

As Passed by the Senate

135th General Assembly

Regular Session

2023-2024

Sub. H. B. No. 101

Representatives Bird, Schmidt

**Cosponsors: Representatives Click, Johnson, Klopfenstein, Seitz, Brennan,
Dobos, Fowler Arthur, Gross, John, Lipps, Mathews, Peterson, Robb Blasdel,
Thomas, C., Wiggam, Williams, Willis**

Senators Brenner, Cirino, Gavarone, Hackett, Reineke

A BILL

To amend sections 109.11, 109.111, 109.112, 118.27, 1
118.31, 122.85, 122.852, 128.54, 135.143, 2
135.45, 135.61, 135.63, 135.70, 135.71, 175.17, 3
317.18, 703.20, 703.201, 703.23, 731.14, 4
1545.07, 1724.07, 1901.34, 2950.11, 3301.077, 5
3307.01, 3309.01, 3310.41, 3313.608, 3313.7117, 6
3314.017, 3314.091, 3317.16, 3317.22, 3318.05, 7
3318.41, 3319.0812, 3319.22, 3319.233, 3319.60, 8
3319.611, 3319.612, 3322.24, 3323.02, 3333.048, 9
3333.049, 3345.60, 3365.08, 3505.30, 3505.33, 10
3505.35, 3701.0212, 4301.62, 4303.209, 4519.55, 11
4723.091, 4723.092, 4723.89, 4723.90, 4731.07, 12
5162.13, 5164.071, 5705.14, 5726.58, 5729.20, 13
5747.01, 5747.501, 5747.67, and 5747.85; to 14
amend, for the purpose of adopting new section 15
numbers as indicated in parentheses, sections 16
703.20 (703.33) and 703.201 (703.34); to enact 17
sections 109.113, 317.115, 703.31, 703.32, 18
703.35, 703.36, 703.361, 703.362, 703.37, 19
703.371, 703.372, 703.373, 703.374, 703.375, 20
703.376, 703.377, 703.378, 703.379, 703.38, 21

703.39, and 3352.16; and to repeal sections 22
128.419, 703.21, and 3361.06 of the Revised 23
Code; to present sections 3325.06, 3325.07, 24
3325.071, and 3325.09 of the Revised Code and to 25
present the versions of sections 3301.58, 26
3325.06, 3325.07, and 5104.02 of the Revised 27
Code that are scheduled to take effect January 28
1, 2025, without amendment to confirm the 29
content of those sections; and to amend Sections 30
130.113, 259.10, 371.10, and 381.410 of H.B. 33 31
of the 135th General Assembly, Section 270.14 of 32
H.B. 45 of the 134th General Assembly, and 33
Section 5 of H.B. 554 of the 134th General 34
Assembly, as subsequently amended, to make 35
appropriations and to provide authorization and 36
conditions for the operation of state programs, 37
and to amend the versions of sections 2950.11, 38
3301.53, and 3301.55 of the Revised Code that 39
are scheduled to take effect January 1, 2025, to 40
continue the provisions of this act on and after 41
that effective date. 42

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

Section 101.01. That sections 109.11, 109.111, 109.112, 43
118.27, 118.31, 122.85, 122.852, 128.54, 135.143, 135.45, 44
135.61, 135.63, 135.70, 135.71, 175.17, 317.18, 703.20, 703.201, 45
703.23, 731.14, 1545.07, 1724.07, 1901.34, 2950.11, 3301.077, 46
3307.01, 3309.01, 3310.41, 3313.608, 3313.7117, 3314.017, 47
3314.091, 3317.16, 3317.22, 3318.05, 3318.41, 3319.0812, 48

3319.22, 3319.233, 3319.60, 3319.611, 3319.612, 3322.24, 49
3323.02, 3333.048, 3333.049, 3345.60, 3365.08, 3505.30, 3505.33, 50
3505.35, 3701.0212, 4301.62, 4303.209, 4519.55, 4723.091, 51
4723.092, 4723.89, 4723.90, 4731.07, 5162.13, 5164.071, 5705.14, 52
5726.58, 5729.20, 5747.01, 5747.501, 5747.67, and 5747.85 be 53
amended; sections 703.20 (703.33) and 703.201 (703.34) be 54
amended for the purpose of adopting new section numbers as 55
indicated in parentheses; and sections 109.113, 317.115, 703.31, 56
703.32, 703.35, 703.36, 703.361, 703.362, 703.37, 703.371, 57
703.372, 703.373, 703.374, 703.375, 703.376, 703.377, 703.378, 58
703.379, 703.38, 703.39, and 3352.16 of the Revised Code be 59
enacted to read as follows: 60

Sec. 109.11. (A) There is hereby created in the state 61
treasury the attorney general reimbursement fund that shall be 62
used for the expenses of the office of the attorney general in 63
providing legal services and other services on behalf of the 64
state or any agency or officer thereof. ~~Except as otherwise~~ 65
~~provided in this division, all~~ 66

(B) (1) All amounts received ~~by the attorney general as~~ 67
reimbursement for legal services and other services that have 68
been rendered by the office of the attorney general to other 69
~~state agencies~~ the state or any agency or officer thereof shall 70
be paid into the state treasury to the credit of the attorney 71
general reimbursement fund. ~~All~~ 72

(2) All amounts awarded to the office of the attorney 73
general by order or judgment of a court ~~to the attorney general~~ 74
or as part of a settlement or other compromise of claims for 75
attorney's fees, investigation costs, document management costs, 76
expert witness fees, fines, and all other costs and fees 77
associated with representation provided by the ~~attorney general~~ 78

~~and all amounts awarded to the attorney general by a court-~~ 79
office shall be paid into the state treasury to the credit of 80
~~the attorney general reimbursement fund. All-~~ 81

(3) All amounts paid into the state treasury under 82
division (D) (3) of section 2953.32 or division (B) (3) of section 83
2953.39 of the Revised Code and that are required under that 84
division to be credited to the attorney general reimbursement 85
fund shall be credited to the fund, and the amounts so credited 86
shall be used by the bureau of criminal identification and 87
investigation for expenses related to the sealing or expungement 88
of records. 89

(C) When seeking an order or judgment of a court or 90
entering a settlement agreement or other compromise of claims on 91
behalf of the state or any agency or officer thereof, the office 92
of the attorney general shall seek to secure payment of all 93
costs, expenses, and contractual obligations related to the 94
legal services and other services provided, including attorney 95
fees owed to special counsel; costs associated with an 96
investigation, preparation, and presentation of claims asserted, 97
document management, and depositions; and any fees or expenses 98
owed to any expert or consulting expert witness. This division 99
does not apply to matters in which the costs, expenses, and 100
obligations are to be paid from funds within an available 101
appropriation of the office or of the agency or officer. 102

Sec. 109.111. (A) There is hereby created the attorney 103
general court order and settlement fund, which shall be ~~in the~~ 104
~~eustody of the treasurer of state but shall not be part of the~~ 105
state treasury. ~~The~~ 106

(B) The fund shall consist of ~~all~~ money collected or 107
received by the office of the attorney general, on behalf of the 108

state of Ohio or an agency or officer thereof, as a result of an 109
order or judgment of any a court to be received or secured by, 110
or delivered to, the attorney general or a settlement or other 111
compromise of claims, for transfer, distribution, disbursement, 112
or allocation pursuant to court order to the appropriate fund or 113
funds in the manner provided under section 109.112 of the 114
Revised Code. All 115

(C) All money in the fund, including investment earnings 116
thereon, shall be used solely to make payment exclusively 117
transferred as directed pursuant to court order by section 118
109.112 of the Revised Code. 119

Sec. 109.112. (A) If the state of Ohio or any agency or 120
officer of the state is named in a court an order to be or 121
judgment of a court or a settlement or compromise of claims as 122
the recipient of any money to be collected or received by the 123
office of the attorney general under section 109.111 of the 124
Revised Code, the attorney general office shall notify the 125
director of budget and management and the director of the 126
legislative service commission of the amount of money to be 127
collected or received under, at issue and the terms of, the court 128
order, judgment, settlement, or compromise and any applicable 129
federal or state law. The 130

