chapter 5107. of the Revised Code is eligible for transitional child care at any time during the immediately following twelve-month period that both of the following apply:

(a) The assistance group requires child care due to employment;

(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care.

(B) To the extent permitted by federal law, the department of job and family services may require a caretaker parent determined to be eligible for publicly funded child care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. The department shall make protective child care services and homeless child care services available to children without regard to the income or assets of the caretaker parent of the child.

(C) A caretaker parent receiving publicly funded child care shall report to the entity that determined eligibility any changes in status with respect to employment or participation in a program of education or training not later than ten calendar days after the change occurs.

(D) If the department of job and family services determines that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the department may establish a waiting list. The department may establish separate waiting lists within the waiting list based on income.

(E) A caretaker parent shall not receive ~~full-time~~ publicly funded child care from more than one child care provider per child during a week, unless a county department grants the family an exemption for one of the following reasons:

~~(a)~~(1) The child needs additional care during non-traditional hours;

~~(b)~~(2) The child needs to change providers in the middle of

the week and the hours of care provided by the providers do not overlap;

~~(c)~~(3) The child's provider is closed on scheduled school days off or on calamity days;

~~(d)~~(4) The child is enrolled in a part-time program participating in the tiered quality rating and improvement system established under section ~~5104.30~~ 5104.29 of the Revised Code and needs care from an additional part-time provider.

(F) As used in this section, "maximum income eligibility limit" means the amount of income specified in rules adopted under division (A) of section 5104.38 of the Revised Code.

**Sec. 5104.38.** In addition to any other rules adopted under this chapter, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing financial and administrative requirements for publicly funded child care and establishing all of the following:

(A) Procedures and criteria to be used in making determinations of eligibility for publicly funded child care that give priority to children of families with lower incomes and procedures and criteria for eligibility for publicly funded protective child care or homeless child care. The rules shall specify the maximum amount of income a family may have for initial and continued eligibility. The maximum amount shall not exceed three hundred per cent of the federal poverty line. The rules may specify exceptions to the eligibility requirements in the case of a family that previously received publicly funded child care and is seeking to have the child care reinstated after the family's eligibility was terminated.

(B) Procedures under which an applicant for publicly funded child care may receive publicly funded child care while the county

department of job and family services determines eligibility and under which a ~~licensed~~ child care ~~program~~ provider may appeal a denial of payment under division (A)(2)(b) of section 5104.34 of the Revised Code;

(C) A schedule of fees requiring all eligible caretaker parents to pay a fee for publicly funded child care according to income and family size, which shall be uniform for all types of publicly funded child care, except as authorized by rule, and, to the extent permitted by federal law, shall permit the use of state and federal funds to pay the customary deposits and other advance payments that a provider charges all children who receive child care from that provider.

(D) A formula for determining the amount of state and federal funds appropriated for publicly funded child care that may be allocated to a county department to use for administrative purposes;

(E) Procedures to be followed by the department and county departments in recruiting individuals and groups to become providers of child care;

(F) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care;

(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;

(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;

(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;

(J) A definition of "person who stands in loco parentis" for the purposes of division ~~(JJ)(1)~~(LL)(3) of section 5104.01 of the Revised Code;

(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;

(L) If the director establishes a different reimbursement ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;

(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period;

(N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code.

**Sec. 5104.41.** A child and the child's caretaker ~~who either temporarily reside in a facility providing emergency shelter for homeless families or are determined by the county department of job and family services to be homeless, and~~ who are otherwise ineligible for publicly funded child care~~,~~ are eligible for ~~protective~~ homeless child care for the lesser of the following:

(A) ~~Ninety~~ Not more than ninety days;

(B) The period of time they reside in ~~the~~ a facility providing emergency shelter~~, if they qualified for protective child care because they reside in the shelter,~~ for homeless families or the period of time in which the county department determines they are homeless.

**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the Revised Code shall be punished as follows:

(1) For each offense, the offender shall be fined not less than one hundred dollars nor more than five hundred dollars multiplied by the number of children receiving child care at the child day-care center or type A family day-care home that either exceeds the number of children to which a type B family day-care home may provide child care or, if the offender is a licensed type A family day-care home that is operating as a child day-care center without being licensed as a center, exceeds the license capacity of the type A home.

(2) In addition to the fine specified in division (A)(1) of this section, all of the following apply:

(a) Except as provided in divisions (A)(2)(b), (c), and (d) of this section, the court shall order the offender to reduce the number of children to which it provides child care to a number that does not exceed either the number of children to which a type B family day-care home may provide child care or, if the offender is a licensed type A family day-care home that is operating as a child day-care center without being licensed as a center, the license capacity of the type A home.

(b) If the offender previously has been convicted of or pleaded guilty to one violation of section 5104.02 of the Revised Code, the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate,

under section 5104.03 of the Revised Code.

(c) If the offender previously has been convicted of or pleaded guilty to two violations of section 5104.02 of the Revised Code, the offender is guilty of a misdemeanor of the first degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a misdemeanor of the first degree under section 2929.28 of the Revised Code.

(d) If the offender previously has been convicted of or pleaded guilty to three or more violations of section 5104.02 of the Revised Code, the offender is guilty of a felony of the fifth degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a felony of the fifth degree under section 2929.18 of the Revised Code.

(B) ~~Whoever violates division (M)(4) of section 5104.013 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender is a licensee of a center, type A home, or licensed type B home, the conviction shall constitute grounds for denial or revocation of an application for licensure pursuant to section 5104.04 of the Revised Code. Except as otherwise provided in this division, the offense established under division (M)(4) of~~

~~section 5104.013 of the Revised Code is a strict liability offense, and section 2901.20 of the Revised Code does not apply. If the offender is a person eighteen years of age or older residing in a type A home or licensed type B home or is an employee of a center, type A home, or licensed type B home and if the licensee had knowledge of, and acquiesced in, the commission of the offense, the conviction shall constitute grounds for denial or revocation of an application for licensure pursuant to section 5104.04 of the Revised Code.~~

~~(C)~~ Whoever violates section 5104.09 of the Revised Code is guilty of a misdemeanor of the third degree.

**Sec. 5119.185.** (A) As used in this section~~, "physician"~~:

(1) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(2) "Clinician" means any of the following:

(a) An advanced practice registered nurse;

(b) A physician;

(c) A physician assistant.

(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(4) "Physician assistant" means an individual who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

(B) The department of mental health and addiction services may establish a ~~physician~~ clinician recruitment program under which the department agrees to repay all or part of the principal and interest of a government or other educational loan incurred by a ~~physician~~ clinician who agrees to provide services to inpatients

and outpatients of institutions under the department's administration. To be eligible to participate in the program, a ~~physician~~ clinician must have attended the following:

(1) In the case of a physician, a school that was, at the time of attendance, a medical school or osteopathic medical school in this country accredited by the liason committee on medical education or the American osteopathic association, or a medical school or osteopathic medical school located outside this country that was acknowledged by the world health organization and verified by a member state of that organization as operating within that state's jurisdiction;

(2) In the case of a physician assistant, a school that was, at the time of attendance, accredited by the accreditation review commission on education for the physician assistant or a regional or specialized and professional accrediting agency recognized by the council for higher education accreditation;

(3) In the case of an advanced practice registered nurse, a school that was, at the time of attendance, accredited by a national or regional accrediting organization.

(C) The department shall enter into a contract with each ~~physician~~ clinician it recruits under this section. Each contract shall include at least the following terms:

(1) The ~~physician~~ clinician agrees to provide a specified scope of ~~medical or osteopathic medical~~ health care services for a specified number of hours per week and a specified number of years to patients of one or more specified institutions administered by the department.

(2) The department agrees to repay all or a specified portion of the principal and interest of a government or other educational loan taken by the ~~physician~~ clinician for the following expenses if the ~~physician~~ clinician meets the service obligation agreed to

and the expenses were incurred while the ~~physician~~ clinician was enrolled in, for up to a maximum of four years, a school that qualifies the ~~physician~~ clinician to participate in the program:

(a) Tuition;

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (D) of this section;

(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (D) of this section.

(3) The ~~physician~~ clinician agrees to pay the department a specified amount, which shall be not less than the amount already paid by the department pursuant to its agreement, as damages if the ~~physician~~ clinician fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the ~~physician's~~ clinician's service obligation that remains uncompleted as determined by the department.

(4) Other terms agreed upon by the parties.

(D) If the department elects to implement the ~~physician~~ clinician recruitment program, it shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(1) Criteria for designating institutions for which ~~physicians~~ clinicians will be recruited;

(2) Criteria for selecting ~~physicians~~ clinicians for participation in the program;

(3) Criteria for determining the portion of a ~~physician's~~ clinician's loan that the department will agree to repay;

(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;

(5) Procedures for monitoring compliance by ~~physicians~~ clinicians with the terms of their contracts;

(6) Any other criteria or procedures necessary to implement the program.

**Sec. 5119.44.** As used in this section, "free clinic" has the same meaning as in section 2305.2341 of the Revised Code.

(A) The department of mental health and addiction services may provide certain goods and services for the department of mental health and addiction services, the department of developmental disabilities, the department of rehabilitation and correction, the department of youth services, and other state, county, or municipal agencies requesting such goods and services when the department of mental health and addiction services determines that it is in the public interest, and considers it advisable, to provide these goods and services. The department of mental health and addiction services also may provide goods and services to agencies operated by the United States government and to public or private nonprofit agencies, other than free clinics, that are funded in whole or in part by the state if the public or private nonprofit agencies are designated for participation in this program by the director of mental health and addiction services for community addiction services providers and community mental health services providers, the director of developmental disabilities for community developmental disabilities agencies, the director of rehabilitation and correction for community rehabilitation and correction agencies, or the director of youth services for community youth services agencies.

Designated community agencies or services providers shall receive goods and services through the department of mental health

and addiction services only in those cases where the designating state agency certifies that providing such goods and services to the agency or services provider will conserve public resources to the benefit of the public and where the provision of such goods and services is considered feasible by the department of mental health and addiction services.

(B) The department of mental health and addiction services may permit free clinics to purchase certain goods and services to the extent the purchases fall within the exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit institutions, in 15 U.S.C. 13c, as amended.

(C) The goods and services that may be provided by the department of mental health and addiction services under divisions (A) and (B) of this section may include:

(1) Procurement, storage, processing, and distribution of food and professional consultation on food operations;

(2) Procurement, storage, and distribution of medical and laboratory supplies, dental supplies, medical records, forms, optical supplies, and sundries~~, subject to section 5120.135 of the Revised Code~~;

(3) Procurement, storage, repackaging, distribution, and dispensing of drugs, the provision of professional pharmacy consultation, and drug information services;

(4) Other goods and services.

(D) The department of mental health and addiction services may provide the goods and services designated in division (C) of this section to its institutions and to state-operated community-based mental health or addiction services providers.

(E) After consultation with and advice from the director of developmental disabilities, the director of rehabilitation and

correction, and the director of youth services, the department of mental health and addiction services may provide the goods and services designated in division (C) of this section to the department of developmental disabilities, the department of rehabilitation and correction, and the department of youth services.

(F) The cost of administration of this section shall be determined by the department of mental health and addiction services and paid by the agencies, services providers, or free clinics receiving the goods and services to the department for deposit in the state treasury to the credit of the Ohio pharmacy services fund, which is hereby created. The fund shall be used to pay the cost of administration of this section to the department.

(G) Whenever a state agency fails to make a payment for goods and services provided under this section within thirty-one days after the date the payment was due, the office of budget and management may transfer moneys from the state agency to the department of mental health and addiction services. The amount transferred shall not exceed the amount of overdue payments. Prior to making a transfer under this division, the office of budget and management shall apply any credits the state agency has accumulated in payments for goods and services provided under this section.

(H) Purchases of goods and services under this section are not subject to section 307.86 of the Revised Code.

**Sec. 5120.10.** (A)(1) The director of rehabilitation and correction, by rule, shall promulgate minimum standards for jails in Ohio, including minimum security jails dedicated under section 341.34 or 753.21 of the Revised Code. Whenever the director files a rule or an amendment to a rule in final form with both the secretary of state and the director of the legislative service

commission pursuant to section 111.15 of the Revised Code, the director of rehabilitation and correction promptly shall send a copy of the rule or amendment, if the rule or amendment pertains to minimum jail standards, by ordinary mail to the political subdivisions or affiliations of political subdivisions that operate jails to which the standards apply.

(2) The rules promulgated in accordance with division (A)(1) of this section shall serve as criteria for the investigative and supervisory powers and duties vested by division (D) of this section in the division of parole and community services of the department of rehabilitation and correction or in another division of the department to which those powers and duties are assigned.

(B) The director may initiate an action in the court of common pleas of the county in which a facility that is subject to the rules promulgated under division (A)(1) of this section is situated to enjoin compliance with the minimum standards for jails or with the minimum standards and minimum renovation, modification, and construction criteria for ~~minimum security~~ jails.

(C) Upon the request of an administrator of a jail facility, the chief executive of a municipal corporation, or a board of county commissioners, the director of rehabilitation and correction or the director's designee shall grant a variance from the minimum standards for jails in Ohio for a facility that is subject to one of those minimum standards when the director determines that strict compliance with the minimum standards would cause unusual, practical difficulties or financial hardship, that existing or alternative practices meet the intent of the minimum standards, and that granting a variance would not seriously affect the security of the facility, the supervision of the inmates, or the safe, healthful operation of the facility. If the director or the director's designee denies a variance, the applicant may

appeal the denial pursuant to section 119.12 of the Revised Code.

(D) The following powers and duties shall be exercised by the division of parole and community services unless assigned to another division by the director:

(1) The investigation and supervision of county and municipal jails, workhouses, minimum security jails, and other correctional institutions and agencies;

(2) The review and approval of plans submitted to the department of rehabilitation and correction pursuant to division (E) of this section;

(3) The management and supervision of the adult parole authority created by section 5149.02 of the Revised Code;

(4) The review and approval of proposals for community-based correctional facilities and programs and district community-based correctional facilities and programs that are submitted pursuant to division (B) of section 2301.51 of the Revised Code;

(5) The distribution of funds made available to the division for purposes of assisting in the renovation, maintenance, and operation of community-based correctional facilities and programs and district community-based correctional facilities and programs in accordance with section 5120.112 of the Revised Code;

(6) The performance of the duty imposed upon the department of rehabilitation and correction in section 5149.31 of the Revised Code to establish and administer a program of subsidies to eligible municipal corporations, counties, and groups of contiguous counties for the development, implementation, and operation of community-based corrections programs;

(7) Licensing halfway houses and community residential centers for the care and treatment of adult offenders in accordance with section 2967.14 of the Revised Code;

(8) Contracting with a public or private agency or a department or political subdivision of the state that operates a licensed halfway house or community residential center for the provision of housing, supervision, and other services to parolees, releasees, persons placed under a residential sanction, persons under transitional control, and other eligible offenders in accordance with section 2967.14 of the Revised Code.

Other powers and duties may be assigned by the director of rehabilitation and correction to the division of parole and community services. This section does not apply to the department of youth services or its institutions or employees.

(E) No plan for any new jail, workhouse, or lockup, and no plan for a substantial addition or alteration to an existing jail, workhouse, or lockup, shall be adopted unless the officials responsible for adopting the plan have submitted the plan to the department of rehabilitation and correction for approval, and the department has approved the plan as provided in division (D)(2) of this section.

**Sec. 5120.112.** (A) The division of parole and community services shall accept applications for state financial assistance for the renovation, maintenance, and operation of proposed and approved community-based correctional facilities and programs and district community-based correctional facilities and programs that are filed in accordance with section 2301.56 of the Revised Code. The division, upon receipt of an application for a particular facility and program, shall determine whether the application is in proper form, whether the applicant satisfies the standards of operation that are prescribed by the department of rehabilitation and correction under section 5120.111 of the Revised Code, whether the applicant has established the facility and program, and, if the applicant has not at that time established the facility and

program, whether the proposal of the applicant sufficiently indicates that the standards will be satisfied upon the establishment of the facility and program. If the division determines that the application is in proper form and that the applicant has satisfied or will satisfy the standards of the department, the division shall notify the applicant that it is qualified to receive state financial assistance for the facility and program under this section from moneys made available to the division for purposes of providing assistance to community-based correctional facilities and programs and district community-based correctional facilities and programs.

(B) The amount of state financial assistance that is awarded to a qualified applicant under this section shall be determined by the division of parole and community services in accordance with this division. In determining the amount of state financial assistance to be awarded to a qualified applicant under this section, the division shall not calculate the cost of an offender incarcerated in a community-based correctional facility and program or district community-based correctional facility program to be greater than the average yearly cost of incarceration per inmate in all state correctional institutions, as defined in section 2967.01 of the Revised Code, as determined by the department of rehabilitation and correction.

The times and manner of distribution of state financial assistance to be awarded to a qualified applicant under this section shall be determined by the division of parole and community services.

(C) Upon approval of a proposal for a community-based correctional facility and program or a district community-based correctional facility and program by the division of parole and community services, the facility governing board, upon the advice of the judicial advisory board, shall enter into an award

agreement with the department of rehabilitation and correction that outlines terms and conditions of the agreement ~~on an annual basis~~. The agreement shall not be effective for longer than the state fiscal biennium in which the financial assistance is to be awarded. In the award agreement, the facility governing board shall identify a fiscal agent responsible for the deposit of funds and compliance with sections 2301.55 and 2301.56 of the Revised Code.

(D) No state financial assistance shall be distributed to a qualified applicant until an agreement concerning the assistance has been entered into by the director of rehabilitation and correction and the deputy director of the division of parole and community services on the part of the state, and by the chairperson of the facility governing board of the community-based correctional facility and program or district community-based correctional facility and program to receive the financial assistance, whichever is applicable. The agreement shall not be effective for ~~a period of one year from the date of the agreement~~ longer than the state fiscal biennium in which the financial assistance is to be awarded, and shall specify all terms and conditions that are applicable to the awarding of the assistance, including, but not limited to:

(1) The total amount of assistance to be awarded for each community-based correctional facility and program or district community-based correctional facility and program, and the times and manner of the payment of the assistance;

(2) How persons who will staff and operate the facility and program are to be utilized during the period for which the assistance is to be granted, including descriptions of their positions and duties, and their salaries and fringe benefits;

(3) A statement that none of the persons who will staff and operate the facility and program, including those who are

receiving some or all of their salaries out of funds received by the facility and program as state financial assistance, are employees or are to be considered as being employees of the department of rehabilitation and correction, and a statement that the employees who will staff and operate that facility and program are employees of the facility and program;

(4) A list of the type of expenses, other than salaries of persons who will staff and operate the facility and program, for which the state financial assistance can be used, and a requirement that purchases made with funds received as state financial assistance follow established fiscal guidelines as determined by the division of parole and community services and any applicable sections of the Revised Code, including, but not limited to, sections 125.01 to 125.11 and Chapter 153. of the Revised Code;

(5) The accounting procedures that are to be used by the facility and program in relation to the state financial assistance;

(6) A requirement that the facility and program file reports, during the period that it receives state financial assistance, with the division of parole and community services, which reports shall be statistical in nature and shall contain that information required under a research design agreed upon by all parties to the agreement, for purposes of evaluating the facility and program;

(7) A requirement that the facility and program comply with standards of operation as prescribed by the department under section 5120.111 of the Revised Code, and with all information submitted on its application;

(8) A statement that the facility and program will make a reasonable effort to augment the funding received from the state.

(E)(1) No state financial assistance shall be distributed to

a qualified applicant until its proposal for a community-based correctional facility and program or district community-based correctional facility and program has been approved by the division of parole and community services.

(2) State financial assistance may be denied to any applicant if it fails to comply with the terms of any agreement entered into pursuant to division (D) of this section.

(F) The division of parole and community services may expend up to one-half per cent of the annual appropriation made for community-based correctional facility programs, for goods or services that benefit those programs.

**Sec. 5122.43.** (A) Costs, fees, and expenses of all proceedings held under this chapter shall be paid as follows:

(1) To police and health officers, other than sheriffs or their deputies, the same fees allowed to constables, to be paid upon the approval of the probate judge;

(2) To sheriffs or their deputies, the same fees allowed for similar services in the court of common pleas;

(3) To physicians or licensed clinical psychologists acting as expert witnesses and to other expert witnesses designated by the court, an amount determined by the court;

(4) To other witnesses, the same fees and mileage as for attendance at the court of common pleas, to be paid upon the approval of the probate judge;

(5) To a person, other than the sheriff or the sheriff's deputies, for taking a mentally ill person to a hospital or removing a mentally ill person from a hospital, the actual necessary expenses incurred, specifically itemized, and approved by the probate judge;

(6) To assistants who convey mentally ill persons to the

hospital when authorized by the probate judge, a fee set by the probate court, provided the assistants are not drawing a salary from the state or any political subdivision of the state, and their actual necessary expenses incurred, provided that the expenses are specifically itemized and approved by the probate judge;

(7) To an attorney appointed by the probate division for an indigent who allegedly is a mentally ill person pursuant to any section of this chapter or a person suffering from alcohol and other drug abuse and who may be ordered under sections 5119.91 to 5119.98 of the Revised Code to undergo treatment, the fees that are determined by the probate division. When those indigent persons are before the court, all filing and recording fees shall be waived.

(8) To a referee who is appointed to conduct proceedings under this chapter that involve a respondent whose domicile is or, before the respondent's hospitalization, was not the county in which the proceedings are held, compensation as fixed by the probate division, but not more than the compensation paid for similar proceedings for respondents whose domicile is in the county in which the proceedings are held;

(9) To a court reporter appointed to make a transcript of proceedings under this chapter, the compensation and fees allowed in other cases under section 2101.08 of the Revised Code.

(B) A county shall pay for the costs, fees, and expenses described in division (A) of this section with money appropriated pursuant to section 2101.11 of the Revised Code. A county may seek reimbursement from the department of mental health and addiction services by submitting a request and certification by the county auditor of the costs, fees, and expenses to the department within two months of the date the costs, fees, and expenses are incurred by the county.

Each fiscal year, based on past allocations, historical utilization, and other factors the department considers appropriate, the department shall allocate for each county an amount for reimbursements under this section. A county's allocation may be zero. The department shall set aside an amount in addition to the allocations to cover court costs associated with proceedings held under this chapter for counties that received an allocation of zero but that incurred expenditures authorized by the department. The total of all the allocations plus the additional amount set aside shall equal the amount appropriated for the fiscal year to the department specifically for the purposes of this section.

On receipt, the department shall review each request for reimbursement and prepare a voucher for the amount of the costs, fees, and expenses incurred by the county, provided that the total amount of money paid to all counties in each fiscal year shall not exceed the total amount of moneys specifically appropriated to the department for these purposes.

The department's total reimbursement to each county shall be the lesser of the full amount requested or either the amount allocated for the county under this division, or, for counties that received an allocation of zero, the amount approved by the department. In addition, the department shall distribute any surplus remaining from the money appropriated for the fiscal year to the department for the purposes of this section as follows to counties whose full requests exceed their allocations:

(1) If the surplus is sufficient to reimburse such counties the full amount of their requests, each such county shall receive the full amount of its request;

(2) If the surplus is insufficient, each such county shall receive a percentage of the surplus determined by dividing the difference between the county's full request and its allocation by

the difference between the total of the full requests of all such counties and the total of the amounts allocated for all such counties.

The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement the payment of costs, fees, and expenses under this section.

**Sec. 5123.023.** (A) The director of developmental disabilities ~~may~~ shall establish an employment first task force consisting of the departments of developmental disabilities, education, medicaid, job and family services, and mental health and addiction services; and the opportunities for Ohioans with disabilities agency. The purpose of the task force shall be to improve the coordination of the state's efforts to address the needs of individuals with developmental disabilities who seek community employment as defined in section 5123.022 of the Revised Code.

(B) The department of developmental disabilities may enter into interagency agreements with any of the government entities on the task force. The interagency agreements may specify either or both of the following:

(1) The roles and responsibilities of the government entities that are members of the task force, including any money to be contributed by those entities;

(2) The projects and activities of the task force.

(C) There is hereby created in the state treasury the employment first taskforce fund. Any money received by the task force from its members shall be credited to the fund. The department of developmental disabilities shall use the fund to support the work of the task force.

~~(D) The task force shall cease to exist on January 1, 2020.~~

~~Any money, assets, or employees of the department of developmental disabilities that on that date are dedicated to the work of the task force shall be reallocated by the department for employment services for individuals with developmental disabilities.~~

**Sec. 5123.046.** The department of developmental disabilities shall review each ~~component of the three-calendar-year~~ annual plan it receives from a county board of developmental disabilities under section 5126.054 of the Revised Code and, in consultation with the department of job and family services and office of budget and management, approve each ~~component~~ plan that includes all the information and conditions specified in that section. ~~The third component of the plan shall be approved or disapproved not later than forty-five days after the third component is submitted to the department. If the department approves all three components of the plan, the plan is approved. Otherwise, the plan is disapproved.~~ If the plan is disapproved, the department shall take action against the county board under division (B) of section 5126.056 of the Revised Code.

In approving plans under this section, the department shall ensure that the aggregate of all plans provide for the increased enrollment into home and community-based services during each state fiscal year of at least five hundred individuals who did not receive residential services, supported living, or home and community-based services the prior state fiscal year if the department has enough additional enrollment available for this purpose.

The department shall establish protocols that the department shall use to determine whether a county board is complying with the programmatic and financial accountability mechanisms and achieving outcomes specified in its approved plan. If the department determines that a county board is not in compliance

with the mechanisms or achieving the outcomes specified in its approved plan, the department may take action under division (F) of section 5126.055 of the Revised Code.

**Sec. 5123.0414.** (A) When the director of developmental disabilities~~, under section 119.07 of the Revised Code,~~ sends a party a notice by registered or certified mail, return receipt requested, that the director intends to take action against the party authorized by section 5123.166, 5123.168, 5123.19, 5123.45, 5123.51, or 5126.25 of the Revised Code and the notice is returned to the director with an endorsement indicating that the notice was refused or unclaimed, the director shall resend the notice by ordinary mail to the party.

(B) If the original notice was refused, the notice shall be deemed received as of the date the director resends the notice.

(C) If the original notice was unclaimed, the notice shall be deemed received as of the date the director resends the notice unless, not later than thirty days after the date the director sent the original notice, the resent notice is returned to the director for failure of delivery.

If the notice concerns taking action under section 5123.51 of the Revised Code and the resent notice is returned to the director for failure of delivery not later than thirty days after the date the director sent the original notice, the director shall cause the notice to be published in a newspaper of general circulation in the county of the party's last known residence or business and shall mail a dated copy of the published notice to the party at the last known address. The notice shall be deemed received as of the date of the publication.

If the notice concerns taking action under section 5123.166, 5123.168, 5123.19, 5123.45, or 5126.25 of the Revised Code and the resent notice is returned to the director for failure of delivery

not later than thirty days after the date the director sent the original notice, the director shall resend the notice to the party a second time. The notice shall be deemed received as of the date the director resends the notice the second time.

**Sec. 5123.0419.** (A) The director of developmental disabilities ~~may~~ shall establish an interagency workgroup on autism. The purpose of the workgroup shall be to improve the coordination of the state's efforts to address the service needs of individuals with autism spectrum disorders and the families of those individuals. In fulfilling this purpose, the director may enter into interagency agreements with the government entities represented by the members of the workgroup. The agreements may specify any or all of the following:

(1) The roles and responsibilities of government entities that enter into the agreements;

(2) Procedures regarding the receipt, transfer, and expenditure of funds necessary to achieve the goals of the workgroup;

(3) The projects to be undertaken and activities to be performed by the government entities that enter into the agreements.

(B) Money received from government entities represented by the members of the workgroup shall be deposited into the state treasury to the credit of the interagency workgroup on autism fund, which is hereby created in the state treasury. Money credited to the fund shall be used by the department of developmental disabilities solely to support the activities of the workgroup.

**Sec. 5123.0424.** (A) As used in this section:

(1) "Official member" means a member of an official workgroup

who was appointed by the director of developmental disabilities.

(2) "Official workgroup" means a workgroup, task force, council, committee, or similar entity that has been established by the director of developmental disabilities under the director's express or implied statutory authority.

(B) Subject to division (C) of this section, the director of developmental disabilities may, at the director's discretion, provide for an official member of an official workgroup to be reimbursed for actual and necessary travel expenses the member incurs in the performance of the member's duties on the workgroup, including attending the workgroup's meetings, if all of the following apply:

(1) The official member serves on the official workgroup as a representative of the families of, or advocates for, individuals with developmental disabilities;

(2) The official member does not receive reimbursement for the travel expenses from any other source;

(3) The official member does not receive wages or other compensation from any other source for performing the member's duties on the official workgroup; and

(4) No statute prohibits official members of the official workgroup from being reimbursed for travel expenses.

(C) The amount the director provides for an official member of an official workgroup to be reimbursed under division (B) of this section shall not exceed the rates the director of budget and management establishes in rules adopted under division (B) of section 126.31 of the Revised Code.

**Sec. 5123.081.** (A) As used in this section:

(1)(a) "Applicant" means any of the following:

(i) A person who is under final consideration for appointment to or employment with the department of developmental disabilities or a county board of developmental disabilities;

(ii) A person who is being transferred to the department or a county board;

(iii) An employee who is being recalled to or reemployed by the department or a county board after a layoff;

(iv) A person under final consideration for a direct services position with a provider or subcontractor.

(b) Neither of the following is an applicant:

(i) A person who is employed by a responsible entity in a position for which a criminal records check is required by this section and either is being considered for a different position with the responsible entity or is returning after a leave of absence or seasonal break in employment, unless the responsible entity has reason to believe that the person has committed a disqualifying offense;

(ii) A person who is to provide only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who is to receive the respite care selects the person.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with developmental disabilities.

(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of

the Revised Code.

(5)(a) "Employee" means either of the following:

(i) A person appointed to or employed by the department of developmental disabilities or a county board of developmental disabilities;

(ii) A person employed in a direct services position by a provider or subcontractor.

(b) "Employee" does not mean a person who provides only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who receives the respite care selected the person.

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

(7) "Provider" means a person that provides specialized services to individuals with developmental disabilities and employs one or more persons in direct services positions.

(8) "Responsible entity" means the following:

(a) The department of developmental disabilities in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the department, being transferred to the department, or being recalled to or reemployed by the department after a layoff;

(ii) A person who is an employee because the person is appointed to or employed by the department.

(b) A county board of developmental disabilities in the case of either of the following:

(i) A person who is an applicant because the person is under

final consideration for appointment to or employment with the county board, being transferred to the county board, or being recalled to or reemployed by the county board after a layoff;

(ii) A person who is an employee because the person is appointed to or employed by the county board.

(c) A provider in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for a direct services position with the provider;

(ii) A person who is an employee because the person is employed in a direct services position by the provider.

(d) A subcontractor in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for a direct services position with the subcontractor;

(ii) A person who is an employee because the person is employed in a direct services position by the subcontractor.

(9) "Specialized services" means any program or service designed and operated to serve primarily individuals with developmental disabilities, including a program or service provided by an entity licensed or certified by the department of developmental disabilities. If there is a question as to whether a provider or subcontractor is providing specialized services, the provider or subcontractor may request that the director of developmental disabilities make a determination. The director's determination is final.

(10) "Subcontractor" means a person to which both of the following apply:

(a) The person has either of the following:

(i) A subcontract with a provider to provide specialized

services included in the contract between the provider and the department of developmental disabilities or a county board of developmental disabilities;

(ii) A subcontract with another subcontractor to provide specialized services included in a subcontract between the other subcontractor and a provider or other subcontractor.

(b) The person employs one or more persons in direct services positions.

(B) A responsible entity shall not employ an applicant or continue to employ an employee if either of the following applies:

(1) The applicant or employee fails to comply with division (D)(3) of this section.

(2) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) Before employing an applicant in a position for which a criminal records check is required by this section, a responsible entity shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. The responsible entity also shall require the applicant to sign an agreement under which the applicant agrees to notify the responsible entity within fourteen calendar days if, while employed by the responsible entity, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense. The agreement shall provide that the applicant's failure to provide the notification may result in

termination of the applicant's employment.

(D)(1) As a condition of employing any applicant in a position for which a criminal records check is required by this section, a responsible entity shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If rules adopted under this section require an employee to undergo a criminal records check, a responsible entity shall request the superintendent to conduct a criminal records check of the employee at times specified in the rules as a condition of the responsible entity's continuing to employ the employee in a position for which a criminal records check is required by this section. If an applicant or employee does not present proof that the applicant or employee has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested, the responsible entity shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. If the applicant or employee presents proof that the applicant or employee has been a resident of this state for that five-year period, the responsible entity may request that the superintendent include information from the federal bureau of investigation in the criminal records check. For purposes of this division, an applicant or employee may provide proof of residency in this state by presenting, with a notarized statement asserting that the applicant or employee has been a resident of this state for that five-year period, a valid driver's license, notification of registration as an elector, a copy of an officially filed federal or state tax form identifying the applicant's or employee's permanent residence, or any other document the responsible entity considers acceptable.

(2) A responsible entity shall do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code;

(b) Obtain the completed form and standard impression sheet from the applicant or employee;

(c) Forward the completed form and standard impression sheet to the superintendent at the time the criminal records check is requested.

(3) Any applicant or employee who receives pursuant to this division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of the standard impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of the applicant's or employee's fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the standard impression sheet with the impressions of the applicant's or employee's fingerprints.

(4) A responsible entity shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check requested and conducted pursuant to this section.

(E) A responsible entity may request any other state or federal agency to supply the responsible entity with a written report regarding the criminal record of an applicant or employee. If an employee holds an occupational or professional license or other credentials, the responsible entity may request that the

state or federal agency that regulates the employee's occupation or profession supply the responsible entity with a written report of any information pertaining to the employee's criminal record that the agency obtains in the course of conducting an investigation or in the process of renewing the employee's license or other credentials. The responsible entity may consider the reports when determining whether to employ the applicant or to continue to employ the employee.

(F) As a condition of employing an applicant in a position for which a criminal records check is required by this section and that involves transporting individuals with developmental disabilities or operating a responsible entity's vehicles for any purpose, the responsible entity shall obtain the applicant's driving record from the bureau of motor vehicles. If rules adopted under this section require a responsible entity to obtain an employee's driving record, the responsible entity shall obtain the employee's driving record from the bureau at times specified in the rules as a condition of continuing to employ the employee. The responsible entity may consider the applicant's or employee's driving record when determining whether to employ the applicant or to continue to employ the employee.

(G) A responsible entity may employ an applicant conditionally pending receipt of a report regarding the applicant requested under this section. <u>The responsible entity shall request the report before employing the applicant conditionally.</u> The responsible entity shall terminate the applicant's employment if it is determined from a report that the applicant failed to inform the responsible entity that the applicant had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(H) A responsible entity may charge an applicant a fee for costs the responsible entity incurs in obtaining a report

regarding the applicant under this section if the responsible entity notifies the applicant of the amount of the fee at the time of the applicant's initial application for employment and that, unless the fee is paid, the responsible entity will not consider the applicant for employment. The fee shall not exceed the amount of the fee, if any, the responsible entity pays for the report.

(I)(1) Any report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following:

(a) The applicant or employee who is the subject of the report or the applicant's or employee's representative;

(b) The responsible entity that requested the report or its representative;

(c) The department if a county board, provider, or subcontractor is the responsible entity that requested the report and the department requests the responsible entity to provide a copy of the report to the department;

(d) A county board if a provider or subcontractor is the responsible entity that requested the report and the county board requests the responsible entity to provide a copy of the report to the county board;

(e) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(i) The denial of employment to the applicant or employee;

(ii) The denial, suspension, or revocation of a certificate under section 5123.166 or 5123.45 of the Revised Code;

(iii) A civil or criminal action regarding the medicaid program or a program the department administers.

(2) An applicant or employee for whom the responsible entity

has obtained reports under this section may submit a written request to the responsible entity to have copies of the reports sent to any state agency, entity of local government, or private entity. The applicant or employee shall specify in the request the agencies or entities to which the copies are to be sent. On receiving the request, the responsible entity shall send copies of the reports to the agencies or entities specified.

(3) A responsible entity may request that a state agency, entity of local government, or private entity send copies to the responsible entity of any report regarding a records check or criminal records check that the agency or entity possesses, if the responsible entity obtains the written consent of the individual who is the subject of the report.

(4) A responsible entity shall provide each applicant and employee with a copy of any report obtained about the applicant or employee under this section.

(J) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo criminal records checks under this section;

(b) Require responsible entities to obtain the driving records of employees under this section;

(c) If the rules require employees to undergo criminal records checks, require responsible entities to obtain the driving records of employees, or both, exempt one or more classes of employees from the requirements.

(2) The rules shall do ~~both~~ all of the following:

(a) If the rules require employees to undergo criminal

records checks, require responsible entities to obtain the driving records of employees, or both, specify the times at which the criminal records checks are to be conducted and the driving records are to be obtained;

(b) Specify circumstances under which a responsible entity may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets standards in regard to rehabilitation set by the director;

(c) Require a responsible entity to request a criminal records check under this section before employing an applicant conditionally as permitted under division (G) of this section.

**Sec. 5123.092.** (A) There is hereby established at each institution and branch institution under the control of the department of developmental disabilities a citizen's advisory council ~~consisting~~. Each council shall consist of ~~thirteen~~ seven members~~. At least seven of the members shall be persons who are not providers of services for persons with developmental disabilities. Each council shall include~~, including parents or other relatives of residents of institutions under the control of the department, community leaders, professional persons in relevant fields, and persons who have an interest in or knowledge of developmental disabilities. The managing officer of the institution shall be a nonvoting member of the council.

(B) The director of developmental disabilities shall be the appointing authority for the voting members of each citizen's advisory council. Each time the term of a voting member expires, the ~~remaining members of the council~~ managing officer of the institution with which the council is associated shall recommend to the director one or more persons to serve on the council. The

director may accept a nominee of the ~~council~~ managing officer or reject the nominee or nominees. If the director rejects the nominee or nominees, the ~~remaining members of the advisory council~~ managing officer shall further recommend to the director one or more other persons to serve on the ~~advisory~~ council. This procedure shall continue until a member is appointed to the ~~advisory~~ council.

~~Each advisory council shall elect from its appointed members a chairperson, vice-chairperson, and a secretary to serve for terms of one year. Advisory council officers shall not serve for more than two consecutive terms in the same office. A majority of the advisory council members constitutes a quorum.~~

~~(C)~~ Terms of office 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. No member shall serve more than two consecutive terms, except that any former member may be appointed if one year or longer has elapsed since the member served two consecutive terms. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any vacancy shall be filled in the same manner in which the original appointment was made, and the appointee to a vacancy in an unexpired term shall serve the balance of the term of the original appointee. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(C) Each citizen's advisory council shall elect from its appointed members a chairperson, vice-chairperson, and secretary. A person elected to an office may serve in that position until the person is no longer a member of the council.

(D) Members of a citizen's advisory council shall be expected to attend all meetings of the ~~advisory~~ council. ~~Unexcused absence~~

~~from two successive regularly scheduled meetings shall be considered prima facie evidence of intent not to continue as a member. The chairperson of the board shall, after a member has been absent for two successive regularly scheduled meetings, direct a letter to the member asking if the member wishes to remain in membership. If an affirmative reply is received, the member shall be retained as a member except that, if, after having expressed a desire to remain a member, the member then misses a third successive regularly scheduled meeting without being excused, the chairperson shall terminate the member's membership.~~ A majority of the members constitutes a quorum.

~~(E)~~ A citizen's advisory council shall meet six times annually, or more frequently if three ~~council~~ members request the chairperson to call a meeting. The council shall keep minutes of each meeting and shall submit them to the managing officer of the institution with which the council is associated ~~and the department of developmental disabilities~~.

~~(F)~~(E) Members of citizen's advisory councils shall receive no compensation for their services, except that they shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties by the institution with which they are associated from funds allocated to it, provided that reimbursement for those expenses shall not exceed limits imposed upon the department of developmental disabilities by administrative rules regulating travel within this state.

~~(G)~~(F) The councils shall have reasonable access to all patient treatment and living areas and records of the institution, except those records of a strictly personal or confidential nature. The councils shall have access to a patient's personal records with the consent of the patient or the patient's legal guardian or, if the patient is a minor, with the consent of the parent or legal guardian of the patient.

~~(H)~~(G) As used in this section, "branch institution" means a facility that is located apart from an institution and is under the control of the managing officer of the institution.

**Sec. 5123.166.** (A) If good cause exists as specified in division (B) of this section and determined in accordance with procedures established in rules adopted under section 5123.1611 of the Revised Code, the director of developmental disabilities may issue an adjudication order requiring that one or more of the following actions be taken against a person or government entity seeking or holding a supported living certificate:

(1) Refusal to issue or renew a supported living certificate;

(2) Revocation of a supported living certificate;

(3) Suspension of a supported living certificate holder's authority to do ~~either or both~~ any of the following:

(a) Continue to provide supported living to one or more individuals ~~from one or more counties~~ who receive supported living from the certificate holder at the time the director takes the action;

(b) Begin to provide supported living to one or more individuals ~~from one or more counties~~ who do not receive supported living from the certificate holder at the time the director takes the action;

(c) Expand or add supported living services to one or more individuals who receive supported living from the certificate holder at the time the director takes action.

(B) The following constitute good cause for taking action under division (A) of this section against a person or government entity seeking or holding a supported living certificate:

(1) The person or government entity's failure to meet or continue to meet the applicable certification standards

established in rules adopted under section 5123.1611 of the Revised Code;

(2) The person or government entity violates section 5123.165 of the Revised Code;

(3) The person or government entity's failure to satisfy the requirements of section 5123.081 or 5123.52 of the Revised Code;

(4) Misfeasance;

(5) Malfeasance;

(6) Nonfeasance;

(7) Confirmed abuse or neglect;

(8) Financial irresponsibility;

(9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported living from the person or government entity.

(C) Except as provided in division (D) of this section, the director shall issue an adjudication order under division (A) of this section in accordance with Chapter 119. of the Revised Code.

(D)(1) The director may issue an order requiring that action specified in division (A)(3)(b) or (c) of this section be taken before a provider is provided notice and an opportunity for a hearing if ~~all~~ both of the following are the case:

(a) The director determines such action is warranted by the provider's failure to continue to meet the applicable certification standards;

(b) The director determines that the failure either represents a pattern of serious noncompliance or creates a substantial risk to the health or safety of an individual who receives or would receive supported living from the provider~~;~~

~~(c) If the order will suspend the provider's authority to~~

~~continue to provide supported living to an individual who receives supported living from the provider at the time the director issues the order, both~~.

(2) The director may issue an order requiring that the action specified in division (A)(3)(a) of this section be taken before a provider is provided notice and an opportunity for a hearing if either of the following ~~are~~ is the case:

(a) The conditions identified in division (D)(1) of this section are met and all of the following apply:

(i) The director makes the individual, or the individual's guardian, aware of the director's determination under division (D)(1)(b) of this section ~~and the~~.

(ii) The individual or guardian does not select another provider.

~~(ii)~~(iii) A county board of developmental disabilities has filed a complaint with a probate court under section 5126.33 of the Revised Code that includes facts describing the nature of abuse or neglect that the individual has suffered due to the provider's actions that are the basis for the director making the determination under division (D)(1)(b) of this section and the probate court does not issue an order authorizing the county board to arrange services for the individual pursuant to an individualized service plan developed for the individual under section 5126.31 of the Revised Code.

~~(2)~~(b) Both of the following apply:

(i) There is clear and convincing evidence that the provider has violated division (B) of this section.

(ii) Allowing the provider to continue to provide supported living would present a danger of immediate and serious harm.

(E) If the director issues an order under division (D)(1) or

(2) of this section, sections 119.091 to 119.13 of the Revised Code and all of the following apply:

~~(a)~~(1) The director shall send the provider notice of the order by ~~registered~~ certified mail, return receipt requested, not later than twenty-four hours after issuing the order and shall include in the notice the reasons for the order, the citation to the law or rule directly involved, and a statement that the provider will be afforded a hearing if the provider requests it in writing within ten days of the time of receiving the notice.

~~(b)~~(2) If the provider requests a hearing within the required time and the provider has provided the director the provider's current address, the date for the hearing shall be as follows:

(a) In the case of an order issued under division (D)(1) of this section, the director shall immediately set, and notify the provider of, the date, time, and place for the hearing. If the provider's written request for a hearing includes a request that the hearing be held not later than thirty days after the director receives the provider's timely request for the hearing, the date set for the hearing by the director shall be within thirty days.

(b) In the case of an order issued under division (D)(2) of this section, the date set for the hearing by the director shall be within fifteen days, but not earlier than seven days, after the director receives the provider's timely request for the hearing, unless otherwise agreed to by the director and the provider.

~~(c) The date of the hearing shall be not later than thirty days after the director receives the provider's timely request for the hearing.~~

~~(d)~~(3) The hearing shall be conducted in accordance with section 119.09 of the Revised Code, except for all of the following:

(i) The hearing shall continue uninterrupted until its close,

except for weekends, legal holidays, and other interruptions the provider and director agree to.

(ii) If the director appoints a referee or examiner to conduct the hearing, the referee or examiner, not later than ten days after the date the referee or examiner receives a transcript of the testimony and evidence presented at the hearing or, if the referee or examiner does not receive the transcript or no such transcript is made, the date that the referee or examiner closes the record of the hearing, shall submit to the director a written report setting forth the referee or examiner's findings of fact and conclusions of law and a recommendation of the action the director should take.

(iii) The provider may, not later than five days after the date the director, in accordance with section 119.09 of the Revised Code, sends the provider or the provider's attorney or other representative of record a copy of the referee or examiner's report and recommendation, file with the director written objections to the report and recommendation.

(iv) The director shall approve, modify, or disapprove the referee or examiner's report and recommendation not earlier than six days, and not later than ~~fifteen~~ ten days, after the date the director, in accordance with section 119.09 of the Revised Code, sends a copy of the report and recommendation to the provider or the provider's attorney or other representative of record.

~~(3)~~(F)(1) The director may lift an order issued under division (D)(1) of this section even though a hearing regarding the order is occurring or pending if the director determines that the provider has taken action eliminating the good cause for issuing the order. The hearing shall proceed unless the provider withdraws the request for the hearing in a written letter to the director.

~~(4)~~(2) The director shall lift an order issued under division (D)(1) of this section if both of the following are the case:

(a) The provider provides the director a plan of compliance the director determines is acceptable.

(b) The director determines that the provider has implemented the plan of compliance correctly.

(G) Any order issued under division (D)(2) of this section shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the director pursuant to Chapter 119. of the Revised Code becomes effective. The director shall issue the final adjudication order within ten days after completion of the hearing. A failure to issue the order within ten days shall result in dissolution of the order issued under division (D)(2) of this section but shall not invalidate any subsequent final adjudication order. A final adjudication order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code.

**Sec. 5123.193.** The director of developmental disabilities shall include on the internet web site maintained by the department of developmental disabilities a searchable database of vacancies in licensed residential facilities. Each person or government entity operating a licensed residential facility shall provide current and accurate vacancy information to the department in accordance with procedures that the director shall establish.

**Sec. 5123.691.** (A) As used in this section, "mental illness" has the same meaning as in section 5122.01 of the Revised Code.

(B) The managing officer of an institution, with the concurrence of the chief program director, may admit into a specialized treatment unit for minors a minor ages ten to seventeen who is in behavior crisis and has serious behavioral

challenges if one of the following applies:

(1) The minor has an intellectual disability.

(2) The minor has autism spectrum disorder.

(3) The minor has a dual diagnosis of an intellectual disability and mental illness.

(4) The minor has a dual diagnosis of autism spectrum disorder and mental illness.

(C)(1) The admission of a minor into a specialized treatment unit shall be based upon the availability of beds at the institution and the clinical treatment needs of the minor.

(2) The department of developmental disabilities may establish other criteria for admitting a minor into a specialized treatment unit.

(D) Before a minor may be admitted into a specialized treatment unit, the minor's parent or legal guardian, the county board of developmental disabilities, and the department shall enter into a memorandum of understanding setting forth the roles and responsibilities of each of the parties regarding the care and treatment of the minor and specifying the duration of admission in the specialized treatment unit.

(E)(1) The initial duration of admission for a minor in a specialized treatment unit shall not exceed one hundred eighty days.

(2) The parent or legal guardian of a minor may petition the department to extend the duration of a minor's admission in a specialized treatment unit at least thirty days before the expiration of the minor's term of admission in the specialized treatment unit. The department, in its discretion, may grant or deny a petition for extended admission, but may not extend a minor's duration of admission in a specialized treatment unit

beyond one year.

(3) Upon the expiration of a minor's term of admission in a specialized treatment unit, the minor shall be returned to the care of the minor's parent or legal guardian.

(F) The managing officer of an institution may discharge a minor from a specialized treatment unit in accordance with division (C) of section 5123.69 of the Revised Code. The uniform procedures of discharge established by rules adopted under division (G)(7) of section 5123.19 of the Revised Code shall not apply to the discharge of a minor from a specialized treatment unit.

**Sec. 5126.053.** (A) Beginning April 1, 2020, and then annually thereafter on or before the first day of April each year, each county board of developmental disabilities shall submit to the department of developmental disabilities, in the format established pursuant to division (B) of this section, a five-year projection of revenues and expenditures. Each five-year projection shall be approved by the superintendent of the county board.

The department shall review each five-year projection and may require a county board to do any of the following within the time frame specified by the department:

(1) Submit additional information;

(2) Permit employees or agents of the department to visit the county board to review documents and other records that are relevant to the department's review of the five-year projection;

(3) Submit a revised five-year projection;

(4) Complete any other action the director of developmental disabilities considers necessary in order to obtain an accurate five-year projection.

(B) The department, in consultation with the Ohio association

of county boards of developmental disabilities, shall establish guidelines for completing and formatting the five-year projection required by division (A) of this section.

(C) In addition to reviewing a five-year projection submitted pursuant to division (A) of this section, the department, or an entity designated by or working under contract with the department, may conduct additional reviews as the department considers necessary to assess any county board's fiscal condition. The department shall provide prior notice to a county board of any planned review.

The department may issue recommendations to discontinue or correct fiscal practices or budgetary conditions that prompted, or were discovered by, an additional review under this division. The superintendent of a county board shall respond in writing to any such recommendations within the time frame specified by the department.

(D) If a county board fails to submit a five-year projection to the department on or before the date specified in division (A) of this section, the department may do any or all of the following:

(1) Withhold any funds that it otherwise would distribute to the county board;

(2) Conduct further reviews as necessary to complete the five-year projections at full cost to the county board;

(3) Revoke the certification of the superintendent or the accreditation of the county board.

(E) If the department determines that a county board willfully provided erroneous, inaccurate, or incomplete data as part of its five-year projection submitted pursuant to division (A) of this section, the department may take action as provided under division (D)(2) or (3) of this section.

**Sec. 5126.054.** ~~(A) Each~~ Annually, on or before the thirty-first day of December each year, each county board of developmental disabilities shall, by resolution, develop ~~a three-calendar year~~ and submit to the department of developmental disabilities an annual plan that includes the following ~~three~~ components:

~~(1) An assessment component that includes all of the following:~~

~~(a)~~(A) The number of individuals with developmental disabilities residing in the county who ~~need the level of care provided by an ICF/IID, may seek home and community-based services, and~~ are placed on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code; the service needs of those individuals; and the projected annualized cost for services;

~~(b) The source of funds available to the county board to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay;~~

~~(c)~~(B) The projected number of individuals to whom the board intends to provide home and community-based services based on available funding as projected in the board's annual five-year projection report submitted pursuant to section 5126.053 of the Revised Code;

(C) How the services are to be phased in over the period the plan covers, including how the county board will serve the individuals identified in divisions (A)(1) and (2) of this section;

(D) Any other applicable information or conditions that the department ~~of developmental disabilities~~ requires as a condition

of approving the ~~component~~ plan under section 5123.046 of the Revised Code.

~~(2) A preliminary implementation component that specifies the number of individuals to be provided, during the first year that the plan is in effect, home and community-based services pursuant to their placement on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code and the types of home and community-based services the individuals are to receive;~~

~~(3) A component that provides for the implementation of medicaid case management services and home and community-based services for individuals who begin to receive the services on or after the date the plan is approved under section 5123.046 of the Revised Code. A county board shall include all of the following in the component:~~

~~(a) If the department of developmental disabilities or department of medicaid requires, an agreement to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay;~~

~~(b) How the services are to be phased in over the period the plan covers, including how the county board will serve individuals placed on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code;~~

~~(c) Any agreement or commitment regarding the county board's funding of home and community-based services that the county board has with the department at the time the county board develops the component;~~

~~(d) Assurances adequate to the department that the county board will comply with all of the following requirements:~~

~~(i) To provide the types of home and community-based services~~

~~specified in the preliminary implementation component required by division (A)(2) of this section to at least the number of individuals specified in that component;~~

~~(ii) To use any additional funds the county board receives for the services to improve the county board's resource capabilities for supporting such services available in the county at the time the component is developed and to expand the services to accommodate the unmet need for those services in the county;~~

~~(iii) To employ or contract with a business manager or enter into an agreement with another county board of developmental disabilities that employs or contracts with a business manager to have the business manager serve both county boards. No superintendent of a county board may serve as the county board's business manager.~~

~~(iv) To employ or contract with a medicaid services manager or enter into an agreement with another county board of developmental disabilities that employs or contracts with a medicaid services manager to have the medicaid services manager serve both county boards. No superintendent of a county board may serve as the county board's medicaid services manager.~~

~~(e) Programmatic and financial accountability measures and projected outcomes expected from the implementation of the plan;~~

~~(f) Any other applicable information or conditions that the department requires as a condition of approving the component under section 5123.046 of the Revised Code.~~

~~(B) A county board whose plan developed under division (A) of this section is approved by the department under section 5123.046 of the Revised Code shall update and renew the plan in accordance with a schedule the department shall develop.~~

**Sec. 5126.055.** (A) Except as provided in section 5126.056 of

the Revised Code, a county board of developmental disabilities has medicaid local administrative authority to, and shall, do all of the following for an individual with a developmental disability who resides in the county that the county board serves and seeks or receives home and community-based services:

(1) Perform assessments and evaluations of the individual. As part of the assessment and evaluation process, all of the following apply:

(a) The county board shall make a recommendation to the department of developmental disabilities on whether the department should approve or deny the individual's application for the services, including on the basis of whether the individual needs the level of care an ICF/IID provides.

(b) If the individual's application is denied because of the county board's recommendation and the individual appeals pursuant to section 5160.31 of the Revised Code, the county board shall present, with the department of developmental disabilities or department of medicaid, whichever denies the application, the reasons for the recommendation and denial at the hearing.

(c) If the individual's application is approved, the county board shall recommend to the departments of developmental disabilities and medicaid the services that should be included in the individual service plan. If either department under section 5166.21 of the Revised Code approves, reduces, denies, or terminates a service included in the plan because of the county board's recommendation, the board shall present, with the department that made the approval, reduction, denial, or termination, the reasons for the recommendation and approval, reduction, denial, or termination at a hearing held pursuant to an appeal made under section 5160.31 of the Revised Code.

(2) Perform any duties assigned to the county board in rules

adopted under section 5126.046 of the Revised Code regarding the individual's right to choose a qualified and willing provider of the services and, at a hearing held pursuant to an appeal made under section 5160.31 of the Revised Code, present evidence of the process for appropriate assistance in choosing providers;

(3) If the county board is certified under section 5123.161 of the Revised Code to provide the services and agrees to provide the services to the individual and the individual chooses the county board to provide the services, furnish, in accordance with the county board's medicaid provider agreement and for the authorized reimbursement rate, the services the individual requires;

(4) Monitor the services provided to the individual and ensure the individual's health, safety, and welfare. The monitoring shall include quality assurance activities. If the county board provides the services, the department of developmental disabilities shall also monitor the services.

(5) Develop, with the individual and the provider of the individual's services, an effective individual service plan that includes coordination of services, recommend that the departments of developmental disabilities and medicaid approve the plan, and implement the plan unless either department disapproves it. The plan shall include a summary page, agreed to by the county board, provider, and individual receiving services, that clearly outlines the amount, duration, and scope of services to be provided under the plan.

(6) Have an investigative agent conduct investigations under section 5126.313 of the Revised Code that concern the individual;

(7) Have a service and support administrator perform the duties under division (B)~~(9)~~(8) of section 5126.15 of the Revised Code that concern the individual.

(B) A county board shall perform its medicaid local administrative authority under this section in accordance with all of the following:

(1) The county board's plan that the department of developmental disabilities approves under section 5123.046 of the Revised Code;

(2) All applicable federal and state laws;

(3) All applicable policies of the departments of developmental disabilities and medicaid and the United States department of health and human services;

(4) The department of medicaid's supervision under its authority as the single state medicaid agency;

(5) The department of developmental disabilities' oversight.

(C) The departments of developmental disabilities and medicaid shall communicate with and provide training to county boards regarding medicaid local administrative authority granted by this section. The communication and training shall include issues regarding audit protocols and other standards established by the United States department of health and human services that the departments determine appropriate for communication and training. County boards shall participate in the training. The departments shall assess the county board's compliance against uniform standards that the departments shall establish.

(D) A county board may not delegate its medicaid local administrative authority granted under this section but may contract with a person or government entity, including a council of governments, for assistance with its medicaid local administrative authority. A county board that enters into such a contract shall notify the director of developmental disabilities. The notice shall include the tasks and responsibilities that the contract gives to the person or government entity. The person or

government entity shall comply in full with all requirements to which the county board is subject regarding the person or government entity's tasks and responsibilities under the contract. The county board remains ultimately responsible for the tasks and responsibilities.

(E) A county board that has medicaid local administrative authority under this section shall, through the departments of developmental disabilities and medicaid, reply to, and cooperate in arranging compliance with, a program or fiscal audit or program violation exception that a state or federal audit or review discovers. The department of medicaid shall timely notify the department of developmental disabilities and the county board of any adverse findings. After receiving the notice, the county board, in conjunction with the department of developmental disabilities, shall cooperate fully with the department of medicaid and timely prepare and send to the department a written plan of correction or response to the adverse findings. The county board is liable for any adverse findings that result from an action it takes or fails to take in its implementation of medicaid local administrative authority.

(F) If the department of developmental disabilities or department of medicaid determines that a county board's implementation of its medicaid local administrative authority under this section is deficient, the department that makes the determination shall require that county board do the following:

(1) If the deficiency affects the health, safety, or welfare of an individual with a developmental disability, correct the deficiency within twenty-four hours;

(2) If the deficiency does not affect the health, safety, or welfare of an individual with a developmental disability, receive technical assistance from the department or submit a plan of correction to the department that is acceptable to the department

within sixty days and correct the deficiency within the time required by the plan of correction.

**Sec. 5126.056.** (A) The department of developmental disabilities shall take action under division (B) of this section against a county board of developmental disabilities if any of the following are the case:

(1) The county board fails to submit to the department all the components of its ~~three-year~~ annual plan required by section 5126.054 of the Revised Code.

(2) The department disapproves the county board's ~~three-year~~ annual plan under section 5123.046 of the Revised Code.

(3) ~~The county board fails, as required by division (B) of section 5126.054 of the Revised Code, to update and renew its three-year plan in accordance with a schedule the department develops under that section.~~

~~(4)~~ The county board fails to implement its ~~initial or renewed three-year~~ annual plan approved by the department.

~~(5)~~(4) The county board fails to correct a deficiency within the time required by division (F) of section 5126.055 of the Revised Code to the satisfaction of the department.

~~(6)~~(5) The county board fails to submit an acceptable plan of correction to the department within the time required by division (F)(2) of section 5126.055 of the Revised Code.

(B) If required by division (A) of this section to take action against a county board, the department shall issue an order terminating the county board's medicaid local administrative authority over all or part of home and community-based services, medicaid case management services, or all or part of both of those services. The department shall provide a copy of the order to the board of county commissioners, senior probate judge, county

auditor, and president and superintendent of the county board. The department shall specify in the order the medicaid local administrative authority that the department is terminating, the reason for the termination, and the county board's option and responsibilities under this division.

A county board whose medicaid local administrative authority is terminated may, not later than thirty days after the department issues the termination order, recommend to the department that another county board that has not had any of its medicaid local administrative authority terminated or another entity the department approves administer the services for which the county board's medicaid local administrative authority is terminated. The department may contract with the other county board or entity to administer the services. If the department enters into such a contract, the county board shall adopt a resolution giving the other county board or entity full medicaid local administrative authority over the services that the other county board or entity is to administer. The other county board or entity shall be known as the contracting authority.

If the department rejects the county board's recommendation regarding a contracting authority, the county board may appeal the rejection under section 5123.043 of the Revised Code.

If the county board does not submit a recommendation to the department regarding a contracting authority within the required time or the department rejects the county board's recommendation and the rejection is upheld pursuant to an appeal, if any, under section 5123.043 of the Revised Code, the department shall appoint an administrative receiver to administer the services for which the county board's medicaid local administrative authority is terminated. To the extent necessary for the department to appoint an administrative receiver, the department may utilize employees of the department, management personnel from another county board,

or other individuals who are not employed by or affiliated with in any manner a person that provides home and community-based services or medicaid case management services pursuant to a contract with any county board. The administrative receiver shall assume full administrative responsibility for the county board's services for which the county board's medicaid local administrative authority is terminated.

The contracting authority or administrative receiver shall develop and submit to the department a plan of correction to remediate the problems that caused the department to issue the termination order. If, after reviewing the plan, the department approves it, the contracting authority or administrative receiver shall implement the plan.

The county board shall transfer control of state and federal funds it is otherwise eligible to receive for the services for which the county board's medicaid local administrative authority is terminated and funds the county board may use under division (A) of section 5126.0511 of the Revised Code to pay the nonfederal share of the services that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay. The county board shall transfer control of the funds to the contracting authority or administrative receiver administering the services. The amount the county board shall transfer shall be the amount necessary for the contracting authority or administrative receiver to fulfill its duties in administering the services, including its duties to pay its personnel for time worked, travel, and related matters. If the county board fails to make the transfer, the department may withhold the state and federal funds from the county board and bring a mandamus action against the county board in the court of common pleas of the county served by the county board or in the Franklin county court of common pleas. The mandamus action may not require that the county board transfer

any funds other than the funds the county board is required by division (B) of this section to transfer.

The contracting authority or administrative receiver has the right to authorize the payment of bills in the same manner that the county board may authorize payment of bills under this chapter and section 319.16 of the Revised Code.

**Sec. 5126.131.** (A)(1) Each regional council established under section 5126.13 of the Revised Code shall file with the department of developmental disabilities an annual cost report detailing the regional council's income and expenditures.

(2) Each county board of developmental disabilities shall file with the department an annual cost report detailing the board's income and expenditures.

(B)(1)(a) Unless the department establishes a later date for all regional council cost reports, each council shall file its cost report not later than the last day of April. At the written request of a regional council, the department may grant a fourteen-day extension for filing the cost report.

(b) Unless the department establishes a later date for all county board cost reports, each board shall file its cost report not later than the last day of May. At the written request of a board, the department may grant a fourteen-day extension for filing the board's cost report.

(2) The cost report shall contain information on the previous calendar year's income and expenditures. Once filed by a regional council or board, no changes may be made to the cost report, including the submission of additional documentation, except as otherwise provided in this section.

(C) Each cost report filed under this section by a regional council or board ~~shall~~ may be audited by the department or an

entity designated by the department. The department or designated entity shall notify the regional council or board of the date on which the audit is to begin. The department may permit a regional council or board to submit changes to the cost report before the audit begins.

If the department or designated entity determines that a filed cost report is not auditable, it shall provide written notification to the regional council or board of the cost report's deficiencies and may request additional documentation. If the department or designated entity requests additional documentation, the regional council or board shall be given sixty days after the request is made to provide the additional documentation. After sixty days, the department or designated entity shall determine whether the cost report is auditable with any additional documentation provided and shall notify the regional council or board of its determination. The determination of the department or designated entity is final.

(D) The department or designated entity shall certify its audit as complete and file a copy of the certified audit in the office of the clerk of the governing body, executive officer of the governing body, and chief fiscal officer of the audited regional council or board. Changes may not be made to a cost report once the department or designated entity files the certified audit. The cost report is not a public record under section 149.43 of the Revised Code until copies of the cost report are filed pursuant to this section.

(E) The department may withhold any funds that it distributes to a regional council or board as subsidy payments if either of the following is the case:

(1) The cost report is not timely filed by the regional council or board with the department in accordance with division (B) of this section.

(2) The cost report is determined not auditable under division (C) of this section after the department or designated entity gives the regional council or board sixty days to provide additional documentation.

(F) Cost reports shall be retained by regional councils and boards for seven years. The department shall provide annual training to regional council and board employees regarding cost reports required by this section.

(G) The department, in accordance with Chapter 119. of the Revised Code, may adopt any rules necessary to implement this section.

**Sec. 5126.15.** (A) A county board of developmental disabilities shall provide service and support administration to each individual three years of age or older who is eligible for service and support administration if the individual requests, or a person on the individual's behalf requests, service and support administration. A board shall provide service and support administration to each individual receiving home and community-based services. A board may provide, in accordance with the service coordination requirements of 34 C.F.R. 303.23, service and support administration to an individual under three years of age eligible for early intervention services under 34 C.F.R. part 303. A board may provide service and support administration to an individual who is not eligible for other services of the board. Service and support administration shall be provided in accordance with rules adopted under section 5126.08 of the Revised Code.

A board may provide service and support administration by directly employing service and support administrators or by contracting with entities for the performance of service and support administration. Individuals employed or under contract as service and support administrators shall not be in the same

collective bargaining unit as employees who perform duties that are not administrative.

A service and support administrator shall perform only the duties specified in division (B) of this section. While employed by or under contract with a board, a service and support administrator shall neither be employed by or serve in a decision-making or policy-making capacity for any other entity that provides programs or services to individuals with developmental disabilities nor provide programs or services to individuals with ~~mental retardation or~~ developmental disabilities through self-employment.

(B) A service and support administrator shall do all of the following:

(1) Establish an individual's eligibility for the services of the county board of developmental disabilities;

(2) Assess individual needs for services;

(3) Develop individual service plans with the active participation of the individual to be served, other persons selected by the individual, and, when applicable, the provider selected by the individual, and recommend the plans for approval by the department of developmental disabilities when services included in the plans are funded through medicaid;

(4) Establish budgets for services based on the individual's assessed needs and preferred ways of meeting those needs;

(5) Assist individuals in making selections from among the providers they have chosen;

(6) Ensure that services are effectively coordinated and provided by appropriate providers;

(7) Establish and implement an ongoing system of monitoring the implementation of individual service plans to achieve

consistent implementation and the desired outcomes for the individual;

(8) ~~Perform quality assurance reviews as a distinct function of service and support administration;~~

~~(9)~~ Incorporate ~~the results of quality assurance reviews and~~ identified trends and patterns of unusual incidents and major unusual incidents into amendments of an individual's service plan for the purpose of improving and enhancing the quality and appropriateness of services rendered to the individual.

**Sec. 5139.87.** (A) The department of youth services shall serve as the state agent for the administration of ~~all~~ federal juvenile justice grants awarded to the state.

(B) There ~~are~~ is hereby created in the state treasury the ~~federal~~ juvenile justice ~~programs funds~~ and delinquency prevention fund. ~~A separate fund shall be established each federal fiscal year.~~ All federal grants and other moneys received for federal juvenile programs shall be deposited into the ~~funds~~ fund. All receipts deposited into the ~~funds~~ fund shall be used for federal juvenile programs. All investment earnings on the cash balance in ~~a federal juvenile program~~ the fund shall be credited to ~~that~~ the fund ~~for the appropriate federal fiscal year~~. The department of youth services shall maintain a financial activity report of each individual grant within the fund, including any expenses or revenues credited to those individual grants.

~~(C) All rules, orders, and determinations of the office of criminal justice services regarding the administration of federal juvenile justice grants that are in effect on the effective date of this amendment shall continue in effect as rules, orders, and determinations of the department of youth services.~~

**Sec. 5145.162.** (A) There is hereby created the office of

enterprise development advisory board to advise and assist the department of rehabilitation and correction with the creation of training programs and jobs for inmates and releasees through partnerships with private sector businesses. The board shall consist of at least five appointed members and the staff representative assigned by the correctional institution inspection committee, who shall serve as an ex officio member. Each member shall have experience in labor relations, marketing, business management, or business. The members and chairperson shall be appointed by the director of the department of rehabilitation and correction.

(B) Each member of the advisory board shall receive no compensation but may be reimbursed for expenses actually and necessarily incurred in the performance of official duties of the board. Members of the board who are state employees shall be reimbursed for expenses pursuant to travel rules promulgated by the office of budget and management.

(C) The advisory board shall adopt procedures for the conduct of the board's meetings. The board shall meet at least once every quarter, and otherwise shall meet at the call of the chairperson or the director of the department of rehabilitation and correction. Sixty per cent of the members shall constitute a quorum. No transaction of the board's business shall be taken without the concurrence of a quorum of the members. The board may have committees with persons who are not members of the board but whose experience and expertise is relevant and useful to the work of the committee.

(D) The advisory board shall have the following duties:

(1) Solicit business proposals offering job training, apprenticeship, education programs, and employment opportunities for inmates ~~and~~, releasees, and Ohio penal industries;

(2) Provide information and input to the office of enterprise development to support the job training and employment program of inmates and releasees and any additional, related duties as requested by the director of the department of rehabilitation and correction;

(3) Recommend to the office of enterprise development any legislation, administrative rule, or department policy change that the board believes is necessary to implement the department's program;

(4) Promote public awareness of the office of enterprise development and the office's employment program;

(5) Familiarize itself and the public with avenues to access the office of enterprise development on employment program concerns;

(6) Advocate for the needs and concerns of the office of enterprise development in local communities, counties, and the state;

(7) Play an active role in the office of enterprise development's efforts to reduce recidivism in the state by doing all of the following:

(a) Providing input and making recommendations for the office's consideration in monitoring employment program compliance and effectiveness;

(b) Making suggestions on the appropriate priorities for the office's grant award criteria;

(c) Being a liaison between the office and constituents of the board's members;

(d) Working to develop constituent groups interested in employment program issues;

(8) Aid in the employment program development process by

playing a leadership role in professional associations by discussing employment program issues.

(E) The department of rehabilitation and correction shall initially screen each proposal obtained under division (D)(1) of this section to ensure that the proposal is a viable venture to pursue. If the department determines that a proposal is a viable venture to pursue, the department shall submit the proposal to the board for objective review against established guidelines. The board shall determine whether to recommend the implementation of the program to the department.

**Sec. 5149.01.** As used in Chapter 5149. of the Revised Code:

(A) "Authority" means the adult parole authority created by section 5149.02 of the Revised Code.

(B) "State correctional institution," "pardon," "commutation," "reprieve," "parole," "head of a state correctional institution," "convict," "prisoner," "parolee," "final release," and "parole violator" have the same meanings as in section 2967.01 of the Revised Code.

(C) "Full board hearing" means a parole board hearing conducted by a majority of parole board members as described in section 5149.101 of the Revised Code.

(D) "Caseload" means the number of persons who are under the supervision of any individual parole officer or field officer of the field services section of the adult parole authority, including persons placed on probation, community control, judicial release, or another form of supervision imposed by a court and persons paroled, conditionally pardoned, or released to post-release control supervision.

**Sec. 5149.04.** (A) Persons paroled, conditionally pardoned, or released from a state correctional institution to ~~community~~

post-release control supervision shall be under jurisdiction of the adult parole authority and shall be supervised by the field services section through its staff of parole and field officers in such manner as to insure as nearly as possible the offender's rehabilitation while at the same time providing maximum protection to the general public. All state and local officials shall furnish such information to officers of the section as they may request in the performance of their duties.

(B) The superintendent, or superintendents, of the field services section shall be a person, or persons, especially qualified by training and experience in the field of corrections. The superintendent, or superintendents, shall supervise the work of the section and shall formulate and execute an effective program of offender supervision. The program shall establish supervision standards for parole and field officers of persons under its jurisdiction, based on the results of the single validated risk assessment tool selected pursuant to section 5120.114 of the Revised Code, under which higher risk probationers receive the greatest amount of supervision. The program shall specify caseloads for parole officers, taking into consideration available personnel and funds, and shall prioritize the supervision of persons paroled, conditionally pardoned, or released to post-release control under the jurisdiction of the adult parole authority. The program shall also allow for the limitation of probation services provided to any court pursuant to any agreement entered into under section 2301.32 of the Revised Code to the extent that doing so will allow the adult parole authority to meet effective caseload sizes for those paroled, conditionally pardoned, or released to post-release control under its jurisdiction. The superintendent, or superintendents, shall collect and preserve any records and statistics with respect to offenders that are required by the chief of the authority. The section also shall include other personnel who are necessary for

the performance of the section's duties.

No person shall be appointed as a superintendent who is not qualified by education or experience in correctional work including law enforcement, probation, or parole work, in law, in social work, or in a combination of the three categories.

(C) The superintendent, or superintendents, of the field services section, with the approval of the chief of the authority, may establish district offices for the section and may assign necessary parole and field officers and clerical staff to the district offices.

(D) The field services section in the exercise of its supervision over offenders and persons conditionally pardoned shall carry out all lawful orders, terms, and conditions prescribed by the authority, the chief of the division of parole and community services, or the governor.

**Sec. 5149.06.** ~~One of the~~ The primary ~~duties~~ duty of the field services section is to ~~assist the counties in developing their own probation services on either a single-county or multiple-county basis~~ supervise those persons released from state correctional institutions who are paroled, conditionally pardoned, or who have post-release control supervision imposed pursuant to section 2967.28 of the Revised Code. The section, within limits of available personnel and funds, may supervise selected probationers from local courts when the adult parole authority has entered into an agreement with the court pursuant to section 2301.32 of the Revised Code. However, the adult parole authority shall limit the provision of those services in order to meet supervision and caseload standards the adult parole authority develops for its officers under division (B) of section 5149.04 of the Revised Code.

**Sec. 5149.38.** (A) In each ~~target county and in each~~ voluntary county, subject to division (B) of this section and not later than ~~thirty days after the effective date of this section~~ October 29, 2017, a county commissioner representing the board of county commissioners of the county, the administrative judge of the general division of the court of common pleas of the county, the sheriff of the county, and an official from any municipality operating a local correctional facility in the county to which courts of the county sentence offenders shall agree to, sign, and submit to the department of rehabilitation and correction for its approval a memorandum of understanding that does both of the following:

(1) Sets forth the plans by which the county will use grant money provided to the county in state fiscal year 2018 and succeeding state fiscal years under the targeting community alternatives to prison (T-CAP) program~~.~~;

(2) Specifies the manner in which the county will address a per diem reimbursement of local correctional facilities for prisoners who serve a prison term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem reimbursement rate shall be the rate determined in division (F)(1) of this section and shall be specified in the memorandum.

(B) Two or more ~~target counties or~~ voluntary counties may join together to jointly establish a memorandum of understanding of the type described in division (A) of this section. Not later than ~~thirty days after the effective date of this section~~ October 29, 2017, a county commissioner from each of the affiliating ~~target counties or~~ voluntary counties representing the county's board of county commissioners, the administrative judge of the general division of the court of common pleas of each affiliating ~~target county or~~ voluntary county, the sheriff of each affiliating

~~target county or~~ voluntary county, and an official from any municipality operating a local correctional facility in the affiliating ~~target counties and~~ voluntary counties to which courts of the counties sentence offenders shall agree to, sign, and submit to the department of rehabilitation and correction for its approval the memorandum of understanding. The memorandum of understanding shall set forth the plans by which, and specify the manner in which, the affiliating counties will complete the tasks identified in divisions (A)(1) and (2) of this section.

(C) The department of rehabilitation and correction shall adopt rules establishing standards for approval of memorandums of understanding submitted to it under division (A) or (B) of this section. The department shall review the memorandums of understanding submitted to it and may require the county or counties that submit a memorandum to modify the memorandum. The director of rehabilitation and correction shall approve memorandums of understanding submitted to it under division (A) or (B) of this section that the director determines satisfy the standards adopted by the department within thirty days after receiving each memorandum submitted.

(D) Any person responsible for agreeing to, signing, and submitting a memorandum of understanding under division (A) or (B) of this section may delegate the person's authority to do so to an employee of the agency, entity, or office served by the person.

(E) The persons signing a memorandum of understanding under division (A) or (B) of this section, or their successors in office, may revise the memorandum as they determine necessary. Any revision of the memorandum shall be signed by the parties specified in division (A) or (B) of this section and submitted to the department of rehabilitation and correction for its approval under division (C) of this section within thirty days after the beginning of the state fiscal year.

(F)(1) In each county, ~~the sheriff shall determine the per diem costs for local correctional facilities in the county for the housing of prisoners who serve a term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code, as follows:~~

~~(a) In calendar year 2017, not later than the date on which the appropriate representatives of the county enter into a contract with the department of rehabilitation and correction under the targeting community alternatives to prison (T-CAP) program, the sheriff shall determine the per diem costs for each of the facilities for the housing in the facility of prisoners serving a prison term for a felony in calendar year 2016. The per diem cost so determined shall apply in calendar year 2017.~~

~~(b) Commencing~~ commencing in calendar year 2018, on or before the first day of February of each calendar year the sheriff shall determine the per diem costs for the preceding calendar year for each of the local correctional facilities for the housing in the facility of prisoners who serve a term in it pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem cost so determined shall apply in the calendar year in which the determination is made.

(2) For each county, the per diem cost determined under division (F)(1) of this section that applies with respect to a facility in a specified calendar year shall be the per diem rate of reimbursement in that calendar year, under the targeting community alternatives to prison (T-CAP) program, for prisoners who serve a term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code.

(3) The per diem costs of housing determined under division (F)(1) of this section for a facility shall be the actual costs of housing the specified prisoners in the facility, on a per diem basis.

(G) As used in this section:

(1) "Local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code.

(2) ~~"Target county" and "voluntary~~ "Voluntary county" ~~have~~ has the same meanings as in section 2929.34 of the Revised Code.

**Sec. 5162.01.** (A) As used in the Revised Code:

(1) "Medicaid" and "medicaid program" mean the program of medical assistance established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., including any medical assistance provided under the medicaid state plan or a federal medicaid waiver granted by the United States secretary of health and human services.

(2) "Medicare" and "medicare program" mean the federal health insurance program established by Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(B) As used in this chapter:

(1) ~~"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.~~

~~(2)~~ "Exchange" has the same meaning as in 45 C.F.R. 155.20.

~~(3)~~(2) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.

~~(4)~~(3) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).

~~(5)~~(4) "Healthcheck" has the same meaning as in section

5164.01 of the Revised Code.

~~(6)~~(5) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component.

~~(7)~~(6) "Home and community-based services" means services provided under a home and community-based services medicaid waiver component.

~~(8)~~(7) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.

~~(9)~~(8) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.

~~(10)~~(9) "Individualized education program" has the same meaning as in section 3323.011 of the Revised Code.

~~(11)~~(10) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

~~(12)~~(11) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

~~(13)~~(12) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.

~~(14)~~(13) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code;

~~(15)~~(14) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

~~(16)~~(15) "Ordering or referring only provider" means a medicaid provider who orders, prescribes, refers, or certifies a service or item reported on a claim for medicaid payment but does not bill for medicaid services.

~~(17)~~(16) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state.

~~(18)~~(17) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.

~~(19)~~(18) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

~~(20)~~(19) "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind to which both of the following apply:

(a) It holds a valid provider agreement.

(b) It meets all other conditions for participation in the medicaid school component of the medicaid program established in rules authorized by section 5162.364 of the Revised Code.

~~(21)~~(20) "State agency" means every organized body, office, or agency, other than the department of medicaid, established by the laws of the state for the exercise of any function of state government.

~~(22)~~(21) "Vendor offset" means a reduction of a medicaid payment to a medicaid provider to correct a previous, incorrect medicaid payment to that provider.

**Sec. 5162.12.** (A) The medicaid director shall enter into a contract with one or more persons to receive and process, on the director's behalf, requests for medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts or analyses of any of

the foregoing data made by persons who intend to use the items prepared pursuant to the requests for commercial or academic purposes.

(B) At a minimum, a contract entered into under this section shall do both of the following:

(1) Authorize the contracting person to engage in the activities described in division (A) of this section for compensation, which must be stated as a percentage of the fees paid by persons who are provided the items;

(2) Require the contracting person to charge for an item prepared pursuant to a request a fee in an amount equal to one hundred two per cent of the cost the department of medicaid incurs in making the data used to prepare the item available to the contracting person.

(C) Except as required by federal or state law and subject to division (E) of this section, both of the following conditions apply with respect to a request for data described in division (A) of this section:

(1) The request shall be made through a person who has entered into a contract with the medicaid director under this section.

(2) An item prepared pursuant to the request may be provided to the department of medicaid and is confidential and not subject to disclosure under section 149.43 or 1347.08 of the Revised Code.

(D) The medicaid director shall use fees the director receives pursuant to a contract entered into under this section to pay obligations specified in contracts entered under this section. Any money remaining after the obligations are paid shall be deposited in the health care/medicaid support and recoveries fund created under section 5162.52 of the Revised Code.

(E) This section does not apply to requests for medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts or analyses of any of the foregoing data that are for any of the following purposes:

(1) Treatment of medicaid recipients;

(2) Payment of medicaid claims;

(3) Establishment or management of medicaid third party liability pursuant to sections 5160.35 to 5160.43 of the Revised Code;

(4) Compliance with the terms of an agreement the medicaid director enters into for purposes of administering the medicaid program~~;~~

~~(5) Compliance with an operating protocol the executive director of the office of health transformation or the executive director's designee adopts under division (D) of section 191.06 of the Revised Code~~.

**Sec. 5162.52.** (A) The health care/medicaid support and recoveries fund is hereby created in the state treasury. All of the following shall be credited to the fund:

(1) Except as otherwise provided by statute or as authorized by the controlling board, the nonfederal share of all medicaid-related revenues, collections, and recoveries;

(2) Federal reimbursement received for payment adjustments made pursuant to section 1923 of the "Social Security Act," ~~section 1923,~~ 42 U.S.C. 1396r-4, under the medicaid program to state mental health hospitals maintained and operated by the department of mental health and addiction services under division (A) of section 5119.14 of the Revised Code;

(3) Revenues the department of medicaid receives from another

state agency for medicaid services pursuant to an interagency agreement;

(4) The money the department of medicaid receives in a fiscal year for performing eligibility verification services necessary for compliance with the independent, certified audit requirement of 42 C.F.R. 455.304;

(5) The nonfederal share of all rebates paid by drug manufacturers to the department of medicaid in accordance with a rebate agreement required by section 1927 of the "Social Security Act," ~~section 1927,~~ 42 U.S.C. 1396r-8;

(6) The nonfederal share of all supplemental rebates paid by drug manufacturers to the department of medicaid in accordance with the supplemental drug rebate program established under section 5164.755 of the Revised Code;

(7) Amounts deposited into the fund pursuant to sections 5162.12, 5162.40, and 5162.41 of the Revised Code;

(8) The application fees charged to providers under section 5164.31 of the Revised Code;

(9) The fines collected under section 5165.1010 of the Revised Code;

(10) Amounts from assessments on hospitals under section 5168.06 of the Revised Code and intergovernmental transfers by governmental hospitals under section 5168.07 of the Revised Code that are deposited into the fund in accordance with the law.

(B) The department of medicaid shall use money credited to the health care/medicaid support and recoveries fund to pay for ~~medicaid~~ all of the following:

(1) Medicaid services ~~and costs~~;

(2) Costs associated with the administration of the medicaid program;

(3) Programs that serve youth involved with multiple government agencies;

(4) Innovative programs that the department has statutory authority to implement and that promote access to health care or help achieve long-term cost savings to the state.

**Sec. 5164.01.** As used in this chapter:

(A) "Adjudication" has the same meaning as in section 119.01 of the Revised Code.

(B) "Behavioral health redesign" means ~~proposals developed in a collaborative effort by the office of health transformation, department of medicaid, and department of mental health and addiction services to make~~ revisions to the medicaid program's coverage of community behavioral health services beginning July 1, 2017, including revisions that update medicaid billing codes and payment rates for community behavioral health services.

(C) "Clean claim" has the same meaning as in 42 C.F.R. 447.45(b).

(D) "Community behavioral health services" means both of the following:

(1) Alcohol and drug addiction services provided by a community addiction services provider, as defined in section 5119.01 of the Revised Code;

(2) Mental health services provided by a community mental health services provider, as defined in section 5119.01 of the Revised Code.

(E) "Early and periodic screening, diagnostic, and treatment services" has the same meaning as in the "Social Security Act," section 1905(r), 42 U.S.C. 1396d(r).

(F) "Federal financial participation" has the same meaning as

in section 5160.01 of the Revised Code.

(G) "Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

(H) "Healthcheck" means the component of the medicaid program that provides early and periodic screening, diagnostic, and treatment services.

(I) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.

(J) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(K) "ICDS participant" means a dual eligible individual who participates in the integrated care delivery system.

(L) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.

(M) "Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code.

(N) "Mandatory services" means the health care services and items that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program.

(O) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

(P) "Medicaid provider" means a person or government entity with a valid provider agreement to provide medicaid services to medicaid recipients. To the extent appropriate in the context, "medicaid provider" includes a person or government entity applying for a provider agreement, a former medicaid provider, or both.

(Q) "Medicaid services" means either or both of the following:

(1) Mandatory services;

(2) Optional services that the medicaid program covers.

(R) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

(S) "Optional services" means the health care services and items that may be covered by the medicaid state plan or a federal medicaid waiver and for which the medicaid program receives federal financial participation.

(T) "Prescribed drug" has the same meaning as in 42 C.F.R. 440.120.

(U) "Provider agreement" means an agreement to which all of the following apply:

(1) It is between a medicaid provider and the department of medicaid;

(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients;

(3) It complies with 42 C.F.R. 431.107(b).

(V) "State plan home and community-based services" means home and community-based services that, as authorized by section 1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be covered by the medicaid program pursuant to an amendment to the medicaid state plan.

(W) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.

**Sec. 5164.342.** (A) As used in this section:

"Applicant" means a person who is under final consideration

for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code.

"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.

"Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of medicaid, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in section 5164.341 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code. If a waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor, the waiver agency may provide for <u>any of its</u> applicants and employees <u>who are not subject to database reviews and criminal records checks under section 173.38 of the Revised Code</u> to undergo database reviews and criminal records checks in accordance with <u>that</u> section ~~173.38 of the~~

~~Revised Code~~ rather than this section.

(C) No waiver agency shall employ an applicant or continue to employ an employee in a position that involves providing home and community-based services if any of the following apply:

(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules authorized by this section and the rules prohibit the waiver agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing home and community-based services.

(2) After the applicant or employee is given the information and notification required by divisions (F)(2)(a) and (b) of this section, the applicant or employee fails to do either of the following:

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the chief administrator of the waiver agency.

(3) Except as provided in rules authorized by this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or date of entry of the guilty plea.

(D) At the time of each applicant's initial application for employment in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall inform the applicant of both of the following:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the waiver agency is prohibited by division (C)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall conduct a database review of the applicant in accordance with rules authorized by this section. If rules authorized by this section so require, the chief administrator of a waiver agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. A database review shall determine whether the applicant or employee is included in

any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules authorized by this section.

(F)(1) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall require the applicant to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules authorized by this section so require, the chief administrator of a waiver agency shall require an employee to request that the superintendent conduct a criminal records check of the employee at times specified in the rules as a condition of continuing to employ the

employee in a position that involves providing home and community-based services. However, a criminal records check is not required for an applicant or employee if the waiver agency is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing home and community-based services. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall require the applicant or employee to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may require the applicant or employee to request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The chief administrator shall provide the following to each applicant and employee for whom a criminal records check is required by this section:

(a) Information about accessing, completing, and forwarding to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Written notification that the applicant or employee is to instruct the superintendent to submit the completed report of the

criminal records check directly to the chief administrator.

(3) A waiver agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for any criminal records check required by this section. However, a waiver agency may require an applicant to pay to the bureau the fee for a criminal records check of the applicant. If the waiver agency pays the fee for an applicant, it may charge the applicant a fee not exceeding the amount the waiver agency pays to the bureau under this section if the waiver agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(G)(1) A waiver agency may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The waiver agency is not prohibited by division (C)(1) of this section from employing the applicant in a position that involves providing home and community-based services.

(b) The chief administrator of the waiver agency requires the applicant to request a criminal records check regarding the applicant in accordance with division (F)(1) of this section not later than five business days after the applicant begins conditional employment.

(2) A waiver agency that employs an applicant conditionally under division (G)(1) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the

criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of or has pleaded guilty to a disqualifying offense, the waiver agency shall terminate the applicant's employment unless circumstances specified in rules authorized by this section exist that permit the waiver agency to employ the applicant and the waiver agency chooses to employ the applicant.

(H) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The applicant or employee who is the subject of the criminal records check or the representative of the applicant or employee;

(2) The chief administrator of the waiver agency that requires the applicant or employee to request the criminal records check or the administrator's representative;

(3) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;

(4) The director of aging or the director's designee if the waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor;

(5) An individual receiving or deciding whether to receive home and community-based services from the subject of the criminal records check;

(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program.

(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting a database review under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be included in one or more of those databases;

(d) The circumstances under which a waiver agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of or have pleaded

guilty to a disqualifying offense.

(J) The amendments made by H.B. 487 of the 129th general assembly to this section do not preclude the department of medicaid from taking action against a person for failure to comply with former division (H) of this section as that division existed on the day preceding January 1, 2013.

**Sec. 5164.36.** (A) As used in this section:

(1) "Credible allegation of fraud" has the same meaning as in 42 C.F.R. 455.2, except that for purposes of this section any reference in that regulation to the "state" or the "state medicaid agency" means the department of medicaid.

(2) "Disqualifying indictment" means an indictment of a medicaid provider or its officer, authorized agent, associate, manager, employee, or, if the provider is a noninstitutional provider, its owner, if either of the following applies:

(a) The indictment charges the person with committing an act to which both of the following apply:

(i) The act would be a felony or misdemeanor under the laws of this state or the jurisdiction within which the act occurred.

(ii) The act relates to or results from furnishing or billing for medicaid services under the medicaid program or relates to or results from performing management or administrative services relating to furnishing medicaid services under the medicaid program.

(b) If the medicaid provider is an independent provider, the indictment charges the person with committing an act that would constitute a disqualifying offense.

(3) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(4) "Independent provider" has the same meaning as in section 5164.341 of the Revised Code.

(5) "Noninstitutional medicaid provider" means any person or entity with a provider agreement other than a hospital, nursing facility, or ICF/IID.

(6) "Owner" ~~has the same meaning as in section 5164.37 of the Revised Code~~ means any person having at least five per cent ownership in a noninstitutional medicaid provider.

(B)(1) Except as provided in division (C) of this section and in rules authorized by this section, ~~on determining there is a credible allegation of fraud for which an investigation is pending under the medicaid program against a medicaid provider,~~ the department of medicaid shall suspend the provider agreement held by ~~the~~ a medicaid provider on determining either of the following:

(a) There is a credible allegation of fraud against any of the following for which an investigation is pending under the medicaid program:

(i) The medicaid provider;

(ii) The medicaid provider's owner, officer, authorized agent, associate, manager, or employee.