(B)(1) For amounts awarded, adjudged, settled upon, or 131
compromised to under division (A) of this section that are or 132
will be less than five million dollars in total when fully 133
collected or received, the director of budget and management, in 134
consultation with the office of the attorney general, shall 135
determine the appropriate distribution of the money to, 136
consistent with the terms of the order, judgment, settlement, or 137
compromise and as otherwise expressly provided by law, the 138

appropriate custodial fund or funds within the state treasury, 139
~~consistent with the terms of the order to transfer the money.~~ 140
~~Upon its collection or receipt~~ 141

As money is collected or received under division (B) (1) of 142
this section, the attorney general director of budget and 143
management shall transfer the money from the attorney general 144
court order and settlement fund to the appropriate custodial 145
fund or funds as determined by the director. 146

Upon any determination or transfer made under division (B) 147
(1) of this section, the director of budget and management or 148
office of the attorney general shall provide notice thereof, 149
including the amount at issue and rationale supporting the 150
determination or transfer, to the director of the legislative 151
service commission. 152

(2) For amounts awarded, adjudged, settled upon, or 153
compromised to under division (A) of this section that are or 154
will be five million dollars or more in total when fully 155
collected or received, the director of budget and management 156
shall, as money is collected or received hereunder, transfer the 157
money from the attorney general court order and settlement fund 158
to the large settlements and awards fund established under 159
section 109.113 of the Revised Code. 160

Division (B) (2) of this section neither applies to nor 161
includes any of the following: 162

(a) Amounts awarded under division (B) (1) or (2) of 163
section 109.11 of the Revised Code; 164

(b) Amounts payable to the state or a political 165
subdivision for collection purposes under sections 109.08, 166
109.081, 131.02, and 5703.06 of the Revised Code; 167

(c) Amounts payable to a specified person or class of persons who experienced a concrete and particularized injury directly traceable to the amount awarded, adjudged, settled upon, or compromised to. 168
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When making any transfer under division (B)(2) of this section, the director of budget and management or office of the attorney general shall provide notice thereof, including the amount at issue and the terms of the award, judgment, settlement, or compromise and any applicable federal or state law, to the director of the legislative service commission. 172
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Sec. 109.113. (A) The large settlements and awards fund is created in the state treasury. 178
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(B) The fund shall consist of: 180

(1) The proceeds of an award, adjudication, settlement, or compromise of claims collected or received by the office of the attorney general under division (B)(2) of section 109.112 of the Revised Code; 181
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(2) Investment earnings on money in the fund. 185

(C) Pursuant to Ohio Constitution, Article II, Section 22, a specific appropriation shall be made by law before any money may be drawn from this fund. 186
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(D) Appropriations made from this fund shall be consistent with applicable federal or state law. 189
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Sec. 118.27. (A) A financial planning and supervision commission with respect to a municipal corporation, county, or township, and its functions under this chapter, shall continue in existence until such time as a determination is made pursuant to division (B) of this section of one of the following: 191
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(1) In the case of a village, the village has dissolved	196
<u>the date a dissolution is effective as defined</u> under section	197
118.31, 703.20, or 703.201 <u>703.31</u> of the Revised Code.	198
(2) In the case of a township, the township has dissolved	199
under section 118.31 of the Revised Code.	200
(3) In the case of a municipal corporation, county, or	201
township, the municipal corporation, county, or township has	202
done all of the following:	203
(a) Planned, and is in the process of good faith	204
implementation of, an effective financial accounting and	205
reporting system in accordance with section 118.10 of the	206
Revised Code, and it is reasonably expected that such	207
implementation will be completed within two years;	208
(b) Corrected and eliminated or has planned and is in the	209
process of good faith implementation of correcting and	210
eliminating all of the fiscal emergency conditions determined	211
pursuant to section 118.04 of the Revised Code, and no new	212
fiscal emergency conditions have occurred. The auditor of state	213
shall monitor the progress of the municipal corporation, county,	214
or township in its plan of good faith implementation of	215
correcting and eliminating all the fiscal emergency conditions.	216
This monitoring is to secure full implementation at the earliest	217
time feasible but within two years from such termination. If	218
after a two-year period, the municipal corporation, county, or	219
township has failed to secure full implementation, the auditor	220
of state may redeclare the municipal corporation, county, or	221
township to be in a fiscal emergency.	222
(c) Met the objectives of the financial plan described in	223
section 118.06 of the Revised Code;	224

(d) The municipal corporation, county, or township 225
prepares a financial forecast for a five-year period in 226
accordance with the standards issued by the auditor of state. An 227
opinion must be rendered by the auditor of state that the 228
financial forecast is considered to be nonadverse. 229

(B) The determination that the conditions for the 230
termination of the existence of the commission and its functions 231
exist may be made either by the auditor of state or by the 232
commission and shall be certified to the commission, the auditor 233
of state, the governor, and the budget commission, whereupon 234
such commission and its functions under this chapter shall 235
terminate. Such determination shall be made by the auditor of 236
state upon the filing with the auditor of state of a written 237
request for such determination by the municipal corporation, 238
county, or township, the governor, or the commission, or may be 239
made by the auditor of state upon the auditor of state's own 240
initiative. 241

(C) The commission shall prepare and submit with such 242
certification a final report of its activities, in such form as 243
is appropriate for the purpose of providing a record of its 244
activities and assisting other commissions created under this 245
chapter in the conduct of their functions. All of the books and 246
records of the commission shall be delivered to the auditor of 247
state for retention and safekeeping. 248

(D) Upon receipt of the certification provided for in 249
division (B) of this section, the director shall follow the 250
procedures set forth in section 126.29 of the Revised Code. 251

(E) If, at the time of termination of the commission, an 252
effective financial accounting and reporting system has not been 253
fully implemented, the auditor of state shall monitor the 254

progress of implementation and shall exercise authority under 255
Chapter 117. and section 118.10 of the Revised Code to secure 256
full implementation at the earliest time feasible but within two 257
years from such termination. 258

Sec. 118.31. (A) Upon petition of the financial supervisor 259
and approval of the financial planning and supervision 260
commission, if any, the attorney general shall file a legal 261
action in the court of common pleas on behalf of the state to 262
dissolve a municipal corporation or township if all of the 263
following conditions apply: 264

(1) The municipal corporation or township has a population 265
of less than five thousand as of the most recent federal 266
decennial census. 267

(2) The municipal corporation or township has been under a 268
fiscal emergency for at least four consecutive years. 269

(3) Implementation of the financial plan of the municipal 270
corporation or township required under this chapter cannot 271
reasonably be expected to correct and eliminate all fiscal 272
emergency conditions within five years. 273

(B) The court of common pleas shall hold a hearing within 274
ninety days after the date on which the attorney general files 275
the legal action with the court. Notice of the hearing shall be 276
filed with the attorney general, the clerk of the village or the 277
fiscal officer of the township that is the subject of the 278
action, and each fiscal officer of a township located wholly or 279
partly within the village subject to dissolution. 280

(C) If the court finds that all of the conditions 281
described in division (A) of this section apply to the municipal 282
corporation, the court shall order the dissolution of the 283

municipal corporation in accordance with the process in sections 284
703.31 to 703.39 of the Revised Code. The attorney general shall 285
file a certified copy of the court's order of dissolution with 286
the secretary of state, the auditor of state, and the county 287
recorder of the county in which the village is situated, who 288
shall record the certified copy of the order in their respective 289
offices. The auditor of state may record the certified copy of 290
the order in the auditor's work papers for the village's final 291
audit. The auditor of state shall notify the townships into 292
which the village will dissolve of the court's order of 293
dissolution. 294

(D) If the court finds that all of the conditions 295
described in division (A) of this section apply to the ~~municipal~~ 296
~~corporation or township, it the court shall~~ appoint a 297
~~receiver~~receiver-trustee. The ~~receiver~~receiver-trustee, under 298
court supervision, shall work with executive and legislative 299
officers of the ~~municipal corporation or township~~ to wind up the 300
affairs of and dissolve ~~the municipal corporation in accordance~~ 301
~~with section 703.21 of the Revised Code or the township in~~ 302
accordance with the process in section 503.02 and sections 303
503.17 to 503.21 of the Revised Code. 304