(b) A disqualifying indictment has been issued against any of the following:

(i) The medicaid provider;

(ii) The medicaid provider's officer, authorized agent, associate, manager, or employee;

(iii) If the medicaid provider is a noninstitutional provider, its owner. ~~Subject~~

(2) Subject to division (C) of this section, the department shall also ~~terminate~~ suspend all medicaid payments to ~~the~~ a medicaid provider for services rendered, regardless of the date

that the services are rendered, when the department suspends the provider's provider agreement under this section.

~~(2)(a)~~(3) The suspension of a provider agreement shall continue in effect until either of the following ~~is the case~~ occurs:

~~(i) The~~ (a) If the suspension is the result of a credible allegation of fraud, the department or a prosecuting authority determines that there is insufficient evidence of fraud by the medicaid provider;

~~(ii) The~~ (b) Regardless of whether the suspension is the result of a credible allegation of fraud or a disqualifying indictment, the proceedings in any related criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty~~.~~

~~(b) If~~ or, if the department commences a process to terminate the suspended provider agreement, ~~the suspension shall also continue in effect until~~ the termination process is concluded.

~~(3)~~(4)(a) When ~~subject to~~ a ~~suspension~~ provider agreement is suspended under this section, ~~a medicaid provider, owner, officer, authorized agent, associate, manager, or employee shall not own~~ none of the following shall take, during the period of the suspension, any of the actions specified in division (B)(4)(b) of this section:

(i) The medicaid provider;

(ii) If the suspension is the result of an action taken by an officer, authorized agent, associate, manager, or employee of the medicaid provider, that person;

(iii) If the medicaid provider is a noninstitutional provider and the suspension is the result of an action taken by the owner of the provider, the owner.

(b) The following are the actions that persons specified in division (B)(4)(a) of this section cannot take during the suspension of a provider agreement:

(i) Own services provided, or provide services, to any other medicaid provider or risk contractor ~~or arrange~~;

(ii) Arrange for, render to, or order services to any other medicaid provider or risk contractor ~~or arrange~~;

(iii) Arrange for, render to, or order services for medicaid recipients ~~during the period of suspension. During the period of suspension, the provider, owner, officer, authorized agent, associate, manager, or employee shall not receive~~;

(iv) Receive direct payments under the medicaid program or indirect payments of medicaid funds in the form of salary, shared fees, contracts, kickbacks, or rebates from or through any other medicaid provider or risk contractor.

(C) The department shall not suspend a provider agreement or ~~terminate~~ medicaid payments under division (B) of this section if the medicaid provider or, if the provider is a noninstitutional provider, the owner can demonstrate through the submission of written evidence that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the credible allegation of fraud or disqualifying indictment.

(D) ~~The termination of medicaid payment under division (B) of this section applies only to payments for medicaid services rendered subsequent to the date on which the notice required by division (E) of this section is sent. Claims for payment of medicaid services rendered by the medicaid provider prior to the issuance of the notice may be subject to prepayment review procedures whereby the department reviews claims to determine whether they are supported by sufficient documentation, are in~~

~~compliance with state and federal statutes and rules, and are otherwise complete.~~

~~(E)~~ After suspending a provider agreement under division (B) of this section, the department shall~~, as specified in 42 C.F.R. 455.23(b),~~ send notice of the suspension to the affected medicaid provider or, if the provider is a noninstitutional provider, the owner in accordance with the following ~~timeframes~~ time frames:

(1) Not later than five days after the suspension, unless a law enforcement agency makes a written request to temporarily delay the notice;

(2) If a law enforcement agency makes a written request to temporarily delay the notice, not later than thirty days after the suspension occurs subject to the conditions specified in division ~~(F)~~(E) of this section.

~~(F)~~(E) A written request for a temporary delay described in division ~~(E)~~(D)(2) of this section may be renewed in writing by a law enforcement agency not more than two times except that under no circumstances shall the notice be issued more than ninety days after the suspension occurs.

~~(G)~~(F) The notice required by division ~~(E)~~(D) of this section shall do all of the following:

(1) State that payments are being suspended in accordance with this section and 42 C.F.R. 455.23;

(2) Set forth the general allegations related to the nature of the conduct leading to the suspension, except that it is not necessary to disclose any specific information concerning an ongoing investigation;

(3) State that the suspension continues to be in effect until either of the ~~following is the case:~~

~~(a) The department or a prosecuting authority determines that~~

~~there is insufficient evidence of fraud by the provider;~~

~~(b) The proceedings in any related criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty and, if the department commences a process to terminate the suspended provider agreement, until the termination process is concluded.~~ circumstances specified in division (B)(3) of this section occur;

(4) Specify, if applicable, the type or types of medicaid claims or business units of the medicaid provider that are affected by the suspension;

(5) Inform the medicaid provider or owner of the opportunity to submit to the department, not later than thirty days after receiving the notice, a request for reconsideration of the suspension in accordance with division ~~(H)~~(G) of this section.

~~(H)~~(G)(1) Pursuant to the procedure specified in division ~~(H)~~(G)(2) of this section, a medicaid provider ~~or owner~~ subject to a suspension under this section or, if the provider is a noninstitutional provider, the owner may request a reconsideration of the suspension. The request shall be made not later than thirty days after receipt of a notice required by division ~~(E)~~(D) of this section. The reconsideration is not subject to an adjudication hearing pursuant to Chapter 119. of the Revised Code.

(2) In requesting a reconsideration, the medicaid provider or owner shall submit written information and documents to the department. The information and documents may pertain to any of the following issues:

(a) Whether the determination to suspend the provider agreement was based on a mistake of fact, other than the validity of an indictment in a related criminal case.

(b) If there has been an indictment in a related criminal case, whether ~~any offense charged in~~ the indictment ~~resulted from~~

~~an offense specified in division (E) of section 5164.37 of the Revised Code~~ is a disqualifying indictment.

(c) Whether the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the suspension under this section or an indictment in a related criminal case.

~~(I)~~(H) The department shall review the information and documents submitted in a request made under division ~~(H)~~(G) of this section for reconsideration of a suspension. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. The review and notification of its results shall be completed not later than forty-five days after receiving the information and documents submitted in a request for reconsideration.

~~(J)~~(I) Rules adopted under section 5164.02 of the Revised Code may specify circumstances under which the department would not suspend a provider agreement pursuant to this section.

**Sec. 5164.37.** (A) The department of medicaid may suspend a medicaid provider's provider agreement without prior notice if the department has evidence that the provider presents a danger of immediate and serious harm to the health, safety, or welfare of medicaid recipients. The department also shall suspend all medicaid payments to the medicaid provider for services rendered, regardless of the date that the services were rendered, when the department suspends the provider agreement under this section.

(B) If the department suspends a medicaid provider's provider agreement under this section, the department shall do both of the following:

(1) Not later than five days after suspending the provider agreement, notify the medicaid provider of the suspension;

(2) Not later than ten business days after suspending the provider agreement, notify the medicaid provider that the department intends to terminate the provider agreement.

(C) The notice that the department provides to a medicaid provider under division (B)(2) of this section shall include the allegation that the provider presents a danger of immediate and serious harm to the health, safety, or welfare of medicaid recipients. It may also include other grounds for terminating the provider agreement. Section 5164.38 of the Revised Code applies to the termination of the provider agreement.

(D) The suspension of a medicaid provider's provider agreement and medicaid payments shall cease at the earliest of the following:

(1) The department's failure to provide a notice required by division (B) of this section by the time specified in that division;

(2) The department rescinds its notice to terminate the provider agreement.

(3) The department issues an order regarding the termination of the provider agreement pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code.

(E) This section does not limit the department's authority to suspend or terminate a provider agreement or medicaid payments to a medicaid provider under any other provision of the Revised Code.

**Sec. 5164.38.** (A) As used in this section:

(1) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.

(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.

(B) This section does not apply to either of the following:

(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;

(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.

(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:

(1) Refuse to enter into a provider agreement with a medicaid provider;

(2) Refuse to revalidate a medicaid provider's provider agreement;

(3) Suspend or terminate a medicaid provider's provider agreement;

(4) Take any action based upon a final fiscal audit of a medicaid provider.

(D) Any party who is adversely affected by the issuance of an adjudication order under division (C) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code.

(E) The department is not required to comply with division (C)(1), (2), or (3) of this section whenever any of the following

occur:

(1) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain a certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the license, permit, certificate, or certification has been denied, revoked, not renewed, suspended, or otherwise limited.

(2) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the provider has not obtained the license, permit, certificate, or certification.

(3) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is terminated or not revalidated, because of or pursuant to any of the following:

(a) The termination, refusal to renew, or denial of a license, permit, certificate, or certification by an official, board, commission, department, division, bureau, or other agency of this state other than the department of medicaid, notwithstanding the fact that the provider may hold a license, permit, certificate, or certification from an official, board, commission, department, division, bureau, or other agency of another state;

(b) Division (D) or (E) of section 5164.35 of the Revised Code;

(c) The provider's termination, suspension, or exclusion from the medicare program or from another state's medicaid program and,

in either case, the termination, suspension, or exclusion is binding on the provider's participation in the medicaid program in this state;

(d) The provider's pleading guilty to or being convicted of a criminal activity materially related to either the medicare or medicaid program;

(e) The provider or its owner, officer, authorized agent, associate, manager, or employee having been convicted of one of the offenses that caused the provider's provider agreement to be suspended pursuant to section 5164.36 of the Revised Code;

(f) The provider's failure to provide the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162.408.

(4) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is terminated or suspended, as a result of action by the United States department of health and human services and that action is binding on the provider's medicaid participation.

(5) ~~Pursuant to either section 5164.36 or 5164.37 of the Revised Code, the~~ The medicaid provider's provider agreement ~~is~~ and medicaid payments to the provider are suspended ~~and payments to the provider are suspended pending indictment of the provider~~ under section 5164.36 or 5164.37 of the Revised Code.

(6) The medicaid provider's application for a provider agreement is denied because the provider's application was not complete;

(7) The medicaid provider's provider agreement is converted under section 5164.32 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited.

(8) Unless the medicaid provider is a nursing facility or ICF/IID, the provider's provider agreement is not revalidated pursuant to division (B)(1) of section 5164.32 of the Revised Code.

(9) The medicaid provider's provider agreement is suspended, terminated, or not revalidated because of either of the following:

(a) Any reason authorized or required by one or more of the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450;

(b) The provider has not billed or otherwise submitted a medicaid claim for two years or longer.

(F) In the case of a medicaid provider described in division (E)(3)(f), (6), (7), or (9)(b) of this section, the department may take its action by sending a notice explaining the action to the provider. The notice shall be sent to the medicaid provider's address on record with the department. The notice may be sent by regular mail.

(G) The department may withhold payments for medicaid services rendered by a medicaid provider during the pendency of proceedings initiated under division (C)(1), (2), or (3) of this section. If the proceedings are initiated under division (C)(4) of this section, the department may withhold payments only to the extent that they equal amounts determined in a final fiscal audit as being due the state. This division does not apply if the 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.

**Sec. 5165.01.** As used in this chapter:

(A) "Affiliated operator" means an operator affiliated with

either of the following:

(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes;

(2) The entering operator involved in the change of operator with the exiting operator specified in division (A)(1) of this section.

(B) "Allowable costs" are a nursing facility's costs that the department of medicaid determines are reasonable. Fines paid under sections 5165.60 to 5165.89 and section 5165.99 of the Revised Code are not allowable costs.

(C) "Ancillary and support costs" means all reasonable costs incurred by a nursing facility other than direct care costs, tax costs, or capital costs. "Ancillary and support costs" includes, but is not limited to, costs of activities, social services, pharmacy consultants, habilitation supervisors, qualified intellectual disability professionals, program directors, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, medical equipment, utilities, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5165.02 of the Revised Code, for

personnel listed in this division. "Ancillary and support costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the nursing facility's cost report for the cost reporting period ending December 31, 1992.

(D) "Applicable calendar year" means the calendar year immediately preceding the calendar year that precedes the first of the state fiscal years for which a rebasing is conducted.

(E) ~~"Budget reduction adjustment factor" means the factor specified pursuant to or in section 5165.361 of the Revised Code for a state fiscal year.~~

~~(F)~~(1) "Capital costs" means the actual expense incurred by a nursing facility for all of the following:

(a) Depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:

(i) Buildings;

(ii) Building improvements;

(iii) Except as provided in division (C) of this section, equipment;

(iv) Transportation equipment.

(b) Amortization and interest on land improvements and leasehold improvements;

(c) Amortization of financing costs;

(d) Lease and rent of land, buildings, and equipment.

(2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.

~~(G)~~(F) "Capital lease" and "operating lease" shall be

construed in accordance with generally accepted accounting principles.

~~(H)~~(G) "Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing facility resident.

~~(I)~~(H) "Change of operator" means an entering operator becoming the operator of a nursing facility in the place of the exiting operator.

(1) Actions that constitute a change of operator include the following:

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;

(b) A transfer of all the exiting operator's ownership interest in the operation of the nursing facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing facility is also transferred;

(c) A lease of the nursing facility to the entering operator or the exiting operator's termination of the exiting operator's lease;

(d) If the exiting operator is a partnership, dissolution of the partnership;

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:

(i) The change in composition does not cause the partnership's dissolution under state law.

(ii) The partners agree that the change in composition does not constitute a change in operator.

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.

(2) The following, alone, do not constitute a change of operator:

(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions;

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator;

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.

~~(J)~~(I) "Cost center" means the following:

(1) Ancillary and support costs;

(2) Capital costs;

(3) Direct care costs;

(4) Tax costs.

~~(K)~~(J) "Custom wheelchair" means a wheelchair to which both of the following apply:

(1) It has been measured, fitted, or adapted in consideration of either of the following:

(a) The body size or disability of the individual who is to use the wheelchair;

(b) The individual's period of need for, or intended use of,

the wheelchair.

(2) It has customized features, modifications, or components, such as adaptive seating and positioning systems, that the supplier who assembled the wheelchair, or the manufacturer from which the wheelchair was ordered, added or made in accordance with the instructions of the physician of the individual who is to use the wheelchair.

~~(L)~~(K)(1) "Date of licensure" means the following:

(a) In the case of a nursing facility that was required by law to be licensed as a nursing home under Chapter 3721. of the Revised Code when it originally began to be operated as a nursing home, the date the nursing facility was originally so licensed;

(b) In the case of a nursing facility that was not required by law to be licensed as a nursing home when it originally began to be operated as a nursing home, the date it first began to be operated as a nursing home, regardless of the date the nursing facility was first licensed as a nursing home.

(2) If, after a nursing facility's original date of licensure, more nursing home beds are added to the nursing facility, the nursing facility has a different date of licensure for the additional beds. This does not apply, however, to additional beds when both of the following apply:

(a) The additional beds are located in a part of the nursing facility that was constructed at the same time as the continuing beds already located in that part of the nursing facility;

(b) The part of the nursing facility in which the additional beds are located was constructed as part of the nursing facility at a time when the nursing facility was not required by law to be licensed as a nursing home.

(3) The definition of "date of licensure" in this section

applies in determinations of nursing facilities' medicaid payment rates but does not apply in determinations of nursing facilities' franchise permit fees.

~~(M)~~(L) "Desk-reviewed" means that a nursing facility's costs as reported on a cost report submitted under section 5165.10 of the Revised Code have been subjected to a desk review under section 5165.108 of the Revised Code and preliminarily determined to be allowable costs.

~~(N)~~(M) "Direct care costs" means all of the following costs incurred by a nursing facility:

(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the nursing facility;

(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, and except as provided in division ~~(N)~~(M)(8) of this section, other persons holding degrees qualifying them to provide therapy;

(3) Costs of purchased nursing services;

(4) Costs of quality assurance;

(5) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5165.02 of the Revised Code, for personnel listed in divisions ~~(N)~~(M)(1), (2), (4), and (8) of this section;

(6) Costs of consulting and management fees related to direct care;

(7) Allocated direct care home office costs;

(8) Costs of habilitation staff (other than habilitation supervisors), medical supplies, emergency oxygen, over-the-counter pharmacy products, physical therapists, physical therapy

assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, and universal precautions supplies;

(9) Costs of wheelchairs other than the following:

(a) Custom wheelchairs;

(b) Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.

(10) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5165.02 of the Revised Code.

~~(O)~~(N) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

~~(P)~~(O) "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility.

~~(Q)~~(P) "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility resides in the nursing facility.

~~(R)~~(Q) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility.

~~(S)~~(R) "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation.

~~(T)~~(S) "Entering operator" means the person or government entity that will become the operator of a nursing facility when a change of operator occurs or following an involuntary termination.

~~(U)~~(T) "Exiting operator" means any of the following:

(1) An operator that will cease to be the operator of a nursing facility on the effective date of a change of operator;

(2) An operator that will cease to be the operator of a nursing facility on the effective date of a facility closure;

(3) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation;

(4) An operator of a nursing facility that is undergoing or has undergone an involuntary termination.

~~(V)~~(U)(1) Subject to divisions ~~(V)~~(U)(2) and (3) of this section, "facility closure" means either of the following:

(a) Discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility that results in the relocation of all of the nursing facility's residents;

(b) Conversion of the building, or part of the building, that houses a nursing facility to a different use with any necessary license or other approval needed for that use being obtained and one or more of the nursing facility's residents remaining in the building, or part of the building, to receive services under the new use.

(2) A facility closure occurs regardless of any of the following:

(a) The operator completely or partially replacing the nursing facility by constructing a new nursing facility or transferring the nursing facility's license to another nursing facility;

(b) The nursing facility's residents relocating to another of the operator's nursing facilities;

(c) Any action the department of health takes regarding the

nursing facility's medicaid certification that may result in the transfer of part of the nursing facility's survey findings to another of the operator's nursing facilities;

(d) Any action the department of health takes regarding the nursing facility's license under Chapter 3721. of the Revised Code.

(3) A facility closure does not occur if all of the nursing facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the nursing facility not later than thirty days after the evacuation occurs.

~~(W)~~(V) "Franchise permit fee" means the fee imposed by sections 5168.40 to 5168.56 of the Revised Code.

~~(X)~~(W) "Inpatient days" means both of the following:

(1) All days during which a resident, regardless of payment source, occupies a bed in a nursing facility that is included in the nursing facility's medicaid-certified capacity;

(2) Fifty per cent of the days for which payment is made under section 5165.34 of the Revised Code.

~~(Y)~~(X) "Involuntary termination" means the department of medicaid's termination of the operator's provider agreement for the nursing facility when the termination is not taken at the operator's request.

~~(Z)~~(Y) "Low resource utilization resident" means a medicaid recipient residing in a nursing facility who, for purposes of calculating the nursing facility's medicaid payment rate for direct care costs, is placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data.

~~(AA)~~(Z) "Maintenance and repair expenses" means a nursing facility's expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes but is not limited to the costs of ordinary repairs such as painting and wallpapering.

~~(BB)~~(AA) "Medicaid-certified capacity" means the number of a nursing facility's beds that are certified for participation in medicaid as nursing facility beds.

~~(CC)~~(BB) "Medicaid days" means both of the following:

(1) All days during which a resident who is a medicaid recipient eligible for nursing facility services occupies a bed in a nursing facility that is included in the nursing facility's medicaid-certified capacity;

(2) Fifty per cent of the days for which payment is made under section 5165.34 of the Revised Code.

~~(DD) "Medicare skilled nursing facility market basket index" means the index established by the United States secretary of health and human services under section 1888(e)(5) of the "Social Security Act," 42 U.S.C. 1395yy(e)(5).~~

~~(EE)~~(CC)(1) "New nursing facility" means a nursing facility for which the provider obtains an initial provider agreement following medicaid certification of the nursing facility by the director of health, including such a nursing facility that replaces one or more nursing facilities for which a provider previously held a provider agreement.

(2) "New nursing facility" does not mean a nursing facility for which the entering operator seeks a provider agreement pursuant to section 5165.511 or 5165.512 or (pursuant to section 5165.515) section 5165.07 of the Revised Code.

~~(FF)~~(DD) "Nursing facility" has the same meaning as in the "Social Security Act," section 1919(a), 42 U.S.C. 1396r(a).

~~(GG)~~(EE) "Nursing facility services" has the same meaning as in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f).

~~(HH)~~(FF) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

~~(II)~~(GG) "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing facility.

~~(JJ)~~(HH)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding a nursing facility:

(a) The land on which the nursing facility is located;

(b) The structure in which the nursing facility is located;

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the nursing facility is located;

(d) Any lease or sublease of the land or structure on or in which the nursing facility is located.

(2) "Owner" does not mean a holder of a debenture or bond related to the nursing facility and purchased at public issue or a regulated lender that has made a loan related to the nursing facility unless the holder or lender operates the nursing facility directly or through a subsidiary.

~~(KK)~~(II) "Per diem" means a nursing facility's actual, allowable costs in a given cost center in a cost reporting period, divided by the nursing facility's inpatient days for that cost reporting period.

~~(LL)~~(JJ) "Provider" means an operator with a provider

agreement.

~~(MM)~~(KK) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of a nursing facility for the provision of nursing facility services under the medicaid program.

~~(NN)~~(LL) "Purchased nursing services" means services that are provided in a nursing facility by registered nurses, licensed practical nurses, or nurse aides who are not employees of the nursing facility.

~~(OO)~~(MM) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of patient care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.

~~(PP)~~(NN) "Rebasing" means a redetermination of each of the following using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous rebasing:

(1) Each peer group's rate for ancillary and support costs as determined pursuant to division (C) of section 5165.16 of the Revised Code;

(2) Each peer group's rate for capital costs as determined pursuant to division (C) of section 5165.17 of the Revised Code;

(3) Each peer group's cost per case-mix unit as determined pursuant to division (C) of section 5165.19 of the Revised Code;

(4) Each nursing facility's rate for tax costs as determined pursuant to section 5165.21 of the Revised Code.

~~(QQ)~~(OO) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, the provider.

(1) An individual who is a relative of an owner is a related party.

(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.

(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.

(c) The types of goods or services are commonly obtained by other nursing facilities from outside organizations and are not a basic element of patient care ordinarily furnished directly to patients by nursing facilities.

(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

~~(RR)~~(PP) "Relative of owner" means an individual who is related to an owner of a nursing facility by one of the following relationships:

(1) Spouse;

(2) Natural parent, child, or sibling;

(3) Adopted parent, child, or sibling;

(4) Stepparent, stepchild, stepbrother, or stepsister;

(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;

(6) Grandparent or grandchild;

(7) Foster caregiver, foster child, foster brother, or foster sister.

~~(SS)~~(QQ) "Residents' rights advocate" has the same meaning as in section 3721.10 of the Revised Code.

~~(TT)~~(RR) "Skilled nursing facility" has the same meaning as in the "Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a).

~~(UU)~~(SS) "State fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.

~~(VV)~~(TT) "Sponsor" has the same meaning as in section 3721.10 of the Revised Code.

~~(WW)~~(UU) "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes.

~~(XX)~~(VV) "Title XIX" means Title XIX of the "Social Security

Act," 42 U.S.C. 1396 et seq.

~~(YY)~~(WW) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

~~(ZZ)~~(XX) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility.

**Sec. 5165.15.** Except as otherwise provided by sections 5165.151 to 5165.157 and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing facility services the provider's nursing facility provides during a state fiscal year shall be determined as follows:

(A) Determine the sum of all of the following:

(1) The per medicaid day payment rate for ancillary and support costs determined for the nursing facility under section 5165.16 of the Revised Code;

(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code;

(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code;

(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code;

(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code.

(B) To the sum determined under division (A) of this section, add ~~the following:~~

~~(1) For state fiscal years 2018 and 2019,~~ sixteen dollars and forty-four cents~~;~~

~~(2) For state fiscal year 2020 and, except as provided in division (B)(3) of this section, each state fiscal year thereafter, the sum of the following:~~

~~(a) The amount specified or determined for the purpose of division (B) of this section for the immediately preceding state fiscal year;~~

~~(b) The difference between the following:~~

~~(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the determination is being made under division (B) of this section;~~

~~(ii) The budget reduction adjustment factor for the state fiscal year for which the determination is being made under division (B) of this section.~~

~~(3) For the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted after state fiscal year 2020, the amount specified or determined for the purpose of division (B) of this section for the immediately preceding state fiscal year~~.

(C) From the sum determined under division (B) of this section, subtract one dollar and seventy-nine cents.

(D) To the difference determined under division (C) of this section, add the per medicaid day quality payment rate determined for the nursing facility under section 5165.25 of the Revised Code.

**Sec. 5165.152.** The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be paid for nursing facility services provided to low resource utilization residents. Instead, the total rate for such nursing facility services shall be ~~the following:~~

~~(A) One~~ one hundred fifteen dollars per medicaid day ~~if the department of medicaid is satisfied that the nursing facility's provider is cooperating with the long-term care ombudsman program in efforts to help the nursing facility's low resource utilization residents receive the services that are most appropriate for such residents' level of care needs;~~

~~(B) Ninety-one dollars and seventy cents per medicaid day if division (A) of this section does not apply to the nursing facility~~.

**Sec. 5165.16.** (A) The department of medicaid shall determine each nursing facility's per medicaid day payment rate for ancillary and support costs. A nursing facility's rate shall be the rate determined under division (C) of this section for the nursing facility's peer group.

(B) For the purpose of determining nursing facilities' rates for ancillary and support costs, the department shall establish six peer groups composed as follows:

(1) Each nursing facility located in any of the following counties shall be placed in peer group one or two: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group one. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group two.

(2) Each nursing facility located in any of the following

counties shall be placed in peer group three or four: Allen, Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group three. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group four.

(3) Each nursing facility located in any of the following counties shall be placed in peer group five or six: Adams, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and Wyandot. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group five. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group six.

(C)(1) The department shall determine the rate for ancillary and support costs for each peer group established under division (B) of this section. The rate for ancillary and support costs determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. To determine a peer group's rate for ancillary and support costs, the department shall do all of the following:

(a) Subject to division (C)(2) of this section, determine the rate for ancillary and support costs for each nursing facility in

the peer group for the applicable calendar year by using the greater of the nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been ninety per cent;

(b) Subject to division (C)(3) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the rate for ancillary and support costs for the applicable calendar year determined under division (C)(1)(a) of this section;

(c) Multiply the rate for ancillary and support costs determined under division (C)(1)(a) of this section for the nursing facility identified under division (C)(1)(b) of this section by the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year using the following:

(i) Except as provided in division (C)(1)(c)(ii) of this section, the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics;

(ii) If the United States bureau of labor statistics ceases to publish the index specified in division (C)(1)(c)(i) of this section, the index the bureau subsequently publishes that covers urban consumers' prices for items for the region that includes this state.

~~(d) For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division (C)(1)(c) of this~~

~~section using the difference between the following:~~

~~(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (C)(1)(d) of this section;~~

~~(ii) The budget reduction adjustment factor for the state fiscal year for which the adjustment is being made under division (C)(1)(d) of this section.~~

(2) For the purpose of determining a nursing facility's occupancy rate under division (C)(1)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity unless the nursing facility also removes the beds from its licensed bed capacity.

(3) In making the identification under division (C)(1)(b) of this section, the department shall exclude both of the following:

(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(b) Nursing facilities whose ancillary and support costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem ancillary and support cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

(4) The department shall not redetermine a peer group's rate for ancillary and support costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for ancillary and support costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

**Sec. 5165.17.** (A) The department of medicaid shall determine each nursing facility's per medicaid day payment rate for capital costs. A nursing facility's rate shall be the rate determined under division (C) of this section.

(B) For the purpose of determining nursing facilities' rates for capital costs, the department shall establish six peer groups.

(1) Each nursing facility located in any of the following counties shall be placed in peer group one or two: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group one. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group two.

(2) Each nursing facility located in any of the following counties shall be placed in peer group three or four: Allen, Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group three. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group four.

(3) Each nursing facility located in any of the following counties shall be placed in peer group five or six: Adams, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto,

Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and Wyandot. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group five. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group six.

(C)(1) The department shall determine the rate for capital costs for each peer group established under division (B) of this section. The rate for capital costs determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. To determine a peer group's rate for capital costs, the department shall ~~do both of the following:~~

~~(a) Determine~~ determine the rate for capital costs for the nursing facility in the peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year~~;~~

~~(b) For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division (C)(1)(a) of this section using the difference between the following:~~

~~(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (C)(1)(a) of this section;~~

~~(ii) The budget reduction adjustment factor for the state fiscal year for which the adjustment is being made under division (C)(1)(a) of this section~~.

(2) To identify the nursing facility in a peer group that is at the twenty-fifth percentile of the rate for capital costs for

the applicable calendar year, the department shall do both of the following:

(a) Subject to division (C)(3) of this section, use the greater of each nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been one hundred per cent;

(b) Exclude both of the following:

(i) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(ii) Nursing facilities whose capital costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem capital cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

(3) For the purpose of determining a nursing facility's occupancy rate under division (C)(2)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity after June 30, 2005, unless the nursing facility also removes the beds from its licensed bed capacity.

(4) The department shall not redetermine a peer group's rate for capital costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for capital costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

(D) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using

the straight-line method over a period designated in rules adopted under section 5165.02 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department. Any rules authorized by this division that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in capital costs unless that part of the payment under this chapter is used to reimburse the government agency.

(E) The capital cost basis of nursing facility assets shall be determined in the following manner:

(1) Except as provided in division (E)(3) of this section, for purposes of calculating the rates to be paid for facilities with dates of licensure on or before June 30, 1993, the capital cost basis of each asset shall be equal to the desk-reviewed, actual, allowable, capital cost basis that is listed on the facility's cost report for the calendar year preceding the state fiscal year during which the rate will be paid.

(2) For facilities with dates of licensure after June 30, 1993, the capital cost basis shall be determined in accordance with the principles of the medicare program, except as otherwise provided in this chapter.

(3) Except as provided in division (E)(4) of this section, if a provider transfers an interest in a facility to another provider after June 30, 1993, there shall be no increase in the capital cost basis of the asset if the providers are related parties or the provider to which the interest is transferred authorizes the provider that transferred the interest to continue to operate the facility under a lease, management agreement, or other arrangement. If the previous sentence does not prohibit the adjustment of the capital cost basis under this division, the

basis of the asset shall be adjusted by one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time that the transferor held the asset.

(4) If a provider transfers an interest in a facility to another provider who is a related party, the capital cost basis of the asset shall be adjusted as specified in division (E)(3) of this section if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) Except as provided in division (E)(4)(c)(ii) of this section, the provider making the transfer retains no ownership interest in the facility;

(c) The department determines that the transfer is an arm's length transaction pursuant to rules adopted under section 5165.02 of the Revised Code. The rules shall provide that a transfer is an arm's length transaction if all of the following apply:

(i) Once the transfer goes into effect, the provider that made the transfer has no direct or indirect interest in the provider that acquires the facility or the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a creditor.

(ii) The provider that made the transfer does not reacquire an interest in the facility except through the exercise of a creditor's rights in the event of a default. If the provider reacquires an interest in the facility in this manner, the department shall treat the facility as if the transfer never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The transfer satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (E)(4) of this section or actual, allowable capital costs was determined most recently under division (F)(9) of this section.

(F) As used in this division:

"Imputed interest" means the lesser of the prime rate plus two per cent or ten per cent.

"Lease expense" means lease payments in the case of an operating lease and depreciation expense and interest expense in the case of a capital lease.

"New lease" means a lease, to a different lessee, of a nursing facility that previously was operated under a lease.

(1) Subject to division (A) of this section, for a lease of a facility that was effective on May 27, 1992, the entire lease expense is an actual, allowable capital cost during the term of the existing lease. The entire lease expense also is an actual, allowable capital cost if a lease in existence on May 27, 1992, is renewed under either of the following circumstances:

(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992;

(b) The renewal is for the same lease payment amount and between the same parties as the lease in existence on May 27, 1992.

(2) Subject to division (A) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the

lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis, adjusted by one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(3) Subject to division (A) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable capital costs shall include the annual lease expense if there was a substantial commitment of money for construction of the facility after December 22, 1992, and before July 1, 1993. If there was not a substantial commitment of money after December 22, 1992, and before July 1, 1993, actual, allowable capital costs shall include the lesser of the annual lease expense or the sum of the following:

(a) The annual depreciation expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis;

(b) The greater of the lessor's actual annual amortization of financing costs and interest expense at the inception of the lease or the imputed interest expense calculated at the inception of the lease using seventy per cent of the lessor's historical capital asset cost basis.

(4) Subject to division (A) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that was not initially operated under a lease and has been in existence for ten years, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at

the inception of the lease using the entire historical capital asset cost basis of one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(5) Subject to division (A) of this section, for a new lease of a facility that was operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of the annual new lease expense or the annual old lease payment. If the old lease was in effect for ten years or longer, the old lease payment from the beginning of the old lease shall be adjusted by one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.

(6) Subject to division (A) of this section, for a new lease of a facility that was not in existence or that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of annual new lease expense or the annual amount calculated for the old lease under division (F)(2), (3), (4), or (6) of this section, as applicable. If the old lease was in effect for ten years or longer, the lessor's historical capital asset cost basis shall be, for purposes of calculating the annual amount under division (F)(2), (3), (4), or (6) of this section, adjusted by one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.

In the case of a lease under division (F)(3) of this section of a facility for which a substantial commitment of money was made after December 22, 1992, and before July 1, 1993, the old lease payment shall be adjusted for the purpose of determining the

annual amount.

(7) For any revision of a lease described in division (F)(1), (2), (3), (4), (5), or (6) of this section, or for any subsequent lease of a facility operated under such a lease, other than execution of a new lease, the portion of actual, allowable capital costs attributable to the lease shall be the same as before the revision or subsequent lease.

(8) Except as provided in division (F)(9) of this section, if a provider leases an interest in a facility to another provider who is a related party or previously operated the facility, the related party's or previous operator's actual, allowable capital costs shall include the lesser of the annual lease expense or the reasonable cost to the lessor.

(9) If a provider leases an interest in a facility to another provider who is a related party, regardless of the date of the lease, the related party's actual, allowable capital costs shall include the annual lease expense, subject to the limitations specified in divisions (F)(1) to (7) of this section, if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) If the lessor retains an ownership interest, it is, except as provided in division (F)(9)(c)(ii) of this section, in only the real property and any improvements on the real property;

(c) The department determines that the lease is an arm's length transaction pursuant to rules adopted under section 5165.02 of the Revised Code. The rules shall provide that a lease is an arm's length transaction if all of the following apply:

(i) Once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (F)(9)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent

contractor, or consultant, but excluding interest as a lessor.

(ii) The lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility as if the lease never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The lease satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (E)(4) of this section or actual, allowable capital costs were determined most recently under division (F)(9) of this section.

(10) This division does not apply to leases of specific items of equipment.

**Sec. 5165.19.** (A) Semiannually, the department of medicaid shall determine each nursing facility's per medicaid day payment rate for direct care costs by multiplying the facility's semiannual case-mix score determined under section 5165.192 of the Revised Code by the cost per case-mix unit determined under division (C) of this section for the facility's peer group.

(B) For the purpose of determining nursing facilities' rates for direct care costs, the department shall establish three peer groups.

(1) Each nursing facility located in any of the following counties shall be placed in peer group one: Brown, Butler, Clermont, Clinton, Hamilton, and Warren.

(2) Each nursing facility located in any of the following counties shall be placed in peer group two: Allen, Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood.

(3) Each nursing facility located in any of the following counties shall be placed in peer group three: Adams, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and Wyandot.

(C)(1) The department shall determine a cost per case-mix unit for each peer group established under division (B) of this section. The cost per case-mix unit determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. To determine a peer group's cost per case-mix unit, the department shall do all of the following:

(a) Determine the cost per case-mix unit for each nursing facility in the peer group for the applicable calendar year by dividing each facility's desk-reviewed, actual, allowable, per diem direct care costs for the applicable calendar year by the facility's annual average case-mix score determined under section 5165.192 of the Revised Code for the applicable calendar year;

(b) Subject to division (C)(2) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the cost per case-mix units determined under division (C)(1)(a) of this section;

(c) Calculate the amount that is two per cent above the cost per case-mix unit determined under division (C)(1)(a) of this section for the nursing facility identified under division (C)(1)(b) of this section;

(d) Using the index specified in division (C)(3) of this section, multiply the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year by the amount calculated under division (C)(1)(c) of this section~~;~~

~~(e) For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division (C)(1)(d) of this section using the difference between the following:~~

~~(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (C)(1)(e) of this section;~~

~~(ii) The budget reduction adjustment factor for the state fiscal year for which the adjustment is being made under division (C)(1)(e) of this section~~.

(2) In making the identification under division (C)(1)(b) of this section, the department shall exclude both of the following:

(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(b) Nursing facilities whose cost per case-mix unit is more than one standard deviation from the mean cost per case-mix unit for all nursing facilities in the nursing facility's peer group

for the applicable calendar year.

(3) The following index shall be used for the purpose of the calculation made under division (C)(1)(d) of this section:

(a) Except as provided in division (C)(3)(b) of this section, the employment cost index for total compensation, nursing and residential care facilities occupational group, published by the United States bureau of labor statistics;

(b) If the United States bureau of labor statistics ceases to publish the index specified in division (C)(3)(a) of this section, the index the bureau subsequently publishes that covers nursing facilities' staff costs.

(4) The department shall not redetermine a peer group's cost per case-mix unit under this division based on additional information that it receives after the peer group's per case-mix unit is determined. The department shall redetermine a peer group's cost per case-mix unit only if it made an error in determining the peer group's cost per case-mix unit based on information available to the department at the time of the original determination.

**Sec. 5165.21.** The department of medicaid shall determine each nursing facility's per medicaid day payment rate for tax costs. The rate for tax costs determined under this division for a nursing facility shall be used for subsequent years until the department conducts a rebasing. To determine a nursing facility's rate for tax costs, the department shall ~~do both of the following:~~

~~(A) Divide~~ divide the nursing facility's desk-reviewed, actual, allowable tax costs paid for the applicable calendar year by the number of inpatient days the nursing facility would have had if its occupancy rate had been one hundred per cent during the applicable calendar year~~;~~

~~(B) For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division (A) of this section using the difference between the following:~~

~~(1) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (B) of this section;~~

~~(2) The budget reduction adjustment factor for the state fiscal year for which the adjustment is being made under division (B) of this section~~.

**Sec. 5165.25.** (A) As used in this section:

(1) "Long-stay resident" means an individual who has resided in a nursing facility for at least one hundred one days.

(2) "Measurement period" means the ~~following:~~

~~(a) For state fiscal year 2017, the period beginning July 1, 2015, and ending December 31, 2015;~~

~~(b) For each subsequent state fiscal year, the~~ calendar year immediately preceding the calendar year in which ~~the~~ a state fiscal year begins.

(3) "Nurse aide" has the same meaning as in section 3721.21 of the Revised Code.

(4) "Short-stay resident" means a nursing facility resident who is not a long-stay resident.

(B)(1) Using all of the funds made available for a state fiscal year by the rate reductions under division (C) of section 5165.15 of the Revised Code, the department of medicaid shall

determine a per medicaid day quality payment rate to be paid for that state fiscal year to each nursing facility that meets at least one of the quality indicators specified in division (B)(2) of this section ~~for the measurement period~~. The largest quality payment rate for a state fiscal year shall be paid to nursing facilities that meet all of the quality indicators ~~for the measurement period~~.

(2) The following are the quality indicators to be used for the purpose of division (B)(1) of this section:

(a) Not more than the target percentage of the nursing facility's short-stay residents had new or worsened pressure ulcers for the measurement period.

(b) Not more than the target percentage of long-stay residents at high risk for pressure ulcers had pressure ulcers for the measurement period.

(c) Not more than the target percentage of the nursing facility's short-stay residents newly received an antipsychotic medication for the measurement period.

(d) Not more than the target percentage of the nursing facility's long-stay residents received an antipsychotic medication for the measurement period.

(e) Not more than the target percentage of the nursing facility's long-stay residents had an unplanned weight loss for the measurement period.

(f) The nursing facility's employee retention rate is at least the target rate for the measurement period.

(g) The nursing facility ~~utilized the nursing home version of the preferences for everyday living inventory for all of its residents~~ obtained at least the target score on the following:

(i) For an even-numbered state fiscal year, the department of

aging's most recently published resident satisfaction survey conducted pursuant to section 173.47 of the Revised Code;

(ii) For an odd-numbered state fiscal year, the department of aging's most recently published family satisfaction survey conducted pursuant to section 173.47 of the Revised Code.

(3) The department shall specify the target percentage for the purpose of divisions (B)(2)(a) to (e) of this section at the fortieth percentile of nursing facilities that have data for the quality indicators. The department also shall specify the target rate for the purpose of division (B)(2)(f) of this section and the target score for the purpose of division (B)(2)(g) of this section. ~~In determining whether a nursing facility meets the quality indicators specified in divisions (B)(2)(c) and (d) of this section, the department shall exclude from consideration the following:~~

~~(a) In the case of the quality indicator specified in division (B)(2)(c) of this section, all of the nursing facility's short-stay residents who newly received an antipsychotic medication in conjunction with hospice care;~~

~~(b) In the case of the quality indicator specified in division (B)(2)(d) of this section, all of the nursing facility's long-stay residents who received antipsychotic medication in conjunction with hospice care.~~

(C) If a nursing facility undergoes a change of operator during a state fiscal year, the per medicaid day quality payment rate to be paid to the entering operator for nursing facility services that the nursing facility provides during the period beginning on the effective date of the change of operator and ending on the last day of the state fiscal year shall be the same amount as the per medicaid day quality payment rate that was in effect on the day immediately preceding the effective date of the

change of operator and paid to the nursing facility's exiting operator. For the immediately following state fiscal year, the per medicaid day quality payment rate shall be ~~the following:~~

~~(1) If the effective date of the change of operator is on or before the first day of October of the calendar year immediately preceding the state fiscal year, the amount determined for the nursing facility in accordance with division (B) of this section for the state fiscal year;~~

~~(2) If the effective date of the change of operator is after the first day of October of the calendar year immediately preceding the state fiscal year,~~ the mean per medicaid day quality payment rate for all nursing facilities for the state fiscal year.

**Sec. 5166.01.** As used in this chapter:

"209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under which the medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the supplemental security income program.

"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision.

"Care management system" ~~means the system established under~~ has the same meaning as in section ~~5167.03~~ 5167.01 of the Revised Code.

"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

"Expansion eligibility group" has the same meaning as in

section 5163.01 of the Revised Code.

"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.

"Hospital" has the same meaning as in section 3727.01 of the Revised Code.

"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.

"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.

"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.

"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.

"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component.

"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code.

"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.

"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include ~~a~~ the care management system ~~established under section 5167.03 of the Revised Code~~.

"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3).

"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.

"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.

**Sec. 5166.22.** (A) Subject to division (B) of this section, when the department of developmental disabilities allocates enrollment numbers to a county board of developmental disabilities for home and community-based services specified in division (A)(1) of section 5166.20 of the Revised Code and provided under any of the medicaid waiver components that the department administers under section 5166.21 of the Revised Code, the department shall consider ~~all~~ both of the following:

(1) The number of individuals with developmental disabilities placed on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code;

(2) ~~The implementation component required by division (A)(3) of section 5126.054 of the Revised Code of the county board's plan approved under section 5123.046 of the Revised Code;~~

~~(3)~~ Anything else the department considers necessary to enable the county board to provide the services to individuals placed on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code.

(B) Division (A) of this section applies to home and community-based services provided under the medicaid waiver component known as the transitions developmental disabilities waiver only to the extent, if any, provided by the contract required by section 5166.21 of the Revised Code regarding the component.

**Sec. 5167.01.** As used in this chapter:

(A) "Care management system" means the system established under section 5167.03 of the Revised Code.

(B) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

~~(B)~~(C) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

~~(C)~~(D) "Emergency services" has the same meaning as in the "Social Security Act," section 1932(b)(2), 42 U.S.C. 1396u-2(b)(2).

~~(D)~~(E) "ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.

~~(E)~~(F) "Medicaid managed care organization" means a managed care organization under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code.

~~(F)~~(G) "Medicaid MCO plan" means a plan that a medicaid managed care organization, pursuant to its contract with the department of medicaid under section 5167.10 of the Revised Code, makes available to medicaid recipients participating in the care management system.

(H) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.

~~(G)~~(I) "Nursing facility services" has the same meaning as in section 5165.01 of the Revised Code.

~~(H)~~(J) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.

~~(I)~~(K) "Provider" means any person or government entity that furnishes services to a medicaid recipient enrolled in a medicaid ~~managed care organization~~ MCO plan, regardless of whether the person or entity has a provider agreement.

~~(J)~~(L) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

**Sec. 5167.03.** As part of the medicaid program, the department of medicaid shall establish a care management system. The

department shall implement the system in some or all counties.

The department shall designate the medicaid recipients who are required or permitted to participate in the care management system. ~~Those who shall be required to participate in the system include medicaid recipients who receive cognitive behavioral therapy as described in division (A)(2) of section 5167.16 of the Revised Code.~~ Except as provided in section 5166.406 of the Revised Code, no medicaid recipient participating in the healthy Ohio program established under section 5166.40 of the Revised Code shall participate in the system.

The general assembly's authorization through the enactment of legislation is needed before home and community-based services available under a medicaid waiver component or nursing facility services are included in the care management system, except that ICDS participants may be required or permitted to obtain such services under the system. Medicaid recipients who receive such services may be designated for voluntary or mandatory participation in the system in order to receive other health care services included in the system.

The department may require or permit participants in the care management system to ~~obtain~~ do either or both of the following:

(A) Obtain health care services from providers designated by the department~~. The department may require or permit participants to obtain health care services through medicaid managed care organizations~~;

(B) Enroll in a medicaid MCO plan.

**Sec. 5167.04.** The department of medicaid ~~shall~~ may include alcohol, drug addiction, and mental health services covered by medicaid in the care management system ~~established under section 5167.03 of the Revised Code~~. ~~The services shall not be included in~~

~~the system before July 1, 2018.~~

**Sec. ~~5167.12~~ 5167.05.** (A) ~~When contracting under section 5167.10 of the Revised Code with a managed care organization that is a health insuring corporation, the~~ The department of medicaid ~~shall require the health insuring corporation to provide coverage of~~ may include prescribed drugs ~~for medicaid recipients enrolled~~ covered by medicaid in the ~~health insuring corporation~~ care management system. ~~In providing the required coverage, the health insuring corporation may use strategies for the management of drug utilization, but any such strategies are subject to the limitations and requirements of this section and the department's approval.~~

~~(B) The department shall not permit a health insuring corporation to impose a prior authorization requirement in the case of a drug to which all of the following apply:~~

~~(1) The drug is an antidepressant or antipsychotic.~~

~~(2) The drug is administered or dispensed in a standard tablet or capsule form, except that in the case of an antipsychotic, the drug also may be administered or dispensed in a long-acting injectable form.~~

~~(3) The drug is prescribed by any of the following:~~

~~(a) A physician who is allowed by the health insuring corporation to provide care as a psychiatrist through its credentialing process, as described in division (C) of section 5167.10 of the Revised Code;~~

~~(b) A psychiatrist who is practicing at a location on behalf of a community mental health services provider whose mental health services are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;~~

~~(c) A certified nurse practitioner, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code;~~

~~(d) A clinical nurse specialist, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code.~~

~~(4) The drug is prescribed for a use that is indicated on the drug's labeling, as approved by the federal food and drug administration.~~

~~(C) Subject to division (E) of this section, the department shall authorize a health insuring corporation to develop and implement a pharmacy utilization management program under which prior authorization through the program is established as a condition of obtaining a controlled substance pursuant to a prescription.~~

~~(D) The department shall require a health insuring corporation to comply with sections 5164.091, 5164.7511, 5164.7512, and 5164.7514 of the Revised Code, as if the health insuring corporation were the department.~~

**Sec. ~~5167.121~~ 5167.051.** If the medicaid program covers the pharmacist services described in section 5164.14 of the Revised Code, the department of medicaid may ~~require a medicaid managed care organization to provide coverage of the pharmacist services to the same extent when the services are provided to a medicaid recipient who is enrolled in the organization as a part of~~ include the services in the care management system ~~established under section 5167.03 of the Revised Code~~.

**Sec. 5167.10.** ~~(A)~~ The department of medicaid may enter into

contracts with managed care organizations, including health insuring corporations, under which the organizations are authorized to provide, or arrange for the provision of, health care services to medicaid recipients who are required or permitted to ~~obtain health care services through managed care organizations as part of~~ participate in the care management system ~~established under section 5167.03 of the Revised Code~~.

~~(B)(1) Subject to division (B)(2)(a) of this section, the department or its actuary shall base the hospital inpatient capital payment portion of the payment made to managed care organizations on data for services provided to all recipients enrolled in managed care organizations with which the department contracts, as reported by hospitals on relevant cost reports submitted pursuant to rules adopted under section 5167.02 of the Revised Code.~~

~~(2)(a) The hospital inpatient capital payment portion of the payment made to medicaid managed care organizations shall not exceed any maximum rate established by the department pursuant to rules adopted under this section.~~

~~(b) If a maximum rate is established, a medicaid managed care organization shall not compensate hospitals for inpatient capital costs in an amount that exceeds that rate.~~

~~(C) The department of medicaid shall allow a medicaid managed care organization to use providers to render care upon completion of the medicaid managed care organization's credentialing process.~~

**Sec. 5167.101.** (A) Subject to division (B) of this section, the department of medicaid or its actuary shall base the hospital inpatient capital payment portion of the payment made to a medicaid managed care organization on data for services provided to all medicaid recipients enrolled in a medicaid MCO plan offered by the organization, as reported by hospitals on relevant cost

reports submitted pursuant to rules adopted under section 5167.02 of the Revised Code.

(B) The hospital inpatient capital payment portion of the payment made to medicaid managed care organizations shall not exceed any maximum rate established in rules adopted under section 5167.02 of the Revised Code.

If a maximum rate is established, a medicaid managed care organization shall not compensate hospitals for inpatient capital costs in an amount that exceeds that rate.

**Sec. 5167.102.** The department of medicaid shall allow a medicaid managed care organization to use providers to render care to medicaid recipients enrolled in a medicaid MCO plan offered by the organization upon completion of the organization's credentialing process.

**Sec. 5167.11.** ~~When contracting under section 5167.10 of the Revised Code with a health insuring corporation~~ Each medicaid managed care organization that holds a certificate of authority under Chapter 1751. of the Revised Code~~, the department of medicaid~~ shall ~~require the health insuring corporation to~~ provide a grievance process for medicaid recipients in accordance with 42 C.F.R. 438, subpart F.

**Sec. 5167.13.** Each ~~contract the department of medicaid enters into with a managed care organization under section 5167.10 of the Revised Code shall require the~~ medicaid managed care organization ~~to~~ shall implement a coordinated services program for medicaid recipients who are enrolled in a medicaid MCO plan offered by the organization ~~who are~~ and found to have obtained prescribed drugs under the medicaid program at a frequency or in an amount that is not medically necessary. The program shall be implemented in a

manner that is consistent with section 1915(a)(2) of the "Social Security Act," ~~section 1915(a)(2),~~ 42 U.S.C. 1396n(a)(2), and 42 C.F.R. 431.54(e).

**Sec. 5167.14.** Each ~~contract the department of medicaid enters into with a~~ medicaid managed care organization ~~under section 5167.10 of the Revised Code~~ shall ~~require the managed care organization to~~ enter into a data security agreement with the state board of pharmacy governing the managed care organization's use of the board's drug database established and maintained under section 4729.75 of the Revised Code.

This section does not apply if the board no longer maintains the drug database.

**Sec. 5167.17.** ~~When contracting under section 5167.10 of the Revised Code with a~~ Each medicaid managed care organization ~~that is a health insuring corporation, the department of medicaid~~ shall ~~require the health insuring corporation to~~ provide enhanced care management services for pregnant women and women capable of becoming pregnant in the communities specified in rules adopted under section 3701.142 of the Revised Code. The ~~contract shall specify that the~~ services ~~are to~~ shall be provided in a manner intended to decrease the incidence of prematurity, low birth weight, and infant mortality, as well as improve the overall health status of women capable of becoming pregnant for the purpose of ensuring optimal future birth outcomes.

**Sec. 5167.171.** ~~When contracting with a~~ Each medicaid managed care organization ~~that is a health insuring corporation, the department of medicaid~~ shall ~~require the organization~~, if the organization requires practitioners to obtain prior approval before administering progesterone to pregnant medicaid recipients enrolled in a medicaid MCO plan offered by the organization, ~~to~~

use a uniform prior approval form for progesterone that is not more than one page.

**Sec. 5167.172.** ~~When contracting with a~~ Each medicaid managed care organization ~~that is a health insuring corporation, the department of medicaid~~ shall ~~require the organization to~~ promote the use of technology-based resources, such as mobile telephone or text messaging applications, that offer tips on having a healthy pregnancy and healthy baby to medicaid recipients who are enrolled in a medicaid MCO plan offered by the organization and are pregnant or have an infant who is less than one year of age.

**Sec. 5167.18.** Each ~~contract the department of medicaid enters into with a~~ medicaid managed care organization ~~under section 5167.10 of the Revised Code~~ shall ~~require the managed care organization to~~ comply with federal and state efforts to identify fraud, waste, and abuse in the medicaid program.

**Sec. 5167.20.** (A) Except as provided in division (B) of this section, when a participant in the care management system ~~established under this chapter~~ is enrolled in a medicaid MCO plan offered by a medicaid managed care organization and the organization refers the participant to receive services, other than emergency services provided on or after January 1, 2007, at a hospital that participates in the medicaid program but is not under contract with the organization, the hospital shall provide the service for which the referral was made and shall accept from the organization, as payment in full, the amount derived from the payment rate used by the department to pay other hospitals of the same type for providing the same service to a medicaid recipient who is not enrolled in a medicaid ~~managed care organization~~ MCO plan.

(B) A hospital is not subject to division (A) of this section if all of the following are the case:

(1) The hospital is located in a county in which participants in the care management system are required before January 1, 2006, to be enrolled in a medicaid ~~managed care organization that is a health insuring corporation~~ MCO plan;

(2) The hospital has entered into a contract before January 1, 2006, with at least one health insuring corporation serving the participants specified in division (B)(1) of this section;

(3) The hospital remains under contract with at least one health insuring corporation serving participants in the care management system who are required to be enrolled in a ~~health insuring corporation~~ medicaid MCO plan.

(C) The medicaid director shall adopt rules under section 5167.02 of the Revised Code specifying the circumstances under which a medicaid managed care organization is permitted to refer a participant in the care management system to a hospital that is not under contract with the organization.

**Sec. 5167.201.** When a participant in the care management system ~~established under this chapter~~ is enrolled in a medicaid ~~managed care organization~~ MCO plan and receives emergency services on or after January 1, 2007, from a provider that is not under contract with the organization, the provider shall accept from the organization, as payment in full, not more than the amounts (less any payments for indirect costs of medical education and direct costs of graduate medical education) that the provider could collect if the participant received medicaid other than through enrollment in a ~~managed care organization~~ medicaid MCO plan.

An agreement entered into by a participant, a participant's parent, or a participant's legal guardian that requires payment

for emergency services in violation of this section is void and unenforceable.

**Sec. 5167.26.** For the purpose of determining the amount the department of medicaid pays hospitals under section 5168.09 of the Revised Code and the amount of disproportionate share hospital payments paid by the medicare program pursuant to section 1915 of the "Social Security Act," ~~section 1915,~~ 42 U.S.C. 1396n, a medicaid managed care organization shall keep detailed records for each hospital with which it contracts, including records regarding the cost to the hospital of providing hospital services for the organization, payments made by the organization to the hospital for the services, utilization of hospital services by medicaid recipients enrolled in a medicaid MCO plan offered by the organization, and other utilization data required by the department.

**Sec. 5167.41.** The department of medicaid may disenroll some or all medicaid recipients ~~enrolled in~~ from a medicaid MCO plan offered by a medicaid managed care organization if the department proposes to terminate or not to renew the contract entered into under section 5167.10 of the Revised Code and determines that the recipients' access to medically necessary services is jeopardized by the proposal to terminate or not to renew the contract. The disenrollment is not subject to Chapter 119. of the Revised Code, but the medicaid managed care organization may request a reconsideration of the disenrollment. Reconsiderations shall be requested and conducted in accordance with rules the medicaid director shall adopt under section 5167.02 of the Revised Code. The request for, or conduct of, a reconsideration regarding a proposed disenrollment shall not delay the disenrollment.

**Sec. 5168.03.** The requirements of sections 5168.06 to 5168.09

of the Revised Code apply only as long as the United States ~~health care financing administration~~ centers for medicare and medicaid services determines that the assessment imposed under section 5168.06 of the Revised Code is a permissible health care-related tax pursuant to the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). Whenever the department of medicaid is informed that the assessment is an impermissible health care-related tax, the department shall promptly refund to each hospital the amount of money currently in the hospital care assurance program fund created by section 5168.11 of the Revised Code that has been paid by the hospital under section 5168.06 or 5168.07 of the Revised Code, plus any investment earnings on that amount.

**Sec. 5168.05.** (A) Except as provided in division (C) of this section, each hospital, on or before the first day of July of each year or at a later date approved by the medicaid director, shall submit to the department of medicaid a financial statement for the preceding calendar year that accurately reflects the income, expenses, assets, liabilities, and net worth of the hospital, and accompanying notes. A hospital that has a fiscal year different from the calendar year shall file its financial statement within one hundred eighty days of the end of its fiscal year or at a later date approved by the director. The financial statement shall be prepared by an independent certified public accountant and reflect an official audit report prepared in a manner consistent with generally accepted accounting principles. The financial statement shall, to the extent that the hospital has sufficient financial records, show bad debt and charity care separately from courtesy care and contractual allowances.

(B) Except as provided in division (C) of this section, each hospital, within one hundred eighty days after the end of the hospital's cost reporting period, shall submit to the department a

cost report in a format prescribed in rules adopted under section 5168.02 of the Revised Code. The department shall grant a hospital an extension of the one hundred eighty day period if the ~~health care financing administration of the~~ United States ~~department of health and human~~ centers for medicare and medicaid services extends the date by which the hospital must submit its cost report for the hospital's cost reporting period.

(C) The director may adopt rules under section 5168.02 of the Revised Code specifying financial information that must be submitted by hospitals for which no financial statement or cost report is available. The rules shall specify deadlines for submitting the information. Each such hospital shall submit the information specified in the rules not later than the deadline specified in the rules.

**Sec. 5168.06.** (A) For the purpose of distributing funds to hospitals under the medicaid program pursuant to sections 5168.01 to 5168.14 of the Revised Code and depositing funds into the health care/medicaid support and recoveries fund created under section 5162.52 of the Revised Code, there is hereby imposed an assessment on all hospitals. Each hospital's assessment shall be based on total facility costs. All hospitals shall be assessed according to the rate or rates established each program year in rules adopted under section 5168.02 of the Revised Code. The department shall assess all hospitals uniformly and in a manner consistent with federal statutes and regulations. During any program year, the department shall not assess any hospital more than two per cent of the hospital's total facility costs.

The department shall establish an assessment rate or rates each program year that will do both of the following:

(1) Yield funds that, when combined with intergovernmental transfers and federal matching funds, will produce a program of

sufficient size to pay a substantial portion of the indigent care provided by hospitals;

(2) Yield funds that, when combined with intergovernmental transfers and federal matching funds, will produce amounts for distribution to disproportionate share hospitals that do not exceed, in the aggregate, the limits prescribed by the United States ~~health care financing administration~~ centers for medicare and medicaid services under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f).

(B)(1) Except as provided in division (B)(3) of this section, each hospital shall pay its assessment in periodic installments in accordance with a schedule established in rules adopted under section 5168.02 of the Revised Code.

(2) The installments shall be equal in amount, unless either of the following applies:

(a) The department makes adjustments during a program year under division (D) of section 5168.08 of the Revised Code in the total amount of hospitals' assessments;

(b) The medicaid director determines that adjustments in the amounts of installments are necessary for the administration of sections 5168.01 to 5168.14 of the Revised Code and that unequal installments will not create cash flow difficulties for hospitals.

(3) The director may adopt rules under section 5168.02 of the Revised Code establishing alternate schedules for hospitals to pay assessments under this section in order to reduce hospitals' cash flow difficulties.

**Sec. 5168.07.** (A) The department of medicaid may require governmental hospitals to make intergovernmental transfers each program year for the purpose of distributing funds to hospitals under the medicaid program pursuant to sections 5168.01 to 5168.14

of the Revised Code and depositing funds into the health care/medicaid support and recoveries fund created under section 5162.52 of the Revised Code. The department shall not require transfers in an amount that, when combined with hospital assessments paid under section 5168.06 of the Revised Code and federal matching funds, produce amounts for distribution to disproportionate share hospitals that, in the aggregate, exceed limits prescribed by the United States ~~health care financing administration~~ centers for medicare and medicaid services under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f).

(B) Before or during each program year, the department shall notify each governmental hospital of the amount of the intergovernmental transfer it is required to make during the program year. Each governmental hospital shall make intergovernmental transfers as required by the department under this section in periodic installments, executed by electronic fund transfer, in accordance with a schedule established in rules adopted under section 5168.02 of the Revised Code.

**Sec. 5168.08.** (A) Before or during each program year, the department of medicaid shall mail to each hospital by certified mail, return receipt requested, the preliminary determination of the amount that the hospital is assessed under section 5168.06 of the Revised Code during the program year. The preliminary determination of a hospital's assessment shall be calculated for a cost-reporting period that is specified in rules adopted under section 5168.02 of the Revised Code.

The department shall consult with hospitals each year when determining the date on which it will mail the preliminary determinations in order to minimize hospitals' cash flow difficulties.

If no hospital submits a request for reconsideration under

division (B) of this section, the preliminary determination constitutes the final reconciliation of each hospital's assessment under section 5168.06 of the Revised Code. The final reconciliation is subject to adjustments under division (D) of this section.

(B) Not later than fourteen days after the preliminary determinations are mailed, any hospital may submit to the department a written request to reconsider the preliminary determinations. The request shall be accompanied by written materials setting forth the basis for the reconsideration. If one or more hospitals submit a request, the department shall hold a public hearing not later than thirty days after the preliminary determinations are mailed to reconsider the preliminary determinations. The department shall mail to each hospital a written notice of the date, time, and place of the hearing at least ten days prior to the hearing. On the basis of the evidence submitted to the department or presented at the public hearing, the department shall reconsider and may adjust the preliminary determinations. The result of the reconsideration is the final reconciliation of the hospital's assessment under section 5168.06 of the Revised Code. The final reconciliation is subject to adjustments under division (D) of this section.

(C) The department shall mail to each hospital a written notice of its assessment for the program year under the final reconciliation. A hospital may appeal the final reconciliation of its assessment to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with the schedules required by division (B) of section 5168.06 of the Revised Code, any amount of its assessment that is not in dispute into the hospital care assurance program fund created in section 5168.11 of the Revised Code.

(D) In the course of any program year, the department may

adjust the assessment rate or rates established in rules pursuant to section 5168.06 of the Revised Code or adjust the amounts of intergovernmental transfers required under section 5168.07 of the Revised Code and, as a result of the adjustment, adjust each hospital's assessment and intergovernmental transfer, to reflect refinements made by the United States ~~health care financing administration~~ centers for medicare and medicaid services during that program year to the limits it prescribed under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the assessment rate or rates must comply with division (A) of section 5168.06 of the Revised Code. An adjusted intergovernmental transfer must comply with division (A) of section 5168.07 of the Revised Code. The department shall notify hospitals of adjustments made under this division and adjust for the remainder of the program year the installments paid by hospitals under sections 5168.06 and 5168.07 of the Revised Code in accordance with rules adopted under section 5168.02 of the Revised Code.

**Sec. 5168.75.** As used in sections 5168.75 to 5168.86 of the Revised Code:

(A) "Basic health care services" means all of the services listed in division (A)(1) of section 1751.01 of the Revised Code.

(B) "Care management system" ~~means the system established under~~ has the same meaning as in section ~~5167.03~~ 5167.01 of the Revised Code.

(C) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

(D) "Franchise fee" means the fee imposed on health insuring corporation plans under section 5168.76 of the Revised Code.

(E) "Health insuring corporation" has the same meaning as in

section 1751.01 of the Revised Code, except it does not mean a corporation that, pursuant to a policy, contract, certificate, or agreement, pays for, reimburses, or provides, delivers, arranges for, or otherwise makes available, only supplemental health care services or only specialty health care services.

(F) "Health insuring corporation plan" means a policy, contract, certificate, or agreement of a health insuring corporation under which the corporation pays for, reimburses, provides, delivers, arranges for, or otherwise makes available basic health care services. "Health insuring corporation plan" does not mean any of the following:

(1) A policy, contract, certificate, or agreement under which a health insuring corporation pays for, reimburses, provides, delivers, arranges for, or otherwise makes available only supplemental health care services or only specialty health care services;

(2) An approved health benefits plan described in 5 U.S.C. 8903 or 8903a, if imposing the franchise fee on the plan would violate 5 U.S.C. 8909(f);

(3) A medicare advantage plan authorized by Part C of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq.

(G) "Indirect guarantee percentage" means the percentage specified in section 1903(w)(4)(C)(ii) of the "Social Security Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a health care class is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;

(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage.

(H) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

(I) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

(J) "Ohio medicaid member month" means a month in which a medicaid recipient residing in this state is enrolled in a health insuring corporation plan.

(K) "Other Ohio member month" means a month in which a resident of this state who is not a medicaid recipient is enrolled in a health insuring corporation plan.

(L) "Rate year" means the fiscal year for which a franchise fee is imposed.

**Sec. 5501.20.** (A) As used in this section:

(1) "Career professional service" means that part of the competitive classified service that consists of employees of the department of transportation who, regardless of job classification, meet both of the following qualifications:

(a) They are supervisors, professional employees who are not in a collective bargaining unit, confidential employees, or management level employees, all as defined in section 4117.01 of the Revised Code.

(b) They exercise authority that is not merely routine or clerical in nature and report only to a higher level unclassified employee or employee in the career professional service.

(2) "Demoted" means that an employee is placed in a position where the employee's wage rate equals, or is not more than twenty per cent less than, the employee's wage rate immediately prior to

demotion or where the employee's job responsibilities are reduced, or both.

(3) "Employee in the career professional service with restoration rights" means an employee in the career professional service who has been in the classified civil service for at least two years and who has a cumulative total of at least ten years of continuous service with the department of transportation.

(B) ~~Not later than the first day of July of each odd-numbered year, the director of transportation shall adopt a rule in accordance with section 111.15 of the Revised Code that establishes a business plan for the department of transportation that states the department's mission, business objectives, and strategies and that establishes a procedure by which employees in the career professional service will be held accountable for their performance. The director shall adopt a rule that establishes a business plan for the department only once in each two years. Within sixty days after the effective date of a rule that establishes a business plan for the department, the~~ The director shall adopt a rule in accordance with section 111.15 of the Revised Code that identifies specific positions within the department of transportation that are included in the career professional service. The director may amend the rule that identifies the specific positions included in the career professional service whenever the director determines necessary. Any rule adopted under this division is subject to review and invalidation by the joint committee on agency rule review as provided in division (D) of section 111.15 of the Revised Code. The director shall provide a copy of any rule adopted under this division to the director of budget and management.

~~Except as otherwise provided in this section, an~~ An employee in the career professional service is subject to the provisions of Chapter 124. of the Revised Code that govern employees in the

classified civil service.

(C) ~~After an employee is appointed to a position in the career professional service, the employee's direct supervisor shall provide the employee appointed to that position with a written performance action plan that describes the department's expectations for that employee in fulfilling the mission, business objectives, and strategies stated in the department's business plan. No sooner than four months after being appointed to a position in the career professional service, an employee appointed to that position shall receive a written performance review based on the employee's fulfillment of the mission, business objectives, and strategies stated in the department's business plan. After the initial performance review, the~~ An employee in the career professional service shall receive a written performance review at least once each year or as often as the director considers necessary. The department shall give an employee whose performance is unsatisfactory an opportunity to improve performance for a period of at least six months, by means of a written ~~corrective action~~ performance improvement plan, before the department takes any disciplinary action under this section ~~or section 124.34 of the Revised Code. The department shall base its performance review forms on its business plan~~.

(D) An employee in the career professional service may be suspended, demoted, or removed ~~because of performance that hinders or restricts the fulfillment of the department's business plan~~ pursuant to division (C) of this section or for disciplinary reasons under section 124.34 or 124.57 of the Revised Code. An employee in the career professional service may appeal only the employee's removal to the state personnel board of review. An employee in the career professional service may appeal a demotion or a suspension of more than three days pursuant to rules the director adopts in accordance with section 111.15 of the Revised

Code.

(E) An employee in the career professional service with restoration rights has restoration rights if demoted because of performance ~~that hinders or restricts fulfillment of the mission, business objectives, or strategies stated in the department's business plan~~, but not if involuntarily demoted or removed for any of the reasons described in section 124.34 or for a violation of section 124.57 of the Revised Code. The director shall demote an employee who has restoration rights of that nature to a position in the classified service that in the director's judgment is similar in nature to the position the employee held immediately prior to being appointed to the position in the career professional service. The director shall assign to an employee who is demoted to a position in the classified service as provided in this division a wage rate that equals, or that is not more than twenty per cent less than, the wage rate assigned to the employee in the career professional service immediately prior to the employee's demotion.

**Sec. 5513.06.** (A) The director of transportation may debar a vendor from consideration for contract awards upon a finding based upon a reasonable belief that the vendor has done any of the following:

(1) Abused the solicitation process by repeatedly withdrawing bids before purchase orders or contracts are issued or failing to accept orders based upon firm bids;

(2) Failed to substantially perform a contract according to its terms, conditions, and specifications within specified time limits;

(3) Failed to cooperate in monitoring contract performance by refusing to provide information or documents required in a contract, failed to respond and correct matters related to

complaints to the vendor, or accumulated repeated justified complaints regarding performance of a contract;

(4) Attempted to influence a public employee to breach ethical conduct standards;

(5) Colluded with other bidders to restrain competition by any means;

(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the vendor's business integrity;

(7) Been convicted under state or federal antitrust laws;

(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract;

(9) Has been debarred by a state agency, another state, or by any agency or department of the federal government;

(10) Violated any other responsible business practice or performed in an unsatisfactory manner as determined by the director.

(B) When the director reasonably believes that grounds for debarment exist, the director shall send the vendor a notice of proposed debarment. If the vendor is a partnership, association, or corporation, the director also may debar from consideration for contract awards any partner of the partnership, or the officers and directors of the association or corporation, being debarred. When the director reasonably believes that grounds for debarment exist, the director shall send the individual involved a notice of proposed debarment. A notice of proposed debarment shall indicate

the grounds for the debarment of the vendor or individual and the procedure for requesting a hearing. The notice and hearing shall be in accordance with Chapter 119. of the Revised Code. If the vendor or individual does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the director shall issue the debarment decision without a hearing and shall notify the vendor or individual of the decision by certified mail, return receipt requested. The debarment period may be of any length determined by the director and the director may modify or rescind the debarment at any time. During the period of debarment, the director shall not include on a bidder list or consider for a contract award any partnership, association, or corporation affiliated with a debarred individual. After the debarment period expires, the vendor or individual, and any partnership, association, or corporation affiliated with the individual, may reapply for inclusion on bidder lists through the regular application process if such entity or individual is not otherwise debarred.

**Sec. 5525.03.** (A) All prospective bidders other than environmental remediators and specialty contractors for which there are no classes of work provided for in the rules adopted by the director of transportation shall apply for qualification on forms prescribed and furnished by the director. The application shall be accompanied by a certificate of compliance with affirmative action programs issued pursuant to section 9.47 of the Revised Code and dated no earlier than one hundred eighty days ~~prior to~~ before the date fixed for the opening of bids for a particular project. ~~The~~

(B) The director shall act upon an application for qualification within thirty days after it is presented to the director. Upon the receipt of any application for qualification, the director shall examine the application to determine whether

the applicant is competent and responsible and possesses the financial resources required by section 5525.04 of the Revised Code. If the applicant is found to possess the qualifications prescribed by sections 5525.02 to 5525.09 of the Revised Code and by rules adopted by the director, including a certificate of compliance with affirmative action programs, a certificate of qualification shall be issued to the applicant, which shall be valid for the period of one year or such shorter period of time as the director prescribes, unless revoked by the director for cause as defined by rules adopted by the director under section 5525.05 of the Revised Code. ~~The~~

(C) The certificate of qualification shall contain a statement fixing the aggregate amount of work, for any or all owners, that the applicant may have under construction and uncompleted at any one time and may contain a statement limiting such bidder to the submission of bids upon a certain class of work. Subject to any restriction as to amount or class of work therein contained, the certificate of qualification shall authorize its holder to bid on all work on which bids are taken by the department of transportation during the period of time therein specified. ~~An~~

(D) An applicant who has received a certificate of qualification and desires to amend the certificate by the dollar amount or by the classes of work may submit to the director such documentation as the director considers appropriate. The director shall review the documentation submitted by the applicant and, within fifteen days, shall either amend the certificate of qualification or deny the request. If the director denies the request to amend the certificate, the applicant may appeal that decision to the ~~director& r s q u o ;s~~ director's prequalification review board in accordance with section 5525.07 of the Revised Code. Two or more persons, partnerships, or corporations may bid

jointly on any one project, but only on condition that prior to the time bids are taken on the project the bidders make a joint application for qualification and obtain a joint certificate qualification.

(E) The director may debar from participating in future contracts with the department any bidding company as well as any partner of a partnership, or the officers and directors of an association or corporation if the certificate of qualification of the company, partnership, association, or corporation is revoked or not renewed by the director. When the director reasonably believes that grounds for revocation and debarment exist, the director shall send the bidding company and any individual involved a notice of proposed revocation and debarment indicating the grounds for such action as established in rules adopted by the director under section 5525.05 of the Revised Code and the procedure for requesting a hearing. The notice and hearing shall be in accordance with Chapter 119. of the Revised Code. If the bidding company or individual does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the director shall revoke the certificate and issue the debarment decision without a hearing and shall notify the bidding company or individual of the decision by certified mail, return receipt requested. ~~The~~

(F) The debarment period may be of any length determined by the director and the director may modify or rescind the debarment at any time. During the period of debarment, the director shall not issue a certificate of qualification for any company, partnership, association, or corporation affiliated with a debarred individual. After the debarment period expires, the bidding company or individual, and any partnership, association, or corporation affiliated with the individual may make an application for qualification if such entity or individual is not

otherwise debarred.

**Sec. 5537.17.** (A) Each turnpike project open to traffic shall be maintained and kept in good condition and repair by the Ohio turnpike and infrastructure commission. The Ohio turnpike system shall be policed and operated by a force of police, toll collectors, and other employees and agents that the commission employs or contracts for.

(B) All public or private property damaged or destroyed in carrying out the powers granted by this chapter shall be restored or repaired and placed in its original condition, as nearly as practicable, or adequate compensation or consideration made therefor out of moneys provided under this chapter.

(C) All governmental agencies may lease, lend, grant, or convey to the commission at its request, upon terms that the proper authorities of the governmental agencies consider reasonable and fair and without the necessity for an advertisement, order of court, or other action or formality, other than the regular and formal action of the authorities concerned, any property that is necessary or convenient to the effectuation of the purposes of the commission, including public roads and other property already devoted to public use.

(D) Each bridge constituting part of a turnpike project shall be inspected at least once each year by a professional engineer employed or retained by the commission.

(E) ~~On or before the first day of July in each year, the commission shall make an annual report of its activities for the preceding calendar year to the governor and the general assembly. Each such report shall set forth a complete operating and financial statement covering the commission's operations and funding of any turnpike projects and infrastructure projects during the year.~~ The commission shall cause an audit of its books

and accounts to be made at least once each year by certified public accountants approved by the auditor of state, and the cost thereof may be treated as a part of the cost of operations of the commission. ~~The auditor of state, at least once a year and without previous notice to the commission, shall audit the accounts and transactions of the commission~~ On or before the first day of July in each year, the commission shall submit a comprehensive annual financial report containing its audited financial statements for the preceding calendar year to the governor, the general assembly, and the director of budget and management. Each such report shall set forth a complete operating and financial statement covering the commission's operations and funding of any turnpike projects and infrastructure projects during the year.

(F) The commission shall submit a copy of its ~~annual audit by the auditor of state and~~ its proposed annual budget for each calendar or fiscal year to the governor, the presiding officers of each house of the general assembly, the director of budget and management, and the legislative service commission no later than the first day of that calendar or fiscal year.

(G) Upon request of the chairperson of the appropriate standing committee or subcommittee of the senate and house of representatives that is primarily responsible for considering transportation budget matters, the commission shall appear at least one time before each committee or subcommittee during the period when that committee or subcommittee is considering the biennial appropriations for the department of transportation and shall provide testimony outlining its budgetary results for the last two calendar years, including a comparison of budget and actual revenue and expenditure amounts. The commission also shall address its current budget and long-term capital plan.

(H) Not more than sixty nor less than thirty days before adopting its annual budget, the commission shall submit a copy of

its proposed annual budget to the governor, the presiding officers of each house of the general assembly, the director of budget and management, and the legislative service commission. The office of budget and management shall review the proposed budget and may provide recommendations to the commission for its consideration.

**Sec. 5709.40.** (A) As used in this section:

(1) "Blighted area" and "impacted city" have the same meanings as in section 1728.01 of the Revised Code.

(2) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.

(3) "Housing renovation" means a project carried out for residential purposes.

(4) "Improvement" means the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under this section were it not for the exemption granted by that ordinance.

(5) "Incentive district" means an area not more than three hundred acres in size enclosed by a continuous boundary in which a project is being, or will be, undertaken and having one or more of the following distress characteristics:

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

(b) The average rate of unemployment in the district during the most recent twelve-month period for which data are available

is equal to at least one hundred fifty per cent of the average rate of unemployment for this state for the same period.

(c) At least twenty per cent of the people residing in the district live at or below the poverty level as defined in the federal Housing and Community Development Act of 1974, 42 U.S.C. 5301, as amended, and regulations adopted pursuant to that act.

(d) The district is a blighted area.

(e) The district is in a situational distress area as designated by the director of development services under division (F) of section 122.23 of the Revised Code.

(f) As certified by the engineer for the political subdivision, the public infrastructure serving the district is inadequate to meet the development needs of the district as evidenced by a written economic development plan or urban renewal plan for the district that has been adopted by the legislative authority of the subdivision.

(g) The district is comprised entirely of unimproved land that is located in a distressed area as defined in section 122.23 of the Revised Code.

(6) "Overlay" means an area of not more than three hundred acres that is a square, or that is a rectangle having two longer sides that are not more than twice the length of the two shorter sides, that the legislative authority of a municipal corporation delineates on a map of a proposed incentive district.

(7) "Project" means development activities undertaken on one or more parcels, including, but not limited to, construction, expansion, and alteration of buildings or structures, demolition, remediation, and site development, and any building or structure that results from those activities.

(8) "Public infrastructure improvement" includes, but is not

limited to, public roads and highways; water and sewer lines; the continued maintenance of those public roads and highways and water and sewer lines; environmental remediation; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; demolition, including demolition on private property when determined to be necessary for economic development purposes; stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety, and welfare; the provision of gas, electric, and communications service facilities, including the provision of gas or electric service facilities owned by nongovernmental entities when such improvements are determined to be necessary for economic development purposes; and the enhancement of public waterways through improvements that allow for greater public access.

(B) The legislative authority of a municipal corporation, by ordinance, may declare improvements to certain parcels of real property located in the municipal corporation to be a public purpose. Improvements with respect to a parcel that is used or to be used for residential purposes may be declared a public purpose under this division only if the parcel is located in a blighted area of an impacted city. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the parcel as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code. Except ~~with the approval~~ as otherwise provided under division (D) of this section ~~of the board of education of each city, local, or exempted village school district within which the improvements are located~~ or section 5709.51 of the Revised Code, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted from real property taxation for a period of not more than ten years. The ordinance shall specify the percentage of the

improvement to be exempted from taxation and the life of the exemption.

An ordinance adopted or amended under this division shall designate the specific public infrastructure improvements made, to be made, or in the process of being made by the municipal corporation that directly benefit, or that once made will directly benefit, the parcels for which improvements are declared to be a public purpose. The service payments provided for in section 5709.42 of the Revised Code shall be used to finance the public infrastructure improvements designated in the ordinance, for the purpose described in division (D)(1) of this section or as provided in section 5709.43 of the Revised Code.

(C)(1) The legislative authority of a municipal corporation may adopt an ordinance creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (C)(2) of this section, exempt from taxation as provided in this section, but no legislative authority of a municipal corporation that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, shall adopt an ordinance that creates an incentive district if the sum of the taxable value of real property in the proposed district for the preceding tax year and the taxable value of all real property in the municipal corporation that would have been taxable in the preceding year were it not for the fact that the property was in an existing incentive district and therefore exempt from taxation exceeds twenty-five per cent of the taxable value of real property in the municipal corporation for the preceding tax year. The ordinance shall delineate the boundary of the proposed district and specifically identify each parcel within the district. A proposed district may not include any parcel that is or has been exempted from taxation under division (B) of this section or that is or has

been within another district created under this division. An ordinance may create more than one such district, and more than one ordinance may be adopted under division (C)(1) of this section.

(2)(a) Not later than thirty days prior to adopting an ordinance under division (C)(1) of this section, if the municipal corporation intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the legislative authority of the municipal corporation shall conduct a public hearing on the proposed ordinance. Not later than thirty days prior to the public hearing, the legislative authority shall give notice of the public hearing and the proposed ordinance by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed ordinance. The notice shall include a map of the proposed incentive district on which the legislative authority of the municipal corporation shall have delineated an overlay. The notice shall inform the property owner of the owner's right to exclude the owner's property from the incentive district if the owner's entire parcel of property will not be located within the overlay, by submitting a written response in accordance with division (C)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C)(1) of this section whose entire parcel of property is not located within the overlay may exclude the property from the proposed incentive district by submitting a written response to the legislative authority of the municipal corporation not later than forty-five

days after the postmark date on the notice required under division (C)(2)(a) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the legislative authority under division (C)(2)(a) of this section. The response shall conform to any content requirements that may be established by the municipal corporation and included in the notice provided under division (C)(2)(a) of this section. In the response, property owners may identify a parcel by street address, by the manner in which it is identified in the ordinance, or by other means allowing the identity of the parcel to be ascertained.

(c) Before adopting an ordinance under division (C)(1) of this section, the legislative authority of a municipal corporation shall amend the ordinance to exclude any parcel located wholly or partly outside the overlay for which a written response has been submitted under division (C)(2)(b) of this section. A municipal corporation shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (B) of this section pursuant to an ordinance adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) An ordinance adopted under division (C)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The ordinance also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the ordinance. The

project identified may, but need not be, the project under division (C)(3)(b) of this section that places real property in use for commercial or industrial purposes. Except as otherwise permitted under that division, the service payments provided for in section 5709.42 of the Revised Code shall be used to finance the designated public infrastructure improvements, for the purpose described in division (D)(1), (E), or (F) of this section, or as provided in section 5709.43 of the Revised Code.

An ordinance adopted under division (C)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and no service payment provided for in section 5709.42 of the Revised Code and received by the municipal corporation under the ordinance shall be used for police or fire equipment.

(b) An ordinance adopted under division (C)(1) of this section may authorize the use of service payments provided for in section 5709.42 of the Revised Code for the purpose of housing renovations within the incentive district, provided that the ordinance also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The ordinance shall designate the parcels within the district that are eligible for housing renovation. The ordinance shall state separately the amounts or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the general purpose of housing renovations.

(4) Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the incentive district is or will be located,

and subject to division (E) of this section, the life of an incentive district shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With approval of the board of education, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent. The approval of a board of education shall be obtained in the manner provided in division (D) of this section.

(D)(1) If the ordinance declaring improvements to a parcel to be a public purpose or creating an incentive district specifies that payments in lieu of taxes provided for in section 5709.42 of the Revised Code shall be paid to the city, local, or exempted village, and joint vocational school district in which the parcel or incentive district is located in the amount of the taxes that would have been payable to the school district if the improvements had not been exempted from taxation, the percentage of the improvement that may be exempted from taxation may exceed seventy-five per cent, and the exemption may be granted for up to thirty years, without the approval of the board of education as otherwise required under division (D)(2) of this section.

(2) Improvements with respect to a parcel may be exempted from taxation under division (B) of this section, and improvements to parcels within an incentive district may be exempted from taxation under division (C) of this section, for up to ten years or, with the approval under this paragraph of the board of education of the city, local, or exempted village school district within which the parcel or district is located, for up to thirty years. The percentage of the improvement exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting an ordinance under this section declaring improvements to be a public purpose that is subject to

approval by a board of education under this division, the legislative authority shall deliver to the board of education a notice stating its intent to adopt an ordinance making that declaration. The notice regarding improvements with respect to a parcel under division (B) of this section shall identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period for which the improvements would be exempted from taxation and the percentage of the improvement that would be exempted, and indicate the date on which the legislative authority intends to adopt the ordinance. The notice regarding improvements to parcels within an incentive district under division (C) of this section shall delineate the boundaries of the district, specifically identify each parcel within the district, identify each anticipated improvement in the district, provide an estimate of the true value in money of each such improvement, specify the life of the district and the percentage of improvements that would be exempted, and indicate the date on which the legislative authority intends to adopt the ordinance. The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice; may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both; or may approve the exemption on the condition that the legislative authority and the board negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvement in excess of seventy-five per cent were that

portion to be subject to taxation, or other mutually agreeable compensation. If an agreement is negotiated between the legislative authority and the board to compensate the school district for all or part of the taxes exempted, including agreements for payments in lieu of taxes under section 5709.42 of the Revised Code, the legislative authority shall compensate the joint vocational school district within which the parcel or district is located at the same rate and under the same terms received by the city, local, or exempted village school district.

(3) The board of education shall certify its resolution to the legislative authority not later than fourteen days prior to the date the legislative authority intends to adopt the ordinance as indicated in the notice. If the board of education and the legislative authority negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for the number of years specified in the ordinance or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. In either case, if the board and the legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for not more than ten years, and shall not exempt more than seventy-five per cent of the improvements from taxation. If the board fails to certify a resolution to the legislative authority within the time prescribed by this division, the legislative authority thereupon may adopt the ordinance and may declare the improvements a public purpose for up to thirty years, or, in the case of exemption percentages proposed in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. The legislative authority may adopt the ordinance at any time after the board of education certifies its resolution approving the exemption to the legislative authority, or, if the board approves the exemption on the condition that a mutually acceptable compensation agreement be

negotiated, at any time after the compensation agreement is agreed to by the board and the legislative authority.

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

(5) If the legislative authority is not required by division (D) of this section to notify the board of education of the legislative authority's intent to declare improvements to be a public purpose, the legislative authority shall comply with the notice requirements imposed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

(6) Nothing in division (D) of this section prohibits the legislative authority of a municipal corporation from amending the ordinance or resolution under section 5709.51 of the Revised Code to extend the term of the exemption.

(E)(1) If a proposed ordinance under division (C)(1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of

the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the ordinance the legislative authority of the municipal corporation shall deliver to the board of county commissioners of the county within which the incentive district will be located a notice that states its intent to adopt an ordinance creating an incentive district. The notice shall include a copy of the proposed ordinance, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the improvements would be exempted from taxation, specify the percentage of the improvements that would be exempted from taxation, and indicate the date on which the legislative authority intends to adopt the ordinance.

(2) The board of county commissioners, by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both. If the board of county commissioners objects, the board may negotiate a mutually acceptable compensation agreement with the legislative authority. In no case shall the compensation provided to the board exceed the property taxes forgone due to the exemption. If the board of county commissioners objects, and the board and legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance adopted under division (C)(1) of this section shall provide to the board compensation in the eleventh and subsequent years of the exemption period equal in value to not more than fifty per cent of the taxes that would be payable to the county or, if the board's objection includes an objection to an exemption percentage in excess of seventy-five per cent, compensation equal in value to not more than fifty per cent of the taxes that would be payable to the county, on the portion of the

improvement in excess of seventy-five per cent, were that portion to be subject to taxation. The board of county commissioners shall certify its resolution to the legislative authority not later than thirty days after receipt of the notice.

(3) If the board of county commissioners does not object or fails to certify its resolution objecting to an exemption within thirty days after receipt of the notice, the legislative authority may adopt the ordinance, and no compensation shall be provided to the board of county commissioners. If the board timely certifies its resolution objecting to the ordinance, the legislative authority may adopt the ordinance at any time after a mutually acceptable compensation agreement is agreed to by the board and the legislative authority, or, if no compensation agreement is negotiated, at any time after the legislative authority agrees in the proposed ordinance to provide compensation to the board of fifty per cent of the taxes that would be payable to the county in the eleventh and subsequent years of the exemption period or on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation.

(F) Service payments in lieu of taxes that are attributable to any amount by which the effective tax rate of either a renewal levy with an increase or a replacement levy exceeds the effective tax rate of the levy renewed or replaced, or that are attributable to an additional levy, for a levy authorized by the voters for any of the following purposes on or after January 1, 2006, and which are provided pursuant to an ordinance creating an incentive district under division (C)(1) of this section that is adopted on or after January 1, 2006, or a later date as specified in this division, shall be distributed to the appropriate taxing authority as required under division (C) of section 5709.42 of the Revised Code in an amount equal to the amount of taxes from that additional levy or from the increase in the effective tax rate of

such renewal or replacement levy that would have been payable to that taxing authority from the following levies were it not for the exemption authorized under division (C) of this section:

(1) A tax levied under division (L) of section 5705.19 or section 5705.191 or 5705.222 of the Revised Code for community developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or facilities;

(5) A tax levied under section 5705.23 of the Revised Code for library purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;

(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of

section 755.14 of the Revised Code;

(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;

(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;

(12) A tax levied under section 3709.29 of the Revised Code for a general health district program.

(13) A tax levied by a township under section 505.39, division (I) of section 5705.19, or division (JJ) of section 5705.19 of the Revised Code to the extent the proceeds are used for the purposes described in division (I) of that section, for the purpose of funding fire, emergency medical, and ambulance services as described in that section and those divisions. Division (F)(13) of this section applies only if the township levying the tax provides fire, emergency medical, or ambulance services in the incentive district, and only to incentive districts created by an ordinance adopted on or after the effective date of the amendment of this section by H.B. 69 of the 132nd general assembly, March 23, 2018. The board of township trustees may, by resolution, waive the application of this division or negotiate with the municipal corporation that created the district for a lesser amount of payments in lieu of taxes.

(G) An exemption from taxation granted under this section commences with the tax year specified in the ordinance so long as the year specified in the ordinance commences after the effective date of the ordinance. If the ordinance specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax

list and duplicate of real and public utility property and that commences after the effective date of the ordinance. In lieu of stating a specific year, the ordinance may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the construction of one or more improvements is completed, provided that such tax year commences after the effective date of the ordinance. With respect to the exemption of improvements to parcels under division (B) of this section, the ordinance may allow for the exemption to commence in different tax years on a parcel-by-parcel basis, with a separate exemption term specified for each parcel.

Except as otherwise provided in this division or section 5709.51 of the Revised Code, the exemption ends on the date specified in the ordinance as the date the improvement ceases to be a public purpose or the incentive district expires, or ends on the date on which the public infrastructure improvements and housing renovations are paid in full from the municipal public improvement tax increment equivalent fund established under division (A) of section 5709.43 of the Revised Code, whichever occurs first. The exemption of an improvement with respect to a parcel or within an incentive district may end on a later date, as specified in the ordinance, if the legislative authority and the board of education of the city, local, or exempted village school district within which the parcel or district is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement, and the board of education has approved the term of the exemption under division (D)(2) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. Exemptions shall be claimed and allowed in the same manner as in the case of other real property exemptions. If an exemption status changes during a year, the procedure for the apportionment of the taxes

for that year is the same as in the case of other changes in tax exemption status during the year.

(H) Additional municipal financing of public infrastructure improvements and housing renovations may be provided by any methods that the municipal corporation may otherwise use for financing such improvements or renovations. If the municipal corporation issues bonds or notes to finance the public infrastructure improvements and housing renovations and pledges money from the municipal public improvement tax increment equivalent fund to pay the interest on and principal of the bonds or notes, the bonds or notes are not subject to Chapter 133. of the Revised Code.

(I) The municipal corporation, not later than fifteen days after the adoption of an ordinance under this section, shall submit to the director of development services a copy of the ordinance. On or before the thirty-first day of March of each year, the municipal corporation shall submit a status report to the director of development services. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that an exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the funds created under section 5709.43 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with such expenditures; and a quantitative summary of changes in employment and private investment resulting from each project.

(J) Nothing in this section shall be construed to prohibit a legislative authority from declaring to be a public purpose improvements with respect to more than one parcel.

(K) If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real

property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

**Sec. 5709.41.** (A) As used in this section:

(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.

(2) "Improvement" means the increase in assessed value of any parcel of property subsequent to the acquisition of the parcel by a municipal corporation engaged in urban redevelopment.

(B) The legislative authority of a municipal corporation, by ordinance, may declare to be a public purpose any improvement to a parcel of real property if both of the following apply:

(1) The municipal corporation held fee title to the parcel prior to the adoption of the ordinance;

(2) The parcel is leased, or the fee of the parcel is conveyed, to any person either before or after adoption of the ordinance.

Improvements used or to be used for residential purposes may be declared a public purpose under this section only if the parcel is located in a blighted area of an impacted city as those terms are defined in section 1728.01 of the Revised Code. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the parcel as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code.

(C) Except as otherwise provided in division (C)(1), (2), or (3) of this section, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted

from real property taxation. The ordinance shall specify the percentage of the improvement to be exempted from taxation. If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

(1) If the ordinance declaring improvements to a parcel to be a public purpose specifies that payments in lieu of taxes provided for in section 5709.42 of the Revised Code shall be paid to the city, local, or exempted village school district in which the parcel is located in the amount of the taxes that would have been payable to the school district if the improvements had not been exempted from taxation, the percentage of the improvement that may be exempted from taxation may exceed seventy-five per cent, and the exemption may be granted for up to thirty years, without the approval of the board of education as otherwise required under division (C)(2) of this section.

(2) Improvements may be exempted from taxation for up to ten years or, with the approval of the board of education of the city, local, or exempted village school district within the territory of which the improvements are or will be located, for up to thirty years. The percentage of the improvement exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting an ordinance under this section, the legislative authority shall deliver to the board of education a notice stating its intent to declare improvements to be a public purpose under this section. The notice shall describe the parcel and the improvements, provide an estimate of the true value in money of the improvements, specify the period for which the

improvements would be exempted from taxation and the percentage of the improvements that would be exempted, and indicate the date on which the legislative authority intends to adopt the ordinance. The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice, may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvements to be exempted in excess of seventy-five per cent, or both, or may approve the exemption on the condition that the legislative authority and the board negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period, or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvement in excess of seventy-five per cent were that portion to be subject to taxation. The board of education shall certify its resolution to the legislative authority not later than fourteen days prior to the date the legislative authority intends to adopt the ordinance as indicated in the notice. If the board of education approves the exemption on the condition that a compensation agreement be negotiated, the board in its resolution shall propose a compensation percentage. If the board of education and the legislative authority negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for the number of years specified in the ordinance or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. In either case, if the board and the legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for not more than ten years, but

shall not exempt more than seventy-five per cent of the improvements from taxation. If the board fails to certify a resolution to the legislative authority within the time prescribed by this division, the legislative authority thereupon may adopt the ordinance and may declare the improvements a public purpose for up to thirty years. The legislative authority may adopt the ordinance at any time after the board of education certifies its resolution approving the exemption to the legislative authority, or, if the board approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed to by the board and the legislative authority. If a mutually acceptable compensation agreement is negotiated between the legislative authority and the board, including agreements for payments in lieu of taxes under section 5709.42 of the Revised Code, the legislative authority shall compensate the joint vocational school district within the territory of which the improvements are or will be located at the same rate and under the same terms received by the city, local, or exempted village school district.

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

certify notice of the rescission to the legislative authority.

(4) If the legislative authority is not required by division (C)(1), (2), or (3) of this section to notify the board of education of the legislative authority's intent to declare improvements to be a public purpose, the legislative authority shall comply with the notice requirements imposed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

(5) Nothing in division (C) of this section prohibits the legislative authority of a municipal corporation from amending the ordinance or resolution under section 5709.51 of the Revised Code to extend the term of the exemption.

(D) The exemption commences on the effective date of the ordinance and ends on the date specified in the ordinance as the date the improvement ceases to be a public purpose. The exemption shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions. If an exemption status changes during a tax year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(E) A municipal corporation, not later than fifteen days after the adoption of an ordinance granting a tax exemption under this section, shall submit to the director of development services a copy of the ordinance. On or before the thirty-first day of March each year, the municipal corporation shall submit a status report to the director of development outlining the progress of the project during each year that the exemption remains in effect.

**Sec. 5709.51.** (A) The legislative authority of a municipal corporation, a board of township trustees, or a board of county commissioners may amend an ordinance or resolution adopted in

accordance with division (B) of section 5709.40, section 5709.41, division (B) of section 5709.73, or division (A) of section 5709.78 of the Revised Code, as applicable, to extend the exemption from taxation of improvements to the parcel or parcels designated in the ordinance or resolution for an additional period of not more than thirty years if all of the following conditions are met:

(1) The service payments made pursuant to section 5709.42, 5709.74, or 5709.79 of the Revised Code by the owner or owners of the parcel or parcels designated in the ordinance or resolution exceeded one million five hundred thousand dollars in the calendar year preceding the adoption of the amendment.

(2) The service payments described in division (A)(1) of this section did not exceed one million five hundred thousand dollars in any calendar year before the calendar year immediately preceding the adoption of the amendment. This condition applies only to amendments adopted under this section on or after January 1, 2021.

(3) The amendment extending the exemption provides for compensation to the city, local, or exempted village school district in which the parcel or parcels are located equal in value to the amount of taxes that would be payable to the school district if the improvements had not been exempted from taxation for the additional period.

(B) Not later than fifteen days after amending an ordinance or resolution under this section, the legislative authority of the municipal corporation, board of township trustees, or board of county commissioners shall send a copy of the amendment to the director of development services.

**Sec. 5709.73.** (A) As used in this section and section 5709.74 of the Revised Code:

(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code.

(2) "Further improvements" or "improvements" means the increase in the assessed value of real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of a resolution adopted under this section were it not for the exemption granted by that resolution. For purposes of division (B) of this section, "improvements" do not include any property used or to be used for residential purposes. For this purpose, "property that is used or to be used for residential purposes" means property that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the property as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code.

(3) "Housing renovation" means a project carried out for residential purposes.

(4) "Incentive district" has the same meaning as in section 5709.40 of the Revised Code, except that a blighted area is in the unincorporated area of a township.

(5) "Overlay" has the same meaning as in section 5709.40 of the Revised Code, except that the overlay is delineated by the board of township trustees.

(6) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code.

(B) A board of township trustees may, by unanimous vote, adopt a resolution that declares to be a public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated area of the township. Except ~~with the approval~~ as

otherwise provided under division (D) of this section ~~of the board of education of each city, local, or exempted village school district within which the improvements are located~~ or section 5709.51 of the Revised Code, the resolution may exempt from real property taxation not more than seventy-five per cent of further improvements to a parcel of land that directly benefits from the public infrastructure improvements, for a period of not more than ten years. The resolution shall specify the percentage of the further improvements to be exempted and the life of the exemption.

(C)(1) A board of township trustees may adopt, by unanimous vote, a resolution creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (C)(2) of this section, exempt from taxation as provided in this section, but no board of township trustees of a township that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, shall adopt a resolution that creates an incentive district if the sum of the taxable value of real property in the proposed district for the preceding tax year and the taxable value of all real property in the township that would have been taxable in the preceding year were it not for the fact that the property was in an existing incentive district and therefore exempt from taxation exceeds twenty-five per cent of the taxable value of real property in the township for the preceding tax year. The district shall be located within the unincorporated area of the township and shall not include any territory that is included within a district created under division (B) of section 5709.78 of the Revised Code. The resolution shall delineate the boundary of the proposed district and specifically identify each parcel within the district. A proposed district may not include any parcel that is or has been exempted from taxation under division (B) of this section or that is or has been within another district created under this division. A resolution may create more

than one such district, and more than one resolution may be adopted under division (C)(1) of this section.

(2)(a) Not later than thirty days prior to adopting a resolution under division (C)(1) of this section, if the township intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the board shall conduct a public hearing on the proposed resolution. Not later than thirty days prior to the public hearing, the board shall give notice of the public hearing and the proposed resolution by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed resolution. The notice shall include a map of the proposed incentive district on which the board of township trustees shall have delineated an overlay. The notice shall inform the property owner of the owner's right to exclude the owner's property from the incentive district if both of the following conditions are met:

(i) The owner's entire parcel of property will not be located within the overlay.

(ii) The owner has submitted a statement to the board of county commissioners of the county in which the parcel is located indicating the owner's intent to seek a tax exemption for improvements to the owner's parcel under division (A) or (B) of section 5709.78 of the Revised Code within the next five years.

When both of the preceding conditions are met, the owner may exclude the owner's property from the incentive district by submitting a written response in accordance with division (C)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C)(1) of this section who meets the conditions specified in divisions (C)(2)(a)(i) and (ii) of this section may exclude the property from the proposed incentive district by submitting a written response to the board not later than forty-five days after the postmark date on the notice required under division (C)(2)(a) of this section. The response shall include a copy of the statement submitted under division (C)(2)(a)(ii) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the board under division (C)(2)(a) of this section. The response shall conform to any content requirements that may be established by the board and included in the notice provided under division (C)(2)(a) of this section. In the response, property owners may identify a parcel by street address, by the manner in which it is identified in the resolution, or by other means allowing the identity of the parcel to be ascertained.

(c) Before adopting a resolution under division (C)(1) of this section, the board shall amend the resolution to exclude any parcel for which a written response has been submitted under division (C)(2)(b) of this section. A township shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (B) of this section pursuant to a resolution adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) A resolution adopted under division (C)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the

public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The resolution also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the resolution. The project identified may, but need not be, the project under division (C)(3)(b) of this section that places real property in use for commercial or industrial purposes.

A resolution adopted under division (C)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and, except as provided in division (F) of this section, no service payment provided for in section 5709.74 of the Revised Code and received by the township under the resolution shall be used for police or fire equipment.

(b) A resolution adopted under division (C)(1) of this section may authorize the use of service payments provided for in section 5709.74 of the Revised Code for the purpose of housing renovations within the incentive district, provided that the resolution also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The resolution shall designate the parcels within the district that are eligible for housing renovations. The resolution shall state separately the amount or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the purpose of housing renovations.

(4) Except with the approval of the board of education of

each city, local, or exempted village school district within the territory of which the incentive district is or will be located, and subject to division (E) of this section, the life of an incentive district shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With approval of the board of education, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent. The approval of a board of education shall be obtained in the manner provided in division (D) of this section.

(D) Improvements with respect to a parcel may be exempted from taxation under division (B) of this section, and improvements to parcels within an incentive district may be exempted from taxation under division (C) of this section, for up to ten years or, with the approval of the board of education of the city, local, or exempted village school district within which the parcel or district is located, for up to thirty years. The percentage of the improvements exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting a resolution under this section declaring improvements to be a public purpose that is subject to approval by a board of education under this division, the board of township trustees shall deliver to the board of education a notice stating its intent to adopt a resolution making that declaration. The notice regarding improvements with respect to a parcel under division (B) of this section shall identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period for which the improvements would be exempted from taxation and the percentage of the improvements that would be exempted, and indicate the date on which the board of township trustees intends to adopt the resolution. The notice regarding improvements made under division

(C) of this section to parcels within an incentive district shall delineate the boundaries of the district, specifically identify each parcel within the district, identify each anticipated improvement in the district, provide an estimate of the true value in money of each such improvement, specify the life of the district and the percentage of improvements that would be exempted, and indicate the date on which the board of township trustees intends to adopt the resolution. The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice; may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvements to be exempted in excess of seventy-five per cent, or both; or may approve the exemption on the condition that the board of township trustees and the board of education negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvements in excess of seventy-five per cent were that portion to be subject to taxation, or other mutually agreeable compensation.

The board of education shall certify its resolution to the board of township trustees not later than fourteen days prior to the date the board of township trustees intends to adopt the resolution as indicated in the notice. If the board of education and the board of township trustees negotiate a mutually acceptable compensation agreement, the resolution may declare the improvements a public purpose for the number of years specified in the resolution or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified

in the resolution. In either case, if the board of education and the board of township trustees fail to negotiate a mutually acceptable compensation agreement, the resolution may declare the improvements a public purpose for not more than ten years, and shall not exempt more than seventy-five per cent of the improvements from taxation. If the board of education fails to certify a resolution to the board of township trustees within the time prescribed by this section, the board of township trustees thereupon may adopt the resolution and may declare the improvements a public purpose for up to thirty years or, in the case of exemption percentages proposed in excess of seventy-five per cent, for the exemption percentage specified in the resolution. The board of township trustees may adopt the resolution at any time after the board of education certifies its resolution approving the exemption to the board of township trustees, or, if the board of education approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed to by the board of education and the board of township trustees. If a mutually acceptable compensation agreement is negotiated between the board of township trustees and the board of education, including agreements for payments in lieu of taxes under section 5709.74 of the Revised Code, the board of township trustees shall compensate the joint vocational school district within which the parcel or district is located at the same rate and under the same terms received by the city, local, or exempted village school district.

If a board of education has adopted a resolution waiving its right to approve exemptions from taxation under this section and the resolution remains in effect, approval of such exemptions by the board of education is not required under division (D) of this section. If a board of education has adopted a resolution allowing a board of township trustees to deliver the notice required under

division (D) of this section fewer than forty-five business days prior to adoption of the resolution by the board of township trustees, the board of township trustees shall deliver the notice to the board of education not later than the number of days prior to the adoption as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board of education shall certify a copy of the resolution to the board of township trustees. If the board of education rescinds the resolution, it shall certify notice of the rescission to the board of township trustees.

If the board of township trustees is not required by division (D) of this section to notify the board of education of the board of township trustees' intent to declare improvements to be a public purpose, the board of township trustees shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to receive the notice.

Nothing in this division prohibits the board of township trustees from amending the resolution under section 5709.51 of the Revised Code to extend the term of the exemption.

(E)(1) If a proposed resolution under division (C)(1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the resolution the board of township trustees shall deliver to the board of county commissioners of the county within which the incentive district is or will be located a notice that states its intent to adopt a resolution creating an incentive district. The

notice shall include a copy of the proposed resolution, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the improvements would be exempted from taxation, specify the percentage of the improvements that would be exempted from taxation, and indicate the date on which the board of township trustees intends to adopt the resolution.

(2) The board of county commissioners, by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both. If the board of county commissioners objects, the board may negotiate a mutually acceptable compensation agreement with the board of township trustees. In no case shall the compensation provided to the board of county commissioners exceed the property taxes foregone due to the exemption. If the board of county commissioners objects, and the board of county commissioners and board of township trustees fail to negotiate a mutually acceptable compensation agreement, the resolution adopted under division (C)(1) of this section shall provide to the board of county commissioners compensation in the eleventh and subsequent years of the exemption period equal in value to not more than fifty per cent of the taxes that would be payable to the county or, if the board of county commissioner's objection includes an objection to an exemption percentage in excess of seventy-five per cent, compensation equal in value to not more than fifty per cent of the taxes that would be payable to the county, on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation. The board of county commissioners shall certify its resolution to the board of township trustees not later than thirty days after receipt of the notice.

(3) If the board of county commissioners does not object or fails to certify its resolution objecting to an exemption within thirty days after receipt of the notice, the board of township trustees may adopt its resolution, and no compensation shall be provided to the board of county commissioners. If the board of county commissioners timely certifies its resolution objecting to the trustees' resolution, the board of township trustees may adopt its resolution at any time after a mutually acceptable compensation agreement is agreed to by the board of county commissioners and the board of township trustees, or, if no compensation agreement is negotiated, at any time after the board of township trustees agrees in the proposed resolution to provide compensation to the board of county commissioners of fifty per cent of the taxes that would be payable to the county in the eleventh and subsequent years of the exemption period or on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation.

(F) Service payments in lieu of taxes that are attributable to any amount by which the effective tax rate of either a renewal levy with an increase or a replacement levy exceeds the effective tax rate of the levy renewed or replaced, or that are attributable to an additional levy, for a levy authorized by the voters for any of the following purposes on or after January 1, 2006, and which are provided pursuant to a resolution creating an incentive district under division (C)(1) of this section that is adopted on or after January 1, 2006, or a later date as specified in this division, shall be distributed to the appropriate taxing authority as required under division (C) of section 5709.74 of the Revised Code in an amount equal to the amount of taxes from that additional levy or from the increase in the effective tax rate of such renewal or replacement levy that would have been payable to that taxing authority from the following levies were it not for the exemption authorized under division (C) of this section:

(1) A tax levied under division (L) of section 5705.19 or section 5705.191 or 5705.222 of the Revised Code for community developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or families;

(5) A tax levied under section 5705.23 of the Revised Code for library purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;

(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;

(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;

(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;

(12) A tax levied under section 3709.29 of the Revised Code for a general health district program;

(13) A tax levied by a township under section 505.39, 505.51, or division (I), (J), (U), or (JJ) of section 5705.19 of the Revised Code for the purpose of funding fire, police, emergency medical, or ambulance services as described in those sections. Division (F)(13) of this section applies only to incentive districts created by a resolution adopted on or after March 22, 2019, the effective date of the amendment of this section by H.B. 500 of the 132nd general assembly, and only if that resolution specifies that division (F) of this section shall apply to such a tax.

(G) An exemption from taxation granted under this section commences with the tax year specified in the resolution so long as the year specified in the resolution commences after the effective date of the resolution. If the resolution specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that commences after the effective date of the resolution. In lieu of stating a specific year, the resolution may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the construction of one or more improvements is completed, provided that such tax year commences after the effective date of the resolution. With respect to the exemption of improvements to parcels under division (B) of this section, the resolution may

allow for the exemption to commence in different tax years on a parcel-by-parcel basis, with a separate exemption term specified for each parcel.

Except as otherwise provided in this division and section 5709.51 of the Revised Code, the exemption ends on the date specified in the resolution as the date the improvement ceases to be a public purpose or the incentive district expires, or ends on the date on which the public infrastructure improvements and housing renovations are paid in full from the township public improvement tax increment equivalent fund established under section 5709.75 of the Revised Code, whichever occurs first. The exemption of an improvement with respect to a parcel or within an incentive district may end on a later date, as specified in the resolution, if the board of township trustees and the board of education of the city, local, or exempted village school district within which the parcel or district is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement and the board of education has approved the term of the exemption under division (D) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. The board of township trustees may, by majority vote, adopt a resolution permitting the township to enter into such agreements as the board finds necessary or appropriate to provide for the construction or undertaking of public infrastructure improvements and housing renovations. Any exemption shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions. If an exemption status changes during a tax year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(H) The board of township trustees may issue the notes of the

township to finance all costs pertaining to the construction or undertaking of public infrastructure improvements and housing renovations made pursuant to this section. The notes shall be signed by the board and attested by the signature of the township fiscal officer, shall bear interest not to exceed the rate provided in section 9.95 of the Revised Code, and are not subject to Chapter 133. of the Revised Code. The resolution authorizing the issuance of the notes shall pledge the funds of the township public improvement tax increment equivalent fund established pursuant to section 5709.75 of the Revised Code to pay the interest on and principal of the notes. The notes, which may contain a clause permitting prepayment at the option of the board, shall be offered for sale on the open market or given to the vendor or contractor if no sale is made.

(I) The township, not later than fifteen days after the adoption of a resolution under this section, shall submit to the director of development services a copy of the resolution. On or before the thirty-first day of March of each year, the township shall submit a status report to the director of development services. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that the exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the fund created under section 5709.75 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with the expenditures; and a quantitative summary of changes in private investment resulting from each project.

(J) Nothing in this section shall be construed to prohibit a board of township trustees from declaring to be a public purpose improvements with respect to more than one parcel.

If a parcel is located in a new community district in which

the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

(K) A board of township trustees that adopted a resolution under this section prior to July 21, 1994, may amend that resolution to include any additional public infrastructure improvement. A board of township trustees that seeks by the amendment to utilize money from its township public improvement tax increment equivalent fund for land acquisition in aid of industry, commerce, distribution, or research, demolition on private property, or stormwater and flood remediation projects may do so provided that the board currently is a party to a hold-harmless agreement with the board of education of the city, local, or exempted village school district within the territory of which are located the parcels that are subject to an exemption. For the purposes of this division, a "hold-harmless agreement" means an agreement under which the board of township trustees agrees to compensate the school district for one hundred per cent of the tax revenue that the school district would have received from further improvements to parcels designated in the resolution were it not for the exemption granted by the resolution.

(L) Notwithstanding the limitation prescribed by division (D) of this section on the number of years that improvements to a parcel or parcels may be exempted from taxation, a board of trustees of a township with a population of fifteen thousand or more may amend a resolution originally adopted under this section before December 31, 1994, to extend the exemption of improvements to the parcel or parcels included in such resolution for an additional period not to exceed fifteen years. The amendment shall not increase the percentage of improvements to the parcel or

parcels exempted from taxation. Before adopting an amendment authorized under this division, the board of township trustees shall obtain the approval of each board of education of the city, local, or exempted village school district within which the exempted parcels are located in the manner required under division (D) of this section, except that (1) the board of education may approve the exemption on the condition that the board of township trustees and the board of education negotiate an agreement providing for compensation to the school district equal in value to the amount of taxes the district forgoes in each year the exemption is extended pursuant to this division or any other mutually agreeable compensation and (2) if the board of education fails to certify a resolution approving the amendment to the board of township trustees within the time prescribed by division (D) of this section, the board of township trustees shall not adopt the amendment authorized under this division.

No approval under this division shall be required from a board of education that has adopted a resolution waiving its right to approve exemptions from taxation pursuant to division (D) of this section. If the board of education has adopted such a resolution, the board of township trustees shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt an amendment authorized under this division unless the board of education has adopted a resolution under that section waiving its right to receive the notice. Not later than fourteen days before adopting an amendment authorized under this division, the board of township trustees shall deliver a notice identical to a notice required under section 5709.83 of the Revised Code to the board of county commissioners of each county in which the exempted parcels are located.

**Sec. 5709.78.** (A) A board of county commissioners may, by

resolution, declare improvements to certain parcels of real property located in the unincorporated territory of the county to be a public purpose. Except ~~with the approval~~ as otherwise provided under division (C) of this section ~~of the board of education of each city, local, or exempted village school district within which the improvements are located~~ or section 5709.51 of the Revised Code, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted from real property taxation, for a period of not more than ten years. The resolution shall specify the percentage of the improvement to be exempted and the life of the exemption.

A resolution adopted under this division shall designate the specific public infrastructure improvements made, to be made, or in the process of being made by the county that directly benefit, or that once made will directly benefit, the parcels for which improvements are declared to be a public purpose. The service payments provided for in section 5709.79 of the Revised Code shall be used to finance the public infrastructure improvements designated in the resolution, or as provided in section 5709.80 of the Revised Code.

(B)(1) A board of county commissioners may adopt a resolution creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (B)(2) of this section, exempt from taxation as provided in this section, but no board of county commissioners of a county that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, shall adopt a resolution that creates an incentive district if the sum of the taxable value of real property in the proposed district for the preceding tax year and the taxable value of all real property in the county that would have been taxable in the preceding year were it not for the fact that the property was in

an existing incentive district and therefore exempt from taxation exceeds twenty-five per cent of the taxable value of real property in the county for the preceding tax year. The district shall be located within the unincorporated territory of the county and shall not include any territory that is included within a district created under division (C) of section 5709.73 of the Revised Code. The resolution shall delineate the boundary of the proposed district and specifically identify each parcel within the district. A proposed district may not include any parcel that is or has been exempted from taxation under division (A) of this section or that is or has been within another district created under this division. A resolution may create more than one such district, and more than one resolution may be adopted under division (B)(1) of this section.

(2)(a) Not later than thirty days prior to adopting a resolution under division (B)(1) of this section, if the county intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the board of county commissioners shall conduct a public hearing on the proposed resolution. Not later than thirty days prior to the public hearing, the board shall give notice of the public hearing and the proposed resolution by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed resolution. The board also shall provide the notice by first class mail to the clerk of each township in which the proposed incentive district will be located. The notice shall include a map of the proposed incentive district on which the board of county commissioners shall have delineated an overlay. The notice shall inform property owners of the owner's right to exclude the owner's property from the incentive district if both of the following conditions are met:

(i) The owner's entire parcel of property will not be located within the overlay.

(ii) The owner has submitted a statement to the board of township trustees of the township in which the parcel is located indicating the owner's intent to seek a tax exemption for improvements to the owner's parcel under division (B) or (C) of section 5709.73 of the Revised Code within the next five years.

When both of the preceding conditions are met, the owner may exclude the owner's property from the incentive district by submitting a written response in accordance with division (B)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (B) (1) of this section who meets the conditions specified in divisions (B)(2)(a)(i) and (ii) of this section may exclude the property from the proposed incentive district by submitting a written response to the board not later than forty-five days after the postmark date on the notice required under division (B)(2)(a) of this section. The response shall include a copy of the statement submitted under division (B)(2)(a)(ii) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the board under division (B)(2)(a) of this section. The response shall conform to any content requirements that may be established by the board and included in the notice provided under division (B)(2)(a) of this section. In the response, property owners may identify a parcel by street address, by the manner in which it is identified in the resolution, or by other means allowing the identity of the parcel to be ascertained.

(c) Before adopting a resolution under division (B)(1) of this section, the board shall amend the resolution to exclude any parcel for which a written response has been submitted under division (B)(2)(b) of this section. A county shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (A) of this section pursuant to a resolution adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) A resolution adopted under division (B)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The resolution also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the resolution. The project identified may, but need not be, the project under division (B)(3)(b) of this section that places real property in use for commercial or industrial purposes.

A resolution adopted under division (B)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and no service payment provided for in section 5709.79 of the Revised Code and received by the county under the resolution shall be used for police or fire equipment.

(b) A resolution adopted under division (B)(1) of this section may authorize the use of service payments provided for in section 5709.79 of the Revised Code for the purpose of housing

renovations within the incentive district, provided that the resolution also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The resolution shall designate the parcels within the district that are eligible for housing renovations. The resolution shall state separately the amount or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the purpose of housing renovations.

(4) Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the incentive district is or will be located, and subject to division (D) of this section, the life of an incentive district shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With approval of the board of education, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent. The approval of a board of education shall be obtained in the manner provided in division (C) of this section.

(C)(1) Improvements with respect to a parcel may be exempted from taxation under division (A) of this section, and improvements to parcels within an incentive district may be exempted from taxation under division (B) of this section, for up to ten years or, with the approval of the board of education of each city, local, or exempted village school district within which the parcel or district is located, for up to thirty years. The percentage of the improvements exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per

cent. Not later than forty-five business days prior to adopting a resolution under this section declaring improvements to be a public purpose that is subject to the approval of a board of education under this division, the board of county commissioners shall deliver to the board of education a notice stating its intent to adopt a resolution making that declaration. The notice regarding improvements with respect to a parcel under division (A) of this section shall identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period for which the improvements would be exempted from taxation and the percentage of the improvements that would be exempted, and indicate the date on which the board of county commissioners intends to adopt the resolution. The notice regarding improvements to parcels within an incentive district under division (B) of this section shall delineate the boundaries of the district, specifically identify each parcel within the district, identify each anticipated improvement in the district, provide an estimate of the true value in money of each such improvement, specify the life of the district and the percentage of improvements that would be exempted, and indicate the date on which the board of county commissioners intends to adopt the resolution. The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice; may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvements to be exempted in excess of seventy-five per cent, or both; or may approve the exemption on the condition that the board of county commissioners and the board of education negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period or, in the case of exemption

percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvements in excess of seventy-five per cent were that portion to be subject to taxation, or other mutually agreeable compensation.

(2) The board of education shall certify its resolution to the board of county commissioners not later than fourteen days prior to the date the board of county commissioners intends to adopt its resolution as indicated in the notice. If the board of education and the board of county commissioners negotiate a mutually acceptable compensation agreement, the resolution of the board of county commissioners may declare the improvements a public purpose for the number of years specified in that resolution or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the resolution. In either case, if the board of education and the board of county commissioners fail to negotiate a mutually acceptable compensation agreement, the resolution may declare the improvements a public purpose for not more than ten years, and shall not exempt more than seventy-five per cent of the improvements from taxation. If the board of education fails to certify a resolution to the board of county commissioners within the time prescribed by this section, the board of county commissioners thereupon may adopt the resolution and may declare the improvements a public purpose for up to thirty years or, in the case of exemption percentages proposed in excess of seventy-five per cent, for the exemption percentage specified in the resolution. The board of county commissioners may adopt the resolution at any time after the board of education certifies its resolution approving the exemption to the board of county commissioners, or, if the board of education approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation

agreement is agreed to by the board of education and the board of county commissioners. If a mutually acceptable compensation agreement is negotiated between the board of county commissioners and the board of education, including agreements for payments in lieu of taxes under section 5709.79 of the Revised Code, the board of county commissioners shall compensate the joint vocational school district within which the parcel or district is located at the same rate and under the same terms received by the city, local, or exempted village school district.

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

(4) Nothing in division (C) of this section prohibits the board of county commissioners from amending the resolution under section 5709.51 of the Revised Code to extend the term of the exemption.

(D)(1) If a proposed resolution under division (B)(1) of this

section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the resolution the board of county commissioners shall deliver to the board of township trustees of any township within which the incentive district is or will be located a notice that states its intent to adopt a resolution creating an incentive district. The notice shall include a copy of the proposed resolution, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the improvements would be exempted from taxation, specify the percentage of the improvements that would be exempted from taxation, and indicate the date on which the board intends to adopt the resolution.

(2) The board of township trustees, by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both. If the board of township trustees objects, the board of township trustees may negotiate a mutually acceptable compensation agreement with the board of county commissioners. In no case shall the compensation provided to the board of township trustees exceed the property taxes forgone due to the exemption. If the board of township trustees objects, and the board of township trustees and the board of county commissioners fail to negotiate a mutually acceptable compensation agreement, the resolution adopted under division (B)(1) of this section shall provide to the board of township trustees compensation in the eleventh and subsequent years of the exemption period equal in value to not more than fifty per cent of the taxes that would be payable to the township or, if the board of township

trustee's objection includes an objection to an exemption percentage in excess of seventy-five per cent, compensation equal in value to not more than fifty per cent of the taxes that would be payable to the township on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation. The board of township trustees shall certify its resolution to the board of county commissioners not later than thirty days after receipt of the notice.

(3) If the board of township trustees does not object or fails to certify a resolution objecting to an exemption within thirty days after receipt of the notice, the board of county commissioners may adopt its resolution, and no compensation shall be provided to the board of township trustees. If the board of township trustees certifies its resolution objecting to the commissioners' resolution, the board of county commissioners may adopt its resolution at any time after a mutually acceptable compensation agreement is agreed to by the board of county commissioners and the board of township trustees. If the board of township trustees certifies a resolution objecting to the commissioners' resolution, the board of county commissioners may adopt its resolution at any time after a mutually acceptable compensation agreement is agreed to by the board of county commissioners and the board of township trustees, or, if no compensation agreement is negotiated, at any time after the board of county commissioners in the proposed resolution to provide compensation to the board of township trustees of fifty per cent of the taxes that would be payable to the township in the eleventh and subsequent years of the exemption period or on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation.

(E) Service payments in lieu of taxes that are attributable to any amount by which the effective tax rate of either a renewal

levy with an increase or a replacement levy exceeds the effective tax rate of the levy renewed or replaced, or that are attributable to an additional levy, for a levy authorized by the voters for any of the following purposes on or after January 1, 2006, and which are provided pursuant to a resolution creating an incentive district under division (B)(1) of this section that is adopted on or after January 1, 2006, shall be distributed to the appropriate taxing authority as required under division (D) of section 5709.79 of the Revised Code in an amount equal to the amount of taxes from that additional levy or from the increase in the effective tax rate of such renewal or replacement levy that would have been payable to that taxing authority from the following levies were it not for the exemption authorized under division (B) of this section:

(1) A tax levied under division (L) of section 5705.19 or section 5705.191 or 5705.222 of the Revised Code for community developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or facilities;

(5) A tax levied under section 5705.23 of the Revised Code for library purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of

children;

(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;

(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;

(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;

(12) A tax levied under section 3709.29 of the Revised Code for a general health district program.

(F) An exemption from taxation granted under this section commences with the tax year specified in the resolution so long as the year specified in the resolution commences after the effective date of the resolution. If the resolution specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that commences after the effective date of the resolution. In lieu of stating a specific year, the resolution may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the

construction of one or more improvements is completed, provided that such tax year commences after the effective date of the resolution. With respect to the exemption of improvements to parcels under division (A) of this section, the resolution may allow for the exemption to commence in different tax years on a parcel-by-parcel basis, with a separate exemption term specified for each parcel.

Except as otherwise provided in this division, the exemption ends on the date specified in the resolution as the date the improvement ceases to be a public purpose or the incentive district expires, or ends on the date on which the county can no longer require annual service payments in lieu of taxes under section 5709.79 of the Revised Code, whichever occurs first. The exemption of an improvement with respect to a parcel or within an incentive district may end on a later date, as specified in the resolution, if the board of commissioners and the board of education of the city, local, or exempted village school district within which the parcel or district is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement, and the board of education has approved the term of the exemption under division (C)(1) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. Exemptions shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions. If an exemption status changes during a tax year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(G) If the board of county commissioners is not required by this section to notify the board of education of the board of county commissioners' intent to declare improvements to be a public purpose, the board of county commissioners shall comply

with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to receive such a notice.

(H) The county, not later than fifteen days after the adoption of a resolution under this section, shall submit to the director of development services a copy of the resolution. On or before the thirty-first day of March of each year, the county shall submit a status report to the director of development services. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that an exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the fund created under section 5709.80 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with such expenditures; and a quantitative summary of changes in employment and private investment resulting from each project.

(I) Nothing in this section shall be construed to prohibit a board of county commissioners from declaring to be a public purpose improvements with respect to more than one parcel.

(J) If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

**Sec. 5745.05.** (A) Prior to the first day of March, June, September, and December, the tax commissioner shall certify to the director of budget and management the amount to be paid to each

municipal corporation, as indicated on the declaration of estimated tax reports and annual reports received under sections 5745.03 and 5745.04 of the Revised Code, less any amounts previously distributed and net of any audit adjustments made by the tax commissioner. Not later than the first day of March, June, September, and December, the director of budget and management shall provide for payment of the amount certified to each municipal corporation from the municipal income tax fund, plus a pro rata share of any investment earnings accruing to the fund since the previous payment under this section apportioned among municipal corporations entitled to such payments in proportion to the amount certified by the tax commissioner, and minus any reduction required by the commissioner under division (D) of section 718.83 of the Revised Code. All investment earnings on money in the municipal income tax fund shall be credited to that fund.

(B) If the tax commissioner determines that the amount of tax paid by a taxpayer and distributed to a municipal corporation under this section for a taxable year exceeds the amount payable to that municipal corporation under this chapter after accounting for amounts remitted with the annual report and as estimated taxes, the tax commissioner shall permit the taxpayer to credit the excess against the taxpayer's payments to the municipal corporation of estimated taxes remitted for an ensuing taxable year under section 5745.04 of the Revised Code. If, upon the written request of the taxpayer, the tax commissioner determines that the excess to be so credited is likely to exceed the amount of estimated taxes payable by the taxpayer to the municipal corporation during the ensuing twelve months, the tax commissioner shall so notify the municipal corporation and the municipal corporation shall issue a refund of the excess to the taxpayer within ninety days after receiving such a notice. Interest shall accrue on the amount to be refunded and is payable to the taxpayer

at the rate per annum prescribed by section 5703.47 of the Revised Code from the ninety-first day after the notice is received by the municipal corporation until the day the refund is paid. Immediately after notifying a municipal corporation under this division of an excess to be refunded, the commissioner also shall notify the director of budget and management of the amount of the excess, and the director shall transfer from the municipal income tax administrative fund to the municipal income tax fund one and one-half per cent of the amount of the excess. The commissioner shall include the transferred amount in the computation of the amount due the municipal corporation in the next certification to the director under division (A) of this section.

**Sec. 5747.02.** (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, on every individual, trust, and estate earning or receiving winnings on casino gaming, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured as prescribed in divisions (A)(1) to (4) of this section.

(1) In the case of trusts, the tax imposed by this section shall be measured by modified Ohio taxable income under division (D) of this section and levied in the same amount as the tax is imposed on estates as prescribed in division (A)(2) of this section.

(2) In the case of estates, the tax imposed by this section shall be measured by Ohio taxable income and levied at the rate of seven thousand four hundred twenty-five ten-thousandths per cent for the first ten thousand five hundred dollars of such income and, for income in excess of that amount, at the same rates prescribed in division (A)(3) of this section for individuals.

(3) In the case of individuals, for taxable years beginning in 2017 or thereafter, the tax imposed by this section on income other than taxable business income shall be measured by Ohio adjusted gross income, less taxable business income and less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code. If the balance thus obtained is equal to or less than ten thousand five hundred dollars, no tax shall be imposed on that balance. If the balance thus obtained is greater than ten thousand five hundred dollars, the tax is hereby levied as follows:

| OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS) OR OHIO TAXABLE INCOME (ESTATES) | TAX |
|---|---|
| More than $10,500 but not more than $15,800 | $77.96 plus 1.980% of the amount in excess of $10,500 |
| More than $15,800 but not more than $21,100 | $182.90 plus 2.476% of the amount in excess of $15,800 |
| More than $21,100 but not more than $42,100 | $314.13 plus 2.969% of the amount in excess of $21,100 |

| | | |
|---|---|---|
| More than $42,100 but not more than $84,200 | $937.62 plus 3.465% of the amount in excess of $42,100 | 42950 |
| More than $84,200 but not more than $105,300 | $2,396.39 plus 3.960% of the amount in excess of $84,200 | 42951 |
| More than $105,300 but not more than $210,600 | $3,231.95 plus 4.597% of the amount in excess of $105,300 | 42952 |
| More than $210,600 | $8,072.59 plus 4.997% of the amount in excess of $210,600 | 42953 |

(4)(a) In the case of individuals, for taxable years beginning in 2016 or thereafter, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(b) of this section from the individual's taxable business income.

(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) of this section.

(5) Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in divisions (A)(2) and (3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. To recompute the tax dollar

amount corresponding to the lowest tax rate in division (A)(3) of this section, the commissioner shall multiply the tax rate prescribed in division (A)(2) of this section by the income amount specified in that division and as adjusted according to this paragraph. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year.

(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under divisions (A)(1) to (3) of this section shall be reduced by the percentage prescribed in that certification for taxable years beginning in the calendar year in which that certification is made.

(C) The levy of this tax on income does not prevent a municipal corporation, a joint economic development zone created under section 715.691, or a joint economic development district created under section 715.70, 715.71, or 715.72 of the Revised Code from levying a tax on income.

(D) This division applies only to taxable years of a trust beginning in 2002 or thereafter.

(1) The tax imposed by this section on a trust shall be computed by multiplying the Ohio modified taxable income of the trust by the rates prescribed by division (A) of this section.

(2) A resident trust may claim a credit against the tax

computed under division (D) of this section equal to the lesser of (a) the tax paid to another state or the District of Columbia on the resident trust's modified nonbusiness income, other than the portion of the resident trust's nonbusiness income that is qualifying investment income as defined in section 5747.012 of the Revised Code, or (b) the effective tax rate, based on modified Ohio taxable income, multiplied by the resident trust's modified nonbusiness income other than the portion of the resident trust's nonbusiness income that is qualifying investment income. The credit applies before any other applicable credits.

(3) The credits enumerated in divisions (A)(1) to (9) and (A)~~(18)~~(20) to ~~(20)~~(22) of section 5747.98 of the Revised Code do not apply to a trust subject to division (D) of this section. Any credits enumerated in other divisions of section 5747.98 of the Revised Code apply to a trust subject to division (D) of this section. To the extent that the trust distributes income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.

(E) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31 to 4717.38 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal

Revenue Code.

(F) Nothing in division (A)(3) of this section shall prohibit an individual with an Ohio adjusted gross income, less taxable business income and exemptions, of ten thousand five hundred dollars or less from filing a return under this chapter to receive a refund of taxes withheld or to claim any refundable credit allowed under this chapter.

**Sec. 5747.08.** An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under division (E) of section 5747.05 and divisions (F) and (G) of section 5747.055 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code, in which case no return shall be required unless the taxpayer is liable for a tax imposed pursuant to Chapter 5748. of the Revised Code.

(A) If an individual is deceased, any return or notice required of that individual under this chapter shall be made and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

(B) If an individual is unable to make a return or notice required by this chapter, the return or notice required of that individual shall be made and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust.

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent beneficiary of the trust is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(ii) A pass-through entity shall not include in such a single return any investor that is itself a pass-through entity to the extent that any direct or indirect investor in the second pass-through entity is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(c) Nothing in division (D) of this section precludes the tax commissioner from requiring such investors to file the return and make the payment of taxes and related interest, penalty, and interest penalty required by this section or section 5747.02, 5747.09, or 5747.15 of the Revised Code. Nothing in division (D) of this section precludes such an investor from filing the annual return under this section, utilizing the refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor under division (I) of this section, and making the payment of taxes imposed under section 5747.02 of the Revised Code. Nothing in division (D) of this section shall be construed to provide to such an investor or pass-through entity any additional deduction or credit, other than the credit provided by division (I) of this section, solely on account of the entity's filing a return in accordance with this section. Such a pass-through entity also shall make the filing and payment of estimated taxes on behalf of the pass-through entity investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(2) For the purposes of this section, "business credits" means the credits listed in section 5747.98 of the Revised Code excluding the following credits:

(a) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(b) The senior citizen credit under division (F) of section 5747.055 of the Revised Code;

(c) The lump sum distribution credit under division (G) of section 5747.055 of the Revised Code;

(d) The dependent care credit under section 5747.054 of the Revised Code;

(e) The lump sum retirement income credit under division (C)

of section 5747.055 of the Revised Code;

(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;

(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;

(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;

(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;

(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;

(m) The earned income tax credit under section 5747.71 of the Revised Code;

(n) The lead abatement credit under section 5747.26 of the Revised Code.

(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.

(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or

penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the pass-through entity had the single return been filed in a manner reflecting the commissioner's findings. Nothing in division (D) of this section shall be construed to make or hold a pass-through entity liable for tax attributable to a pass-through entity investor's income from a source other than the pass-through entity electing to file the single return.

(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under this section for that taxable year, and their liabilities are joint and several, but, if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this section.

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this section shall contain the signature of the taxpayer or the

taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each year, on forms that the tax commissioner shall prescribe, together with remittance made payable to the treasurer of state in the combined amount of the state and all school district income taxes shown to be due on the form.

Upon good cause shown, the commissioner may extend the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions. If the extension results in an extension of time for the payment of any state or school district income tax liability with respect to which the return is filed, the taxpayer shall pay at the time the tax liability is paid an amount of interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that liability from the time that payment is due without extension to the time of actual payment. Except as provided in section 5747.132 of the Revised Code, in addition to all other interest charges and penalties, all taxes imposed under this chapter or Chapter 5748. of the Revised Code and remaining unpaid after they become due, except combined amounts due of one dollar or less, bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code until paid or until the day an assessment is issued under section 5747.13 of the Revised Code, whichever occurs first.

If the commissioner considers it necessary in order to ensure

the payment of the tax imposed by section 5747.02 of the Revised Code or any tax imposed under Chapter 5748. of the Revised Code, the commissioner may require returns and payments to be made otherwise than as provided in this section.

To the extent that any provision in this division conflicts with any provision in section 5747.026 of the Revised Code, the provision in that section prevails.

(H) The amounts withheld by an employer pursuant to section 5747.06 of the Revised Code, a casino operator pursuant to section 5747.063 of the Revised Code, or a lottery sales agent pursuant to section 5747.064 of the Revised Code shall be allowed to the recipient of the compensation casino winnings, or lottery prize award as credits against payment of the appropriate taxes imposed on the recipient by section 5747.02 and under Chapter 5748. of the Revised Code.

(I) If a pass-through entity elects to file a single return under division (D) of this section and if any investor is required to file the annual return and make the payment of taxes required by this chapter on account of the investor's other income that is not included in a single return filed by a pass-through entity or any other investor elects to file the annual return, the investor is entitled to a refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor. The investor shall claim the credit for the investor's taxable year in which or with which ends the taxable year of the pass-through entity. Nothing in this chapter shall be construed to allow any credit provided in this chapter to be claimed more than once. For the purpose of computing any interest, penalty, or interest penalty, the investor shall be deemed to have paid the refundable credit provided by this division on the day that the pass-through entity paid the estimated tax or the tax giving rise to the credit.

(J) The tax commissioner shall ensure that each return required to be filed under this section includes a box that the taxpayer may check to authorize a paid tax preparer who prepared the return to communicate with the department of taxation about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the department of taxation to contact the preparer concerning questions that arise during the processing of the return and authorizes the preparer only to provide the department with information that is missing from the return, to contact the department for information about the processing of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the department and has shown to the preparer.

(K) The tax commissioner shall permit individual taxpayers to instruct the department of taxation to cause any refund of overpaid taxes to be deposited directly into a checking account, savings account, or an individual retirement account or individual retirement annuity, or preexisting college savings plan or program account offered by the Ohio tuition trust authority under Chapter 3334. of the Revised Code, as designated by the taxpayer, when the taxpayer files the annual return required by this section electronically.

(L) The tax commissioner may adopt rules to administer this section.

**Sec. 5747.26.** (A) Terms used in this section have the same meanings as in section 3742.50 of the Revised Code.

(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 to whom a lead abatement tax credit

certificate was issued under section 3742.50 of the Revised Code. The credit equals the amount listed on the certificate and shall be claimed for the taxable year in which the certificate was issued.

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 seven 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.

(C) The taxpayer shall provide, upon request of the tax commissioner, any documentation necessary to verify the taxpayer is entitled to the credit under this section.

**Sec. 5747.82.** (A) Any term used in this section that is defined in section 122.84 of the Revised Code has the same meaning as defined in that section.

(B) A nonrefundable credit is allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for a taxpayer to whom a tax credit certificate was issued under section 122.84 of the Revised Code. The credit shall be claimed for the taxpayer's taxable year for which the certificate was issued.

The credit equals ten per cent of the amount of the taxpayer's investment in Ohio qualified opportunity zone funds as indicated on the certificate.

The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code.

**Sec. 5747.98.** (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

(1) Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section;

(2) Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;

(3) The dependent care credit under section 5747.054 of the Revised Code;

(4) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

(5) The campaign contribution credit under section 5747.29 of the Revised Code;

(6) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

(7) The joint filing credit under division (G) of section 5747.05 of the Revised Code;

(8) The earned income credit under section 5747.71 of the Revised Code;

(9) The credit for adoption of a minor child under section 5747.37 of the Revised Code;

(10) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;

(11) The enterprise zone credit under section 5709.66 of the Revised Code;

(12) The ethanol plant investment credit under section

5747.75 of the Revised Code;

(13) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;

(14) The small business investment credit under section 5747.81 of the Revised Code;

(15) The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;

(16) The opportunity zone investment credit under section 5747.82 of the Revised Code;

(17) The enterprise zone credits under section 5709.65 of the Revised Code;

~~(16)~~(18) The research and development credit under section 5747.331 of the Revised Code;

~~(17)~~(19) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;

~~(18)~~(20) The nonresident credit under division (A) of section 5747.05 of the Revised Code;

~~(19)~~(21) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;

~~(20)~~(22) The refundable motion picture production credit under section 5747.66 of the Revised Code;

~~(21)~~(23) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;

~~(22)~~(24) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;

~~(23)~~(25) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;

~~(24)~~(26) The refundable credit under section 5747.80 of the

Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

~~(25)~~(27) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;

~~(26)~~(28) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.

(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

**Sec. 5903.12.** (A) As used in this section:

"Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3722.07, 3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 4735.141, ~~4736.11,~~ 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised Code.

"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.

(B) A licensee may submit an application to a licensing

agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving the application and proper documentation, the licensing agency shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month.

**Section 101.02.** That existing sections 103.41, 103.416, 107.036, 109.572, 111.15, 111.28, 113.50, 113.51, 113.53, 113.55, 113.56, 120.04, 121.083, 121.22, 121.37, 122.075, 122.86, 123.01, 123.21, 124.181, 124.82, 124.824, 125.01, 125.14, 125.18, 125.25, 125.832, 126.48, 127.14, 131.35, 141.04, 141.16, 149.11, 153.02, 166.01, 169.06, 173.04, 173.27, 173.38, 173.391, 183.18, 183.33, 321.24, 341.34, 718.83, 718.85, 718.90, 753.21, 939.07, 1321.73, 1349.43, 1505.09, 1533.09, 1533.10, 1533.11, 1533.111, 1533.112, 1533.32, 1533.321, 1561.011, 1711.53, 1901.123, 1907.143, 2151.23, 2151.353, 2151.421, 2151.424, 2151.86, 2301.27, 2301.28, 2301.30, 2301.32, 2317.54, 2925.01, 2927.02, 2927.022, 2929.13, 2929.15, 2929.34, 2950.08, 2967.02, 2967.05, 2967.29, 3107.14, 3119.023, 3119.05, 3119.23, 3119.27, 3119.29, 3119.30, 3119.302, 3119.31, 3119.32, 3125.25, 3301.07, 3301.0710, 3301.0711, 3301.0714, 3301.52, 3301.53, 3302.01, 3302.03, 3302.042, 3302.061, 3302.10, 3302.11, 3302.12, 3302.17, 3302.18, 3313.603, 3313.608, 3313.61, 3313.611, 3313.612, 3314.03, 3314.08, 3317.016, 3317.02, 3317.022, 3317.03, 3317.06, 3317.16, 3317.40, 3326.11, 3326.31, 3326.32, 3326.33, 3328.24, 3345.48, 3701.044, 3701.139, 3701.33, 3701.36, 3701.501, 3701.571, 3701.601, 3701.611, 3701.612, 3701.68, 3701.83, 3701.95, 3701.99, 3702.12, 3702.13, 3702.30, 3702.967,

3704.01, 3704.03, 3704.111, 3704.14, 3705.07, 3705.09, 3705.10, 43441
3706.25, 3706.29, 3709.09, 3709.092, 3710.01, 3710.04, 3710.05, 43442
3710.051, 3710.06, 3710.07, 3710.08, 3710.12, 3711.02, 3717.27, 43443
3717.47, 3718.011, 3718.03, 3730.01, 3730.02, 3730.03, 3730.04, 43444
3730.05, 3730.06, 3730.07, 3730.08, 3730.09, 3730.11, 3730.99, 43445
3734.01, 3734.57, 3734.85, 3734.901, 3742.03, 3742.04, 3742.18, 43446
3742.32, 3742.40, 3745.11, 3770.06, 3781.10, 3798.01, 3798.07, 43447
3798.10, 3901.381, 3901.3814, 4109.05, 4109.99, 4141.35, 4141.50, 43448
4301.43, 4313.02, 4501.10, 4501.24, 4503.515, 4506.03, 4506.11, 43449
4507.01, 4507.13, 4507.23, 4507.50, 4507.52, 4511.521, 4712.02, 43450
4717.03, 4717.05, 4717.07, 4717.41, 4727.03, 4728.03, 4729.20, 43451
4729.80, 4731.22, 4735.023, 4735.052, 4735.06, 4735.09, 4735.12, 43452
4735.13, 4735.15, 4735.182, 4735.27, 4735.28, 4736.01, 4736.02, 43453
4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.13, 4736.14, 43454
4736.15, 4736.17, 4736.18, 4737.045, 4743.05, 4757.10, 4757.13, 43455
4757.18, 4757.22, 4757.23, 4757.32, 4757.33, 4763.16, 4768.09, 43456
4773.01, 4773.08, 4776.20, 4937.01, 4937.05, 5101.061, 5101.14, 43457
5101.141, 5101.1411, 5101.1412, 5101.1414, 5101.83, 5101.85, 43458
5101.851, 5101.853, 5103.02, 5103.031, 5103.032, 5103.033, 43459
5103.035, 5103.038, 5103.0313, 5103.0314, 5103.0316, 5103.0328, 43460
5103.13, 5103.30, 5103.31, 5104.01, 5104.013, 5104.015, 5104.016, 43461
5104.02, 5104.021, 5104.03, 5104.04, 5104.042, 5104.09, 5104.12, 43462
5104.21, 5104.22, 5104.29, 5104.30, 5104.31, 5104.32, 5104.34, 43463
5104.38, 5104.41, 5104.99, 5119.185, 5119.44, 5120.10, 5120.112, 43464
5122.43, 5123.023, 5123.046, 5123.0414, 5123.0419, 5123.081, 43465
5123.092, 5123.166, 5126.054, 5126.055, 5126.056, 5126.131, 43466
5126.15, 5139.87, 5145.162, 5149.01, 5149.04, 5149.06, 5149.38, 43467
5162.01, 5162.12, 5162.52, 5164.01, 5164.342, 5164.36, 5164.38, 43468
5165.01, 5165.15, 5165.152, 5165.16, 5165.17, 5165.19, 5165.21, 43469
5165.25, 5166.01, 5166.22, 5167.01, 5167.03, 5167.04, 5167.10, 43470
5167.11, 5167.12, 5167.121, 5167.13, 5167.14, 5167.17, 5167.171, 43471
5167.172, 5167.18, 5167.20, 5167.201, 5167.26, 5167.41, 5168.03, 43472

5168.05, 5168.06, 5168.07, 5168.08, 5168.75, 5501.20, 5513.06, 5525.03, 5537.17, 5709.40, 5709.41, 5709.73, 5709.78, 5745.05, 5747.02, 5747.08, 5747.98, and 5903.12 of the Revised Code are hereby repealed.

**Section 105.01.** That sections 166.30, 191.01, 191.02, 191.04, 191.06, 191.08, 191.09, 191.10, 1505.12, 1505.13, 1561.24, 2151.861, 3701.25, 3701.26, 3701.264, 3701.27, 3706.27, 3706.30, 3721.41, 3721.42, 3730.10, 3798.06, 3798.08, 3798.14, 3798.15, 3798.16, 4501.16, 4736.05, 4736.06, 4736.10, 4736.12, 5101.852, 5103.039, 5103.0311, 5104.035, 5104.036, 5104.20, 5104.37, 5120.135, 5162.58, 5162.60, 5162.62, 5162.64, 5164.37, 5165.361, 5167.16, 5167.173, and 5167.25 of the Revised Code are hereby repealed.

**Section 125.10.** Section 103.416 of the Revised Code, as amended by Section 101.01 of this act, is hereby repealed, effective July 1, 2020.

**Section 201.10.** Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2020 and the amounts in the second column are for fiscal year 2021.

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | |
| 4J80 | 889601 | CPA Education Assistance | $ 525,000 | $ 525,000 |
| 4K90 | 889609 | Operating Expenses | $ 1,236,965 | $ 1,291,139 |
| TOTAL DPF Dedicated Purpose Fund | | | | |

| | | | | | |
|---|---|---|---|---|---|
| Group | | | $ 1,761,965 | $ 1,816,139 | 43500 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 1,761,965 | $ 1,816,139 | 43501 |

**Section 205.10.** ADJ ADJUTANT GENERAL 43503

| | | | | | |
|---|---|---|---|---|---|
| General Revenue Fund | | | | | 43504 |
| GRF | 745401 | Ohio Military Reserve | $ 11,939 | $ 11,939 | 43505 |
| GRF | 745404 | Air National Guard | $ 1,805,346 | $ 1,773,954 | 43506 |
| GRF | 745407 | National Guard Benefits | $ 388,000 | $ 388,000 | 43507 |
| GRF | 745409 | Central Administration | $ 5,123,132 | $ 5,184,396 | 43508 |
| GRF | 745499 | Army National Guard | $ 3,644,419 | $ 3,620,908 | 43509 |
| TOTAL GRF General Revenue Fund | | | $ 10,972,836 | $ 10,979,197 | 43510 |
| Dedicated Purpose Fund Group | | | | | 43511 |
| 5340 | 745612 | Property Operations Management | $ 900,000 | $ 900,000 | 43512 |
| 5360 | 745605 | Marksmanship Activities | $ 115,000 | $ 115,000 | 43513 |
| 5360 | 745620 | Camp Perry and Buckeye Inn Operations | $ 874,054 | $ 874,054 | 43514 |
| 5370 | 745604 | Ohio National Guard Facilities Maintenance | $ 190,000 | $ 190,000 | 43515 |
| 5LY0 | 745626 | Military Medal of Distinction | $ 5,000 | $ 5,000 | 43516 |
| 5U80 | 745613 | Community Match Armories | $ 350,000 | $ 350,000 | 43517 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 2,434,054 | $ 2,434,054 | 43518 |
| Federal Fund Group | | | | | 43519 |
| 3420 | 745616 | Army National Guard | $ 26,262,967 | $ 26,252,590 | 43520 |

| | | | | |
|---|---|---|---|---|
| | Service Agreement | | | |
| 3E80 745628 | Air National Guard Operations and Maintenance | $ 16,276,986 | $ 16,276,984 | 43521 |
| 3R80 745603 | Counter Drug Operations | $ 15,000 | $ 15,000 | 43522 |
| TOTAL FED Federal Fund Group | | $ 42,554,953 | $ 42,544,574 | 43523 |
| TOTAL ALL BUDGET FUND GROUPS | | $ 55,961,843 | $ 55,957,825 | 43524 |

**Section 205.20.** NATIONAL GUARD BENEFITS 43526

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs. 43527 43528 43529 43530

If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. Such amounts are hereby appropriated. The Adjutant General may subsequently seek Controlling Board approval to restore the appropriation in the appropriation item from which such a transfer was made. 43531 43532 43533 43534 43535 43536 43537 43538 43539

For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be paid to the beneficiary or beneficiaries designated on the member's Servicemembers' Group Life Insurance Policy. 43540 43541 43542 43543 43544

STATE ACTIVE DUTY COSTS 43545

Of the foregoing appropriation item 745409, Central Administration, $50,000 in each fiscal year shall be used for the purpose of paying expenses related to state active duty of members 43546 43547 43548

of the Ohio organized militia, in accordance with a proclamation of the Governor. Expenses include, but are not limited to, the cost of equipment, supplies, and services, as determined by the Adjutant General's Department. On June 1 of each fiscal year, if it is determined by the Adjutant General that any portion of this $50,000 in that fiscal year will not be used for state active duty expenses, those amounts may be encumbered by the Adjutant General for maintenance expenses. If before the end of that fiscal year, state active duty expenses occur, these encumbrances should be canceled by the Adjutant General to pay for expenses related to state active duty.

CYBER RANGE

The Adjutant General's Department, in conjunction and collaboration with the Department of Administrative Services, the Department of Public Safety, the Department of Higher Education, and the Department of Education shall establish and maintain a cyber range. The Adjutant General's Department may work with federal agencies to assist in accomplishing this objective. The cyber range shall: (1) provide cyber training and education to K-12 students, higher education students, Ohio National Guardsmen, federal employees, and state and local government employees, and (2) provide for emergency preparedness exercises and training. The state agencies identified in this paragraph may procure any necessary goods and services including, but not limited to, contracted services, hardware, networking services, maintenance costs, and the training and management costs of a cyber range. These state agencies shall determine the amount of funds each agency will contribute from available funds and appropriations enacted herein in order to establish and maintain a cyber range.

Of the foregoing appropriation item 745409, Central Administration, up to $2,000,000 in each fiscal year shall be used by the Adjutant General's Department for the purposes of

establishing and maintaining the cyber range.

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 100412 | Unemployment Insurance System Lease Rental Payments | $ 0 | $ 1,817,900 |
| GRF | 100413 | EDCS Lease Rental Payments | $ 11,843,800 | $ 13,716,500 |
| GRF | 100414 | MARCS Lease Rental Payments | $ 6,768,900 | $ 6,769,600 |
| GRF | 100415 | OAKS Lease Rental Payments | $ 2,440,300 | $ 2,444,500 |
| GRF | 100416 | STARS Lease Rental Payments | $ 3,846,000 | $ 5,097,800 |
| GRF | 100447 | Administrative Buildings Lease Rental Bond Payments | $ 86,914,500 | $ 94,266,800 |
| GRF | 100456 | State IT Services | $ 2,249,158 | $ 2,249,773 |
| GRF | 100457 | Equal Opportunity Services | $ 2,178,704 | $ 2,178,704 |
| GRF | 100459 | Ohio Business Gateway | $ 15,527,621 | $ 14,527,621 |
| GRF | 100469 | Aronoff Center Building Maintenance | $ 270,000 | $ 270,000 |
| GRF | 130321 | State Agency Support Services | $ 18,494,092 | $ 18,513,941 |
| TOTAL GRF General Revenue Fund | | | $ 150,533,075 | $ 161,853,139 |
| Dedicated Purpose Fund Group | | | | |
| 5L70 | 100610 | Professional Development | $ 1,650,000 | $ 1,650,000 |
| 5MV0 | 100662 | Theater Equipment Maintenance | $ 50,000 | $ 50,000 |

| | | | | | |
|---|---|---|---|---|---|
| 5NM0 | 100663 | 911 Program | $ 717,060 | $ 715,522 | 43599 |
| 5V60 | 100619 | Employee Educational Development | $ 1,245,000 | $ 1,245,000 | 43600 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 3,662,060 | $ 3,660,522 | 43601 |
| Internal Service Activity Fund Group | | | | | 43602 |
| 1120 | 100616 | DAS Administration | $ 12,667,391 | $ 13,100,541 | 43603 |
| 1150 | 100632 | Central Service Agency | $ 956,061 | $ 975,025 | 43604 |
| 1170 | 100644 | General Services Division - Operating | $ 18,265,815 | $ 21,460,060 | 43605 |
| 1220 | 100637 | Fleet Management | $ 18,650,951 | $ 23,315,522 | 43606 |
| 1250 | 100622 | Human Resources Division - Operating | $ 18,612,217 | $ 18,718,045 | 43607 |
| 1250 | 100657 | Benefits Communication | $ 607,577 | $ 615,521 | 43608 |
| 1280 | 100620 | Office of Collective Bargaining | $ 4,283,998 | $ 4,385,893 | 43609 |
| 1300 | 100606 | Risk Management Reserve | $ 15,370,845 | $ 15,389,803 | 43610 |
| 1320 | 100631 | DAS Building Management | $ 49,173,190 | $ 49,384,799 | 43611 |
| 1330 | 100607 | IT Services Delivery | $ 162,248,367 | $ 162,665,093 | 43612 |
| 1880 | 100649 | Equal Opportunity Division - Operating | $ 1,836,834 | $ 1,264,515 | 43613 |
| 2100 | 100612 | State Printing | $ 29,092,749 | $ 28,295,851 | 43614 |
| 2290 | 100630 | IT Governance | $ 32,125,970 | $ 32,602,191 | 43615 |
| 2290 | 100640 | Consolidated IT Purchases | $ 69,348,000 | $ 74,348,000 | 43616 |
| 4270 | 100602 | Investment Recovery | $ 1,662,341 | $ 1,662,341 | 43617 |
| 4N60 | 100617 | Major IT Purchases | $ 3,288,990 | $ 5,736,219 | 43618 |
| 5C20 | 100605 | MARCS Administration | $ 27,207,396 | $ 26,484,493 | 43619 |
| 5EB0 | 100635 | OAKS Support Organization | $ 55,382,093 | $ 58,807,701 | 43620 |
| 5EB0 | 100656 | OAKS Updates and | $ 6,423,624 | $ 6,359,539 | 43621 |

| | | | | | |
|---|---|---|---|---|---|
| | | Developments | | | |
| 5JQ0 | 100658 | Professionals Licensing System | $ 9,996,303 | $ 8,723,135 | 43622 |
| 5KZ0 | 100659 | Building Improvement | $ 3,449,500 | $ 2,862,000 | 43623 |
| 5LJ0 | 100661 | IT Development | $ 21,500,000 | $ 21,500,000 | 43624 |
| 5PC0 | 100665 | Enterprise Applications | $ 111,095,956 | $ 111,263,921 | 43625 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 673,246,168 | $ 689,920,208 | 43626 43627 |
| Fiduciary Fund Group | | | | | 43628 |
| 5UH0 | 100670 | Enterprise Transactions | $ 1,150,000 | $ 1,150,000 | 43629 |
| TOTAL FID Fiduciary Fund Group | | | $ 1,150,000 | $ 1,150,000 | 43630 |
| Federal Fund Group | | | | | 43631 |
| 3AJ0 | 100623 | Information Technology Grants | $ 10,000 | $ 10,000 | 43632 |
| TOTAL FED Federal Fund Group | | | $ 10,000 | $ 10,000 | 43633 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 828,601,303 | $ 856,593,869 | 43634 |

**Section 207.20.** UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL PAYMENTS 43636 43637

The foregoing appropriation item 100412, Unemployment Insurance System Lease Rental Payments, shall be used to make payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.40 of H.B. 529 of the 132nd General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Unemployment Insurance System. 43638 43639 43640 43641 43642 43643 43644 43645 43646

EDCS LEASE RENTAL PAYMENTS 43647

The foregoing appropriation item 100413, EDCS Lease Rental 43648

Payments, shall be used to make payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Enterprise Data Center Solutions (EDCS) information technology initiative.

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 100414, MARCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 of the 130th General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Multi-Agency Radio Communications System (MARCS) upgrade.

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 100415, OAKS Lease Rental Payments, shall be used to make payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Ohio Administrative Knowledge System (OAKS).

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 100416, STARS Lease Rental

Payments, shall be used to make payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.30 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the State Taxation Accounting and Revenue System (STARS).

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 100447, Administrative Buildings Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2019, through June 30, 2021, by the Department of Administrative Services pursuant to leases and agreements under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS

The Director of Administrative Services, in consultation with the Multi-Agency Radio Communication System (MARCS) Steering Committee and the Director of Budget and Management, shall determine the share of debt service payments attributable to spending for MARCS components that are not specific to any one agency and that shall be charged to the Public Safety – Highway Purposes Fund (Fund 5TM0). Such share of debt service payments shall be calculated for MARCS capital disbursements made beginning July 1, 1997. Within thirty days of any payment made from appropriation item 100447, Administrative Buildings Lease Rental Bond Payments, the Director of Administrative Services shall certify to the Director of Budget and Management the amount of this share. On or before June 30 of each fiscal year, the Director of Budget and Management may transfer an amount up to the amount

certified for that fiscal year to the General Revenue Fund from the Public Safety – Highway Purposes Fund (Fund 5TM0) established in section 4501.06 of the Revised Code.

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT FUND

The foregoing appropriation item 130321, State Agency Support Services, may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state.

Notwithstanding section 125.28 of the Revised Code, the foregoing appropriation item 130321, State Agency Support Services, also may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants, or other costs associated with the Voinovich Center in Youngstown, Ohio. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated because of building renovations. These payments may be processed by the Department of Administrative Services through intrastate transfer vouchers and placed into the Building Management Fund (Fund 1320).

At least once per year, the portion of appropriation item 130321, State Agency Support Services, that is not used for the regular expenses of the appropriation item may be processed by the Department of Administrative Services through intrastate transfer voucher and placed in the Building Improvement Fund (Fund 5KZ0).

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF

Upon the request of the Director of Administrative Services, the Director of Budget and Management may transfer unobligated

cash in the MARCS Administration Fund (Fund 5C20) to the General Revenue Fund to reimburse the General Revenue Fund for lease rental payments made on behalf of the MARCS upgrade.

**Section 207.30.** PROFESSIONAL DEVELOPMENT FUND

The foregoing appropriation item 100610, Professional Development, shall be used to make payments from the Professional Development Fund (Fund 5L70) under section 124.182 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

911 PROGRAM

The foregoing appropriation item 100663, 911 Program, shall be used by the Department of Administrative Services to pay the administrative, marketing, and educational costs of the Statewide Emergency Services Internet Protocol Network program.

EMPLOYEE EDUCATIONAL DEVELOPMENT

The foregoing appropriation item 100619, Employee Educational Development, shall be used to make payments from the Employee Educational Development Fund (Fund 5V60) under section 124.86 of the Revised Code. The fund shall be used to pay the costs of administering educational programs under existing collective bargaining agreements with District 1199, the Health Care and Social Service Union, Service Employees International Union; State Council of Professional Educators; Ohio Education Association and National Education Association; the Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio State Troopers Association, Units 1 and 15.

If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

**Section 207.40.** GENERAL SERVICE CHARGES

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the programs funded by the General Services Fund (Fund 1170) and the State Printing Fund (Fund 2100).

COLLECTIVE BARGAINING ARBITRATION EXPENSES

The Department of Administrative Services may seek reimbursement from state agencies for the actual costs and expenses the Department incurs in the collective bargaining arbitration process. The reimbursements shall be processed through intrastate transfer vouchers and credited to the Collective Bargaining Fund (Fund 1280).

EQUAL OPPORTUNITY PROGRAM

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the activities supported by the State EEO Fund (Fund 1880). These charges shall be deposited to the credit of Fund 1880 upon payment made by state agencies, state-supported or state-assisted institutions of higher education, tax-supported agencies, municipal corporations, and other political subdivisions of the state, for services rendered.

CONSOLIDATED IT PURCHASES

The foregoing appropriation item 100640, Consolidated IT Purchases, shall be used by the Department of Administrative Services acting as the purchasing agent for one or more government entities under the authority of division (G) of section 125.18 of the Revised Code to make information technology purchases at a lower aggregate cost than each individual government entity could have obtained independently for that information technology

purchase.

INVESTMENT RECOVERY FUND

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

Notwithstanding division (B) of section 125.14 of the Revised Code, the Director of Budget and Management, at the request of the Director of Administrative Services, shall transfer up to $3,800,000 of cash in excess of needs from the Investment Recovery Fund (Fund 4270) to the Enterprise Applications Fund (Fund 5PC0) during the biennium beginning July 1, 2019, and ending June 30, 2021, to pay the operating and maintenance expenses of the Ohio Business Gateway.

MAJOR IT PURCHASES CHARGES

Effective July 1, 2019, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 100617, Major IT Purchases, and reestablish them against appropriation item 100640, Consolidated IT Purchases. The reestablished encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 100617, Major IT Purchases, by July 1, 2019, shall be completed under appropriation item 100640, Consolidated IT Purchases, in the same manner, and with the same effect, as if completed with regard to appropriation item 100617, Major IT Purchases.

On July 1, 2019, or as soon as possible thereafter, the Director of Administrative Services shall certify to the Director of Budget and Management the amount of cash in the Major Information Technology Purchases Fund (Fund 4N60) that was received from agencies for actual expenditures. The Director of

Budget and Management shall transfer the certified amount of cash from the Major Information Technology Purchases Fund (Fund 4N60) to the IT Governance Fund (Fund 2290).

Upon the request of the Director of Administrative Services, the Director of Budget and Management may transfer up to the amount collected for statewide indirect costs attributable to debt service paid for the enterprise data center solutions project from the General Revenue Fund to the Major Information Technology Purchases Fund (Fund 4N60).

PROFESSIONS LICENSING SYSTEM

The foregoing appropriation item, 100658, Ohio Professionals Licensing System, shall be used to purchase the equipment, products, and services necessary to update and maintain an automated licensing system for the professional licensing boards.

The Department of Administrative Services shall establish charges for recovering the costs of ongoing maintenance of the system that are not otherwise recovered under section 125.18 of the Revised Code. The charges shall be billed to state agencies, boards, and commissions using the state's enterprise electronic licensing system and deposited via intrastate transfer vouchers to the credit of the Professions Licensing System Fund (Fund 5JQ0).

**Section 207.45.** BUILDING IMPROVEMENT FUND

The foregoing appropriation item 100659, Building Improvement, shall be used to make payments from the Building Improvement Fund (Fund 5KZ0) for major maintenance or improvements required in facilities maintained by the Department of Administrative Services. The Department of Administrative Services shall conduct or contract for regular assessments of these buildings and shall maintain a cash balance in Fund 5KZ0 equal to the cost of the repairs and improvements that are recommended to

occur within the next five years, with the following exception described below.

Upon request of the Director of Administrative Services, the Director of Budget and Management may permit a cash transfer from Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs of operating and maintaining facilities managed by the Department of Administrative Services that are not charged to tenants during the same fiscal year.

Should the cash balance in Fund 1320 be determined to be sufficient, the Director of Administrative Services may request that the Director of Budget and Management transfer cash from Fund 1320 to Fund 5KZ0 in an amount equal to the initial cash transfer made under this section plus applicable interest.

INFORMATION TECHNOLOGY DEVELOPMENT

The foregoing appropriation item 100661, IT Development, shall be used by the Department of Administrative Services to pay the costs of modernizing the state's information technology management and investment practices away from a limited, agency-specific focus in favor of a statewide methodology supporting development of enterprise solutions. This appropriation item may be used to pay the costs of enterprise information technology initiatives affecting state agencies or their customers.

Notwithstanding any provision of law to the contrary, the Department of Administrative Services, with the approval of the Director of Budget and Management, may charge state agencies an information technology development assessment based on state agencies' information technology expenditures or other methodology and may assess fees or charges to entities that are not state agencies to offset the cost of specific technology events or services. The revenue from these assessments, fees, or charges

shall be deposited into the Information Technology Development Fund (Fund 5LJ0), which is hereby created.

Upon the request of the Director of Administrative Services, the Director of Budget and Management may transfer up to $12,500,000 in cash in each fiscal year from the General Revenue Fund to the Information Technology Development Fund (Fund 5LJ0) to support the operations of the Office of InnovateOhio.

ENTERPRISE APPLICATIONS

The foregoing appropriation item 100665, Enterprise Applications, shall be used for the operation and management of information technology applications that support state agencies' objectives. Charges billed to benefiting agencies shall be deposited to the credit of the Enterprise Applications Fund (Fund 5PC0), which is hereby created.

CASH TRANSFER FROM THE DIRECTOR'S OFFICE FUND TO THE LOCAL GOVERNMENT INNOVATION FUND

On July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management shall transfer $38,555.24 cash from the Director's Office Fund (Fund 1120) to the Local Government Innovation Fund (Fund 5KN0). This amount represents the unexpended balance of a grant received from the Local Government Innovation Fund (Fund 5KN0) and appropriated under Fund 1120 appropriation item 100667, Local Government Efficiency Programs.

**Section 207.50.** ENTERPRISE IT STRATEGY IMPLEMENTATION

The Director of Administrative Services shall determine and implement strategies that benefit the enterprise by improving efficiency, reducing costs, or enhancing capacity of information technology (IT) services. Such improvements and efficiencies may result in the consolidation and transfer of such services. As determined to be necessary for successful implementation of this

section and notwithstanding any provision of law to the contrary, the Director of Administrative Services may request the Director of Budget and Management to consolidate or transfer IT-specific budget authority between agencies or within an agency as necessary to implement enterprise IT cost containment strategies and related efficiencies. Once the Director of Budget and Management is satisfied that the proposed initiative is cost advantageous to the enterprise, the Director of Budget and Management may transfer appropriations, funds, and cash as needed to implement the proposed initiative. The establishment of any new fund or additional appropriation as a result of this section shall be subject to Controlling Board approval.

The Director of Budget and Management and the Director of Administrative Services may transfer any employees, assets, and liabilities, including, but not limited to, records, contracts, and agreements in order to facilitate the improvements determined in accordance with this section.

**Section 209.10.** AGE DEPARTMENT OF AGING

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 490321 | Operating Expenses | $ 1,551,161 | $ 1,514,690 |
| GRF | 490410 | Long-Term Care Ombudsman | $ 1,846,979 | $ 3,112,901 |
| GRF | 490411 | Senior Community Services | $ 8,152,696 | $ 8,144,480 |
| GRF | 490414 | Alzheimer's and Other Dementia Respite | $ 2,495,245 | $ 2,495,245 |
| GRF | 490506 | National Senior Service Corps | $ 222,792 | $ 222,792 |
| GRF | 656423 | Long-Term Care Budget - State | $ 5,073,618 | $ 5,325,896 |
| TOTAL GRF General Revenue Fund | | | $ 19,342,491 | $ 20,816,004 |

| | | | | | |
|---|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | | 43951 |
| 4800 | 490606 | Senior Community Outreach and Education | $ 372,523 | $ 372,523 | 43952 |
| 4C40 | 490609 | Regional Long-Term Care Ombudsman Program | $ 1,000,000 | $ 1,000,000 | 43953 |
| 5BA0 | 490620 | Ombudsman Support | $ 1,500,000 | $ 1,500,000 | 43954 |
| 5K90 | 490613 | Long-Term Care Consumers Guide | $ 1,350,000 | $ 1,350,000 | 43955 |
| 5MT0 | 490627 | Board of Executives of Long-Term Services and Supports | $ 800,000 | $ 800,000 | 43956 |
| 5T40 | 656625 | Health Care Grants – State | $ 200,000 | $ 200,000 | 43957 |
| 5TI0 | 656624 | Provider Certification | $ 120,000 | $ 120,000 | 43958 |
| 5W10 | 490616 | Resident Services Coordinator Program | $ 344,700 | $ 344,700 | 43959 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 5,687,223 | $ 5,687,223 | 43960 43961 |
| Federal Fund Group | | | | | 43962 |
| 3220 | 490618 | Federal Aging Grants | $ 8,700,000 | $ 8,700,000 | 43963 |
| 3C40 | 656623 | Long-Term Care Budget - Federal | $ 5,341,281 | $ 5,477,117 | 43964 |
| 3M40 | 490612 | Federal Independence Services | $ 58,655,080 | $ 58,655,080 | 43965 |
| TOTAL FED Federal Fund Group | | | $ 72,696,361 | $ 72,832,197 | 43966 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 97,726,075 | $ 99,335,424 | 43967 |

**Section 209.20.** LONG-TERM CARE 43969

Pursuant to an interagency agreement, the Department of 43970

Medicaid may designate the Department of Aging to perform assessments under section 5165.04 of the Revised Code. The Department of Aging shall provide long-term care consultations under section 173.42 of the Revised Code to assist individuals in planning for their long-term health care needs.

The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program, the Assisted Living Program, and PACE as delegated by the Department of Medicaid in an interagency agreement.

PERFORMANCE-BASED REIMBURSEMENT

The Department of Aging may design and utilize a payment method for PASSPORT administrative agency operations that includes a pay-for-performance incentive component that is earned by a PASSPORT administrative agency when defined consumer and policy outcomes are achieved.

**Section 209.30.** MYCARE OHIO

The authority of the Office of the State Long-Term Care Ombudsman as described in sections 173.14 to 173.28 of the Revised Code extends to MyCare Ohio during the period of the federal financial alignment demonstration program.

SENIOR COMMUNITY SERVICES

The foregoing appropriation item 490411, Senior Community Services, may be used for programs, services, and activities designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, prevention and disease self-management, and decision support systems. The Department may also use these funds to provide grants to community organizations to support and expand evidence-based/informed programming. Service priority shall

be given to low income, high need, and/or cognitively impaired persons 60 years of age and over.

NATIONAL SENIOR SERVICE CORPS

The foregoing appropriation item 490506, National Senior Service Corps, may be used by the Department of Aging to fund grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it.

**Section 211.10.** AGR DEPARTMENT OF AGRICULTURE

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF 700401 | Animal Health Programs | $ 3,785,399 | $ 3,700,399 | |
| GRF 700403 | Dairy Division | $ 1,208,067 | $ 1,178,459 | |
| GRF 700404 | Ohio Proud | $ 99,159 | $ 100,771 | |
| GRF 700406 | Consumer Protection Lab | $ 1,369,703 | $ 1,320,696 | |
| GRF 700407 | Food Safety | $ 1,385,046 | $ 1,340,046 | |

| | | | | | |
|---|---|---|---|---|---|
| GRF | 700409 | Farmland Preservation | $ 74,686 | $ 74,686 | 44030 |
| GRF | 700410 | Plant Industry | $ 152,468 | $ 147,468 | 44031 |
| GRF | 700412 | Weights and Measures | $ 614,723 | $ 614,723 | 44032 |
| GRF | 700415 | Poultry Inspection | $ 626,427 | $ 611,428 | 44033 |
| GRF | 700417 | Soil and Water Phosphorus Program | $ 20,000,000 | $ 20,000,000 | 44034 |
| GRF | 700418 | Livestock Regulation Program | $ 1,145,071 | $ 1,145,071 | 44035 |
| GRF | 700424 | Livestock Testing and Inspections | $ 117,493 | $ 117,493 | 44036 |
| GRF | 700426 | Dangerous and Restricted Animals | $ 582,340 | $ 604,060 | 44037 |
| GRF | 700427 | High Volume Breeder Kennel Control | $ 1,235,767 | $ 1,235,767 | 44038 |
| GRF | 700428 | Soil and Water Division | $ 3,543,482 | $ 3,543,482 | 44039 |
| GRF | 700499 | Meat Inspection Program - State Share | $ 6,357,407 | $ 6,082,091 | 44040 |
| GRF | 700501 | County Agricultural Societies | $ 379,673 | $ 379,673 | 44041 |
| GRF | 700509 | Soil and Water District Support | $ 11,833,016 | $ 11,833,016 | 44042 |
| TOTAL GRF General Revenue Fund | | | $ 54,509,927 | $ 54,029,329 | 44043 |
| Dedicated Purpose Fund Group | | | | | 44044 |
| 4900 | 700651 | License Plates - Sustainable Agriculture | $ 17,500 | $ 17,500 | 44045 |
| 4940 | 700612 | Agricultural Commodity Marketing Program | $ 253,000 | $ 253,000 | 44046 |
| 4960 | 700626 | Ohio Grape Industries | $ 1,543,223 | $ 1,550,000 | 44047 |
| 4970 | 700627 | Grain Warehouse Program | $ 491,590 | $ 500,000 | 44048 |

| | | | | | |
|---|---|---|---|---|---|
| 4C90 | 700605 | Commercial Feed and Seed | $ 2,367,396 | $ 2,426,251 | 44049 |
| 4D20 | 700609 | Auction Education | $ 50,000 | $ 50,000 | 44050 |
| 4E40 | 700606 | Utility Radiological Safety | $ 97,610 | $ 101,130 | 44051 |
| 4P70 | 700610 | Food Safety Inspection | $ 1,022,005 | $ 1,043,743 | 44052 |
| 4R00 | 700636 | Ohio Proud Marketing | $ 30,500 | $ 30,500 | 44053 |
| 4R20 | 700637 | Dairy Industry Inspection | $ 1,800,246 | $ 1,852,950 | 44054 |
| 4T60 | 700611 | Poultry and Meat Inspection | $ 120,000 | $ 120,000 | 44055 |
| 5780 | 700620 | Ride Inspection | $ 1,827,551 | $ 1,944,585 | 44056 |
| 5B80 | 700629 | Auctioneers | $ 350,449 | $ 361,450 | 44057 |
| 5BV0 | 700660 | Heidelberg Water Quality Lab | $ 250,000 | $ 250,000 | 44058 |
| 5BV0 | 700661 | Soil and Water Districts | $ 8,000,000 | $ 8,000,000 | 44059 |
| 5FC0 | 700648 | Plant Pest Program | $ 1,468,037 | $ 1,515,298 | 44060 |
| 5H20 | 700608 | Metrology Lab and Scale Certification | $ 975,000 | $ 975,000 | 44061 |
| 5L80 | 700604 | Livestock Management Program | $ 274,814 | $ 275,000 | 44062 |
| 5MA0 | 700657 | Dangerous and Restricted Animals | $ 7,000 | $ 7,000 | 44063 |
| 5MR0 | 700658 | High Volume Breeders and Kennels | $ 320,000 | $ 320,000 | 44064 |
| 5MS0 | 700659 | Captive Deer | $ 40,000 | $ 40,000 | 44065 |
| 5QW0 | 700653 | Watershed Assistance | $ 515,000 | $ 515,000 | 44066 |
| 6520 | 700634 | Animal, Consumer, and ATL Labs | $ 5,396,151 | $ 5,466,896 | 44067 |
| 6690 | 700635 | Pesticide, Fertilizer, and Lime | $ 4,859,314 | $ 5,000,000 | 44068 |

| | | | | | |
|---|---|---|---|---|---|
| | | Inspection Program | | | |
| 6H20 | 700670 | H2Ohio | $ 30,300,000 | $ 0 | 44069 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 62,376,386 | $ 32,615,303 | 44070<br>44071 |
| Internal Service Activity Fund Group | | | | | 44072 |
| 5DA0 | 700644 | Laboratory Administration Support | $ 1,200,807 | $ 1,204,626 | 44073 |
| 5GH0 | 700655 | Administrative Support | $ 5,403,892 | $ 5,524,048 | 44074 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 6,604,699 | 6,728,674 | 44075<br>44076 |
| Capital Projects Fund Group | | | | | 44077 |
| 7057 | 700632 | Clean Ohio Agricultural Easement Operating | $ 589,960 | $ 610,000 | 44078 |
| TOTAL CPF Capital Projects Fund Group | | | $ 589,960 | $ 610,000 | 44079 |
| Federal Fund Group | | | | | 44080 |
| 3260 | 700618 | Meat Inspection Program - Federal Share | $ 5,036,419 | $ 5,194,424 | 44081 |
| 3360 | 700617 | Ohio Farm Loan - Revolving | $ 351,743 | $ 360,000 | 44082 |
| 3820 | 700601 | Federal Cooperative Contracts | $ 7,000,000 | $ 7,000,000 | 44083 |
| 3AB0 | 700641 | Agricultural Easement | $ 342,419 | $ 350,000 | 44084 |
| 3J40 | 700607 | Federal Administrative Programs | $ 1,209,234 | $ 1,209,234 | 44085 |
| 3R20 | 700614 | Federal Plant Industry | $ 6,020,619 | $ 6,095,972 | 44086 |

| | | |
|---|---|---|
| TOTAL FED Federal Fund Group | $ 19,960,434 | $ 20,209,630 |
| TOTAL ALL BUDGET FUND GROUPS | $ 144,041,406 | $ 114,192,936 |

**Section 211.20.** SOIL AND WATER PHOSPHORUS PROGRAM

The Department of Agriculture shall establish programs to assist in reducing total phosphorus and dissolved reactive phosphorus in the Western Lake Erie Basin. The programs shall give priority to those subwatersheds determined to be highest in total phosphorus and dissolved reactive phosphorus nutrient loading.

The foregoing appropriation item 700417, Soil and Water Phosphorus Program, shall be used to support the programs described above, which may include but not be limited to, the following: (1) equipment for subsurface placement of nutrients into the soil; (2) equipment for nutrient placement based on geographic information system data; (3) soil testing; (4) implementation of variable rate technology; (5) equipment implementing manure transformation and manure conversion technologies; (6) tributary monitoring; (7) water management and edge-of-field drainage management; and (8) an agricultural phosphorus reduction revolving loan program. Not more than forty per cent of the foregoing appropriation item 700417, Soil and Water Phosphorus Program, shall be used for any single activity.

DANGEROUS AND RESTRICTED WILD ANIMALS

The foregoing appropriation item 700426, Dangerous and Restricted Animals, shall be used to administer the Dangerous and Restricted Wild Animal Permitting Program.

COUNTY AGRICULTURAL SOCIETIES

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE BASIN

Of the foregoing appropriation item 700509, Soil and Water District Support, $350,000 in each fiscal year shall be used by the Department of Agriculture for a program to support soil and water conservation districts in the Western Lake Erie Basin in complying with provisions of Sub. S.B. 1 of the 131st General Assembly. The Department shall approve a soil and water district's application for funding under the program if the application demonstrates that funding will be used for, but not limited to, providing technical assistance, developing applicable nutrient or manure management plans, hiring and training of soil and water conservation district staff on best conservation practices, or other activities the Director determines appropriate to assist farmers in the Western Lake Erie Basin in complying with the provisions of Sub. S.B. 1 of the 131st General Assembly.

Of the foregoing appropriation item 700509, Soil and Water District Support, $3,500,000 in each fiscal year shall be used to support county soil and water conservation districts in the Western Lake Erie Basin for staffing costs and to assist in soil testing and nutrient management plan development, including manure transformation and manure conversion technologies, enhanced filter strips, water management, and other conservation support.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 940.15 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed $40,000 upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under

section 940.12 of the Revised Code for use by the local soil and water conservation district. The amounts received by each district shall be expended for the purposes of the district.

H2OHIO FUND

The foregoing appropriation item 700670, H2Ohio, shall be used by the Department of Agriculture to support best management practices for farmers including but not limited to assistance with equipment purchases and soil testing. In addition, the foregoing appropriation item 700760, H2Ohio, may be used to fund improvements and protection of state waterways in support of water quality priorities and management in accordance with section 126.60 of the Revised Code.