Sec. 122.85. (A) As used in this section and in sections 305
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 306

(1) "Tax credit-eligible production" means a motion 307
picture or Broadway theatrical production certified by the 308
director of development under division (B) of this section as 309
qualifying the production company for a tax credit under section 310
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code. 311

(2) "Certificate owner" means a production company to 312
which a tax credit certificate is issued. 313

(3) "Production company" means an individual, corporation, 314
partnership, limited liability company, or other form of 315
business association that is registered with the secretary of 316
state and that is producing a motion picture or Broadway 317
theatrical production. 318

(4) "Eligible expenditures" means expenditures made after 319
June 30, 2009, for goods or services purchased and consumed in 320
this state by a production company directly for the production 321
of a tax credit-eligible production, for postproduction 322
activities, or for advertising and promotion of the production. 323

"Eligible expenditures" do not include qualified 324
expenditures for which a production company receives a tax 325
credit under section 122.852 of the Revised Code. 326

"Eligible expenditures" include expenditures for cast and 327
crew wages, accommodations, costs of set construction and 328
operations, editing and related services, photography, sound 329
synchronization, lighting, wardrobe, makeup and accessories, 330
film processing, transfer, sound mixing, special and visual 331
effects, music, location fees, and the purchase or rental of 332
facilities and equipment. 333

(5) "Motion picture" means entertainment content created 334
in whole or in part within this state for distribution or 335
exhibition to the general public, including, but not limited to, 336
feature-length films; documentaries; long-form, specials, 337
miniseries, series, and interstitial television programming; 338
interactive web sites; sound recordings; videos; music videos; 339
interactive television; interactive games; video games; 340
commercials; any format of digital media; and any trailer, 341
pilot, video teaser, or demo created primarily to stimulate the 342
sale, marketing, promotion, or exploitation of future investment 343

in either a product or a motion picture by any means and media 344
in any digital media format, film, or videotape, provided the 345
motion picture qualifies as a motion picture. "Motion picture" 346
does not include any television program created primarily as 347
news, weather, or financial market reports, a production 348
featuring current events or sporting events, an awards show or 349
other gala event, a production whose sole purpose is 350
fundraising, a long-form production that primarily markets a 351
product or service or in-house corporate advertising or other 352
similar productions, a production for purposes of political 353
advocacy, or any production for which records are required to be 354
maintained under 18 U.S.C. 2257 with respect to sexually 355
explicit content. 356

(6) "Broadway theatrical production" means a prebroadway 357
production, long run production, or tour launch that is 358
directed, managed, and performed by a professional cast and crew 359
and that is directly associated with New York city's Broadway 360
theater district. 361

(7) "Prebroadway production" means a live stage production 362
that is scheduled for presentation in New York city's Broadway 363
theater district after the original or adaptive version is 364
performed in a qualified production facility. 365

(8) "Long run production" means a live stage production 366
that is scheduled to be performed at a qualified production 367
facility for more than five weeks, with an average of at least 368
six performances per week. 369

(9) "Tour launch" means a live stage production for which 370
the activities comprising the technical period are conducted at 371
a qualified production facility before a tour of the original or 372
adaptive version of the production begins. 373

(10) "Qualified production facility" means a facility 374
located in this state that is used in the development or 375
presentation to the public of theater productions. 376

(B) For the purpose of encouraging and developing strong 377
film and theater industries in this state, the director of 378
development may certify a motion picture or Broadway theatrical 379
production produced by a production company as a tax credit- 380
eligible production. In the case of a television series, the 381
director may certify the production of each episode of the 382
series as a separate tax credit-eligible production. A 383
production company shall apply for certification of a motion 384
picture or Broadway theatrical production as a tax credit- 385
eligible production on a form and in the manner prescribed by 386
the director. Each application shall include the following 387
information: 388

(1) The name and telephone number of the production 389
company; 390

(2) The name and telephone number of the company's contact 391
person; 392

(3) A list of the first preproduction date through the 393
last production and postproduction dates in Ohio and, in the 394
case of a Broadway theatrical production, a list of each 395
scheduled performance in a qualified production facility; 396

(4) The Ohio production office or qualified production 397
facility address and telephone number; 398

(5) The total production budget; 399

(6) The total budgeted eligible expenditures and the 400
percentage that amount is of the total production budget of the 401
motion picture or Broadway theatrical production; 402

(7) In the case of a motion picture, the total percentage of the production being shot in Ohio;	403 404
(8) The level of employment of cast and crew who reside in Ohio;	405 406
(9) A synopsis of the script;	407
(10) In the case of a motion picture, the shooting script;	408
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	409 410
(12) Documentation of financial ability to undertake and complete the motion picture or Broadway theatrical production, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget;	411 412 413 414 415
(13) Estimated value of the tax credit based upon total budgeted eligible expenditures;	416 417
(14) Estimated amount of state and local taxes to be generated in this state from the production;	418 419
(15) Estimated economic impact of the production in this state;	420 421
(16) Any other information considered necessary by the director.	422 423
Within ninety days after certification of a motion picture or Broadway theatrical production as a tax credit-eligible production, and any time thereafter upon the request of the director, the production company shall present to the director sufficient evidence of reviewable progress. If the production company fails to present sufficient evidence, the director may	424 425 426 427 428 429

rescind the certification. If the production of a motion picture 430
or Broadway theatrical production does not begin within ninety 431
days after the date it is certified as a tax credit-eligible 432
production, the director shall rescind the certification unless 433
the director finds that the production company shows good cause 434
for the delay, meaning that the production was delayed due to 435
unforeseeable circumstances beyond the production company's 436
control or due to action or inaction by a government agency. 437
Upon rescission, the director shall notify the applicant that 438
the certification has been rescinded. Nothing in this section 439
prohibits an applicant whose tax credit-eligible production 440
certification has been rescinded from submitting a subsequent 441
application for certification. 442

(C) (1) A production company whose motion picture or 443
Broadway theatrical production has been certified as a tax 444
credit-eligible production may apply to the director of 445
development on or after July 1, 2009, for a refundable credit 446
against the tax imposed by section 5726.02, 5733.06, 5747.02, or 447
5751.02 of the Revised Code. The director in consultation with 448
the tax commissioner shall prescribe the form and manner of the 449
application and the information or documentation required to be 450
submitted with the application. 451

The credit is determined as follows: 452

(a) If the total budgeted eligible expenditures stated in 453
the application submitted under division (B) of this section or 454
the actual eligible expenditures as finally determined under 455
division (D) of this section, whichever is least, is less than 456
or equal to three hundred thousand dollars, no credit is 457
allowed; 458

(b) If the total budgeted eligible expenditures stated in 459

the application submitted under division (B) of this section or 460
the actual eligible expenditures as finally determined under 461
division (D) of this section, whichever is least, is greater 462
than three hundred thousand dollars, the credit equals thirty 463
per cent of the least of such budgeted or actual eligible 464
expenditure amounts. 465

(2) Except as provided in division (C) (4) of this section, 466
if the director of development approves a production company's 467
application for a credit, the director shall issue a tax credit 468
certificate to the company. The director in consultation with 469
the tax commissioner shall prescribe the form and manner of 470
issuing certificates. The director shall assign a unique 471
identifying number to each tax credit certificate and shall 472
record the certificate in a register devised and maintained by 473
the director for that purpose. The certificate shall state the 474
amount of the eligible expenditures on which the credit is based 475
and the amount of the credit. Upon the issuance of a 476
certificate, the director shall certify to the tax commissioner 477
the name of the production company to which the certificate was 478
issued, the amount of eligible expenditures shown on the 479
certificate, the amount of the credit, and any other information 480
required by the rules adopted to administer this section. 481

(3) The amount of eligible expenditures for which a tax 482
credit may be claimed is subject to inspection and examination 483
by the tax commissioner or employees of the commissioner under 484
section 5703.19 of the Revised Code and any other applicable 485
law. Once the eligible expenditures are finally determined under 486
section 5703.19 of the Revised Code and division (D) of this 487
section, the credit amount is not subject to adjustment unless 488
the director determines an error was committed in the 489
computation of the credit amount. 490