On July 1, 2020, or as soon as possible thereafter, the Director of Agriculture may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 700670, H2Ohio, at the end of fiscal year 2020 to be reappropriated in fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement Operating, shall be used by the Department of Agriculture in administering Clean Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

**Section 213.10.** AIR AIR QUALITY DEVELOPMENT AUTHORITY

| | | | | | |
|---|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | | |
| 4Z90 | 898602 | Small Business Ombudsman | $ 208,813 | $ 208,813 | |
| 5700 | 898601 | Operating Expenses | $ 565,364 | $ 583,395 | |

| | | | | | |
|---|---|---|---|---|---|
| 5A00 | 898603 | Small Business Assistance | $ 450,000 | $ 450,000 | 44179 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 1,224,177 | $ 1,242,208 | 44180 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 1,224,177 | $ 1,242,208 | 44181 |

**Section 213.20.** REIMBURSEMENT TO AIR QUALITY DEVELOPMENT AUTHORITY TRUST ACCOUNT 44183 44184

Notwithstanding any other provision of law to the contrary, the Air Quality Development Authority may reimburse the Air Quality Development Authority trust account established under section 3706.10 of the Revised Code from all operating funds of the agency for expenses pertaining to the administration and shared costs incurred by the Air Quality Development Authority in the execution of responsibilities as prescribed in Chapter 3706. of the Revised Code. The reimbursement shall be made by voucher and completed in accordance with the administrative indirect costs allocation plan approved by the Office of Budget and Management. 44185 44186 44187 44188 44189 44190 44191 44192 44193 44194

**Section 215.10.** ARC ARCHITECTS BOARDS 44195

| | | | | | |
|---|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | | 44196 |
| 4K90 | 891609 | Operating | $ 638,611 | $ 646,294 | 44197 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 638,611 | $ 646,294 | 44198 44199 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 638,611 | $ 646,294 | 44200 |

**Section 217.10.** ART OHIO ARTS COUNCIL 44202

| | | | | | |
|---|---|---|---|---|---|
| General Revenue Fund | | | | | 44203 |
| GRF | 370321 | Operating Expenses | $ 1,947,031 | $ 2,042,828 | 44204 |
| GRF | 370502 | State Program Subsidies | $ 12,730,750 | $ 12,730,750 | 44205 |
| TOTAL GRF General Revenue Fund | | | $ 14,677,781 | $ 14,773,578 | 44206 |

| | | | | | |
|---|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | | 44207 |
| 4600 370602 | Arts Council Program Support | $ 377,942 | $ 385,000 | | 44208 |
| 4B70 370603 | Percent for Art Acquisitions | $ 165,000 | $ 165,000 | | 44209 |
| TOTAL DPF Dedicated Purpose Fund Group | | $ 542,942 | $ 550,000 | | 44210 |
| Federal Fund Group | | | | | 44211 |
| 3140 370601 | Federal Support | $ 1,250,000 | $ 1,250,000 | | 44212 |
| TOTAL FED Federal Fund Group | | $ 1,250,000 | $ 1,250,000 | | 44213 |
| TOTAL ALL BUDGET FUND GROUPS | | $ 16,470,723 | $ 16,573,578 | | 44214 |

STATE PROGRAM SUBSIDIES 44215

Notwithstanding any provision of law to the contrary, of the foregoing appropriation item 370502, State Program Subsidies, at least $2,000,000 per fiscal year shall be used by the Ohio Arts Council to award grants for arts-related educational programming for kindergarten through twelfth grade students. 44216 44217 44218 44219 44220

FEDERAL SUPPORT 44221

Notwithstanding any provision of law to the contrary, the foregoing appropriation item 370601, Federal Support, shall be used by the Ohio Arts Council for subsidies only, and not for its administrative costs, unless the Council is required to use a portion of the funds for administrative costs under conditions of the federal grant. 44222 44223 44224 44225 44226 44227

**Section 219.10.** ATH ATHLETIC COMMISSION 44228

| | | | | | |
|---|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | | 44229 |
| 4K90 175609 | Operating Expenses | $ 331,169 | $ 331,822 | | 44230 |
| TOTAL DPF Dedicated Purpose Fund Group | | $ 331,169 | $ 331,822 | | 44231 |
| TOTAL ALL BUDGET FUND GROUPS | | $ 331,169 | $ 331,822 | | 44232 |

**Section 221.10.** AGO ATTORNEY GENERAL

| | | | | | |
|---|---|---|---|---|---|
| General Revenue Fund | | | | | |
| GRF | 055321 | Operating Expenses | $ 60,646,591 | $ 62,958,461 | |
| GRF | 055405 | Law-Related Education | $ 68,950 | $ 68,950 | |
| GRF | 055406 | BCIRS Lease Rental Payments | $ 2,515,100 | $ 2,513,400 | |
| GRF | 055411 | County Sheriffs' Pay Supplement | $ 942,148 | $ 942,148 | |
| GRF | 055415 | County Prosecutors' Pay Supplement | $ 1,206,989 | $ 1,206,989 | |
| GRF | 055431 | Drug Abuse Response Team Grants | $ 1,500,000 | $ 1,500,000 | |
| GRF | 055501 | Rape Crisis Centers | $ 1,550,000 | $ 1,550,000 | |
| GRF | 055502 | School Safety Training Grants | $ 12,000,000 | $ 12,000,000 | |
| TOTAL GRF General Revenue Fund | | | $ 80,429,778 | $ 82,739,948 | |
| Dedicated Purpose Fund Group | | | | | |
| 1060 | 055612 | Attorney General Operating | $ 58,426,184 | $ 60,018,182 | |
| 4020 | 055616 | Victims of Crime | $ 20,624,291 | $ 20,624,291 | |
| 4170 | 055621 | Domestic Violence Shelter | $ 25,000 | $ 25,000 | |
| 4180 | 055615 | Charitable Foundations | $ 8,286,000 | $ 8,286,000 | |
| 4190 | 055623 | Claims Section | $ 41,500,000 | $ 42,600,000 | |
| 4200 | 055603 | Attorney General Antitrust | $ 2,432,925 | $ 2,432,925 | |
| 4210 | 055617 | Police Officers' Training Academy Fee | $ 2,182,062 | $ 2,250,000 | |
| 4L60 | 055606 | DARE Programs | $ 3,814,289 | $ 3,814,289 | |
| 4Y70 | 055608 | Title Defect Recision | $ 1,013,751 | $ 1,013,751 | |

| | | | | | |
|---|---|---|---|---|---|
| 4Z20 | 055609 | BCI Asset Forfeiture and Cost Reimbursement | $ 2,500,000 | $ 2,500,000 | 44255 |
| 5900 | 055633 | Peace Officer Private Security Training | $ 95,325 | $ 95,325 | 44256 |
| 5A90 | 055618 | Telemarketing Fraud Enforcement | $ 10,000 | $ 10,000 | 44257 |
| 5LR0 | 055655 | Peace Officer Training - Casino | $ 5,355,079 | $ 5,529,409 | 44258 |
| 5MP0 | 055657 | Peace Officer Training Commission | $ 325,000 | $ 325,000 | 44259 |
| 5TL0 | 055659 | Organized Crime Law Enforcement Trust | $ 100,000 | $ 100,000 | 44260 |
| 6310 | 055637 | Consumer Protection Enforcement | $ 9,276,000 | $ 9,276,000 | 44261 |
| 6590 | 055641 | Solid and Hazardous Waste Background Investigations | $ 328,728 | $ 328,728 | 44262 |
| U087 | 055402 | Tobacco Settlement Oversight, Administration, and Enforcement | $ 2,650,000 | $ 2,650,000 | 44263 |
| TOTAL DPF Dedicated Purpose Fund | | | | | 44264 |
| Group | | | $ 158,944,634 | $ 161,878,900 | 44265 |
| Internal Service Activity Fund Group | | | | | 44266 |
| 1950 | 055660 | Workers' Compensation Section | $ 7,416,045 | $ 6,898,040 | 44267 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 7,416,045 | $ 6,898,040 | 44268 |
| Holding Account Fund Group | | | | | 44269 |
| R004 | 055631 | General Holding Account | $ 1,000,000 | $ 1,000,000 | 44270 |

| | | | | | |
|---|---|---|---|---|---|
| R005 | 055632 | Antitrust Settlements | $ 1,000,000 | $ 1,000,000 | 44271 |
| R018 | 055630 | Consumer Frauds | $ 1,000,000 | $ 1,000,000 | 44272 |
| R042 | 055601 | Organized Crime Commission Distributions | $ 750,000 | $ 750,000 | 44273 |
| R054 | 055650 | Collection Payment Redistribution | $ 4,500,000 | $ 4,500,000 | 44274 |
| TOTAL HLD Holding Account | | | | | 44275 |
| Fund Group | | | $ 8,250,000 | $ 8,250,000 | 44276 |
| Federal Fund Group | | | | | 44277 |
| 3060 | 055620 | Medicaid Fraud Control | $ 8,961,419 | $ 8,961,419 | 44278 |
| 3830 | 055634 | Crime Victims Assistance | $ 109,971,344 | $ 110,000,000 | 44279 |
| 3E50 | 055638 | Attorney General Pass-Through Funds | $ 4,017,209 | $ 4,020,999 | 44280 |
| 3FV0 | 055656 | Crime Victim Compensation | $ 4,600,000 | $ 4,600,000 | 44281 |
| 3R60 | 055613 | Attorney General Federal Funds | $ 2,799,999 | $ 2,799,999 | 44282 |
| TOTAL FED Federal Fund Group | | | $ 130,349,971 | $ 130,382,417 | 44283 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 385,390,428 | $ 390,149,305 | 44284 |

**Section 221.20.** OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 44286 44287

Of the foregoing appropriation item 055321, Operating Expenses, $600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 44288 44289 44290 44291 44292 44293 44294

DOMESTIC VIOLENCE PROGRAM

Of the foregoing appropriation item 055321, Operating Expenses, $100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code.

NARCOTICS TASK FORCES

Of the foregoing appropriation item 055321, Operating Expenses, up to $500,000 in each fiscal year shall be used by the Attorney General to support narcotics task forces to be funded through appropriation item 761403, Recovery Ohio Law Enforcement, used by the Department of Public Safety.

BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE RENTAL PAYMENTS

The foregoing appropriation item 055406, BCIRS Lease Rental Payments, shall be used for payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into pursuant to Section 701.40 of Am. Sub. S.B. 310 of the 131st General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the BCIRS.

COUNTY SHERIFFS' PAY SUPPLEMENT

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so

transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

**Section 221.30.** BATTERED WOMEN'S SHELTER

Of the foregoing appropriation item 055501, Rape Crisis Centers, $50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for the cost of operating the commercial kitchen located at its Market Street Facility.

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM

The Attorney General shall maintain the Drug Abuse Response Team Grant Program for the purpose of replicating or expanding successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department, and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County. Any grants awarded by this grant program may include requirements for private or nonprofit matching support.

The foregoing appropriation item 055431, Drug Abuse Response Team Grants, shall be used by the Attorney General to fund grants to law enforcement or other government agencies; the primary purpose of the grants shall be to replicate or expand successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County.

Each recipient of a grant under this program shall, within six months of the end date of the grant, submit a written report describing the outcomes that resulted from the grant to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

WORKERS' COMPENSATION SECTION

The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the fiscal year.

In addition, the Bureau of Workers' Compensation shall transfer payments for the support of the Workers' Compensation Fraud Unit.

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

GENERAL HOLDING ACCOUNT

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety

of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ANTITRUST SETTLEMENTS

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out of court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

COLLECTION PAYMENT REDISTRIBUTION

The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

**Section 223.10.** AUD AUDITOR OF STATE

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 070321 | Operating Expenses | $ 28,528,759 | $ 28,560,583 |
| GRF | 070403 | Fiscal Watch/Emergency Technical Assistance | $ 794,695 | $ 789,029 |
| GRF | 070409 | School District Performance Audits | $ 975,017 | $ 960,000 |
| GRF | 070412 | Local Government Audit Support | $ 10,000,000 | $ 10,000,000 |
| TOTAL GRF General Revenue Fund | | | $ 40,298,471 | $ 40,309,612 |
| Dedicated Purpose Fund Group | | | | |
| 1090 | 070601 | Public Audit Expense - Intrastate | $ 11,184,958 | $ 11,545,067 |
| 4220 | 070602 | Public Audit Expense - Local Government | $ 34,477,707 | $ 35,053,886 |
| 5840 | 070603 | Training Program | $ 482,973 | $ 483,564 |
| 5JZ0 | 070606 | LEAP Revolving Loans | $ 309,359 | $ 310,952 |
| 6750 | 070605 | Uniform Accounting Network | $ 4,191,269 | $ 4,228,178 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 50,646,266 | $ 51,621,647 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 90,944,737 | $ 91,931,259 |

**Section 229.10.** OBM OFFICE OF BUDGET AND MANAGEMENT

| | | | | | |
|---|---|---|---|---|---|
| General Revenue Fund | | | | | 44440 |
| GRF | 042321 | Budget Development and Implementation | $ 3,328,574 | $ 3,389,364 | 44441 |
| GRF | 042425 | Shared Services Development | $ 1,285,250 | $ 1,049,725 | 44442 |
| TOTAL GRF General Revenue Fund | | | $ 4,613,824 | $ 4,439,089 | 44443 |
| Internal Service Activity Fund Group | | | | | 44444 |
| 1050 | 042603 | Financial Management | $ 17,106,380 | $ 16,995,903 | 44445 |
| 1050 | 042620 | Shared Services Operating | $ 6,744,587 | $ 6,543,051 | 44446 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 23,850,967 | $ 23,538,954 | 44447 44448 |
| Fiduciary Fund Group | | | | | 44449 |
| 5EH0 | 042604 | Forgery Recovery | $ 30,000 | $ 30,000 | 44450 |
| TOTAL FID Fiduciary Fund Group | | | $ 30,000 | $ 30,000 | 44451 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 28,494,791 | $ 28,008,043 | 44452 |

**Section 229.20.** AUDIT COSTS 44454

All centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state shall be paid from the foregoing appropriation item 042603, Financial Management. 44455 44456 44457 44458 44459

Costs associated with the audit of the Auditor of State shall be paid from the foregoing appropriation item 042321, Budget Development and Implementation. 44460 44461 44462

SHARED SERVICES CENTER 44463

The foregoing appropriation items 042425, Shared Services Development, and 042620, Shared Services Operating, shall be used by the Director of Budget and Management to support the Shared Services program pursuant to division (D) of section 126.21 of the 44464 44465 44466 44467

Revised Code.

The Director of Budget and Management shall include the recovery of costs to operate the Shared Services program in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers billed to agencies for services rendered using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050).

INTERNAL AUDIT

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program pursuant to section 126.45 of the Revised Code in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers billed to agencies reviewed by the program using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of Fund 1050.

FORGERY RECOVERY

The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of Criminal Identification and Investigation and the Treasurer of State. Upon receipt of funds to cover the reissuance of the warrant, the Director of Budget and Management shall reissue a state warrant of the same amount. Any additional amounts needed to reissue warrants backed by the receipt of funds are hereby appropriated.

**Section 231.10.** CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD

General Revenue Fund

| | | | | | |
|---|---|---|---|---|---|
| GRF | 874100 | Personal Services | $ 3,802,439 | $ 3,819,502 | 44498 |
| GRF | 874320 | Maintenance and Equipment | $ 1,368,765 | $ 1,368,765 | 44499 |
| TOTAL GRF General Revenue Fund | | | $ 5,171,204 | $ 5,188,267 | 44500 |
| Dedicated Purpose Fund Group | | | | | 44501 |
| 2080 | 874601 | Underground Parking Garage Operations | $ 4,245,906 | $ 4,245,906 | 44502 |
| 4G50 | 874603 | Capitol Square Education Center and Arts | $ 6,000 | $ 6,000 | 44503 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 4,251,906 | $ 4,251,906 | 44504 44505 |
| Internal Service Activity Fund Group | | | | | 44506 |
| 4S70 | 874602 | Statehouse Gift Shop/Events | $ 800,000 | $ 800,000 | 44507 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 800,000 | $ 800,000 | 44508 44509 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 10,223,110 | $ 10,240,173 | 44510 |

PERSONAL SERVICES 44511

On July 1, 2019, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874100, Personal Services, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2020. 44512 44513 44514 44515 44516 44517 44518 44519

On July 1, 2020, or as soon as possible thereafter, the Executive Director of the Capital Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874100, Personal Services, at the end of fiscal 44520 44521 44522 44523 44524

year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2021.

MAINTENANCE AND EQUIPMENT

On July 1, 2019, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874320, Maintenance and Equipment, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2020.

On July 1, 2020, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874320, Maintenance and Equipment, at the end of fiscal year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2021.

UNDERGROUND PARKING GARAGE FUND

Notwithstanding division (G) of section 105.41 of the Revised Code and any other provision to the contrary, moneys in the Underground Parking Garage Fund (Fund 2080) may be used for personnel and operating costs related to the operations of the Statehouse and the Statehouse Underground Parking Garage.

HOUSE AND SENATE PARKING REIMBURSEMENT

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer $500,000 cash from the General Revenue Fund to the Underground Parking Garage Fund (Fund 2080). The amounts transferred under

this section shall be used to reimburse the Capitol Square Review and Advisory Board for legislative parking costs.

**Section 233.10.** SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | |
| 4K90 233601 | Operating Expenses | $ 540,260 | $ 540,260 | |
| TOTAL DPF Dedicated Purpose Fund Group | | $ 540,260 | $ 540,260 | |
| TOTAL ALL BUDGET FUND GROUPS | | $ 540,260 | $ 540,260 | |

**Section 235.10.** CAC CASINO CONTROL COMMISSION

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | |
| 5HS0 955321 | Operating Expenses | $ 13,180,629 | $ 13,673,127 | |
| 5NU0 955601 | Casino Commission Enforcement | $ 250,000 | $ 250,000 | |
| TOTAL DPF Dedicated Purpose Fund Group | | $ 13,430,629 | $ 13,923,127 | |
| TOTAL ALL BUDGET FUND GROUPS | | $ 13,430,629 | $ 13,923,127 | |

**Section 237.10.** CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | |
| 4K90 930609 | Operating Expenses | $ 651,167 | $ 664,212 | |
| TOTAL DPF Dedicated Purpose Fund Group | | $ 651,167 | $ 664,212 | |
| TOTAL ALL BUDGET FUND GROUPS | | $ 651,167 | $ 664,212 | |

**Section 239.10.** CHR STATE CHIROPRACTIC BOARD

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | |
| 4K90 878609 | Operating Expenses | $ 605,251 | $ 622,000 | |
| TOTAL DPF Dedicated Purpose Fund Group | | $ 605,251 | $ 622,000 | |

| | | | | | |
|---|---|---|---|---|---|
| TOTAL ALL BUDGET FUND GROUPS | | | $ 605,251 | $ 622,000 | 44582 |
| **Section 241.10.** CIV OHIO CIVIL RIGHTS COMMISSION | | | | | 44584 |
| General Revenue Fund | | | | | 44585 |
| GRF | 876321 | Operating Expenses | $ 5,863,161 | $ 5,863,161 | 44586 |
| TOTAL GRF General Revenue Fund | | | $ 5,863,161 | $ 5,863,161 | 44587 |
| Dedicated Purpose Fund Group | | | | | 44588 |
| 2170 | 876604 | Operations Support | $ 3,000 | $ 3,000 | 44589 |
| TOTAL DPF Internal Service Activity Fund Group | | | $ 3,000 | $ 3,000 | 44590<br>44591 |
| Federal Fund Group | | | | | 44592 |
| 3340 | 876601 | Federal Programs | $ 3,555,504 | $ 3,908,497 | 44593 |
| TOTAL FED Federal Special Revenue Fund Group | | | $ 3,555,504 | $ 3,908,497 | 44594<br>44595 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 9,421,665 | $ 9,774,658 | 44596 |
| **Section 243.10.** COM DEPARTMENT OF COMMERCE | | | | | 44598 |
| Dedicated Purpose Fund Group | | | | | 44599 |
| 4B20 | 800631 | Real Estate Appraisal Recovery | $ 35,000 | $ 35,000 | 44600 |
| 4H90 | 800608 | Cemeteries | $ 302,250 | $ 313,466 | 44601 |
| 4X20 | 800619 | Financial Institutions | $ 1,914,631 | $ 1,980,213 | 44602 |
| 5430 | 800602 | Unclaimed Funds-Operating | $ 10,452,421 | $ 10,465,295 | 44603 |
| 5430 | 800625 | Unclaimed Funds-Claims | $ 70,000,000 | $ 70,000,000 | 44604 |
| 5440 | 800612 | Banks | $ 10,154,147 | $ 10,688,048 | 44605 |
| 5460 | 800610 | Fire Marshal | $ 20,436,641 | $ 21,090,755 | 44606 |
| 5460 | 800639 | Fire Department Grants | $ 5,200,000 | $ 5,200,000 | 44607 |
| 5470 | 800603 | Real Estate Education/Research | $ 69,655 | $ 69,655 | 44608 |
| 5480 | 800611 | Real Estate Recovery | $ 50,000 | $ 50,000 | 44609 |
| 5490 | 800614 | Real Estate | $ 3,876,514 | $ 4,067,513 | 44610 |

| | | | | | |
|---|---|---|---|---|---|
| 5500 | 800617 | Securities | $ 6,165,054 | $ 6,363,135 | 44611 |
| 5520 | 800604 | Credit Union | $ 3,719,253 | $ 3,807,712 | 44612 |
| 5530 | 800607 | Consumer Finance | $ 5,465,720 | $ 5,777,988 | 44613 |
| 5560 | 800615 | Industrial Compliance | $ 30,729,000 | $ 30,729,000 | 44614 |
| 5F10 | 800635 | Small Government Fire Departments | $ 300,000 | $ 300,000 | 44615 |
| 5FW0 | 800616 | Financial Literacy Education | $ 150,000 | $ 150,000 | 44616 |
| 5GK0 | 800609 | Securities Investor Education/Enforcement | $ 2,178,400 | $ 2,182,150 | 44617 |
| 5HV0 | 800641 | Cigarette Enforcement | $ 27,324 | $ 27,324 | 44618 |
| 5LC0 | 800644 | Liquor JobsOhio Extraordinary Allowance | $ 788,204 | $ 788,204 | 44619 |
| 5LN0 | 800645 | Liquor Operating Services | $ 19,540,125 | $ 19,705,103 | 44620 |
| 5LP0 | 800646 | Liquor Regulatory Operating Expenses | $ 15,918,941 | $ 14,787,281 | 44621 |
| 5SE0 | 800651 | Cemetery Grant Program | $ 100,000 | $ 100,000 | 44622 |
| 5SJ0 | 800648 | Volunteer Peace Officers' Dependent Fund | $ 50,000 | $ 50,000 | 44623 |
| 5SU0 | 800649 | Manufactured Homes Regulation | $ 260,550 | $ 270,478 | 44624 |
| 5SY0 | 800650 | Medical Marijuana Control Program | $ 6,435,897 | $ 5,121,000 | 44625 |
| 5VC0 | 800652 | Real Estate Home Inspector Operating | $ 490,000 | $ 490,000 | 44626 |
| 5VD0 | 800653 | Real Estate Home Inspector Recovery | $ 10,000 | $ 10,000 | 44627 |
| 5X60 | 800623 | Video Service | $ 416,732 | $ 412,693 | 44628 |
| 6530 | 800629 | UST Registration/Permit Fee | $ 2,316,230 | $ 2,301,714 | 44629 |
| 6A40 | 800630 | Real Estate | $ 1,299,071 | $ 1,336,056 | 44630 |

| | | | | |
|---|---|---|---|---|
| | | Appraiser-Operating | | |
| TOTAL DPF Dedicated Purpose | | | | 44631 |
| Fund Group | | $ 218,851,760 | $ 218,669,783 | 44632 |
| Internal Service Activity Fund Group | | | | 44633 |
| 1630 | 800620 | Division of Administration | $ 8,558,140 | $ 8,364,140 | 44634 |
| 1630 | 800637 | Information Technology | $ 8,601,860 | $ 8,985,860 | 44635 |
| TOTAL ISA Internal Service Activity | | | | | 44636 |
| Fund Group | | | $ 17,160,000 | $ 17,350,000 | 44637 |
| Federal Fund Group | | | | | 44638 |
| 3480 | 800622 | Underground Storage Tanks | $ 820,675 | $ 805,112 | 44639 |
| 3480 | 800624 | Leaking Underground Storage Tanks | $ 1,950,000 | $ 1,949,887 | 44640 |
| TOTAL FED Federal Fund Group | | | $ 2,770,675 | $ 2,754,999 | 44641 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 238,782,435 | $ 238,774,782 | 44642 |

**Section 243.20.** UNCLAIMED FUNDS PAYMENTS 44644

The foregoing appropriation item 800625, Unclaimed Funds-Claims, shall be used to pay claims under section 169.08 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such increases are hereby appropriated. 44645 44646 44647 44648 44649 44650 44651

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 44652

The foregoing appropriation item 800631, Real Estate Appraiser Recovery, shall be used to pay settlements, judgments, and court orders under section 4763.16 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and 44653 44654 44655 44656 44657 44658

Management increase such amounts. Such increases are hereby appropriated.

The foregoing appropriation item 800611, Real Estate Recovery, shall be used to pay settlements, judgments, and court orders under section 4735.12 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such increases are hereby appropriated.

FIRE DEPARTMENT GRANTS

(A) The foregoing appropriation item 800639, Fire Department Grants, shall be used to make annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. For the purposes of these grants, a private fire company, as that phrase is defined in section 9.60 of the Revised Code, that is providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant.

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based

upon each applicant's contribution to and demonstrated need for fire protection services. For the purpose of this grant program, an eligible recipient or any firefighting entity that is contracted to serve an eligible recipient may only file, be listed as joint applicant, or be designated as a service provider on one grant application per fiscal year.

If the grant awarded to joint applicants is an equipment grant and the equipment to be purchased cannot be readily distributed or possessed by multiple recipients, each of the joint applicants shall be awarded by the State Fire Marshal an ownership interest in the equipment so purchased in proportion to each applicant's contribution to and demonstrated need for fire protection services. The joint applicants shall then mutually agree on how the equipment is to be maintained, operated, stored, or disposed of. If, for any reason, the joint applicants cannot agree as to how jointly owned equipment is to be maintained, operated, stored, or disposed of or any of the joint applicants no longer maintain a contract with the same fire protection service provider as the other applicants, then the joint applicants shall, with the assistance of the State Fire Marshal, mutually agree as to how the jointly owned equipment is to be maintained, operated, stored, disposed of, or owned. If the joint applicants cannot agree how the grant equipment is to be maintained, operated, stored, disposed of, or owned, the State Fire Marshal may, in its discretion, require all of the equipment acquired by the joint applicants with grant funds to be returned to the State Fire Marshal. The State Fire Marshal may then award the returned equipment to any eligible recipients. For this paragraph only, an "equipment grant" also includes a MARCS Grant.

(B) Except as otherwise provided in this section, the grants shall be used by recipients to purchase firefighting or rescue equipment or gear or similar items, to provide full or partial

reimbursement for the documented costs of firefighter training, or, at the discretion of the State Fire Marshal, to cover fire department costs for providing fire protection services in that grant recipient's jurisdiction.

(1) Of the foregoing appropriation item 800639, Fire Department Grants, up to $1,000,000 per fiscal year may be used to pay for the State Fire Marshal's costs of providing firefighter I certification classes or other firefighter classes approved by the State Fire Marshal at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to $3,000,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to cover costs for accessing MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to $50,000 in each fiscal year per eligible recipient. Each eligible recipient may apply, as a separate entity or as a part of a joint application, for only one MARCS Grant per fiscal year. The State Fire Marshal may give a preference to MARCS Grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and that is adjacent to the applicant.

Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

(3) Grant awards for firefighting or rescue equipment or gear or for fire department costs of providing fire protection services shall be up to $15,000 per fiscal year, or up to $25,000 per fiscal year if an eligible entity serves a jurisdiction in which the Governor declared a natural disaster during the preceding or current fiscal year in which the grant was awarded. In addition to any grant funds awarded for rescue equipment or gear, or for fire department costs associated with the provision of fire protection services, an eligible entity may receive a grant for up to $15,000 per fiscal year for full or partial reimbursement of the documented costs of firefighter training. For each fiscal year, the State Fire Marshal shall determine the total amounts to be allocated for each eligible purpose.

(C) The grants shall be administered by the State Fire Marshal in accordance with rules the State Fire Marshal adopts as part of the state fire code adopted pursuant to section 3737.82 of the Revised Code that are necessary for the administration and operation of the grant program. The rules may further define the entities eligible to receive grants and establish criteria for the awarding and expenditure of grant funds, including methods the State Fire Marshal may use to verify the proper use of grant funds or to obtain reimbursement for or the return of equipment for improperly used grant funds. To the extent consistent with this section and until the rules are updated, the existing rules in the state fire code adopted pursuant to section 3737.82 of the Revised Code for fire department grants under this section apply to MARCS Grants. Any amounts in appropriation item 800639, Fire Department Grants, in excess of the amount allocated for these grants may be

used for the administration of the grant program.

**Section 243.30.** CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND

Upon the written request of the Director of Commerce, the Director of Budget and Management may transfer up to $500,000 in cash from the Real Estate Education and Research Fund (Fund 5470) to the Division of Real Estate Operating Fund (Fund 5490) during the biennium ending June 30, 2021.

If the Real Estate Recovery Fund (Fund 5480) cash balance exceeds $250,000 during the biennium ending June 30, 2021, the Director of Budget and Management, upon the written request of the Director of Commerce, may transfer cash from Fund 5480 to the Division of Real Estate Operating Fund (Fund 5490), such that the amount available in Fund 5480 is not less than $250,000.

CASH TRANSFERS TO REAL ESTATE APPRAISER OPERATING FUND

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash balance exceeds $200,000 during the biennium ending June 30, 2021, the Director of Budget and Management, upon the written request of the Director of Commerce, may transfer cash from Fund 4B20 to the Real Estate Appraiser Operating Fund (Fund 6A40), such that the amount available in Fund 4B20 is not less than $200,000.

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES REVOLVING LOAN FUND

Upon the written request of the Director of Commerce, the Director of Budget and Management may transfer up to $300,000 in cash from the State Fire Marshal Fund (Fund 5460) to the Small Government Fire Department Services Revolving Loan Fund (Fund 5F10) during the biennium ending June 30, 2021.

CASH TRANSFERS TO THE HOME INSPECTOR OPERATING FUND AND THE HOME INSPECTOR RECOVERY FUND

During the biennium beginning July 1, 2019, and ending June 30, 2021, and upon written request from the Director of Commerce, the Director of Budget and Management may transfer up to $500,000 in cash from the Division of Securities Fund (Fund 5500) as follows: up to $490,000 in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to $10,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0). When revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed sufficient to sustain operations, the Director of Budget and Management, in consultation with the Director of Commerce, shall establish a repayment schedule to fully repay the cash transferred from Fund 5500 to Fund 5VC0 and Fund 5VD0.

**Section 245.10.** OCC OFFICE OF CONSUMERS' COUNSEL

| | | | | | |
|---|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | | |
| 5F50 | 053601 | Operating Expenses | $ 5,541,093 | $ 5,541,093 | |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 5,541,093 | $ 5,541,093 | |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 5,541,093 | $ 5,541,093 | |

**Section 247.10.** CEB CONTROLLING BOARD

| | | | | | |
|---|---|---|---|---|---|
| Internal Service Activity Fund Group | | | | | |
| 5KM0 | 911614 | Controlling Board Emergency Purposes/Contingencies | $ 7,500,000 | $ 7,500,000 | |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 7,500,000 | $ 7,500,000 | |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 7,500,000 | $ 7,500,000 | |

**Section 247.20.** FEDERAL SHARE

In transferring appropriations to or from appropriation items that have federal shares identified in this act, the Controlling

Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in this act. Such changes are hereby appropriated.

DISASTER SERVICES

The Disaster Services Fund (Fund 5E20) shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash used for the payment of state agency disaster relief program expenses for disasters that have a written Governor's authorization, if the Director of Budget and Management determines that sufficient funds exist.

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve cash transfers from Fund 5E20 to any fund used by the Department of Public Safety to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These cash transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the cash to fund the State Disaster Relief Program for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

**Section 249.10.** COS COSMETOLOGY AND BARBER BOARD

Dedicated Purpose Fund Group

| | | | | |
|---|---|---|---|---|
| 4K90 879609 | Operating Expenses | $ 5,425,748 | $ 5,716,944 | 44874 |
| TOTAL DPF Dedicated Purpose Fund Group | | $ 5,425,748 | $ 5,716,944 | 44875 |
| TOTAL ALL BUDGET FUND GROUPS | | $ 5,425,748 | $ 5,716,944 | 44876 |

**Section 251.10.** CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD 44878 44879

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | 44880 |
| 4K90 899609 | Operating Expenses | $ 1,739,538 | $ 1,854,848 | 44881 |
| TOTAL DPF Dedicated Purpose Fund Group | | $ 1,739,538 | $ 1,854,848 | 44882 |
| TOTAL ALL BUDGET FUND GROUPS | | $ 1,739,538 | $ 1,854,848 | 44883 |

**Section 253.10.** CLA COURT OF CLAIMS 44885

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | 44886 |
| GRF 015321 | Operating Expenses | $ 2,669,835 | $ 2,692,946 | 44887 |
| GRF 015403 | Public Records Adjudication | $ 879,776 | $ 886,527 | 44888 |
| TOTAL GRF General Revenue Fund | | $ 3,549,611 | $ 3,579,473 | 44889 |
| Dedicated Purpose Fund Group | | | | 44890 |
| 5K20 015603 | CLA Victims of Crime | $ 529,928 | $ 533,532 | 44891 |
| 5TE0 015604 | Public Records | $ 8,000 | $ 8,000 | 44892 |
| TOTAL DPF Dedicated Purpose Fund Group | | $ 537,928 | $ 541,532 | 44893 |
| TOTAL ALL BUDGET FUND GROUPS | | $ 4,087,539 | $ 4,121,005 | 44894 |

**Section 255.10.** DEN STATE DENTAL BOARD 44896

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | 44897 |
| 4K90 880609 | Operating Expenses | $ 2,000,804 | $ 2,124,251 | 44898 |
| TOTAL DPF Dedicated Purpose Fund Group | | $ 2,000,804 | $ 2,124,251 | 44899 |
| TOTAL ALL BUDGET FUND GROUPS | | $ 2,000,804 | $ 2,124,251 | 44900 |

**Section 257.10.** BDP BOARD OF DEPOSIT

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | |
| 4M20 | 974601 | Board of Deposit | $ 1,876,000 | $ 1,876,000 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 1,876,000 | $ 1,876,000 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 1,876,000 | $ 1,876,000 |

BOARD OF DEPOSIT EXPENSE FUND

Upon receiving certification of expenses from the Treasurer of State, the Director of Budget and Management shall transfer cash from the Investment Earnings Redistribution Fund (Fund 6080) to the Board of Deposit Expense Fund (Fund 4M20). The latter fund shall be used pursuant to section 135.02 of the Revised Code to pay for any and all necessary expenses of the Board of Deposit or for banking charges and fees required for the operation of the State of Ohio Regular Account.

**Section 259.10.** DEV DEVELOPMENT SERVICES AGENCY

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 195402 | Coal Research and Development Program | $ 227,368 | $ 227,368 |
| GRF | 195405 | Minority Business Development | $ 1,696,358 | $ 1,696,358 |
| GRF | 195415 | Business Development Services | $ 2,102,021 | $ 2,149,281 |
| GRF | 195426 | Redevelopment Assistance | $ 1,067,000 | $ 1,067,000 |
| GRF | 195453 | Technology Programs and Grants | $ 1,843,656 | $ 1,900,000 |
| GRF | 195454 | Small Business and Export Assistance | $ 3,057,174 | $ 3,057,174 |
| GRF | 195455 | Appalachia Assistance | $ 9,991,465 | $ 10,000,000 |

| | | | | | |
|---|---|---|---|---|---|
| GRF | 195497 | CDBG Operating Match | $ 1,092,138 | $ 1,125,000 | 44925 |
| GRF | 195499 | BSD Federal Programs Match | $ 13,148,022 | $ 12,976,894 | 44926 |
| GRF | 195553 | Industry Sector Partnerships | $ 2,500,000 | $ 2,500,000 | 44927 |
| GRF | 195901 | Coal Research and Development General Obligation Bond Debt Service | $ 8,123,100 | $ 7,682,600 | 44928 |
| GRF | 195905 | Third Frontier Research and Development General Obligation Bond Debt Service | $ 84,181,400 | $ 87,403,000 | 44929 |
| GRF | 195912 | Job Ready Site Development General Obligation Bond Debt Service | $ 15,516,000 | $ 9,879,900 | 44930 |
| TOTAL GRF General Revenue Fund | | | $ 144,545,702 | $ 141,664,575 | 44931 |
| Dedicated Purpose Fund Group | | | | | 44932 |
| 4500 | 195624 | Minority Business Bonding Program Administration | $ 74,905 | $ 74,905 | 44933 |
| 4510 | 195649 | Business Assistance Programs | $ 4,000,000 | $ 4,000,000 | 44934 |
| 4F20 | 195639 | State Special Projects | $ 102,104 | $ 102,104 | 44935 |
| 4F20 | 195699 | Utility Community Assistance | $ 500,000 | $ 500,000 | 44936 |
| 4W10 | 195646 | Minority Business Enterprise Loan | $ 4,000,000 | $ 4,000,000 | 44937 |
| 5JR0 | 195635 | Tax Incentives Operating | $ 800,000 | $ 800,000 | 44938 |
| 5KP0 | 195645 | Historic | $ 1,000,000 | $ 1,000,000 | 44939 |

| | | | | | |
|---|---|---|---|---|---|
| | | Rehabilitation Operating | | | |
| 5M40 | 195659 | Low Income Energy Assistance (USF) | $ 349,944,742 | $ 350,000,000 | 44940 |
| 5M50 | 195660 | Advanced Energy Loan Programs | $ 10,000,000 | $ 10,000,000 | 44941 |
| 5MH0 | 195644 | SiteOhio Administration | $ 2,500 | $ 2,500 | 44942 |
| 5MJ0 | 195683 | TourismOhio Administration | $ 10,000,000 | $ 10,000,000 | 44943 |
| 5UL0 | 195627 | Brownfields Revolving Loan Program | $ 2,500,000 | $ 2,500,000 | 44944 |
| 5VK0 | 195555 | Industry-Recognized Credentials | $ 15,000,000 | $ 15,000,000 | 44945 |
| 5W60 | 195691 | International Trade Cooperative Projects | $ 18,000 | $ 18,000 | 44946 |
| 6170 | 195654 | Volume Cap Administration | $ 32,562 | $ 32,562 | 44947 |
| 6460 | 195638 | Low- and Moderate-Income Housing Programs | $ 53,000,000 | $ 53,000,000 | 44948 |
| M087 | 195435 | Biomedical Research and Technology Transfer | $ 500,000 | $ 500,000 | 44949 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 451,474,813 | $ 451,530,071 | 44950 |
| Internal Service Activity Fund Group | | | | | 44951 |
| 1350 | 195684 | Development Services Operations | $ 11,686,861 | $ 12,000,000 | 44952 |
| 6850 | 195636 | Development Services Reimbursable Expenditures | $ 125,000 | $ 125,000 | 44953 |
| TOTAL ISA Internal Service Activity | | | $ 11,811,861 | $ 12,125,000 | 44954 |

| | | | | | |
|---|---|---|---|---|---|
| Fund Group | | | | | |
| Facilities Establishment Fund Group | | | | | 44955 |
| 5S90 | 195628 | Capital Access Loan Program | $ 2,500,000 | $ 2,500,000 | 44956 |
| 7009 | 195664 | Innovation Ohio | $ 5,000,000 | $ 5,000,000 | 44957 |
| 7010 | 195665 | Research and Development | $ 5,000,000 | $ 5,000,000 | 44958 |
| 7037 | 195615 | Facilities Establishment | $ 25,000,000 | $ 25,000,000 | 44959 |
| TOTAL FCE Facilities Establishment Fund Group | | | $ 37,500,000 | $ 37,500,000 | 44960 |
| Bond Research and Development Fund Group | | | | | 44961 |
| 7011 | 195686 | Third Frontier Tax Exempt - Operating | $ 750,000 | $ 750,000 | 44962 |
| 7011 | 195687 | Third Frontier Research and Development Projects | $ 21,000,000 | $ 21,000,000 | 44963 |
| 7014 | 195620 | Third Frontier Taxable - Operating | $ 1,710,000 | $ 1,710,000 | 44964 |
| 7014 | 195692 | Research and Development Taxable Bond Projects | $ 90,850,250 | $ 90,850,250 | 44965 |
| TOTAL BRD Bond Research and Development Fund Group | | | $ 114,310,250 | $ 114,310,250 | 44966 |
| Federal Fund Group | | | | | 44967 |
| 3080 | 195603 | Housing Assistance Programs | $ 12,000,000 | $ 12,000,000 | 44968 |
| 3080 | 195609 | Small Business Administration Grants | $ 5,271,381 | $ 5,271,381 | 44969 |
| 3080 | 195618 | Energy Grants | $ 4,000,000 | $ 4,000,000 | 44970 |
| 3080 | 195670 | Home Weatherization Program | $ 20,000,000 | $ 20,000,000 | 44971 |

| | | | | | |
|---|---|---|---|---|---|
| 3080 | 195671 | Brownfield Redevelopment | $ 2,000,000 | $ 2,000,000 | 44972 |
| 3080 | 195672 | Manufacturing Extension Partnership | $ 6,300,000 | $ 6,300,000 | 44973 |
| 3080 | 195675 | Procurement Technical Assistance | $ 750,000 | $ 750,000 | 44974 |
| 3080 | 195696 | State Trade and Export Promotion | $ 1,000,000 | $ 1,000,000 | 44975 |
| 3350 | 195610 | Energy Programs | $ 345,382 | $ 350,000 | 44976 |
| 3AE0 | 195643 | Workforce Development Initiatives | $ 800,000 | $ 800,000 | 44977 |
| 3FJ0 | 195626 | Small Business Capital Access and Collateral Enhancement Program | $ 7,996,645 | $ 8,000,000 | 44978 |
| 3FJ0 | 195661 | Technology Targeted Investment Program | $ 2,260,953 | $ 2,260,953 | 44979 |
| 3K80 | 195613 | Community Development Block Grant | $ 60,000,000 | $ 60,000,000 | 44980 |
| 3K90 | 195611 | Home Energy Assistance Block Grant | $ 164,914,571 | $ 165,000,000 | 44981 |
| 3K90 | 195614 | HEAP Weatherization | $ 34,989,189 | $ 35,000,000 | 44982 |
| 3L00 | 195612 | Community Services Block Grant | $ 28,000,000 | $ 28,000,000 | 44983 |
| 3V10 | 195601 | HOME Program | $ 34,979,280 | $ 35,000,000 | 44984 |
| TOTAL FED Federal Fund Group | | | $ 385,607,401 | $ 385,732,334 | 44985 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 1,145,250,027 | $ 1,142,862,230 | 44986 |

**Section 259.20.** COAL RESEARCH AND DEVELOPMENT PROGRAM 44988

The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal 44989 44990 44991

Development Office.

MINORITY BUSINESS DEVELOPMENT

The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation item 195454, Small Business and Export Assistance.

BUSINESS DEVELOPMENT SERVICES

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Office of Strategic Business Investments and the regional economic development offices.

REDEVELOPMENT ASSISTANCE

The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other revitalization programs that may be implemented by the Development Services Agency, and may be used to match federal grant funding.

TECHNOLOGY PROGRAMS AND GRANTS

The foregoing appropriation item 195453, Technology Programs and Grants, shall be used for operating expenses incurred in administering the Ohio Third Frontier Programs and other technology focused programs that may be implemented by the Development Services Agency.

SMALL BUSINESS AND EXPORT ASSISTANCE

The foregoing appropriation item 195454, Small Business and Export Assistance, may be used to provide a range of business assistance, including grants to local organizations to support

economic development activities that promote small business development, entrepreneurship, and exports of Ohio's goods and services, in conjunction with local organizations funded through appropriation item 195405, Minority Business Development. The foregoing appropriation item shall also be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and regulations and policy guidelines for the programs pursuant thereto.

APPALACHIA ASSISTANCE

The foregoing GRF appropriation item 195455, Appalachia Assistance, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, to support four local development districts, and to pay dues for the Appalachian Regional Commission. These funds may be used to match federal funds from the Appalachian Regional Commission. Programs funded through the foregoing appropriation item 195455, Appalachia Assistance, shall be identified and recommended by the local development districts and approved by the Governor's Office of Appalachia. The Development Services Agency shall conduct compliance and regulatory review of the programs recommended by the local development districts. Moneys allocated under the foregoing appropriation item 195455, Appalachia Assistance, may be used to fund projects including, but not limited to, those designated by the local development districts as community investment and rapid response projects.

Of the foregoing appropriation item 195455, Appalachia Assistance, in each fiscal year, $170,000 shall be allocated to the Ohio Valley Regional Development Commission, $170,000 shall be allocated to the Ohio Mid-Eastern Government Association, $170,000 shall be allocated to the Buckeye Hills-Hocking Valley Regional

Development District, and $70,000 shall be allocated to the Eastgate Regional Council of Governments. Local development districts receiving funding under this section shall use the funds for the implementation and administration of programs and duties under section 107.21 of the Revised Code.

Of the foregoing appropriation item 195455, Appalachia Assistance, up to $4,000,000 in each fiscal year shall be allocated to the GRIT Project for operational costs and to provide virtual job training, virtual job centers, and related training and services consistent with the mission of the GRIT Project for high school students and adults residing in Adams, Brown, Highland, Pike, or Scioto counties.

CDBG OPERATING MATCH

The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.

BSD FEDERAL PROGRAMS MATCH

The foregoing appropriation item 195499, BSD Federal Programs Match, shall be used as matching funds for grants from the U.S. Department of Commerce, National Institute of Standards and Technology (NIST) Manufacturing Extension Partnership Program and Defense Logistics Agency Procurement Technical Assistance Program, and other federal agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and regulations and policy guidelines for the programs pursuant thereto. The foregoing appropriation item 195499, BSD Federal Programs Match, shall also be used for operating expenses of the Business Services Division.

INDUSTRY SECTOR PARTNERSHIPS

The foregoing appropriation item 195553, Industry Sector

Partnerships, shall be used by the Development Services Agency, in consultation with the Governor's Office of Workforce Transformation, to create and administer a grant program to support regional industry sector partnerships. The Agency, in consultation with the Office, shall establish a system for evaluating and scoring grant applications received under the program. Priority shall be given to partnerships that demonstrate a plan to coordinate regional job training efforts and workforce solutions.

**Section 259.25.** COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2019, through June 30, 2021, on obligations issued under sections 151.01 and 151.07 of the Revised Code.

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 195905, Third Frontier Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2019, through June 30, 2021, on obligations issued under sections 151.01 and 151.10 of the Revised Code.

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 195912, Job Ready Site Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2019, through June 30, 2021, on obligations issued

under sections 151.01 and 151.11 of the Revised Code.

**Section 259.30.** MINORITY BUSINESS BONDING FUND

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development Services may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to $10,000,000 in the FY 2020-FY 2021 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code.

If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management may, at the request of the Director of Development Services, request that the Director of Commerce transfer unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code to the Minority Bonding Fund (Fund 4490). The transfer of unclaimed funds shall only occur after proceeds of the initial transfer of $2,700,000 by the Controlling Board to the Minority Business Bonding Program have been used for that purpose. If expenditures are required for payment of losses arising from the Minority Business Bonding Program, such expenditures shall be made from appropriation item 195658, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are hereby appropriated.

BUSINESS ASSISTANCE PROGRAMS

The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of loan incentives within the Office of Strategic Business Investments.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for

the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited may also be used to match federal funding and to support programs of the Community Service Division.

MINORITY BUSINESS ENTERPRISE LOAN

The foregoing appropriation item 195646, Minority Business Enterprise Loan, shall be used for awards under the Minority Business Enterprise Loan Program and to cover operating expenses of the Minority Business Development Division. All repayments from the Minority Development Financing Advisory Board Loan Program shall be deposited in the State Treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10).

ADVANCED ENERGY LOAN PROGRAMS

The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers. The appropriation item may be used to match federal grant funding and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted by the Director of Development Services.

INDUSTRY-RECOGNIZED CREDENTIALS

The foregoing appropriation item 195555, Industry-Recognized Credentials, shall be used to establish a financial assistance program to support students who are enrolled in a post-secondary education or training provider program that may be completed in less than one year and for which college credit, a certificate, or an industry-recognized credential is awarded. The Director of Development Services, in consultation with the Chancellor of Higher Education, may adopt rules governing the administration and

criteria for making awards under this program.

VOLUME CAP ADMINISTRATION

The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.

**Section 259.40.** DEVELOPMENT SERVICES OPERATIONS

The Director of Development Services may assess offices of the agency for the cost of central service operations. An assessment shall contain the characteristics of administrative ease and uniform application. A division's payments shall be credited to the Supportive Services Fund (Fund 1350) using an intrastate transfer voucher.

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES

The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the agency. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440).

**Section 259.50.** CAPITAL ACCESS LOAN PROGRAM

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Funds of the Capital Access Loan Program shall be used to assist participating financial institutions in making program loans to eligible businesses that face barriers in

accessing working capital and obtaining fixed-asset financing.

The Director of Budget and Management may transfer an amount not to exceed $1,000,000 cash in each fiscal year from the Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital Access Loan Fund (Fund 5S90).

INNOVATION OHIO

The foregoing appropriation item 195664, Innovation Ohio, shall be used to provide for Innovation Ohio purposes, including loan guarantees and loans under Chapter 166. and particularly sections 166.12 to 166.16 of the Revised Code.

RESEARCH AND DEVELOPMENT

The foregoing appropriation item 195665, Research and Development, shall be used to provide for research and development purposes, including loans, under Chapter 166. and particularly sections 166.17 to 166.21 of the Revised Code.

FACILITIES ESTABLISHMENT

The foregoing appropriation item 195615, Facilities Establishment, shall be used for the purposes of the Facilities Establishment Fund (Fund 7037) under Chapter 166. of the Revised Code.

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed $3,500,000 in cash in each fiscal year may be transferred from the Facilities Establishment Fund (Fund 7037) to the Business Assistance Fund (Fund 4510). The transfer is subject to Controlling Board approval under division (B) of section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed $2,000,000 in cash in each fiscal year from the Facilities

Establishment Fund (Fund 7037) to the Minority Business Enterprise Loan Fund (Fund 4W10).

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed $2,000,000 in cash in each fiscal year from the Facilities Establishment Fund (Fund 7037) to the Capital Access Loan Fund (Fund 5S90).

**Section 259.60.** THIRD FRONTIER OPERATING COSTS

The foregoing appropriation items 195686, Third Frontier Tax Exempt - Operating, and 195620, Third Frontier Taxable - Operating, shall be used for operating expenses incurred by the Development Services Agency in administering projects pursuant to sections 184.10 to 184.20 of the Revised Code. Operating expenses paid from appropriation item 195686 shall be limited to the administration of projects funded from the Third Frontier Research & Development Fund (Fund 7011) and operating expenses paid from appropriation item 195620 shall be limited to the administration of projects funded from the Third Frontier Research & Development Taxable Bond Project Fund (Fund 7014).

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT PROJECTS

The foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, shall be used by the Development Services Agency to fund selected projects which may include internship programs. Eligible costs are those costs of research and development projects to which the proceeds of the Third Frontier Research & Development Fund (Fund 7011) and the Research & Development Taxable Bond Project Fund (Fund 7014) are to be applied.

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may approve written requests from the Director of Development Services for the transfer of appropriations between appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission.

In fiscal year 2021, the Director of Development Services may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balances of the prior fiscal year's appropriation to the foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, for fiscal year 2021. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development Services shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall determine the amounts to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2021.

**Section 259.70.** HEAP WEATHERIZATION

Up to twenty per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development Services.

**Section 261.10.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES

General Revenue Fund

| | | | | |
|---|---|---|---|---|
| GRF | 320412 | Protective Services | $ 2,381,923 | $ 2,381,923 |

| | | | | | |
|---|---|---|---|---|---|
| GRF | 320415 | Developmental Disabilities Facilities Lease Rental Bond Payments | $ 19,695,400 | $ 20,369,000 | 45295 |
| GRF | 322420 | Screening and Early Identification | $ 300,000 | $ 300,000 | 45296 |
| GRF | 322421 | Part C Early Intervention | $ 23,236,369 | $ 23,302,224 | 45297 |
| GRF | 322422 | Multi System Youth | $ 1,000,000 | $ 1,000,000 | 45298 |
| GRF | 322451 | Family Support Services | $ 5,843,767 | $ 5,843,767 | 45299 |
| GRF | 322508 | Employment First Initiative | $ 2,747,327 | $ 2,730,015 | 45300 |
| GRF | 322509 | Community Supports & Rental Assistance | $ 727,500 | $ 727,500 | 45301 |
| GRF | 653321 | Medicaid Program Support - State | $ 7,076,877 | $ 7,078,860 | 45302 |
| GRF | 653407 | Medicaid Services | $ 654,394,484 | $ 655,368,800 | 45303 |
| TOTAL GRF General Revenue Fund | | | $ 717,403,647 | $ 719,102,089 | 45304 |
| Dedicated Purpose Fund Group | | | | | 45305 |
| 2210 | 322620 | Supplement Service Trust | $ 500,000 | $ 500,000 | 45306 |
| 4890 | 653632 | Developmental Centers Direct Care Services | $ 7,000,000 | $ 7,000,000 | 45307 |
| 5DK0 | 322629 | Capital Replacement Facilities | $ 750,000 | $ 750,000 | 45308 |
| 5EV0 | 653627 | Medicaid Program Support | $ 1,750,000 | $ 1,750,000 | 45309 |
| 5GE0 | 320606 | Central Office Operating Expenses | $ 18,501,132 | $ 20,501,132 | 45310 |
| 5GE0 | 653606 | ICF/IID and Waiver Match | $ 42,000,000 | $ 56,000,000 | 45311 |
| 5H00 | 322619 | Medicaid Repayment | $ 900,000 | $ 900,000 | 45312 |

| | | | | | |
|---|---|---|---|---|---|
| 5QM0 | 320607 | System Transformation Supports | $ 250,000 | $ 100,000 | 45313 |
| 5S20 | 653622 | Medicaid Administration & Oversight | $ 25,220,326 | $ 27,237,952 | 45314 |
| 5Z10 | 653624 | County Board Waiver Match | $ 362,680,330 | $ 426,668,369 | 45315 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 459,551,788 | $ 541,407,453 | 45316 |
| Internal Service Activity Fund Group | | | | | 45317 |
| 1520 | 653609 | DC and Residential Facilities Operating Services | $ 8,719,347 | $ 9,000,000 | 45318 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 8,719,347 | $ 9,000,000 | 45319 |
| Federal Fund Group | | | | | 45320 |
| 3250 | 322612 | Community Social Service Programs | $ 26,997,635 | $ 26,997,635 | 45321 |
| 3A40 | 653654 | Medicaid Services | $ 1,984,344,342 | $ 2,073,755,049 | 45322 |
| 3A40 | 653655 | Medicaid Support | $ 66,915,330 | $ 69,657,028 | 45323 |
| 3A50 | 320613 | Developmental Disabilities Council | $ 3,200,000 | $ 3,200,000 | 45324 |
| TOTAL FED Federal Fund Group | | | $ 2,081,457,307 | $ 2,173,609,712 | 45325 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 3,267,132,089 | $ 3,443,119,254 | 45326 |

**Section 261.20.** DEVELOPMENTAL DISABILITIES FACILITIES LEASE-RENTAL BOND PAYMENTS 45328 45329

The foregoing appropriation item 320415, Developmental Disabilities Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2019, through June 30, 2021, by the Department of Developmental Disabilities pursuant to leases and agreements made under section 154.20 of the 45330 45331 45332 45333 45334

Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

**Section 261.30.** SCREENING AND EARLY IDENTIFICATION

At the discretion of the Director of Developmental Disabilities, the foregoing appropriation item 322420, Screening and Early Identification, shall be used for professional and program development related to early identification/screening and intervention for children with autism and other complex developmental disabilities and their families.

**Section 261.40.** FAMILY SUPPORT SERVICES SUBSIDY

The foregoing appropriation item 322451, Family Support Services, may be used as follows in fiscal year 2020 and fiscal year 2021:

(A) The appropriation item may be used to provide a subsidy to county boards of developmental disabilities for family support services provided under section 5126.11 of the Revised Code. The subsidy shall be paid in quarterly installments and allocated to county boards according to a formula the Director of Developmental Disabilities shall develop in consultation with representatives of county boards. A county board shall use not more than seven per cent of its subsidy for administrative costs.

(B) The appropriation item may be used to distribute funds to county boards for the purpose of addressing economic hardships and to promote efficiency of operations. In consultation with representatives of county boards, the Director shall determine the amount of funds to distribute for these purposes and the criteria for distributing the funds.

**Section 261.60.** EMPLOYMENT FIRST INITIATIVE

The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code.

Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments.

The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code.

**Section 261.70.** COMMUNITY SUPPORTS AND RENTAL ASSISTANCE

The foregoing appropriation item 322509, Community Supports and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and individuals with developmental disabilities who enroll in a Medicaid waiver component providing home and community-based services after receiving preadmission counseling pursuant to section 5124.68 of the Revised Code. The Director shall establish the methodology for determining the amount and distribution of such funding.

**Section 261.80.** MEDICAID SERVICES

(A) As used in this section:

(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.

(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:

(1) Home and community-based services;

(2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;

(3) Implementation of the requirements of the agreement

settling the consent decree in the Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;

(4) ICF/IID services; and

(5) Other programs as identified by the Director of Developmental Disabilities.

**Section 261.90.** OPERATING AND SERVICES

Of the foregoing appropriation item 320606, Operating and Services, $100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.

**Section 261.100.** NONFEDERAL MATCH FOR ACTIVE TREATMENT SERVICES

Any county funds received by the Department of Developmental Disabilities from county boards of developmental disabilities for active treatment shall be deposited in the Developmental Disabilities Operating Fund (Fund 4890).

**Section 261.110.** SYSTEM TRANSFORMATION SUPPORTS

The foregoing appropriation item 320607, System Transformation Supports, may be used by the Director of Developmental Disabilities as follows:

(A) To make purchases under Section 261.111 of this act;

(B) To fund other system transformation initiatives identified by the Director.

**Section 261.111.** REDUCTION OF CERTIFIED RESIDENTIAL FACILITY BEDS

(A) As used in this section:

(1) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.

(2) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

(3) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(B) The Director of Developmental Disabilities may purchase one or more residential facility beds for the purpose of reducing the number of beds that are certified for participation in Medicaid as ICF/IID beds in this state. The Director shall establish priorities for the purchase of beds which may include beds located in a building in which a nursing facility is also located and beds located in a residential facility that has a licensed capacity of sixteen or more beds. The purchase price of a bed shall be the price the Director determines is reasonable based on the established priorities. Division (B) of section 127.16 of the Revised Code shall not apply to a purchase made under this section.

**Section 261.120.** COMMUNITY SOCIAL SERVICE PROGRAMS

A portion of the foregoing appropriation item 322612, Community Social Service Programs, may be used by the Early Intervention Services Advisory Council for the following purposes:

(A) In addition to other necessary and allowed uses of funds and in accordance with 20 U.S.C. 1441(d), the Early Intervention Services Advisory Council established pursuant to section 5123.0422 of the Revised Code, may, in its discretion, use budgeted funds to do all of the following:

(1) Conduct forums and hearings;

(2) Reimburse council members for reasonable and necessary expenses, including child care expenses for parent

representatives, for attending council meetings and performing council duties;

(3) Pay compensation to a council member if the member is not employed or must forfeit wages from other employment when performing official council business;

(4) Hire staff;

(5) Obtain the services of professional, technical, and clerical personnel as necessary to carry out the performance of its lawful functions.

(B) Except as provided in division (A) of this section, council members shall serve without compensation or reimbursement.

**Section 261.130.** COUNTY BOARD SHARE OF WAIVER SERVICES

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2020 and fiscal year 2021 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

**Section 261.140.** WITHHOLDING OF FUNDS OWED THE DEPARTMENT

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board.

The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

**Section 261.150.** DEVELOPMENTAL CENTER BILLING FOR SERVICES

Developmental centers of the Department of Developmental Disabilities may provide services to persons with developmental disabilities living in the community or to providers of services to these persons. The Department may develop a method for recovery of all costs associated with the provision of these services.

**Section 261.160.** ODODD INNOVATIVE PILOT PROJECTS

(A) In fiscal year 2020 and fiscal year 2021, the Director of Developmental Disabilities may authorize the continuation or implementation of one or more innovative pilot projects that, in the judgment of the Director, are likely to assist in promoting the objectives of Chapter 5123. or 5126. of the Revised Code. Subject to division (B) of this section and notwithstanding any provision of Chapters 5123. and 5126. of the Revised Code and any rule adopted under either chapter, a pilot project authorized by the Director may be continued or implemented in a manner inconsistent with one or more provisions of either chapter or one or more rules adopted under either chapter. Before authorizing a pilot program, the Director shall consult with entities interested in the issue of developmental disabilities, including the Ohio Provider Resource Association, Ohio Association of County Boards of Developmental Disabilities, Ohio Health Care Association/Ohio Centers for Intellectual Disabilities, the Values and Faith Alliance, and ARC of Ohio.

(B) The Director may not authorize a pilot project to be

implemented in a manner that would cause the state to be out of compliance with any requirements for a program funded in whole or in part with federal funds.

**Section 261.200.** NONFEDERAL SHARE OF ICF/IID SERVICES

(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.

(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:

(1) Medicaid covers the ICF/IID services.

(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:

(a) The Medicaid recipient is eligible for the ICF/IID services;

(b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003.

(3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities.

(4) The provider of the ICF/IID services has a valid Medicaid provider agreement for the services for the time that the services are provided.

(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:

(1) Funds available from appropriation item 653407, Medicaid Services, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID that provided the ICF/IID services for which the claim is made;

(2) If the amount of funds used pursuant to division (C)(1) of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county boards from appropriation item 653407, Medicaid Services.

**Section 261.210.** PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE SERVICES PROVIDED TO QUALIFYING IO ENROLLEES

(A) As used in this section:

(1) "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code.

(2) "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code.

(3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options.

(4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

(5) "Public hospital" has the same meaning as in section 5122.01 of the Revised Code.

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply:

(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the

IO Wavier.

(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.

(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section.

(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO enrollee.

(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2019, and ending July 1, 2021, provides routine homemaker/personal care services to a qualifying IO enrollee.

(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rate determined in accordance with this section for routine homemaker/personal care services provided to qualifying IO enrollees.

**Section 265.10.** EDU DEPARTMENT OF EDUCATION

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | 45629 |
| GRF 200321 | Operating Expenses | $ 15,078,032 | $ 16,490,951 | 45630 |
| GRF 200408 | Early Childhood Education | $ 68,116,789 | $ 68,116,789 | 45631 |
| GRF 200420 | Information Technology Development and Support | $ 4,004,299 | $ 4,026,960 | 45632 |
| GRF 200422 | School Management Assistance | $ 2,385,580 | $ 2,408,711 | 45633 |
| GRF 200424 | Policy Analysis | $ 458,232 | $ 457,676 | 45634 |
| GRF 200426 | Ohio Educational Computer Network | $ 15,457,000 | $ 15,457,000 | 45635 |
| GRF 200427 | Academic Standards | $ 4,434,215 | $ 4,483,525 | 45636 |
| GRF 200437 | Student Assessment | $ 56,363,725 | $ 56,405,197 | 45637 |
| GRF 200439 | Accountability/Report Cards | $ 7,517,406 | $ 7,565,320 | 45638 |
| GRF 200442 | Child Care Licensing | $ 2,156,322 | $ 2,227,153 | 45639 |
| GRF 200446 | Education Management Information System | $ 8,112,987 | $ 8,174,415 | 45640 |
| GRF 200448 | Educator Preparation | $ 12,260,384 | $ 7,760,384 | 45641 |
| GRF 200455 | Community Schools and Choice Programs | $ 4,867,763 | $ 4,912,546 | 45642 |
| GRF 200465 | Education Technology Resources | $ 5,179,664 | $ 5,179,664 | 45643 |
| GRF 200478 | Industry-Recognized Credentials High School Students | $ 25,000,000 | $ 25,000,000 | 45644 |
| GRF 200502 | Pupil Transportation | $ 527,129,809 | $ 527,129,809 | 45645 |
| GRF 200505 | School Lunch Match | $ 8,963,500 | $ 8,963,500 | 45646 |
| GRF 200511 | Auxiliary Services | $ 150,594,178 | $ 150,594,178 | 45647 |
| GRF 200532 | Nonpublic Administrative Cost Reimbursement | $ 68,034,790 | $ 68,034,790 | 45648 |

| | | | | | |
|---|---|---|---|---|---|
| GRF | 200540 | Special Education Enhancements | $ 152,600,000 | $ 152,850,000 | 45649 |
| GRF | 200545 | Career-Technical Education Enhancements | $ 9,400,892 | $ 9,400,892 | 45650 |
| GRF | 200550 | Foundation Funding | $ 7,196,280,845 | $ 7,195,518,845 | 45651 |
| GRF | 200566 | Literacy Improvement | $ 1,352,876 | $ 1,352,172 | 45652 |
| GRF | 200572 | Adult Education Programs | $ 8,707,674 | $ 8,707,674 | 45653 |
| GRF | 200573 | EdChoice Expansion | $ 57,223,340 | $ 71,017,418 | 45654 |
| GRF | 200574 | Half-Mill Maintenance Equalization | $ 18,849,207 | $ 18,128,526 | 45655 |
| GRF | 200598 | Innovative Shared Services at Schools | $ 1,000,000 | $ 1,000,000 | 45656 |
| GRF | 657401 | Medicaid in Schools | $ 297,978 | $ 297,978 | 45657 |
| TOTAL GRF General Revenue Fund | | | $ 8,431,827,487 | $ 8,441,662,073 | 45658 |
| Dedicated Purpose Fund Group | | | | | 45659 |
| 4520 | 200638 | Charges and Reimbursements | $ 1,000,000 | $ 1,000,000 | 45660 |
| 4550 | 200608 | Commodity Foods | $ 1,000,000 | $ 1,000,000 | 45661 |
| 4L20 | 200681 | Teacher Certification and Licensure | $ 13,795,827 | $ 14,000,000 | 45662 |
| 5980 | 200659 | Auxiliary Services Reimbursement | $ 1,300,000 | $ 1,300,000 | 45663 |
| 5H30 | 200687 | School District Solvency Assistance | $ 2,000,000 | $ 2,000,000 | 45664 |
| 5KX0 | 200691 | Ohio School Sponsorship Program | $ 1,250,000 | $ 1,250,000 | 45665 |
| 5MM0 | 200677 | Child Nutrition Refunds | $ 550,000 | $ 550,000 | 45666 |
| 5U20 | 200685 | National Education Statistics | $ 170,675 | $ 175,000 | 45667 |
| 6200 | 200615 | Educational Improvement Grants | $ 594,443 | $ 600,000 | 45668 |

| | | | | | |
|---|---|---|---|---|---|
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 21,660,945 | $ 21,875,000 | 45669 |
| Internal Service Activity Fund Group | | | | | 45670 |
| 1380 | 200606 | Information Technology Development and Support | $ 7,939,104 | $ 8,047,645 | 45671 |
| 4R70 | 200695 | Indirect Operational Support | $ 7,856,766 | $ 7,856,766 | 45672 |
| 4V70 | 200633 | Interagency Program Support | $ 5,497,938 | $ 5,500,000 | 45673 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 21,293,808 | $ 21,404,411 | 45674 |
| State Lottery Fund Group | | | | | 45675 |
| 7017 | 200602 | School Climate Grants | $ 2,000,000 | $ 2,000,000 | 45676 |
| 7017 | 200612 | Foundation Funding | $ 1,077,400,000 | $ 1,128,400,000 | 45677 |
| 7017 | 200631 | Quality Community Schools Support | $ 30,000,000 | $ 30,000,000 | 45678 |
| 7017 | 200684 | Community School Facilities | $ 16,600,000 | $ 16,600,000 | 45679 |
| TOTAL SLF State Lottery Fund Group | | | $ 1,126,000,000 | $ 1,177,000,000 | 45680 |
| Federal Fund Group | | | | | 45681 |
| 3670 | 200607 | School Food Services | $ 11,469,730 | $ 11,897,473 | 45682 |
| 3700 | 200624 | Education of Exceptional Children | $ 2,000,000 | $ 2,000,000 | 45683 |
| 3AF0 | 657601 | Schools Medicaid Administrative Claims | $ 295,500 | $ 295,500 | 45684 |
| 3AN0 | 200671 | School Improvement Grants | $ 17,000,000 | $ 17,000,000 | 45685 |
| 3C50 | 200661 | Early Childhood Education | $ 12,555,000 | $ 12,555,000 | 45686 |
| 3EH0 | 200620 | Migrant Education | $ 2,700,000 | $ 2,700,000 | 45687 |

| | | | | | |
|---|---|---|---|---|---|
| 3EJ0 | 200622 | Homeless Children Education | $ 3,295,203 | $ 3,300,000 | 45688 |
| 3FE0 | 200669 | Striving Readers | $ 12,507,905 | $ 12,511,000 | 45689 |
| 3GE0 | 200674 | Summer Food Service Program | $ 15,599,467 | $ 16,342,299 | 45690 |
| 3GG0 | 200676 | Fresh Fruit and Vegetable Program | $ 4,911,207 | $ 5,145,074 | 45691 |
| 3HF0 | 200649 | Federal Education Grants | $ 7,049,677 | $ 7,056,327 | 45692 |
| 3HI0 | 200634 | Student Support and Academic Enrichment | $ 40,042,720 | $ 40,042,720 | 45693 |
| 3L60 | 200617 | Federal School Lunch | $ 418,643,500 | $ 430,837,000 | 45694 |
| 3L70 | 200618 | Federal School Breakfast | $ 158,726,966 | $ 163,350,081 | 45695 |
| 3L80 | 200619 | Child/Adult Food Programs | $ 110,121,168 | $ 113,328,580 | 45696 |
| 3L90 | 200621 | Career-Technical Education Basic Grant | $ 45,946,927 | $ 46,000,000 | 45697 |
| 3M00 | 200623 | ESEA Title 1A | $ 600,000,000 | $ 600,000,000 | 45698 |
| 3M20 | 200680 | Individuals with Disabilities Education Act | $ 454,770,591 | $ 455,000,000 | 45699 |
| 3T40 | 200613 | Public Charter Schools | $ 7,000,000 | $ 7,000,000 | 45700 |
| 3Y20 | 200688 | 21st Century Community Learning Centers | $ 47,500,000 | $ 47,500,000 | 45701 |
| 3Y60 | 200635 | Improving Teacher Quality | $ 85,000,000 | $ 85,000,000 | 45702 |
| 3Y70 | 200689 | English Language Acquisition | $ 10,500,000 | $ 10,500,000 | 45703 |
| 3Y80 | 200639 | Rural and Low Income Technical Assistance | $ 3,600,000 | $ 3,600,000 | 45704 |

| | | | | | |
|---|---|---|---|---|---|
| 3Z20 | 200690 | State Assessments | $ 12,000,000 | $ 12,000,000 | 45705 |
| 3Z30 | 200645 | Consolidated Federal Grant Administration | $ 10,701,635 | $ 10,900,000 | 45706 |
| TOTAL FED | | Federal Fund Group | $ 2,093,937,196 | $ 2,115,861,054 | 45707 |
| TOTAL ALL BUDGET FUND GROUPS | | | $11,694,719,436 | $11,777,802,538 | 45708 |

**Section 265.20.** OPERATING EXPENSES 45710

A portion of the foregoing appropriation item 200321, Operating Expenses, shall be used by the Department of Education to provide matching funds related to career-technical education under 20 U.S.C. 2321. 45711 45712 45713 45714

EARLY CHILDHOOD EDUCATION 45715

The Department of Education shall distribute the foregoing appropriation item 200408, Early Childhood Education, to pay the costs of early childhood education programs. The Department shall distribute such funds directly to qualifying providers. 45716 45717 45718 45719

(A) As used in this section: 45720

(1) "Provider" means a city, local, exempted village, or joint vocational school district; an educational service center; a community school sponsored by an exemplary sponsor; a chartered nonpublic school; an early childhood education child care provider licensed under Chapter 5104. of the Revised Code that participates in and meets at least the third highest tier of the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code; or a combination of entities described in this paragraph. 45721 45722 45723 45724 45725 45726 45727 45728 45729

(2) In the case of a city, local, or exempted village school district or early childhood education child care provider licensed under Chapter 5104. of the Revised Code, "new eligible provider" means a provider that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a 45730 45731 45732 45733 45734

need for early childhood programs as defined in division (D) of this section.

(3) In the case of a community school, "new eligible provider" means any of the following:

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year;

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria:

(i) It has received, on its most recent report card, either of the following:

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code.

(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code.

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year.

(c) A community school established under Chapter 3314. of the Revised Code that is sponsored by a municipal school district and operates a program that uses the Montessori method endorsed by the

American Montessori Society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori Internationale as its primary method of instruction, as authorized by division (A) of section 3314.06 of the Revised Code, that did not receive state funding for Early Childhood Education in the previous year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(4)(a) "Eligible child" means a child who is at least four years of age, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their fourth birthday.

(b) If, on the first day of October of each fiscal year, a provider has remaining award funds after enrolling eligible children under division (A)(4)(a) of this section, the provider may seek approval from the Department to consider a child who is at least three years of age, is not of age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as an eligible child. Upon approval from the Department, the provider may use the remaining award funds to serve such three-year-old children as eligible children.

(5) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of early learning and development programs.

(6) "Early learning and development programs" has the same meaning as section 5104.29 of the Revised Code.

(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children.

(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program standards.

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2020, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 265.20 of Am. Sub. H.B. 49 of the 132nd General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs or to existing providers to serve more eligible children pursuant to division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2021, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children as outlined under division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

(E)(1) The Department shall distribute any new or remaining funding to existing providers of early childhood education programs or any new eligible providers in an effort to invest in high quality early childhood programs where there is a need as

determined by the Department. The Department shall distribute the new or remaining funds to existing providers of early childhood education programs or any new eligible providers to serve additional eligible children based on community economic disadvantage, limited access to high quality preschool or childcare services, and demonstration of high quality preschool services as determined by the Department using new metrics developed pursuant to Ohio's Race to the Top—Early Learning Challenge Grant, awarded to the Department in December 2011.

(2) Awards under divisions (D) and (E) of this section shall be distributed on a per-pupil basis, and in accordance with division (I) of this section. The Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services on the first day of December or the business day closest to that date equals the amount allocated under this section.

(F) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (K) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program standards. The approved provider shall administer and use such property and funds for the purposes specified.

(G) The Department may examine a provider's financial and program records. If the financial practices of the program are not

in accordance with standard accounting principles or do not meet financial standards outlined under division (F) of this section, or if the program fails to substantially meet the early learning program standards, meet a quality rating level in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code as prescribed by the Department, or exhibits below average performance as measured against the standards, the early childhood education program shall propose and implement a corrective action plan that has been approved by the Department. The approved corrective action plan shall be signed by the chief executive officer and the executive of the official governing body of the provider. The corrective action plan shall include a schedule for monitoring by the Department. Such monitoring may include monthly reports, inspections, a timeline for correction of deficiencies, and technical assistance to be provided by the Department or obtained by the early childhood education program. The Department may withhold funding pending corrective action. If an early childhood education program fails to satisfactorily complete a corrective action plan, the Department may deny expansion funding to the program or withdraw all or part of the funding to the program and establish a new eligible provider through a selection process established by the Department.

(H)(1) If the early childhood education program is licensed by the Department of Education and is not highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall do all of the following:

(a) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;

(b) Align curriculum to the early learning content standards developed by the Department;

(c) Meet any child or program assessment requirements

prescribed by the Department;

(d) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department;

(e) Document and report child progress as prescribed by the Department;

(f) Meet and report compliance with the early learning program standards as prescribed by the Department;

(g) Participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code.

(2) If the program is highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program.

(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that the provider is working in collaboration with a preschool special education program, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department

approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department may reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule.

(J) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn more than two hundred per cent of the federal poverty guidelines, as defined in division (A)(3) of section 5101.46 of the Revised Code, for the early childhood education program.

The Department shall conduct an annual survey of each provider to determine whether the provider charges families tuition or fees, the amount families are charged relative to family income levels, and the number of families and students charged tuition and fees for the early childhood program.

(K) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program standards, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any unexpended funds to the Department along with any reports prescribed by the Department. The funding made available from a program that waives its right for funding or has its funding eliminated or reduced may be used by the Department for new grant awards or expansion grants. The Department may award new grants or expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the selection process established by the Department.

(L) Eligible expenditures for the Early Childhood Education Program shall be claimed each fiscal year to help meet the state's

TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

(M)(1) The Department of Education and the Department of Job and Family Services shall continue to work toward establishing the following in common between early childhood education programs and publicly funded child care:

(a) An application;

(b) Program eligibility;

(c) Funding;

(d) An attendance policy;

(e) An attendance tracking system.

(2) In accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.

(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this division.

**Section 265.30.** INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT

The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department

of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

**Section 265.50.** SCHOOL MANAGEMENT ASSISTANCE

The foregoing appropriation item 200422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal caution, fiscal watch, and fiscal emergency provisions under Chapter 3316. of the Revised Code.

**Section 265.60.** POLICY ANALYSIS

The foregoing appropriation item 200424, Policy Analysis, shall be used by the Department of Education to support a system of administrative, statistical, and legislative education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings to inform education policymakers of current trends in education practice, efficient and effective use of resources, and evaluation of programs to improve education results. A portion of these funds shall be used to maintain a longitudinal database to support the assessment of the impact of policies and programs on Ohio's education and workforce development systems. The research efforts supported by this

appropriation item shall be used to supply information and analysis of data to and in consultation with the General Assembly and other state policymakers, including the Office of Budget and Management and the Legislative Service Commission.

A portion of the foregoing appropriation item, 200424, Policy Analysis, may be used by the Department to support the development and implementation of an evidence-based clearinghouse to support school improvement strategies as part of the Every Student Succeeds Act.

The Department may use funding from this appropriation item to purchase or contract for the development of software systems or contract for policy studies that will assist in the provision and analysis of policy-related information. Funding from this appropriation item also may be used to monitor and enhance quality assurance for research-based policy analysis and program evaluation to enhance the effective use of education information to inform education policymakers.

**Section 265.70.** OHIO EDUCATIONAL COMPUTER NETWORK

The foregoing appropriation item 200426, Ohio Educational Computer Network, shall be used by the Department of Education to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to $9,686,658 in each fiscal year shall be used by the Department to support connection of all public school buildings and participating chartered nonpublic schools to the state's education network, to each other, and to the Internet. In each fiscal year, the Department shall use these funds to assist information technology centers or school districts with the operational costs associated with this connectivity. The Department shall develop a formula and guidelines for the

distribution of these funds to information technology centers or individual school districts. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, any college preparatory boarding school established under Chapter 3328. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, any educational service center building used for instructional purposes, the Ohio School for the Deaf and the Ohio School for the Blind, high schools chartered by the Ohio Department of Youth Services, or high schools operated by Ohio Department of Rehabilitation and Corrections' Ohio Central School System.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to $4,843,329 in each fiscal year shall be used, through a formula and guidelines devised by the Department, to support the activities of designated information technology centers, as defined by State Board of Education rules, to provide school districts and chartered nonpublic schools with computer-based student and teacher instructional and administrative information services, including approved computerized financial accounting, to ensure the effective operation of local automated administrative and instructional systems, and to monitor and support the quality of data submitted to the Department.

The remainder of appropriation item 200426, Ohio Educational Computer Network, shall be used to support the work of the development, maintenance, and operation of a network of uniform and compatible computer-based information systems as well as the teacher student linkage/roster verification process and systems to support electronic sharing of student records and transcripts between entities. This technical assistance shall include, but not

be restricted to, development and maintenance of adequate computer software systems to support network activities. In order to improve the efficiency of network activities, the Department and information technology centers may jointly purchase equipment, materials, and services from funds provided under this appropriation for use by the network and, when considered practical by the Department, may utilize the services of appropriate state purchasing agencies.

**Section 265.80.** ACADEMIC STANDARDS

The foregoing appropriation item 200427, Academic Standards, shall be used by the Department of Education to develop and communicate to school districts academic content standards and curriculum models and to develop professional development programs and other tools on the new content standards and model curriculum. The Department shall utilize educational service centers, consistent with requirements of section 3312.01 of the Revised Code, in the development and delivery of professional development programs supported under this section.

**Section 265.90.** STUDENT ASSESSMENT

Of the foregoing appropriation item 200437, Student Assessment, up to $2,760,000 in each fiscal year may be used to support the state's early learning assessment work and the assessments required under section 3301.0715 of the Revised Code.

The remainder of appropriation item 200437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code. The funds may also be used to update and develop diagnostic assessments

administered under sections 3301.079, 3301.0715, and 3313.608 of the Revised Code.

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT ASSESSMENT

In fiscal year 2020 and fiscal year 2021, if the Superintendent of Public Instruction determines that additional funds are needed to fully fund the requirements of sections 3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code and this act for assessments of student performance, the Superintendent may recommend the reallocation of unexpended and unencumbered General Revenue Fund appropriations within the Department of Education to appropriation item 200437, Student Assessment, to the Director of Budget and Management. If the Director determines that such a reallocation is required, the Director may transfer unexpended and unencumbered appropriations within the Department of Education as necessary to appropriation item 200437, Student Assessment.

**Section 265.100.** ACCOUNTABILITY/REPORT CARDS

Of the foregoing appropriation item 200439, Accountability/Report Cards, a portion in each fiscal year may be used to train district and regional specialists and district educators in the use of the value-added progress dimension and in the use of data as it relates to improving student achievement. This training may include teacher and administrator professional development in the use of data to improve instruction and student learning, and teacher and administrator training in understanding teacher value-added reports and how they can be used as a component in measuring teacher and administrator effectiveness. A portion of this funding shall be provided to educational service centers to support training and professional development under this section consistent with section 3312.01 of the Revised Code.

The remainder of appropriation item 200439, Accountability/Report Cards, shall be used by the Department of Education to incorporate a statewide value-added progress dimension into performance ratings for school districts and for the development of an accountability system that includes the preparation and distribution of school report cards, funding and expenditure accountability reports under sections 3302.03 and 3302.031 of the Revised Code, the development and maintenance of teacher value-added reports, the teacher student linkage/roster verification process, and the performance management section of the Department's web site required by section 3302.26 of the Revised Code.

CHILD CARE LICENSING

The foregoing appropriation item 200442, Child Care Licensing, shall be used by the Department of Education to license and to inspect preschool and school-age child care programs under sections 3301.52 to 3301.59 of the Revised Code.

**Section 265.110.** EDUCATION MANAGEMENT INFORMATION SYSTEM

The foregoing appropriation item 200446, Education Management Information System, shall be used by the Department of Education to improve the Education Management Information System (EMIS).

Of the foregoing appropriation item 200446, Education Management Information System, up to $400,000 in each fiscal year shall be used to support grants to information technology centers to provide professional development opportunities to district and school personnel related to the EMIS, with a focus placed on data submission and data quality.

Of the foregoing appropriation item 200446, Education Management Information System, up to $725,000 in each fiscal year shall be distributed to designated information technology centers

for costs relating to processing, storing, and transferring data for the effective operation of the EMIS. These costs may include, but are not limited to, personnel, hardware, software development, communications connectivity, professional development, and support services.

The remainder of appropriation item 200446, Education Management Information System, shall be used to develop and support the data definitions and standards outlined in the EMIS guidelines adopted under section 3301.0714 of the Revised Code, to implement recommendations of the EMIS Advisory Council and the Superintendent of Public Instruction, to enhance data quality assurance practices, and to support responsibilities related to the school report cards prescribed by section 3302.03 of the Revised Code and value-added progress dimension calculations.

**Section 265.120.** EDUCATOR PREPARATION

(A) Of the foregoing appropriation item 200448, Educator Preparation, up to $339,783 in each fiscal year may be used by the Department of Education to monitor and support Ohio's State System of Support, as defined by the Every Student Succeeds Act.

(B) Of the foregoing appropriation item 200448, Educator Preparation, up to $67,957 in each fiscal year may be used by the Department to support the Educator Standards Board under section 3319.61 of the Revised Code and reforms under sections 3302.042, 3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the Revised Code.

(C) Of the foregoing appropriation item 200448, Educator Preparation, $2,000,000 in each fiscal year shall be distributed to Teach For America to increase recruitment of potential corps members at select Ohio universities, to train and develop first-year and second-year teachers in the Teach for America program in Ohio, and to expand the number of teaching corps

members to not fewer than 350 teaching corps members per year and the number of school districts served in Ohio by not fewer than five additional school districts by fiscal year 2021.

(D) Of the foregoing appropriation item 200448, Educator Preparation, $2,500,000 in each fiscal year shall be used for the Bright New Leaders for Ohio Schools Program created and implemented by the nonprofit corporation incorporated pursuant to section 3319.271 of the Revised Code to provide an alternative path for individuals to receive training and development in the administration of primary and secondary education and leadership, enable those individuals to earn degrees and obtain licenses in public school administration, and promote the placement of those individuals in public schools that have a poverty percentage greater than fifty per cent.

(E) Of the foregoing appropriation item 200448, Educator Preparation, $200,000 in each fiscal year shall be used to support training for selected school staff through the FASTER Saves Lives Program for the purpose of stopping active shooters and treating casualties.

(F) Of the foregoing appropriation item 200448, Educator Preparation, $1,000,000 in each fiscal year shall be used by the Department of Education, in consultation with the Department of Mental Health and Addiction Services, to award professional development grants to educational service centers to train educators and related school personnel in the model and tenants of prevention of risky behaviors, including substance abuse, suicide, bullying, and other harmful behaviors.

(G) Of the foregoing appropriation item 200448, Educator Preparation, up to $1,500,000 in fiscal year 2020 shall be used by the Department of Education, in consultation with the Department of Higher Education, to provide awards to support coursework and content testing fees for currently licensed teachers to receive

credentialing to teach computer science in accordance with division (B) of section 3319.236 of the Revised Code.

Awards made by the Department of Education shall be in the form of reimbursements paid directly to educators for the cost of the content examination or pedagogy courses required under division (B) of section 3319.236 of the Revised Code that are completed by the summer term of 2021. First priority shall be given to educators who agree to teach at least one remote computer science course at schools that lack access to computer science educators. Second priority shall be given to educators assigned to schools with greater than fifty per cent of students classified as economically disadvantaged and with limited or no teachers currently credentialed to teach computer science, both as determined by the Department.

Upon the request of the Superintendent of Public Instruction and the approval of the Director of Budget and Management, an amount equal to the unexpended, unencumbered balance of the amount set aside in this division at the end of fiscal year 2020 is hereby reappropriated to the Department for the same purpose for fiscal year 2021.

(H) Of the foregoing appropriation item 200448, Educator Preparation, up to $3,000,000 in fiscal year 2020 shall be used by the Department of Education, in consultation with the Department of Higher Education, to provide awards to support graduate coursework for high school teachers to receive credentialing to teach College Credit Plus courses in a high school setting.

The Department of Education, in consultation with the Department of Higher Education, shall develop an application process and criteria for awards. Priority shall be given to education consortia that include economically disadvantaged high schools in which there are limited or no teachers currently credentialed to teach College Credit Plus courses, as determined

by the Department of Education, and a public or private college or university in Ohio.

Awards made by the Department of Education may support graduate coursework for high school teachers at a public or private college or university in Ohio leading to credentialing to teach college courses, as well as employment of teachers credentialed to teach college courses as a bridging strategy until a sufficient number of teachers at the high school hold the required credentials.

Upon the request of the Superintendent of Public Instruction and the approval of the Director of Budget and Management, an amount equal to the unexpended, unencumbered balance of the amount set aside in this division at the end of fiscal year 2020 is hereby reappropriated for the same purpose for fiscal year 2021.

(I) Notwithstanding any provision of law to the contrary, awards under this section may be used by recipients for award-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines established by the Department of Education.

(J) The remainder of the foregoing appropriation item 200448, Educator Preparation, may be used for implementation of teacher and principal evaluation systems, including incorporation of student growth as a metric in those systems, and teacher value-added reports.

**Section 265.130.** COMMUNITY SCHOOLS AND CHOICE PROGRAMS

The foregoing appropriation item 200455, Community Schools and Choice Programs, may be used by the Department of Education for operation of the school choice programs.

Of the foregoing appropriation item 200455, Community Schools and Choice Programs, a portion in each fiscal year may be used by

the Department for developing and conducting training sessions for community schools and sponsors and prospective sponsors of community schools as prescribed in division (A)(1) of section 3314.015 of the Revised Code, and other schools participating in school choice programs.

**Section 265.140.** EDUCATION TECHNOLOGY RESOURCES

Of the foregoing appropriation item 200465, Education Technology Resources, up to $2,500,000 in each fiscal year shall be used for the Union Catalog and InfOhio Network and to support the provision of electronic resources with priority given to resources that support the teaching of state academic content standards in all public schools. Consideration shall be given by the Department of Education to coordinating the allocation of these moneys with the efforts of Libraries Connect Ohio, whose members include OhioLINK, the Ohio Public Information Network, and the State Library of Ohio.

Of the foregoing appropriation item 200465, Education Technology Resources, up to $1,778,879 in each fiscal year shall be used by the Department to provide grants to educational television stations working with partner education technology centers to provide Ohio public schools with instructional resources and services, with priority given to resources and services aligned with state academic content standards. Such resources and services shall be based upon the advice and approval of the Department, based on a formula developed in consultation with Ohio's educational television stations and educational technology centers.

The remainder of the foregoing appropriation item 200465, Education Technology Resources, may be used to support training, technical support, guidance, and assistance with compliance reporting to school districts and public libraries applying for

federal E-Rate funds; for oversight and guidance of school district technology plans; for support to district technology personnel; and for support of the development, maintenance, and operation of a network of uniform and compatible computer-based information and instructional systems.

**Section 265.145.** INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL STUDENTS

Of the foregoing appropriation item 200478, Industry-Recognized Credentials High School Students, up to $8,000,000 in each fiscal year may be used by the Department of Education to support payments to city, local, and exempted village school districts, community schools, STEM schools, and joint vocational school districts whose students earn an industry-recognized credential or receive a journeyman certification recognized by the United States Department of Labor. The educating entity shall be required to inform students enrolled in career-technical education courses that lead to an industry-recognized credential about the opportunity to earn these credentials. The Department of Education shall work with the Department of Higher Education and the Governor's Office of Workforce Transformation to develop a schedule for reimbursement based on the Department of Education's list of industry-recognized credentials, the time it takes to earn the credential, and the cost to obtain the credential. The educating entity shall pay for the cost of the credential and may claim and receive reimbursement. The educating entity may claim reimbursement based on the Department of Education's reimbursement schedule up to six months after the student has graduated from high school. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Of the foregoing appropriation item 200478, Industry-Recognized Credentials High School Students, up to $12,500,000 in each fiscal year may be used by the Department of Education and the Governor's Office of Workforce Transformation to establish and operate the Innovative Workforce Incentive Program. In establishing the program, the Office of Workforce Transformation shall maintain a list of credentials that qualify for the program. The Department of Education shall pay each city, local, and exempted village school district, community school, STEM school, and joint vocational school district an amount equal to $1,250 for each qualifying credential earned by a student attending the district or school during each fiscal year. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Of the foregoing appropriation item 200478, Industry-Recognized Credentials High School Students, up to $4,500,000 in each fiscal year may be used by the Department of Education to establish a program to assist city, local, and exempted village school districts, community schools, STEM schools, and joint vocational school districts in establishing credentialing programs that qualify for the Innovative Workforce Incentive Program. The Department shall prioritize senior-only credentialing programs in schools that currently do not operate such programs.

**Section 265.150.** PUPIL TRANSPORTATION

Of the foregoing appropriation item 200502, Pupil Transportation, up to $838,930 in each fiscal year may be used by the Department of Education for training prospective and experienced school bus drivers in accordance with training programs prescribed by the Department. A portion of these funds

may also be used to pay for costs associated with the enrollment of bus drivers in the retained applicant fingerprint database.

Of the foregoing appropriation item 200502, Pupil Transportation, up to $60,469,220 in each fiscal year may be used by the Department for special education transportation reimbursements to school districts and county DD boards for transportation operating costs as provided in divisions (C) and (F) of section 3317.024 of the Revised Code, in accordance with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021."

The remainder of the foregoing appropriation item 200502, Pupil Transportation, shall be used to fund the transportation payments included in the state funding allocation under division (B) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

PAYMENTS IN LIEU OF TRANSPORTATION

For purposes of division (D) of section 3327.02 of the Revised Code, if a parent, guardian, or other person in charge of a pupil accepts an offer from a school district of payment in lieu of providing transportation for the pupil, the school district shall pay that parent, guardian, or other person an amount that shall be not less than $250 and not more than the amount determined by the Department as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.

**Section 265.160.** SCHOOL LUNCH MATCH

The foregoing appropriation item 200505, School Lunch Match, shall be used to provide matching funds to obtain federal funds for the school lunch program.

Any remaining appropriation after providing matching funds for the school lunch program may be used to partially reimburse school buildings within school districts that are required to have a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department.

**Section 265.170.** AUXILIARY SERVICES

Of the foregoing appropriation item 200511, Auxiliary Services, up to $2,600,000 in each fiscal year may be used for payment of the College Credit Plus Program for nonpublic secondary school participants. The Department of Education shall distribute these funds according to rule 3333-1-65.8 of the Administrative Code, adopted by the Department of Higher Education pursuant to division (A) of section 3365.071 of the Revised Code.

The remainder of the foregoing appropriation item 200511, Auxiliary Services, shall be used by the Department for the purpose of implementing sections 3317.06 and 3317.062 of the Revised Code.

**Section 265.180.** NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT

The foregoing appropriation item 200532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education for the purpose of implementing section 3317.063 of the Revised Code. Notwithstanding section 3317.063 of the Revised Code, payments made by the Department for this purpose shall not exceed four hundred five dollars per student for each school year.

**Section 265.190.** SPECIAL EDUCATION ENHANCEMENTS

Of the foregoing appropriation item 200540, Special Education Enhancements, up to $33,000,000 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section

3317.20 of the Revised Code, in accordance with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021," and at institutions for eligible students under section 3317.201 of the Revised Code. If necessary, the Department of Education shall proportionately reduce the amount calculated for each county board of developmental disabilities and institution so as not to exceed the amount appropriated in each fiscal year.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to $1,350,000 in each fiscal year shall be used for parent mentoring programs.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to $3,000,000 in each fiscal year may be used for school psychology interns.

Of the foregoing appropriation item 200540, Special Education Enhancements, the Department shall transfer $3,250,000 in fiscal year 2020 and $3,500,000 in fiscal year 2021 to the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used by the Opportunities for Ohioans with Disabilities Agency as state matching funds to draw down available federal funding for vocational rehabilitation services. Total project funding shall be used to hire dedicated vocational rehabilitation counselors who shall work directly with school districts to provide transition services for students with disabilities. Services shall include vocational rehabilitation services such as person-centered career planning, summer work experiences, job placement, and retention services for mutually eligible students with disabilities.

The Superintendent of Public Instruction and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement that shall specify the responsibilities of each agency under the program. Under the interagency agreement, the Opportunities for Ohioans with

Disabilities Agency shall retain responsibility for all nondelegable functions, including eligibility and order of selection determination, individualized plan for employment (IPE) approval, IPE amendments, case closure, and release of vendor payments.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to $2,000,000 in each fiscal year shall be used by the Department of Education to build capacity to deliver a regional system of training, support, coordination, and direct service for secondary transition services for students with disabilities beginning at fourteen years of age. These special education enhancements shall support all students with disabilities, regardless of partner agency eligibility requirements, to provide stand-alone direct secondary transition services by school districts. Secondary transition services shall include, but not be limited to, job exploration counseling, work-based learning experiences, counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education, workplace readiness training to develop occupational skills, social skills and independent living skills, and instruction in self-advocacy. Regional training shall support the expansion of transition to work endorsement opportunities for middle school and secondary level special education intervention specialists in order to develop the necessary skills and competencies to meet the secondary transition needs of students with disabilities beginning at fourteen years of age.

The remainder of appropriation item 200540, Special Education Enhancements, shall be distributed by the Department of Education to school districts and institutions, as defined in section 3323.091 of the Revised Code, for preschool special education funding under section 3317.0213 of the Revised Code, in accordance

with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021."

The Department may reimburse school districts and institutions for services provided by instructional assistants, related services, as defined in rule 3301-51-11 of the Administrative Code, physical therapy services provided by a licensed physical therapist or physical therapist assistant under the supervision of a licensed physical therapist, as required under Chapter 4755. of the Revised Code and Chapter 4755-27 of the Administrative Code, and occupational therapy services provided by a licensed occupational therapist or occupational therapy assistant under the supervision of a licensed occupational therapist, as required under Chapter 4755. of the Revised Code and Chapter 4755-7 of the Administrative Code. Nothing in this section authorizes occupational therapy assistants or physical therapist assistants to generate or manage their own caseloads.

The Department shall require school districts, educational service centers, county DD boards, and institutions serving preschool children with disabilities to adhere to Ohio's early learning program standards, participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, and document child progress using research-based indicators prescribed by the Department and report results annually. The reporting dates and method shall be determined by the Department. All programs shall be rated through the Step Up to Quality program.

**Section 265.200.** CAREER-TECHNICAL EDUCATION ENHANCEMENTS

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $2,563,568 in each fiscal year shall be used to fund secondary career-technical education at institutions, the Ohio School for the Deaf, and the Ohio State

School for the Blind using a grant-based methodology, notwithstanding section 3317.05 of the Revised Code.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $2,686,474 in each fiscal year shall be used by the Department of Education to fund competitive grants to tech prep consortia that expand the number of students enrolled in tech prep programs. These grant funds shall be used to directly support expanded tech prep programs provided to students enrolled in school districts, including joint vocational school districts, and affiliated higher education institutions. This support may include the purchase of equipment.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $3,000,850 in each fiscal year shall be used by the Department to support existing High Schools That Work (HSTW) sites, develop and support new sites, fund technical assistance, and support regional centers and middle school programs. The purpose of HSTW is to combine challenging academic courses and modern career-technical studies to raise the academic achievement of students. HSTW provides intensive technical assistance, focused staff development, targeted assessment services, and ongoing communications and networking opportunities.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $600,000 in each fiscal year shall be used by the Department to enable students in agricultural programs to enroll in a fifth quarter of instruction based on the agricultural education model of delivering work-based learning through supervised agricultural experience. The Department shall determine eligibility criteria and the reporting process for the Agriculture 5th Quarter Project and shall fund as many programs as possible given the set-aside. The eligibility criteria developed by the Department shall allow these funds to support supervised agricultural experience that occurs anytime outside of the regular

school day.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $550,000 in each fiscal year may be used to support career planning and reporting through the OhioMeansJobs web site.

**Section 265.210.** FOUNDATION FUNDING

Of the foregoing appropriation item 200550, Foundation Funding, up to $40,000,000 in each fiscal year shall be used to provide additional state aid to school districts, joint vocational school districts, community schools, and STEM schools for special education students under division (C)(3) of section 3314.08, section 3317.0214 and division (B) of section 3317.16 in accordance with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021," and section 3326.34 of the Revised Code, except that the Controlling Board may increase these amounts if presented with such a request from the Department of Education at the final meeting of the fiscal year.

Of the foregoing appropriation item 200550, Foundation Funding, up to $3,800,000 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010.

Of the foregoing appropriation item 200550, Foundation Funding, up to $40,000,000 in each fiscal year shall be reserved to fund the state reimbursement of educational service centers under the section of this act entitled "EDUCATIONAL SERVICE CENTERS FUNDING."

Of the foregoing appropriation item 200550, Foundation Funding, up to $3,500,000 in each fiscal year shall be distributed to educational service centers for School Improvement Initiatives and for the provision of technical assistance to schools and districts. The Department may distribute these funds through a competitive grant process.

Of the foregoing appropriation item 200550, Foundation Funding, up to $7,000,000 in each fiscal year shall be reserved for payments under section 3317.029 of the Revised Code, in accordance with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021." If this amount is not sufficient, the Superintendent of Public Instruction may reallocate excess funds for other purposes supported by this appropriation item in order to fully pay the amounts required by that section, provided that the aggregate amount appropriated in appropriation item 200550, Foundation Funding, is not exceeded.

Of the foregoing appropriation item 200550, Foundation Funding, up to $26,400,000 in each fiscal year shall be used to support school choice programs.

Of the portion of the funds distributed to the Cleveland Municipal School District under this section, up to $17,600,000 in each fiscal year shall be used to operate the school choice program in the Cleveland Municipal School District under sections 3313.974 to 3313.979 of the Revised Code. Notwithstanding divisions (B) and (C) of section 3313.978 and division (C) of section 3313.979 of the Revised Code, up to $1,000,000 in each fiscal year of this amount shall be used by the Cleveland Municipal School District to provide tutorial assistance as provided in division (H) of section 3313.974 of the Revised Code. The Cleveland Municipal School District shall report the use of these funds in the district's three-year continuous improvement plan as described in section 3302.04 of the Revised Code in a

manner approved by the Department.

Of the foregoing appropriation item 200550, Foundation Funding, up to $1,500,000 in each fiscal year may be used for payment of the College Credit Plus Program for students instructed at home pursuant to section 3321.04 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, an amount shall be available in each fiscal year to be paid to joint vocational school districts in accordance with the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

Of the foregoing appropriation item 200550, Foundation Funding, up to $700,000 in each fiscal year shall be used by the Department for a program to pay for educational services for youth who have been assigned by a juvenile court or other authorized agency to any of the facilities described in division (A) of the section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT."

Of the foregoing appropriation item 200550, Foundation Funding, a portion may be used to pay college-preparatory boarding schools the per pupil boarding amount pursuant to section 3328.34 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, a portion in each fiscal year shall be used to pay community schools and STEM schools the amounts calculated for the graduation and third-grade reading bonuses under sections 3314.085 and 3326.41 of the Revised Code, in accordance with the sections of this act entitled "FUNDING FOR COMMUNITY SCHOOLS" and "FUNDING FOR STEM SCHOOLS."

Of the foregoing appropriation item 200550, Foundation Funding, up to $1,172,000 in fiscal year 2020 and up to $1,760,000 in fiscal year 2021 may be used by the Department for duties and activities related to the establishment of academic distress

commissions under section 3302.10 of the Revised Code, to provide support and assistance to academic distress commissions to further their duties under Chapter 3302. of the Revised Code, and to provide technical assistance and tools to support districts subject to academic distress commissions.

Of the foregoing appropriation item 200550, Foundation Funding, up to $250,000,000 in fiscal year 2020 and up to $300,000,000 in fiscal year 2021 shall be used to distribute the amounts calculated for student wellness and success funds under sections 3314.088, 3317.0219, 3317.163, and 3326.42 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, up to $350,000 in fiscal year 2020 shall be used by the Department of Education to conduct return on investment studies for programming funded through student success and wellness funds and to provide technical assistance to school districts on implementing these strategies.

The remainder of the foregoing appropriation item 200550, Foundation Funding, shall be used to fund the payments included in the state funding allocation under division (A) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

Appropriation items 200502, Pupil Transportation, 200540, Special Education Enhancements, and 200550, Foundation Funding, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, STEM schools, college preparatory boarding schools, and joint vocational school districts under this act. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other general revenue

fund appropriation items in the Department of Education's budget in each fiscal year in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department's budget to meet state formula aid obligations, the Superintendent of Public Instruction shall seek approval from the Director of Budget and Management to transfer funds as needed.

The Superintendent of Public Instruction shall make payments, transfers, and deductions, as authorized by Title XXXIII of the Revised Code in amounts substantially equal to those made in the prior year, or otherwise, at the discretion of the Superintendent, until at least the effective date of the amendments and enactments made to Title XXXIII by this act. Any funds paid to districts or schools under this section shall be credited toward the annual funds calculated for the district or school after the changes made to Title XXXIII in this act are effective. Upon the effective date of changes made to Title XXXIII in this act, funds shall be calculated as an annual amount.

**Section 265.215.** OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021

(A) Notwithstanding anything to the contrary in Chapter 3317. of the Revised Code, the Department of Education shall make no payments under that chapter for fiscal years 2020 and 2021 except as prescribed in this section and the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(B) Each school district and educational service center shall report student enrollment data as prescribed by section 3317.03 of the Revised Code, which data the Department shall use to make payments under Chapter 3317. of the Revised Code and the sections

of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(C) The tax commissioner shall report data regarding tax valuation and receipts for school districts as prescribed by sections 3317.015, 3317.021, 3317.025, 3317.028, 3317.029, 3317.0210, 3317.0211, and 3317.08, which data the Department shall use to make payments under Chapter 3317. of the Revised Code and the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(D) Unless otherwise specified by another provision of law, in addition to the payments prescribed by the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS," the Department shall continue to make payments or adjustments for each of fiscal years 2020 and 2021 under the following provisions of Chapter 3317. of the Revised Code:

(1) All payments or adjustments under section 3317.023 of the Revised Code;

(2) All payments or adjustments under section 3317.024 of the Revised Code;

(3) Payments under section 3317.029 of the Revised Code. Notwithstanding division (A)(2)(d) of section 3317.029, for purposes of these payments, a city, local, or exempted village school district's "state education aid" for fiscal years 2020 and 2021 shall be the payment made to the district under the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(4) Preschool special education payments under section 3317.0213 of the Revised Code;

(5) The catastrophic cost reimbursement under section 3317.0214 of the Revised Code;

(6) Payments under sections 3317.06, 3317.062, 3317.063, and 3317.064 of the Revised Code;

(7) The catastrophic cost reimbursement under division (B) of section 3317.16 of the Revised Code and excess cost reimbursements under division (C) of that section. No other payments shall be made under that section.

(8) Adjustments under section 3317.18 of the Revised Code;

(9) Payments to cooperative education school districts under section 3317.19 of the Revised Code;

(10) Payments to county boards of developmental disabilities under section 3317.20 of the Revised Code;

(11) Payments to state institutions for special education funding under section 3317.201 of the Revised Code.

(E) Notwithstanding anything to the contrary in Chapter 3317. of the Revised Code, for purposes of computing the payments under that chapter for fiscal years 2020 and 2021 authorized under this section for which the "state share index" or "state share percentage" is a factor, the Department shall use the state share index or state share percentage, as applicable, computed for each district for fiscal year 2019.

(F) For fiscal years 2020 and 2021, when calculating payments under Chapter 3317. of the Revised Code as authorized under this section, and for purposes of sections 3310.09, 3313.98, 3313.981, 3314.08, 3315.18, 3326.31, 3326.33, and 3365.01 of the Revised Code and any other provision of law with respect to education financing:

(1) The "formula amount" equals $6,020 for fiscal years 2020 and 2021.

(2) The special education catastrophic cost threshold for fiscal years 2020 and 2021 is $27,375 for students in categories two through five special education ADM and $32,850 for students in category six special education ADM.

(G) This section does not affect the provisions of sections 3317.0219, 3317.031, 3317.032, 3317.033, 3317.034, 3317.035, 3317.036, 3317.061, 3317.07, 3317.08, 3317.081, 3317.082, 3317.09, 3317.10, 3317.12, 3317.13, 3317.14, 3317.141, 3317.15, 3317.161, 3317.163, 3317.23, 3317.231, 3317.24, 3317.25, 3317.26, 3317.27, 3317.30, 3317.40, 3317.50, and 3317.51 of the Revised Code.

**Section 265.220.** FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS

For each of fiscal years 2020 and 2021, the Department of Education shall pay each city, local, and exempted village school district an amount equal to the sum of the following:

(A) The district's aggregate annualized payments for fiscal year 2019 under section 3317.022 of the Revised Code and Section 265.220 of Am. Sub. H.B. 49 of the 132nd General Assembly, as of the second payment in June 2019;

(B) The district's aggregate annualized payments for fiscal year 2019 under section 3317.0212 and division (D)(2) of section 3314.091 of the Revised Code, as of the second payment in June 2019.

**Section 265.225.** FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS

For each of fiscal years 2020 and 2021, the Department of Education shall pay each joint vocational school district an amount equal to the district's aggregate annualized payments for fiscal year 2019 under section 3317.16 of the Revised Code and Section 265.230 of Am. Sub. H.B. 49 of the 132nd General Assembly,

as of the second payment in June 2019.

**Section 265.230.** FUNDING FOR COMMUNITY SCHOOLS

(A) For each of fiscal years 2020 and 2021, the Department of Education shall make the deductions and payments for each student enrolled in a community school, established under Chapter 3314. of the Revised Code, in the manner prescribed by division (C) of section 3314.08 of the Revised Code, except that, for each of those fiscal years:

(1) The "formula amount" shall equal the amount specified in division (F)(1) of the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021."

(2) "State education aid" for a school district from which a deduction is made shall mean the amount paid to the district for that fiscal year under the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(3) The per pupil amount deducted from a district and paid to a community school under divisions (C)(1)(b) and (e) of section 3314.08 of the Revised Code shall be the same respective per pupil amounts deducted and paid under those divisions for fiscal year 2019.

(B) Notwithstanding section 3314.085 of the Revised Code, for each of fiscal years 2020 and 2021, the Department shall pay each community school an amount equal to the school's payment under section 3314.085 of the Revised Code for fiscal year 2019.

**Section 265.235.** FUNDING FOR STEM SCHOOLS

(A) For each of fiscal years 2020 and 2021, the Department of Education shall make the deductions and payments for each student enrolled in a STEM school, established under Chapter 3326. of the Revised Code, in the manner prescribed by section 3326.33 of the

Revised Code, except that, for each of those fiscal years:

(1) The "formula amount" shall equal the amount specified in division (F)(1) of the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021."

(2) "State education aid" for a school district from which a deduction is made shall mean the amount paid to the district for that fiscal year under the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(3) The per pupil amount deducted from a district and paid to a STEM school under divisions (B) and (E) of section 3326.33 of the Revised Code shall be the same respective per pupil amount deducted and paid under those divisions for fiscal year 2019.

(B) Notwithstanding section 3326.41 of the Revised Code, for each of fiscal years 2020 and 2021, the Department shall pay each STEM school an amount equal to the school's payment under section 3326.41 of the Revised Code for fiscal year 2019.

**Section 265.240.** LITERACY IMPROVEMENT

The foregoing appropriation item 200566, Literacy Improvement, shall be used by the Department of Education to support early literacy activities to align state, local, and federal efforts in order to bolster all students' reading success. Funds shall be distributed to educational service centers to establish and support regional literacy professional development teams. A portion of the funds may be used by the Department for program administration, monitoring, technical assistance, support, research, and evaluation.

**Section 265.250.** ADULT EDUCATION PROGRAMS

The foregoing appropriation item 200572, Adult Education Programs, shall be used in each fiscal year to make payments to

institutions participating in the Adult Diploma Pilot Program under section 3313.902 of the Revised Code; to make payments under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code; and to pay career-technical planning districts for the amounts reimbursed to students, as prescribed in this section.

Each career-technical planning district shall reimburse individuals taking a nationally recognized high school equivalency examination approved by the Department of Education for the first time for application fees, examination fees, or both, in excess of $40, up to a maximum reimbursement per individual of $80. Each career-technical planning district shall designate a site or sites where individuals may register and take an approved examination. For each individual who registers for an approved examination, the career-technical planning district shall make available and offer career counseling services, including information on adult education programs that are available. A portion of the appropriation item may be reimbursed to the Department of Youth Services and the Department of Rehabilitation and Correction for individuals in these facilities who have taken an approved examination for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for an approved examination.

Notwithstanding any provision of law to the contrary, the unexpended balance of appropriations for payments under sections 3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code at the end of each fiscal year may be encumbered by the Department of Education and remain available for payment for a period not to exceed two years from the end of each fiscal year in which the funds were originally appropriated, in accordance with guidelines established by the Superintendent of Public Instruction.

A portion of the foregoing appropriation item 200572, Adult

Education Programs, may be used for program administration, technical assistance, support, research, and evaluation of adult education programs, including high school equivalency examinations approved by the Department of Education.

**Section 265.260.** EDCHOICE EXPANSION

The foregoing appropriation item 200573, EdChoice Expansion, shall be used to provide for the scholarships awarded under the expansion of the educational choice program established under section 3310.032 of the Revised Code. The number of scholarships awarded under the expansion of the educational choice program shall not exceed the number that can be funded with the appropriations made by the General Assembly for this purpose.

HALF-MILL MAINTENANCE EQUALIZATION

The foregoing appropriation item 200574, Half-Mill Maintenance Equalization, shall be used to make payments pursuant to section 3318.18 of the Revised Code.

INNOVATIVE SHARED SERVICES AT SCHOOLS

The foregoing appropriation item 200598, Innovative Shared Services at Schools, shall be used to provide competitive grants in accordance with the section of this act entitled "INNOVATIVE SHARED SERVICES AT SCHOOLS PROGRAM."

**Section 265.270.** INNOVATIVE SHARED SERVICES AT SCHOOLS PROGRAM

(A) There is hereby created the Innovative Shared Services at Schools Program to provide grants to city, local, and exempted village school districts, joint vocational school districts, community schools, STEM schools, education consortia (which may represent a partnership among school districts, community schools, STEM schools, or educational service centers), and private or

governmental entities partnering with one or more of the educational entities identified in this division for projects that aim to achieve significant advancement in the use of a shared services delivery model that demonstrates increased efficiency and effectiveness, long-term sustainability, and scalability.

(B)(1) Grants shall be awarded by a five-member governing board consisting of the Superintendent of Public Instruction, or the Superintendent's designee, two members appointed by the Governor, one member appointed by the Speaker of the House of Representatives, and one member appointed by the President of the Senate. The Department of Education shall provide administrative support to the board. No member shall be compensated for the member's service on the board.

(2) The board shall select grant advisors with fiscal expertise and education expertise. These advisors shall evaluate proposals from grant applicants and advise the staff administering the program. No advisor shall be compensated for this service.

(3) The board shall issue an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the House and Senate committees that primarily deal with education regarding the types of grants awarded, the grant recipients, and the effectiveness of the grant program.

(4) The board shall create a grant application and publish on the Department's web site the application and timeline for the submission, review, notification, and awarding of grant proposals.

(5) With the approval of the board, the Department shall establish a system for evaluating and scoring the grant applications received under this section.

(C) Each grant applicant shall submit a proposal that includes all of the following:

(1) A description of the project for which the applicant is seeking a grant, including a description of how the project will have substantial value and lasting impact;

(2) A description of quantifiable results of the project that can be benchmarked;

(3) A description of administrative efficiencies created by the project.

If an education consortium described in division (A) of this section applies for a grant, the lead applicant shall be the school district, community school, or STEM school that is a member of the consortium and shall so indicate on the grant application.

(D)(1) The board shall issue a timely decision of "yes," "no," "hold," or "edit" for each application. A grant awarded under this section shall not exceed $100,000 in each fiscal year. The Superintendent of Public Instruction may make recommendations to the Controlling Board that these maximum amounts be exceeded. Upon Controlling Board approval, grants may be awarded in excess of these amounts.

(2) If the board issues a "hold" or "edit" decision for an application, it shall, upon returning the application to the applicant, specify the process for reconsideration of the application. An applicant may work with the grant advisors and staff to modify or improve a grant application.

(E) Upon deciding to award a grant to an applicant, the board shall enter into a grant agreement with the applicant that includes all of the following:

(1) The content of the applicant's proposal as outlined under division (C) of this section;

(2) The project's deliverables and a timetable for their completion;

(3) Conditions for receiving grant funding;

(4) Conditions for receiving funding in future years if the contract is a multi-year contract;

(5) A provision specifying that funding will be returned to the board if the applicant fails to implement the agreement;

(6) A provision specifying that the agreement may be amended by mutual agreement between the board and the applicant.

(F) Each grant awarded under this section shall be subject to approval by the Controlling Board prior to execution of the grant agreement.

(G) At the discretion of the board, a portion of appropriation item 200598, Innovative Shared Services at Schools, may be used by the Department of Education to administer the program.

(H) Notwithstanding any provision of law to the contrary, grants awarded under this section may be used by grant recipients for grant-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines established by the governing board.

**Section 265.280.** MEDICAID IN SCHOOLS PROGRAM

The foregoing appropriation item, 657401, Medicaid in Schools Program, shall be used by the Department of Education to support the Medicaid in Schools Program.

**Section 265.300.** TEACHER CERTIFICATION AND LICENSURE

The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education in each year of the biennium to administer and support teacher certification and licensure activities. Notwithstanding section 3319.51 of the Revised Code, a portion of the foregoing

appropriation may also be used for implementation of teacher and principal evaluation systems, including incorporation of student growth as a metric in those systems, and teacher value-added reports.

**Section 265.320.** SCHOOL DISTRICT SOLVENCY ASSISTANCE

(A) The foregoing appropriation item 200687, School District Solvency Assistance, shall be allocated to the School District Shared Resource Account and the Catastrophic Expenditures Account in amounts determined by the Superintendent of Public Instruction. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Except as provided under division (C) of this section, any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H30).

(B) Notwithstanding any provision of law to the contrary, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may make transfers to the School District Solvency Assistance Fund (Fund 5H30) from any fund used by the Department of Education or the General Revenue Fund to maintain sufficient cash balances in Fund 5H30 in fiscal years 2020 and 2021. Any cash transferred is hereby appropriated. The transferred cash may be used by the Department to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that the school district is unable to pay from existing resources. The Director shall notify the members of the Controlling Board of any such transfers.

(C) If the cash balance of the School District Solvency

Assistance Fund (Fund 5H30) is insufficient to pay solvency assistance in fiscal years 2020 and 2021, at the request of the Superintendent of Public Instruction, and with the approval of the Controlling Board, the Director of Budget and Management may transfer cash from the Lottery Profits Education Reserve Fund (Fund 7018) to Fund 5H30 to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary nature that they are unable to pay from existing resources under section 3316.20 of the Revised Code. Such transfers are hereby appropriated to appropriation item 200670, School District Solvency Assistance – Lottery. Any required reimbursements from school districts for solvency assistance granted from appropriation item 200670, School District Solvency Assistance – Lottery, shall be made to Fund 7018.

**Section 265.325.** SCHOOL CLIMATE GRANTS

(A) The foregoing appropriation item 200602, School Climate Grants, shall be used to provide competitive grants to eligible applicants to implement positive behavior intervention and supports frameworks, evidence- or research-based social and emotional learning initiatives, or both, in eligible school buildings.

(B) The Superintendent of Public Instruction shall administer and award the grants. The Superintendent shall prescribe an application form, establish procedures for the consideration and approval of grant applications, and determine the amount of the grant awards.

(C)(1) Subject to division (C)(2) of this section, the Superintendent shall award the grants in the following order of priority:

(a) First, to eligible applicants whose grant proposal serves

one or more eligible school buildings whose percentage of students who are identified as economically disadvantaged is greater than the statewide average percentage of students who are identified as economically disadvantaged, as determined by the Superintendent;

(b) Second, to eligible applicants whose grant proposal serves one or more eligible school buildings with high suspension rates, as determined by the Superintendent;

(c) Third, to eligible applicants who were not awarded a grant under either division (C)(1)(a) or (b) of this section in the order in which the applications were received.

(2) If, for a fiscal year, the amount appropriated for the grants awarded under this section is insufficient to provide grants to all eligible applicants within a priority level specified in division (C)(1) of this section, the Superintendent shall first award grants within that priority level to eligible applicants whose grant proposal serves one or more eligible school buildings that previously have not been served through a grant disbursed from the foregoing appropriation item 200602, School Climate Grants.

(D) The Superintendent may enter into a written grant agreement with each eligible applicant awarded a grant under this section that includes the terms and conditions governing the use of the funds. The Superintendent may monitor a recipient's use of the funds to ensure that the funds are used in accordance with the grant agreement.

(E) A grant awarded to an eligible applicant under this section shall not exceed $5,000 per eligible school building served in the eligible applicant's grant proposal, up to a maximum of $50,000.

(F) Notwithstanding any provision of law to the contrary, grants awarded under this section may be used by grant recipients

for grant-related expenses for a period not to exceed two years from the date of the award, according to guidelines established by the Superintendent.

(G) As used in this section:

(1) "Eligible applicant" means a city, local, or exempted village school district or a community school established under Chapter 3314. of the Revised Code.

(2) "Eligible school building" means a building of an eligible applicant that serves any of grades kindergarten through three.

**Section 265.330.** LOTTERY PROFITS EDUCATION FUND

The foregoing appropriation item 200612, Foundation Funding, shall be used in conjunction with appropriation item 200550, Foundation Funding, to provide state foundation payments to school districts.

The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding, and appropriation item 200612, Foundation Funding. If adjustments to the monthly distribution schedule are necessary, the Department shall make such adjustments with the approval of the Director.

**Section 265.335.** QUALITY COMMUNITY SCHOOLS SUPPORT

(A) The foregoing appropriation item 200631, Quality Community Schools Support, shall be used for the Quality Community School Support Program. Under the program, the Department of Education shall pay each community school established under Chapter 3314. of the Revised Code and designated as a Community School of Quality under this section an amount equal to $1,750 in

each fiscal year for each pupil identified as economically disadvantaged and $1,000 in each fiscal year for each pupil that is not identified as economically disadvantaged. The payment for the current fiscal year shall be calculated using the final adjusted full-time equivalent number of students enrolled in a community school for the prior fiscal year, except that if a school is in its first year of operation the payment for the current fiscal year shall be calculated using the adjusted full-time equivalent number of students enrolled in the school for the current fiscal year as of the date the payment is made, as reported by the school under section 3314.08 of the Revised Code. The Department shall make the payment to each Community School of Quality not later than January 31 of each fiscal year.

(B) To be designated as a Community School of Quality, a community school shall satisfy at least one of the following conditions:

(1) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school received a higher performance index score than the school district in which the school is located on the two most recent report cards issued for the school under section 3302.03 of the Revised Code.

(c) The school received an overall grade of "A" or "B" for the value-added progress dimension on the most recent report card issued for the school under section 3302.03 of the Revised Code or is a school described under division (A)(4) of section 3314.35 of the Revised Code and did not receive a grade for the value-added progress dimension on the most recent report card.

(d) At least fifty per cent of the students enrolled in the

school are economically disadvantaged, as determined by the Department.

(2) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school is in its first year of operation.

(c) The school is replicating an operational and instructional model used by a community school described in division (B)(1) of this section.

(3) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school contracts with an operator that operates schools in other states and meets at least one of the following criteria:

(i) Has operated a school that received a grant funded through the federal Charter School Program established under 20 U.S.C. 7221 or received funding from the Charter School Growth Fund;

(ii) Meets all of the following criteria:

(I) One of the operator's schools in another state performed better than the school district in which the school is located, as determined by the Department.

(II) At least fifty per cent of the total number of students enrolled in all of the operator's schools are economically disadvantaged, as determined by the Department.

(III) The operator is in good standing in all states where it

operates schools.

(IV) The Department has determined that the operator does not have any financial viability issues that would prevent it from effectively operating a community school in Ohio.

(C) A school that is designated as a Community School of Quality under division (B) of this section shall maintain that designation for the two fiscal years following the fiscal year in which the school was initially designated as a Community School of Quality.

**Section 265.340.** COMMUNITY SCHOOL FACILITIES

The foregoing appropriation item 200684, Community School Facilities, shall be used to pay each community school established under Chapter 3314. of the Revised Code and each STEM school established under Chapter 3326. of the Revised Code an amount equal to $25 in each fiscal year for each full-time equivalent pupil in an internet- or computer-based community school and $200 in each fiscal year for each full-time equivalent pupil in all other community or STEM schools for assistance with the cost associated with facilities. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

**Section 265.350.** LOTTERY PROFITS EDUCATION RESERVE FUND

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2020 and fiscal year 2021.

(C) On July 15, 2019, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded $1,093,630,000 in fiscal year 2019.

(D) On July 15, 2020, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded $1,126,000,000 in fiscal year 2020.

(E) Notwithstanding any provision of law to the contrary, in fiscal year 2020 and fiscal year 2021, the Director of Budget and Management may transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.

**Section 265.360.** EDUCATIONAL SERVICE CENTERS FUNDING

As used in this section, "high-performing educational service center" means an educational service center designated as such pursuant to rule 3301-105-01 of the Administrative Code.

As used in this section, "student count" means the count calculated under division (G)(1) of section 3313.843 of the Revised Code.

In each fiscal year, the Department of Education shall pay the governing board of each high-performing educational service center state funds equal to twenty-six dollars times its student count, and to the governing board of each other center, state funds equal to twenty-four dollars times its student count.

If the amount earmarked for the state reimbursement of educational service centers in appropriation item 200550, Foundation Funding, is not sufficient, the Department shall prorate the payment amounts so that the appropriation is not

exceeded.

Notwithstanding any provision of law to the contrary, a school district that has not entered into an agreement for services with an educational service center as of June 30, 2019, shall be prohibited from entering into such an agreement during the period from July 1, 2019, through June 30, 2021.

**Section 265.380.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent shall participate.

**Section 265.390.** COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH STUDENTS

(A) As used in this section:

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

(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP.

(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2020 and 2021 enrolls a number of SBH students equal to at least fifty per cent of the total number of students enrolled in the school in the applicable fiscal year.

(C) In addition to any state foundation payments made, in each of fiscal years 2020 and 2021, the Department of Education

shall pay to a community school to which this section applies a subsidy equal to the difference between the aggregate amount calculated and paid in that fiscal year to the community school for special education and related services additional weighted costs for the SBH students enrolled in the school and the aggregate amount that would have been calculated for the school for special education and related services additional weighted costs for those same students in fiscal year 2001. If the difference is a negative number, the amount of the subsidy shall be zero.

(D) The amount of any subsidy paid to a community school under this section shall not be deducted from the school district in which any of the students enrolled in the community school are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount of any subsidy paid to a community school under this section shall be paid from funds appropriated to the Department in appropriation item 200550, Foundation Funding.

**Section 265.400.** EARMARK ACCOUNTABILITY

At the request of the Superintendent of Public Instruction, any entity that receives a budget earmark under the Department of Education shall submit annually to the chairpersons of the committees of the House of Representatives and the Senate primarily concerned with education and education funding and to the Department a report that includes a description of the services supported by the funds, a description of the results achieved by those services, an analysis of the effectiveness of the program, and an opinion as to the program's applicability to other school districts. For an earmarked entity that received state funds from an earmark in the prior fiscal year, no funds shall be provided by the Department to an earmarked entity for a fiscal year until its report for the prior fiscal year has been

submitted.

**Section 265.410.** COMMUNITY SCHOOL OPERATING FROM HOME

A community school established under Chapter 3314. of the Revised Code that was open for operation as a community school as of May 1, 2005, may operate from or in any home, as defined in section 3313.64 of the Revised Code, located in the state, regardless of when the community school's operations from or in a particular home began.

**Section 265.420.** USE OF VOLUNTEERS

The Department of Education may utilize the services of volunteers to accomplish any of the purposes of the Department. The Superintendent of Public Instruction shall approve for what purposes volunteers may be used and for these purposes may recruit, train, and oversee the services of volunteers. The Superintendent may reimburse volunteers for necessary and appropriate expenses in accordance with state guidelines and may designate volunteers as state employees for the purpose of motor vehicle accident liability insurance under section 9.83 of the Revised Code, for immunity under section 9.86 of the Revised Code, and for indemnification from liability incurred in the performance of their duties under section 9.87 of the Revised Code.

**Section 265.430.** RESTRICTION OF LIABILITY FOR CERTAIN REIMBURSEMENTS

(A) Except as expressly required under a court judgment not subject to further appeals, or a settlement agreement with a school district executed on or before June 1, 2009, in the case of a school district for which the formula ADM for fiscal year 2005, as reported for that fiscal year under division (A) of section 3317.03 of the Revised Code, was reduced based on enrollment

reports for community schools, made under section 3314.08 of the Revised Code, regarding students entitled to attend school in the district, which reduction of formula ADM resulted in a reduction of foundation funding or transitional aid funding for fiscal year 2005, 2006, or 2007, no school district, except a district named in the court's judgment or the settlement agreement, shall have a legal claim for reimbursement of the amount of such reduction in foundation funding or transitional aid funding, and the state shall not have liability for reimbursement of the amount of such reduction in foundation funding or transitional aid funding.

(B) As used in this section:

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code.

(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 of the 127th General Assembly.

**Section 265.440.** FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN

In collaboration with the County Family and Children First Council, a city, local, or exempted village school district, community school, STEM school, joint vocational school district, educational service center, or county board of developmental disabilities that receives allocations from the Department of

Education from appropriation item 200550, Foundation Funding, or appropriation item 200540, Special Education Enhancements, may transfer portions of those allocations to a flexible funding pool authorized by the section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements.

**Section 265.450.** PRIVATE TREATMENT FACILITY PROJECT

(A) As used in this section:

(1) The following are "participating residential treatment centers":

(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2020 or fiscal year 2021 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;

(b) Abraxas, in Shelby;

(c) Paint Creek, in Bainbridge;

(d) F.I.R.S.T., in Mansfield.

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law

that existed in fiscal year 1998, is the school district required to pay that tuition.

(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center.

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal year 2020 and fiscal year 2021 to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school

district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school district, notwithstanding any conflicting provision of the Revised Code, shall pay tuition for the child for fiscal year 2020 and fiscal year 2021 under this division unless that school district is providing the educational program to the child under division (B) of this section.

A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related services to the student pursuant to the student's individualized education program, minus the tuition paid for the child under division (C)(1) of this section.

A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code.

(D) In each of fiscal years 2020 and 2021, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the

funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of the reimbursement shall be the amount appropriated for this purpose divided by the full-time equivalent number of children for whom reimbursement is to be made.

(E) Funds provided to a school district, educational service center, or residential treatment facility under this section shall be used to supplement, not supplant, funds from other public sources for which the school district, service center, or residential treatment facility is entitled or eligible.

(F) The Department of Education shall track the utilization of funds provided to school districts, educational service centers, and residential treatment facilities under this section and monitor the effect of the funding on the educational programs they provide in participating residential treatment facilities. The Department shall monitor the programs for educational accountability.

**Section 265.460.** (A) The Superintendent of Public Instruction may form partnerships with Ohio's business community, including the Ohio Business Roundtable, to create and implement initiatives that connect students with the business community in an effort to increase student engagement and job readiness through internships, work study, and site-based learning experiences.

(B) If the Superintendent forms a partnership pursuant to division (A) of this section, the initiatives created and implemented through that partnership shall do all of the following:

(1) Support the career connection learning strategies described in division (B)(2) of section 3301.079 of the Revised Code;

(2) Provide an opportunity for students to earn high school credit toward graduation or to meet curriculum requirements in accordance with divisions (J)(1) and (2) of section 3313.603 of the Revised Code;

(3) Inform the development of student success plans pursuant to division (C) of section 3313.6020 of the Revised Code.

**Section 265.470.** The Department of Education shall study the feasibility of new funding models for internet- or computer-based community schools. In conducting the study, the department shall do all of the following:

(A) Consider models of funding based on competency and course completion;

(B) Consider models of funding used in other states, including Florida and New Hampshire;

(C) Make recommendations on the feasibility of new funding models for internet- or computer-based community schools.

Upon completion of the study, and not later than December 31, 2019, the department shall submit copies of the study to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the chairpersons of the standing committees on education of the Senate and the House of Representatives.

**Section 265.490.** Upon receipt of federal funds under Title IV, Part A, Student Support and Academic Enrichment Grants, and after payments are made pursuant to education programs included in this block grant program, the Department shall direct any unused funds to cover all or part of the cost of Advanced Placement tests and International Baccalaureate registration and exam fees for low-income students.

**Section 267.10.** ELC OHIO ELECTIONS COMMISSION

| | | | | | |
|---|---|---|---|---|---|
| General Revenue Fund | | | | | |
| GRF | 051321 | Operating Expenses | $ 435,221 | $ 435,221 | |
| TOTAL GRF General Revenue Fund | | | $ 435,221 | $ 435,221 | |
| Dedicated Purpose Fund Group | | | | | |
| 4P20 | 051601 | Operating Support | $ 199,460 | $ 199,460 | |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 199,460 | $ 199,460 | |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 634,681 | $ 634,681 | |

**Section 269.10.** FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS

| | | | | | |
|---|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | | |
| 4K90 | 881609 | Operating Expenses | $ 949,667 | $ 1,033,281 | |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 949,667 | $ 1,033,281 | |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 949,667 | $ 1,033,281 | |

**Section 271.10.** PAY EMPLOYEE BENEFITS FUNDS

| | | | | | |
|---|---|---|---|---|---|
| Fiduciary Fund Group | | | | | |
| 1240 | 995673 | Payroll Deductions | $ 832,466,424 | $ 824,291,520 | |
| 8060 | 995666 | Accrued Leave Fund | $ 88,203,046 | $ 90,830,634 | |
| 8070 | 995667 | Disability Fund | $ 24,790,268 | $ 25,839,844 | |
| 8080 | 995668 | State Employee Health Benefit Fund | $ 926,211,020 | $ 989,360,953 | |
| 8090 | 995669 | Dependent Care Spending Account | $ 4,100,000 | $ 4,477,000 | |
| 8100 | 995670 | Life Insurance Investment Fund | $ 1,757,422 | $ 1,810,144 | |
| 8110 | 995671 | Parental Leave Benefit Fund | $ 4,867,791 | $ 5,308,830 | |

| | | | | |
|---|---|---|---|---|
| 8130 | 995672 | Health Care Spending Account | $ 15,206,162 | $ 16,806,372 |
| TOTAL FID | | Fiduciary Fund Group | $ 1,897,602,133 | $ 1,958,725,297 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 1,897,602,133 | $ 1,958,725,297 |

**Section 271.20.** PAYROLL DEDUCTION FUND

The foregoing appropriation item 995673, Payroll Deductions, shall be used to make payments from the Payroll Deduction Fund (Fund 1240) pursuant to section 125.21 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

ACCRUED LEAVE LIABILITY FUND

The foregoing appropriation item 995666, Accrued Leave Fund, shall be used to make payments from the Accrued Leave Liability Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND

The foregoing appropriation item 995667, Disability Fund, shall be used to make payments from the State Employee Disability Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

STATE EMPLOYEE HEALTH BENEFIT FUND

The foregoing appropriation item 995668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 8080) pursuant to section 124.87 of the Revised Code. If it is determined by the Director of

Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

DEPENDENT CARE SPENDING FUND

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state

employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

**Section 273.10.** ERB STATE EMPLOYMENT RELATIONS BOARD

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 125321 | Operating Expenses | $ 3,998,046 | $ 4,136,626 |
| TOTAL GRF General Revenue Fund | | | $ 3,998,046 | $ 4,136,626 |
| Dedicated Purpose Fund Group | | | | |
| 5720 | 125603 | Training and Publications | $ 227,193 | $ 227,760 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 227,193 | $ 227,760 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 4,225,239 | $ 4,364,386 |

**Section 275.10.** ENG STATE BOARD OF ENGINEERS AND SURVEYORS

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | |
| 4K90 | 892609 | Operating Expenses | $ 1,263,151 | $ 1,312,259 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 1,263,151 | $ 1,312,259 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 1,263,151 | $ 1,312,259 |

**Section 277.10.** EPA ENVIRONMENTAL PROTECTION AGENCY

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 715502 | Auto Emissions E-Check Program | $ 11,186,610 | $ 11,046,610 |
| TOTAL GRF General Revenue Fund | | | $ 11,186,610 | $ 11,046,610 |
| Dedicated Purpose Fund Group | | | | |
| 4D50 | 715618 | Recycled State | $ 50,000 | $ 50,000 |

| | | | | | |
|---|---|---|---|---|---|
| | | Materials | | | |
| 4J00 | 715638 | Underground Injection Control | $ 429,000 | $ 429,000 | 47651 |
| 4K20 | 715648 | Clean Air - Non Title V | $ 5,101,448 | $ 5,317,000 | 47652 |
| 4K30 | 715649 | Solid Waste | $ 14,747,770 | $ 15,449,000 | 47653 |
| 4K40 | 715650 | Surface Water Protection | $ 10,114,999 | $ 10,742,000 | 47654 |
| 4K50 | 715651 | Drinking Water Protection | $ 8,062,598 | $ 8,370,000 | 47655 |
| 4P50 | 715654 | Cozart Landfill | $ 10,000 | $ 10,000 | 47656 |
| 4R50 | 715656 | Scrap Tire Management | $ 3,276,485 | $ 3,251,500 | 47657 |
| 4R90 | 715658 | Voluntary Action Program | $ 979,348 | $ 1,094,800 | 47658 |
| 4T30 | 715659 | Clean Air - Title V Permit Program | $ 9,687,591 | $ 9,944,000 | 47659 |
| 5000 | 715608 | Immediate Removal Special Account | $ 718,000 | $ 722,000 | 47660 |
| 5030 | 715621 | Hazardous Waste Facility Management | $ 4,780,000 | $ 5,118,000 | 47661 |
| 5050 | 715623 | Hazardous Waste Cleanup | $ 11,540,322 | $ 12,087,200 | 47662 |
| 5050 | 715698 | Response and Investigations | $ 3,186,244 | $ 3,264,500 | 47663 |
| 5320 | 715646 | Recycling and Litter Control | $ 4,541,440 | $ 4,598,000 | 47664 |
| 5410 | 715670 | Site Specific Cleanup | $ 779,296 | $ 779,400 | 47665 |
| 5420 | 715671 | Risk Management Reporting | $ 201,626 | $ 210,000 | 47666 |
| 5860 | 715637 | Scrap Tire Market Development | $ 1,000,000 | $ 1,000,000 | 47667 |
| 5BC0 | 715622 | Local Air Pollution Control | $ 2,000,000 | $ 2,000,000 | 47668 |

| | | | | | |
|---|---|---|---|---|---|
| 5BC0 | 715624 | Surface Water | $ 6,043,557 | $ 6,292,000 | 47669 |
| 5BC0 | 715672 | Air Pollution Control | $ 7,959,855 | $ 8,236,000 | 47670 |
| 5BC0 | 715673 | Drinking and Ground Water | $ 3,453,543 | $ 3,590,300 | 47671 |
| 5BC0 | 715676 | Assistance and Prevention | $ 1,824,471 | $ 1,875,000 | 47672 |
| 5BC0 | 715677 | Laboratory | $ 3,256,184 | $ 3,329,000 | 47673 |
| 5BC0 | 715678 | Corrective Actions | $ 1,073,590 | $ 1,120,000 | 47674 |
| 5BC0 | 715687 | Areawide Planning Agencies | $ 450,000 | $ 450,000 | 47675 |
| 5BC0 | 715692 | Administration | $ 14,742,915 | $ 15,165,000 | 47676 |
| 5BC0 | 715694 | Environmental Resource Coordination | $ 106,642 | $ 115,000 | 47677 |
| 5BT0 | 715679 | C&DD Groundwater Monitoring | $ 225,000 | $ 225,000 | 47678 |
| 5H40 | 715664 | Groundwater Support | $ 323,121 | $ 332,000 | 47679 |
| 5PZ0 | 715696 | Drinking Water Loan Fee | $ 1,106,285 | $ 1,146,250 | 47680 |
| 5VA0 | 715601 | Marsh Restoration | $ 1,000,000 | $ 1,000,000 | 47681 |
| 5Y30 | 715685 | Surface Water Improvement | $ 500,000 | $ 500,000 | 47682 |
| 6440 | 715631 | Emergency Response Radiological Safety | $ 276,500 | $ 278,500 | 47683 |
| 6760 | 715642 | Water Pollution Control Loan Administration | $ 4,606,024 | $ 4,675,000 | 47684 |
| 6760 | 715699 | Water Quality Administration | $ 3,837,987 | $ 3,975,000 | 47685 |
| 6780 | 715635 | Air Toxic Release | $ 47,984 | $ 35,000 | 47686 |
| 6790 | 715636 | Emergency Planning | $ 2,844,024 | $ 2,864,000 | 47687 |
| 6960 | 715643 | Air Pollution Control Administration | $ 987,855 | $ 1,002,000 | 47688 |
| 6990 | 715644 | Water Pollution | $ 287,060 | $ 300,000 | 47689 |

| | | | | | |
|---|---|---|---|---|---|
| | | Control Administration | | | |
| 6A10 | 715645 | Environmental Education | $ 1,087,749 | $ 1,100,000 | 47690 |
| 6H20 | 715695 | H2Ohio | $ 8,675,000 | $ 0 | 47691 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 145,921,513 | $ 142,041,450 | 47692 |
| Internal Service Activity Fund Group | | | | | 47693 |
| 1990 | 715602 | Laboratory Services | $ 519,950 | $ 533,000 | 47694 |
| 2190 | 715604 | Central Support Indirect | $ 7,663,284 | $ 8,055,000 | 47695 |
| 4A10 | 715640 | Operating Expenses | $ 1,307,000 | $ 1,309,000 | 47696 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 9,490,234 | $ 9,897,000 | 47697 |
| Federal Fund Group | | | | | 47698 |
| 3530 | 715612 | Public Water Supply | $ 1,963,760 | $ 2,015,000 | 47699 |
| 3570 | 715619 | Air Pollution Control - Federal | $ 6,008,988 | $ 6,115,000 | 47700 |
| 3620 | 715605 | Underground Injection Control - Federal | $ 131,262 | $ 133,000 | 47701 |
| 3BU0 | 715684 | Water Quality Protection | $ 15,159,951 | $ 15,259,000 | 47702 |
| 3CS0 | 715688 | Federal NRD Settlements | $ 201,000 | $ 201,000 | 47703 |
| 3F30 | 715632 | Federally Supported Cleanup and Response | $ 6,771,522 | $ 7,143,300 | 47704 |
| 3HE0 | 715697 | Volkswagen Clean Air Act Settlement | $ 19,095,000 | $ 22,845,000 | 47705 |
| 3T30 | 715669 | Drinking Water State Revolving Fund | $ 3,072,853 | $ 3,155,000 | 47706 |
| 3V70 | 715606 | Agencywide Grants | $ 700,000 | $ 700,000 | 47707 |
| TOTAL FED Federal Fund Group | | | $ 53,104,336 | $ 57,566,300 | 47708 |

| | | | |
|---|---|---|---|
| TOTAL ALL BUDGET FUND GROUPS | $ 219,702,693 | $ 220,551,360 | 47709 |

**Section 277.20.** AREAWIDE PLANNING AGENCIES 47711

The Director of Environmental Protection may award grants from appropriation item 715687, Areawide Planning Agencies, to areawide planning agencies engaged in areawide water quality management and planning activities in accordance with Section 208 of the "Federal Clean Water Act," 33 U.S.C. 1288. 47712 47713 47714 47715 47716

CASH TRANSFERS TO THE MARSH RESTORATION FUND 47717

On July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management, in consultation with the Director of Environmental Protection, may transfer up to $12,000,000 cash from the Surface Water Improvement Fund (Fund 5Y30) to the Marsh Restoration Fund (Fund 5VA0), which is hereby created in the state treasury. All moneys credited to Fund 5VA0 are to be used for the remediation and restoration of the Mentor Marsh site in Mentor, Ohio. 47718 47719 47720 47721 47722 47723 47724 47725

On July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management, in consultation with the Director of Environmental Protection, may transfer up to $1,000,000 cash from the Site Specific Cleanup Fund (Fund 5410) to Fund 5VA0. 47726 47727 47728 47729 47730

H2OHIO FUND 47731

The foregoing appropriation item 715695, H2Ohio, shall be used by the Environmental Protection to support watershed planning, scientific research, and data collection. In addition, the foregoing appropriation item 715695, H2Ohio, may be used to fund waterway improvement and protection of all state waterways in support of water quality priorities and management in accordance with section 126.60 of the Revised Code. 47732 47733 47734 47735 47736 47737 47738

On July 1, 2020, or as soon as possible thereafter, the 47739

Director of Environmental Protection may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 715695, H2Ohio, at the end of fiscal year 2020 to be reappropriated in fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

**Section 279.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 172321 | Operating Expenses | $ 634,000 | $ 651,000 |
| TOTAL GRF General Revenue Fund | | | $ 634,000 | $ 651,000 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 634,000 | $ 651,000 |

**Section 281.10.** ETC BROADCAST EDUCATIONAL MEDIA COMMISSION

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 935401 | Statehouse News Bureau | $ 314,797 | $ 314,797 |
| GRF | 935402 | Ohio Government Telecommunications Services | $ 1,408,526 | $ 1,408,526 |
| GRF | 935410 | Content Development, Acquisition, and Distribution | $ 3,838,381 | $ 3,838,381 |
| GRF | 935430 | Broadcast Education Operating | $ 3,699,224 | $ 3,699,224 |
| TOTAL GRF General Revenue Fund | | | $ 9,260,928 | $ 9,260,928 |
| Dedicated Purpose Fund Group | | | | |
| 5FK0 | 935608 | Media Services | $ 95,000 | $ 95,000 |
| 5VB0 | 935650 | Facility Rental | $ 30,000 | $ 32,000 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 125,000 | $ 127,000 |
| Internal Service Activity Fund Group | | | | |

| | | | |
|---|---|---|---|
| 4F30 935603 Affiliate Services | $ 4,000 | $ 4,000 | 47764 |
| TOTAL ISA Internal Service Activity Fund Group | $ 4,000 | $ 4,000 | 47765 47766 |
| TOTAL ALL BUDGET FUND GROUPS | $ 9,389,928 | $ 9,391,928 | 47767 |

**Section 281.20.** STATEHOUSE NEWS BUREAU 47769

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 47770 47771 47772

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 47773

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 47774 47775 47776 47777 47778 47779 47780

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 47781

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online. 47782 47783 47784 47785 47786

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to $977,856 in each fiscal year shall be allocated equally among the Ohio educational television stations. Funds shall be used for the production of interactive instructional programming series with priority given to resources aligned with state academic content standards. The programming shall be targeted to the needs of the one-third lowest capacity school districts as determined by the district's state 47787 47788 47789 47790 47791 47792 47793 47794

share index calculated by the Department of Education.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to $2,574,472 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified public educational television stations and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula is developed by the Broadcast Educational Media Commission in consultation with Ohio's qualified public educational television stations and educational radio stations.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to $286,053 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified radio reading services to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula is developed by the Broadcast Educational Media Commission in consultation with Ohio's qualified radio reading services.

**Section 283.10.** ETH OHIO ETHICS COMMISSION

| | | | |
|---|---|---|---|
| General Revenue Fund | | | |
| GRF 146321 Operating Expenses | $ 1,821,515 | $ 2,068,492 | |
| TOTAL GRF General Revenue Fund | $ 1,821,515 | $ 2,068,492 | |
| Dedicated Purpose Fund Group | | | |
| 4M60 146601 Operating Support | $ 652,578 | $ 536,516 | |
| TOTAL DPF Dedicated Purpose Fund Group | $ 652,578 | $ 536,516 | |
| TOTAL ALL BUDGET FUND GROUPS | $ 2,474,093 | $ 2,605,008 | |

**Section 285.10.** EXP OHIO EXPOSITIONS COMMISSION

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 723403 | Junior Fair Subsidy | $ 363,750 | $ 363,750 |
| TOTAL GRF General Revenue Fund | | | $ 363,750 | $ 363,750 |
| Dedicated Purpose Fund Group | | | | |
| 4N20 | 723602 | Ohio State Fair Harness Racing | $ 375,000 | $ 375,000 |
| 5060 | 723601 | Operating Expenses | $ 15,100,897 | $ 15,363,166 |
| 5060 | 723604 | Grounds Maintenance and Repairs | $ 300,000 | $ 300,000 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 15,775,897 | $ 16,038,166 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 16,139,647 | $ 16,401,916 |

STATE FAIR RESERVE

The General Manager of the Expositions Commission, in consultation with the Director of Budget and Management, may submit a request to the Controlling Board to use available amounts in the State Fair Reserve Fund (Fund 6400) if revenues from either the 2019 or the 2020 Ohio State Fair are unexpectedly low.

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management, in consultation with the General Manager of the Expositions Commission, may determine that the Ohio Expositions Fund (Fund 5060) has a cash balance in excess of the anticipated operating costs of the Exposition Commission in that fiscal year. Notwithstanding section 991.04 of the Revised Code, the Director of Budget and Management may transfer an amount up to the excess cash from Fund 5060 to Fund 6400 in each fiscal year.

**Section 287.10.** FCC OHIO FACILITIES CONSTRUCTION COMMISSION

General Revenue Fund

| | | | | | |
|---|---|---|---|---|---|
| GRF | 230321 | Operating Expenses | $ 6,662,729 | $ 6,660,461 | 47852 |
| GRF | 230401 | Cultural Facilities Lease Rental Bond Payments | $ 33,102,800 | $ 28,670,300 | 47853 |
| GRF | 230458 | State Construction Management Services | $ 1,773,454 | $ 1,922,473 | 47854 |
| GRF | 230908 | Common Schools General Obligation Bond Debt Service | $ 410,259,800 | $ 424,825,900 | 47855 |
| TOTAL GRF General Revenue Fund | | | $ 451,798,783 | $ 462,079,134 | 47856 |
| Internal Service Activity Fund Group | | | | | 47857 |
| 1310 | 230639 | State Construction Management Operations | $ 16,152,778 | $ 16,356,157 | 47858 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 16,152,778 | $ 16,356,157 | 47859 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 467,951,561 | $ 478,435,291 | 47860 |

**Section 287.20.** CULTURAL FACILITIES LEASE RENTAL BOND PAYMENTS 47862 47863

The foregoing appropriation item 230401, Cultural Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2019, through June 30, 2021, by the Ohio Facilities Construction Commission pursuant to leases and agreements for cultural and sports facilities made under section 154.23 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code. 47864 47865 47866 47867 47868 47869 47870 47871

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 47872

The foregoing appropriation item 230908, Common Schools General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2019, through June 30, 2021, on obligations issued under 47873 47874 47875 47876

sections 151.01 and 151.03 of the Revised Code.

**Section 287.30.** COMMUNITY PROJECT ADMINISTRATION

The foregoing appropriation item 230458, State Construction Management Services, shall be used by the Ohio Facilities Construction Commission in administering Cultural and Sports Facilities Building Fund (Fund 7030) projects pursuant to section 123.201 of the Revised Code.

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

At the request of the Executive Director of the Ohio Facilities Construction Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within thirteen months of receiving Controlling Board approval under section 3318.05 or 3318.41 of the Revised Code. The Executive Director of the Ohio Facilities Construction Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

**Section 287.40.** CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS

On July 1, 2019, or as soon as possible thereafter, the Executive Director of the Ohio Facilities Construction Commission shall certify to the Director of Budget and Management the amount of cash receipts and related investment income, irrevocable letters of credit from a bank, or certification of the availability of funds that have been received from a county or a municipal corporation for deposit into the Capital Donations Fund (Fund 5A10) and that are related to an anticipated project. These amounts are hereby appropriated to appropriation item C37146,

Capital Donations. Prior to certifying these amounts to the Director, the Executive Director shall make a written agreement with the participating entity on the necessary cash flows required for the anticipated construction or equipment acquisition project.

**Section 287.50.** AMENDMENT TO PROJECT AGREEMENT FOR MAINTENANCE LEVY

The Ohio Facilities Construction Commission shall amend the project agreement between the Commission and a school district that is participating in the Accelerated Urban School Building Assistance Program on the effective date of this section, if the Commission determines that it is necessary to do so in order to comply with division (B)(3)(c) of section 3318.38 of the Revised Code.

**Section 287.60.** Notwithstanding any other provision of law to the contrary, the Ohio Facilities Construction Commission may determine the amount of funding available for disbursement in a given fiscal year for any project approved under sections 3318.01 to 3318.20 of the Revised Code in order to keep aggregate state capital spending within approved limits and may take actions including, but not limited to, determining the schedule for design or bidding of approved projects, to ensure appropriate and supportable cash flow.

**Section 287.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL DISTRICT

Notwithstanding division (B) of section 3318.40 of the Revised Code, the Ohio Facilities Construction Commission shall provide assistance to at least one joint vocational school district each fiscal year for the acquisition or improvement of classroom facilities in accordance with sections 3318.40 to 3318.45 of the Revised Code.

**Section 287.80.** RETURNED OR RECOVERED FUNDS

Notwithstanding any provision of law to the contrary, any moneys a school district transfers to the Ohio Facilities Construction Commission under division (C)(2) or (3) of section 3318.12 of the Revised Code as well as any moneys recovered from settlements with or judgments against parties relating to their involvement in a classroom facilities project shall be deposited into the fund from which the capital appropriation for the project was made. In fiscal year 2020, the Executive Director of the Ohio Facilities Construction Commission may request the Director of Budget and Management to authorize expenditures from those funds and specified appropriation items in excess of the amounts appropriated in an amount equal to the amount of the funds deposited under this section. The additional amounts, if authorized, shall be used in accordance with the purposes of Chapter 3318. of the Revised Code for projects pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 289.10.** GOV OFFICE OF THE GOVERNOR

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 040321 | Operating Expenses | $ 2,914,740 | $ 2,973,034 |
| TOTAL GRF General Revenue Fund | | | $ 2,914,740 | $ 2,973,034 |
| Internal Service Activity Fund Group | | | | |
| 5AK0 | 040607 | Government Relations | $ 613,870 | $ 619,988 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 613,870 | $ 619,988 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 3,528,610 | $ 3,593,022 |

GOVERNMENT RELATIONS

The Office of the Governor may issue an intrastate transfer

voucher to charge any state agency of the executive branch such amounts necessary to represent the interests of Ohio to federal, state, and local government units and to cover the costs or membership dues related to Ohio's participation in national and regional associations. Amounts collected shall be deposited in the Government Relations Fund (Fund 5AK0).

**Section 291.10.** DOH DEPARTMENT OF HEALTH

| | | | |
|---|---|---|---|
| General Revenue Fund | | | |
| GRF 440416 | Mothers and Children Safety Net Services | $ 4,303,612 | $ 4,303,612 |
| GRF 440438 | Breast and Cervical Cancer Screening | $ 671,131 | $ 671,131 |
| GRF 440444 | AIDS Prevention and Treatment | $ 3,493,468 | $ 3,493,468 |
| GRF 440451 | Public Health Laboratory | $ 3,672,005 | $ 3,672,005 |
| GRF 440452 | Child and Family Health Services Match | $ 589,482 | $ 589,482 |
| GRF 440453 | Health Care Quality Assurance | $ 5,083,225 | $ 5,084,936 |
| GRF 440454 | Environmental Health/Radiation Protection | $ 2,783,438 | $ 2,779,841 |
| GRF 440459 | Help Me Grow | $ 40,289,149 | $ 49,292,281 |
| GRF 440472 | Alcohol Testing | $ 1,232,732 | $ 1,210,805 |
| GRF 440474 | Infant Vitality | $ 6,962,292 | $ 6,962,292 |
| GRF 440477 | Emergency Preparedness and Response | $ 1,431,677 | $ 1,431,954 |
| GRF 440482 | Chronic Disease, Injury Prevention and Drug Overdose | $ 7,670,089 | $ 7,898,480 |

| | | | | |
|---|---|---|---|---|
| GRF 440483 | Infectious Disease Prevention and Control | $ 4,522,054 | $ 4,522,054 | 47987 |
| GRF 440484 | Public Health Technology Innovation | $ 543,369 | $ 313,760 | 47988 |
| GRF 440505 | Medically Handicapped Children | $ 11,262,451 | $ 11,262,451 | 47989 |
| GRF 440507 | Targeted Health Care Services-Over 21 | $ 1,340,414 | $ 1,340,414 | 47990 |
| GRF 654453 | Medicaid - Health Care Quality Assurance | $ 4,227,961 | $ 4,246,250 | 47991 |
| TOTAL GRF General Revenue Fund | | $ 100,078,549 | $ 109,075,216 | 47992 |
| Highway Safety Fund Group | | | | 47993 |
| 4T40 440603 | Child Highway Safety | $ 200,000 | $ 200,000 | 47994 |
| TOTAL HSF Highway Safety Fund Group | | $ 200,000 | $ 200,000 | 47995 |
| Dedicated Purpose Fund Group | | | | 47996 |
| 4700 440647 | Fee Supported Programs | $ 29,178,120 | $ 29,178,120 | 47997 |
| 4710 440619 | Certificate of Need | $ 878,433 | $ 878,433 | 47998 |
| 4730 440622 | Lab Operating Expenses | $ 8,826,132 | $ 8,900,000 | 47999 |
| 4770 440627 | Medically Handicapped Children Audit | $ 4,472,562 | $ 4,500,000 | 48000 |
| 4D60 440608 | Genetics Services | $ 3,311,039 | $ 3,311,039 | 48001 |
| 4F90 440610 | Sickle Cell Disease Control | $ 1,032,824 | $ 1,032,824 | 48002 |
| 4G00 440636 | Heirloom Birth Certificate | $ 15,000 | $ 15,000 | 48003 |
| 4G00 440637 | Birth Certificate Surcharge | $ 15,000 | $ 15,000 | 48004 |
| 4L30 440609 | HIV Care and Miscellaneous Expenses | $ 26,935,756 | $ 27,000,000 | 48005 |

| | | | | | |
|---|---|---|---|---|---|
| 4P40 | 440628 | Ohio Physician Loan Repayment | $ 700,000 | $ 700,000 | 48006 |
| 4V60 | 440641 | Save Our Sight | $ 3,482,615 | $ 3,500,000 | 48007 |
| 5B50 | 440616 | Quality, Monitoring, and Inspection | $ 736,194 | $ 736,194 | 48008 |
| 5BX0 | 440656 | Tobacco Use Prevention, Cessation, and Enforcement | $ 11,955,358 | $ 12,000,000 | 48009 |
| 5CN0 | 440645 | Choose Life | $ 80,000 | $ 80,000 | 48010 |
| 5D60 | 440620 | Second Chance Trust | $ 1,000,000 | $ 1,000,000 | 48011 |
| 5ED0 | 440651 | Smoke Free Indoor Air | $ 300,000 | $ 300,000 | 48012 |
| 5G40 | 440639 | Adoption Services | $ 150,000 | $ 150,000 | 48013 |
| 5HB0 | 440470 | Breast and Cervical Cancer Screening | $ 25,096 | $ 0 | 48014 |
| 5PE0 | 440659 | Breast and Cervical Cancer Services | $ 200,000 | $ 200,000 | 48015 |
| 5QJ0 | 440662 | Dental Hygienist Loan Repayments | $ 100,000 | $ 100,000 | 48016 |
| 5SH0 | 440520 | Children's Wish Grant Program | $ 275,000 | $ 275,000 | 48017 |
| 5TZ0 | 440621 | Toxicology Screenings | $ 1,000,000 | $ 1,000,000 | 48018 |
| 5Z70 | 440624 | Ohio Dentist Loan Repayment | $ 200,000 | $ 200,000 | 48019 |
| 6100 | 440626 | Radiation Emergency Response | $ 1,269,262 | $ 1,300,000 | 48020 |
| 6660 | 440607 | Medically Handicapped Children - County Assessments | $ 23,948,173 | $ 24,000,000 | 48021 |
| 6980 | 440634 | Nurse Aide Training | $ 150,000 | $ 150,000 | 48022 |
| L087 | 440669 | Public Health Priorities | $ 2,000,000 | $ 0 | 48023 |
| TOTAL DPF Dedicated Purpose Fund | | | $ 122,236,564 | $ 120,521,610 | 48024 |

| | | | | | |
|---|---|---|---|---|---|
| Group | | | | | |
| Internal Service Activity Fund Group | | | | | 48025 |
| 1420 | 440646 | Agency Health Services | $ 4,984,080 | $ 5,000,000 | 48026 |
| 2110 | 440613 | Central Support Indirect Costs | $ 28,897,875 | $ 29,500,000 | 48027 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 33,881,955 | $ 34,500,000 | 48028 |
| Holding Account Fund Group | | | | | 48029 |
| R014 | 440631 | Vital Statistics | $ 44,986 | $ 44,986 | 48030 |
| R048 | 440625 | Refunds, Grants Reconciliation, and Audit Settlements | $ 20,000 | $ 20,000 | 48031 |
| TOTAL HLD Holding Account Fund Group | | | $ 64,986 | $ 64,986 | 48032 |
| Federal Fund Group | | | | | 48033 |
| 3200 | 440601 | Maternal Child Health Block Grant | $ 24,673,419 | $ 25,000,000 | 48034 |
| 3870 | 440602 | Preventive Health Block Grant | $ 9,681,749 | $ 9,750,000 | 48035 |
| 3890 | 440604 | Women, Infants, and Children | $ 219,839,807 | $ 220,000,000 | 48036 |
| 3910 | 440606 | Medicare Survey and Certification | $ 17,049,993 | $ 17,500,000 | 48037 |
| 3920 | 440618 | Federal Public Health Programs | $ 94,344,493 | $ 95,000,000 | 48038 |
| 3GD0 | 654601 | Medicaid Program Support | $ 28,161,187 | $ 28,540,949 | 48039 |
| 3GN0 | 440660 | Public Health Emergency Preparedness | $ 26,347,943 | $ 26,500,000 | 48040 |
| TOTAL FED Federal Fund Group | | | $ 420,098,591 | $ 422,290,949 | 48041 |

| | | | |
|---|---|---|---|
| TOTAL ALL BUDGET FUND GROUPS | $ 676,560,645 | $ 686,652,761 | 48042 |

**Section 291.20.** MOTHERS AND CHILDREN SAFETY NET SERVICES 48044

Of the foregoing appropriation item 440416, Mothers and Children Safety Net Services, up to $200,000 in each fiscal year may be used to assist families with hearing impaired children under twenty-one years of age in purchasing hearing aids and hearing assistive technology. The Director of Health shall adopt rules governing the distribution of these funds, including rules that do both of the following: (1) establish eligibility criteria to include families with incomes at or below four hundred per cent of the federal poverty guidelines as defined in section 5101.46 of the Revised Code, and (2) develop a sliding scale of disbursements under this section based on family income. The Director may adopt other rules as necessary to implement this section. Rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. 48045 48046 48047 48048 48049 48050 48051 48052 48053 48054 48055 48056 48057 48058

AIDS PREVENTION AND TREATMENT 48059

The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to administer educational and other prevention initiatives. 48060 48061 48062

INFANT VITALITY 48063

The foregoing appropriation item 440474, Infant Vitality, shall be used to fund a multi-pronged population health approach to address infant mortality. This approach may include the following: increasing awareness; supporting data collection; analysis and interpretation to inform decision-making and ensure accountability; targeting resources where the need is greatest; and implementing quality improvement science and programming that is evidence-based or based on emerging practices. Measurable interventions may include activities related to safe sleep, community engagement, Centering Pregnancy, newborn screening, safe 48064 48065 48066 48067 48068 48069 48070 48071 48072 48073

birth spacing, gestational diabetes, smoking cessation, breastfeeding, care coordination, and progesterone.

EMERGENCY PREPAREDNESS AND RESPONSE

The foregoing appropriation item 440477, Emergency Preparedness and Response, shall be used to support public health emergency preparedness and response efforts at the state level or at a regional sub-level within the state, and may also be used to support data infrastructure projects.

TARGETED HEALTH CARE SERVICES-OVER 21

The foregoing appropriation item 440507, Targeted Health Care Services-Over 21, shall be used to administer the Cystic Fibrosis Program and to implement the Hemophilia Insurance Premium Payment Program. The Department of Health shall expend $100,000 in each fiscal year to implement the Hemophilia Insurance Premium Payment Program.

The foregoing appropriation item 440507, Targeted Health Care Services-Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMH) participants for the Cystic Fibrosis Program.

The Department shall expend all of these funds.

PUBLIC HEALTH PRIORITIES

The foregoing appropriation item 440669, Public Health Priorities, shall be used to conduct public health awareness and education campaigns, initiate innovative programming and prevention strategies, and other work related to advancing positive changes in population health in Ohio. The Department of Health may distribute grants, contracts, or subsidy for these purposes, including, but not limited to, supporting public-private

partnerships to address pressing public health issues.

FEE SUPPORTED PROGRAMS

Of the foregoing appropriation item 440647, Fee Supported Programs, $2,160,000 in each fiscal year shall be used to distribute subsidies to local health departments on a per capita basis.

Of the foregoing appropriation item 440647, Fee Supported Programs, $1,500,000 in each fiscal year shall be used to distribute subsidies to local health departments accredited through the Public Health Accreditation Board on a per capita basis.

MEDICALLY HANDICAPPED CHILDREN AUDIT

The Medically Handicapped Children Audit Fund (Fund 4770) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Medically Handicapped Children's Program recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis or hemophilia. Moneys may also be expended for administrative expenses incurred in operating the Medically Handicapped Children's Program.

GENETICS SERVICES

The foregoing appropriation item 440608, Genetics Services, shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency.

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT

Of the foregoing appropriation item 440656, Tobacco Use Prevention, Cessation, and Enforcement, $750,000 in each fiscal year shall be used to award grants in accordance with the section of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM."

Of the foregoing appropriation item 440656, Tobacco Use Prevention, Cessation, and Enforcement, $250,000 in each fiscal year shall be distributed to boards of health for the Baby and Me Tobacco Free Program. The Director of Health shall determine how the funds are to be distributed, but shall prioritize awards to boards that serve women who reside in communities that have the highest infant mortality rates in this state, as identified under section 3701.142 of the Revised Code.

The remainder of appropriation item 440656, Tobacco Use Prevention, Cessation, and Enforcement, shall be used to administer tobacco use prevention and cessation activities and programs and to enforce the Ohio Smoke-Free Workplace Act.

TOXICOLOGY SCREENINGS

The foregoing appropriation item 440621, Toxicology Screenings, shall be used to reimburse county coroners in counties in which the coroner has performed toxicology screenings on victims of a drug overdose. The Director of Health shall transfer the funds to the counties in proportion to the numbers of toxicology screenings performed per county.

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS

The foregoing appropriation item 440607, Medically Handicapped Children - County Assessments, shall be used to make payments under division (E) of section 3701.023 of the Revised Code.

CASH TRANSFER TO EMERGENCY PREPAREDNESS AND RESPONSE FUND

If the Director of Health determines that there are insufficient funds in appropriation item 440477, Emergency Preparedness and Response, for public health emergency preparedness and response activities, the Director may certify to the Director of Budget and Management an amount necessary to address these activities. Upon certification, the Director of Budget and Management shall transfer up to $500,000 cash in each fiscal year from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Emergency Preparedness and Response Fund (Fund 5UA0). The amount transferred is hereby appropriated.

**Section 291.30.** MOMS QUIT FOR TWO GRANT PROGRAM

(A) The Department of Health shall create the Moms Quit for Two Grant Program. Recognizing the significant health risks posed to women and their children by tobacco use during and after pregnancy, the Department shall award grants to private, nonprofit entities or government entities that demonstrate the ability to deliver evidence-based tobacco cessation interventions to women who reside in communities that have the highest incidence of infant mortality, as determined by the Director of Health, and who are pregnant or live with children. Funds awarded under this section shall not be used to provide tobacco cessation interventions to women who are eligible for Medicaid. The Department may adopt any rules it considers necessary to administer the Program.

(B) The Department shall create a grant application and develop a process for receiving and evaluating completed grant applications on a competitive basis. The Department shall give first preference to the entities described in division (A) of this section that are able to target the interventions to pregnant women and second preference to such entities that are able to

target the interventions to women living with children. The Department's decision regarding a submitted grant application is final.

(C) The Department shall establish performance objectives to be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

**Section 291.40.** WIC VENDOR CONTRACTS

(A) As used in this section, "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended.

(B) During fiscal year 2020 and fiscal year 2021, the Department of Health shall process and review a WIC vendor contract application pursuant to Chapter 3701-42 of the Administrative Code not later than forty-five days after receipt of the application if the applicant is a WIC-contracted vendor at the time of application and meets all of the following requirements:

(1) Submits a complete WIC vendor application with all required documents and information;

(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application;

(3) Completes the required in-person training within forty-five days of submitting the complete application.

(C) If an applicant fails to meet any of the requirements described in division (B) of this section, the Department shall deny the application for the contract. After an application has been denied, the applicant may reapply for a contract to act as a WIC vendor during the contracting cycle that is applicable to the applicant's WIC region.

**Section 291.50.** LUPUS AWARENESS

The Director of Health shall enter into an agreement with the Commission on Minority Health to operate a Lupus Education and Awareness Program.

**Section 293.10.** HEF HIGHER EDUCATIONAL FACILITY COMMISSION

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | |
| 4610 | 372601 | Operating Expenses | $ 12,500 | $ 12,500 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 12,500 | $ 12,500 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 12,500 | $ 12,500 |

**Section 295.10.** SPA COMMISSION ON HISPANIC/LATINO AFFAIRS

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 148321 | Operating Expenses | $ 464,888 | $ 464,047 |
| TOTAL GRF General Revenue Fund | | | $ 464,888 | $ 464,047 |
| Dedicated Purpose Fund Group | | | | |
| 6010 | 148602 | Special Initiatives | $ 24,558 | $ 24,558 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 24,558 | $ 24,558 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 489,446 | $ 488,605 |

**Section 297.10.** OHS OHIO HISTORY CONNECTION

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 360501 | Education and Collections | $ 5,180,712 | $ 5,151,712 |
| GRF | 360502 | Site and Museum Operations | $ 6,707,853 | $ 6,772,853 |
| GRF | 360504 | Ohio Preservation Office | $ 281,300 | $ 281,300 |
| GRF | 360505 | National | $ 485,000 | $ 485,000 |

| | | | | | |
|---|---|---|---|---|---|
| | | Afro-American Museum | | | |
| GRF | 360506 | Hayes Presidential Center | $ 485,000 | $ 485,000 | 48252 |
| GRF | 360509 | Outreach and Partnership | $ 155,583 | $ 155,583 | 48253 |
| TOTAL GRF General Revenue Fund | | | $ 13,295,448 | $ 13,331,448 | 48254 |
| Dedicated Purpose Fund Group | | | | | 48255 |
| 5KL0 | 360602 | Ohio History Tax Check-off | $ 150,000 | $ 150,000 | 48256 |
| 5PD0 | 360603 | Ohio History License Plate | $ 10,000 | $ 10,000 | 48257 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 160,000 | $ 160,000 | 48258 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 13,455,448 | $ 13,491,448 | 48259 |

SUBSIDY APPROPRIATION 48260

Upon approval by the Director of Budget and Management, the foregoing appropriation items shall be released to the Ohio History Connection in quarterly amounts that in total do not exceed the annual appropriations. The funds and fiscal records of the Ohio History Connection for fiscal year 2020 and fiscal year 2021 shall be examined by independent certified public accountants approved by the Auditor of State, and a copy of the audited financial statements shall be filed with the Office of Budget and Management. 48261 48262 48263 48264 48265 48266 48267 48268 48269

The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio History Connection under section 149.30 of the Revised Code. 48270 48271 48272 48273

**Section 299.10.** REP OHIO HOUSE OF REPRESENTATIVES 48274

General Revenue Fund 48275

| | | | | | |
|---|---|---|---|---|---|
| GRF | 025321 | Operating Expenses | $ 25,917,274 | $ 25,917,274 | 48276 |
| TOTAL GRF General Revenue Fund | | | $ 25,917,274 | $ 25,917,274 | 48277 |
| Internal Service Activity Fund Group | | | | | 48278 |
| 1030 | 025601 | House of Representatives Reimbursement | $ 1,433,664 | $ 1,433,664 | 48279 |
| 4A40 | 025602 | Miscellaneous Sales | $ 50,000 | $ 50,000 | 48280 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 1,483,664 | $ 1,483,664 | 48281 48282 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 27,400,938 | $ 27,400,938 | 48283 |

OPERATING EXPENSES 48284

On July 1, 2019, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2020. 48285 48286 48287 48288 48289 48290 48291 48292

On July 1, 2020, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021. 48293 48294 48295 48296 48297 48298 48299 48300

HOUSE REIMBURSEMENT 48301

If it is determined by the Chief Administrative Officer of the House of Representatives that additional appropriations are necessary for the foregoing appropriation item 025601, House 48302 48303 48304

Reimbursement, the amounts are hereby appropriated.

**Section 301.10.** HFA OHIO HOUSING FINANCE AGENCY

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | |
| 5AZ0 | 997601 | Housing Finance Agency Personal Services | $ 12,267,196 | $ 12,819,657 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 12,267,196 | $ 12,819,657 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 12,267,196 | $ 12,819,657 |

**Section 303.10.** IGO OFFICE OF THE INSPECTOR GENERAL

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 965321 | Operating Expenses | $ 1,512,881 | $ 1,509,581 |
| TOTAL GRF General Revenue Fund | | | $ 1,512,881 | $ 1,509,581 |
| Internal Service Activity Fund Group | | | | |
| 5FA0 | 965603 | Deputy Inspector General for ODOT | $ 400,000 | $ 400,000 |
| 5FT0 | 965604 | Deputy Inspector General for BWC/OIC | $ 425,000 | $ 425,000 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 825,000 | $ 825,000 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 2,337,881 | $ 2,334,581 |

**Section 305.10.** INS DEPARTMENT OF INSURANCE

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | |
| 5540 | 820601 | Operating Expenses - OSHIIP | $ 180,000 | $ 180,000 |
| 5540 | 820606 | Operating Expenses | $ 29,580,629 | $ 30,661,244 |
| 5550 | 820605 | Examination | $ 8,938,161 | $ 9,179,766 |
| 5PT0 | 820613 | Captive Insurance Regulation and Supervision | $ 650,000 | $ 650,000 |

| | | | |
|---|---|---|---|
| TOTAL DPF Dedicated Purpose Fund Group | $ 39,348,790 | $ 40,671,010 | |
| Federal Fund Group | | | |
| 3U50 820602 OSHIIP Operating Grant | $ 2,793,150 | $ 2,793,150 | |
| TOTAL FED Federal Fund Group | $ 2,793,150 | $ 2,793,150 | |
| TOTAL ALL BUDGET FUND GROUPS | $ 42,141,940 | $ 43,464,160 | |

MARKET CONDUCT EXAMINATION

When conducting a market conduct examination of any insurer doing business in this state, the Superintendent of Insurance may assess the costs of the examination against the insurer. The Superintendent may enter into consent agreements to impose administrative assessments or fines for conduct discovered that may be violations of statutes or rules administered by the Superintendent. All costs, assessments, or fines collected shall be deposited to the credit of the Department of Insurance Operating Fund (Fund 5540).

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES

The Director of Budget and Management, at the request of the Superintendent of Insurance, may transfer cash from the Department of Insurance Operating Fund (Fund 5540), established by section 3901.021 of the Revised Code, to the Superintendent's Examination Fund (Fund 5550), established by section 3901.071 of the Revised Code, only for expenses incurred in examining domestic fraternal benefit societies as required by section 3921.28 of the Revised Code.

TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION AND SUPERVISION

When funds from captive insurance company application fees, reimbursements from captive insurance companies for examinations, and other sources have accrued to the Captive Insurance Regulation

and Supervision Fund (Fund 5PT0) in such amounts as are deemed sufficient to sustain operations, the Director of Budget and Management, in consultation with the Superintendent of Insurance, shall establish a schedule for repaying the amounts previously transferred during fiscal years 2016 and 2017 from Fund 5PT0 to Fund 5540.

**Section 307.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES

| | | | |
|---|---|---|---|
| General Revenue Fund | | | |
| GRF 600410 | TANF State Maintenance of Effort | $ 144,267,326 | $ 144,267,326 |
| GRF 600413 | Child Care State/Maintenance of Effort | $ 83,461,739 | $ 83,461,739 |
| GRF 600450 | Program Operations | $ 148,394,043 | $ 148,439,778 |
| GRF 600502 | Child Support - Local | $ 23,456,891 | $ 23,456,891 |
| GRF 600521 | Family Assistance - Local | $ 44,748,768 | $ 44,748,768 |
| GRF 600523 | Family and Children Services | $ 151,107,628 | $ 151,107,628 |
| GRF 600528 | Adoption Services | $ 28,922,517 | $ 28,922,517 |
| GRF 600533 | Child, Family, and Community Protection Services | $ 13,500,000 | $ 13,500,000 |
| GRF 600534 | Adult Protective Services | $ 2,740,000 | $ 2,740,000 |
| GRF 600535 | Early Care and Education | $ 141,285,241 | $ 141,285,241 |
| GRF 600541 | Kinship Permanency Incentive Program | $ 1,000,000 | $ 1,000,000 |
| GRF 600546 | Healthy Food Financing Initiative | $ 150,000 | $ 150,000 |

| | | | | | |
|---|---|---|---|---|---|
| GRF | 655425 | Medicaid Program Support | $ 13,971,461 | $ 14,084,154 | 48379 |
| GRF | 655522 | Medicaid Program Support - Local | $ 37,119,931 | $ 37,119,931 | 48380 |
| GRF | 655523 | Medicaid Program Support - Local Transportation | $ 38,750,000 | $ 38,750,000 | 48381 |
| TOTAL GRF General Revenue Fund | | | $ 872,875,545 | $ 873,033,973 | 48382 |
| Dedicated Purpose Fund Group | | | | | 48383 |
| 1980 | 600647 | Children's Trust Fund | $ 7,992,060 | $ 6,000,000 | 48384 |
| 4A80 | 600658 | Public Assistance Activities | $ 32,000,000 | $ 32,000,000 | 48385 |
| 4A90 | 600607 | Unemployment Compensation Administration Fund | $ 13,900,000 | $ 12,900,000 | 48386 |
| 4E70 | 600604 | Family and Children Services Collections | $ 650,000 | $ 650,000 | 48387 |
| 4F10 | 600609 | Family and Children Activities | $ 708,000 | $ 708,000 | 48388 |
| 5DM0 | 600633 | Audit Settlements and Contingency | $ 1,000,000 | $ 1,000,000 | 48389 |
| 5ES0 | 600630 | Food Bank Assistance | $ 500,000 | $ 500,000 | 48390 |
| 5HC0 | 600695 | Unemployment Compensation Interest | $ 1,000,000 | $ 1,000,000 | 48391 |
| 5KT0 | 600696 | Early Childhood Education | $ 20,000,000 | $ 20,000,000 | 48392 |
| 5NG0 | 600660 | Victims of Human Trafficking | $ 100,000 | $ 100,000 | 48393 |
| 5RX0 | 600699 | Workforce Development Projects | $ 300,000 | $ 300,000 | 48394 |
| 5RY0 | 600698 | Human Services Project | $ 14,887,449 | $ 15,000,000 | 48395 |
| 5TZ0 | 600674 | Children's Crisis | $ 150,000 | $ 150,000 | 48396 |

| | | | | | |
|---|---|---|---|---|---|
| | | Care | | | |
| 5U60 | 600663 | Family and Children Support | $ 5,000,000 | $ 5,000,000 | 48397 |
| 5VJ0 | 600600 | Books from Birth | $ 5,000,000 | $ 0 | 48398 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 103,187,509 | $ 95,308,000 | 48399 |
| Internal Service Activity Fund Group | | | | | 48400 |
| 5HL0 | 600602 | State and County Shared Services | $ 1,500,000 | $ 1,500,000 | 48401 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 1,500,000 | $ 1,500,000 | 48402 |
| Fiduciary Fund Group | | | | | 48403 |
| 1920 | 600646 | Child Support Intercept - Federal | $ 100,000,000 | $ 100,000,000 | 48404 |
| 5830 | 600642 | Child Support Intercept - State | $ 13,000,000 | $ 13,000,000 | 48405 |
| 5B60 | 600601 | Food Assistance Intercept | $ 4,000,000 | $ 4,000,000 | 48406 |
| TOTAL FID Fiduciary Fund Group | | | $ 117,000,000 | $ 117,000,000 | 48407 |
| Holding Account Fund Group | | | | | 48408 |
| R012 | 600643 | Refunds and Audit Settlements | $ 500,000 | $ 500,000 | 48409 |
| TOTAL HLD Holding Account Fund Group | | | $ 500,000 | $ 500,000 | 48410 |
| Federal Fund Group | | | | | 48411 |
| 3270 | 600606 | Child Welfare | $ 28,950,337 | $ 29,000,000 | 48412 |
| 3310 | 600615 | Veterans Programs | $ 7,000,000 | $ 7,000,000 | 48413 |
| 3310 | 600624 | Employment Services | $ 26,000,000 | $ 26,000,000 | 48414 |
| 3310 | 600686 | Workforce Programs | $ 3,912,923 | $ 4,000,000 | 48415 |
| 3840 | 600610 | Food Assistance Programs | $ 165,544,356 | $ 165,544,356 | 48416 |
| 3850 | 600614 | Refugee Services | $ 12,000,000 | $ 12,000,000 | 48417 |

| | | | | | |
|---|---|---|---|---|---|
| 3950 | 600616 | Federal Discretionary Grants | $ 1,500,000 | $ 1,500,000 | 48418 |
| 3960 | 600620 | Social Services Block Grant | $ 42,000,000 | $ 42,000,000 | 48419 |
| 3970 | 600626 | Child Support - Federal | $ 197,479,829 | $ 198,000,000 | 48420 |
| 3980 | 600627 | Adoption Program - Federal | $ 175,000,000 | $ 175,000,000 | 48421 |
| 3A20 | 600641 | Emergency Food Distribution | $ 7,000,000 | $ 7,000,000 | 48422 |
| 3D30 | 600648 | Children's Trust Fund Federal | $ 2,000,000 | $ 2,000,000 | 48423 |
| 3F01 | 655624 | Medicaid Program Support - Federal | $ 179,231,495 | $ 179,500,000 | 48424 |
| 3H70 | 600617 | Child Care Federal | $ 331,249,291 | $ 331,980,000 | 48425 |
| 3N00 | 600628 | Foster Care Program - Federal | $ 280,732,702 | $ 281,000,000 | 48426 |
| 3S50 | 600622 | Child Support Projects | $ 534,050 | $ 534,050 | 48427 |
| 3V00 | 600688 | Workforce Innovation and Opportunity Act Programs | $ 142,092,211 | $ 142,450,000 | 48428 |
| 3V40 | 600632 | Trade Programs | $ 19,755,884 | $ 20,000,000 | 48429 |
| 3V40 | 600678 | Federal Unemployment Programs | $ 73,436,024 | $ 73,436,024 | 48430 |
| 3V40 | 600679 | Unemployment Compensation Review Commission - Federal | $ 4,800,000 | $ 4,800,000 | 48431 |
| 3V60 | 600689 | TANF Block Grant | $ 873,602,794 | $ 935,000,000 | 48432 |
| TOTAL FED Federal Fund Group | | | $ 2,573,821,896 | $ 2,637,744,430 | 48433 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 3,668,884,950 | $ 3,725,086,403 | 48434 |

**Section 307.20.** COUNTY ADMINISTRATIVE FUNDS 48436

(A) The foregoing appropriation item 600521, Family 48437

Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs.

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program.

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item:

(1) Appropriation item 600521, Family Assistance – Local, and appropriation item 655522, Medicaid Program Support – Local; and

(2) Appropriation item 655523, Medicaid Program Support – Local Transportation, and appropriation item 655522, Medicaid Program Support – Local.

(D) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 307.30.** NAME OF FOOD STAMP PROGRAM

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program, the Supplemental Nutrition Assistance Program, or the Food Assistance

Program in rules and documents of the Department of Job and Family Services.

**Section 307.40.** OHIO ASSOCIATION OF FOOD BANKS

Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, 600658, Public Assistance Activities, and 600689, TANF Block Grant, a total of $17,050,000 in each fiscal year shall be used to provide funds to the Ohio Association of Food Banks to purchase and distribute food products.

Notwithstanding section 5101.46 of the Revised Code and any other provision in this bill, including funds designated for the Ohio Association of Food Banks in this section, in fiscal year 2020 and fiscal year 2021, the Director of Job and Family Services shall provide assistance from eligible funds to the Ohio Association of Food Banks in an amount not less than $19,550,000 in each fiscal year.

Eligible nonfederal expenditures made by member food banks of the Association shall be counted by the Department of Job and Family Services toward the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). The Director of Job and Family Services shall enter into an agreement with the Ohio Association of Food Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section.