(4) No tax credit certificate may be issued before the 491
completion of the tax credit-eligible production. The amount of 492
tax credit allowed per fiscal year shall not exceed the sum of 493
(a) fifty million dollars, (b) the difference between the 494
maximum credit amount for that fiscal year under section 122.852 495
of the Revised Code and the amount the director of development 496
elects to allow under this section pursuant to division ~~(D)(3)~~ 497
(D)(1) of section 122.852 of the Revised Code, and (c) the 498
difference between the maximum amount of credits that could have 499
been awarded in the previous fiscal year under this section and 500
the amount actually awarded. Out of that sum, five million 501
dollars shall be reserved for Broadway theatrical productions, 502
and the balance may be allowed for any tax credit-eligible 503
production. For any fiscal year in which less than five million 504
dollars of tax credits are allowed for Broadway theatrical 505
productions, the amount of the five million dollars not allowed 506
and added to the maximum annual amount for the following fiscal 507
year shall be reserved for Broadway theatrical productions in 508
the following fiscal year. 509

(5) The director shall review and approve applications for 510
tax credits in two rounds each fiscal year. The first round of 511
credits shall be awarded not later than the last day of July of 512
the fiscal year, and the second round of credits shall be 513
awarded not later than the last day of the ensuing January. The 514
amount of credits awarded in the first round of applications 515
each fiscal year shall not exceed one-half of the maximum 516
allowance for the fiscal year calculated under division ~~(D)(4)~~ 517
(C)(4) of this section, two million five hundred thousand 518
dollars of which shall be reserved for Broadway theatrical 519
productions. For each round, the director shall rank 520
applications on the basis of the extent of positive economic 521

impact each tax credit-eligible production is likely to have in 522
this state and the effect on developing a permanent workforce in 523
motion picture or theatrical production industries in the state. 524
For the purpose of such ranking, the director shall give 525
priority to tax-credit eligible productions that are television 526
series or miniseries due to the long-term commitment typically 527
associated with such productions. The economic impact ranking 528
shall be based on the production company's total expenditures in 529
this state directly associated with the tax credit-eligible 530
production. The effect on developing a permanent workforce in 531
the motion picture or theatrical production industries shall be 532
evaluated first by the number of new jobs created and second by 533
amount of payroll added with respect to employees in this state. 534

The director shall approve productions in the order of 535
their ranking, from those with the greatest positive economic 536
impact and workforce development effect to those with the least 537
positive economic impact and workforce development effect. 538

(D) A production company whose motion picture or Broadway 539
theatrical production has been certified as a tax credit- 540
eligible production shall engage, at the company's expense, an 541
independent certified public accountant to examine the company's 542
production, postproduction, and advertising and promotion 543
expenditures to identify the expenditures that qualify as 544
eligible expenditures. The certified public accountant shall 545
issue a report to the company and to the director of development 546
certifying the company's eligible expenditures and any other 547
information required by the director. Upon receiving and 548
examining the report, the director may disallow any expenditure 549
the director determines is not an eligible expenditure. If the 550
director disallows an expenditure, the director shall issue a 551
written notice to the production company stating that the 552

expenditure is disallowed and the reason for the disallowance. 553
Upon examination of the report and disallowance of any 554
expenditures, the director shall determine finally the lesser of 555
the total budgeted eligible expenditures stated in the 556
application submitted under division (B) of this section or the 557
actual eligible expenditures for the purpose of computing the 558
amount of the credit. 559

(E) No credit shall be allowed under section 5726.55, 560
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 561
director has reviewed the report and made the determination 562
prescribed by division (D) of this section. 563

(F) This state reserves the right to refuse the use of 564
this state's name in the credits of any tax credit-eligible 565
motion picture production or program of any Broadway theatrical 566
production. 567

(G) (1) The director of development in consultation with 568
the tax commissioner shall adopt rules for the administration of 569
this section, including rules setting forth and governing the 570
criteria for determining whether a motion picture or Broadway 571
theatrical production is a tax credit-eligible production; 572
activities that constitute the production or postproduction of a 573
motion picture or Broadway theatrical production; reporting 574
sufficient evidence of reviewable progress; expenditures that 575
qualify as eligible expenditures; a schedule and deadlines for 576
applications to be submitted and reviewed; a competitive process 577
for approving credits based on likely economic impact in this 578
state and development of a permanent workforce in motion picture 579
or theatrical production industries in this state; consideration 580
of geographic distribution of credits; and implementation of the 581
program described in division (H) of this section. The rules 582

shall be adopted under Chapter 119. of the Revised Code. 583

(2) To cover the administrative costs of the program, the 584
director shall require each applicant to pay an application fee 585
equal to the lesser of ten thousand dollars or one per cent of 586
the estimated value of the tax credit as stated in the 587
application. The fees collected shall be credited to the tax 588
incentives operating fund created in section 122.174 of the 589
Revised Code. All grants, gifts, fees, and contributions made to 590
the director for marketing and promotion of the motion picture 591
industry within this state shall also be credited to the fund. 592

(H) The director of development shall establish a program 593
for the training of Ohio residents who are or wish to be 594
employed in the film or multimedia industry. Under the program, 595
the director shall: 596

(1) Certify individuals as film and multimedia trainees. 597
In order to receive such a certification, an individual must be 598
an Ohio resident, have participated in relevant on-the-job 599
training or have completed a relevant training course approved 600
by the director, and have met any other requirements established 601
by the director. 602

(2) Accept applications from production companies that 603
intend to hire and provide on-the-job training to one or more 604
certified film and multimedia trainees who will be employed in 605
the company's tax credit-eligible production; 606

(3) Upon completion of a tax-credit eligible production, 607
and upon the receipt of any salary information and other 608
documentation required by the director, authorize a 609
reimbursement payment to each production company whose 610
application was approved under division (H) (2) of this section. 611

The payment shall equal fifty per cent of the salaries paid to 612
film and multimedia trainees employed in the production. 613

Sec. 122.852. (A) As used in this section: 614

(1) "Capital improvement project" means a project that 615
consists of acquiring, constructing, rehabilitating, repairing, 616
redeveloping, expanding, or improving facilities located, or 617
equipment used in this state for production and postproduction 618
of motion pictures or Broadway theatrical productions. 619

(2) "Qualified expenditures" means expenditures incurred 620
by a production company after June 30, 2023, for goods and 621
services purchased and consumed directly for a capital 622
improvement project. "Qualified expenditures" include accounting 623
or auditing expenditures incurred in connection with the report 624
required by division (F) of this section if paid to an 625
independent certified public accountant certified, or an 626
accounting firm registered under Chapter 4701. of the Revised 627
Code. "Qualified expenditures" do not include eligible 628
expenditures for which a production company received a tax 629
credit under section 122.85 of the Revised Code. 630

(3) "Certificate owner" means a production company to 631
which a tax credit certificate is issued under division (H) of 632
this section or a person to which all or part of a tax credit is 633
transferred under division (I) of this section. 634

(4) "Production company," "eligible expenditures," "motion 635
picture," and "Broadway theatrical production" have the same 636
meanings as in section 122.85 of the Revised Code. 637

(B) For the purpose of encouraging and developing strong 638
film and theater industries in this state, the director of 639
development may award a refundable credit against the tax 640

imposed by section 5726.02, 5747.02, or 5751.02 of the Revised Code to a production company that completes a capital improvement project expected to have a positive economic impact in this state as a whole, or in any community in this state in which the facilities or equipment involved in the project are or will be located. A production company may apply to the director for a credit on a form and in the manner prescribed by rules adopted under division (J) of this section. An application may be submitted before, during, or after completion of the capital improvement project, but not sooner than July 1, 2024, and shall include all of the following information:

(1) The name, address, telephone number, and taxpayer identification number of the production company;

(2) A detailed description of the capital improvement project including the location of the facilities or equipment involved in the project and an explanation of how those facilities or equipment are intended to be used in the production or postproduction of motion pictures or Broadway theatrical productions in this state;

(3) (a) If the capital improvement project is complete at the time the application is submitted, a schedule documenting the progression of the project from its commencement to its completion;

(b) If the capital improvement project is not complete at the time the application is submitted, a schedule for the progression, completion, and, if applicable, commencement of the project.