**Section 307.45.** FOOD STAMPS TRANSFER

On July 1, 2019, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to $1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0).

**Section 307.50.** PUBLIC ASSISTANCE ACTIVITIES/TANF MOE

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

**Section 307.70.** GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES

Of the foregoing appropriation item 600689, TANF Block Grant, up to $13,035,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601.

**Section 307.80.** INDEPENDENT LIVING INITIATIVE

Of the foregoing appropriation item 600689, TANF Block Grant, up to $2,000,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support the Independent Living Initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care.

**Section 307.90.** OHIO COMMISSION ON FATHERHOOD

Of the foregoing appropriation item 600689, TANF Block Grant, $1,200,000 in each fiscal year shall be provided to the Ohio Commission on Fatherhood.

**Section 307.100.** KINSHIP CAREGIVER PROGRAM

Of the foregoing appropriation item 600689, TANF Block Grant, $15,000,000 in each fiscal year shall be used to support kinship care. The Director of Job and Family Services shall allocate funds to county departments of job and family services by providing twelve per cent divided equally among all counties, forty-eight per cent in the ratio that the number of residents of the county under the age of eighteen bears to the total number of such persons residing in this state, and forty per cent in the ratio that the number of residents of the county with incomes under one hundred per cent of the federal poverty guideline bears to the total number of such persons in this state. Each public children services agency shall use these funds to provide reasonable and necessary relief of child caring functions so that kinship caregivers, as defined in section 5101.85 of the Revised Code, can provide and maintain a home for a child in place of a child's parents. When the public children services agency is designated under division (A) of section 5153.02 of the Revised Code, the county department of job and family services shall enter into a memorandum of understanding with the public children services agency authorizing the public children services agency to expend funds for this purpose up to the amount of the allocation.

Each county department of job and family services shall incorporate the kinship caregiver support program into its prevention, retention, and contingency plan. For the purpose of this service, each child living with a kinship caregiver shall constitute a prevention, retention, and contingency assistance group of one. To qualify, the child must be eighteen years of age or younger.

The Department of Job and Family Services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to

carry out the purposes of this section.

If funding is no longer available, the kinship caregiver support program in this section shall end and any county department of job and family services or public children services agency shall not be held responsible for payment of services.

**Section 307.110.** FAMILY AND CHILDREN SERVICES

Of the foregoing appropriation item 600523, Family and Children Services, up to $3,200,000 shall be used to match eligible federal Title IV-B ESSA funds and federal Title IV-E Chafee funds allocated to public children services agencies.

Of the foregoing appropriation item 600523, Family and Children Services, up to $25,000,000 in each fiscal year shall be provided to assist with the expense of providing services to youth in the custody of a public children services agency or at risk of entering into the custody of a public children services agency requiring services from multiple systems. The Director of Job and Family Services shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item 600523, Family and Children Services, up to $10,000,000 in each fiscal year shall be provided as incentive awards to public children services agencies subject to section 5101.23 of the Revised Code for meeting performance outcomes linked with ensuring the safety and timely permanency of children.

Of the foregoing appropriation item, 600523, Family and Children Services, not less than $85,040,010 in each fiscal year shall be provided to public children services agencies. Of that amount, $8,800,000 in each fiscal year shall be used to provide an initial allocation of $100,000 to each county; up to $5,000,000 in each fiscal year shall be provided using the formula in section

5101.14 of the Revised Code for staffing for foster parent recruitment, engagement, and support; and the remainder shall be provided using the formula in section 5101.14 of the Revised Code.

**Section 307.115.** KINSHIP CARE NAVIGATOR PROGRAM

Of the foregoing appropriation item 600523, Family and Children Services, $3,500,000 in each fiscal year shall be used to support the Kinship Care Navigator Program, and may be used to match eligible federal Title IV-E funds.

**Section 307.120.** FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN

In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from the Department of Job and Family Services from the foregoing appropriation item 600523, Family and Children Services, or 600533, Child, Family, and Community Protection Services, may transfer a portion of either or both allocations to a flexible funding pool as authorized by the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

**Section 307.130.** CHILD, FAMILY, AND COMMUNITY PROTECTION SERVICES

(A) The foregoing appropriation item 600533, Child, Family, and Community Protection Services, shall be distributed to county departments of job and family services. County departments shall use the funds distributed to them under this section as follows, in accordance with the written plan of cooperation entered into under section 307.983 of the Revised Code:

(1) To assist individuals in achieving or maintaining self-sufficiency, including by reducing or preventing dependency among individuals with family income not exceeding two hundred per

cent of the federal poverty guidelines;

(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the differential response approach program;

(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application;

(4) To provide outreach, referral, application assistance, and other services to assist individuals receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs.

(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation.

**Section 307.135.** HEALTHY FOOD FINANCING INITIATIVE

The foregoing appropriation item 600546, Healthy Food Financing Initiative, shall be used by the Director of Job and Family Services to support healthy food access in underserved communities in urban and rural Low and Moderate Income Areas, as defined by either the United States Department of Agriculture (USDA), as identified in the USDA's Food Access Research Atlas, or through a methodology that has been adopted for use by another governmental or philanthropic healthy food initiative, or an

alternative methodology approved by the Director of Job and Family Services.

The Director of Job and Family Services, in cooperation with the Director of Health, shall contract with the Finance Fund Capital Corporation to administer a Healthy Food Financing Initiative. The Finance Fund Capital Corporation shall demonstrate a capacity to administer grant and loan programs in accordance with state and federal rules and accounting principles, and shall partner with one or more entities with demonstrable experience in healthy food access-related policy matters.

The Finance Fund Capital Corporation shall report to the Ohio Department of Job and Family Services the amount of funds granted or loaned, the number of new or retained jobs associated with related projects, the health impact of the initiative, and the number and location of healthy food access projects established or in development.

**Section 307.140.** FAMILY AND CHILDREN ACTIVITIES

The foregoing appropriation item 600609, Family and Children Activities, shall be used to expend miscellaneous foundation funds and grants to support family and children services activities.

**Section 307.145.** BOOKS FROM BIRTH

The foregoing appropriation item 600600, Books from Birth, shall be used to support childhood literacy efforts in the state. The Director of Job and Family Services may work with nonprofit entities or foundations established to support childhood literacy efforts in this state.

On July 1, 2020, or as soon as possible thereafter, the Director of Job and Family Services may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 600600, Books from

Birth, at the end of fiscal year 2020 to be reappropriated in fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

**Section 307.150.** ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND

Notwithstanding section 5101.073 of the Revised Code, the ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also consist of earned federal revenue the final disposition of which is unknown.

On July 1 of each fiscal year, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to $16,000,000 cash from the ODJFS Audit Settlements and Contingency Fund (Fund 5DM0), to the Human Services Projects Fund (Fund 5RY0).

**Section 307.160.** ADOPTION ASSISTANCE LOAN

The Department of Job and Family Services may use the State Adoption Assistance Loan Fund (Fund 5DP0) for the administration of adoption assistance loans pursuant to section 3107.018 of the Revised Code. The amounts of any adoption assistance loans are hereby appropriated.

**Section 307.170.** EARLY CHILDHOOD EDUCATION

Of the foregoing appropriation item 600696, Early Childhood Education, up to $20,000,000 in each fiscal year shall be used to achieve the goals described in division (C) of section 5104.29 of the Revised Code. The funds shall be used to support early learning and development programs operating in smaller communities, early learning and development programs that are rated in the Step Up to Quality program at the third highest tier or higher, or both.

**Section 307.190.** VICTIMS OF HUMAN TRAFFICKING

The foregoing appropriation item 600660, Victims of Human Trafficking, shall be used to provide treatment, care, rehabilitation, education, housing, and assistance for victims of trafficking in persons as specified in section 5101.87 of the Revised Code.

If receipts credited to the Victims of Human Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 307.195.** CHILDREN'S CRISIS FACILITIES

The foregoing appropriation item 600674, Children's Crisis Care Facilities, shall be allocated by the Department of Job and Family Services in each fiscal year to children's crisis care facilities as defined in section 5103.13 of the Revised Code. A children's crisis care facility may decline to receive funds provided under this section. A children's crisis care facility that accepts funds provided under this section shall use the funds in accordance with section 5103.13 of the Revised Code and the rules as defined in rule 5101:2-9-36 of the Administrative Code.

**Section 307.200.** FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS

The Fiduciary Fund Group and Holding Account Fund Group shall be used to hold revenues until the appropriate fund is determined or until the revenues are directed to the appropriate governmental agency other than the Department of Job and Family Services. Any Department of Job and Family Services refunds or reconciliations

received or held by the Department of Medicaid shall be transferred or credited to the Refunds and Audit Settlement Fund (Fund R012). If receipts credited to the Support Intercept – Federal Fund (Fund 1920), the Support Intercept – State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit Settlements Fund (Fund R012), or the Forgery Collections Fund (Fund R013) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 309.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 029321 | Operating Expenses | $ 570,000 | $ 570,000 |
| TOTAL GRF General Revenue Fund | | | $ 570,000 | $ 570,000 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 570,000 | $ 570,000 |

OPERATING GUIDANCE

The Legislative Service Commission shall act as fiscal agent for the Joint Committee on Agency Rule Review. Members of the Committee shall be paid in accordance with section 101.35 of the Revised Code.

OPERATING EXPENSES

On July 1, 2019, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby reappropriated to the same

appropriation item for fiscal year 2020.

On July 1, 2020, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

**Section 311.10.** JEO JOINT EDUCATION OVERSIGHT COMMITTEE

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 047321 | Operating Expenses | $ 376,663 | $ 378,668 |
| TOTAL GRF General Revenue Fund | | | $ 376,663 | $ 378,668 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 376,663 | $ 378,668 |

OPERATING EXPENSES

The foregoing appropriation item 047321, Operating Expenses, shall be used to support expenses related to the Joint Education Oversight Committee under section 103.45 to 103.50 of the Revised Code.

On July 1, 2019, or as soon as possible thereafter, the Joint Education Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 047321, Operating Expenses, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2020.

On July 1, 2020, or as soon as possible thereafter, the Joint Education Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 047321, Operating

Expenses, at the end of fiscal year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

**Section 313.10.** JMO JOINT MEDICAID OVERSIGHT COMMITTEE

| | | | |
|---|---|---|---|
| General Revenue Fund | | | |
| GRF 048321 Operating Expenses | $ 361,365 | $ 528,681 | |
| TOTAL GRF General Revenue Fund | $ 361,365 | $ 528,681 | |
| TOTAL ALL BUDGET FUND GROUPS | $ 361,365 | $ 528,681 | |

OPERATING EXPENSES

The foregoing appropriation item 048321, Operating Expenses, shall be used to support expenses related to the Joint Medicaid Oversight Committee created by section 103.41 of the Revised Code.

On July 1, 2019, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2020.

On July 1, 2020, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

The Legislative Service Commission shall act as fiscal agent for the Joint Medicaid Oversight Committee.

**Section 315.10.** JCO JUDICIAL CONFERENCE OF OHIO

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 018321 | Operating Expenses | $ 963,500 | $ 911,305 |
| TOTAL GRF General Revenue Fund | | | $ 963,500 | $ 911,305 |
| Dedicated Purpose Fund Group | | | | |
| 4030 | 018601 | Ohio Jury Instructions | $ 480,850 | $ 480,000 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 480,850 | $ 480,000 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 1,444,350 | $ 1,391,305 |

STATE COUNCIL OF UNIFORM STATE LAWS

Notwithstanding section 105.26 of the Revised Code, of the foregoing appropriation item 018321, Operating Expenses, up to $93,500 in fiscal year 2020 and up to $96,305 in fiscal year 2021 shall be used to pay the expenses of the State Council of Uniform State Laws, including membership dues to the National Conference of Commissioners on Uniform State Laws.

OHIO JURY INSTRUCTIONS FUND

The Ohio Jury Instructions Fund (Fund 4030) shall consist of grants, royalties, dues, conference fees, bequests, devises, and other gifts received for the purpose of supporting costs incurred by the Judicial Conference of Ohio in its activities as a part of the judicial system of the state as determined by the Judicial Conference Executive Committee. Fund 4030 shall be used by the Judicial Conference of Ohio to pay expenses incurred in its activities as a part of the judicial system of the state as determined by the Judicial Conference Executive Committee. All moneys accruing to Fund 4030 in excess of the amount appropriated for the current fiscal year are hereby appropriated for the purposes authorized. No money in Fund 4030 shall be transferred to

any other fund by the Director of Budget and Management or the Controlling Board.

**Section 317.10.** JSC THE JUDICIARY/SUPREME COURT

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 005321 | Operating Expenses - Judiciary/Supreme Court | $ 181,708,720 | $ 185,018,785 |
| GRF | 005401 | State Criminal Sentencing Council | $ 599,970 | $ 614,970 |
| GRF | 005406 | Law-Related Education | $ 200,000 | $ 200,000 |
| GRF | 005409 | Ohio Courts Technology Initiative | $ 5,391,025 | $ 5,435,625 |
| TOTAL GRF General Revenue Fund | | | $ 187,899,715 | $ 191,269,380 |
| Dedicated Purpose Fund Group | | | | |
| 4C80 | 005605 | Attorney Services | $ 10,805,858 | $ 10,553,340 |
| 5HT0 | 005617 | Court Interpreter Certification | $ 12,459 | $ 14,327 |
| 5SP0 | 005626 | Civil Justice Grant Program | $ 350,000 | $ 350,000 |
| 5T80 | 005609 | Grants and Awards | $ 8,224 | $ 8,224 |
| 6720 | 005601 | Judiciary/Supreme Court Education | $ 151,000 | $ 151,000 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 11,327,541 | $ 11,076,891 |
| Fiduciary Fund Group | | | | |
| 5JY0 | 005620 | County Law Library Resources Boards | $ 303,500 | $ 313,500 |
| TOTAL FID Fiduciary Fund Group | | | $ 303,500 | $ 313,500 |
| Federal Fund Group | | | | |
| 3J00 | 005603 | Federal Grants | $ 1,118,471 | $ 1,073,190 |

| | | |
|---|---|---|
| TOTAL FED Federal Fund Group | $ 1,118,471 | $ 1,073,190 |
| TOTAL ALL BUDGET FUND GROUPS | $ 200,649,227 | $ 203,732,961 |

**Section 317.20.** STATE CRIMINAL SENTENCING COMMISSION

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code.

LAW-RELATED EDUCATION

The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs.

OHIO COURTS TECHNOLOGY INITIATIVE

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the creation of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training programs for judges and court personnel, and operation of the Commission on Technology and the Courts by the Supreme Court for the promulgation of statewide rules, policies, and uniform standards, and to aid in the orderly adoption and comprehensive use of technology in Ohio courts.

ATTORNEY SERVICES

The Attorney Registration Fund (Fund 4C80) shall consist of money received by the Supreme Court (The Judiciary) pursuant to the Rules for the Government of the Bar of Ohio. In addition to funding other activities considered appropriate by the Supreme Court, the foregoing appropriation item 005605, Attorney Services, may be used to compensate employees and to fund appropriate activities of the following offices established by the Supreme Court: the Office of Disciplinary Counsel, the Board of Commissioners on Grievances and Discipline, the Clients' Security Fund, and the Attorney Services Division which include the Office of Bar Admissions. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 4C80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 4C80 shall be credited to the fund.

COURT INTERPRETER CERTIFICATION

The Court Interpreter Certification Fund (Fund 5HT0) shall consist of money received by the Supreme Court (The Judiciary) pursuant to Rules 80 through 87 of the Rules of Superintendence for the Courts of Ohio. The foregoing appropriation item 005617, Court Interpreter Certification, shall be used to provide training, to provide the written examination, and to pay language experts to rate, or grade, the oral examinations of those applying to become certified court interpreters. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5HT0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5HT0 shall be credited to the fund.

CIVIL JUSTICE GRANT PROGRAM

The Civil Justice Program Fund (Fund 5SP0) shall consist of (1) $50 voluntary donations made as part of the biennium attorney registration process and (2) $150 increase in the *pro hac vice* fees for out-of-state attorneys pursuant to Government of the Bar Rule amendments. The foregoing appropriation item 005626, Civil Justice Grant Program, shall be used by the Supreme Court of Ohio for grants to not-for-profit organizations and agencies dedicated to providing civil legal aid to underserved populations, to fund innovative programs directed at this purpose, and to increase access to judicial service to that population.

No money in Fund 5SP0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5SP0 shall be credited to the fund.

GRANTS AND AWARDS

The Grants and Awards Fund (Fund 5T80) shall consist of grants and other money awarded to the Supreme Court (The Judiciary) by the State Justice Institute, the Division of Criminal Justice Services, or other entities. The foregoing appropriation item 005609, Grants and Awards, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5T80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5T80 shall be credited or transferred to the General Revenue Fund.

JUDICIARY/SUPREME COURT EDUCATION

The Judiciary/Supreme Court Education Fund (Fund 6720) shall

consist of fees paid for attending judicial and public education on the law, reimbursement of costs for judicial and public education on the law, and other gifts and grants received for the purpose of judicial and public education on the law. The foregoing appropriation item 005601, Judiciary/Supreme Court Education, shall be used to pay expenses for judicial education courses for judges, court personnel, and those who serve the courts, and for public education on the law. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 6720 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 6720 shall be credited to the fund.

COUNTY LAW LIBRARY RESOURCES BOARDS

The Statewide Consortium of County Law Library Resources Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant to section 307.515 of the Revised Code into a county's law library resources fund and forwarded by that county's treasurer for deposit in the state treasury pursuant to division (E)(1) of section 3375.481 of the Revised Code. The foregoing appropriation item 005620, County Law Library Resources Boards, shall be used for the operation of the Statewide Consortium of County Law Library Resources Boards. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5JY0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5JY0 shall be credited to the fund.

FEDERAL GRANTS

The Federal Grants Fund (Fund 3J00) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the United States Government or other entities that receive the moneys directly from the United States Government and distribute those moneys to the Supreme Court (The Judiciary). The foregoing appropriation item 005603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 3J00 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund.

**Section 319.10.** LEC LAKE ERIE COMMISSION

| | | | |
|---|---|---|---|
| Dedicated Purpose Fund Group | | | |
| 4C00 780601 Lake Erie Protection | $ 694,000 | $ 699,000 | |
| TOTAL DPF Dedicated Purpose Fund Group | $ 694,000 | $ 699,000 | |
| Federal Fund Group | | | |
| 3EP0 780603 LEC Federal Grants | $ 50,000 | $ 50,000 | |
| TOTAL FED Federal Fund Group | $ 50,000 | $ 50,000 | |
| TOTAL ALL BUDGET FUND GROUPS | $ 744,000 | $ 749,000 | |

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer cash from the funds specified below, up to the amounts specified below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept contributions and transfers made to the fund.

| Fund | Fund Name | User | FY 2020 | FY 2021 |
|---|---|---|---|---|

| | | | | | |
|---|---|---|---|---|---|
| 5BC0 | Environmental Protection | Environmental Protection Agency | $25,000 | $25,000 | 49027 |
| 6690 | Pesticide, Fertilizer and Lime | Department of Agriculture | $25,000 | $25,000 | 49028 |
| 4700 | General Operations | Department of Health | $25,000 | $25,000 | 49029 |
| 1570 | Central Support Indirect | Department of Natural Resources | $25,000 | $25,000 | 49030 |

On July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management may transfer $25,000 cash from a fund used by the Development Services Agency, as specified by the Director of Development Services, to Fund 4C00.

On July 1, 2020, or as soon as possible thereafter, the Director of Budget and Management may transfer $25,000 cash from a fund used by the Development Services Agency, as specified by the Director of Development Services, to Fund 4C00.

**Section 321.10.** JLE JOINT LEGISLATIVE ETHICS COMMITTEE

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 028321 | Legislative Ethics Committee | $ 550,000 | $ 550,000 |
| TOTAL GRF General Revenue Fund | | | $ 550,000 | $ 550,000 |
| Dedicated Purpose Fund Group | | | | |
| 4G70 | 028601 | Joint Legislative Ethics Committee | $ 150,000 | $ 150,000 |
| 5HN0 | 028602 | Investigations and Financial Disclosure | $ 10,000 | $ 10,000 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 160,000 | $ 160,000 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 710,000 | $ 710,000 |

LEGISLATIVE ETHICS COMMITTEE

On July 1, 2019, or as soon as possible thereafter, the Legislative Inspector General of the Joint Legislative Ethics Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 028321, Legislative Ethics Committee, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2020.

On July 1, 2020, or as soon as possible thereafter, the Legislative Inspector General of the Joint Legislative Ethics Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 028321, Legislative Ethics Committee, at the end of fiscal year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

**Section 323.10.** LSC LEGISLATIVE SERVICE COMMISSION

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 035321 | Operating Expenses | $ 18,600,000 | $ 19,158,000 |
| GRF | 035402 | Legislative Fellows | $ 1,050,000 | $ 1,050,000 |
| GRF | 035405 | Correctional Institution Inspection Committee | $ 447,020 | $ 447,020 |
| GRF | 035407 | Legislative Task Force on Redistricting | $ 1,000,000 | $ 1,000,000 |
| GRF | 035409 | National Associations | $ 600,000 | $ 600,000 |
| GRF | 035410 | Legislative Information Systems | $ 9,000,000 | $ 9,270,000 |
| GRF | 035501 | Litigation | $ 500,000 | $ 500,000 |
| TOTAL GRF General Revenue Fund | | | $ 31,197,020 | $ 32,025,020 |
| Dedicated Purpose Fund Group | | | | |

| | | | | |
|---|---|---|---|---|
| 4100 035601 | Sale of Publications | $ 10,000 | $ 10,000 | 49076 |
| TOTAL DPF Dedicated Purpose Fund Group | | $ 10,000 | $ 10,000 | 49077 |
| TOTAL ALL BUDGET FUND GROUPS | | $ 31,207,020 | $ 32,035,020 | 49078 |

**Section 323.20.** OPERATING EXPENSES 49080

On July 1, 2019, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035321, Operating Expenses, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2020. 49081 49082 49083 49084 49085 49086 49087 49088

On July 1, 2020, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035321, Operating Expenses, at the end of fiscal year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021. 49089 49090 49091 49092 49093 49094 49095 49096

LEGISLATIVE TASK FORCE ON REDISTRICTING 49097

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035407, Legislative Task Force on Redistricting, at the end of fiscal year 2019 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2020. 49098 49099 49100 49101 49102

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035407, Legislative Task Force on Redistricting, at the end of fiscal year 2020 is hereby reappropriated to the Legislative Service Commission for the same 49103 49104 49105 49106

purpose for fiscal year 2021.

LEGISLATIVE INFORMATION SYSTEMS

On July 1, 2019, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035410, Legislative Information Systems, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2020.

On July 1, 2020, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035410, Legislative Information Systems, at the end of fiscal year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

LITIGATION

The foregoing appropriation item 035501, Litigation, shall be used for any lawsuit in which the General Assembly is a party because a legal or constitutional challenge is made against the Ohio Constitution or an act of the General Assembly. The chairperson and vice-chairperson of the Legislative Service Commission shall both approve the use of the appropriated moneys.

An amount equal to the unexpended, unencumbered balance of the appropriation item 035501, Litigation, at the end of fiscal year 2019 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2020.

An amount equal to the unexpended, unencumbered balance of the appropriation item 035501, Litigation, at the end of fiscal

year 2020 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2021.

**Section 325.10.** LIB STATE LIBRARY BOARD

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 350321 | Operating Expenses | $ 4,543,122 | $ 4,543,122 |
| GRF | 350401 | Ohioana Library Association | $ 300,114 | $ 300,114 |
| GRF | 350502 | Regional Library Systems | $ 500,000 | $ 500,000 |
| TOTAL GRF General Revenue Fund | | | $ 5,343,236 | $ 5,343,236 |
| Dedicated Purpose Fund Group | | | | |
| 4590 | 350603 | Services for Libraries | $ 4,202,887 | $ 4,202,887 |
| 4S40 | 350604 | Ohio Public Library Information Network | $ 5,696,898 | $ 5,696,898 |
| 5GB0 | 350605 | Library for the Blind | $ 1,274,194 | $ 1,274,194 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 11,173,979 | $ 11,173,979 |
| Internal Service Activity Fund | | | | |
| 1390 | 350602 | Services for State Agencies | $ 8,000 | $ 8,000 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 8,000 | $ 8,000 |
| Federal Fund Group | | | | |
| 3130 | 350601 | LSTA Federal | $ 5,366,565 | $ 5,366,565 |
| TOTAL FED Federal Fund Group | | | $ 5,366,565 | $ 5,366,565 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 21,891,780 | $ 21,891,780 |

**Section 325.20.** OHIOANA LIBRARY ASSOCIATION

The foregoing appropriation item 350401, Ohioana Library Association, shall be used to support the operating expenses of

the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code.

REGIONAL LIBRARY SYSTEMS

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code.

OHIO PUBLIC LIBRARY INFORMATION NETWORK

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN).

The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network.

(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic

databases for their respective users and shall contribute funds in an equitable manner to such effort.

LIBRARY FOR THE BLIND

The foregoing appropriation item 350605, Library for the Blind, shall be used for the statewide Talking Book Program to assist the blind and disabled.

TRANSFER TO OPLIN TECHNOLOGY FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer $3,689,788 cash in each fiscal year from the Public Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 4S40).

TRANSFER TO LIBRARY FOR THE BLIND FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer $1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0).

**Section 327.10.** LCO LIQUOR CONTROL COMMISSION

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | |
| 5LP0 970601 | Commission Operating Expenses | $ 873,607 | $ 905,916 | |
| TOTAL DPF Dedicated Purpose Fund Group | | $ 873,607 | $ 905,916 | |
| TOTAL ALL BUDGET FUND GROUPS | | $ 873,607 | $ 905,916 | |

**Section 329.10.** LOT STATE LOTTERY COMMISSION

State Lottery Fund Group

| | | | | | |
|---|---|---|---|---|---|
| 7044 | 950321 | Operating Expenses | $ 59,850,383 | $ 60,544,470 | 49223 |
| 7044 | 950402 | Advertising Contracts | $ 26,750,000 | $ 26,750,000 | 49224 |
| 7044 | 950403 | Gaming Contracts | $ 70,019,071 | $ 71,239,582 | 49225 |
| 7044 | 950601 | Direct Prize Payments | $ 154,333,000 | $ 157,440,000 | 49226 |
| 7044 | 950605 | Problem Gambling | $ 3,400,000 | $ 3,400,000 | 49227 |
| 8710 | 950602 | Annuity Prizes | $ 59,873,000 | $ 60,279,000 | 49228 |
| TOTAL SLF State Lottery Fund | | | | | 49229 |
| Group | | | $ 374,225,454 | $ 379,653,052 | 49230 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 374,225,454 | $ 379,653,052 | 49231 |

OPERATING EXPENSES 49232

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated. 49233 49234 49235 49236 49237 49238 49239

DIRECT PRIZE PAYMENTS 49240

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated. 49241 49242 49243 49244

ANNUITY PRIZES 49245

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances. 49246 49247 49248 49249 49250 49251 49252

Any amounts, in addition to the amounts appropriated in 49253

appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be $1,126,000,000 in fiscal year 2020 and $1,177,000,000 in fiscal year 2021. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.

**Section 333.10.** MCD DEPARTMENT OF MEDICAID

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 651425 | Medicaid Program Support - State | $ 184,688,131 | $ 190,406,760 |
| GRF | 651525 | Medicaid Health Care Services | | |
| | | State | $ 4,070,409,989 | $ 4,605,094,471 |
| | | Federal | $ 9,695,975,237 | $ 10,456,031,296 |
| | | Medicaid Health Care Services Total | $ 13,766,385,226 | $ 15,061,125,767 |
| GRF | 651526 | Medicare Part D | $ 500,325,646 | $ 554,214,667 |
| TOTAL GRF General Revenue Fund | | | | |
| | | State | $ 4,755,423,766 | $ 5,349,715,898 |
| | | Federal | $ 9,695,975,237 | $ 10,456,031,296 |
| | | GRF Total | $ 14,451,399,003 | $ 15,805,747,194 |
| Dedicated Purpose Fund Group | | | | |
| 4E30 | 651605 | Resident Protection Fund | $ 3,910,338 | $ 4,013,000 |
| 5AN0 | 651686 | Care Innovation and Community Improvement | $ 53,435,797 | $ 53,406,291 |

| | | | | | |
|---|---|---|---|---|---|
| | | Program | | | |
| 5DL0 | 651639 | Medicaid Services - Recoveries | $ 741,454,299 | $ 724,170,233 | 49279 |
| 5DL0 | 651685 | Medicaid Recoveries – Program Support | $ 40,351,245 | $ 44,375,000 | 49280 |
| 5DL0 | 651690 | Multi-system Youth Innovation and Support | $ 10,000,000 | $ 10,000,000 | 49281 |
| 5FX0 | 651638 | Medicaid Services - Payment Withholding | $ 12,000,000 | $ 12,000,000 | 49282 |
| 5GF0 | 651656 | Medicaid Services - Hospital Upper Payment Limit | $ 822,016,219 | $ 887,150,856 | 49283 |
| 5R20 | 651608 | Medicaid Services - Long Term | $ 415,666,000 | $ 415,666,000 | 49284 |
| 5SC0 | 651683 | Medicaid Services – Physician UPL | $ 7,520,000 | $ 7,645,000 | 49285 |
| 5TN0 | 651684 | Medicaid Services - HIC Fee | $ 820,564,060 | $ 791,187,400 | 49286 |
| 6510 | 651649 | Medicaid Services - Hospital Care Assurance Program | $ 249,167,065 | $ 168,310,123 | 49287 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 3,176,085,023 | $ 3,117,923,903 | 49288 |
| Holding Account Fund Group | | | | | 49289 |
| R055 | 651644 | Refunds and Reconciliation | $ 1,000,000 | $ 1,000,000 | 49290 |
| TOTAL HLD Holding Account Fund Group | | | $ 1,000,000 | $ 1,000,000 | 49291 |
| Federal Fund Group | | | | | 49292 |
| 3ER0 | 651603 | Medicaid and Health Transformation | $ 48,031,056 | $ 48,340,000 | 49293 |

| | | | | |
|---|---|---|---|---|
| | | Technology | | |
| 3F00 | 651623 | Medicaid Services - Federal | $ 6,459,332,595 | $ 6,266,809,500 |
| 3F00 | 651624 | Medicaid Program Support - Federal | $ 516,667,497 | $ 527,369,363 |
| 3FA0 | 651680 | Health Care Grants - Federal | $ 11,988,670 | $ 12,000,000 |
| 3G50 | 651655 | Medicaid Interagency Pass Through | $ 225,701,597 | $ 225,701,597 |
| TOTAL FED Federal Fund Group | | | $ 7,261,721,415 | $ 7,080,220,460 |
| TOTAL ALL BUDGET FUND GROUPS | | | $24,890,205,441 | $26,004,891,557 |

**Section 333.20.** TEMPORARY AUTHORITY REGARDING EMPLOYEES

(A) Until July 1, 2021, the Medicaid Director has the authority to establish, change, and abolish positions for the Department of Medicaid, and to assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Department of Medicaid who are not subject to Chapter 4117. of the Revised Code.

(B) The authority granted under division (A) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the Medicaid Director determines that the bargaining unit classification is the proper classification for that employee. The actions of the Medicaid Director shall be consistent with the requirements of 5 C.F.R. 900.603 for those employees subject to such requirements. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification under this section, the Medicaid Director, or in the case of a transfer outside the Department of Medicaid, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X.

The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(C) Actions taken by the Medicaid Director and Director of Administrative Services pursuant to this section are not subject to appeal to the State Personnel Board of Review.

(D) A portion of the foregoing appropriation items 651425, Medicaid Program Support – State, 651603, Medicaid and Health Transformation Technology, 651624, Medicaid Program Support – Federal, 651680, Health Care Grants – Federal, 651655, Medicaid Interagency Pass-Through, 651605, Resident Protection Fund, and 651682, Health Care Grants – State, may be used to pay for costs associated with the administration of the Medicaid program, including the assignment, reassignment, classification, reclassification, transfer, reduction, promotion, or demotion of employees authorized by this section.

**Section 333.40.** MEDICAID HEALTH CARE SERVICES

The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code.

**Section 333.50.** LEAD ABATEMENT AND RELATED ACTIVITIES

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer state share appropriations from General Revenue Fund appropriation item 651525, Medicaid Health Care Services, to appropriation items in other state agencies for the purpose of lead abatement and related activities. If such a transfer occurs, the Director of Budget and Management may adjust, using the federal reimbursement rate, the federal share of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, accordingly. The Director of Medicaid may transfer

federal funds as the state's single state agency for Medicaid reimbursements, as drawn for these transactions.

**Section 333.55.** OSU NON-OPIATE, NON-ADDICTIVE PHARMACEUTICAL TREATMENT

Of the foregoing appropriation item 651525, Medicaid Health Care Services-State, $5,200,000 in fiscal year 2020 shall be distributed to The Ohio State University for development and clinical evaluation of a non-opiate, non-addictive pharmaceutical treatment intervention's efficacy to reduce a physician's reliance upon and limit a patient's initial exposure to opioids.

**Section 333.60.** PERFORMANCE PAYMENTS FOR MEDICAID MANAGED CARE

(A) As used in this section:

(1) "ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.

(2) "Integrated Care Delivery System" and "ICDS" have the same meaning as section 5164.01 of the Revised Code.

(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

(B) For fiscal year 2020 and fiscal year 2021, the Department of Medicaid shall provide performance payments as provided under this section to Medicaid managed care organizations providing care under the Integrated Care Delivery System.

(C) If ICDS participants receive care through Medicaid managed care organizations under ICDS, the Department shall, in consultation with the United States Centers for Medicare and Medicaid Services, do both of the following:

(1) Develop quality measures designed specifically to determine the effectiveness of the health care and other services

provided to ICDS participants by Medicaid managed care organizations;

(2) Determine an amount to be withheld from the Medicaid premium payments paid to Medicaid managed care organizations for ICDS participants.

(D)(1) For the purposes of division (C)(2) of this section, the Department shall establish an amount that is to be withheld each time a premium payment is made to a Medicaid managed care organization for an ICDS participant. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all Medicaid managed care organizations providing care to ICDS participants.

(2) Each Medicaid managed care organization shall agree to the withholding as a condition of receiving or maintaining its Medicaid provider agreement with the Department.

(3) When the amount is established and each time the amount is modified thereafter, the Department shall certify the amount to the Director of Budget and Management and begin withholding the amount from each premium the Department pays to a Medicaid managed care organization for an ICDS participant.

(E) A Medicaid managed care organization subject to this section is not subject to section 5167.30 of the Revised Code for premium payments attributed to ICDS participants during fiscal year 2020 and fiscal year 2021.

**Section 333.70.** HOSPITAL FRANCHISE FEE PROGRAM

The Director of Budget and Management may authorize additional expenditures from appropriation item 651623, Medicaid Services - Federal, appropriation item 651525, Medicaid Health Care Services, and appropriation item 651656, Medicaid Services - Hospital Upper Payment Limit, in order to implement the programs

authorized by sections 5168.20 through 5168.28 of the Revised Code. Any amounts authorized are hereby appropriated.

**Section 333.80.** MEDICARE PART D

The foregoing appropriation item 651526, Medicare Part D, may be used by the Department of Medicaid for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon the request of the Department of Medicaid, the Director of Budget and Management may transfer the state share of appropriations between appropriation item 651525, Medicaid Health Care Services, and appropriation item 651526, Medicare Part D. If the state share of appropriation item 651525, Medicaid Health Care Services, is adjusted, the Director of Budget and Management shall adjust the federal share accordingly. The Department of Medicaid shall provide notification to the Controlling Board of any transfers at the next scheduled Controlling Board meeting.

**Section 333.90.** HEALTH CARE SERVICES SUPPORT AND RECOVERIES FUND

Of the amount received by the Department of Medicaid during fiscal year 2020 and fiscal year 2021 from the first installment of assessments paid under section 5168.06 of the Revised Code and intergovernmental transfers made under section 5168.07 of the Revised Code, the Medicaid Director shall deposit $350,000 in each fiscal year into the state treasury to the credit of the Health Care Services Support and Recoveries Fund (Fund 5DL0).

**Section 333.95.** MULTI-SYSTEM YOUTH INNOVATION AND SUPPORT

The foregoing appropriation item 651690, Multi-System Youth Innovation and Support, may be used by the Department of Medicaid

for the purposes specified in divisions (B)(3) and (4) of section 5162.52 of the Revised Code.

**Section 333.100.** HOSPITAL CARE ASSURANCE MATCH

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

The foregoing appropriation item 651649, Medicaid Services – Health Care Assurance Program, shall be used by the Department of Medicaid for distributing the state share of all hospital care assurance program funds to hospitals under section 5168.09 of the Revised Code. If receipts credited to the Hospital Care Assurance Program Fund (Fund 6510) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 333.110.** REFUNDS AND RECONCILIATION FUND

If receipts credited to the Refunds and Reconciliation Fund exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 333.120.** MEDICAID INTERAGENCY PASS-THROUGH

The Medicaid Director may request the Director of Budget and Management to increase appropriation item 651655, Medicaid Interagency Pass-Through. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 333.130.** NON-EMERGENCY MEDICAL TRANSPORTATION

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support – Local Transportation, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (Fund 3F01) appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

**Section 333.140.** PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to $5,000,000 of state share

appropriations in each fiscal year between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support – Local, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (Fund 3F01) appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

These funds shall not be used for existing and ongoing operating expenses. The Medicaid Director shall establish criteria for distributing these funds and for county departments of job and family services to submit allowable expenses.

County departments of job and family services shall comply with new roles, processes, and responsibilities related to the new eligibility determination system. County departments of job and family services shall report to the Ohio Department of Job and Family Services and the Ohio Department of Medicaid, on a schedule determined by the Medicaid Director, how the funds were used.

**Section 333.180.** MEDICAID PAYMENT RATES FOR COMMUNITY BEHAVIORAL HEALTH SERVICES

(A) As used in this section:

(1) "Community behavioral health services" has the same meaning as in section 5164.01 of the Revised Code.

(2) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(3) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.

(4) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

(B) Subject to division (C) of this section, the Department of Medicaid may establish Medicaid payment rates for community behavioral health services provided during fiscal year 2020 and fiscal year 2021 that exceed the authorized rates paid for the services under the Medicare program.

(C) This section does not apply to community behavioral health services provided by any of the following:

(1) Hospitals on an inpatient basis;

(2) Nursing facilities;

(3) Intermediate care facilities for individuals with intellectual disabilities.

**Section 333.190.** AREA AGENCIES ON AGING AND MEDICAID MANAGED CARE

(A) As used in this section:

(1) "Care management system" means the system established under section 5167.03 of the Revised Code.

(2) "Dual eligible individuals" has the same meaning as in section 5160.01 of the Revised Code.

(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

(4) "Medicaid waiver component" has the same meaning as in

section 5166.01 of the Revised Code.

(B) If the Department of Medicaid expands the inclusion of the aged, blind, and disabled Medicaid eligibility group or dual eligible individuals in the care management system during the 2020-2021 fiscal biennium, the Department shall do both of the following for the remainder of the fiscal biennium:

(1) Require area agencies on aging to be the coordinators of home and community-based services available under Medicaid waiver components that those individuals and that eligibility group receive and permit Medicaid managed care organizations to delegate to the agencies full-care coordination functions for those services and other health-care services those individuals and that eligibility group receive;

(2) In selecting managed care organizations with which to contract under section 5167.10 of the Revised Code, give preference to those organizations that will enter into subcapitation arrangements with area agencies on aging under which the agencies are to perform, in addition to other functions, network management and payment functions for home and community-based services available under Medicaid waiver components that those individuals and that eligibility group receive.

**Section 333.200.** WORK REQUIREMENT – OHIOMEANSJOBS COSTS

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to $500,000 of state share appropriations in each fiscal year between appropriation item 651685, Medicaid Recoveries – Program Support, within the Department of Medicaid, and 655425, Medicaid Program Support, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share

appropriations of appropriation item 651624, Medicaid Program Support - Federal, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support – Federal, within the Department of Job and Family Services. Any transfer of funds shall be provided to the Department of Jobs and Family Services and shall only be used for costs related to transitioning to a new work requirement for the Medicaid program as prescribed by the Medicaid Director.

**Section 333.210.** WORK REQUIREMENT – COUNTY COSTS

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to $10,000,000 of state share appropriations in each fiscal year between appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support – Local, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support – Federal, within the Department of Job and Family Services. Any increase in funding shall be provided to county departments of job and family services and shall only be used for costs related to transitioning to a new work requirement under the Medicaid program as prescribed by the Medicaid Director. These funds shall not be used for existing and ongoing operating expenses. The Medicaid Director shall establish criteria for distributing these funds and for county departments of job and family services to submit allowable expenses.

**Section 333.220.** CARE INNOVATION AND COMMUNITY IMPROVEMENT PROGRAM

(A) As used in this section:

(1) "Nonprofit hospital agency" means a nonprofit hospital agency, as defined in section 140.01 of the Revised Code, that is affiliated with a state university as defined in section 3345.011 of the Revised Code.

(2) "Participating agency" means a nonprofit hospital agency or public hospital agency participating in the Care Innovation and Community Improvement Program.

(3) "Public hospital agency" has the same meaning as in section 140.01 of the Revised Code.

(B) The Medicaid Director shall continue the Care Innovation and Community Improvement Program for the 2020-2021 fiscal biennium. Any nonprofit hospital agency or public hospital agency may volunteer to participate in the program if the agency operates a hospital that has a Medicaid provider agreement.

(C) Participating agencies are responsible for the state share of the program's costs and shall make or request the appropriate government entity to make intergovernmental transfers to pay for those costs. The Medicaid Director shall establish a schedule for making the intergovernmental transfers.

(D)(1) Each participating agency shall do at least one of the following tasks in accordance with strategies, and for the purpose of meeting goals, that the Medicaid Director shall establish for the Care Innovation and Community Improvement Program:

(a) Sustain and expand community-based patient centered medical home models;

(b) Expand access to community-based dental services;

(c) Improve the quality of community care by creating and sharing best practice models for emergency department diversions, care coordination at discharge and during transitions of care, and

other matters related to community care;

(d) Align community health improvement strategies and goals with the State Health Improvement Plan and local health improvement plans;

(e) Subject to division (D)(2) of this section, expand access to ambulatory drug detoxification and withdrawal management services;

(f) Train medical professionals on evidence-based protocols for opioid prescribing and drug addiction risk assessments;

(g) Subject to division (D)(2) of this section and in collaboration with all other participating agencies that are also doing this task, create and implement a plan to assist rural areas of the state do both of the following:

(i) Expand access to cost-effective detoxification, withdrawal management, and prevention services for opioid addiction;

(ii) Disseminate evidence-based protocols for opioid prescribing and drug addiction risk assessment.

(2) In expanding access to ambulatory drug detoxification and withdrawal management services under division (D)(1)(e) of this section and creating and implementing the plan specified in division (D)(1)(g) of this section, each participating agency shall give priority to the areas of the community served by the agency with the greatest concentration of opioid overdoses and deaths.

(3) Each participating agency shall submit annual reports to the Joint Medicaid Oversight Committee summarizing the agency's work under division (D)(1) of this section and progress in meeting the goals of the Care Innovation and Community Improvement Program.

(4) The goals that the Medicaid Director establishes for the Care Innovation and Community Improvement Program shall be designed to benefit Medicaid recipients.

(E) Each participating agency shall receive supplemental payments under the Medicaid program for physician and other professional services that are covered by the Medicaid program and provided to Medicaid recipients. The amount of the supplemental payments shall equal the difference between the Medicaid payment rates for the services and the average commercial payment rates for the services. The Director may terminate, or adjust the amount of, the supplemental payments if the amount of the funds available for the Care Innovation and Community Improvement Program is inadequate.

(F) Not later than January 1, 2020, the Medicaid Director shall establish a process to evaluate the work done by participating agencies under division (D)(1) of this section and the agencies' progress in meeting the goals of the Care Innovation and Community Improvement Program. The Director may terminate an agency's participation in the program if the Director determines that the agency is not doing at least one of the tasks specified in division (D)(1) of this section or making progress in meeting the program's goals.

(G) All intergovernmental transfers made under division (C) of this section shall be deposited into the Care Innovation and Community Improvement Program Fund created by Section 333.320 of Am. Sub. H.B. 49 of the 132nd General Assembly. Money in the fund and the corresponding federal financial participation in the Health Care - Federal Fund created under section 5162.50 of the Revised Code shall be used to make supplemental payments under division (E) of this section.

(H) If the amount of the foregoing appropriation item 651686, Care Innovation and Community Improvement Program, and the

corresponding federal financial participation in appropriation item 651623, Medicaid Services – Federal, are inadequate to make the supplemental payments required by division (E) of this section, the Medicaid Director may request that the Director of Budget and Management authorize additional expenditures from the Care Innovation and Community Improvement Program Fund and the Health Care - Federal Fund as needed to make the supplemental payments. If the Director of Budget and Management authorizes the additional expenditures, the additional amounts are hereby appropriated.

**Section 335.10.** MED STATE MEDICAL BOARD

| | | | | | |
|---|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | | |
| 5C60 | 883609 | Operating Expenses | $ 10,862,471 | $ 11,302,171 | |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 10,862,471 | $ 11,302,171 | |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 10,862,471 | $ 11,302,171 | |

**Section 337.10.** MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES

| | | | | | |
|---|---|---|---|---|---|
| General Revenue Fund | | | | | |
| GRF | 336321 | Central Administration | $ 16,606,612 | $ 16,932,239 | |
| GRF | 336402 | Resident Trainees | $ 450,000 | $ 450,000 | |
| GRF | 336405 | Family and Children First | $ 1,386,000 | $ 1,386,000 | |
| GRF | 336406 | Prevention and Wellness | $ 2,620,996 | $ 2,620,996 | |
| GRF | 336412 | Hospital Services | $ 231,002,089 | $ 240,172,285 | |
| GRF | 336415 | Mental Health Facilities Lease Rental Bond Payments | $ 19,695,400 | $ 20,369,000 | |

| | | | | | |
|---|---|---|---|---|---|
| GRF | 336421 | Continuum of Care Services | $ 82,714,846 | $ 82,714,846 | 49735 |
| GRF | 336422 | Criminal Justice Services | $ 17,113,780 | $ 17,117,915 | 49736 |
| GRF | 336423 | Addiction Services Partnership with Corrections | $ 26,528,872 | $ 28,989,946 | 49737 |
| GRF | 336424 | Recovery Housing | $ 2,500,000 | $ 2,500,000 | 49738 |
| GRF | 336425 | Specialized Docket Support | $ 7,500,000 | $ 10,000,000 | 49739 |
| GRF | 336504 | Community Innovations | $ 13,950,000 | $ 13,350,000 | 49740 |
| GRF | 336506 | Court Costs | $ 1,000,000 | $ 1,000,000 | 49741 |
| GRF | 336510 | Residential State Supplement | $ 16,000,000 | $ 16,000,000 | 49742 |
| GRF | 336511 | Early Childhood Mental Health Counselors and Consultation | $ 2,500,000 | $ 2,500,000 | 49743 |
| GRF | 652321 | Medicaid Support | $ 1,213,792 | $ 1,251,713 | 49744 |
| TOTAL GRF General Revenue Fund | | | $ 442,782,387 | $ 457,354,940 | 49745 |
| Dedicated Purpose Fund Group | | | | | 49746 |
| 2320 | 336621 | Family and Children First | $ 600,000 | $ 600,000 | 49747 |
| 4750 | 336623 | Statewide Treatment and Prevention | $ 51,550,000 | $ 20,550,000 | 49748 |
| 4850 | 336632 | Mental Health Operating | $ 7,760,000 | $ 8,000,000 | 49749 |
| 5AU0 | 336615 | Behavioral Health Care | $ 7,850,000 | $ 7,850,000 | 49750 |
| 5JL0 | 336629 | Problem Gambling and Casino Addiction | $ 6,085,000 | $ 6,085,000 | 49751 |
| 5T90 | 336641 | Problem Gambling Services | $ 1,870,000 | $ 1,820,000 | 49752 |

| | | | | | |
|---|---|---|---|---|---|
| 5TZ0 | 336600 | Substance Abuse Stabilization Centers | $ 6,000,000 | $ 6,000,000 | 49753 |
| 5TZ0 | 336643 | ADAMHS Boards | $ 21,000,000 | $ 11,000,000 | 49754 |
| 6320 | 336616 | Community Capital Replacement | $ 350,000 | $ 350,000 | 49755 |
| 6890 | 336640 | Education and Conferences | $ 150,000 | $ 150,000 | 49756 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 103,215,000 | $ 62,405,000 | 49757 |
| Internal Service Activity Fund Group | | | | | 49758 |
| 1490 | 336609 | Hospital Operating Expenses | $ 20,000,000 | $ 20,000,000 | 49759 |
| 1490 | 336610 | Operating Expenses | $ 5,500,000 | $ 5,500,000 | 49760 |
| 1510 | 336601 | Ohio Pharmacy Services | $ 80,170,822 | $ 80,170,822 | 49761 |
| 4P90 | 336604 | Community Mental Health Projects | $ 250,000 | $ 250,000 | 49762 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 105,920,822 | $ 105,920,822 | 49763 |
| Federal Fund Group | | | | | 49764 |
| 3240 | 336605 | Medicaid/Medicare | $ 20,000,000 | $ 20,000,000 | 49765 |
| 3A60 | 336608 | Federal Miscellaneous | $ 1,010,000 | $ 1,010,000 | 49766 |
| 3A70 | 336612 | Social Services Block Grant | $ 8,450,000 | $ 8,450,000 | 49767 |
| 3A80 | 336613 | Federal Grants | $ 5,500,000 | $ 5,500,000 | 49768 |
| 3A90 | 336614 | Mental Health Block Grant | $ 22,020,790 | $ 22,058,470 | 49769 |
| 3B10 | 652636 | Community Medicaid Legacy Support | $ 10,878,084 | $ 11,000,000 | 49770 |
| 3G40 | 336618 | Substance Abuse Block Grant | $ 65,865,756 | $ 65,865,756 | 49771 |
| 3H80 | 336606 | Demonstration Grants | $ 15,000,000 | $ 15,000,000 | 49772 |

| | | | | | |
|---|---|---|---|---|---|
| 3HB0 | 336503 | Cures Opioid State Targeted Response | $ 33,084,837 | $ 32,634,837 | 49773 |
| 3HB1 | 336644 | State Opioid Response | $ 59,400,213 | $ 16,800,000 | 49774 |
| 3N80 | 336639 | Administrative Reimbursement | $ 1,000,000 | $ 1,000,000 | 49775 |
| TOTAL FED Federal Fund Group | | | $ 242,209,680 | $ 199,319,063 | 49776 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 894,127,889 | $ 824,999,825 | 49777 |

**Section 337.30.** PREVENTION AND WELLNESS 49779

The foregoing appropriation item 336406, Prevention and Wellness, shall be used as follows: 49780 49781

(A) Up to $1,250,000 in each fiscal year shall be distributed to boards of alcohol, drug addiction, and mental health services to purchase the provision of evidence-based prevention services from providers certified by the Department of Mental Health and Addiction Services. 49782 49783 49784 49785 49786

(B) Up to $500,000 in each fiscal year shall be used to support suicide prevention efforts. 49787 49788

**Section 337.40.** MENTAL HEALTH FACILITIES LEASE RENTAL BOND PAYMENTS 49789 49790

The foregoing appropriation item 336415, Mental Health Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2019, through June 30, 2021, by the Department of Mental Health and Addiction Services pursuant to leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code. 49791 49792 49793 49794 49795 49796 49797 49798

**Section 337.50.** CONTINUUM OF CARE SERVICES 49799

The foregoing appropriation item 336421, Continuum of Care 49800

Services, shall be used as follows:

(A) A portion of this appropriation shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated:

(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and

(2) To provide subsidized support for medication-assisted treatment costs.

(B) A portion of this appropriation may be distributed to boards of alcohol, drug addiction, and mental health services, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of initiatives concerning mental health and addiction services.

(C) Of the foregoing appropriation item 336421, Continuum of Care Services, $1,500,000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, six mental health crisis stabilization centers. There shall be one center located in each state psychiatric hospital region.

Boards of alcohol, drug addiction, and mental health services shall ensure that each mental health crisis stabilization center established and administered under division (C) of this section

complies with all of the following:

(1) It admits individuals before and after the individuals receive treatment and care at hospital emergency departments or freestanding emergency departments.

(2) It admits individuals before and after the individuals are confined in state or local correctional facilities.

(3) It has a Medicaid provider agreement.

(4) It is located in a building constructed for another purpose before the effective date of this section.

(5) It admits individuals who have been identified as needing the stabilization services provided by the center.

(6) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code.

(D) As used in this section:

(1) "State or local correctional facility" means any of the following:

(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code;

(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code;

(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code.

(2) "State psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code.

**Section 337.60.** CRIMINAL JUSTICE SERVICES

Except as otherwise provided in this act, the foregoing appropriation item 336422, Criminal Justice Services, shall be used to provide forensic psychiatric evaluations to courts of common pleas and to conduct evaluations of patients of forensic status in facilities operated or designated by the Department of Mental Health and Addiction Services prior to conditional release to the community. A portion of this appropriation may be allocated through boards of alcohol, drug addiction, and mental health services to community addiction and/or mental health services providers in accordance with a distribution methodology as determined by the Director of Mental Health and Addiction Services.

The foregoing appropriation item 336422, Criminal Justice Services, may also be used to:

(A) Provide forensic monitoring and tracking of individuals on conditional release;

(B) Provide forensic training;

(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;

(D) Provide specialized re-entry services to offenders leaving prisons and jails;

(E) Provide specific grants in support of addiction services alternatives to incarceration;

(F) Support therapeutic communities; and

(G) Support specialty dockets and expand or create new certified court programs.

**Section 337.70.** SUBSTANCE USE DISORDER TREATMENT IN SPECIALIZED DOCKET PROGRAMS

(A) As used in this section:

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(2) "Medication-assisted treatment drug court program" and "MAT drug court program" mean a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs and that uses medication-assisted treatment as part of its specialized docket program: a common pleas court, municipal court, or county court, or a division of any of those courts.

(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.

(4) "Recovery supports" has the same meaning as in section 5119.01 of the Revised Code.

(5) "Substance use disorder treatment" has the same meaning as "alcohol and drug addiction services" as defined in section 5119.01 of the Revised Code.

(B)(1) The Department of Mental Health and Addiction Services shall conduct a program to provide substance use disorder treatment, which may include medication-assisted treatment and recovery supports, to persons who are eligible to participate in a medication-assisted treatment drug court program and are selected under this section to be participants in a MAT drug court program because of a substance use disorder.

(2) The Department shall conduct its program in collaboration with any counties in Ohio that are conducting MAT drug court programs.

(3) In addition to conducting its program in accordance with division (B)(2) of this section, the Department may conduct its program in collaboration with any other court that is conducting a

MAT drug court program.

(C) In conducting its program, the Department shall collaborate with the Supreme Court, the Department of Rehabilitation and Correction, and any agency of the state that the Department of Mental Health and Addiction Services determines may be of assistance in accomplishing the objectives of the Department's program. The Department may collaborate with the boards of alcohol, drug addiction, and mental health services and with local law enforcement agencies that serve the counties in which a court participating in the Department's program is located.

(D)(1) A MAT drug court program participating in the Department's program shall select the persons who are to be its participants for purposes of the Department's program. To be selected, a person must be a criminal offender or involved in a family drug or dependency court. A person shall not be selected to be a participant unless the person meets the legal and clinical eligibility criteria for the MAT drug court program and is an active participant in the MAT drug court program.

(2) The total number of persons participating in the Department's program at any time shall not exceed one thousand five hundred, subject to available funding, except that the Department may authorize the maximum number to be exceeded in circumstances that the Department considers to be appropriate.

(3) After a MAT drug court program enrolls a person as a participant for purposes of the Department's program, the participant shall comply with all requirements of the MAT drug court program.

(E) The substance use disorder treatment and recovery supports provided under the Department's program in collaboration with a MAT drug court program shall be provided by a community

addiction services provider. The provider shall do all of the following:

(1) Provide treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the community addiction services provider;

(2) Conduct professional, comprehensive substance abuse and mental health diagnostic assessments of a person under consideration for selection as a program participant to determine whether the person would benefit from substance use disorder treatment and monitoring;

(3) Determine, based on the assessment described in division (E)(2) of this section, the treatment needs of the program participants served by the community addiction services provider;

(4) Develop, for program participants served by the community addiction services provider, individualized goals and objectives;

(5) Provide access to the long-acting antagonist therapies, partial agonist therapies, or full agonist therapies, that are included in the program's medication-assisted treatment;

(6) Provide other types of therapies, including psychosocial therapies, for both substance use disorder and any disorders that are considered by the community addiction services provider to be co-occurring disorders;

(7) Monitor program compliance through the use of regular drug testing, including urinalysis, of the program participants served by the community addiction services provider;

(8) Provide access to time-limited recovery supports that help eliminate barriers to treatment and are specific to the participant's needs, including assistance with housing, transportation, child care, job training, obtaining a driver's license or state identification card, and any other matter

considered relevant by the provider.

(F) In the case of medication-assisted treatment provided under the Department's program, all of the following conditions apply:

(1) A drug may be used only if the drug has been approved by the United States Food and Drug Administration for use in treating dependence on opioids, alcohol, or both, or for preventing relapse into the use of opioids, alcohol, or both.

(2) One or more drugs may be used, but each drug that is used must constitute long-acting antagonist therapy, partial agonist therapy, or full agonist therapy.

(3) If a drug constituting partial or full agonist therapy is used, the program shall provide safeguards to minimize abuse and diversion of the drug, including such safeguards as routine drug testing of program participants.

(G) It is anticipated and expected that MAT drug court programs will expand their ability to serve more drug court participants as a result of increased access to commercial or publicly funded health insurance. In order to ensure that funds appropriated to support the Department's program are used in the most efficient manner with a goal of enrolling the maximum number of participants, the Medicaid Director, in collaboration with major Ohio health care plans, shall develop plans consistent with this division. There shall be no prior authorizations or step therapy for medication-assisted treatment for program participants. The plans developed under this division shall ensure all of the following:

(1) The development of an efficient and timely process for review of eligibility for health benefits for all persons selected to participate in the program;

(2) A rapid conversion to reimbursement for all health care

services by the participant's health care plan following approval for coverage of health care benefits;

(3) The development of a consistent benefit package that provides ready access to and reimbursement for essential health care services including, but not limited to, primary health care services, alcohol and opioid detoxification services, appropriate psychosocial services, and medication for long-acting injectable antagonist therapies, partial agonist therapies, and full agonist therapies;

(4) The development of guidelines that require the provision of all treatment services, including medication, with minimal administrative barriers and within a time frame that meets the requirements of individual patient care plans.

(H) Of the foregoing appropriation item 336422, Criminal Justice Services, up to $6,000,000 in each fiscal year shall be used to support substance use disorder treatment, including medication-assisted treatment and recovery supports for drug court specialized docket programs and to support the administrative expenses of courts and community addiction services providers participating in the program.

**Section 337.80.** ADDICTION SERVICES PARTNERSHIP WITH CORRECTIONS

Any business commenced but not completed by July 1, 2015, by the Department of Rehabilitation and Correction regarding recovery services shall be completed by the Department of Mental Health and Addiction Services. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by the Department of Mental Health and Addiction Services. Any rules, orders, and determinations pertaining to the Bureau of Recovery Services continue in effect as rules, orders, and determinations

of the Department of Mental Health and Addiction Services until modified or rescinded by the Department of Mental Health and Addiction Services. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber the numbers to reflect their transfer to the Department of Mental Health and Addiction Services.

Subject to the lay-off provisions of sections 124.321 to 124.382 of the Revised Code, all employees of the Bureau of Recovery Services are hereby transferred to the Department of Mental Health and Addiction Services and retain their positions and all of their benefits.

Wherever the Bureau of Recovery Services is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Department of Mental Health and Addiction Services or its director, as appropriate.

Any business commenced but not completed under appropriation item 505321, Institution Medical Services, pertaining to the Bureau of Recovery Services, shall be completed under appropriation item 336423, Addiction Services Partnership with Corrections, in the same manner, and with the same effect, as if completed with regard to appropriation item 505321, Institution Medical Services.

**Section 337.90.** RECOVERY HOUSING

The foregoing appropriation item 336424, Recovery Housing, shall be used to expand and support access to recovery housing as defined in section 340.01 of the Revised Code and in accordance with section 340.034 of the Revised Code. For expenditures that are capital in nature, the Department of Mental Health and Addiction Services shall develop procedures to administer these funds in a manner that is consistent with current community

capital assistance guidelines.

**Section 337.100.** SPECIALIZED DOCKET SUPPORT

(A) The foregoing appropriation item 336425, Specialized Docket Support, shall be used to defray a portion of the annual payroll costs associated with the specialized docket of a common pleas court, municipal court, county court, juvenile court, or family court that meets all of the eligibility requirements in division (B) of this section, including a family dependency treatment docket. The foregoing appropriation item 336425, Specialized Docket Support, may also be used to defray costs associated with treatment services and recovery supports for participants.

(B) To be eligible, the specialized docket must have received Supreme Court of Ohio final certification and include participants with behavioral health needs in its target population.

(C) Of the foregoing appropriation item 336425, Specialized Docket Support, the Department of Mental Health and Addiction Services shall use up to one per cent of the funds appropriated in each fiscal year to pay the cost it incurs in administering the duties established in this section.

(D) The Department, in consultation with the Supreme Court of Ohio, may adopt funding distribution methodology, guidelines, and procedures as necessary to carry out the purposes of this section.

**Section 337.110.** COMMUNITY INNOVATIONS

The foregoing appropriation item 336504, Community Innovations, may be used by the Department of Mental Health and Addiction Services to make targeted investments in programs, projects, or systems operated by or under the authority of other state agencies, governmental entities, or private not-for-profit agencies that impact, or are impacted by, the operations and

functions of the Department, with the goal of achieving a net reduction in expenditure of state general revenue funds and/or improved outcomes for Ohio citizens without a net increase in state general revenue fund spending.

The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The Director shall have discretion to transfer money from the appropriation item to other state agencies, governmental entities, or private not-for-profit agencies in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes. Distribution of moneys from this appropriation item shall not be subject to sections 9.23 to 9.239 or Chapter 125. of the Revised Code.

The Department shall enter into an agreement with each recipient of community innovation funds, identifying: allowable expenditure of the funds; other commitment of funds or other resources to the program, project, or system; expected state savings and/or improved outcomes and proposed mechanisms for measurement of such savings or outcomes; and required reporting regarding expenditure of funds and savings or outcomes achieved.

Of the foregoing appropriation item 336504, Community Innovations, up to $4,000,000 in each fiscal year shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention.

Of the foregoing appropriation item 336504, Community

Innovations, up to $750,000 in each fiscal year shall be used to enhance access to naloxone across the state for county health departments to then disperse through a grant program to local law enforcement, emergency personnel, and first responders. If local law enforcement, emergency personnel, and first responders are not making use of the naloxone grant funds, the county health department may use grant funding to provide naloxone through a Project DAWN program within the county.

Of the foregoing appropriation item 336504, Community Innovations, up to $600,000 in each fiscal year shall be allocated to the Heartland High School Demonstration Project to educate and graduate teens and youth recovering from substance use disorders.

Of the foregoing appropriation item 336504, Community Innovations, $2,000,000 in fiscal year 2020 shall be allocated to the Psychotropic Drug Reimbursement Program established in section 5119.19 of the Revised Code. On July 1, 2020, or as soon as possible thereafter, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered allocation for the program in fiscal year 2020. The amount certified is hereby reappropriated to appropriation item 336504, Community Innovations, in fiscal year 2021 for the same purpose.

**Section 337.120.** RESIDENTIAL STATE SUPPLEMENT

(A) The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness and to make payments to residential state supplement recipients.

(B) The Department of Mental Health and Addiction Services

shall adopt rules establishing eligibility criteria and payment amounts under section 5119.41 of the Revised Code.

**Section 337.130.** EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND CONSULTATION

The foregoing appropriation item 336511, Early Childhood Mental Health Counselors and Consultation, shall be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool to third grade classroom expulsions. Funds shall be used by the Department of Mental Health and Addiction Services to support early childhood mental health credentialed counselors and consultation services, as well as administration and workforce development for the program.

**Section 337.140.** MEDICAID SUPPORT

The foregoing appropriation item 652321, Medicaid Support, shall be used to fund specified Medicaid Services as delegated by the state's single agency responsible for the Medicaid Program.

**Section 337.150.** SUBSTANCE ABUSE STABILIZATION CENTERS

(A) The foregoing appropriation item 336600, Substance Abuse Stabilization Centers, shall be used to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, acute substance use disorder stabilization centers. There shall be one center located in each state psychiatric hospital region.

(B) As used in this section, "state psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code.

**Section 337.160.** ADAMHS BOARDS

(A) Of the foregoing appropriation item 336643, ADAMHS Boards, $5,000,000 in each fiscal year shall be allocated as follows:

(1) Each board shall receive $50,000 in each fiscal year for each of the counties that are part of the board's district.

(2) Each board shall receive a percentage of any remaining amount to be determined by a formula developed by the Director of Mental Health and Addiction Services using the population of the board's service district and the most recent drug overdose death information.

(B) Of the foregoing appropriation item 336643, ADAMHS Boards, up to $6,000,000 in each fiscal year shall be used to provide flexible resources to local communities to fund direct crisis stabilization and crisis prevention support.

(C) Of the foregoing appropriation item 336643, ADAMHS Boards, up to $10,000,000 in fiscal year 2020 shall be used to develop, evaluate, and expand crisis services infrastructure to provide support for adults, children, and families in a variety of settings. Any unexpended or unencumbered fund balance shall be used in fiscal year 2021 for the same purpose.

**Section 337.170.** PROBLEM GAMBLING AND CASINO ADDICTION

A portion of appropriation item 336629, Problem Gambling and Casino Addiction, shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services.

**Section 337.180.** FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools shall be subject to the following restrictions:

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council;

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

**Section 337.190.** ACCESS SUCCESS II PROGRAM

To the extent cash is available, the Director of Budget and Management may transfer cash from a fund designated by the Medicaid Director, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health and Addiction Services. The transferred cash is hereby appropriated.

The Department of Mental Health and Addiction Services shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by the Department under Chapter 5119. of the Revised Code to transition from inpatient status to a community setting.

**Section 337.200.** CASH TRANSFER FROM THE INDIGENT DRIVERS ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION FUND

On a schedule determined by the Director of Budget and Management, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code to be transferred from the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 4750). Upon certification, the Director of Budget and Management may transfer cash from the Indigent Drivers Alcohol Treatment Fund to the Statewide Treatment and Prevention Fund.

**Section 337.210.** CURES OPIOID STATE TARGETED RESPONSE

The foregoing appropriation item 336503, Cures Opioid State Targeted Response, shall be used pursuant to the goals and requirements of the State Targeted Response to the Opioid Crisis Grant provision in the federal "21st Century Cures Act," Public Law 114-255.

**Section 337.220.** STATEWIDE TREATMENT AND PREVENTION

The foregoing appropriation item 336623, Statewide Treatment and Prevention, shall be used as follows: up to $18,000,000 in fiscal year 2020 to support K-12 prevention education initiatives;

up to $13,000,000 in fiscal year 2020 and up to $5,000,000 in fiscal year 2021 to support and expand statewide multi-media prevention, treatment, and stigma reduction campaigns; up to $5,000,000 in fiscal year 2020 to expand the number of individuals trained in mental health first aid and to expand the number of law enforcement trained in approved de-escalation techniques and approaches specific to people experiencing mental health crisis.

The remaining portion of appropriation item 336623, Statewide Treatment and Prevention, may be used for agency administrative support.

**Section 339.10.** MIH COMMISSION ON MINORITY HEALTH

| | | | | | |
|---|---|---|---|---|---|
| General Revenue Fund | | | | | |
| GRF | 149321 | Operating Expenses | $ 721,681 | $ 741,928 | |
| GRF | 149501 | Demonstration Grants | $ 852,606 | $ 852,606 | |
| GRF | 149502 | Lupus Program | $ 196,000 | $ 196,000 | |
| GRF | 149503 | Infant Mortality Health Grants | $ 985,000 | $ 985,000 | |
| TOTAL GRF General Revenue Fund | | | $ 2,755,287 | $ 2,775,534 | |
| Dedicated Purpose Fund Group | | | | | |
| 4C20 | 149601 | Minority Health Conference | $ 50,000 | $ 50,000 | |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 50,000 | $ 50,000 | |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 2,805,287 | $ 2,825,534 | |

**Section 341.10.** CRB MOTOR VEHICLE REPAIR BOARD

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | |
| 4K90 | 865601 | Operating Expenses | $ 623,948 | $ 636,389 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 623,948 | $ 636,389 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 623,948 | $ 636,389 |

**Section 343.10.** DNR DEPARTMENT OF NATURAL RESOURCES 50311

| | | | | | |
|---|---|---|---|---|---|
| General Revenue Fund | | | | | 50312 |
| GRF | 725401 | Division of Wildlife-Operating Subsidy | $ 1,773,000 | $ 1,773,000 | 50313 |
| GRF | 725413 | Parks and Recreational Facilities Lease Rental Bond Payments | $ 50,771,500 | $ 57,556,700 | 50314 |
| GRF | 725456 | Canal Lands | $ 130,950 | $ 130,950 | 50315 |
| GRF | 725505 | Healthy Lake Erie Program | $ 1,000,000 | $ 1,000,000 | 50316 |
| GRF | 725507 | Coal and Mine Safety Programs | $ 2,796,340 | $ 2,796,340 | 50317 |
| GRF | 725903 | Natural Resources General Obligation Bond Debt Service | $ 20,359,800 | $ 20,420,700 | 50318 |
| GRF | 727321 | Division of Forestry | $ 4,869,458 | $ 4,965,023 | 50319 |
| GRF | 729321 | Office of Information Technology | $ 181,478 | $ 181,478 | 50320 |
| GRF | 730321 | Parks and Recreation | $ 38,652,560 | $ 37,105,509 | 50321 |
| GRF | 736321 | Division of Engineering | $ 2,035,650 | $ 2,035,650 | 50322 |
| GRF | 737321 | Division of Water Resources | $ 1,689,455 | $ 1,692,044 | 50323 |
| GRF | 738321 | Office of Real Estate and Land Management | $ 728,322 | $ 728,322 | 50324 |
| GRF | 741321 | Division of Natural Areas and Preserves | $ 2,744,428 | $ 4,246,134 | 50325 |
| TOTAL GRF General Revenue Fund | | | $ 127,732,941 | $ 134,631,850 | 50326 |
| Dedicated Purpose Fund Group | | | | | 50327 |
| 2270 | 725406 | Parks Projects | $ 1,629,465 | $ 1,725,151 | 50328 |

| | | | | | |
|---|---|---|---|---|---|
| | | Personnel | | | |
| 4300 | 725671 | Canal Lands | $ 927,128 | $ 927,128 | 50329 |
| 4S90 | 725622 | NatureWorks Personnel | $ 784,648 | $ 800,000 | 50330 |
| 4U60 | 725668 | Scenic Rivers Protection | $ 100,000 | $ 100,000 | 50331 |
| 5090 | 725602 | State Forest | $ 10,114,999 | $ 10,312,871 | 50332 |
| 5110 | 725646 | Ohio Geological Mapping | $ 4,691,486 | $ 4,799,989 | 50333 |
| 5110 | 725679 | Geographic Information System Centralized Services | $ 516,979 | $ 518,024 | 50334 |
| 5120 | 725605 | State Parks Operations | $ 60,073,839 | $ 35,412,070 | 50335 |
| 5140 | 725606 | Lake Erie Shoreline | $ 2,393,809 | $ 2,446,910 | 50336 |
| 5160 | 725620 | Water Management | $ 2,998,695 | $ 3,006,996 | 50337 |
| 5180 | 725643 | Oil and Gas Regulation and Safety | $ 25,079,252 | $ 25,446,157 | 50338 |
| 5180 | 725677 | Oil and Gas Well Plugging | $ 24,979,365 | $ 28,177,215 | 50339 |
| 5210 | 725627 | Off-Road Vehicle Trails | $ 847,929 | $ 851,587 | 50340 |
| 5220 | 725656 | Natural Areas and Preserves | $ 546,973 | $ 313,649 | 50341 |
| 5290 | 725639 | Mining Regulation and Safety | $ 4,499,705 | $ 4,689,552 | 50342 |
| 5310 | 725648 | Reclamation Forfeiture | $ 2,171,668 | $ 2,232,761 | 50343 |
| 5EL0 | 725612 | Wildlife Law Enforcement | $ 12,000 | $ 12,000 | 50344 |
| 5EM0 | 725613 | Natural Resources Law Enforcement | $ 34,000 | $ 34,000 | 50345 |
| 5HK0 | 725625 | Ohio Nature Preserves | $ 50,000 | $ 50,000 | 50346 |
| 5MW0 | 725604 | Natural Resources Special Purposes | $ 261,293 | $ 261,293 | 50347 |
| 5P20 | 725634 | Wildlife Boater Angler | $ 6,990,425 | $ 7,000,000 | 50348 |

| | | | | | |
|---|---|---|---|---|---|
| | | Administration | | | |
| 5TD0 | 725514 | Park Maintenance | $ 1,481,150 | $ 1,481,150 | 50349 |
| 6150 | 725661 | Dam Safety | $ 1,166,902 | $ 1,166,602 | 50350 |
| 6970 | 725670 | Submerged Lands | $ 717,155 | $ 717,155 | 50351 |
| 6H20 | 725681 | H2Ohio | $ 46,200,000 | $ 0 | 50352 |
| 7015 | 740401 | Division of Wildlife Conservation | $ 63,701,662 | $ 65,482,330 | 50353 |
| 7086 | 725414 | Waterways Improvement | $ 6,193,671 | $ 6,193,671 | 50354 |
| 7086 | 739401 | Watercraft Operations | $ 20,897,471 | $ 21,400,204 | 50355 |
| 8150 | 725636 | Cooperative Management Projects | $ 650,000 | $ 650,000 | 50356 |
| 8160 | 725649 | Wetlands Habitat | $ 966,885 | $ 966,885 | 50357 |
| 8170 | 725655 | Wildlife Conservation Checkoff | $ 2,000,000 | $ 2,000,000 | 50358 |
| 8180 | 725629 | Cooperative Fisheries Research | $ 1,500,000 | $ 1,500,000 | 50359 |
| 8190 | 725685 | Ohio River Management | $ 140,000 | $ 140,000 | 50360 |
| 81B0 | 725688 | Wildlife Habitats | $ 1,200,000 | $ 1,200,000 | 50361 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 296,518,554 | $ 232,015,350 | 50362 |
| Internal Service Activity Fund Group | | | | | 50363 |
| 1550 | 725601 | Departmental Projects | $ 1,775,425 | $ 1,198,248 | 50364 |
| 1550 | 725676 | Hocking Hills State Park Lodge | $ 13,000,000 | $ 3,000,000 | 50365 |
| 1570 | 725651 | Central Support Indirect | $ 5,632,162 | $ 5,632,162 | 50366 |
| 2040 | 725687 | Information Services | $ 6,432,109 | $ 5,970,264 | 50367 |
| 2050 | 725696 | Human Resource Direct Services | $ 2,855,404 | $ 2,976,201 | 50368 |
| 2230 | 725665 | Law Enforcement Administration | $ 3,292,343 | $ 3,381,193 | 50369 |
| 5100 | 725631 | Maintenance - State-owned | $ 249,611 | $ 249,611 | 50370 |

| | | | | | |
|---|---|---|---|---|---|
| | | Residences | | | |
| 6350 | 725664 | Fountain Square Facilities Management | $ 4,094,099 | $ 4,170,445 | 50371 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 37,331,153 | $ 26,578,124 | 50372 |
| | | | | | 50373 |
| Capital Projects Fund Group | | | | | 50374 |
| 7061 | 725405 | Clean Ohio Trail Operating | $ 301,796 | $ 301,796 | 50375 |
| TOTAL CPF Capital Projects Fund Group | | | $ 301,796 | $ 301,796 | 50376 |
| | | | | | 50377 |
| Fiduciary Fund Group | | | | | 50378 |
| 4M80 | 725675 | FOP Contract | $ 18,799 | $ 20,219 | 50379 |
| TOTAL FID Fiduciary Fund Group | | | $ 18,799 | $ 20,219 | 50380 |
| Holding Account Fund Group | | | | | 50381 |
| R017 | 725659 | Performance Cash Bond Refunds | $ 528,993 | $ 528,993 | 50382 |
| R043 | 725624 | Forestry | $ 2,400,000 | $ 2,400,000 | 50383 |
| TOTAL HLD Holding Account Fund Group | | | $ 2,928,993 | $ 2,928,993 | 50384 |
| | | | | | 50385 |
| Federal Fund Group | | | | | 50386 |
| 3320 | 725669 | Federal Mine Safety Grant | $ 335,000 | $ 335,000 | 50387 |
| 3B30 | 725640 | Federal Forest Pass-Thru | $ 350,000 | $ 350,000 | 50388 |
| 3B40 | 725641 | Federal Flood Pass-Thru | $ 350,000 | $ 350,000 | 50389 |
| 3B50 | 725645 | Federal Abandoned Mine Lands | $ 21,242,787 | $ 8,046,252 | 50390 |
| 3B60 | 725653 | Federal Land and Water Conservation Grants | $ 949,168 | $ 952,256 | 50391 |
| 3B70 | 725654 | Reclamation - | $ 1,725,644 | $ 1,769,696 | 50392 |

| | | | | | |
|---|---|---|---|---|---|
| | | Regulatory | | | |
| 3P10 | 725632 | Geological Survey - Federal | $ 160,000 | $ 160,000 | 50392 |
| 3P20 | 725642 | Oil and Gas - Federal | $ 147,000 | $ 147,000 | 50393 |
| 3P30 | 725650 | Coastal Management - Federal | $ 2,791,277 | $ 2,820,185 | 50394 |
| 3P40 | 725660 | Federal - Soil and Water Resources | $ 231,732 | $ 281,000 | 50395 |
| 3R50 | 725673 | Acid Mine Drainage Abatement/Treatment | $ 900,000 | $ 900,000 | 50396 |
| 3Z50 | 725657 | Federal Recreation and Trails | $ 1,846,840 | $ 1,852,034 | 50397 |
| TOTAL FED Federal Fund Group | | | $ 31,029,448 | $ 17,963,423 | 50398 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 495,861,684 | $ 414,439,755 | 50399 |

**Section 343.20.** CENTRAL SUPPORT INDIRECT FUND 50401

The Department of Natural Resources, with approval of the Director of Budget and Management, shall use a methodology for determining each division's payments into the Central Support Indirect Fund (Fund 1570). The methodology used shall contain the characteristics of administrative ease and uniform application in compliance with federal grant requirements. It may include direct cost charges for specific services provided. Payments to Fund 1570 shall be made using an intrastate transfer voucher. 50402 50403 50404 50405 50406 50407 50408 50409

The foregoing appropriation item 725401, Division of Wildlife-Operating Subsidy, shall be used to pay the direct and indirect costs of the Division of Wildlife. 50410 50411 50412

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 50413

The foregoing appropriation item 725413, Parks and Recreational Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2019, through June 30, 2021, by the Department of Natural Resources pursuant to 50414 50415 50416 50417

leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

HEALTHY LAKE ERIE PROGRAM

The foregoing appropriation item 725505, Healthy Lake Erie Program, shall be used by the Director of Natural Resources, in support of the following: (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the Director may decide. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices.

COAL AND MINE SAFETY PROGRAMS

The foregoing appropriation item 725507, Coal and Mine Safety Programs, shall be used for the administration of the Mine Safety Program and the Coal Regulation Program.

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2019, through June 30, 2021, on obligations issued under sections 151.01 and 151.05 of the Revised Code.

**Section 343.30.** OIL AND GAS WELL PLUGGING

The foregoing appropriation item 725677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised

Code.

WELL LOG FILING FEES

The Chief of the Division of Water Resources shall deposit fees forwarded to the Division pursuant to section 1521.05 of the Revised Code into the Water Management Fund (Fund 5160) for the purposes described in that section.

PARKS CAPITAL EXPENSES FUND

The Director of Natural Resources shall submit to the Director of Budget and Management the estimated design, engineering, and planning costs of capital-related work to be done by Department of Natural Resources staff for parks projects within the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from Fund 7035 appropriation item C725E6, Project Planning, for those purposes. Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Parks Capital Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by Fund 7035 using an intrastate transfer voucher.

NATUREWORKS CAPITAL EXPENSES FUND

The Department of Natural Resources shall submit to the Director of Budget and Management the estimated design, planning, and engineering costs of capital-related work to be done by Department of Natural Resources staff for each capital improvement project within the Ohio Parks and Natural Resources Fund (Fund 7031). If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from Fund 7031 appropriation item C725E5, Project Planning, for those purposes. Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Capital Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be

reimbursed by Fund 7031 using an intrastate transfer voucher.

RECLAMATION FORFEITURE FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer $2,000,000 cash from the General Revenue Fund to the Reclamation Forfeiture Fund (Fund 5310), which shall be used to reclaim areas of land affected by coal mining in accordance with section 1513.18 of the Revised Code.

PARK MAINTENANCE

The foregoing appropriation item 725514, Park Maintenance, shall be used by the Department of Natural Resources to pay the costs of projects supported by the State Park Maintenance Fund (Fund 5TD0) under section 1501.08 of the Revised Code.

On July 1 of each fiscal year or as soon as possible thereafter, the Director of Natural Resources shall certify the amount of five percent of the average of the previous five years of deposits in the State Park Fund (Fund 5120) to the Director of Budget and Management. The Director of Budget and Management may transfer up to $1,600,000 from Fund 5120 to the State Park Maintenance Fund (Fund 5TD0).

H2OHIO FUND

The foregoing appropriation item 725681, H2Ohio, shall be used by the Department of Natural Resources to support, maintain, and create wetlands throughout the state including but not limited to coastal and upland wetlands in the Western Basin of Lake Erie. In addition, the foregoing appropriation item, 725681, H2Ohio, may be used to support improvement and protection of all waterways and to address water quality priorities including water protection and management in accordance with section 126.60 of the Revised Code.

On July 1, 2020, or as soon as possible thereafter, the

Director of Natural Resources may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 725681, H2Ohio, at the end of fiscal year 2020 to be reappropriated in fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

**Section 343.40.** CASH TRANSFER FOR HOCKING HILLS LODGE RECONSTRUCTION

During fiscal years 2020 and 2021, the Director of Budget and Management may, in consultation with the Director of Natural Resources, transfer cash as necessary from the General Revenue Fund to the Departmental Services – Interstate Fund (Fund 1550) to pay costs for the reconstruction of the Hocking Hills Dining Lodge that will occur before final insurance settlement proceeds are deposited into Fund 1550. Once insurance proceeds have been deposited into Fund 1550, the Director of Budget and Management, in consultation with the Director of Natural Resources, shall establish a schedule for repaying the General Revenue Fund from Fund 1550. The Director of Budget and Management shall transfer cash from Fund 1550 to the General Revenue Fund according to the established schedule.

HUMAN RESOURCES DIRECT SERVICES

The foregoing appropriation item 725696, Human Resources Direct Services, shall be used to cover the cost of support, coordination, and oversight of the Department of Natural Resources' human resources functions. The Human Resources Chargeback Fund (Fund 2050) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

LAW ENFORCEMENT ADMINISTRATION

The foregoing appropriation item 725665, Law Enforcement Administration, shall be used to cover the cost of support, coordination, and oversight of the Department of Natural Resources' law enforcement functions. The Law Enforcement Administration Fund (Fund 2230) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER

The foregoing appropriation item 725664, Fountain Square Facilities Management, shall be used for payment of expenses related to the security of the Fountain Square complex and for the repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square complex and the Department of Natural Resources grounds at the Ohio Expo Center. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited into the Fountain Square Facilities Management Fund (Fund 6350).

**Section 343.50.** CLEAN OHIO TRAIL OPERATING EXPENSES

The foregoing appropriation item 725405, Clean Ohio Trail Operating, shall be used by the Department of Natural Resources in administering Clean Ohio Trail Fund (Fund 7061) projects pursuant to section 1519.05 of the Revised Code.

**Section 345.10.** NUR STATE BOARD OF NURSING

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | |
| 4K90 | 884609 | Operating Expenses | $ 9,842,225 | $ 10,285,032 |
| 5AC0 | 884602 | Nurse Education Grant Program | $ 1,518,000 | $ 1,518,000 |
| 5P80 | 884601 | Nursing Special | $ 2,000 | $ 2,000 |

| | | | | | |
|---|---|---|---|---|---|
| | | Issues | | | |
| TOTAL DPF Dedicated Purpose | | | | | 50569 |
| Fund Group | | | $ 11,362,225 | $ 11,805,032 | 50570 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 11,362,225 | $ 11,805,032 | 50571 |

**Section 347.10.** PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD

| | | | | | |
|---|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | | 50575 |
| 4K90 | 890609 | Operating Expenses | $ 1,137,397 | $ 1,168,045 | 50576 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 1,137,397 | $ 1,168,045 | 50577 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 1,137,397 | $ 1,168,045 | 50578 |

**Section 353.10.** OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY

| | | | | | |
|---|---|---|---|---|---|
| General Revenue Fund | | | | | 50582 |
| GRF | 415402 | Independent Living Council | $ 252,000 | $ 252,000 | 50583 |
| GRF | 415406 | Assistive Technology | $ 25,819 | $ 25,819 | 50584 |
| GRF | 415431 | Brain Injury | $ 126,567 | $ 126,567 | 50585 |
| GRF | 415506 | Services for Individuals with Disabilities | $ 16,999,344 | $ 18,418,244 | 50586 |
| GRF | 415508 | Services for the Deaf | $ 27,580 | $ 27,580 | 50587 |
| TOTAL GRF General Revenue Fund | | | $ 17,431,310 | $ 18,850,210 | 50588 |
| Dedicated Purpose Fund Group | | | | | 50589 |
| 4670 | 415609 | Business Enterprise Operating Expenses | $ 1,543,616 | $ 1,555,368 | 50590 |
| 4680 | 415618 | Third Party Services Funding | $ 10,288,000 | $ 10,538,000 | 50591 |
| 4L10 | 415619 | Services for Rehabilitation | $ 3,000,000 | $ 3,000,000 | 50592 |

| | | | | |
|---|---|---|---|---|
| TOTAL DPF Dedicated Purpose Fund Group | | $ 14,831,616 | $ 15,093,368 | 50593 50594 |
| Internal Service Activity Fund Group | | | | 50595 |
| 4W50 415606 | Program Management | $ 13,404,965 | $ 14,118,145 | 50596 |
| TOTAL ISA Internal Service Activity Fund Group | | $ 13,404,965 | $ 14,118,145 | 50597 50598 |
| Federal Fund Group | | | | 50599 |
| 3170 415620 | Disability Determination | $ 81,399,100 | $ 82,932,645 | 50600 |
| 3790 415616 | Federal - Vocational Rehabilitation | $ 121,788,087 | $ 130,495,615 | 50601 |
| 3GH0 415602 | Personal Care Assistance | $ 3,130,220 | $ 3,139,040 | 50602 |
| 3GH0 415604 | Community Centers for the Deaf | $ 1,022,000 | $ 1,022,000 | 50603 |
| 3GH0 415613 | Independent Living | $ 662,411 | $ 662,411 | 50604 |
| 3L10 415608 | Social Security Vocational Rehabilitation | $ 10,500,000 | $ 10,500,000 | 50605 |
| 3L40 415615 | Federal - Supported Employment | $ 850,000 | $ 850,000 | 50606 |
| 3L40 415617 | Independent Living Older Blind | $ 2,584,136 | $ 1,808,721 | 50607 |
| TOTAL FED Federal Fund Group | | $ 221,935,954 | $ 231,410,432 | 50608 |
| TOTAL ALL BUDGET FUND GROUPS | | $ 267,603,845 | $ 279,472,155 | 50609 |

**Section 353.20.** INDEPENDENT LIVING 50611

The foregoing appropriation item 415402, Independent Living, shall be used to support the state independent living programs and centers under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 50612 50613 50614 50615 50616

Of the foregoing appropriation item 415402, Independent Living, $67,662 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities.

ASSISTIVE TECHNOLOGY

The foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with disabilities in the State of Ohio.

BRAIN INJURY

The foregoing appropriation item 415431, Brain Injury, shall be provided to The Ohio State University College of Medicine to support the Brain Injury Program established under section 3335.60 of the Revised Code.

SERVICES FOR INDIVIDUALS WITH DISABILITIES

Of the foregoing appropriation item 415506, Services for Individuals with Disabilities, $654,975 in fiscal year 2020 and $1,309,050 in fiscal year 2021 shall be used as state match for the federal vocational rehabilitation grant and used to create partnerships with certified drug courts to expand access to employment through vocational rehabilitation services and increase employment outcomes that promote recovery and rehabilitation.

Of the foregoing appropriation item 415506, Services for Individuals with Disabilities, $603,643 in fiscal year 2020 and $1,207,285 in fiscal year 2021 shall be used as state match for the federal vocational rehabilitation grant and used to create partnerships with community colleges and state universities to ensure college students with disabilities can compete for in-demand jobs in tomorrow's labor market and increase the median earnings of individuals who obtain employment.

Of the foregoing appropriation item 415506, Services for Individuals with Disabilities, $85,733 in fiscal year 2020 and $171,465 in fiscal year 2021 shall be used as state match for the federal vocational rehabilitation grant and used to create paid on-the-job work experiences for eligible candidates placed in state agencies to develop work skills needed to pursue permanent employment and increase the number of individuals with disabilities employed in state government.

Of the foregoing appropriation item 415506, Services for Individuals with Disabilities, $150,000 in each fiscal year shall be used as state match for the federal vocational rehabilitation grant and used to increase access to vocational rehabilitation services for eligible students enrolled at the Ohio State School for the Blind and the Ohio School for the Deaf that will prepare students who are blind or deaf for transition to college or employment.

SERVICES FOR THE DEAF

The foregoing appropriation item 415508, Services for the Deaf, shall be used to support community centers for the deaf.

SIGHT CENTERS

Of the foregoing appropriation item 415617, Independent Living Older Blind, $30,000 in each fiscal year shall be used to contract in equal amounts with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide outreach and referral development to the community of individuals with blindness or low vision.