(4) An estimate of the amount of the project's qualified expenditures that have been or will be incurred by the

production company and, if the project is not complete at the 670
time the application is submitted, documentation of the 671
company's financial ability to complete the project, including 672
documentation that shows the company has secured funding, other 673
than the tax credit authorized by this section, equal to at 674
least fifty per cent of the total cost of the project; 675

(5) The estimated credit amount, which shall equal the 676
lesser of five million dollars or twenty-five per cent of the 677
production company's estimated qualified expenditures; 678

(6) The estimated economic impact of the capital 679
improvement project in this state as a whole, and in any 680
community in this state in which the facilities or equipment 681
involved in the project are or will be located; 682

(7) Any other information considered necessary by the 683
director. 684

(C) The director shall review, evaluate, and approve 685
applications in one round per fiscal year. For each round, the 686
director shall rank applications on the basis of the capital 687
improvement project's likely positive economic impact and effect 688
on developing a permanent workforce in motion picture or 689
theatrical production industries in the state as a whole, and in 690
any community in this state in which the facilities or equipment 691
involved in the project are or will be located. The effect on 692
developing a permanent workforce in the motion picture or 693
theatrical production industries shall be evaluated first by the 694
number of new jobs created and second by amount of payroll added 695
with respect to employees in this state. Subject to division (D) 696
(2) of this section, the director shall approve applications in 697
the order of their ranking, from those with the greatest 698
positive economic impact and workforce development effect to 699

those with the least positive economic impact and workforce 700
development effect. The director shall not approve an 701
application or issue a tax credit certificate for a capital 702
improvement project that is not likely to have a positive 703
economic impact or workforce development impact in either the 704
state as a whole, or any community in this state in which the 705
facilities or equipment involved in the project are or will be 706
located. 707

(D) (1) The director shall not approve more than twenty- 708
five million dollars in estimated tax credits in total per 709
fiscal year provided that, for any fiscal year in which the 710
amount of estimated credits approved under this section is less 711
than the maximum annual amount, the amount not approved for that 712
fiscal year shall be added to the maximum annual amount that may 713
be approved for the following fiscal year. 714

If the director rescinds approval of a capital improvement 715
project under division (E) (2) of this section, the estimated 716
credit amount attributed to that project shall be added back to 717
the maximum total annual credit amount for that fiscal year. If 718
the actual credit amount computed under division (H) of this 719
section is less than the estimated credit amount approved by the 720
director, the difference shall be added back to the maximum 721
total annual credit amount for that fiscal year. 722

In any fiscal year, the director may reduce the maximum 723
amount calculated under division (D) (1) of this section and 724
increase the maximum amount calculated under division ~~(D) (4)~~ (C) 725
(4) of section 122.85 of the Revised Code by the amount of that 726
reduction. 727

(2) The director shall not approve more than five million 728
dollars in estimated tax credits per fiscal year for capital 729

improvement projects located in any single county. 730

(E) (1) Within ninety days after the director of 731
development approves a capital improvement project that was not 732
complete at the time of the production company's application, 733
the production company shall submit sufficient evidence of 734
reviewable progress to the director. The director may request 735
additional updates from the production company regarding the 736
progression of the project as often as the director considers 737
necessary until the project is complete or approval of the 738
project is rescinded. The production company shall respond to 739
each such request within thirty days. 740

(2) The director may rescind approval of a capital 741
improvement project if the production company fails to timely 742
submit evidence of reviewable progress or respond to the 743
director's request for a project update, as required by division 744
(E) (1) of this section, or if the director determines that the 745
progression of the project is significantly behind the schedule 746
submitted in the tax credit application. The director shall 747
rescind approval of a project that does not begin within ninety 748
days after the date the application is approved unless the 749
production company shows good cause for the delay, meaning that 750
the project was delayed due to unforeseeable circumstances 751
beyond the production company's control or due to action or 752
inaction by a government agency. 753

(3) The director shall notify the production company upon 754
rescinding approval of a capital improvement project. Nothing in 755
this section prohibits the production company from reapplying 756
for approval of the same capital improvement project. 757

(F) (1) A production company whose capital improvement 758
project is approved by the director of development shall engage, 759

at the company's expense, an independent certified public 760
accountant to examine the company's qualified expenditures. 761
Within ninety days after the director approves the project or 762
within ninety days after a project approved by the director is 763
complete, whichever is later, the certified public accountant 764
shall issue a report to the company and to the director that 765
includes all of the following: 766

(a) The amount of the company's actual qualified 767
expenditures; 768

(b) Completed copies of all accounting and auditing forms 769
required by the director in connection with the capital 770
improvement project; 771

(c) An itemized review of all contract and expense items 772
of ten thousand dollars or more that are reported as qualified 773
expenditures; 774

(d) An itemized review of at least one-half of the 775
contract and expense items of less than ten thousand dollars 776
that are reported as qualified expenditures, both in terms of 777
the total number of such contracts and items and the total 778
amount of qualified expenditures reported for such contracts and 779
items; 780

(e) Certification that all goods and services reported as 781
qualified expenditures were purchased and consumed in this 782
state. 783

(2) Upon receiving and examining the report, the director 784
may disallow any expenditure the director determines is not a 785
qualified expenditure. If the director disallows an expenditure, 786
the director shall issue a written notice to the production 787
company stating that the expenditure is disallowed and the 788

reason for the disallowance. Upon examination of the report and 789
disallowance of any expenditures, the director shall determine 790
the production company's actual qualified expenditures for the 791
purpose of computing the amount of the credit. 792

(3) Qualified expenditures reported by the production 793
company are subject to inspection and examination by the tax 794
commissioner or employees of the commissioner under section 795
5703.19 of the Revised Code and any other applicable law. Once 796
the qualified expenditures are finally determined under division 797
(F) (2) of this section, the credit amount is not subject to 798
adjustment unless the director determines an error was committed 799
in the computation of the credit amount. 800

(G) After reviewing the report and making the 801
determination prescribed by division (F) of this section, the 802
director of development shall issue a tax credit certificate to 803
the production company. The director, in consultation with the 804
tax commissioner, shall prescribe the form and manner of issuing 805
certificates. The director shall assign a unique identifying 806
number to each tax credit certificate and shall record the 807
certificate in a register devised and maintained by the director 808
for that purpose. The certificate shall state the amount of the 809
credit and the amount of the qualified expenditures upon which 810
the credit is based. Upon issuance of a certificate, the 811
director shall certify to the tax commissioner the name of the 812
production company to which the certificate was issued, the 813
amount of qualified expenditures shown on the certificate, the 814
amount of the credit, and any other information required by the 815
rules adopted to administer this section. 816

(H) The credit amount stated on the tax credit certificate 817
shall equal the lesser of the following: 818

(1) Twenty-five per cent of the production company's actual qualified expenditures, as determined by the director of development under division (F) of this section;	819 820 821
(2) The estimated credit amount specified in the production company's tax credit application under division (B) (5) of this section;	822 823 824
(3) Five million dollars.	825
(I) (1) A production company to which a tax credit certificate is issued under division (H) of this section may transfer the authority to claim all or a portion of the amount of the tax credit the production company is authorized to claim pursuant to that certificate under section 5726.59, 5747.67, or 5751.55 of the Revised Code to one or more other persons. Within thirty days after a transfer under this division, the production company shall submit the following information to the director of development, on a form prescribed by the director:	826 827 828 829 830 831 832 833 834
(a) Information necessary for the director to identify the certificate that is the basis for the transfer;	835 836
(b) The portion or amount of the tax credit transferred to each transferee;	837 838
(c) The portion or amount of the tax credit that the production company retains the authority to claim;	839 840
(d) The tax identification number of each transferee;	841
(e) The date of the transfer;	842
(f) Any other information required by the director;	843
(g) Any information required by the tax commissioner.	844
The director shall deliver a copy of any submission	845

received under division (I) (1) of this section to the tax 846
commissioner. 847

(2) A transferee may not claim a credit under section 848
5726.59, 5747.67, or 5751.55 of the Revised Code unless and 849
until the transferring production company complies with division 850
(I) (1) of this section. A transferee may claim the transferred 851
amount of any credit or portion of a credit for the same taxable 852
year or tax period for which the transferring production company 853
was authorized to claim the credit or portion of a credit 854
pursuant to the certificate. A production company shall make no 855
transfer under division (I) (1) of this section after the last 856
day of the tax period or taxable year for which the production 857
company is required to claim the credit pursuant to the 858
certificate. 859

A production company may make not more than one transfer 860
under division (I) (1) of this section for each tax credit 861
certificate, but pursuant to that transaction, may allocate the 862
authority to claim a portion of the credit to more than one 863
transferee. A production company may not authorize more than one 864
transferee to claim the same portion of a credit. No transferee 865
may transfer the right to claim the credit to another person. 866

(J) The director of development, in consultation with the 867
tax commissioner, shall adopt rules in accordance with Chapter 868
119. of the Revised Code for the administration of this section, 869
including rules setting forth and governing the criteria for 870
reporting sufficient evidence of reviewable progress; 871
expenditures that are qualified expenditures; a schedule and 872
deadlines for applications to be submitted and reviewed; a 873
competitive process for approving credits based on likely 874
economic impact and development of a permanent workforce in 875

motion picture or theatrical production industries; and 876
consideration of geographic distribution of credits. 877

To cover the administrative costs of the program, the 878
director shall require each applicant to pay an application fee 879
equal to the lesser of ten thousand dollars or one per cent of 880
the estimated value of the tax credit as stated in the 881
application. The fees collected shall be credited to the tax 882
incentives operating fund created in section 122.174 of the 883
Revised Code. 884

Sec. 128.54. (A) (1) For the purpose of receiving, 885
distributing, and accounting for amounts received from the 886
wireless 9-1-1 charges imposed under section 128.40 of the 887
Revised Code and the next generation 9-1-1 access fees imposed 888
under sections 128.41 and 128.42 of the Revised Code, the 889
following funds are created in the state treasury: 890

- (a) The 9-1-1 government assistance fund; 891
- (b) The 9-1-1 administrative fund; 892
- (c) The 9-1-1 program fund; 893
- (d) The next generation 9-1-1 fund. 894

(2) Amounts remitted under section 128.46 of the Revised 895
Code shall be paid to the treasurer of state for deposit as 896
follows: 897

(a) Seventy-two per cent to the 9-1-1 government 898
assistance fund. All interest earned on the 9-1-1 government 899
assistance fund shall be credited to the fund. 900

(b) One per cent to the 9-1-1 administrative fund; 901

(c) Two per cent to the 9-1-1 program fund; 902

(d) Twenty-five per cent to the next generation 9-1-1 fund. 903
904

(3) The tax commissioner shall use the 9-1-1 administrative fund to defray the costs incurred in carrying out this chapter. 905
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907

(4) The steering committee shall use the 9-1-1 program fund to defray the costs incurred by the steering committee in carrying out this chapter. 908
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(5) Annually, the tax commissioner, after paying administrative costs under division (A) (3) of this section, shall transfer any excess remaining in the 9-1-1 administrative fund to the next generation 9-1-1 fund, created under this section. 911
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(B) At the direction of the steering committee, the tax commissioner shall transfer the funds remaining in the 9-1-1 government assistance fund to the credit of the next generation 9-1-1 fund. All interest earned on the next generation 9-1-1 fund shall be credited to the fund. 916
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(C) From the 9-1-1 government assistance fundfunds created in division (A) (1) of this section, the director of budget and management shall, as funds are available, transfer to the tax refund fund, created under section 5703.052 of the Revised Code, amounts equal to the refunds certified by the tax commissioner under division (D) of section 128.47 of the Revised Code, in the same percentage as the certified refund amounts were deposited in those funds as specified in division (A) (2) of this section. 921
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(D) The department of administrative services may move funds between the next generation 9-1-1 fund and the 9-1-1 government assistance fund to ensure funding remains sustainable 929
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for both funds.	932
Sec. 135.143. (A) The treasurer of state may invest or	933
execute transactions for any part or all of the interim funds of	934
the state in the following classifications of obligations:	935
(1) United States treasury bills, notes, bonds, or any	936
other obligations or securities issued by the United States	937
treasury or any other obligation guaranteed as to principal and	938
interest by the United States;	939
(2) Bonds, notes, debentures, or any other obligations or	940
securities issued by any federal government agency or	941
instrumentality;	942
(3) (a) Bonds, notes, and other obligations of the state of	943
Ohio, including, but not limited to, any obligations issued by	944
the treasurer of state, the Ohio public facilities commission,	945
the Ohio housing finance agency, the Ohio water development	946
authority, the Ohio turnpike infrastructure commission, the Ohio	947
higher educational facility commission, and state institutions	948
of higher education as defined in section 3345.011 of the	949
Revised Code;	950
(b) Bonds, notes, and other obligations of any state or	951
political subdivision thereof rated in the three highest	952
categories by at least one nationally recognized statistical	953
rating organization and purchased through a registered	954
securities broker or dealer, provided the treasurer of state is	955
not the sole purchaser of the bonds, notes, or other obligations	956
at original issuance.	957
(4) (a) Written repurchase agreements with any eligible	958
Ohio financial institution that is a member of the federal	959
reserve system or federal home loan bank, any registered United	960

States government securities dealer, or any counterparty rated 961
in one of the three highest categories by at least one 962
nationally recognized statistical rating organization or 963
otherwise determined by the treasurer of state to have adequate 964
capital and liquidity, under the terms of which agreement the 965
treasurer of state purchases and the eligible financial 966
institution, dealer, or counterparty agrees unconditionally to 967
repurchase any of the securities that are listed in division (A) 968
(1), (2), (3), (6), or (11) of this section. The market value of 969
securities subject to these transactions must exceed the 970
principal value of the repurchase agreement by an amount 971
specified by the treasurer of state, and the securities must be 972
delivered into the custody of the treasurer of state or the 973
qualified trustee or agent designated by the treasurer of state. 974
The agreement shall contain the requirement that for each 975
transaction pursuant to the agreement, the participating 976
institution, dealer, or counterparty shall provide all of the 977
following information: 978

- (i) The par value of the securities; 979
- (ii) The type, rate, and maturity date of the securities; 980
- (iii) A numerical identifier generally accepted in the 981
securities industry that designates the securities. 982

(b) The treasurer of state also may sell any securities, 983
listed in division (A) (1), (2), (6), or (11) of this section, 984
regardless of maturity or time of redemption of the securities, 985
under the same terms and conditions for repurchase, provided 986
that the securities have been fully paid for and are owned by 987
the treasurer of state at the time of the sale. 988

(c) For purposes of division (A) (4) of this section, the 989

treasurer of state shall only buy or sell securities listed in 990
division (A) (11) of this section issued by entities that are 991
organized under the laws of this state, any other state, or the 992
United States. 993

(5) Securities lending agreements with any eligible 994
financial institution that is a member of the federal reserve 995
system or federal home loan bank or any recognized United States 996
government securities dealer, under the terms of which 997
agreements the treasurer of state lends securities and the 998
eligible financial institution or dealer agrees to 999
simultaneously exchange similar securities or cash, equal value 1000
for equal value. 1001

Securities and cash received as collateral for a 1002
securities lending agreement are not interim funds of the state. 1003
The investment of cash collateral received pursuant to a 1004
securities lending agreement may be invested only in such 1005
instruments specified by the treasurer of state in accordance 1006
with a written investment policy. 1007

(6) Various forms of commercial paper issued by any entity 1008
that is organized under the laws of the United States or a 1009
state, which notes are rated in the two highest categories by 1010
two nationally recognized statistical rating organizations, 1011
provided that the total amount invested under this section in 1012
any commercial paper at any time shall not exceed forty per cent 1013
of the state's total average portfolio, as determined and 1014
calculated by the treasurer of state; 1015

(7) Bankers acceptances, maturing in two hundred seventy 1016
days or less, provided that the total amount invested in bankers 1017
acceptances at any time shall not exceed ten per cent of the 1018
state's total average portfolio, as determined and calculated by 1019

the treasurer of state; 1020

(8) Certificates of deposit, savings accounts, or deposit 1021
accounts in eligible institutions applying for interim moneys as 1022
provided in section 135.08 of the Revised Code, including linked 1023
deposits as ~~provided in sections~~ authorized under section 135.61 1024
~~to 135.66~~ of the Revised Code; 1025