**Section 361.10.** PEN PENSION SUBSIDIES

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 090524 | Police and Fire | $ 2,000 | $ 2,000 |

| | | | | | |
|---|---|---|---|---|---|
| | | Disability Pension Fund | | | |
| GRF | 090534 | Police and Fire Ad Hoc Cost of Living | $ 31,000 | $ 31,000 | 50677 |
| GRF | 090554 | Police and Fire Survivor Benefits | $ 270,000 | $ 270,000 | 50678 |
| GRF | 090575 | Police and Fire Death Benefits | $ 33,500,000 | $ 33,750,000 | 50679 |
| TOTAL GRF General Revenue Fund | | | $ 33,803,000 | $ 34,053,000 | 50680 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 33,803,000 | $ 34,053,000 | 50681 |

POLICE AND FIRE DEATH BENEFIT FUND 50682

The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund. The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees of the Ohio Police and Fire Pension Fund shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments required by section 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this appropriation item but not disbursed. 50683 50684 50685 50686 50687 50688 50689 50690 50691 50692 50693 50694

Notwithstanding any provision of section 124.824 of the Revised Code to the contrary, for each death benefit fund recipient who participates in health, medical, hospital, dental, surgical, or vision benefits under section 124.824 of the Revised Code, the Board of Trustees of the Ohio Police and Fire Pension Fund shall pay the percentage of the premium or cost for the applicable benefits that would be paid by a state employer for a state employee who elects that coverage and shall withhold from benefits paid to a death benefit fund recipient under section 50695 50696 50697 50698 50699 50700 50701 50702 50703

742.63 of the Revised Code the percentage of the premium or cost for such benefits that would be paid by a state employee. The Board of Trustees shall pay the Department of Administrative Services the total cost of those benefits plus any applicable administrative costs, which shall not exceed two per cent of the total cost of the benefits. The Board of Trustees shall not withhold from or charge to a death benefit fund recipient the amount of any administrative costs paid under this section.

**Section 363.10.** UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | |
| 6910 | 810632 | Petroleum Underground Storage Tank Release Compensation Board - Operating | $ 1,410,740 | $ 1,469,195 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 1,410,740 | $ 1,469,195 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 1,410,740 | $ 1,469,195 |

**Section 367.10.** PRX STATE BOARD OF PHARMACY

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | |
| 4A50 | 887605 | Drug Law Enforcement | $ 150,000 | $ 150,000 |
| 4K90 | 658605 | OARRS Integration - STATE | $ 253,264 | $ 255,000 |
| 4K90 | 887609 | Operating Expenses | $ 10,220,383 | $ 10,646,387 |
| 5SG0 | 887612 | Drug Database | $ 664,369 | $ 670,000 |
| 5SY0 | 887613 | Medical Marijuana Control Program | $ 3,084,072 | $ 2,500,200 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 14,372,088 | $ 14,221,587 |
| Federal Fund Group | | | | |

| | | | | | |
|---|---|---|---|---|---|
| 3HD0 | 887614 | Pharmacy Federal Grants | $ 612,433 | $ 531,000 | 50728 |
| 3HH0 | 658601 | OARRS Integration - FED | $ 2,363,583 | $ 2,384,000 | 50729 |
| TOTAL FED Federal Fund Group | | | $ 2,976,016 | $ 2,915,000 | 50730 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 17,348,104 | $ 17,136,587 | 50731 |

**Section 369.10.** PSY STATE BOARD OF PSYCHOLOGY 50733

| | | | | | |
|---|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | | 50734 |
| 4K90 | 882609 | Operating Expenses | $ 665,390 | $ 696,615 | 50735 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 665,390 | $ 696,615 | 50736 50737 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 665,390 | $ 696,615 | 50738 |

**Section 371.10.** PUB OHIO PUBLIC DEFENDER COMMISSION 50740

| | | | | | |
|---|---|---|---|---|---|
| General Revenue Fund | | | | | 50741 |
| GRF | 019401 | State Legal Defense Services | $ 4,679,317 | $ 5,034,523 | 50742 |
| GRF | 019403 | Multi-County: State Share | $ 3,607,498 | $ 3,618,503 | 50743 |
| GRF | 019404 | Trumbull County - State Share | $ 1,349,330 | $ 1,358,754 | 50744 |
| GRF | 019405 | Training Account | $ 50,000 | $ 50,000 | 50745 |
| GRF | 019501 | County Reimbursement | $ 90,000,000 | $ 90,000,000 | 50746 |
| TOTAL GRF General Revenue Fund | | | $ 99,686,145 | $ 100,061,780 | 50747 |
| Dedicated Purpose Fund Group | | | | | 50748 |
| 1010 | 019607 | Juvenile Legal Assistance | $ 204,756 | $ 204,756 | 50749 |
| 4060 | 019603 | Training and Publications | $ 25,000 | $ 25,000 | 50750 |
| 4070 | 019604 | County Representation | $ 280,407 | $ 285,000 | 50751 |
| 4080 | 019605 | Client Payments | $ 715,831 | $ 737,389 | 50752 |

| | | | | | |
|---|---|---|---|---|---|
| 4C70 | 019601 | Multi-County: County Share | $ 1,352,812 | $ 1,356,939 | 50753 |
| 4N90 | 019613 | Gifts and Grants | $ 19,440 | $ 19,440 | 50754 |
| 4X70 | 019610 | Trumbull County - County Share | $ 505,999 | $ 509,533 | 50755 |
| 5740 | 019606 | Civil Legal Aid | $ 25,000,000 | $ 25,000,000 | 50756 |
| 5CX0 | 019617 | Civil Case Filing Fee | $ 623,425 | $ 642,904 | 50757 |
| 5DY0 | 019618 | Indigent Defense Support - County Share | $ 31,872,000 | $ 31,872,000 | 50758 |
| 5DY0 | 019619 | Indigent Defense Support - State Office | $ 7,113,482 | $ 7,216,852 | 50759 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 67,713,152 | $ 67,869,813 | 50760 50761 |
| Federal Fund Group | | | | | 50762 |
| 3S80 | 019608 | Federal Representation | $ 38,315 | $ 38,315 | 50763 |
| TOTAL FED Federal Fund Group | | | $ 38,315 | $ 38,315 | 50764 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 167,437,612 | $ 167,969,908 | 50765 |

INDIGENT DEFENSE REIMBURSEMENT 50766

Notwithstanding any provision of law to the contrary, if the amount of money appropriated by the General Assembly in fiscal year 2020 or fiscal year 2021 to reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems, including the costs and expenses of conducting the defense in capital cases, is sufficient, the Ohio Public Defender may exceed fifty per cent contribution of the total costs and expenses that are reimbursable for the operation of those offices and systems. 50767 50768 50769 50770 50771 50772 50773 50774 50775

INDIGENT DEFENSE OFFICE 50776

The foregoing appropriation items 019404, Trumbull County - 50777

State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.

MULTI-COUNTY OFFICE

The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County Branch Office Program.

TRAINING ACCOUNT

The foregoing appropriation item 019405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represents at least one indigent defendant at no cost, state and county public defenders, and attorneys who contract with the Ohio Public Defender to provide indigent defense services.

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer $250,000 cash from the General Revenue Fund to the Legal Aid Fund (Fund 5740). The transferred cash shall be distributed by the Ohio Legal Assistance Foundation to Ohio's civil legal aid societies for the sole purpose of providing legal services for economically disadvantaged individuals and families seeking assistance with legal issues arising as a result of substance abuse disorders. None of the funds shall be used for administrative costs, including, but not limited to, salaries, benefits, or travel reimbursements.

FEDERAL REPRESENTATION

The foregoing appropriation item 019608, Federal Representation, shall be used to support representation provided

by the Ohio Public Defender in federal court cases.

**Section 373.10.** DPS DEPARTMENT OF PUBLIC SAFETY

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 761403 | Recovery Ohio Law Enforcement | $ 9,750,000 | $ 9,750,000 |
| GRF | 763403 | EMA Operating | $ 5,099,118 | $ 5,320,000 |
| GRF | 767420 | Investigative Unit Operating | $ 13,776,113 | $ 14,175,500 |
| GRF | 768425 | Justice Program Services | $ 2,061,162 | $ 2,084,200 |
| GRF | 769406 | Homeland Security - Operating | $ 3,140,706 | $ 3,228,200 |
| GRF | 769407 | Youthful Driver Safety | $ 500,000 | $ 500,000 |
| GRF | 769501 | School Safety | $ 300,000 | $ 300,000 |
| TOTAL GRF General Revenue Fund | | | $ 34,627,099 | $ 35,357,900 |
| Dedicated Purpose Fund Group | | | | |
| 4P60 | 768601 | Justice Program Services | $ 220,000 | $ 226,500 |
| 4V30 | 763662 | EMA Service and Reimbursements | $ 751,000 | $ 751,000 |
| 5B90 | 766632 | Private Investigator and Security Guard Provider | $ 1,986,152 | $ 2,035,000 |
| 5BK0 | 768687 | Criminal Justice Services - Operating | $ 533,771 | $ 550,000 |
| 5BK0 | 768689 | Family Violence Shelter Programs | $ 1,550,000 | $ 1,550,000 |
| 5ET0 | 768625 | Drug Law Enforcement | $ 8,000,000 | $ 8,000,000 |
| 5LM0 | 768698 | Criminal Justice Services Law | $ 850,946 | $ 850,946 |

| | | | | | |
|---|---|---|---|---|---|
| | | Enforcement Support | | | |
| 5ML0 | 769635 | Infrastructure Protection | $ 80,000 | $ 80,000 | 50827 |
| 5RH0 | 767697 | OIU Special Projects | $ 900,000 | $ 900,000 | 50828 |
| 5RS0 | 768621 | Community Police Relations | $ 1,569,445 | $ 1,150,000 | 50829 |
| 5TJ0 | 763603 | Security Grants | $ 470,000 | $ 0 | 50830 |
| 5Y10 | 767696 | Ohio Investigative Unit Continuing Professional Training | $ 10,000 | $ 10,000 | 50831 |
| 6220 | 767615 | Investigative, Contraband, and Forfeiture | $ 1,000,000 | $ 1,000,000 | 50832 |
| 6570 | 763652 | Utility Radiological Safety | $ 1,258,624 | $ 1,258,624 | 50833 |
| 6810 | 763653 | SARA Title III Hazmat Planning | $ 273,629 | $ 273,629 | 50834 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 19,453,567 | $ 18,635,699 | 50835 |
| Federal Fund Group | | | | | 50836 |
| 3370 | 763609 | Federal Disaster Relief | $ 69,779,199 | $ 69,948,672 | 50837 |
| 3FP0 | 767620 | Ohio Investigative Unit Justice Contraband | $ 30,000 | $ 30,000 | 50838 |
| 3GL0 | 768619 | Justice Assistance Grants - FFY15 | $ 12,500,000 | $ 12,500,000 | 50839 |
| 3GT0 | 767691 | Investigative Unit Federal Equity Share | $ 100,000 | $ 100,000 | 50840 |
| 3GU0 | 769610 | Investigations Grants – Food Stamps, Liquor and Tobacco Laws | $ 1,400,000 | $ 1,400,000 | 50841 |
| 3GU0 | 769631 | Homeland Security | $ 800,000 | $ 800,000 | 50842 |

| | | | | |
|---|---|---|---|---|
| | Disaster Grants | | | |
| 3L50 768604 | Justice Program | $ 12,600,000 | $ 12,600,000 | 50843 |
| TOTAL FED | Federal Fund Group | $ 97,209,199 | $ 97,378,672 | 50844 |
| TOTAL ALL BUDGET FUND GROUPS | | $ 151,289,865 | $ 151,372,271 | 50845 |

**Section 373.20.** RECOVERY OHIO LAW ENFORCEMENT 50847

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to $3,400,000 in each fiscal year may be used to create narcotics task forces that will focus on cartel trafficking interdiction. 50848 50849 50850 50851

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to $3,250,000 in each fiscal year may be used to establish a highly specialized Narcotics Intelligence Center consisting of personnel assigned to intelligence and computer forensic analysis that will assist Ohio narcotics task forces. 50852 50853 50854 50855 50856

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to $2,500,000 in each fiscal year may be used by the Office of Criminal Justice Services to provide funding to Ohio's narcotics task forces to build new and strengthen existing partnerships with local law enforcement. 50857 50858 50859 50860 50861

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to $600,000 in each fiscal year may be used to partner with the Office of Information Technology in the Department of Administrative Services to develop, enhance, and maintain a uniform records management and data intelligence system for narcotics task forces. 50862 50863 50864 50865 50866 50867

JUSTICE PROGRAM SERVICES 50868

Of the foregoing appropriation item 768425, Justice Program Services, up to $1,000,000 in each fiscal year shall be used by the Department of Public Safety to distribute grants to state and/or local law enforcement to conduct investigations on sexual 50869 50870 50871 50872

assault kit testing results and related expenses.

YOUTHFUL DRIVER SAFETY

The foregoing appropriation item 769407, Youthful Driver Safety, shall be used to enhance driver training for a statewide youthful driver safety program. The program will use best practices and technology to focus on behind-the-wheel driver training for drivers aged sixteen to twenty-four in order to reduce the number of at-fault youthful fatal car crashes.

SCHOOL SAFETY

The foregoing appropriation item 769501, School Safety, shall be used by the Department of Public Safety to pay for the costs of the Ohio Homeland Security Safer Schools Tipline, promotional materials to enhance awareness of the Tipline, and analytic tools to proactively alert local officials to school security threats.

LOCAL DISASTER ASSISTANCE

Appropriation item 763511, Local Disaster Assistance, shall be used to assist eligible local governments in meeting the match requirement necessary to utilize federal disaster assistance funds released as a result of the Major Disaster Declaration issued by the President of the United States on April 17, 2018.

An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2019 is hereby reappropriated for the same purpose for fiscal year 2020.

An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2020 is hereby reappropriated for the same purpose for fiscal year 2021.

STATE DISASTER RELIEF

The State Disaster Relief Fund (Fund 5330) may accept

transfers of cash or appropriations from Controlling Board appropriation items for the Ohio Emergency Management Agency disaster response costs and disaster program management costs, and may also be used for the following purposes:

(A) To accept transfers of cash or appropriations from Controlling Board appropriation items for Ohio Emergency Management Agency public assistance and mitigation program match costs to reimburse eligible local governments and private nonprofit organizations for costs related to disasters;

(B) To accept transfers of cash to reimburse the costs associated with Emergency Management Assistance Compact (EMAC) deployments;

(C) To accept disaster related reimbursement from federal, state, and local governments. The Director of Budget and Management may transfer cash from reimbursements received by this fund to other funds of the state from which transfers were originally approved by the Controlling Board.

(D) To accept transfers of cash or appropriations from Controlling Board appropriation items to fund the State Disaster Relief Program, for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

**Section 373.30.** TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND

On July 1 of each fiscal year, or as soon as possible

thereafter, the Director of Budget and Management shall transfer $200,000 cash from the State Fire Marshall Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30) to be distributed to the Ohio Task Force One – Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency.

DRUG LAW ENFORCEMENT FUND

Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2020 and 2021, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed $500,000 in any calendar year.

COMMUNITY POLICE RELATIONS

The foregoing appropriation item 768621, Community Police Relations, shall be used to implement key recommendations of the Ohio Task Force on Community-Police Relations, including a database on use of force and officer involved shootings, a public awareness campaign, and state-provided assistance with policy-making and manuals.

SARA TITLE III HAZMAT PLANNING

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

SECURITY GRANTS

(A) The foregoing appropriation item 763603, Security Grants, shall be used to make competitive grants of up to $100,000 to nonprofit organizations for eligible security improvements that

assist the organization in preventing, preparing for, or responding to acts of terrorism.

(B) The Emergency Management Agency shall administer and award the grants. The Agency shall establish procedures and forms by which applicants may apply for a grant, a competitive process for ranking applicants and awarding the grants, and procedures for distributing grants to recipients. The procedures shall require each applicant to do all of the following:

(1) Identify and substantiate prior threats or attacks by a terrorist organization, network, or cell against the nonprofit organization;

(2) Indicate the symbolic or strategic value of one or more sites that renders the site a possible target of terrorism;

(3) Discuss potential consequences to the organization if the site is damaged, destroyed, or disrupted by a terrorist;

(4) Describe how the grant will be used to integrate organizational preparedness with broader state and local preparedness efforts;

(5) Submit a vulnerability assessment conducted by experienced security, law enforcement, or military personnel and a description of how the grant will be used to address the vulnerabilities identified in the assessment.

The Agency shall consider all of the above factors in evaluating grant applications.

(C) Any grant submission described in division (I) of section 3313.536 of the Revised Code or section 149.433 of the Revised Code is not a public record under section 149.43 of the Revised Code and is not subject to mandatory release or disclosure under that section.

(D) The Emergency Management Agency may use up to two and

one-half per cent of the total amount appropriated to administer the program, a portion of which may be used to pay costs incurred by the Department of Public Safety to provide security-related or specialized assistance in reviewing vulnerability assessments and prioritizing grant applications.

(E) As used in this section:

(1) "Eligible security improvements" means any of the following:

(a) Physical security enhancement equipment or inspection and screening equipment included on the Authorized Equipment List published by the United States Department of Homeland Security;

(b) Attendance fees and associated materials, supplies, and equipment costs for security-related training courses and programs regarding the protection of critical infrastructure and key resources, physical and cyber security, target hardening, or terrorism awareness or preparedness. Personnel and travel costs associated with training shall not be considered an eligible expense of the grant.

(2) "Nonprofit organization" means a corporation, association, group, institution, society, or other organization that is exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501(c)(3), as amended.

(F) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 763603, Security Grants, at the end of fiscal year 2020 is hereby reappropriated for the same purpose in fiscal year 2021.

**Section 375.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | |
| 4A30 870614 | Grade Crossing | $ 1,196,662 | $ 1,200,000 | |

| | | | | | |
|---|---|---|---|---|---|
| | | Protection Devices-State | | | |
| 4L80 | 870617 | Pipeline Safety-State | $ 346,253 | $ 346,253 | 51023 |
| 5610 | 870606 | Power Siting Board | $ 1,095,185 | $ 1,095,185 | 51024 |
| 5F60 | 870622 | Utility and Railroad Regulation | $ 34,582,560 | $ 35,415,760 | 51025 |
| 5F60 | 870624 | NARUC/NRRI Subsidy | $ 85,000 | $ 85,000 | 51026 |
| 5LT0 | 870640 | Intrastate Registration | $ 195,000 | $ 195,000 | 51027 |
| 5LT0 | 870641 | Unified Carrier Registration | $ 450,000 | $ 450,000 | 51028 |
| 5LT0 | 870643 | Non-hazardous Materials Civil Forfeiture | $ 299,942 | $ 299,942 | 51029 |
| 5LT0 | 870644 | Hazardous Materials Civil Forfeiture | $ 800,000 | $ 800,000 | 51030 |
| 5LT0 | 870645 | Motor Carrier Enforcement | $ 4,681,427 | $ 4,719,696 | 51031 |
| 5Q50 | 870626 | Telecommunications Relay Service | $ 3,000,000 | $ 3,000,000 | 51032 |
| 5QR0 | 870646 | Underground Facilities Protection | $ 50,000 | $ 50,000 | 51033 |
| 5QS0 | 870647 | Underground Facilities Administration | $ 316,000 | $ 316,000 | 51034 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 47,098,029 | $ 47,972,836 | 51035 |
| Federal Fund Group | | | | | 51036 |
| 3330 | 870601 | Gas Pipeline Safety | $ 1,397,959 | $ 1,397,959 | 51037 |
| 3500 | 870608 | Motor Carrier Safety | $ 10,058,083 | $ 10,058,083 | 51038 |
| 3500 | 870648 | Motor Carrier Administration High Priority Grants and Cooperative | $ 450,000 | $ 450,000 | 51039 |

| | | | | | |
|---|---|---|---|---|---|
| | | Agreements | | | |
| 3V30 | 870604 | Commercial Vehicle Information Systems/Networks | $ 100,000 | $ 100,000 | 51040 |
| TOTAL FED | | Federal Fund Group | $ 12,006,042 | $ 12,006,042 | 51041 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 59,104,071 | $ 59,978,878 | 51042 |

**Section 377.10.** PWC PUBLIC WORKS COMMISSION 51044

| | | | | | |
|---|---|---|---|---|---|
| General Revenue Fund | | | | | 51045 |
| GRF | 150904 | Conservation General Obligation Bond Debt Service | $ 44,218,800 | $ 44,394,800 | 51046 |
| GRF | 150907 | Infrastructure Improvement General Obligation Bond Debt Service | $ 229,338,800 | $ 231,754,500 | 51047 |
| TOTAL GRF | | General Revenue Fund | $ 273,557,600 | $ 276,149,300 | 51048 |
| Capital Projects Fund Group | | | | | 51049 |
| 7038 | 150321 | State Capital Improvements Program – Operating Expenses | $ 1,085,834 | $ 895,864 | 51050 |
| 7056 | 150403 | Clean Ohio Conservation Operating | $ 364,345 | $ 301,022 | 51051 |
| TOTAL CPF | | Capital Projects Fund Group | $ 1,450,179 | $ 1,196,886 | 51052 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 275,007,779 | $ 277,346,186 | 51053 |

**Section 377.20.** CONSERVATION GENERAL OBLIGATION BOND DEBT SERVICE 51055 51056

The foregoing appropriation item 150904, Conservation General Obligation Bond Debt Service, shall be used to pay all debt 51057 51058

service and related financing costs during the period from July 1, 2019, through June 30, 2021, on obligations issued under sections 151.01 and 151.09 of the Revised Code.

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 150907, Infrastructure Improvement General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2019, through June 30, 2021, on obligations issued under sections 151.01 and 151.08 of the Revised Code.

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES

The foregoing appropriation item 150321, State Capital Improvements Program - Operating Expenses, shall be used by the Ohio Public Works Commission to administer the State Capital Improvement Program under sections 164.01 to 164.16 of the Revised Code.

CLEAN OHIO CONSERVATION OPERATING

The foregoing appropriation item 150403, Clean Ohio Conservation Operating, shall be used by the Ohio Public Works Commission in administering Clean Ohio Conservation Fund (Fund 7056) projects pursuant to sections 164.20 to 164.27 of the Revised Code.

DISTRICT ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized to create a District Administration Costs Program from proceeds of the Capital Improvements Fund and Local Transportation Improvement Program Fund. The program shall be used to provide for the direct costs of district administration of the nineteen public works districts. Districts choosing to participate in the program shall only expend State Capital Improvements Fund moneys for State

Capital Improvements Fund costs and Local Transportation Improvement Program Fund moneys for Local Transportation Improvement Program Fund costs. The District Administration Costs Program account shall not exceed $1,235,000 per fiscal year. Each public works district may be eligible for up to $65,000 per fiscal year from its district allocation as provided in sections 164.08 and 164.14 of the Revised Code.

The Director, by rule, shall define allowable and nonallowable costs for the purpose of the District Administration Costs Program. Nonallowable costs include indirect costs, elected official salaries and benefits, and project-specific costs. No district public works committee may participate in the District Administration Costs Program without the approval of those costs by the district public works committee under section 164.04 of the Revised Code.

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized to create a District Administration Costs Program for districts represented by natural resource assistance councils. This program shall be funded from proceeds of the Clean Ohio Conservation Fund. The program shall be used by natural resource assistance councils in order to provide for administration costs of the nineteen natural resource assistance councils for the direct costs of council administration. Councils choosing to participate in this program may be eligible for up to $15,000 per fiscal year from its district allocation as provided in section 164.27 of the Revised Code.

The Director shall define allowable and nonallowable costs for the purpose of the District Administration Costs Program. Nonallowable costs include indirect costs, elected official salaries and benefits, and project-specific costs.

**Section 379.10.** RAC STATE RACING COMMISSION 51120

| | | | | | |
|---|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | | 51121 |
| 5620 | 875601 | Thoroughbred Development | $ 1,400,000 | $ 1,400,000 | 51122 |
| 5630 | 875602 | Standardbred Development | $ 1,550,000 | $ 1,550,000 | 51123 |
| 5650 | 875604 | Racing Commission Operating | $ 4,034,320 | $ 4,070,948 | 51124 |
| 5JK0 | 875610 | Horse Racing Development-Casino | $ 8,512,095 | $ 8,512,095 | 51125 |
| 5NL0 | 875611 | Revenue Redistribution | $ 8,000,000 | $ 8,000,000 | 51126 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 23,496,415 | $ 23,533,043 | 51127 |
| Fiduciary Fund Group | | | | | 51128 |
| 5C40 | 875607 | Simulcast Horse Racing Purse | $ 7,000,000 | $ 7,000,000 | 51129 |
| TOTAL FID Fiduciary Fund Group | | | $ 7,000,000 | $ 7,000,000 | 51130 |
| Holding Account Fund Group | | | | | 51131 |
| R021 | 875605 | Bond Reimbursements | $ 100,000 | $ 100,000 | 51132 |
| TOTAL HLD Holding Account Fund Group | | | $ 100,000 | $ 100,000 | 51133 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 30,596,415 | $ 30,633,043 | 51134 |

**Section 381.10.** BOR DEPARTMENT OF HIGHER EDUCATION 51136

| | | | | | |
|---|---|---|---|---|---|
| General Revenue Fund | | | | | 51137 |
| GRF | 235321 | Operating Expenses | $ 5,825,252 | $ 5,762,414 | 51138 |
| GRF | 235402 | Sea Grants | $ 299,250 | $ 299,250 | 51139 |
| GRF | 235406 | Articulation and Transfer | $ 1,844,372 | $ 1,851,773 | 51140 |
| GRF | 235408 | Midwest Higher | $ 115,000 | $ 115,000 | 51141 |

| | | | | |
|---|---|---|---|---|
| | Education Compact | | | |
| GRF 235414 | Grants and Scholarship Administration | $ 837,799 | $ 855,433 | 51142 |
| GRF 235417 | Technology Maintenance and Operations | $ 4,989,937 | $ 3,758,802 | 51143 |
| GRF 235428 | Appalachian New Economy Workforce Partnership | $ 1,228,000 | $ 1,228,000 | 51144 |
| GRF 235438 | Choose Ohio First Scholarship | $ 28,169,310 | $ 40,177,613 | 51145 |
| GRF 235443 | Adult Basic and Literacy Education - State | $ 7,083,344 | $ 7,083,344 | 51146 |
| GRF 235444 | Ohio Technical Centers | $ 19,669,559 | $ 23,250,000 | 51147 |
| GRF 235474 | Area Health Education Centers Program Support | $ 873,000 | $ 873,000 | 51148 |
| GRF 235492 | Campus Safety and Training | $ 750,000 | $ 750,000 | 51149 |
| GRF 235501 | State Share of Instruction | $ 1,999,210,715 | $ 2,019,202,822 | 51150 |
| GRF 235504 | War Orphans Scholarships | $ 11,163,333 | $ 12,502,933 | 51151 |
| GRF 235507 | OhioLINK | $ 6,024,682 | $ 6,024,682 | 51152 |
| GRF 235508 | Air Force Institute of Technology | $ 1,566,723 | $ 1,566,723 | 51153 |
| GRF 235510 | Ohio Supercomputer Center | $ 4,388,513 | $ 4,388,513 | 51154 |
| GRF 235511 | Cooperative Extension Service | $ 24,110,186 | $ 24,110,186 | 51155 |
| GRF 235514 | Central State Supplement | $ 11,685,516 | $ 11,685,516 | 51156 |
| GRF 235515 | Case Western Reserve | $ 2,038,940 | $ 2,038,940 | 51157 |

| | | | | |
|---|---|---|---|---|
| | University School of Medicine | | | |
| GRF 235519 | Family Practice | $ 3,007,876 | $ 3,007,876 | 51158 |
| GRF 235520 | Shawnee State Supplement | $ 2,537,456 | $ 2,537,456 | 51159 |
| GRF 235525 | Geriatric Medicine | $ 496,043 | $ 496,043 | 51160 |
| GRF 235526 | Primary Care Residencies | $ 1,425,000 | $ 1,425,000 | 51161 |
| GRF 235535 | Ohio Agricultural Research and Development Center | $ 36,361,470 | $ 36,361,470 | 51162 |
| GRF 235536 | The Ohio State University Clinical Teaching | $ 9,185,494 | $ 9,185,494 | 51163 |
| GRF 235537 | University of Cincinnati Clinical Teaching | $ 7,554,944 | $ 7,554,944 | 51164 |
| GRF 235538 | University of Toledo Clinical Teaching | $ 5,888,670 | $ 5,888,670 | 51165 |
| GRF 235539 | Wright State University Clinical Teaching | $ 2,860,830 | $ 2,860,830 | 51166 |
| GRF 235540 | Ohio University Clinical Teaching | $ 2,765,651 | $ 2,765,651 | 51167 |
| GRF 235541 | Northeast Ohio Medical University Clinical Teaching | $ 2,844,469 | $ 2,844,469 | 51168 |
| GRF 235546 | Central State Agricultural Research and Development | $ 3,492,485 | $ 3,492,485 | 51169 |
| GRF 235548 | Central State Cooperative Extension Services | $ 3,004,367 | $ 3,004,367 | 51170 |

| | | | | |
|---|---|---|---|---|
| GRF 235552 | Capital Component | $ 1,584,491 | $ 1,584,491 | 51171 |
| GRF 235555 | Library Depositories | $ 1,396,592 | $ 1,396,592 | 51172 |
| GRF 235556 | Ohio Academic Resources Network | $ 3,077,343 | $ 3,077,343 | 51173 |
| GRF 235558 | Long-term Care Research | $ 309,035 | $ 309,035 | 51174 |
| GRF 235563 | Ohio College Opportunity Grant | $ 122,260,500 | $ 148,200,000 | 51175 |
| GRF 235572 | The Ohio State University Clinic Support | $ 728,206 | $ 728,206 | 51176 |
| GRF 235599 | National Guard Scholarship Program | $ 20,604,000 | $ 21,222,120 | 51177 |
| GRF 235909 | Higher Education General Obligation Bond Debt Service | $ 323,545,500 | $ 348,550,200 | 51178 |
| TOTAL GRF General Revenue Fund | | $ 2,686,803,853 | $2,774,017,686 | 51179 |
| Dedicated Purpose Fund Group | | | | 51180 |
| 2200 235614 | Program Approval and Reauthorization | $ 800,485 | $ 744,562 | 51181 |
| 4560 235603 | Sales and Services | $ 199,250 | $ 199,250 | 51182 |
| 4E80 235602 | Higher Educational Facility Commission Administration | $ 53,239 | $ 60,000 | 51183 |
| 5D40 235675 | Conference/Special Purposes | $ 1,000,000 | $ 1,000,000 | 51184 |
| 5FR0 235650 | State and Non-Federal Grants and Award | $ 1,402,150 | $ 1,402,150 | 51185 |
| 5JC0 235654 | Federal Research Network | $ 3,450,000 | $ 3,450,000 | 51186 |
| 5NH0 235684 | OhioMeansJobs Workforce Development Revolving Loan | $ 245,163 | $ 250,000 | 51187 |

| | | | | | |
|---|---|---|---|---|---|
| | | Program | | | |
| 5P30 | 235663 | Variable Savings Plan | $ 7,743,050 | $ 7,915,343 | 51188 |
| 6450 | 235664 | Guaranteed Savings Plan | $ 956,973 | $ 1,001,626 | 51189 |
| 6820 | 235606 | Nursing Loan Program | $ 889,611 | $ 891,320 | 51190 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 16,739,921 | $ 16,914,251 | 51191 |
| Bond Research and Development Fund Group | | | | | 51192 |
| 7011 | 235634 | Research Incentive Third Frontier | $ 6,500,000 | $ 6,500,000 | 51193 |
| 7014 | 235639 | Research Incentive Third Frontier - Tax | $ 1,500,000 | $ 1,500,000 | 51194 |
| TOTAL BRD Bond Research and Development Fund Group | | | $ 8,000,000 | $ 8,000,000 | 51195 |
| Federal Fund Group | | | | | 51196 |
| 3120 | 235611 | Gear-up Grant | $ 1,995,808 | $ 2,000,000 | 51197 |
| 3120 | 235612 | Carl D. Perkins Grant/Plan Administration | $ 1,332,315 | $ 1,350,000 | 51198 |
| 3120 | 235641 | Adult Basic and Literacy Education - Federal | $ 17,579,996 | $ 17,600,000 | 51199 |
| 3BG0 | 235651 | Gear Up Grant Scholarships | $ 1,750,000 | $ 1,750,000 | 51200 |
| 3H20 | 235608 | Human Services Project | $ 375,000 | $ 375,000 | 51201 |
| 3N60 | 235658 | John R. Justice Student Loan Repayment Program | $ 70,000 | $ 70,000 | 51202 |
| TOTAL FED Federal Fund Group | | | $ 23,103,119 | $ 23,145,000 | 51203 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 2,734,646,893 | $ 2,822,076,937 | 51204 |

**Section 381.20.** SEA GRANTS 51206

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources.

**Section 381.30.** ARTICULATION AND TRANSFER

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

**Section 381.40.** MIDWEST HIGHER EDUCATION COMPACT

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.

**Section 381.50.** GRANTS AND SCHOLARSHIP ADMINISTRATION

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National

Guard Scholarship Program.

**Section 381.60.** TECHNOLOGY MAINTENANCE AND OPERATIONS

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education. The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH).

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The funds shall be used by eStudent Services to develop and promote learning and assessment through the use of technology, to test and provide advice on emerging learning-directed technologies, to facilitate cost-effectiveness through shared educational technology investments, and for any other priorities of the Chancellor of Higher Education.

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year shall be used by the Chancellor to implement a high priority data warehouse, advanced analytics, and visualization integration services associated with the Higher Education Information (HEI) system. The services may be facilitated by OH-TECH.

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, $150,000 in each fiscal year shall be used to support Ohio Reach to provide mentoring and support

services to former foster youth attending college.

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, up to $1,250,000 in fiscal year 2020 shall be distributed to Hocking College to support the development and implementation of instructional programming in Fairfield County. The instructional programming shall focus efforts on creating and implementing a short-term certificate and apprentice pathway program, providing access to training programs for developmentally disabled clients, and supporting workforce training in the areas of advanced manufacturing and robotics. Hocking College shall expend these moneys by June 30, 2020.

**Section 381.70.** APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP

The foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, shall be distributed to Ohio University to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

**Section 381.80.** CHOOSE OHIO FIRST SCHOLARSHIP

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code.

During each fiscal year, the Chancellor of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235438, Choose Ohio First Scholarship. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Choose Ohio First

Scholarship Reserve Fund (Fund 5PV0).

**Section 381.90.** ADULT BASIC AND LITERACY EDUCATION

The foregoing appropriation item 235443, Adult Basic and Literacy Education - State, shall be used to support the adult basic and literacy education instructional grant program and state leadership program. The supported programs shall satisfy the state match and maintenance of effort requirements for the state-administered grant program.

**Section 381.100.** OHIO TECHNICAL CENTERS FUNDING

The foregoing appropriation item 235444, Ohio Technical Centers, shall be used by the Chancellor of Higher Education to support post-secondary adult career-technical education. The Chancellor shall provide coordination for Ohio Technical Centers through program approval processes, data collection of program and student outcomes, and subsidy disbursements from the foregoing appropriation item 235444, Ohio Technical Centers.

(A)(1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's files, to the Chancellor.

(a) In defining the number of full-time equivalent students for state subsidy purposes, the Chancellor shall exclude all students who are not residents of Ohio.

(b) A full-time equivalent student shall be defined as a student who completes 450 hours. Those students that complete some portion of 450 hours shall be counted as a partial full-time equivalent for funding purposes, while students that complete more than 450 hours shall be counted as proportionally greater than one full-time equivalent.

(c) In calculating each Ohio Technical Center's full-time equivalent students, the Chancellor shall use a three-year average.

(d) After June 30, 2019, Ohio Technical Centers shall operate with, or be an active candidate for, accreditation by an accreditor authorized by the United States Department of Education to be eligible to receive subsidies from the foregoing appropriation item 235444, Ohio Technical Centers.

(2) In each fiscal year, twenty-five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis.

(3) In each fiscal year, twenty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of a program of study as a measure of student retention.

(4) In each fiscal year, fifty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins). The calculation for eligible full-time equivalent students shall be based on the per cent of Perkins placements for students who have completed at least 50 per cent of a program of study.

(5) In each fiscal year, five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have earned a credential from an industry-recognized third party.

(B) Of the foregoing appropriation item 235444, Ohio Technical Centers, up to 2.38 per cent in each fiscal year may be distributed by the Chancellor to the Ohio Central School System, up to $48,000 in each fiscal year may be utilized for assistance for Ohio Technical Centers, and up to $1,300,000 in each fiscal year may be distributed by the Chancellor to Ohio Technical Centers that provide business consultation with matching local dollars, with preference to industries on the in-demand jobs list created under section 6301.11 of the Revised Code or in regionally emerging fields. Centers meeting this requirement shall receive an amount not to exceed $25,000 per center.

(C) The remainder of the foregoing appropriation item 235444, Ohio Technical Centers, in each fiscal year shall be distributed in accordance with division (A) of this section.

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL CENTERS

(1) In fiscal year 2020, no Ohio Technical Center shall receive performance funding calculated under division (A) of this section, excluding funding for third party credentials calculated under division (A)(5) of this section, that is less than 75 per cent of the average allocation the Center received, excluding funding for third party credentials, in the three prior fiscal years.

In fiscal year 2021, no Ohio Technical Center shall receive performance funding calculated under division (A) of this section, excluding funding for third party credentials calculated under

division (A)(5) of this section, that is less than 65 per cent of the average allocation the Center received, excluding funding for third party credentials, in the three prior fiscal years.

(2) In order to ensure that no Center receives less than the amounts identified for each fiscal year in accordance with division (D)(1) of this section, funds shall be made available to support the phase-in allocation by proportionally reducing formula earnings from each Center not receiving phase-in funding.

**Section 381.110.** AREA HEALTH EDUCATION CENTERS PROGRAM SUPPORT

The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor of Higher Education to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center Program.

**Section 381.120.** CAMPUS SAFETY AND TRAINING

The foregoing appropriation item 235492, Campus Safety and Training, shall be used by the Chancellor of Higher Education for the purpose of developing model best practices for preventing and responding to sexual violence on campus. The Chancellor, in consultation with state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, shall continue to develop model best practices in line with emerging trends, research, and evidence-based training for preventing and responding to sexual violence and protecting students and staff who are victims of sexual violence on campus. The Chancellor shall convene state institutions of higher education and private

nonprofit institutions of higher education in the training and implementation of best practices regarding campus sexual violence.

**Section 381.140.** STATE SHARE OF INSTRUCTION FORMULAS

The Chancellor of Higher Education shall establish procedures to allocate the foregoing appropriation item 235501, State Share of Instruction, based on the formulas detailed in this section that utilize the enrollment, course completion, degree attainment, and student achievement factors reported annually by each state institution of higher education participating in the Higher Education Information (HEI) system.

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE COMPLETIONS

(1) As soon as possible during each fiscal year of the biennium ending June 30, 2021, in accordance with instructions of the Department of Higher Education, each state institution of higher education shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's enrollment files, to the Chancellor of Higher Education.

(2) In defining the number of full-time equivalent students for state subsidy instructional cost purposes, the Chancellor shall exclude all undergraduate students who are not residents of Ohio or who do not meet the definition of residency for state subsidy and tuition surcharge purposes, except those charged in-state fees in accordance with reciprocity agreements made under section 3333.17 of the Revised Code or employer contracts entered into under section 3333.32 of the Revised Code.

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT

For purposes of calculating state share of instruction allocations, the total instructional costs per full-time equivalent student shall be:

| Model | Fiscal Year 2020 | Fiscal Year 2021 | 51449 |
|---|---|---|---|
| ARTS AND HUMANITIES 1 | $9,115 | $9,285 | 51450 |
| ARTS AND HUMANITIES 2 | $12,986 | $13,227 | 51451 |
| ARTS AND HUMANITIES 3 | $16,155 | $16,455 | 51452 |
| ARTS AND HUMANITIES 4 | $24,740 | $25,200 | 51453 |
| ARTS AND HUMANITIES 5 | $41,648 | $42,421 | 51454 |
| ARTS AND HUMANITIES 6 | $41,449 | $42,219 | 51455 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 1 | $8,820 | $8,984 | 51456 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 2 | $9,681 | $9,861 | 51457 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 3 | $12,351 | $12,580 | 51458 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 4 | $14,388 | $14,655 | 51459 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 5 | $22,995 | $23,422 | 51460 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 6 | $24,140 | $24,588 | 51461 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 7 | $36,758 | $37,440 | 51462 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1 | $8,441 | $8,598 | 51463 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2 | $11,326 | $11,536 | 51464 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3 | $13,054 | $13,296 | 51465 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4 | $15,314 | $15,599 | 51466 |

| | | | |
|---|---|---|---|
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5 | $19,665 | $20,030 | 51467 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6 | $20,452 | $20,832 | 51468 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7 | $24,577 | $25,033 | 51469 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8 | $39,870 | $40,610 | 51470 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9 | $56,741 | $57,795 | 51471 |

Doctoral I and Doctoral II models shall be allocated in accordance with division (D)(2) of this section. 51472 51473

Medical I and Medical II models shall be allocated in accordance with divisions (D)(3) and (D)(4) of this section. 51474 51475

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS 51476 51477

For the purpose of implementing the recommendations of the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this section shall be weighted by the amounts provided below: 51478 51479 51480 51481 51482 51483 51484

| Model | Fiscal Year 2020 | Fiscal Year 2021 | |
|---|---|---|---|
| ARTS AND HUMANITIES 1 | 1.0000 | 1.0000 | 51485 51486 |
| ARTS AND HUMANITIES 2 | 1.0000 | 1.0000 | 51487 |
| ARTS AND HUMANITIES 3 | 1.0000 | 1.0000 | 51488 |

| | | | |
|---|---|---|---|
| ARTS AND HUMANITIES 4 | 1.0000 | 1.0000 | 51489 |
| ARTS AND HUMANITIES 5 | 1.0425 | 1.0425 | 51490 |
| ARTS AND HUMANITIES 6 | 1.0425 | 1.0425 | 51491 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 1 | 1.0000 | 1.0000 | 51492 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 2 | 1.0000 | 1.0000 | 51493 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 3 | 1.0000 | 1.0000 | 51494 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 4 | 1.0000 | 1.0000 | 51495 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 5 | 1.0425 | 1.0425 | 51496 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 6 | 1.0425 | 1.0425 | 51497 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 7 | 1.0425 | 1.0425 | 51498 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1 | 1.0000 | 1.0000 | 51499 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2 | 1.0017 | 1.0017 | 51500 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3 | 1.6150 | 1.6150 | 51501 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4 | 1.6920 | 1.6920 | 51502 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5 | 1.4222 | 1.4222 | 51503 |
| SCIENCE, TECHNOLOGY, | 1.8798 | 1.8798 | 51504 |

| | | | |
|---|---|---|---|
| ENGINEERING, MATHEMATICS, MEDICINE 6 | | | |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7 | 1.4380 | 1.4380 | 51505 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8 | 1.5675 | 1.5675 | 51506 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9 | 1.1361 | 1.1361 | 51507 |

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES

(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved for support of associate, baccalaureate, master's, and professional level degree attainment.

The degree attainment funding shall be allocated to universities in proportion to each campus's share of the total statewide degrees granted, weighted by the cost of the degree programs. The degree cost calculations shall include the model cost weights for the science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

For degrees including credits earned at multiple institutions, degree attainment funding shall be allocated to universities in proportion to each campus's share of the student-specific cost of earned credits for the degree. Each institution shall receive its prorated share of degree funding for

credits earned at that institution. Cost of credits not earned at a university main or regional campus shall be credited to the degree-granting institution for the first degree earned by a student at each degree level. The cost credited to the degree-granting institution shall not be eligible for at-risk weights and shall be limited to 12.5 per cent of the student-specific degree costs. However, the 12.5 per cent limitation shall not apply if the student transferred 12 or fewer credits into the degree granting institution.

In calculating the subsidy entitlements for degree attainment for universities, the Chancellor shall use the following count of degrees and degree costs:

(a) The subsidy eligible undergraduate degrees shall be defined as follows:

(i) The subsidy eligible degrees conferred to students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, shall be weighted by a factor of 1.

(ii) The subsidy eligible degrees conferred to students identified as out-of-state residents during all terms of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, who remain in the state of Ohio at least one year after graduation, as calculated based on the three-year average in-state residency rate using the Unemployment Wage data for out-of-state graduates at each institution, shall be weighted by a factor of 50 per cent.

(iii) Subsidy eligible associate degrees are defined as those earned by students attending any state-supported university main or regional campus.

(b) In calculating each campus's count of degrees, the

Chancellor shall use the three-year average associate, baccalaureate, master's, and professional degrees awarded for the three-year period ending in the prior year.

(i) If a student is awarded an associate degree and, subsequently, is awarded a baccalaureate degree, the amount funded for the baccalaureate degree shall be limited to either the difference in cost between the cost of the baccalaureate degree and the cost of the associate degree paid previously, or if the associate degree has a higher cost than the baccalaureate degree, the cost of the credits earned by the student after the associate degree was awarded.

(ii) If a student earns an associate degree then, subsequently, earns a baccalaureate degree, the associate degree granting institution shall only receive the prorated share of the baccalaureate degree funding for the credits earned at that institution after the associate degree is awarded.

(iii) If a student earns more than one degree at the same institution at the same degree level in the same fiscal year, the funding for the highest cost degree shall be prorated among institutions based on where the credits were earned and additional degrees shall be funded at 25 per cent of the cost of the degrees.

(c) Associate degrees and baccalaureate degrees earned by a student defined as at-risk based on academic underpreparation, age, minority status, financial status, or first generation post-secondary status based on neither parent completing any education beyond high school, shall be defined as degrees earned by an at-risk student and shall be weighted by the following:

A student-specific degree completion weight, where the weight is calculated based on the at-risk factors of the individual student, determined by calculating the difference between the percentage of students with each risk factor who earned a degree

and the percentage of non-at-risk students who earned a degree.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 and 2021," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

In each fiscal year, the doctoral set-aside funding allocation shall be allocated to universities as follows:

(a) 25 per cent of the doctoral set-aside shall be allocated to universities in proportion to their share of the statewide total earnings of each state institution's three-year average course completions. The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file. Course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the three-year period ending in the prior year for all doctoral enrollments in graduate-level models.

(b) 50 per cent of the doctoral set-aside shall be allocated to universities in proportion to each campus's share of the total statewide doctoral degrees, weighted by the cost of the doctoral discipline. In calculating each campus's doctoral degrees the Chancellor shall use the three-year average doctoral degrees awarded for the three-year period ending in the prior year.

(c) 25 per cent of the doctoral set-aside shall be allocated to universities in proportion to their share of research grant activity. Funding for this component shall be allocated to

eligible universities in proportion to their share of research grant activity published by the National Science Foundation. Grant awards from the Department of Health and Human Services shall be weighted at 50 per cent.

(3) Of the foregoing appropriation item 235501, State Share of Instruction, 6.41 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved for support of Medical II FTEs. The amount so reserved shall be referred to as the medical II set-aside.

The medical II set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical II FTEs as calculated in division (A) of this section.

In calculating the core subsidy entitlements for Medical II models only, students repeating terms may be no more than five per cent of current year enrollment.

(4) Of the foregoing appropriation item 235501, State Share of Instruction, 1.48 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved for support of Medical I FTEs. The amount so reserved shall be referred to as the medical I set-aside.

The medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs as calculated in division (A) of this section.

(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE

students:

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;

(b) Those undergraduate FTE students with successful course completions, identified in division (D)(5)(a) of this section, that are defined as at-risk based on academic under-preparation or financial status shall have their eligible completions weighted by the following:

(i) Institution-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2016-2018 academic years; and

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(c) The course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the three-year period ending in the prior year for all models except Medical I, Medical II, Doctoral I, and Doctoral II.

(d) For universities, the Chancellor shall compute the course completion earnings by dividing the appropriation for universities, established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 2021," less the degree attainment funding as calculated in division (D)(1) of this section, less the doctoral set-aside, less the medical I set-aside, and less the medical II set-aside,

by the sum of all campuses' instructional costs as calculated in division (D)(5) of this section.

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES

(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved for course completion FTEs as aggregated by the subsidy models defined in division (B) of this section.

The course completion funding shall be allocated to campuses in proportion to each campus's share of the total sector's course completions, weighted by the instructional cost of the subsidy models.

To calculate the subsidy entitlements for course completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:

(a) In calculating each campus's count of FTE course completions, the Chancellor shall use a three-year average for course completions for the three year period ending in the prior year for students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file.

(b) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file.

(c) Those students with successful course completions, that are defined as access students based on financial status, minority

status, age, or academic under-preparation shall have their eligible course completions weighted by a statewide access weight. The weight given to any student that meets any access factor shall be 15 per cent for all course completions.

(d) The model costs as used in the calculation shall be augmented by the model weights for science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved for colleges in proportion to their share of college student success factors.

Student success factors shall be awarded at the institutional level for each subsidy-eligible student that successfully:

(a) Completes a developmental math course and, within the next year, enrolls in a college-level math course.

(b) Completes a developmental English course and, within the next year, enrolls in a college-level English course.

(c) Completes 12 semester credit hours of college-level coursework.

(d) Completes 24 semester credit hours of college-level coursework.

(e) Completes 36 semester credit hours of college-level coursework.

(3) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for

state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved for completion milestones.

Completion milestones shall include associate degrees, technical certificates over 30 credit hours as designated by the Department of Higher Education, and students transferring to any four-year institution with at least 12 credit hours of college-level coursework earned at that community college, state community college, or technical college.

The completion milestone funding shall be allocated to colleges in proportion to each institution's share of the sector's total completion milestones, weighted by the instructional cost of the associate degree, certificate, or transfer models. Costs for technical certificates over 30 hours shall be weighted at one-half of the associate degree model costs and transfers with at least 12 credit hours of college-level coursework shall be weighted at one-fourth of the average cost for all associate degree model costs.

(4) To calculate the subsidy entitlements for completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:

(a) In calculating each campus's count of completions, the Chancellor shall use a three-year average for completion milestones awarded to students identified as subsidy eligible in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file.

(b) The subsidy eligible completion milestones by model shall equal only those students who successfully complete an associate degree or technical certificate over 30 credit hours, or transfer

to any four-year institution with at least 12 credit hours of college-level coursework as defined and reported in the Higher Education Information (HEI) system. Student completions reported in HEI shall have an accompanying course enrollment record in order to be subsidy eligible.

(c) Those students with successful completions for associate degrees, technical certificates over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework, identified in division (E)(3) of this section, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible completions weighted by a statewide access weight. The weight shall be 25 per cent for students with one access factor, 66 per cent for students with two access factors, 150 per cent for students with three access factors, and 200 per cent for students with four access factors.

(d) For those students who complete more than one completion milestone, funding for each additional associate degree or technical certificate over 30 credit hours designated as such by the Department of Higher Education shall be funded at 50 per cent of the model costs as defined in division (3) of this section.

(F) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, state share of instruction earnings shall be reduced for each campus by the amount, if any, by which debt service charged in Am. H.B. 748 of the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 562 of the 127th General Assembly for that campus exceeds that campus's capital component earnings. The sum of the amounts

deducted shall be transferred to appropriation item 235552, Capital Component, in each fiscal year.

(G) EXCEPTIONAL CIRCUMSTANCES

Adjustments may be made to the state share of instruction payments and other subsidies distributed by the Chancellor of Higher Education to state colleges and universities for exceptional circumstances. No adjustments for exceptional circumstances may be made without the recommendation of the Chancellor and the approval of the Controlling Board.

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF INSTRUCTION

The standard provisions of the state share of instruction calculation as described in the preceding sections of temporary law shall apply to any reductions made to appropriation item 235501, State Share of Instruction, before the Chancellor has formally approved the final allocation of the state share of instruction funds for any fiscal year.

Any reductions made to appropriation item 235501, State Share of Instruction, after the Chancellor has formally approved the final allocation of the state share of instruction funds for any fiscal year, shall be uniformly applied to each campus in proportion to its share of the final allocation.

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION

The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year shall be based upon the state share of instruction appropriation estimates made for the various institutions of higher education and payments during the last six months of the fiscal year shall be based on

the final data from the Chancellor.

(J) STUDY ON THE USE OF EMPLOYMENT METRICS FOR THE STATE SHARE OF INSTRUCTION FORMULAS

The Inter-University Council and Ohio Association of Community Colleges shall each recommend eight members representing their institutions to serve on the Employment Metrics Consultation, which shall assist the Chancellor of Higher Education to study the most appropriate formula weights for post-graduation employment measures that may be used in the distribution to universities and community colleges from the foregoing appropriation item 235501, State Share of Instruction, beginning in fiscal year 2022. The Chancellor, or the Chancellor's designee, shall lead the Consultation and call its first meeting. The Consultation shall research the most appropriate data sources available to measure employment outcomes and evaluate the public policy benefits of adding such measures to the current State Share of Instruction allocation formulas to reward institutional performance of job placement. The Consultation shall also identify and evaluate the most critical factors that should be considered as possible enhancements to the formula, such as the relevance of graduates' degrees to job placement, employment in Ohio versus out of state, placement in high demand fields, and other qualitative factors. Separate allocation factors may be considered within each sector's share of the foregoing appropriation item 235501, State Share of Instruction. The study shall be completed by June 30, 2020.

**Section 381.150.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 2021

(A) The foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS."

(1) Of the foregoing appropriation item 235501, State Share of Instruction, $460,818,566 in fiscal year 2020 and $465,426,752 in fiscal year 2021 shall be distributed to state-supported community colleges, state community colleges, and technical colleges.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, $1,538,392,149 in fiscal year 2020 and $1,553,776,070 in fiscal year 2021 shall be distributed to state-supported university main and regional campuses.

Any increases in the amount distributed to an institution from appropriation item 235501, State Share of Instruction, above the prior year shall be used by the institution to provide need-based aid and to provide counseling, support services, and workforce preparation services to students.

**Section 381.160.** RESTRICTION ON FEE INCREASES

(A) In fiscal years 2020 and 2021, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional and general fees.

(1) For the 2019-2020 and 2020-2021 academic years, each state university or college, as defined in section 3345.12, university branch established under Chapter 3355., community college established under Chapter 3354., state community college established under Chapter 3358., or technical college established under Chapter 3357. of the Revised Code shall not increase its in-state undergraduate instructional and general fees by more than two per cent over what the institution charged for the previous academic year. Increases for all other special fees, including the creation of new special fees, shall be subject to the approval of the Chancellor of Higher Education.

(2) The limitations under division (A)(1) of this section do

not apply to room and board, student health insurance, fees for auxiliary goods or services provided to students at the cost incurred to the institution, fees assessed to students as a pass-through for licensure and certification examinations, fees in elective courses associated with travel experiences, elective service charges, fines, voluntary sales transactions, and fees, which may appear directly on a student's tuition bill as assessed by the institution's bursar, to offset the cost of providing textbooks to students.

(B) The limitations under this section shall not apply to increases required to comply with institutional covenants related to their obligations or to meet unfunded legal mandates or legally binding obligations incurred or commitments made prior to the effective date of this section with respect to which the institution had identified such fee increases as the source of funds. Any increase required by such covenants and any such mandates, obligations, or commitments shall be reported by the Chancellor of Higher Education to the Controlling Board. These limitations may also be modified by the Chancellor, with the approval of the Controlling Board, to respond to exceptional circumstances as identified by the Chancellor.

(C) Institutions offering an undergraduate tuition guarantee pursuant to section 3345.48 of the Revised Code may increase instructional and general fees pursuant to that section.

(D) The Chancellor may establish a differential tuition program for undergraduate students. If the Chancellor establishes such a program, eligible institutions may offer the program to eligible students. The Chancellor shall develop criteria for participation in the program that may include, but not be limited to, requirements that revenues generated by the program shall support student services and need-based financial aid.

**Section 381.170.** HIGHER EDUCATION - BOARD OF TRUSTEES

(A) Funds appropriated for instructional subsidies at colleges and universities may be used to provide such branch or other off-campus undergraduate courses of study and such master's degree courses of study as may be approved by the Chancellor of Higher Education.

(B) In providing instructional and other services to students, boards of trustees of state institutions of higher education shall supplement state subsidies with income from charges to students. Except as otherwise provided in this act, each board shall establish the fees to be charged to all students, including an instructional fee for educational and associated operational support of the institution and a general fee for noninstructional services, including locally financed student services facilities used for the benefit of enrolled students. The instructional fee and the general fee shall encompass all charges for services assessed uniformly to all enrolled students. Each board may also establish special purpose fees, service charges, and fines as required; such special purpose fees and service charges shall be for services or benefits furnished individual students or specific categories of students and shall not be applied uniformly to all enrolled students. A tuition surcharge shall be paid by all students who are not residents of Ohio.

The board of trustees of a state institution of higher education shall not authorize a waiver or nonpayment of instructional fees or general fees for any particular student or any class of students other than waivers specifically authorized by law or approved by the Chancellor. This prohibition is not intended to limit the authority of boards of trustees to provide for payments to students for services rendered the institution, nor to prohibit the budgeting of income for staff benefits or for

student assistance in the form of payment of such instructional and general fees.

Each state institution of higher education in its statement of charges to students shall separately identify the instructional fee, the general fee, the tuition charge, and the tuition surcharge. Fee charges to students for instruction shall not be considered to be a price of service but shall be considered to be an integral part of the state government financing program in support of higher educational opportunity for students.

(C) The boards of trustees of state institutions of higher education shall ensure that faculty members devote a proper and judicious part of their work week to the actual instruction of students. Total class credit hours of production per academic term per full-time faculty member is expected to meet the standards set forth in the budget data submitted by the Chancellor of Higher Education.

(D) The authority of government vested by law in the boards of trustees of state institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees in other areas of responsibility shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest, in contrast to any institutional or special interest, shall be served.

**Section 381.180.** WAR ORPHANS SCHOLARSHIPS

The foregoing appropriation item 235504, War Orphans Scholarships, shall be used to reimburse state institutions of higher education for waivers of instructional fees and general fees provided by them, to provide grants to institutions that have received a certificate of authorization from the Chancellor of Higher Education under Chapter 1713. of the Revised Code, in accordance with the provisions of section 5910.04 of the Revised Code, and to fund additional scholarship benefits provided by section 5910.032 of the Revised Code.

During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235504, War Orphans Scholarships. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the War Orphans Scholarship Reserve Fund (Fund 5PW0).

**Section 381.200.** OHIOLINK

The foregoing appropriation item 235507, OhioLINK, shall be used by the Chancellor of Higher Education to support OhioLINK, a consortium organized under division (T) of section 3333.04 of the Revised Code to serve as the state's electronic library information and retrieval system, which provides access statewide to an extensive set of electronic databases and resources, the library holdings of Ohio's public and participating private nonprofit colleges and universities, and the State Library of Ohio.

**Section 381.210.** AIR FORCE INSTITUTE OF TECHNOLOGY

The foregoing appropriation item 235508, Air Force Institute of Technology, shall be used to: (A) strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio; and (B) support the Defense Associated Graduate Student Innovators, an engineering graduate consortium of Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

**Section 381.220.** OHIO SUPERCOMPUTER CENTER

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of Higher Education to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

**Section 381.230.** COOPERATIVE EXTENSION SERVICE

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

**Section 381.240.** CENTRAL STATE SUPPLEMENT

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the General Assembly as directed by Am. Sub. H.B. 153 of the 129th General Assembly. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

**Section 381.250.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.

**Section 381.260.** FAMILY PRACTICE

The foregoing appropriation item 235519, Family Practice, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a family practice and graduates practicing in a family practice.

**Section 381.270.** SHAWNEE STATE SUPPLEMENT

The foregoing appropriation item 235520, Shawnee State Supplement, shall be disbursed by the Chancellor of Higher Education to Shawnee State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the

General Assembly as directed by Am. Sub. H.B. 153 of the 129th General Assembly. Funds shall be used in a manner consistent with the goals of improving course completion, increasing the number of degrees conferred, and furthering the university's mission of service to the Appalachian region.

**Section 381.280.** GERIATRIC MEDICINE

The Chancellor of Higher Education shall distribute appropriation item 235525, Geriatric Medicine, consistent with existing criteria and guidelines.

**Section 381.285.** PRIMARY CARE RESIDENCIES

The foregoing appropriation item 235526, Primary Care Residencies, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a primary care field and graduates practicing in a primary care field.

**Section 381.290.** OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER

The foregoing appropriation item 235535, Ohio Agricultural Research and Development Center, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs shall be evaluated and rewarded consistent with agreed-upon

performance expectations as called for in the College's Expectations and Criteria for Performance Assessment.

**Section 381.300.** STATE UNIVERSITY CLINICAL TEACHING

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeast Ohio Medical University Clinical Teaching, shall be distributed through the Chancellor of Higher Education.

**Section 381.310.** CENTRAL STATE AGRICULTURAL RESEARCH AND DEVELOPMENT

The foregoing appropriation item 235546, Central State Agricultural Research and Development, shall be used in conjunction with appropriation item 235548, Central State Cooperative Extension Services, by Central State University for its state match requirement as an 1890 land grant university.

**Section 381.320.** CAPITAL COMPONENT

The foregoing appropriation item 235552, Capital Component, shall be used by the Chancellor of Higher Education to provide funding for prior commitments made pursuant to the state's former capital funding policy for state colleges and universities that was originally established in Am. H.B. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to qualifying capital projects was less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to qualifying capital projects

from the campus's formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes.

Any campus for which the estimated campus debt service attributable to qualifying capital projects is greater than the campus's formula-determined capital component allocation shall have the difference subtracted from its State Share of Instruction allocation in each fiscal year. Appropriation equal to the sum of all such amounts shall be transferred from appropriation item 235501, State Share of Instruction, to appropriation item 235552, Capital Component.

**Section 381.330.** LIBRARY DEPOSITORIES

The foregoing appropriation item 235555, Library Depositories, shall be distributed to the state's five regional depository libraries for the cost-effective storage of and access to lesser-used materials in university library collections. The depositories shall be administrated by the Chancellor of Higher Education, or by OhioLINK at the discretion of the Chancellor.

**Section 381.340.** OHIO ACADEMIC RESOURCES NETWORK (OARNET)

The foregoing appropriation item 235556, Ohio Academic Resources Network, shall be used by the Chancellor of Higher Education to support the operations of the Ohio Academic Resources Network, a consortium organized under division (T) of section 3333.04 of the Revised Code, which shall include support for Ohio's colleges and universities in maintaining and enhancing network connections, using new network technologies to improve research, education, and economic development programs, and sharing information technology services. To the extent network capacity is available, OARnet shall support allocating bandwidth to eligible programs directly supporting Ohio's economic

development.

**Section 381.350.** LONG-TERM CARE RESEARCH

The foregoing appropriation item 235558, Long-term Care Research, shall be disbursed to Miami University for long-term care research.

**Section 381.360.** OHIO COLLEGE OPPORTUNITY GRANT

(A) Except as provided in division (C) of this section:

Of the foregoing appropriation item 235563, Ohio College Opportunity Grant, at least $113,700,000 in fiscal year 2020 and at least $139,700,000 in fiscal year 2021 shall be used by the Chancellor of Higher Education to award need-based financial aid to students enrolled in eligible public and private nonprofit institutions of higher education, excluding early college high school and post-secondary enrollment option participants.

Of the foregoing appropriation item 235563, Ohio College Opportunity Grant, up to $3,000,000 in each fiscal year shall be used by the Chancellor of Higher Education to award need-based financial aid to students enrolled in eligible community colleges, state community colleges, technical colleges, and university branches for the purchase of textbooks and instructional materials. Annual grants may be awarded to full-time students meeting eligibility requirements determined by the Chancellor of Higher Education.

The remainder of the foregoing appropriation item 235563, Ohio College Opportunity Grant, shall be used by the Chancellor to award needs-based financial aid to students enrolled in eligible private for-profit career colleges and schools.

(B)(1) As used in this section:

(a) "Eligible institution" means any institution described in

divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code.

(b) The three "sectors" of institutions of higher education consist of the following:

(i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges;

(ii) Eligible private nonprofit institutions of higher education;

(iii) Eligible private for-profit career colleges and schools.

(2) Awards for students attending eligible state colleges and universities shall be $1,900 in fiscal year 2020 and $2,400 in fiscal year 2021, and for students attending eligible private nonprofit institutions of higher education shall be $3,400 in fiscal year 2020 and $3,900 in fiscal year 2021.

For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted.

(3) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2020 and fiscal year 2021 based on the formula used in fiscal year 2019, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of the 2019-2020 academic year.

(C) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for waivers of tuition and student fees for eligible students under the Ohio Safety Officer's College Memorial Fund Program under sections 3333.26 of the Revised Code. In paying for waivers under this division, the Chancellor shall deduct funds from the allocations made under division (A) of this section. Deductions shall be proportionate to the amounts allocated to each sector from the total amounts appropriated for each sector under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

In each fiscal year, with the exception of sections 3333.121 and 3333.124 of the Revised Code and the section of this act entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor shall not distribute or obligate or commit to be distributed an amount greater than what is appropriated under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

(D) The Chancellor shall establish, and post on the Department of Higher Education's web site, award tables based on any formulas created under division (B) of this section. The Chancellor shall notify students and institutions of any reductions in awards under this section.

(E) Notwithstanding section 3333.122 of the Revised Code, no student shall be eligible to receive an Ohio College Opportunity Grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years, less the number of semesters or quarters in which the student received an Ohio Instructional Grant.

(F) During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in

appropriation item 235563, Ohio College Opportunity Grant. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Ohio College Opportunity Grant Program Reserve Fund (Fund 5PU0).

**Section 381.370.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of Higher Education to The Ohio State University for support of dental and veterinary medicine clinics.

**Section 381.380.** NATIONAL GUARD SCHOLARSHIP PROGRAM

The Chancellor of Higher Education shall disburse funds from appropriation item 235599, National Guard Scholarship Program. During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0).

**Section 381.390.** PLEDGE OF FEES

Any new pledge of fees, or new agreement for adjustment of fees, made in the biennium ending June 30, 2021, to secure bonds or notes of a state institution of higher education for a project for which bonds or notes were not outstanding on the effective date of this section or to secure a refund of prior debt that is anticipated to increase the total cost of retiring the original debt shall be effective only after approval by the Chancellor of

Higher Education, unless approved in a previous biennium.

**Section 381.400.** HIGHER EDUCATION GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 235909, Higher Education General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2019, through June 30, 2021, for obligations issued under sections 151.01 and 151.04 of the Revised Code.

**Section 381.410.** SALES AND SERVICES

The Chancellor of Higher Education is authorized to charge and accept payment for the provision of goods and services. Such charges shall be reasonably related to the cost of producing the goods and services. Except as otherwise provided by law, no charges may be levied for goods or services that are produced as part of the routine responsibilities or duties of the Chancellor. All revenues received by the Chancellor shall be deposited into Fund 4560, and may be used by the Chancellor to pay for the costs of producing the goods and services.

**Section 381.420.** HIGHER EDUCATIONAL FACILITY COMMISSION ADMINISTRATION

The foregoing appropriation item 235602, Higher Educational Facility Commission Administration, shall be used by the Chancellor of Higher Education for operating expenses related to the Chancellor's support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the Chancellor, the Director of Budget and Management may transfer up to $50,000 cash in each fiscal year from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 4E80).

**Section 381.440.** FEDERAL RESEARCH NETWORK

The foregoing appropriation item 235654, Federal Research Network, shall be allocated to The Ohio State University to collaborate with federal installations in Ohio, state institutions of higher education as defined in section 3345.011 of the Revised Code, private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, and the private sector to align the state's research assets with emerging missions and job growth opportunities emanating from federal installations, strengthen related workforce development and technology commercialization programs, and better position the state's university system to directly impact new job creation in Ohio. A portion of the foregoing appropriation item 235654, Federal Research Network, shall be used to support the growth of small business federal contractors in the state and to expand the participation of Ohio businesses in the federal Small Business Innovation Research Program and related federal programs.

**Section 381.450.** OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN PROGRAM

The foregoing appropriation item 235684, OhioMeansJobs Workforce Development Revolving Loan Program, shall be used by the Chancellor of Higher Education to provide administrative support for the OhioMeansJobs Workforce Development Revolving Loan Program.

**Section 381.460.** OHIOCORPS PILOT PROGRAM

Of the foregoing appropriation item 235594, OhioCorps Pilot Program, up to $50,000 in each fiscal year shall be used by the Chancellor of Higher Education to implement and administer the OhioCorps Pilot Program pursuant to sections 3333.80 to 3333.802 of the Revised Code.

The remainder of the foregoing appropriation item 235594, OhioCorps Pilot Program, shall be used by the Chancellor of Higher Education to assist eligible state institutions of higher education, as defined in division (A)(4) of section 3333.80 of the Revised Code, in establishing and administering OhioCorps mentorship programs under section 3333.80 of the Revised Code.

On July 1, 2019, or as soon as possible thereafter, the Chancellor of Higher Education may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 235594, OhioCorps Pilot Program, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2020 for purposes of providing funds to support mentorship programs under the OhioCorps Pilot Program.

On July 1, 2020, or as soon as possible thereafter, the Chancellor of Higher Education my certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 235594, OhioCorps Pilot Program, at the end of fiscal year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021 for purposes of providing funds to support mentorship programs under the OhioCorps Pilot Program.

**Section 381.470.** STATE FINANCIAL AID RECONCILIATION

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's financial aid programs. The amounts certified are hereby appropriated to appropriation item

235618, State Financial Aid Reconciliation, from revenues received in the State Financial Aid Reconciliation Fund (Fund 5Y50).

**Section 381.480.** NURSING LOAN PROGRAM

The foregoing appropriation item 235606, Nursing Loan Program, shall be used to administer the nurse education assistance program.

**Section 381.520.** RESEARCH INCENTIVE THIRD FRONTIER

The foregoing appropriation items 235634, Research Incentive Third Frontier, and 235639, Research Incentive Third Frontier-Tax, shall be used by the Chancellor of Higher Education to advance collaborative research at institutions of higher education. Of the foregoing appropriation items 235634, Research Incentive Third Frontier, and 235639, Research Incentive Third Frontier - Tax, up to $2,000,000 in each fiscal year may be allocated toward research regarding the improvement of water quality, up to $1,500,000 in each fiscal year may be allocated for spinal cord research, up to $1,000,000 in each fiscal year may be allocated toward research regarding the reduction of infant mortality, up to $1,000,000 in each fiscal year may be allocated toward research regarding opiate addiction issues in Ohio, up to $750,000 in each fiscal year may be allocated toward research regarding cyber security initiatives, up to $300,000 in each fiscal year may be allocated toward the I-Corps@Ohio program, and up to $200,000 in each fiscal year may be allocated toward the Ohio Innovation Exchange program.

**Section 381.530.** VETERANS PREFERENCES

The Chancellor of Higher Education shall work with the Department of Veterans Services to develop specific veterans preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices

are in accordance with the intent of Ohio's veterans preference laws.

**Section 381.540.** (A) As used in this section:

(1) "Board of trustees" includes the managing authority of a university branch district.

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.

**Section 381.550.** EFFICIENCY REPORTS

In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code.

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS

For each fiscal year, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical Teaching, 235538, University of Toledo Clinical Teaching, 235539, Wright State University Clinical Teaching, 235540, Ohio University Clinical Teaching, 235541, Northeast Ohio Medical University Clinical Teaching, 235558, Long-term Care Research, and 235572, The Ohio State University Clinic Support, shall report to the Chancellor of

Higher Education the residency status of graduates from the respective programs receiving support from those appropriation items one year and five years after graduating.

**Section 381.580.** The Chancellor of Higher Education shall support the continued development of the Ohio Innovation Exchange for the purpose of showcasing the research expertise of Ohio's university and college faculty in a variety of fields, including, but not limited to, engineering, biomedicine, and information technology, and to identify institutional research equipment available in the state.

**Section 381.590.** The Chancellor of Higher Education shall work with state institutions of higher education, as defined by section 3345.011 of the Revised Code, Ohio Technical Centers, as recognized by the Chancellor, and industry partners to develop program models that include project-based learning to increase continuing education and non-credit program offerings that lead to a credential in order to meet the state's in-demand job needs.

**Section 381.600.** COMMUNITY COLLEGE ACCELERATION PROGRAM

The Department of Higher Education, with the assistance of the Department of Job and Family Services, shall establish the Community College Acceleration Program to enhance financial, academic, and personal support services to students in need of support from local social service agencies. Such services may include, but are not limited to: comprehensive and personalized advisement, career counseling, tutoring, tuition waivers, and financial assistance to defray the costs of transportation and textbooks. The program shall identify the services and resources available to assist eligible students enrolled in an institution of higher education.

**Section 381.610.** HEALTH CARE WORKFORCE PREPARATION

The Chancellor shall establish the Ohio Physician and Allied Health Care Workforce Preparation Task Force to study, evaluate, and make recommendations with respect to health care workforce needs in Ohio. Topics considered by the task force may include, but not be limited to, physician, nursing, and allied health care education programs and health care workforce shortages in Ohio. The Chancellor shall appoint task force members with representation from the State Medical Board, medical school deans, hospital administrators, physician and nursing organizations, and other allied health personnel as the Chancellor may decide. The task force shall convene as soon as practicable and issue a report to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate by March 1, 2020.

**Section 381.620.** FUND NAME CHANGES

On July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management shall rename the SchoolNet Fees Fund (Fund 5D40) the Conference Administration Fund (Fund 5D40).

**Section 383.10.** DRC DEPARTMENT OF REHABILITATION AND CORRECTION

General Revenue Fund

| | | | | |
|---|---|---|---|---|
| GRF | 501321 | Institutional Operations | $ 1,126,589,266 | $ 1,167,132,362 |
| GRF | 501405 | Halfway House | $ 68,082,786 | $ 69,420,968 |
| GRF | 501406 | Adult Correctional Facilities Lease Rental Bond Payments | $ 64,797,700 | $ 72,940,500 |
| GRF | 501407 | Community | $ 59,410,711 | $ 61,966,863 |

| | | | | | |
|---|---|---|---|---|---|
| | | Nonresidential Programs | | | |
| GRF | 501408 | Community Misdemeanor Programs | $ 9,356,800 | $ 9,356,800 | 52492 |
| GRF | 501501 | Community Residential Programs - Community Based Correctional Facilities | $ 80,102,332 | $ 81,704,378 | 52493 |
| GRF | 503321 | Parole and Community Operations | $ 86,373,348 | $ 88,673,763 | 52494 |
| GRF | 504321 | Administrative Operations | $ 24,909,617 | $ 24,800,000 | 52495 |
| GRF | 505321 | Institution Medical Services | $ 283,935,623 | $ 295,579,451 | 52496 |
| GRF | 506321 | Institution Education Services | $ 33,653,267 | $ 33,950,000 | 52497 |
| TOTAL GRF General Revenue Fund | | | $ 1,837,211,450 | $ 1,905,525,085 | 52498 |
| Dedicated Purpose Fund Group | | | | | 52499 |
| 4B00 | 501601 | Sewer Treatment Services | $ 1,759,683 | $ 1,800,000 | 52500 |
| 4D40 | 501603 | Prisoner Programs | $ 400,000 | $ 400,000 | 52501 |
| 4L40 | 501604 | Transitional Control | $ 2,449,420 | $ 2,450,000 | 52502 |
| 4S50 | 501608 | Education Services | $ 4,546,081 | $ 4,660,000 | 52503 |
| 5AF0 | 501609 | State and Non-Federal Awards | $ 1,375,000 | $ 2,375,000 | 52504 |
| 5H80 | 501617 | Offender Financial Responsibility | $ 2,610,000 | $ 1,860,000 | 52505 |
| 5TZ0 | 501610 | Probation Improvement and Incentive Grants | $ 5,000,000 | $ 5,000,000 | 52506 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 18,140,184 | $ 18,545,000 | 52507 |
| Internal Service Activity Fund Group | | | | | 52508 |

| | | | | | |
|---|---|---|---|---|---|
| 1480 | 501602 | Institutional Services | $ 2,925,000 | $ 2,850,000 | 52509 |
| 2000 | 501607 | Ohio Penal Industries | $ 47,053,957 | $ 46,515,000 | 52510 |
| 4830 | 501605 | Leased Property Maintenance and Operating | $ 2,000,000 | $ 2,000,000 | 52511 |
| 5710 | 501606 | Corrections Training Maintenance and Operating | $ 980,000 | $ 980,000 | 52512 |
| 5L60 | 501611 | Information Technology Services | $ 500,000 | $ 500,000 | 52513 |
| TOTAL ISA Internal Activity | | | | | 52514 |
| Fund Group | | | $ 53,458,957 | $ 52,845,000 | 52515 |
| Federal Fund Group | | | | | 52516 |
| 3230 | 501619 | Federal Grants | $ 1,566,734 | $ 1,540,000 | 52517 |
| 3CW0 | 501622 | Federal Equitable Sharing | $ 450,000 | $ 450,000 | 52518 |
| TOTAL FED Federal | | | | | 52519 |
| Fund Group | | | $ 2,016,734 | $ 1,990,000 | 52520 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 1,910,827,325 | $ 1,978,905,085 | 52521 |

OSU MEDICAL CHARGES 52522

Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, the Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary inpatient care billed to the Department shall be reimbursed at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Medicaid under the Medicaid Program. 52523 52524 52525 52526 52527 52528 52529 52530 52531 52532

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 52533

The foregoing appropriation item 501406, Adult Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2019, through June 30, 2021, by the Department of Rehabilitation and Correction pursuant to leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

PROBATION IMPROVEMENT AND INCENTIVE GRANTS

The foregoing appropriation item 501610, Probation Improvement and Incentive Grants, shall be allocated by the Department of Rehabilitation and Correction to municipalities as Probation Improvement and Incentive Grants with an emphasis on: (1) providing services to those addicted to opiates and other illegal substances, and (2) supplementing the programs and services funded by grants distributed from the foregoing appropriation item 501407, Community Nonresidential Programs.

**Section 387.10.** RDF STATE REVENUE DISTRIBUTIONS

| | | | | |
|---|---|---|---|---|
| General Revenue Fund Group | | | | |
| GRF | 110908 | Property Tax Reimbursement – Local Government | $ 645,785,000 | $ 652,242,850 |
| GRF | 200903 | Property Tax Reimbursement - Education | $ 1,199,315,000 | $ 1,211,308,150 |
| TOTAL GRF General Revenue Fund Group | | | $ 1,845,100,000 | $ 1,863,551,000 |
| Revenue Distribution Fund Group | | | | |
| 5JG0 | 110633 | Gross Casino Revenue Payments-County | $ 144,150,000 | $ 147,030,000 |

| | | | | | |
|---|---|---|---|---|---|
| 5JH0 | 110634 | Gross Casino Revenue Payments- School Districts | $ 95,880,000 | $ 97,800,000 | 52558 |
| 5JJ0 | 110636 | Gross Casino Revenue - Host City | $ 14,150,000 | $ 14,430,000 | 52559 |
| 7047 | 200902 | Property Tax Replacement Phase Out-Education | $ 135,105,080 | $ 111,196,773 | 52560 |
| 7049 | 336900 | Indigent Drivers Alcohol Treatment | $ 2,250,000 | $ 2,250,000 | 52561 |
| 7050 | 762900 | International Registration Plan Distribution | $ 23,000,000 | $ 23,000,000 | 52562 |
| 7051 | 762901 | Auto Registration Distribution | $ 328,000,000 | $ 328,000,000 | 52563 |
| 7060 | 110960 | Gasoline Excise Tax Fund | $ 576,000,000 | $ 576,000,000 | 52564 |
| 7065 | 110965 | Public Library Fund | $ 417,300,000 | $ 424,900,000 | 52565 |
| 7066 | 800966 | Undivided Liquor Permits | $ 14,600,000 | $ 14,600,000 | 52566 |
| 7069 | 110969 | Local Government Fund | $ 412,300,000 | $ 419,900,000 | 52567 |
| 7081 | 110907 | Property Tax Replacement Phase Out-Local Government | $ 11,804,000 | $ 8,620,000 | 52568 |
| 7082 | 110982 | Horse Racing Tax | $ 60,000 | $ 60,000 | 52569 |
| 7083 | 700900 | Ohio Fairs Fund | $ 1,000,000 | $ 1,000,000 | 52570 |
| TOTAL RDF Revenue Distribution | | | | | 52571 |
| Fund Group | | | $ 2,175,599,080 | $ 2,168,786,773 | 52572 |
| Fiduciary Fund Group | | | | | 52573 |
| 4P80 | 001698 | Cash Management Improvement Fund | $ 3,100,000 | $ 3,100,000 | 52574 |
| 6080 | 001699 | Investment Earnings | $ 140,000,000 | $ 160,000,000 | 52575 |
| 7001 | 110996 | Horse Racing Tax | $ 240,000 | $ 240,000 | 52576 |

| | | | | | |
|---|---|---|---|---|---|
| | | Local Government Payments | | | |
| 7062 | 110962 | Resort Area Excise Tax Distribution | $ 1,200,000 | $ 1,200,000 | 52577 |
| 7063 | 110963 | Permissive Sales Tax Distribution | $ 2,733,517,000 | $ 2,815,522,510 | 52578 |
| 7067 | 110967 | School District Income Tax Distribution | $ 469,248,000 | $ 488,017,920 | 52579 |
| 7085 | 800985 | Volunteer Firemen's Dependents Fund | $ 300,000 | $ 300,000 | 52580 |
| 7093 | 110640 | Next Generation 9-1-1 | $ 1,000,000 | $ 1,000,000 | 52581 |
| 7094 | 110641 | Wireless 9-1-1 Government Assistance | $ 25,700,000 | $ 25,700,000 | 52582 |
| 7095 | 110995 | Municipal Income Tax | $ 45,000,000 | $ 50,000,000 | 52583 |
| 7099 | 762902 | Permissive Tax Distribution - Auto Registration | $ 213,100,000 | $ 222,700,000 | 52584 |
| TOTAL FID Fiduciary Fund Group | | | $ 3,632,405,000 | $ 3,767,780,430 | 52585 |
| Holding Account Fund Group | | | | | 52586 |
| R045 | 110617 | International Fuel Tax Distribution | $ 56,100,000 | $ 56,100,000 | 52587 |
| TOTAL HLD Holding Account Fund Group | | | $ 56,100,000 | $ 56,100,000 | 52588 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 7,709,204,080 | $ 7,856,218,203 | 52589 |

**Section 387.20.** ADDITIONAL APPROPRIATIONS 52591

Appropriation items in Section 387.10 of this act shall be used for the purpose of administering and distributing the designated revenue distribution funds according to the Revised Code. If it is determined that additional appropriations are necessary for this purpose in any appropriation items in Section 387.10 of this act, such amounts are hereby appropriated. 52592 52593 52594 52595 52596 52597

GENERAL REVENUE FUND TRANSFERS

Notwithstanding any provision of law to the contrary, in fiscal year 2020 and fiscal year 2021, the Director of Budget and Management may transfer from the General Revenue Fund to the Local Government Tangible Property Tax Replacement Fund (Fund 7081) and the School District Tangible Property Tax Replacement Fund (Fund 7047) in the Revenue Distribution Fund Group, those amounts necessary to reimburse local taxing units and school districts under sections 5709.92 and 5709.93 of the Revised Code. Also, in fiscal year 2020 and fiscal year 2021, the Director of Budget and Management may make temporary transfers from the General Revenue Fund to ensure sufficient balances in the Local Government Tangible Property Tax Replacement Fund (Fund 7081) and the School District Tangible Property Tax Replacement Fund (Fund 7047) and to replenish the General Revenue Fund for such transfers.

PROPERTY TAX REIMBURSEMENT - EDUCATION

The foregoing appropriation item 200903, Property Tax Reimbursement - Education, is appropriated to pay for the state's costs incurred because of the homestead exemption, the property tax rollback, and payments required under division (C) of section 5705.2110 of the Revised Code. In cooperation with the Department of Taxation, the Department of Education shall distribute these funds directly to the appropriate school districts of the state, notwithstanding sections 321.24 and 323.156 of the Revised Code, which provide for payment of the homestead exemption and property tax rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each school district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county

treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amount specifically appropriated in appropriation item 200903, Property Tax Reimbursement - Education, for the homestead exemption and the property tax rollback payments, and payments required under division (C) of section 5705.2110 of the Revised Code, which are determined to be necessary for these purposes, are hereby appropriated.

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK

The foregoing appropriation item 110908, Property Tax Reimbursement-Local Government, is hereby appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation item 110908, Property Tax Allocation - Local Government, for the Homestead Exemption, the Manufactured

Home Property Tax Rollback, and the Property Tax Rollback payments, which are determined to be necessary for these purposes, are hereby appropriated.

PUBLIC LIBRARY FUND

Notwithstanding the requirement in division (B) of section 131.51 of the Revised Code that the Director of Budget and Management shall credit to the Public Library Fund one and sixty-six one-hundredths per cent of the total tax revenue credited to the General Revenue Fund during the preceding month, the Director shall instead calculate these amounts during fiscal year 2020 and fiscal year 2021 using one and sixty-eight one-hundredths as the percentage.

TANGIBLE PERSONAL PROPERTY TAX REIMBURSEMENTS

Notwithstanding any provision of law to the contrary, in fiscal years 2020 and 2021, any city, local, or exempted village school district that has a nuclear power plant located within its territory shall receive the same payment amount under section 5709.92 of the Revised Code as in fiscal year 2017.

MUNICIPAL INCOME TAX

The foregoing appropriation item 110995, Municipal Income Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.

During fiscal year 2020 and fiscal year 2021, if the Tax Commissioner determines that there is insufficient cash in the Municipal Income Tax Fund (Fund 7095) to meet monthly distribution obligations under section 718.83 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the amount of additional cash necessary to satisfy those obligations. In addition, the Commissioner shall submit a

plan to the Director requesting the necessary cash be transferred from one or a combination of the following funds: the Municipal Tax Administrative Fund, the Local Sales Tax Administrative Fund, the General School District Income Tax Administrative Fund, the Motor Fuel Tax Administrative Fund, the Property Tax Administrative Fund, or the General Revenue Fund. This plan shall include a proposed repayment schedule to reimburse those funds for any cash transferred in accordance with this section. After receiving the certification and funding plan from the Tax Commissioner and if the Director determines that sufficient cash is available, the Director may transfer the cash to the Municipal Income Tax Fund in accordance with the plan submitted by the Tax Commissioner or as otherwise determined by the Director of Budget and Management. The Director of Budget and Management may transfer cash from the Municipal Income Tax Fund to reimburse the funds from which cash was transferred for the purpose outlined in this section.

**Section 391.10.** OSB OHIO STATE SCHOOL FOR THE BLIND

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF 226321 | Operations | $ 12,440,519 | $ 12,576,088 | |
| TOTAL GRF General Revenue Fund | | $ 12,440,519 | $ 12,576,088 | |
| Dedicated Purpose Fund Group | | | | |
| 4H80 226602 | Education Reform Grants | $ 200,000 | $ 200,000 | |
| 4M50 226601 | Work Study and Technology Investment | $ 299,645 | $ 300,000 | |
| 5NJ0 226622 | Food Service Program | $ 10,162 | $ 10,500 | |
| TOTAL DPF Dedicated Purpose Fund Group | | $ 509,807 | $ 510,500 | |
| Federal Fund Group | | | | |
| 3100 226626 | Federal Grants | $ 773,386 | $ 778,500 | |

| | | | | |
|---|---|---|---|---|
| 3DT0 226621 | Ohio Transition Collaborative | $ 260,369 | $ 265,000 | 52721 |
| 3P50 226643 | Medicaid Professional Services Reimbursement | $ 100,000 | $ 100,000 | 52722 |
| TOTAL FED Federal Fund Group | | $ 1,133,755 | $ 1,143,500 | 52723 |
| TOTAL ALL BUDGET FUND GROUPS | | $ 14,084,081 | $ 14,230,088 | 52724 |

**Section 393.10.** OSD OHIO SCHOOL FOR THE DEAF 52726

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | 52727 |
| GRF 221321 | Operations | $ 13,082,919 | $ 13,594,347 | 52728 |
| TOTAL GRF General Revenue Fund | | $ 13,082,919 | $ 13,594,347 | 52729 |
| Dedicated Purpose Fund Group | | | | 52730 |
| 4M00 221601 | Educational Program Expenses | $ 99,025 | $ 101,000 | 52731 |
| 4M10 221602 | Education Reform Grants | $ 200,000 | $ 200,000 | 52732 |
| 5H60 221609 | Even Start Fees and Gifts | $ 60,941 | $ 63,000 | 52733 |
| 5NK0 221610 | Food Service Program | $ 10,244 | $ 10,500 | 52734 |
| TOTAL DPF Dedicated Purpose Fund Group | | $ 370,210 | $ 374,500 | 52735 52736 |
| Federal Fund Group | | | | 52737 |
| 3110 221625 | Federal Grants | $ 279,550 | $ 281,000 | 52738 |
| 3R00 221684 | Medicaid Professional Services Reimbursement | $ 206,000 | $ 206,000 | 52739 |
| TOTAL FED Federal Fund Group | | $ 485,550 | $ 487,000 | 52740 |
| TOTAL ALL BUDGET FUND GROUPS | | $ 13,938,679 | $ 14,455,847 | 52741 |

**Section 395.10.** SOS SECRETARY OF STATE 52743

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | 52744 |

| | | | | | |
|---|---|---|---|---|---|
| GRF | 050321 | Operating Expenses | $ 1,750,000 | $ 1,750,000 | 52745 |
| GRF | 050407 | Poll Workers Training | $ 234,196 | $ 234,196 | 52746 |
| GRF | 050509 | County Voting Systems Lease Rental Payments | $ 10,116,000 | $ 12,279,200 | 52747 |
| TOTAL GRF General Revenue Fund | | | $ 12,100,196 | $ 14,263,396 | 52748 |
| Dedicated Purpose Fund Group | | | | | 52749 |
| 4120 | 050609 | Notary Commission | $ 475,000 | $ 475,000 | 52750 |
| 4S80 | 050610 | Board of Voting Machine Examiners | $ 7,200 | $ 7,200 | 52751 |
| 5990 | 050603 | Business Services Operating Expenses | $ 13,961,351 | $ 14,310,430 | 52752 |
| 5990 | 050629 | Statewide Voter Registration Database | $ 700,000 | $ 700,000 | 52753 |
| 5990 | 050630 | Elections Support Supplement | $ 2,209,204 | $ 2,288,196 | 52754 |
| 5FG0 | 050620 | BOE Reimbursement and Education | $ 80,000 | $ 80,000 | 52755 |
| 5SN0 | 050626 | Address Confidentiality | $ 100,000 | $ 100,000 | 52756 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 17,532,755 | $ 17,960,826 | 52757 |
| Holding Account Fund Group | | | | | 52758 |
| R002 | 050606 | Corporate/Business Filing Refunds | $ 85,000 | $ 85,000 | 52759 |
| TOTAL HLD Holding Account Fund Group | | | $ 85,000 | $ 85,000 | 52760 |
| Federal Fund Group | | | | | 52761 |
| 3AS0 | 050616 | Help America Vote Act (HAVA) | $ 2,740,000 | $ 1,750,000 | 52762 |
| TOTAL FED Federal Fund Group | | | $ 2,740,000 | $ 1,750,000 | 52763 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 32,457,951 | $ 34,059,222 | 52764 |

**Section 395.20.** POLL WORKERS TRAINING

The foregoing appropriation item 050407, Poll Workers Training, shall be used to reimburse county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050407, Poll Workers Training at the end of fiscal year 2020 is hereby reappropriated to fiscal year 2021 for the same purpose.

STATEWIDE VOTING AND TABULATION EQUIPMENT

An amount equal to the unexpended, unencumbered portion of appropriation item 050508, Statewide Voting and Tabulation Equipment, at the end of fiscal year 2019 is hereby reappropriated to the same appropriation item for fiscal year 2020. The reappropriated amounts shall be used to reimburse counties in an amount up to but not exceeding the county's allocated funding amount for expenditures related to the acquisition or lease of voting systems that were made on or after January 1, 2014, and prior to July 30, 2018.

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS

The foregoing appropriation item 050509, County Voting Systems Lease Rental Payments, shall be used to make payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into under Section 4 of S.B. 135 of the 132nd General Assembly with respect to financing the costs associated with the acquisition, development, installation, and implementation of county voting systems.

BOARD OF VOTING MACHINE EXAMINERS

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners,

and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.

BALLOT ADVERTISING COSTS

Notwithstanding division (G) of section 3501.17 of the Revised Code, upon requests submitted by the Secretary of State, the Controlling Board may approve transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for the cost of public notices associated with statewide ballot initiatives.

ABSENT VOTER'S BALLOT APPLICATION MAILING

Notwithstanding division (B) of section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board shall approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held in November 2020.

ADDRESS CONFIDENTIALITY PROGRAM

Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to $50,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).

CORPORATE/BUSINESS FILING REFUNDS

The foregoing appropriation item 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.

HAVA FUNDS

An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2019 is hereby reappropriated for the same purpose in fiscal year 2020.

An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2020 is hereby reappropriated for the same purpose in fiscal year 2021.

**Section 397.10.** SEN THE OHIO SENATE

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 020321 | Operating Expenses | $ 15,902,029 | $ 15,902,029 |
| TOTAL GRF General Revenue Fund | | | $ 15,902,029 | $ 15,902,029 |
| Internal Service Activity Fund Group | | | | |
| 1020 | 020602 | Senate Reimbursement | $ 425,800 | $ 425,800 |
| 4090 | 020601 | Miscellaneous Sales | $ 34,497 | $ 34,497 |
| TOTAL ISA Internal Service Activity Fund Group | | | $ 460,297 | $ 460,297 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 16,362,326 | $ 16,362,326 |

OPERATING EXPENSES

On July 1, 2019, or as soon as possible thereafter, the Clerk

of the Senate may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2020.

On July 1, 2020, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

**Section 399.10.** CSV COMMISSION ON SERVICE AND VOLUNTEERISM

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 866321 | CSV Operations | $ 307,176 | $ 305,971 |
| TOTAL GRF General Revenue Fund | | | $ 307,176 | $ 305,971 |
| Dedicated Purpose Fund Group | | | | |
| 5GN0 | 866605 | Serve Ohio Support | $ 30,000 | $ 30,000 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 30,000 | $ 30,000 |
| Federal Fund Group | | | | |
| 3R70 | 866617 | AmeriCorps Programs | $ 9,649,635 | $ 9,671,749 |
| TOTAL FED Federal Fund Group | | | $ 9,649,635 | $ 9,671,749 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 9,986,811 | $ 10,007,720 |

**Section 401.10.** CSF COMMISSIONERS OF THE SINKING FUND

| | | | | |
|---|---|---|---|---|
| Debt Service Fund Group | | | | |
| 7070 | 155905 | Third Frontier Research and | $ 84,181,400 | $ 87,403,000 |

| | | | | | |
|---|---|---|---|---|---|
| | | Development Bond Retirement Fund | | | |
| 7072 | 155902 | Highway Capital Improvement Bond Retirement Fund | $ 152,796,000 | $ 164,693,700 | 52885 |
| 7073 | 155903 | Natural Resources Bond Retirement Fund | $ 20,359,800 | $ 20,420,700 | 52886 |
| 7074 | 155904 | Conservation Projects Bond Retirement Fund | $ 44,218,800 | $ 44,394,800 | 52887 |
| 7076 | 155906 | Coal Research and Development Bond Retirement Fund | $ 8,123,100 | $ 7,682,600 | 52888 |
| 7077 | 155907 | State Capital Improvement Bond Retirement Fund | $ 229,338,800 | $ 231,754,500 | 52889 |
| 7078 | 155908 | Common Schools Bond Retirement Fund | $ 410,259,800 | $ 424,825,900 | 52890 |
| 7079 | 155909 | Higher Education Bond Retirement Fund | $ 323,545,500 | $ 348,550,200 | 52891 |
| 7080 | 155901 | Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement Fund | $ 5,092,400 | $ 5,586,600 | 52892 |
| 7090 | 155912 | Job Ready Site Development Bond Retirement Fund | $ 15,516,000 | $ 9,879,900 | 52893 |
| TOTAL DSF Debt Service Fund Group | | | $ 1,293,431,600 | $ 1,345,191,900 | 52894 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 1,293,431,600 | $ 1,345,191,900 | 52895 |

ADDITIONAL APPROPRIATIONS 52896

Appropriation items in this section are for the purpose of paying debt service and financing costs during the period from July 1, 2019, through June 30, 2021, on bonds or notes of the state issued under the Ohio Constitution, Revised Code, and acts 52897 52898 52899 52900

of the General Assembly. If it is determined that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

**Section 403.10.** SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT FOUNDATION

| | | | |
|---|---|---|---|
| Dedicated Purpose Fund Group | | | |
| 5M90 945601 | Operating Expenses | $ 294,906 | $ 300,910 |
| TOTAL DPF Dedicated Purpose Fund Group | | $ 294,906 | $ 300,910 |
| TOTAL ALL BUDGET FUND GROUPS | | $ 294,906 | $ 300,910 |

**Section 404.10.** SHP STATE SPEECH AND HEARING PROFESSIONALS BOARD

| | | | |
|---|---|---|---|
| Dedicated Purpose Fund Group | | | |
| 4K90 123609 | Operating Expenses | $ 620,000 | $ 636,709 |
| TOTAL DPF Dedicated Purpose Fund Group | | $ 620,000 | $ 636,709 |
| TOTAL ALL BUDGET FUND GROUPS | | $ 620,000 | $ 636,709 |

**Section 407.10.** BTA BOARD OF TAX APPEALS

| | | | |
|---|---|---|---|
| General Revenue Fund | | | |
| GRF 116321 | Operating Expenses | $ 1,845,494 | $ 1,857,751 |
| TOTAL GRF General Revenue Fund | | $ 1,845,494 | $ 1,857,751 |
| TOTAL ALL BUDGET FUND GROUPS | | $ 1,845,494 | $ 1,857,751 |

**Section 409.10.** TAX DEPARTMENT OF TAXATION

| | | | |
|---|---|---|---|
| General Revenue Fund | | | |
| GRF 110321 | Operating Expenses | $ 61,292,238 | $ 62,378,576 |
| GRF 110404 | Tobacco Settlement Enforcement | $ 145,479 | $ 150,810 |
| TOTAL GRF General Revenue Fund | | $ 61,437,717 | $ 62,529,386 |

| | | | | | |
|---|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | | 52929 |
| 2280 | 110628 | CAT Administration | $ 16,006,268 | $ 16,447,131 | 52930 |
| 4350 | 110607 | Local Tax Administration | $ 30,409,575 | $ 31,020,628 | 52931 |
| 4360 | 110608 | Motor Vehicle Audit Administration | $ 1,982,731 | $ 2,000,000 | 52932 |
| 4380 | 110609 | School District Income Tax Administration | $ 9,027,264 | $ 9,200,001 | 52933 |
| 4C60 | 110616 | International Registration Plan Administration | $ 683,494 | $ 705,869 | 52934 |
| 4R60 | 110610 | Tire Tax Administration | $ 177,706 | $ 180,000 | 52935 |
| 5BP0 | 110639 | Wireless 9-1-1 Administration | $ 296,210 | $ 298,794 | 52936 |
| 5JM0 | 110637 | Casino Tax Administration | $ 125,000 | $ 125,000 | 52937 |
| 5N50 | 110605 | Municipal Income Tax Administration | $ 400,000 | $ 400,000 | 52938 |
| 5N60 | 110618 | Kilowatt Hour Tax Administration | $ 96,954 | $ 100,000 | 52939 |
| 5NY0 | 110643 | Petroleum Activity Tax Administration | $ 992,581 | $ 1,000,000 | 52940 |
| 5V70 | 110622 | Motor Fuel Tax Administration | $ 5,899,525 | $ 6,000,000 | 52941 |
| 5V80 | 110623 | Property Tax Administration | $ 5,872,025 | $ 6,000,000 | 52942 |
| 6390 | 110614 | Cigarette Tax Enforcement | $ 1,548,152 | $ 1,599,999 | 52943 |
| 6880 | 110615 | Local Excise Tax Administration | $ 588,213 | $ 600,000 | 52944 |
| TOTAL DPF Dedicated Purpose Fund | | | $ 74,105,698 | $ 75,677,422 | 52945 |

| | | | | |
|---|---|---|---|---|
| Group | | | | |
| Fiduciary Fund Group | | | | |
| 4250 | 110635 | Tax Refunds | $ 2,205,303,300 | $ 2,179,769,300 |
| 5CZ0 | 110631 | Vendor's License Application | $ 380,000 | $ 380,000 |
| 6420 | 110613 | Ohio Political Party Distributions | $ 180,000 | $ 180,000 |
| TOTAL FID | | Fiduciary Fund Group | $ 2,205,863,300 | $ 2,180,329,300 |
| Holding Account Fund Group | | | | |
| R010 | 110611 | Tax Distributions | $ 25,000 | $ 25,000 |
| R011 | 110612 | Miscellaneous Income Tax Receipts | $ 500 | $ 500 |
| TOTAL HLD | | Holding Account Fund Group | $ 25,500 | $ 25,500 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 2,341,432,215 | $ 2,318,561,608 |

**Section 409.20.** TAX REFUNDS

The foregoing appropriation item 110635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

VENDOR'S LICENSE PAYMENTS

The foregoing appropriation item 110631, Vendor's License Application, shall be used to make payments to county auditors under section 5739.17 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION

The foregoing appropriation item 110616, International Registration Plan Administration, shall be used under section 5703.12 of the Revised Code for audits of persons with vehicles

registered under the International Registration Plan.

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT

Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.

TOBACCO SETTLEMENT ENFORCEMENT

The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.

PROPERTY TAX ADMINISTRATION

Notwithstanding section 5703.80 or division (F) of section 321.24 of the Revised Code, in fiscal years 2020 and 2021, the Tax Commissioner shall not compute or certify the amounts calculated under divisions (A) and (B) of that section as amended by this act. The Director of Budget and Management shall not transfer any amounts from the General Revenue Fund to the Property Tax Administration Fund in fiscal year 2020 or fiscal year 2021. In fiscal years 2020 and 2021, the Tax Commissioner shall not subtract any amounts computed under section 5703.80 of the Revised Code, as amended by this act, from the payments made from the General Revenue Fund to county treasurers under division (F) of section 321.24 of the Revised Code.

**Section 411.10.** DOT DEPARTMENT OF TRANSPORTATION

| | | | | |
|---|---|---|---|---|
| General Revenue Fund | | | | |
| GRF | 775451 | Public Transportation | $ 6,505,199 | $ 6,505,199 |

| | | | | | |
|---|---|---|---|---|---|
| | | - State | | | |
| GRF | 776465 | Rail Development | $ 2,000,000 | $ 2,000,000 | 53002 |
| GRF | 777471 | Airport Improvements - State | $ 5,919,687 | $ 5,919,687 | 53003 |
| TOTAL GRF General Revenue Fund | | | $ 14,424,886 | $ 14,424,886 | 53004 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 14,424,886 | $ 14,424,886 | 53005 |

**Section 413.10.** TOS TREASURER OF STATE 53007

| | | | | | |
|---|---|---|---|---|---|
| General Revenue Fund | | | | | 53008 |
| GRF | 090321 | Operating Expenses | $ 8,037,839 | $ 8,037,839 | 53009 |
| GRF | 090401 | Office of the Sinking Fund | $ 476,836 | $ 476,836 | 53010 |
| GRF | 090402 | Continuing Education | $ 175,000 | $ 175,000 | 53011 |
| GRF | 090406 | Treasury Management System Lease Rental Payments | $ 1,113,400 | $ 1,115,000 | 53012 |
| GRF | 090613 | STABLE Account Administration | $ 1,660,000 | $ 1,660,000 | 53013 |
| TOTAL GRF General Revenue Fund | | | $ 11,463,075 | $ 11,464,675 | 53014 |
| Dedicated Purpose Fund Group | | | | | 53015 |
| 4E90 | 090603 | Securities Lending Income | $ 7,480,675 | $ 7,843,565 | 53016 |
| 4X90 | 090614 | Political Subdivision Obligation | $ 45,000 | $ 45,000 | 53017 |
| 5770 | 090605 | Investment Pool Reimbursement | $ 1,050,000 | $ 1,050,000 | 53018 |
| 5C50 | 090602 | County Treasurer Education | $ 240,057 | $ 240,057 | 53019 |
| 5NH0 | 090610 | OhioMeansJobs Workforce Development | $ 13,107,584 | $ 0 | 53020 |
| 6050 | 090609 | Treasurer of State Administrative Fund | $ 700,000 | $ 700,000 | 53021 |

| | | |
|---|---|---|
| TOTAL DPF Dedicated Purpose Fund Group | $ 22,623,316 | $ 9,878,622 |
| Fiduciary Fund Group | | |
| 4250 090635 Tax Refunds | $ 12,000,000 | $ 12,000,000 |
| TOTAL FID Fiduciary Fund Group | $ 12,000,000 | $ 12,000,000 |
| TOTAL ALL BUDGET FUND GROUPS | $ 46,086,391 | $ 33,343,297 |

**Section 413.20.** OFFICE OF THE SINKING FUND

The foregoing appropriation item 090401, Office of the Sinking Fund, shall be used for costs incurred by or on behalf of the Commissioners of the Sinking Fund and the Ohio Public Facilities Commission with respect to State of Ohio general obligation bonds or notes, and the Treasurer of State with respect to State of Ohio general obligation and special obligation bonds or notes, including, but not limited to, printing, advertising, delivery, rating fees and the procurement of ratings, professional publications, membership in professional organizations, and other services referred to in division (D) of section 151.01 of the Revised Code. The General Revenue Fund shall be reimbursed for such costs relating to the issuance and administration of Highway Capital Improvement bonds or notes authorized under Ohio Constitution, Article VIII, Section 2m and Chapter 151. of the Revised Code. That reimbursement shall be made from appropriation item 155902, Highway Capital Improvement Bond Retirement Fund, by intrastate transfer voucher pursuant to a certification by the Office of the Sinking Fund of the actual amounts used. The amounts necessary to make such a reimbursement are hereby appropriated from the Highway Capital Improvement Bond Retirement Fund created in section 151.06 of the Revised Code.

STABLE ACCOUNT ADMINISTRATION

The foregoing appropriation item 090613, STABLE Account Administration, shall be used for administration of an Achieve a

Better Living Experience (ABLE) account program.

TAX REFUNDS

The foregoing appropriation item 090635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

**Section 413.30.** TREASURY MANAGEMENT SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 090406, Treasury Management System Lease Rental Payments, shall be used to make payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into under Section 701.20 of Am. Sub. H.B. 497 of the 130th General Assembly and other prior acts of the General Assembly with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Treasury Management System.

**Section 413.40.** OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN PROGRAM

The foregoing appropriation item 090610, OhioMeansJobs Workforce Development, shall be used for the OhioMeansJobs Workforce Development Revolving Loan Program to provide loans to individuals for workforce training.

Of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development, up to $250,000 in fiscal year 2020 may be used by the Treasurer of State to administer the program.

Any unexpended and unencumbered portion of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development, at the end of fiscal year 2020 is hereby reappropriated for the same

purpose in fiscal year 2021. To the extent that reappropriated funds are available, of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development, up to $250,000 in fiscal year 2021 may be used by the Treasurer of State to administer the program.

**Section 414.10.** VTO VETERANS' ORGANIZATIONS

General Revenue Fund

| | | | | |
|---|---|---|---|---|
| | | VAP AMERICAN EX-PRISONERS OF WAR | | |
| GRF | 743501 | State Support | $ 31,000 | $ 31,000 |
| | | VAN ARMY AND NAVY UNION, USA, INC. | | |
| GRF | 746501 | State Support | $ 66,000 | $ 66,000 |
| | | VKW KOREAN WAR VETERANS | | |
| GRF | 747501 | State Support | $ 60,000 | $ 60,000 |
| | | VJW JEWISH WAR VETERANS | | |
| GRF | 748501 | State Support | $ 37,000 | $ 37,000 |
| | | VCW CATHOLIC WAR VETERANS | | |
| GRF | 749501 | State Support | $ 70,000 | $ 70,000 |
| | | VPH MILITARY ORDER OF THE PURPLE HEART | | |
| GRF | 750501 | State Support | $ 70,000 | $ 70,000 |
| | | VVV VIETNAM VETERANS OF AMERICA | | |
| GRF | 751501 | State Support | $ 217,000 | $ 217,000 |
| | | VAL AMERICAN LEGION OF OHIO | | |
| GRF | 752501 | State Support | $ 352,000 | $ 352,000 |
| | | VII AMVETS | | |
| GRF | 753501 | State Support | $ 335,000 | $ 335,000 |
| | | VAV DISABLED AMERICAN VETERANS | | |
| GRF | 754501 | State Support | $ 252,000 | $ 252,000 |
| | | VMC MARINE CORPS LEAGUE | | |
| GRF | 756501 | State Support | $ 136,000 | $ 136,000 |
| | | V37 37TH DIVISION VETERANS' ASSOCIATION | | |
| GRF | 757501 | State Support | $ 10,000 | $ 10,000 |

| | | | | | |
|---|---|---|---|---|---|
| | | VFW VETERANS OF FOREIGN WARS | | | 53114 |
| GRF | 758501 | State Support | $ 287,000 | $ 287,000 | 53115 |
| TOTAL GRF General Revenue Fund | | | $ 1,923,000 | $ 1,923,000 | 53116 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 1,923,000 | $ 1,923,000 | 53117 |

**Section 415.10.** DVS DEPARTMENT OF VETERANS SERVICES 53119

| | | | | | |
|---|---|---|---|---|---|
| General Revenue Fund | | | | | 53120 |
| GRF | 900321 | Veterans' Homes | $ 41,442,419 | $ 45,402,392 | 53121 |
| GRF | 900402 | Hall of Fame | $ 124,400 | $ 135,638 | 53122 |
| GRF | 900408 | Department of Veterans Services | $ 4,348,745 | $ 4,505,661 | 53123 |
| GRF | 900901 | Veterans Compensation General Obligation Bond Debt Service | $ 5,092,400 | $ 5,586,600 | 53124 |
| TOTAL GRF General Revenue Fund | | | $ 51,007,964 | $ 55,630,291 | 53125 |
| Dedicated Purpose Fund Group | | | | | 53126 |
| 4840 | 900603 | Veterans' Homes Services | $ 995,000 | $ 995,000 | 53127 |
| 4E20 | 900602 | Veterans' Homes Operating | $ 11,672,589 | $ 11,672,589 | 53128 |
| 5DB0 | 900643 | Military Injury Relief Program | $ 1,000,000 | $ 1,000,000 | 53129 |
| 5PH0 | 900642 | Veterans Initiatives | $ 70,000 | $ 70,000 | 53130 |
| 6040 | 900604 | Veterans' Homes Improvement | $ 500,000 | $ 500,000 | 53131 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 14,237,589 | $ 14,237,589 | 53132 |
| Debt Service Fund Group | | | | | 53133 |
| 7041 | 900615 | Veteran Bonus Program - Administration | $ 311,497 | $ 260,856 | 53134 |
| 7041 | 900641 | Persian Gulf, Afghanistan, and Iraq | $ 722,832 | $ 552,706 | 53135 |

| | | | | |
|---|---|---|---|---|
| | Compensation | | | |
| TOTAL DSF Debt Service | | | | 53136 |
| Fund Group | | $ 1,034,329 | $ 813,562 | 53137 |
| Federal Fund Group | | | | 53138 |
| 3680 900614 | Veterans Training | $ 864,932 | $ 930,262 | 53139 |
| 3BX0 900609 | Medicare Services | $ 3,578,278 | $ 3,578,278 | 53140 |
| 3L20 900601 | Veterans' Homes Operations - Federal | $ 33,838,615 | $ 34,986,679 | 53141 |
| TOTAL FED Federal Fund Group | | $ 38,281,825 | $ 39,495,219 | 53142 |
| TOTAL ALL BUDGET FUND GROUPS | | $ 104,561,707 | $ 110,176,661 | 53143 |

VETERANS ORGANIZATIONS' RENT 53144

The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services. 53145 53146 53147 53148

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 53149

The foregoing appropriation item 900901, Veterans Compensation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2019, through June 30, 2021, on obligations issued under Section 2r of Article VIII, Ohio Constitution. 53150 53151 53152 53153 53154

**Section 417.10.** DVM STATE VETERINARY MEDICAL LICENSING BOARD 53155

| | | | | |
|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | 53156 |
| 4K90 888609 | Operating Expenses | $ 433,150 | $ 435,046 | 53157 |
| TOTAL DPF Dedicated Purpose | | | | 53158 |
| Fund Group | | $ 433,150 | $ 435,046 | 53159 |
| Internal Service Activity Fund Group | | | | 53160 |
| 5BU0 888602 | Veterinary Student Loan Program | $ 30,000 | $ 30,000 | 53161 |
| TOTAL ISA Internal Service Activity | | | | 53162 |

| | | | | | |
|---|---|---|---|---|---|
| Fund Group | | | $ 30,000 | $ 30,000 | 53163 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 463,150 | $ 465,046 | 53164 |

**Section 419.10.** VPB STATE VISION PROFESSIONALS BOARD 53166

| | | | | | |
|---|---|---|---|---|---|
| Dedicated Purpose Fund Group | | | | | 53167 |
| 4K90 | 129609 | Operating Expenses | $ 640,756 | $ 654,140 | 53168 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 640,756 | $ 654,140 | 53169 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 640,756 | $ 654,140 | 53170 |

**Section 421.10.** DYS DEPARTMENT OF YOUTH SERVICES 53172

| | | | | | |
|---|---|---|---|---|---|
| General Revenue Fund | | | | | 53173 |
| GRF | 470401 | RECLAIM Ohio | $ 171,784,391 | $ 177,765,001 | 53174 |
| GRF | 470412 | Juvenile Correctional Facilities Lease Rental Bond Payments | $ 14,990,500 | $ 17,441,300 | 53175 |
| GRF | 470510 | Youth Services | $ 16,702,727 | $ 16,702,728 | 53176 |
| GRF | 472321 | Parole Operations | $ 10,481,781 | $ 10,661,690 | 53177 |
| GRF | 477321 | Administrative Operations | $ 12,505,577 | $ 12,936,832 | 53178 |
| TOTAL GRF General Revenue Fund | | | $ 226,464,976 | $ 235,507,551 | 53179 |
| Dedicated Purpose Fund Group | | | | | 53180 |
| 1470 | 470612 | Vocational Education | $ 1,463,162 | $ 1,463,162 | 53181 |
| 1750 | 470613 | Education Services | $ 3,204,678 | $ 3,292,983 | 53182 |
| 4790 | 470609 | Employee Food Service | $ 40,000 | $ 40,000 | 53183 |
| 4A20 | 470602 | Child Support | $ 153,968 | $ 153,968 | 53184 |
| 4G60 | 470605 | Juvenile Special Revenue - Non-Federal | $ 115,000 | $ 115,000 | 53185 |
| 5BN0 | 470629 | E-Rate Program | $ 59,000 | $ 59,000 | 53186 |
| TOTAL DPF Dedicated Purpose Fund Group | | | $ 5,035,808 | $ 5,124,113 | 53187 53188 |
| Federal Fund Group | | | | | 53189 |

| | | | | | |
|---|---|---|---|---|---|
| 3210 | 470601 | Education | $ 1,003,161 | $ 1,019,832 | 53190 |
| 3210 | 470603 | Juvenile Justice Prevention | $ 2,486,393 | $ 2,499,486 | 53191 |
| 3210 | 470606 | Nutrition | $ 930,000 | $ 930,000 | 53192 |
| 3210 | 470614 | Title IV-E Reimbursements | $ 800,000 | $ 700,000 | 53193 |
| 3V50 | 470604 | Juvenile Justice/Delinquency Prevention | $ 1,720,000 | $ 1,720,000 | 53194 |
| TOTAL FED Federal Fund Group | | | $ 6,939,554 | $ 6,869,318 | 53195 53196 |
| TOTAL ALL BUDGET FUND GROUPS | | | $ 238,440,338 | $ 247,500,982 | 53197 |

COMMUNITY PROGRAMS 53198

For purposes of implementing juvenile sentencing reforms, and notwithstanding any provision of law to the contrary, the Department of Youth Services may use up to $1,375,000 of the unexpended, unencumbered balance of the portion of appropriation item 470401, RECLAIM Ohio, that is allocated to juvenile correctional facilities in each fiscal year to expand Targeted RECLAIM, the Behavioral Health Juvenile Justice Initiative, and other evidence-based community programs. 53199 53200 53201 53202 53203 53204 53205 53206

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 53207

The foregoing appropriation item 470412, Juvenile Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2019, through June 30, 2021, by the Department of Youth Services under the leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code. 53208 53209 53210 53211 53212 53213 53214 53215

EDUCATION SERVICES 53216

The foregoing appropriation item 470613, Education Services, shall be used to fund the operating expenses of providing educational services to youth supervised by the Department of Youth Services. Operating expenses include, but are not limited to, teachers' salaries, maintenance costs, and educational equipment.

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES

In collaboration with the county family and children first council, the juvenile court of that county that receives allocations from one or both of the foregoing appropriation items 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer portions of those allocations to a flexible funding pool as authorized by the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

**Section 501.10.** All appropriation items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. The appropriations made in this section are in addition to any other appropriations made for the fiscal year 2019-2020 capital biennium.

DPS DEPARTMENT OF PUBLIC SAFETY

| | | | |
|---|---|---|---|
| Administrative Building Fund (Fund 7026) | | | |
| C76067 | Radiological Calibration Laboratory Relocation | $ | 2,250,000 |
| TOTAL | Administrative Building Fund | $ | 2,250,000 |
| TOTAL ALL FUNDS | | $ | 2,250,000 |

**Section 501.11.** The appropriations made in Section 501.10 of this act are subject to all provisions of H.B. 529 of the 132nd General Assembly that are generally applicable to such appropriations. Expenditures from appropriations contained in Section 501.10 of this act shall be accounted for as though made

in H.B. 529 of the 132nd General Assembly.

**Section 501.12.** The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, Chapter 154. of the Revised Code, and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed $3,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Administrative Building Fund (Fund 7026) to pay costs associated with previously authorized capital facilities for the housing of branches and agencies of state government or their functions.

**Section 503.10.** PERSONAL SERVICE EXPENSES

Unless otherwise prohibited by law, any appropriation from which personal service expenses are paid shall bear the employer's share of public employees' retirement, workers' compensation, disabled workers' relief, and insurance programs; the costs of centralized financial services, centralized payroll processing, and related reports and services; centralized human resources services, including affirmative action and equal employment opportunity programs; the Office of Collective Bargaining; centralized information technology management services; administering the enterprise resource planning system; and administering the state employee merit system as required by section 124.07 of the Revised Code. These costs shall be determined in conformity with the appropriate sections of law and paid in accordance with procedures specified by the Office of Budget and Management. Expenditures from appropriation item

070601, Public Audit Expense - Intra-State, may be exempted from the requirements of this section.

**Section 503.20.** SATISFACTION OF JUDGMENTS AND SETTLEMENTS AGAINST THE STATE

Except as otherwise provided in this section, an appropriation in this act or any other act may be used for the purpose of satisfying judgments, settlements, or administrative awards ordered or approved by the Court of Claims or by any other court of competent jurisdiction in connection with civil actions against the state. This authorization does not apply to appropriations to be applied to or used for payment of guarantees by or on behalf of the state, or for payments under lease agreements relating to, or debt service on, bonds, notes, or other obligations of the state. Notwithstanding any other statute to the contrary, this authorization includes appropriations from funds into which proceeds of direct obligations of the state are deposited only to the extent that the judgment, settlement, or administrative award is for, or represents, capital costs for which the appropriation may otherwise be used and is consistent with the purpose for which any related obligations were issued or entered into. Nothing contained in this section is intended to subject the state to suit in any forum in which it is not otherwise subject to suit, and is not intended to waive or compromise any defense or right available to the state in any suit against it.

**Section 503.30.** CAPITAL PROJECT SETTLEMENTS

This section specifies an additional and supplemental procedure to provide for payments of judgments and settlements if the Director of Budget and Management determines, pursuant to division (C)(4) of section 2743.19 of the Revised Code, that

sufficient unencumbered moneys do not exist in the fund to support a particular appropriation to pay the amount of a final judgment rendered against the state or a state agency, including the settlement of a claim approved by a court, in an action upon and arising out of a contractual obligation for the construction or improvement of a capital facility if the costs under the contract were payable in whole or in part from a state capital projects appropriation. In such a case, the Director may either proceed pursuant to division (C)(4) of section 2743.19 of the Revised Code or apply to the Controlling Board to increase an appropriation or create an appropriation out of any unencumbered moneys in the state treasury to the credit of the capital projects fund from which the initial state appropriation was made. The amount of an increase in appropriation or new appropriation approved by the Controlling Board is hereby appropriated from the applicable capital projects fund and made available for the payment of the judgment or settlement.

If the Director does not make the application authorized by this section or the Controlling Board disapproves the application, and the Director does not make application under division (C)(4) of section 2743.19 of the Revised Code, the Director shall for the purpose of making that payment make a request to the General Assembly as provided for in division (C)(5) of that section.

**Section 503.40.** RE-ISSUANCE OF VOIDED WARRANTS

In order to provide funds for the reissuance of voided warrants under section 126.37 of the Revised Code, there is hereby appropriated, out of moneys in the state treasury from the fund credited as provided in section 126.37 of the Revised Code, that amount sufficient to pay such warrants when approved by the Office of Budget and Management.

**Section 503.50.** REAPPROPRIATION OF UNEXPENDED ENCUMBERED BALANCES OF OPERATING APPROPRIATIONS

(A) Notwithstanding the original year of appropriation or encumbrance, the unexpended balance of an operating appropriation or reappropriation that a state agency lawfully encumbered prior to the close of fiscal year 2019 or fiscal year 2020 is hereby reappropriated on the first day of July of the following fiscal year from the fund from which it was originally appropriated or reappropriated for the period of time listed in this section and shall remain available only for the purpose of discharging the encumbrance:

(1) For an encumbrance for personal services, maintenance, equipment, or items for resale not otherwise identified in this section, for a period of not more than five months from the end of the fiscal year;

(2) For an encumbrance for an item of special order manufacture not available on state contract or in the open market, for a period of not more than five months from the end of the fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;

(3) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is expended provided such period does not extend beyond the FY 2020 – FY 2021 biennium;

(4) For an encumbrance for any other type of expense not otherwise identified in division (A)(1), (2), or (3) of this section, for such period as the Director approves, provided such period does not extend beyond the FY 2020 - FY 2021 biennium.

(B) Any operating appropriations for which unexpended

balances are reappropriated in fiscal year 2020 or fiscal year 2021 pursuant to division (A)(2) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report shall include the item, the cost of the item, and the name of the vendor. The report shall be updated on a quarterly basis for encumbrances remaining open.

(C) Upon the expiration of the reappropriation period set out in division (A) of this section, a reappropriation made by this section lapses and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation not later than the end of the weekend following the expiration of the reappropriation period.

(D) If the Controlling Board approved a purchase, that approval remains in effect so long as the appropriation used to make that purchase remains encumbered.

**Section 503.60.** CORRECTION OF ACCOUNTING ERRORS

(A) The Director of Budget and Management may correct accounting errors committed by the staff of the Office of Budget and Management, such as reestablishing encumbrances or appropriations canceled in error, during the cancellation of operating encumbrances in November and of non-operating encumbrances in December.

(B) The Director of Budget and Management may at any time correct accounting errors committed by staff or a state agency or state institution of higher education, as defined in section 3345.011 of the Revised Code, such as reestablishing prior year non-operating encumbrances canceled or modified in error. The reestablished encumbrance amounts are hereby appropriated.

**Section 503.70.** TEMPORARY REVENUE HOLDING

The Director of Budget and Management may create funds in the state treasury solely for the purpose of temporarily holding revenue required to be credited to a fund in the state treasury, whose disposition is not immediately known at the time of receipt. Once identified, the Director shall credit the revenue to the appropriate fund in the state treasury.

**Section 503.80.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND RE-ESTABLISHMENT OF ENCUMBRANCES

Any cash transferred by the Director of Budget and Management under section 126.15 of the Revised Code is hereby appropriated. Any amounts necessary to re-establish appropriations or encumbrances under section 126.15 of the Revised Code are hereby appropriated.

**Section 503.90.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may transfer appropriations between the Third Frontier Research and Development Fund (Fund 7011) and the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) as necessary to maintain the exclusion from the calculation of gross income for federal income taxation purposes under the Internal Revenue Code with respect to obligations issued to fund projects appropriated from the Third Frontier Research and Development Fund (Fund 7011).

The Director may also create new appropriation items within the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) and make transfers of appropriations to them for projects originally funded from appropriations made from the Third Frontier Research and Development Fund (Fund 7011).

**Section 503.100.** INCOME TAX DISTRIBUTION TO COUNTIES

There are hereby appropriated out of any moneys in the state

treasury to the credit of the General Revenue Fund, which are not otherwise appropriated, funds sufficient to make any payment required by division (B)(2) of section 5747.03 of the Revised Code.

**Section 503.110.** EXPENDITURES AND APPROPRIATION INCREASES APPROVED BY THE CONTROLLING BOARD

Any money that the Controlling Board approves for expenditure or any increase in appropriation that the Controlling Board approves under sections 127.14, 131.35, and 131.39 of the Revised Code or any other provision of law is hereby appropriated for the period ending June 30, 2021.

**Section 503.120.** FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE

If the Governor's Residence Fund (Fund 4H20) receives payment for use of the residence pursuant to section 107.40 of the Revised Code, the amounts so received are hereby appropriated to appropriation item 100604, Governor's Residence Gift.

**Section 504.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS

Certain appropriations are in this act for the purpose of paying debt service and financing costs on general obligation bonds or notes of the state issued pursuant to the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

**Section 504.20.** LEASE RENTAL PAYMENTS FOR DEBT SERVICE

Certain appropriations are in this act for the purpose of making lease rental payments pursuant to leases and agreements relating to bonds, notes, or other obligations issued by or on

behalf of the state pursuant to the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

**Section 504.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS

The Office of Budget and Management shall process payments from general obligation and lease rental payment appropriation items during the period from July 1, 2019, through June 30, 2021, relating to bonds, notes, or other obligations issued by or on behalf of the state pursuant to the Ohio Constitution, Revised Code, and acts of the General Assembly. Payments shall be made upon certification by the Treasurer of State of the dates and the amounts due on those dates.

**Section 505.10.** ARBITRAGE REBATE AUTHORIZATION

If it is determined that a payment is necessary in the amount computed at the time to represent the portion of investment income to be rebated or amounts in lieu of or in addition to any rebate amount to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those state obligations under section 148(f) of the Internal Revenue Code, such an amount is hereby appropriated from those funds designated by or pursuant to the applicable proceedings authorizing the issuance of state obligations.

Payments for this purpose shall be approved and vouchered by the Office of Budget and Management.

**Section 505.20.** STATEWIDE INDIRECT COST RECOVERY

Whenever the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the

state is insufficient to provide for the recovery of statewide indirect costs under section 126.12 of the Revised Code, the amount required for such purpose is hereby appropriated from the available receipts of such fund.

**Section 505.30.** TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT COST ALLOCATION PLAN

The total transfers made from the General Revenue Fund by the Director of Budget and Management under this section shall not exceed the amounts transferred into the General Revenue Fund under section 126.12 of the Revised Code.

The director of an agency may certify to the Director of Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, from any fund included in the Statewide Indirect Cost Allocation Plan, prepared as required by section 126.12 of the Revised Code.

Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may transfer cash from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared under section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

The director of an agency may certify to the Director of Budget and Management the amount of expenses paid in error from a fund included in the Statewide Indirect Cost Allocation Plan. The Director of Budget and Management may transfer cash from the fund from which the expenditure should have been made into the fund from which the expenses were erroneously paid, up to the amount of

the certification.

The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the amount required by the federal government, the amount required for such purpose is hereby appropriated from the available receipts of such fund, up to the amount of the certification.

**Section 505.40.** FEDERAL GOVERNMENT INTEREST REQUIREMENTS

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the payment of adjustments to the federal government, as determined by the plan prepared under division (A) of section 126.12 of the Revised Code, may designate such funds as the Director considers necessary to retain their own interest earnings.

**Section 505.50.** FEDERAL CASH MANAGEMENT IMPROVEMENT ACT

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and re-establish all or part of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to re-establish all or part of encumbrances are hereby appropriated.

**Section 509.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED

Notwithstanding any provision of law to the contrary, the Director of Budget and Management, through June 30, 2021, may transfer interest earned by any state fund to the General Revenue Fund. This section does not apply to funds whose source of revenue is restricted or protected by the Ohio Constitution, federal tax law, or the "Cash Management Improvement Act of 1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended.

**Section 509.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to $100,000,000 cash, during the biennium ending June 30, 2021, from non-General Revenue Funds that are not constitutionally restricted to the General Revenue Fund.

**Section 509.50.** MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS

On October 1, 2019, or as soon as possible thereafter, the Director of Commerce and the Executive Director of the Board of Pharmacy shall consult with the Director of Budget and Management to determine a repayment schedule for the biennium ending June 30, 2021, to fully repay transfers on behalf of each agency from the Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical Marijuana Control Program Fund (Fund 5YS0). Payments made by the Department of Commerce and the Board of Pharmacy in accordance with this repayment schedule shall be credited to the General Revenue Fund.

**Section 512.10.** GENERAL REVENUE FUND TRANSFER TO TOURISM OHIO FUND

Notwithstanding any provision of law to the contrary, in each fiscal year of the biennium ending June 30, 2021, the Director of

Budget and Management may transfer up to $10,400,000 cash from the General Revenue Fund to the Tourism Ohio Fund (Fund 5MJ0).

**Section 512.20.** GENERAL REVENUE FUND TRANSFER TO STATEWIDE TREATMENT AND PREVENTION FUND

Notwithstanding any provision of law to the contrary, in each fiscal year of the biennium ending June 30, 2021, the Director of Budget and Management may transfer up to $5,000,000 cash from the General Revenue Fund to the Statewide Treatment and Prevention Fund (Fund 4750).

**Section 512.30.** GENERAL REVENUE FUND TRANSFER TO STATEWIDE COMMUNITY POLICE RELATIONS FUND

Notwithstanding any provision of law to the contrary, in fiscal year 2020, the Director of Budget and Management may transfer up to $2,200,000 cash from the General Revenue Fund to the Statewide Community Police Relations Fund (Fund 5RS0).

**Section 512.40.** GENERAL REVENUE FUND TRANSFER TO TARGETED ADDICTION PROGRAM FUND

Notwithstanding any provision of law to the contrary, in each fiscal year of the biennium ending June 30, 2021, the Director of Budget and Management may transfer up to $23,150,000 cash from the General Revenue Fund to the Targeted Addiction Program Fund (Fund 5TZ0).

**Section 512.50.** GENERAL REVENUE FUND TRANSFER TO PERSIAN GULF, AFGHANISTAN, IRAQ COMPENSATION FUND

During fiscal year 2021, upon request of the Director of Veterans Services, the Director of Budget and Management may transfer up to $500,000 cash from the General Revenue Fund to the Persian Gulf, Afghanistan, Iraq Compensation Fund (Fund 7041).

**Section 512.60.** GENERAL REVENUE FUND TRANSFER TO INDUSTRY-RECOGNIZED CREDENTIALS FUND

Notwithstanding any provision of law to the contrary, in each year of the biennium ending June 30, 2021, the Director of Budget and Management may transfer up to $15,000,000 cash from the General Revenue Fund to the Industry-Recognized Credentials Fund (Fund 5VK0).

**Section 513.10.** FISCAL YEAR 2019 GENERAL REVENUE FUND ENDING BALANCE

Notwithstanding section 131.44 of the Revised Code, the Director of Budget and Management shall determine the surplus General Revenue Fund revenue that existed on June 30, 2019, and shall transfer cash, not to exceed the amount of the surplus revenue from the General Revenue Fund as follows:

(A) First, the Director shall transfer up to $10,000,000 cash to the Targeted Addiction Program Fund (Fund 5TZ0);

(B) Second, the Director shall transfer up to $31,000,000 cash to the Statewide Treatment and Prevention Fund (Fund 4750);

(C) Third, the Director shall transfer up to $100,000,000 cash to the H2Ohio Fund (Fund 6H20);

(D) Fourth, the Director shall transfer up to $5,000,000 cash to the Books From Birth Fund (Fund 5VJ0), which is hereby created in the state treasury;

(E) Fifth, the Director shall transfer up to $25,000,000 cash to the State Park Fund (Fund 5120);

(F) Sixth, the Director shall transfer up to $25,000,000 cash to the Emergency Purposes Fund (Fund 5KM0);

(G) Seventh, the Director shall transfer up to $25,000,000 cash to the Disaster Services Fund (Fund 5E20);

(H) Eight, the Director shall transfer up to $2,000,000 cash to the Ohio Public Health Priorities Fund (Fund L087);

(I) Ninth, the Director shall transfer up to $19,000,000 cash to the Tobacco Use Prevention Fund (Fund 5BX0);

(J) Tenth, the Director shall transfer up to $6,900,000 cash to the Economic Development Programs Fund (Fund 5JC0);

(K) Eleventh, the Director shall transfer any remaining cash surplus to the H2Ohio Fund (Fund 6H20).

**Section 513.20.** FISCAL YEARS 2020 AND 2021 GENERAL REVENUE FUND ENDING BALANCE

Notwithstanding section 131.44 of the Revised Code, on July 1, 2020, or as soon as possible thereafter, the Director of Budget and Management shall determine the surplus General Revenue Fund revenue that existed on June 30, 2020, and shall transfer cash, in an amount equal to the surplus revenue from the General Revenue Fund to the H2Ohio Fund (Fund 6H20).

Notwithstanding section 131.35 of the Revised Code, in fiscal year 2021, the Controlling Board may increase or establish appropriation in the H2Ohio Fund (Fund 6H20) for state agencies or boards responsible for water protection and water management in amounts necessary to support the statewide strategic vision and comprehensive periodic water protection strategy in that fiscal year.

Notwithstanding section 131.44 of the Revised Code, on July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall determine the surplus General Revenue Fund revenue that existed on June 30, 2021, and shall transfer cash, in an amount equal to the surplus revenue from the General Revenue Fund to the H2Ohio Fund (Fund 6H20).

**Section 514.10.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS

Unless the agency and nuclear electric utility mutually agree to a higher amount by contract, the maximum amounts that may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code and deposited into the specified funds are as follows:

| Fund | User | FY 2020 | FY 2021 |
|---|---|---|---|
| Utility Radiological Safety Fund (Fund 4E40) | Department of Agriculture | $ 97,610 | $ 101,130 |
| Radiation Emergency Response Fund (Fund 6100) | Department of Health | $1,300,000 | $ 1,300,000 |
| ER Radiological Safety Fund (Fund 6440) | Environmental Protection Agency | $ 276,500 | $ 278,500 |
| Emergency Response Plan Fund (Fund 6570) | Department of Public Safety | $1,258,624 | $ 1,258,624 |

**Section 516.10.** CASH TRANSFERS AND ABOLISHMENT OF FUNDS

(A) On July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance from each of the funds as indicated in the table below to the fund also indicated in the table below. Upon completion of each transfer and on the effective date of its repeal by this act, where applicable, the fund from which the cash balance was transferred is hereby abolished.

| User | Transfer from: | Transfer to: |
|---|---|---|

| Agency | Fund | Fund Name | Fund | Fund Name | 53678 |
|---|---|---|---|---|---|
| AGR | 5HP0 | Livestock Care Standards Board | 4C90 | Commercial Feed Inspection/Lab | 53679 |
| AIR | 7004 | Advanced Energy Research and Development Taxable Fund | 5M50 | Advanced Energy Fund | 53680 |
| AIR | 7005 | Advanced Energy Research and Development | 5M50 | Advanced Energy Fund | 53681 |
| BWC | 8290 | Long Term Care Loan Fund | 8260 | Safety and Hygiene Fund | 53682 |
| COM | 5PA0 | BUSTR Revolving Loan Fund | 6530 | Underground Storage Tank Administration | 53683 |
| DAS | 4P30 | DAS Information Services | 1330 | Information Technology | 53684 |
| DAS | 5D70 | Workforce Development | 5EB0 | OAKS Support Organization | 53685 |
| DEV | 3DB0 | Federal Stimulus Energy Efficiency and Conservation | GRF | General Revenue Fund | 53686 |
| DEV | 5AD0 | Job Development Initiatives | 5430 | Unclaimed Funds Trust | 53687 |
| DEV | 5CG0 | Alternative Fuel Transportation | 5M50 | Advanced Energy Fund | 53688 |
| DEV | 5MB0 | Economic Development Support | 5LN0 | Liquor Operating Services Fund | 53689 |
| DEV | 5NS0 | Career Exploration Internship | 5JC0 | Economic Development Projects | 53690 |
| DNR | 5CU0 | Mine Safety | 5290 | Mining Regulation and Safety | 53691 |
| DNR | 5MF0 | Ohio Geology License Plate | 5110 | Geological Mapping | 53692 |

| | | | | | |
|---|---|---|---|---|---|
| DOH | 6830 | Employee Assistance Program | 1250 | Human Resources Services Fund | 53693 |
| DOT | 5CF0 | Rail Transload Facilities | 4N40 | Rail Development | 53694 |
| DPS | 8500 | Public Safety Investigative Unit Salvage and Exchange | 5RH0 | Ohio Investigative Unit Fund | 53695 |
| DRC | 5UB0 | Institution Addiction Treatment Services | GRF | General Revenue Fund | 53696 |
| DYS | 3BH0 | Federal Juvenile Justice Program FFY06 | 3V50 | Juvenile Justice/Delinquency Prevention Fund | 53697 |
| DYS | 3BT0 | Federal Juvenile Justice Program FFY07 | 3V50 | Juvenile Justice/Delinquency Prevention Fund | 53698 |
| DYS | 3BY0 | Federal Juvenile Justice Program SFY07 | 3V50 | Juvenile Justice/Delinquency Prevention Fund | 53699 |
| DYS | 3BZ0 | Federal Juvenile Justice Program SFY08 | 3V50 | Juvenile Justice/Delinquency Prevention Fund | 53700 |
| DYS | 3CR0 | Federal Juvenile Justice Program FFY10 | 3V50 | Juvenile Justice/Delinquency Prevention Fund | 53701 |
| DYS | 3FB0 | Federal Juvenile Justice Program FFY11 | 3V50 | Juvenile Justice/Delinquency Prevention Fund | 53702 |
| DYS | 3FC0 | Federal Juvenile Justice Program FFY12 | 3V50 | Juvenile Justice/Delinquency Prevention Fund | 53703 |
| DYS | 3GB0 | Federal Juvenile Justice Program | 3V50 | Juvenile Justice/Delinquency | 53704 |

| | | | | | |
|---|---|---|---|---|---|
| | | FFY13 | | Prevention Fund | |
| DYS | 3V90 | Federal Juvenile Justice Program FFY01 | 3V50 | Juvenile Justice/Delinquency Prevention Fund | 53705 |
| DYS | 3W00 | Federal Juvenile Justice Program FFY02 | 3V50 | Juvenile Justice/Delinquency Prevention Fund | 53706 |
| DYS | 3Z80 | Federal Juvenile Justice Program FFY04 | 3V50 | Juvenile Justice/Delinquency Prevention Fund | 53707 |
| DYS | 3Z90 | Federal Juvenile Justice Program FFY05 | 3V50 | Juvenile Justice/Delinquency Prevention Fund | 53708 |
| EDU | 3DL0 | Idea Preschool - Federal Stimulus | GRF | General Revenue Fund | 53709 |
| EDU | 4D10 | Ohio Prevention/Education Resource Center | 6200 | Education Grants | 53710 |
| EDU | 5B10 | Child Nutrition Services | GRF | General Revenue Fund | 53711 |
| EDU | 5KY0 | Community Schools Temporary Sponsorship | 5KX0 | Ohio School Sponsorship Program | 53712 |
| EDU | 5RB0 | Straight A Fund | 6200 | Educational Grants | 53713 |
| EDU | 5T30 | Gates Foundation Grants | 6200 | Educational Grants | 53714 |
| EDU | 5UC0 | Accountability/Report Cards | 4L20 | Teacher Certification | 53715 |
| EDU | 5W20 | Head Start Plus/Head Start | GRF | General Revenue Funds | 53716 |
| EDU | 5X90 | NGA Stem | 6200 | Educational Grants | 53717 |
| EDU | 6210 | Pre-School Foreign Language | 6200 | Educational Grants | 53718 |

| | | | | | |
|---|---|---|---|---|---|
| EPA | 3560 | Indirect Costs | GRF | General Revenue Fund | 53719 |
| EPA | 3580 | 205-J Federal Planning | 3BU0 | Water Quality Protection | 53720 |
| EPA | 3M50 | HazMat Transportation Uniform Safety | GRF | General Revenue Fund | 53721 |
| INS | 3EV0 | Health Insurance Premium Rev | 5540 | Department of Insurance Operating | 53722 |
| INS | 3EW0 | Health Exchange Planning | 5540 | Department of Insurance Operating | 53723 |
| INS | 3EX0 | Consumer Assistance Grant | 5540 | Department of Insurance Operating | 53724 |
| INS | 5AG0 | Medical Liability | GRF | General Revenue Fund | 53725 |
| INS | 5FZ0 | Claims Processing Education | 5540 | Department of Insurance Operating | 53726 |
| JFS | 5GC0 | GOFBI/Family Stability | 5RY0 | Human Services Projects | 53727 |
| JFS | 5HA0 | Health Care Services Other | 5RY0 | Human Services Projects | 53728 |
| JFS | 5S30 | JFS Administration and Oversight | GRF | General Revenue Fund | 53729 |
| JSC | 6A80 | Supreme Court Admissions | 4C80 | Attorney Registration | 53730 |
| MCD | 5AJ0 | Money Follows the Person | 5DL0 | Medicaid Support and Recoveries | 53731 |
| MCD | 5HA0 | Health Care Services - Other | GRF | General Revenue Fund | 53732 |
| MCD | 5KC0 | Health Care Special Activities | 5DL0 | Medicaid Support and Recoveries | 53733 |
| OBM | 3CM0 | Medicaid Agency Transition | 3B10 | Community Medicaid Expansion | 53734 |
| OBM | 7087 | Settlement Agreement Fund | GRF | General Revenue Fund | 53735 |

| | | | | | |
|---|---|---|---|---|---|
| PUB | 3FF0 | Capital Case Litigation | 4070 | County Representation | 53736 |
| PUB | 3FX0 | Wrongful Conviction Program | 4070 | County Representation | 53737 |
| PUB | 3GJ0 | Byrne Memorial Grant | 4070 | County Representation | 53738 |
| TAX | 7054 | Loc Govt Prop Tax Replacement | GRF | General Revenue Fund | 53739 |
| TAX | 4K00 | Beverage Tax Administrative | GRF | General Revenue Fund | 53740 |
| TAX | 5BQ0 | Revenue Enhancement | 2280 | Revenue Enhancement | 53741 |
| TAX | 5BW0 | Tax Amnesty Promotion and Administration | GRF | General Revenue Fund | 53742 |
| TAX | QD20 | OBG-Assessment Payments | GRF | General Revenue Fund | 53743 |
| TOS | 4N00 | Treasury Education | 6050 | Treasurer of State's Administration | 53744 |
| TOS | R044 | Tax Holding | 6050 | Treasurer of State's Administration | 53745 |

(B) On July 1, 2019, or as soon as possible thereafter, the 53746
Director of Budget and Management shall cancel existing 53747
encumbrances against each appropriation item indicated in the 53748
table below and reestablish them against the appropriation item 53749
also indicated in the table below. The Director may cancel and 53750
reestablish other encumbrances as needed to properly close out the 53751
funds identified in division (A) of this section. The encumbrances 53752
reestablished under this section are hereby appropriated. 53753

| Cancel existing encumbrances against: | | Reestablish encumbrances against: | | |
|---|---|---|---|---|
| Fund | Appropriation Item | Fund | Appropriation Item | 53754 53755 |
| 5CU0 | 725647 – Mine Safety | 5290 | 725639 – Mining Regulation and Safety | 53756 |

| | | | | |
|---|---|---|---|---|
| 5MF0 | 725635 – Ohio Geology License Plate | 5110 | 725646 – Ohio Geological Mapping | 53757 |
| 5CF0 | 776667 – Rail Transload Facilities | 4N40 | 776664 – Rail Transportation - Other | 53758 |
| 3EV0 | 820610 – Health Insurance Premium Review | 5540 | 820606 – Operating Expenses | 53759 |
| 3EW0 | 820611 – Health Exchange Planning | 5540 | 820606 – Operating Expenses | 53760 |
| 3EX0 | 820612 – Consumer Assistance Grant | 5540 | 820606 – Operating Expenses | 53761 |
| 5AG0 | 820603 - Health Information Technology and Health Care Coverage and Quality Council | 5540 | 820606 - Operating Expenses | 53762 |
| 3FF0 | 019620 - Capital Case Litigation | 4070 | 019604 - County Representation | 53763 |
| 3FX0 | 019621 - Wrongful Conviction Program | 4070 | 019604 - County Representation | 53764 |
| 3GJ0 | 019622 - Byrne Memorial Grant | 4070 | 019604 - County Representation | 53765 |
| 6A80 | 005606 - Supreme Court Admissions | 4C80 | 005605 - Attorney Services | 53766 |
| 5AJ0 | 651631 - Money Follows the Person | 5DL0 | 651639 - Medicaid Services - Recoveries | 53767 |

(C) The following funds are hereby abolished on the effective date of their repeal by this act: 53768 53769

| User | Fund | Fund Name | |
|---|---|---|---|
| User | Fund | Fund Name | 53770 |
| DNR | 5260 | Coal Mining Administration and Reclamation Reserve | 53771 |
| DOH | 5QH0 | Dental Hygiene Resource Shortage Area | 53772 |
| DVS | A041 | Veterans Compensation Series 2011 | 53773 |
| DVS | B041 | Veterans Compensation Series 2013 | 53774 |
| EDU | 3090 | Neglected & Delinquent Education | 53775 |

| | | | |
|---|---|---|---|
| EDU | 3660 | Adult Basic Education | 53776 |
| EDU | 3690 | Vocational Education | 53777 |
| EDU | 3720 | Federal Drivers' Education Projects | 53778 |
| EDU | 3730 | Pupil Transportation Safety Program | 53779 |
| EDU | 3760 | Job Training Partnership Act | 53780 |
| EDU | 3780 | Math/Science Tech Investments | 53781 |
| EDU | 5960 | Ohio Career Information System | 53782 |
| EDU | 7006 | Education Improvement | 53783 |
| EDU | 3E20 | AIDS Education Project | 53784 |
| EDU | 3AK0 | State Homeland Security | 53785 |
| EDU | 3AX0 | Improving Health and Education Outcomes of Young People | 53786 |
| EDU | 3BK0 | Longitudinal Data Systems | 53787 |
| EDU | 3BV0 | Character Education | 53788 |
| EDU | 3CF0 | Foreign Language Assistance | 53789 |
| EDU | 3CG0 | Teacher Incentive | 53790 |
| EDU | 3DC0 | Federal Stimulus School Cafeteria Equipment | 53791 |
| EDU | 3DJ0 | Idea Part B – Federal Stimulus | 53792 |
| EDU | 3DK0 | Title I A – Federal Stimulus | 53793 |
| EDU | 3EC0 | Teacher Incentive – Federal Stimulus | 53794 |
| EDU | 3EF0 | National School Lunch Program Equipment | 53795 |
| EDU | 3EK0 | Advanced Placement | 53796 |
| EDU | 3EL0 | Even Start | 53797 |
| EDU | 3EM0 | Byrd Scholarship | 53798 |
| EDU | 3EN0 | State Data System – Federal Stimulus | 53799 |
| EDU | 3ES0 | Special Education Research | 53800 |
| EDU | 3ET0 | Ed Jobs | 53801 |
| EDU | 3FD0 | Race to the Top | 53802 |
| EDU | 3FN0 | Race to the Top – Early Learning Challenge Grant | 53803 |
| EDU | 3GP0 | School Climate Transformation | 53804 |
| EDU | 3GQ0 | Project Aware | 53805 |
| EDU | 3GZ0 | JAVITS Gifted and Talented Students Education | 53806 |
| EDU | 3M10 | ESEA Chapter Two | 53807 |

| | | | |
|---|---|---|---|
| EDU | 3N70 | School-to-Work | 53808 |
| EDU | 3P90 | SRRC/FRC Evaluation Project | 53809 |
| EDU | 3R30 | Goals 2000 | 53810 |
| EDU | 3S20 | Tech Literacy Transfer | 53811 |
| EDU | 3S70 | Child Care School Age | 53812 |
| EDU | 3T50 | Coordinated School Health | 53813 |
| EDU | 3T60 | Class Size Reduction | 53814 |
| EDU | 3U60 | Provision 2&3 Grant | 53815 |
| EDU | 3W60 | TANF Education | 53816 |
| EDU | 3X50 | School Renovation Idea & Tech Program | 53817 |
| EDU | 3Y40 | Reading First | 53818 |
| EDU | 3Z70 | General Supervision Enhancement | 53819 |
| EDU | 4M40 | Emergency Svc Telecommunicator Training | 53820 |
| EDU | 4Y50 | Supplemental School Assistance | 53821 |
| EDU | 4Z40 | School District 1987 Reimburse | 53822 |
| EDU | 5BB0 | State Action for Education Leadership | 53823 |
| EDU | 5F80 | Instructional Materials Education | 53824 |
| EDU | 5JA0 | ARRA Compliance | 53825 |
| EDU | 5X80 | Jobs for Ohio Graduates | 53826 |
| EPA | 3520 | Wastewater Pollution | 53827 |
| EPA | 3630 | Construction Grant | 53828 |
| EPA | 4910 | Moving Expenses | 53829 |
| EPA | 4990 | Emergency Village Capital Improvements | 53830 |
| EPA | 6020 | Motor Vehicle Inspection/Maintenance | 53831 |
| EPA | 6600 | Infectious Waste Management | 53832 |
| EPA | 6800 | Emergency Plan & Community Right-to-Know Reserve | 53833 |
| EPA | 3F40 | Water Quality Management | 53834 |
| EPA | 3J10 | Urban Stormwater | 53835 |
| EPA | 3J50 | Maumee AOC Assessment | 53836 |
| EPA | 3K20 | Clean Water Act 106 | 53837 |
| EPA | 3K30 | DOE Agreement in Principle | 53838 |
| EPA | 3K40 | DOD Base Realign/Closure Grant | 53839 |
| EPA | 3K60 | Remedial Action Plans | 53840 |

| | | | |
|---|---|---|---|
| EPA | 3N10 | Pollution Prevention Grants | 53841 |
| EPA | 3S40 | Performance Partnership Grants | 53842 |
| EPA | 3T10 | Rural Hardship Grant | 53843 |
| EPA | 4C30 | State Special Revenue Indirect | 53844 |
| EPA | 4U70 | Construction/Demolition Debris | 53845 |
| EPA | 5DW0 | Automotive Mercury Switch Program | 53846 |
| EPA | 5N20 | Dredge and Fill | 53847 |
| EPA | 6A90 | Construction/Demolition Debris Facility Oversight | 53848 |
| JFS | 3W30 | Adult Special Needs | 53849 |
| JFS | 4J50 | Home/Community Based Services/Aged | 53850 |
| JFS | 4Z10 | Health Care Compliance | 53851 |
| JFS | 5BG0 | Managed Care Assessment | 53852 |
| JFS | 5KU0 | Unemployment Insurance Support – Other Sources | 53853 |
| JFS | 5Q90 | Supplemental Inpatient Hospital | 53854 |
| JFS | R013 | Forgery Collections | 53855 |
| MED | 5LE0 | Education and Patient Safety | 53856 |
| OOD | 5L90 | TANF/PCA Maintenance of Effort | 53857 |
| OOD | 5QL0 | Disability Determination Reimbursement | 53858 |
| PRX | 3CT0 | 2008 Developing/Enhancing PMP | 53859 |
| PRX | 3EB0 | NASPER | 53860 |
| PRX | 3EY0 | Administration of the PMIX Hub | 53861 |
| PRX | 3EZ0 | NASPER 10 | 53862 |
| SOS | 3AH0 | Election Reform/Health and Human Services | 53863 |

**Section 601.03.** That Section 261.168 of Am. Sub. H.B. 49 of the 132nd General Assembly, as amended by Sub. H.B. 24 of the 132nd General Assembly, be amended to read as follows:

**Sec. 261.168.** MODIFICATIONS AND CAP FOR FISCAL YEARS ~~2019,~~ 2020~~,~~ AND 2021 ICF/IID MEDICAID RATES UNDER THE FORMULA BEING PHASED OUT

(A) As used in this section:

(1) "Change of operator," "cost report year," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1-B," "peer group 2-B," "peer group 3-B," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.

(2) "Formula being phased out" means the formula specified in division (C) of section 5124.15 of the Revised Code.

(3) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

(B)(1) This section applies to each ICF/IID that is in peer group 1-B or peer group 2-B and to which either of the following, as applicable to a fiscal year, applies:

(a) ~~In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2019 under the formula being phased out, either of the following is the case:~~

~~(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2018, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019;~~

~~(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2019, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019.~~

~~(b)~~ In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2020, either of the following is the case:

(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2019, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2020;

(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2020, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2020.

~~(c)~~(b) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2021, either of the following is the case:

(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2020, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2021;

(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2021, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2021.

(2) This section does not apply to either of the following:

(a) An ICF/IID in peer group 3-B;

(b) An ICF/IID for which the provider obtains an initial provider agreement during a fiscal year for which modifications to the formula being phased out are made under this section.

(C) Notwithstanding Chapter 5124. of the Revised Code, the following modifications shall be made when determining under the formula being phased out the fiscal years ~~2019,~~ 2020~~,~~ and 2021 total per Medicaid day payment rates for an ICF/IID to which this section applies:

(1) The ICF/IID's efficiency incentive for capital costs, as determined under division (F) of section 5124.171 of the Revised

Code, shall be reduced by 50%.

(2) In place of the maximum cost per case-mix unit established for the ICF/IID's peer group under division (C) of section 5124.195 of the Revised Code, the ICF/IID's maximum costs per case-mix unit shall be the amount the Department determined for the ICF/IID's peer group for fiscal year 2016 in accordance with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 131st General Assembly.

(3) In place of the inflation adjustment otherwise calculated under division (D) of section 5124.195 of the Revised Code for the purpose of division (A)(1)(b) of that section, an inflation adjustment of 1.014 shall be used.

(4) In place of the efficiency incentive otherwise calculated under division (B)(2) of section 5124.211 of the Revised Code, the ICF/IID's efficiency incentive for indirect care costs shall be the following:

(a) In the case of an ICF/IID in peer group 1-B, not more than $3.69;

(b) In the case of an ICF/IID in peer group 2-B, not more than $3.19.

(5) In place of the maximum rate for indirect care costs established for the ICF/IID's peer group under division (C) of section 5124.211 of the Revised Code, the maximum rate for indirect care costs for the ICF/IID's peer group shall be an amount the Department shall determine in accordance with division (D) of this section.

(6) In place of the inflation adjustment otherwise calculated under division ~~(D)~~(E)(1) of section 5124.211 of the Revised Code for the purpose of division (B)(1) of that section only, an inflation adjustment of 1.014 shall be used.

(7) In place of the inflation adjustment otherwise made under section 5124.231 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per Medicaid day other protected costs, excluding the franchise permit fee, from the applicable cost report year shall be multiplied by 1.014.

(D) In determining the amount of the maximum rate for indirect costs for the purpose of division (C)(5) of this section, the Department shall strive to the greatest extent possible to do both of the following:

(1) Avoid rate reductions under division (E)~~(1)~~ of this section;

(2) Have the amount so determined result in payment of all desk-reviewed, actual, allowable indirect care costs for the same percentage of Medicaid days for ICFs/IID in peer group 1-B as for ICFs/IID in peer group 2-B as of the first day of the fiscal year for which the determination is made, based on May Medicaid days from the calendar year in which the fiscal year begins.

(E)~~(1)~~ If the mean total per Medicaid day rate for all ICFs/IID to which this section applies, as determined under division (C) of this section as of the first day of a fiscal year for which a rate is determined under this section and weighted by May Medicaid days from the calendar year in which the fiscal year begins, is ~~other~~ greater than ~~the amount determined under division (E)(2) of this section~~ $290.10, the Department shall adjust, for the fiscal year for which the rate is determined, the total per Medicaid day rate for each ICF/IID to which this section applies by a percentage that is equal to the percentage by which the mean total per Medicaid day rate is greater ~~or less~~ than ~~the amount determined under division (E)(2) of this section~~ $290.10.

~~(2) The amount to be used for the purpose of division (E)(1) of this section shall be not less than $290.10. The Department, in~~

~~its sole discretion, may use a larger amount for the purpose of that division. In determining whether to use a larger amount, the Department may consider any of the following:~~

~~(a) The reduction in the total Medicaid-certified capacity of all ICFs/IID that occurs in the fiscal year immediately preceding the fiscal year for which the determination is made, and the reduction that is projected to occur in the fiscal year for which the determination is made, as a result of either of the following:~~

~~(i) A downsizing pursuant to a plan approved by the Department under section 5123.042 of the Revised Code;~~

~~(ii) A conversion of beds to providing home and community-based services under the Individual Options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code.~~

~~(b) The increase in Medicaid payments made for ICF/IID services provided during the fiscal year immediately preceding the fiscal year for which the determination is made, and the increase that is projected to occur in the fiscal year for which the determination is made, as a result of the modifications to the payment rates made under section 5124.101 of the Revised Code;~~

~~(c) The total reduction in the number of ICF/IID beds that occurs pursuant to section 5124.67 of the Revised Code;~~

~~(d) Other factors the Department determines to be relevant.~~

(F) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the rate determined under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

**Section 601.04.** That existing Section 261.168 of Am. Sub. H.B. 49 of the 132nd General Assembly, as amended by Sub. H.B. 24

of the 132nd General Assembly, is hereby repealed.

**Section 601.05.** Sections 601.03 and 601.04 of this act are exempt from the referendum under section 1d of Article II, Ohio Constitution, and take effect July 1, 2019.

**Section 601.10.** That Sections 207.10 and 701.10 of H.B. 529 of the 132nd General Assembly be amended to read as follows:

**Sec. 207.10.** DEPARTMENT OF HIGHER EDUCATION AND STATE INSTITUTIONS OF HIGHER EDUCATION

BOR DEPARTMENT OF HIGHER EDUCATION

| | | | |
|---|---|---|---|
| Higher Education Improvement Fund (Fund 7034) | | | |
| C23501 | Ohio Supercomputer Center | $ | 6,105,076 |
| C23516 | Ohio Library and Information Network | $ | 13,844,808 |
| C23524 | Supplemental Renovations - Library Depositories | $ | 447,000 |
| C23529 | Workforce Based Training and Equipment | $ | ~~8,000,000~~ 16,000,000 |
| C23530 | Technology Initiatives | $ | 2,500,000 |
| C23532 | OARnet | $ | 10,203,116 |
| C23551 | Ohio Innovation Exchange | $ | 400,000 |
| C23560 | HEI Critical Maintenance and Upgrades | $ | 2,500,000 |
| C23563 | Ohio Cyber Range | $ | 1,000,000 |
| C23564 | Ohio Aerospace Institute Improvements | $ | 150,000 |
| TOTAL Higher Education Improvement Fund | | $ | ~~45,150,000~~ 53,150,000 |
| TOTAL ALL FUNDS | | $ | ~~45,150,000~~ 53,150,000 |

RESEARCH FACILITY ACTION AND INVESTMENT FUNDS

Capital appropriations or reappropriations in this act made from appropriation item C23502, Research Facility Action and

Investment Funds, shall be used for a program of grants to be administered by the Department of Higher Education to provide timely availability of capital facilities for research programs and research-oriented instructional programs at or involving state-supported and state-assisted institutions of higher education.

WORKFORCE BASED TRAINING AND EQUIPMENT

(A) Capital appropriations or reappropriations in this act made from appropriation item C23529, Workforce Based Training and Equipment, shall be used to support the Regionally Aligned Priorities in Developing Skills (RAPIDS) program in the Department of Higher Education. The purpose of the RAPIDS program is to support collaborative projects among higher education institutions to strengthen education and training opportunities that maximize workforce development efforts in defined areas of the state.

(B) Capital funds appropriated or reappropriated for this purpose by the General Assembly shall be distributed by the Chancellor of Higher Education to Ohio regions or subsets of regions. Regions or subsets of regions may be defined by the state's economic development strategy.

(C) The Chancellor shall award capital funds within the program using an application and review process, as developed by the Chancellor. In reviewing applications and making awards, priority shall be given to proposals that demonstrate:

(1) Collaboration among and between state institutions of higher education, as defined in section 3345.011 of the Revised Code, Ohio Technical Centers, and other entities as determined to be appropriate by the Chancellor;

(2) Evidence of meaningful business support and engagement;

(3) Identification of targeted occupations and industries supported by data, which sources may include the Governor's Office

of Workforce Transformation, OhioMeansJobs, labor market information from the Department of Job and Family Services, and lists of in-demand occupations;

(4) Sustainability beyond the grant period with the opportunity to provide continued value and impact to the region.

(D) In submitting proposals for consideration under the program, a state institution of higher education, as defined in section 3345.011 of the Revised Code, shall be the lead applicant and preference shall be given to proposals in which equipment and technology acquired by capital funds awarded under the program are owned by a state institution of higher education. If equipment, technology, or facilities acquired by capital funds awarded under the program will be owned by a separate governmental or nonprofit entity, the state institution of higher education shall enter into a joint use agreement with the entity, which shall be approved by the Chancellor.

**Sec. 701.10.** OHIO ENTERPRISE DATA AND INFORMATION SYSTEM PROJECTS

The enterprise data center solutions (EDCS) project is an information technology initiative that will expand and improve the state's cloud computing environment and support expansion of and upgrades to enterprise shared solutions. The Ohio Administrative Knowledge System (OAKS) is an enterprise resource planning system that replaced the state's central services infrastructure systems. The Department of Administrative Services may continue to acquire and implement EDCS, OAKS, and related information system projects, including, but not limited to, acquisition of the application hardware and software and the installation, implementation, and integration thereof. The Department of Administrative Services may enter into a lease-purchase agreement pursuant to Chapter 125. of the Revised Code as necessary to finance or refinance the

projects. At the request of the Director of Administrative Services, the Office of Budget and Management shall make arrangements for the issuance of obligations, including fractionalized interests in public obligations as defined in division (N) of section 133.01 of the Revised Code, to finance the enterprise data and information system and OAKS projects, provided that not more than ~~$29,594,850~~ $51,094,850 shall be raised for this purpose.

**Section 601.11.** That existing Sections 207.10 and 701.10 of H.B. 529 of the 132nd General Assembly is hereby repealed.

**Section 601.12.** That Section 207.440 of H.B. 529 of the 132nd General Assembly, as amended by Am. Sub. S.B. 299 of the 132nd General Assembly, be amended to read as follows:

**Sec. 207.440.** The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2n of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.04 of the Revised Code, original obligations in an aggregate principal amount not to exceed ~~$431,000,000~~ 439,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Higher Education Improvement Fund (Fund 7034) and the Higher Education Improvement Taxable Fund (Fund 7024) to pay costs of capital facilities for state-supported and state-assisted institutions of higher education.

**Section 601.13.** That existing Section 207.440 of H.B. 529 of the 132nd General Assembly, as amended by Am. Sub. S.B. 299 of the

132nd General Assembly, is hereby repealed.

**Section 601.20.** That Sections 223.10 and 223.50 of H.B. 529 of the 132nd General Assembly, as most recently amended by Am. Sub. S.B. 51 of the 132nd General Assembly, be amended to read as follows:

**Sec. 223.10.** DNR DEPARTMENT OF NATURAL RESOURCES

| | | | |
|---|---|---|---|
| Oil and Gas Well Fund (Fund 5180) | | | |
| C725U6 | Oil and Gas Facilities | $ | 1,150,000 |
| TOTAL Oil and Gas Well Fund | | $ | 1,150,000 |
| Wildlife Fund (Fund 7015) | | | |
| C725B0 | Access Development | $ | ~~15,000,000~~ 18,000,000 |
| C725B6 | Upgrade Underground Fuel Tanks | $ | 460,000 |
| C725K9 | Wildlife Area Building Development/Renovation | $ | 9,950,000 |
| C725L9 | Dam Rehabilitation | $ | 6,200,000 |
| TOTAL Wildlife Fund | | $ | ~~31,610,000~~ 34,610,000 |
| Administrative Building Fund (Fund 7026) | | | |
| C725D5 | Fountain Square Building and Telephone Improvement | $ | 2,000,000 |
| C725N7 | District Office Renovations | $ | 2,455,343 |
| TOTAL Administrative Building Fund | | $ | 4,455,343 |
| Ohio Parks and Natural Resources Fund (Fund 7031) | | | |
| C72549 | Facilities Development | $ | 1,500,000 |
| C725E1 | Local Parks Projects Statewide | $ | 6,668,925 |
| C725E5 | Project Planning | $ | 1,147,700 |
| C725K0 | State Park Renovations/Upgrading | $ | 1,100,000 |
| C725M0 | Dam Rehabilitation | $ | 11,928,000 |

| | | | | |
|---|---|---|---|---|
| C725N8 | Operations Facilities Development | $ | 1,000,000 | 54163 |
| C725T3 | Healthy Lake Erie Initiative | $ | 20,000,000 | 54164 |
| TOTAL Ohio Parks and Natural Resources Fund | | $ | 43,344,625 | 54165 |
| Parks and Recreation Improvement Fund (Fund 7035) | | | | 54166 |
| C72513 | Land Acquisition | $ | 47,000,000 | 54167 |
| C725A0 | State Parks, Campgrounds, Lodges, Cabins | $ | 57,554,343 | 54168 |
| C725C4 | Muskingum River Lock and Dam | $ | 6,800,000 | 54169 |
| C725E2 | Local Parks, Recreation, and Conservation Projects | $ | 31,351,000 | 54170 |
| C725E6 | Project Planning | $ | 4,082,793 | 54171 |
| C725N6 | Wastewater/Water Systems Upgrades | $ | 8,955,000 | 54172 |
| C725R3 | State Parks Renovations/Upgrades | $ | 8,140,000 | 54173 |
| C725R4 | Dam Rehabilitation - Parks | $ | 33,125,000 | 54174 |
| C725U5 | The Banks | $ | 2,000,000 | 54175 |
| C725U7 | Eagle Creek Watershed Flood Mitigation | $ | 15,000,000 | 54176 |
| TOTAL Parks and Recreation Improvement Fund | | $ | ~~167,008,136~~ 214,008,136 | 54177 |
| Clean Ohio Trail Fund (Fund 7061) | | | | 54178 |
| C72514 | Clean Ohio Trail Fund | $ | 12,500,000 | 54179 |
| TOTAL Clean Ohio Trail Fund | | $ | 12,500,000 | 54180 |
| TOTAL ALL FUNDS | | $ | ~~260,068,104~~ 310,068,104 | 54181 |

FEDERAL REIMBURSEMENT 54182

All reimbursements received from the federal government for any expenditures made pursuant to this section shall be deposited in the state treasury to the credit of the fund from which the expenditure originated. 54183 54184 54185 54186

HEALTHY LAKE ERIE INITIATIVE 54187

Of the foregoing appropriation item C725T3, Healthy Lake Erie Initiative, $10,000,000 shall be used to support projects that enhance efforts to reduce open lake disposal of dredged materials 54188 54189 54190

into Lake Erie by 2020.

EAGLE CREEK WATERSHED FLOOD MITIGATION

The foregoing appropriation item C725U7, Eagle Creek Watershed Flood Mitigation, shall be used to support the Eagle Creek Watershed Flood Mitigation Project in Hancock County, provided that there are local matching funds committed to the project of not less than twenty per cent of the total project cost.

**Sec. 223.50.** The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.22, and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed ~~$134,000,000~~ $181,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Parks and Recreation Improvement Fund (Fund 7035) to pay the costs of capital facilities for parks and recreation purposes.

**Section 601.21.** That existing Sections 223.10 and 223.50 of H.B. 529 of the 132nd General Assembly, as most recently amended by Am. Sub. S.B. 51 of the 132nd General Assembly, is hereby repealed.

**Section 601.22.** That Sections 125.10 and 125.11 of Am. Sub. H.B. 59 of the 130th General Assembly, as most recently amended by Am. Sub. H.B. 49 of the 132nd General Assembly, be amended to read as follows:

**Sec. 125.10.** Sections 5168.01, 5168.02, 5168.03, 5168.04,

5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 5168.13, 5168.99, and 5168.991 of the Revised Code are hereby repealed, effective October 16, ~~2019~~ 2021.

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised Code are hereby repealed, effective October 1, ~~2019~~ 2021.

**Section 601.23.** That existing Sections 125.10 and 125.11 of Am. Sub. H.B. 59 of the 130th General Assembly, as most recently amended by Am. Sub. H.B. 49 of the 132nd General Assembly, are hereby repealed.

**Section 603.10.** That Section 4 of Sub. S.B. 332 of the 131st General Assembly be amended to read as follows:

**Sec. 4.** (A) As used in this section, "qualified community hub" ~~has the same meaning as in section 5167.173 of the Revised Code~~ means a central clearinghouse for a network of community care coordination agencies that meets all of the following criteria:

(1) Demonstrates to the Director of Health that it uses an evidenced-based, pay-for-performance community care coordination model (endorsed by the Federal Agency for Healthcare Research and Quality, the National Institutes of Health, and the Centers for Medicare and Medicaid Services or their successors) or uses certified community health workers or public health nurses to connect at-risk individuals to health, housing, transportation, employment, education, and other social services;

(2) Is a board of health or demonstrates to the Director of Health that it has achieved, or is engaged in achieving, certification from a national hub certification program;

(3) Has a plan, approved by the Medicaid Director, specifying

how the board of health or community hub ensures that children served by it receive appropriate developmental screenings as specified in the publication titled "Bright Futures: Guidelines for Health Supervision of Infants, Children, and Adolescents," available from the American Academy of Pediatrics, as well as appropriate early and periodic screening, diagnostic, and treatment services.

(B) Not later than one hundred twenty days after ~~the effective date of this section~~ April 6, 2017, the Commission on Minority Health shall identify each community in this state that is not served by a qualified community hub.

(C) Using funds received from the "Maternal and Child Health Block Grant," Title V of the "Social Security Act," 42 U.S.C. 701, as amended, the Department of Health shall establish a qualified community hub in each community identified under division (B) of this section. In establishing the hubs, the Department shall consult with the Commission.

(D) The Commission shall convene quarterly meetings with the qualified community hubs established under division (C) of this section. The meetings may be held by telephone, video conference, or other electronic means. Each meeting shall include a discussion on the community hubs' performance data, best practices for community hubs, and any other topics the Commission considers appropriate.

**Section 603.11.** That existing Section 4 of Sub. S.B. 332 of the 131st General Assembly is hereby repealed.

**Section 701.10.** Notwithstanding any provision of the Revised Code to the contrary, designees of the Office of Budget and Management and the Department of Administrative Services jointly shall review agency functions and programs and determine if any

overlap or duplicative functions exist and shall collaborate with affected agencies in the course of their review. The designees shall determine the cost-effectiveness of the programming in terms of administrative and operational costs, including facilities, personnel, technology, supplies, contracts, and services. Following review and not later than January 1, 2020, the Directors of Budget and Management and Administrative Services jointly shall determine, in consultation with the affected agencies, the functions that may be consolidated within and across state departments, with particular emphasis on facilities utilization, laboratory testing facility consolidation, and field or regional office operation consolidation. The determination also may include other functions, programs, and services that would reduce costs and improve services and would be suitable for operation within the Office of Budget and Management's Shared Services Center.

Should the consolidation of functions result in consolidation within the Shared Services Center or otherwise impact any employee not subject to Chapter 4117. of the Revised Code, the Director of Administrative Services may assign, reassign, classify, reclassify, transfer, reduce, promote, or demote any employee so transferred. Any employment records and actions, including personnel actions, disciplinary actions, performance improvement plans, and performance evaluations transfer with the employee. These employees are subject to the policies, procedures, and work rules of the agency to which they are transferred. The Director of Administrative Services also may transfer all equipment and assets relating to the program or function that is being consolidated to the department that is to be responsible for the functions after consolidation occurs.

On or after the effective date of the respective consolidation of functions and notwithstanding any provision of law to the contrary, the Director of Budget and Management may

make budget changes made necessary by this section, including cancelling encumbrances and reestablishing them as encumbrances of the department that is to be responsible for the functions after consolidation occurs. Any reestablished encumbrances are hereby appropriated.

**Section 701.20.** On the effective date of this act, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance from all money collected under sections 718.80 to 718.95 of the Revised Code, if any, in the municipal income tax fund to the municipal net profit tax fund.

**Section 701.30.** COORDINATION OF BENEFITS

The Development Services Agency and the Department of Job and Family Services may collaborate to coordinate benefits available to eligible Ohioans. By evaluating current procedures and working toward a goal of developing a single application for eligible customers, the agencies shall work to produce new efficiencies and prevent duplication of efforts.

**Section 701.40.** RECOVERY HOUSING PILOT PROGRAM

The Development Services Agency shall work with the Department of Mental Health and Addiction Services to develop a pilot program in partnership with rural Ohio counties hard hit by the opioid epidemic to enhance funding availability for recovery housing. This partnership may include local OhioMeansJobs and Job and Family Services entities to develop workforce job training and employer participation for those individuals participating in recovery housing programs.

**Section 715.10.** Except for an applicant for a nonresident youth hunting license who shall pay nine dollars for an annual license as specified in section 1533.10 of the Revised Code, an

applicant for a hunting or fishing license who is not a resident of a reciprocal state, and a nonresident applicant for a deer permit shall pay the annual fee for each license or permit through December 31, 2019, in accordance with the fee schedule established in Section 715.11 of H.B. 49 of the 132nd General Assembly.

**Section 737.10.** On or after July 1, 2019, the Department of Health may establish a Substance Use Disorder Professional Loan Repayment Program. Under the Program, the Department may agree to repay all or part of the principal or interest of government or other educational loans taken by professionals providing treatment and other related services to individuals with substance use disorders. A professional participating in the Program must commit to serving in an area of the state with limited access to addiction treatment and related services.

**Section 737.11.** On or after July 1, 2019, the Department of Health may establish a program under which a physician providing medication-assisted treatment to individuals with substance use disorders in a health resource shortage area may be eligible for financial assistance from the Department. Eligible physicians are those participating in the Physician Loan Repayment Program as described in section 3702.75 of the Revised Code.

**Section 737.20.** An applicant for a body art registration under section 3730.021 of the Revised Code, as enacted by this act, who wishes to register with the Director of Health by June 30, 2020, shall submit to the Director all required application materials by June 1, 2020. The director shall issue the registration by June 30, 2020, if the applicant meets the minimum requirements as prescribed by the director under this act or by rule.

**Section 747.10.** Any sanitarian or sanitarian in training fee imposed by the Director of Health under section 4736.12 of the Revised Code as that section existed on January 1, 2019, shall remain in effect until the Director adopts rules establishing new fees under section 3722.03 of the Revised Code, as enacted by this act.

**Section 747.20.** A license or certificate of registration issued under Chapter 4757. of the Revised Code that is in effect on the effective date of this section shall continue in effect until the first biennial renewal date established by the Counselor, Social Worker, and Marriage and Family Therapist Board pursuant to sections 4757.10 and 4757.32 of the Revised Code, as amended by this act. No license or certificate of registration in effect on the effective date of this section is valid for more than three years after the effective date of this section.

**Section 751.10.** REDUCTION IN MEMBERSHIP OF CITIZEN'S ADVISORY COUNCILS

The amendment made by this act to section 5123.092 of the Revised Code providing for a reduction in citizen's advisory council membership does not affect the members holding office on the effective date of this section. The reduction shall be implemented by not filling vacancies that correspond with the changes made by this act to council membership.

**Section 755.10.** DIESEL EMISSIONS REDUCTION GRANT PROGRAM

There is hereby established in the Highway Operating Fund (Fund 7002), used by the Department of Transportation, a Diesel Emissions Reduction Grant Program. The Director of Environmental Protection shall administer the program and shall solicit, evaluate, score, and select projects submitted by public and

private entities that are eligible for the federal Congestion Mitigation and Air Quality (CMAQ) Program. The Director of Transportation shall process Federal Highway Administration-approved projects as recommended by the Director of Environmental Protection.

In addition to the allowable expenditures set forth in section 122.861 of the Revised Code, Diesel Emissions Reduction Grant Program funds also may be used to fund projects involving the purchase or use of hybrid and alternative fuel vehicles that are allowed under guidance developed by the Federal Highway Administration for the CMAQ Program.

Public entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program.

Private entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed, at the direction of the local public agency sponsor and upon approval of the Department of Transportation, through direct payments. These reimbursements shall be made from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program. Total expenditures from Fund 7002 for the Diesel Emissions Reduction Grant Program shall not exceed $10,000,000 in both fiscal year 2020 and fiscal year 2021.

Any allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations.

The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for

the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

**Section 757.10.** The amendment or enactment by this act of sections 3742.50, 5747.02, 5747.08, and 5747.26 and division (A)(15) of section 5747.98 of the Revised Code applies to taxable years beginning on or after January 1, 2020.

**Section 757.20.** The amendment or enactment by this act of sections 5709.40, 5709.41, 5709.51, 5709.73, and 5709.78 of the Revised Code concerning the extension of certain tax increment financing property tax exemptions applies to resolutions or ordinances adopted under any of those sections for an exemption that is in effect for the tax year that includes or begins after the effective date of those amendments and enactments.

**Section 757.30.** BUSINESS INCENTIVE TAX CREDITS

In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2020-2021 biennium, an estimate of the credits expected to be claimed in each fiscal year of that biennium, and an estimate of the amount of credits authorized that will remain outstanding at the end of that biennium. In totality, this table provides an estimate of the state revenue forgone due to business incentive tax credits in the 2020-2021 biennium and future biennia.

Biennial Business Incentive Tax Credit Estimates

| Estimate of total value of tax credits | Estimate of tax credits issued/claimed | Expected Outstanding |
|---|---|---|

authorized credits

(All figures in thousands of dollars)

| Tax Credit | FY 2020 | FY 2021 | FY 2020 | FY 2021 | End of Biennium |
|---|---|---|---|---|---|
| Job Creation Tax Credit* | $105,000 | $105,000 | $109,000 | $105,000 | $700,000 |
| Job Retention Tax Credit | $ 0 | $ 0 | $44,818 | $42,985 | $153,161 |
| Historic Preservation Tax Credit | $60,000 | $60,000 | $65,000 | $70,000 | $175,000 |
| Motion Picture Tax Credit | $40,000 | $40,000 | $50,000 | $45,000 | $95,000 |
| New Markets Tax Credit | $10,000 | $10,000 | $9,282 | $9,667 | $48,038 |
| R&D Loan | $1,500 | $1,500 | $2,606 | $2,100 | $12,525 |

| | | | | | | |
|---|---|---|---|---|---|---|
| Tax Credit | | | | | | 54472 |
| InvestOhio Tax Credit | $4,000 | $3,500 | $2,500 | $2,000 | $4,500 | 54473 54474 |
| Ohio Rural Business | $0 | $0 | $0 | $0 | $45,000 | 54475 54476 |
| Estimate Total | $220,500 | $220,000 | $283,206 | $276,751 | $1,233,224 | 54477 |

*The Job Creation Tax Credit (JCTC) estimate of credits outstanding is not just for tax credit certificates already issued, but also for the estimated potential value of certificates to be issued under the program through 2035 when looking at the existing portfolio of approved and active incentives. The estimate assumes that the companies receiving credits will continue to meet the performance objectives required to continue receiving the credit. 54478 54479 54480 54481 54482 54483 54484 54485

**Section 806.10.** SEVERABILITY 54486

The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application. 54487 54488 54489 54490 54491 54492

**Section 809.10.** NO EFFECT AFTER END OF BIENNIUM 54493

An item of law, other than an amending, enacting, or 54494

repealing clause, that composes the whole or part of an uncodified section contained in this act has no effect after June 30, 2021, unless its context clearly indicates otherwise.

**Section 812.10.** SUBJECT TO REFERENDUM

Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section is subject to the referendum under Ohio Constitution, Article II, section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified below, on that date.

**Section 812.20.** The amendment by this act of sections 321.24, 718.83, and 5745.05 of the Revised Code is exempt from the referendum under section 1d of Article II, Ohio Constitution, and therefore takes effect immediately when this act becomes law.

**Section 812.23.** Sections of this act prefixed with numbers in the 200s, 300s, 400s, and 500s (except the 501s) are exempt from the referendum under Ohio Constitution, Article II, Section 1d, and therefore take immediate effect when this act becomes law.

**Section 815.10.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 109.572 of the Revised Code as amended by Am. Sub. H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub. S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd

General Assembly.

Section 321.24 of the Revised Code as amended by both Sub. S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 of the 128th General Assembly.

Section 2925.01 of the Revised Code as amended by Am. Sub. H.B. 49, Am. Sub. S.B. 1, Am. Sub. S.B. 201, Sub. S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 259, all of the 132nd General Assembly.

Section 2929.13 of the Revised Code as amended by Sub. H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 66, and Am. Sub. S.B. 201, all of the 132nd General Assembly.

Section 2929.15 of the Revised Code as amended by both Am. Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General Assembly.

Section 3301.0711 of the Revised Code as amended by both Sub. H.B. 21 and Am. Sub. S.B. 216 of the 132nd General Assembly.

Section 3302.03 of the Revised Code as amended by Sub. H.B. 318 and Am. Sub. S.B. 216 of the 132nd General Assembly.

Section 3314.08 of the Revised Code as amended by Sub. H.B. 87 and Am. Sub. S.B. 216 of the 132nd General Assembly.

Section 3317.03 of the Revised Code as amended by Sub. H.B. 113 and Sub. H.B. 158 of the 131st General Assembly.

Section 3328.24 of the Revised Code as amended by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly.

Section 4735.09 of the Revised Code as amended by both Sub. H.B. 113 and Am. H.B. 532 of the 131st General Assembly.

Section 5162.01 of the Revised Code as amended by both Sub. H.B. 89 and Sub. S.B. 332 of the 131st General Assembly.

Section 5709.40 of the Revised Code as amended by both Am. Sub. S.B. 257 of the 131st General Assembly and Sub. H.B. 69 of

the 132nd General Assembly.

Section 5709.41 of the Revised Code as amended by both Am. Sub. H.B. 508 and Am. Sub. H.B. 509 of the 129th General Assembly.

**Section 815.20.** Section 3119.30 of the Revised Code was amended by both Sub. S.B. 70 and Sub. H.B. 366 of the 132nd General Assembly. Comparison of these amendments in pursuance of section 1.52 of the Revised Code discloses that while certain of the amendments of these acts are reconcilable, certain other of the amendments are substantively irreconcilable. Sub. S.B. 70 was passed on 01/31/2018; Sub. H.B. 366 was passed on 06/07/2018. Section 3119.30 of the Revised Code is therefore presented in this act as it results from Sub. H.B. 366 and such of the amendments of Sub. S.B. 70 as are not in conflict with the amendments of Sub. S.B. 366. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.