(9) Negotiable certificates of deposit denominated in 1026
United States dollars issued by a nationally or state-chartered 1027
bank, a savings association or a federal savings association, a 1028
state or federal credit union, or a federally licensed or state- 1029
licensed branch of a foreign bank, which are rated in the two 1030
highest categories by two nationally recognized statistical 1031
rating organizations, provided that the total amount invested 1032
under this section in negotiable certificates of deposit at any 1033
time shall not exceed twenty-five per cent of the state's total 1034
average portfolio, as determined and calculated by the treasurer 1035
of state. Interim funds invested in accordance with division (A) 1036
(9) of this section are not limited to institutions applying for 1037
interim moneys under section 135.08 of the Revised Code, nor are 1038
they subject to any pledging requirements described in sections 1039
135.18, 135.181, or 135.182 of the Revised Code. 1040

(10) The state treasurer's investment pool authorized 1041
under section 135.45 of the Revised Code; 1042

(11) Debt interests, other than commercial paper described 1043
in division (A) (6) of this section, rated in the three highest 1044
categories by two nationally recognized statistical rating 1045
organizations and issued by entities that are organized under 1046
the laws of the United States or a state, or issued by foreign 1047
nations diplomatically recognized by the United States 1048
government, or any instrument based on, derived from, or related 1049

to such interests, provided that: 1050

(a) The investments in debt interests other than 1051
commercial paper, when added to the investment in written 1052
repurchase agreements for securities listed in division (A) (3) 1053
or (11) of this section, shall not exceed in the aggregate 1054
twenty-five per cent of the state's portfolio. 1055

(b) The investments in debt interests issued by foreign 1056
nations shall not exceed in the aggregate two per cent of the 1057
state's portfolio. 1058

The treasurer of state shall invest under division (A) (11) 1059
of this section in a debt interest issued by a foreign nation 1060
only if the debt interest is backed by the full faith and credit 1061
of that foreign nation, and provided that all interest and 1062
principal shall be denominated and payable in United States 1063
funds. 1064

(c) When added to the investment in commercial paper and 1065
negotiable certificates of deposit, the investments in the debt 1066
interests of a single issuer shall not exceed in the aggregate 1067
five per cent of the state's portfolio. 1068

(d) For purposes of division (A) (11) of this section, a 1069
debt interest is rated in the three highest categories by two 1070
nationally recognized statistical rating organizations if either 1071
the debt interest itself or the issuer of the debt interest is 1072
rated, or is implicitly rated, in the three highest categories 1073
by two nationally recognized statistical rating organizations. 1074

(e) For purposes of division (A) (11) of this section, the 1075
"state's portfolio" means the state's total average portfolio, 1076
as determined and calculated by the treasurer of state. 1077

(12) No-load money market mutual funds rated in the 1078

highest category by one nationally recognized statistical rating organization or consisting exclusively of obligations described in division (A) (1), (2), or (6) of this section and repurchase agreements secured by such obligations;

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

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

(B) On or before the tenth day of each month, the treasurer of state shall notify the state board of deposit that the following reports pertaining to the immediately preceding month have been posted to the web site maintained by the treasurer of state:

(1) The daily ledger report of state funds prepared in accordance with section 113.13 of the Revised Code;

(2) The monthly portfolio report detailing the current inventory of all investments and deposits held within the classification of interim moneys;

(3) The monthly activity report within the classification of interim moneys summarized by type of investment or deposit.

In the event the state board of deposit does not concur in such classification or in the investments or deposits made under

this section, the board may order the treasurer of state to sell 1108
or liquidate any of the investments or deposits, and any such 1109
order shall specifically describe the investments or deposits 1110
and fix the date upon which they are to be sold or liquidated. 1111
Investments or deposits so ordered to be sold or liquidated 1112
shall be sold or liquidated for cash by the treasurer of state 1113
on the date fixed in such order at the then current market 1114
price. Neither the treasurer of state nor the members of the 1115
state board of deposit shall be held accountable for any loss 1116
occasioned by sales or liquidations of investments or deposits 1117
at prices lower than their cost. Any loss or expense incurred in 1118
making these sales or liquidations is payable as other expenses 1119
of the treasurer's office. 1120

(C) If any securities or obligations invested in by the 1121
treasurer of state pursuant to this section are registrable 1122
either as to principal or interest, or both, such securities or 1123
obligations shall be registered in the name of the treasurer of 1124
state. 1125

(D) The treasurer of state is responsible for the 1126
safekeeping of all securities or obligations under this section. 1127
Any such securities or obligations may be deposited for 1128
safekeeping as provided in section 113.05 of the Revised Code. 1129

(E) Interest earned on any investments or deposits 1130
authorized by this section shall be collected by the treasurer 1131
of state and credited by the treasurer of state to the proper 1132
fund of the state. 1133

(F) Whenever investments or deposits acquired under this 1134
section mature and become due and payable, the treasurer of 1135
state shall present them for payment according to their tenor, 1136
and shall collect the moneys payable thereon. The moneys so 1137

collected shall be treated as public moneys subject to sections 1138
135.01 to 135.21 of the Revised Code. 1139

(G) The treasurer of state and any entity issuing 1140
obligations referred to in division (A)(13) of this section, 1141
which obligations mature within one year from the original date 1142
of issuance, may enter into an agreement providing for: 1143

(1) The purchase of those obligations by the treasurer of 1144
state on terms and subject to conditions set forth in the 1145
agreement; 1146

(2) The payment to the treasurer of state of a reasonable 1147
fee as consideration for the agreement of the treasurer of state 1148
to purchase those obligations; provided, however, that the 1149
treasurer of state shall not be authorized to enter into any 1150
such agreement with a board of education of a school district 1151
that has an outstanding obligation with respect to a loan 1152
received under authority of section 3313.483 of the Revised 1153
Code. 1154

(H) For purposes of division (G) of this section, a fee 1155
shall not be considered reasonable unless it is set to recover 1156
only the direct costs, a reasonable estimate of the indirect 1157
costs associated with the purchasing of obligations under 1158
division (G) of this section and any reselling of the 1159
obligations or any interest in the obligations, including 1160
interests in a fund comprised of the obligations, and the 1161
administration thereof. No money from the general revenue fund 1162
shall be used to subsidize the purchase or resale of these 1163
obligations. 1164

(I) All money collected by the treasurer of state from the 1165
fee imposed by division (G) of this section shall be deposited 1166

to the credit of the state political subdivision obligations 1167
fund, which is hereby created in the state treasury. Money 1168
credited to the fund shall be used solely to pay the treasurer 1169
of state's direct and indirect costs associated with purchasing 1170
and reselling obligations under division (G) of this section. 1171

(J) As used in this section, "political subdivision" means 1172
a county, township, municipal corporation, school district, or 1173
other body corporate and politic responsible for governmental 1174
activities in a geographic area smaller than that of the state. 1175

(K) (1) The treasurer of state and any entity issuing 1176
obligations referred to in division (A) (14) of this section, 1177
which obligations require a conditional liquidity requirement, 1178
may enter into an agreement providing for the following: 1179

(a) The purchase of the obligations by the treasurer of 1180
state on terms and subject to conditions set forth in the 1181
agreement; 1182

(b) Payment to the treasurer of state of a fee as 1183
consideration for the agreement of the treasurer of state to 1184
purchase the obligations. 1185

(2) The treasurer of state shall not enter into agreements 1186
under division (K) (1) of this section for obligations that, in 1187
the aggregate, exceed ten per cent of the state's total average 1188
portfolio, as determined and calculated by the treasurer of 1189
state. 1190

(3) For purposes of division (A) (14) of this section, an 1191
obligation is rated in the four highest categories by at least 1192
one nationally recognized statistical rating organization if 1193
either the debt interest itself or the obligor of the debt 1194
interest is rated in the four highest categories by at least one 1195

nationally recognized statistical rating organization. 1196

(4) All money collected by the treasurer of state from the 1197
fee imposed by division (K) of this section shall be deposited 1198
to the credit of the state securities tender program fund, which 1199
is hereby created in the state treasury. The amount of income 1200
from the state securities tender program credited to the state 1201
securities tender program fund shall not exceed one per cent of 1202
the average par value of obligations subject to agreements under 1203
division (K) (1) of this section. All other such income shall be 1204
credited to the general revenue fund. The treasurer of state may 1205
use the state securities tender program fund solely for 1206
operations of the office of the treasurer of state. 1207

(L) (1) The treasurer of state and a state university or 1208
college issuing obligations under section 3345.12 of the Revised 1209
Code may enter into an agreement providing for the following: 1210

(a) The purchase of those obligations by the treasurer of 1211
state pursuant to division (A) (3) (a) of this section on terms 1212
and subject to conditions set forth in the agreement; 1213

(b) The department of higher education to withhold, in the 1214
event the state university or college does not pay bond service 1215
charges on the obligations when due, appropriated funds 1216
allocated to the state university or college in an amount 1217
sufficient to pay bond service charges on the obligations, less 1218
any amounts deposited for that purpose under the bond 1219
proceedings. Upon the request of the treasurer of state, the 1220
department of higher education shall promptly pay to the 1221
treasurer of state the amounts withheld. 1222

(2) For purposes of division (L) (1) of this section, 1223
"obligations," "state university or college," "bond service 1224

charges," and "bond proceedings" have the same meanings as in 1225
section 3345.12 of the Revised Code. 1226

Sec. 135.45. (A) Subject to division (B) of this section, 1227
a treasurer, governing board, or investing authority of a 1228
subdivision may pay public moneys of the subdivision into the 1229
Ohio subdivision's fund, which may be established in the custody 1230
of the treasurer of state. The treasurer of state shall invest 1231
the moneys in the fund in separately managed accounts and pooled 1232
accounts, including the state treasurer's investment pool, in 1233
the same manner, in the same types of instruments, and subject 1234
to the same limitations provided for the deposit and investment 1235
of interim moneys of the state, except that the fund shall not 1236
be invested in the linked deposits authorized under ~~sections~~ 1237
section 135.61 ~~to 135.66~~ of the Revised Code. 1238

(B) (1) On and after July 1, 1997, a treasurer, governing 1239
board, or investing authority of a subdivision that has not 1240
entered into an agreement with the treasurer of state under 1241
division (C) of this section shall not invest public moneys of 1242
the subdivision in a pooled account of the Ohio subdivision's 1243
fund under division (B) (6) of section 135.14 of the Revised Code 1244
or division (A) (6) of section 135.35 of the Revised Code if the 1245
pool does not maintain the highest letter or numerical rating 1246
provided by at least one nationally recognized statistical 1247
rating organization. 1248

(2) Upon receipt of notice that the pool does not maintain 1249
the highest letter or numerical rating required under division 1250
(B) (1) of this section, the treasurer of state shall have ninety 1251
days to obtain the required highest letter or numerical rating. 1252
If the treasurer of state fails to obtain the required highest 1253
letter or numerical rating, the treasurer of state shall have an 1254

additional one hundred eighty days to develop a plan to dissolve 1255
the pool. The plan shall include reasonable standards for the 1256
equitable return of public moneys in the pool to those 1257
subdivisions participating in the pool. 1258

(3) Treasurers, governing boards, or investing authorities 1259
of subdivisions participating in the pool shall not be required 1260
to divest in the pool during the initial one hundred eighty days 1261
following the treasurer of state's receipt of notice under 1262
division (B) (2) of this section. 1263

(C) A treasurer, governing board, or investing authority 1264
of a subdivision that wishes to invest public moneys of the 1265
subdivision in a separately managed account or pooled account of 1266
the Ohio subdivision's fund may enter into an agreement with the 1267
treasurer of state that sets forth the manner in which the money 1268
is to be invested. The treasurer of state shall invest the 1269
moneys in accordance with the agreement, subject to the 1270
limitations set forth in division (A) of this section. For 1271
purposes of this division, the limitation on investments in debt 1272
interests provided in division (A) (11) (a) of section 135.143 of 1273
the Revised Code shall not apply to a subdivision's excess 1274
reserves. 1275

(D) The treasurer of state shall adopt such rules as are 1276
necessary for the implementation of this section, including the 1277
efficient administration of and accounting for the separately 1278
managed accounts and pooled accounts, including the state 1279
treasurer's investment pool, and the specification of minimum 1280
amounts that may be paid into such pools and minimum periods of 1281
time for which such payments shall be retained in the pools. The 1282
rules shall provide for the administrative expenses of the 1283
separately managed accounts and pooled accounts, including the 1284

state treasurer's investment pool, to be paid from the earnings 1285
and for the interest earnings in excess of such expenses to be 1286
credited to the several treasurers, governing boards, and 1287
investing authorities participating in a pool in a manner which 1288
equitably reflects the differing amounts of their respective 1289
investments in the pool and the differing periods of time for 1290
which such amounts are in the pool. 1291

(E) The treasurer of state shall give bond with sufficient 1292
sureties, payable to the treasurers, governing boards, and 1293
investing authorities of subdivisions participating in the fund, 1294
for the benefit of the subdivisions whose moneys are paid into 1295
the fund for investment, in the total penal sum of two hundred 1296
fifty thousand dollars, conditioned for the faithful discharge 1297
of the treasurer of state's duties in relation to the fund. 1298

(F) The treasurer of state and the treasurer of state's 1299
bonders or surety are liable for the loss of any interim moneys 1300
of the state and subdivisions invested under this section to the 1301
same extent the treasurer of state and the treasurer of state's 1302
bonders or surety are liable for the loss of public moneys under 1303
section 135.19 of the Revised Code. 1304

(G) As used in this section: 1305

(1) "Interim moneys" and "governing board" have the same 1306
meanings as in section 135.01 of the Revised Code. 1307

(2) (a) "Subdivision" has the same meaning as in section 1308
135.01 of the Revised Code, but also includes a county, a 1309
municipal corporation that has adopted a charter under Article 1310
XVIII, Ohio Constitution, or any government entity for which the 1311
fund is a permissible investment. 1312

(b) "Public moneys of a subdivision" has the same meaning 1313

as in section 135.01 of the Revised Code, but also includes 1314
"public moneys" as defined in section 135.31 of the Revised 1315
Code, and funds held in the custody of the treasurer of state 1316
notwithstanding any limitations on the permissible investments 1317
of such funds. 1318

(3) "Treasurer" has the same meaning as in sections 135.01 1319
and 135.31 of the Revised Code. 1320

(4) "Investing authority" has the same meaning as in 1321
section 135.31 of the Revised Code. 1322

(5) "Excess reserves" means the amount of a subdivision's 1323
public moneys that exceed the average of a subdivision's annual 1324
operating expenses in the immediately preceding three fiscal 1325
years. 1326

Sec. 135.61. (A) For the purposes of this section: 1327

(1) "Eligible borrower," "eligible credit union," and 1328
"eligible lending institution" have the same meanings as in 1329
section 135.62 of the Revised Code. 1330

(2) "Eligible participant" and "eligible savings 1331
institution" have the same meanings as in section 135.70 of the 1332
Revised Code. 1333

(B) The treasurer of state may invest in linked deposits 1334
under ~~this chapter~~ sections 135.61 to 135.66 and 135.70 to 135.71 1335
of the Revised Code, provided that at the time any such linked 1336
deposits are placed, purchased, or designated, the combined 1337
amount of investments of public money of the state in linked 1338
deposits of any kind is not more than twelve per cent of the 1339
state's total average investment portfolio, as determined by the 1340
treasurer of state. When deciding whether to invest in any 1341
linked deposits, the treasurer of state shall give priority to 1342

the investment, liquidity, and cash flow needs of the state. 1343

~~(B)~~ (C) The treasurer of state may, in accordance with 1344
section 111.15 of the Revised Code, adopt rules necessary for 1345
the implementation and administration of linked deposits ~~under~~ 1346
authorized by this chapter section, including, but not limited 1347
to, the manner in which an eligible lending institution, ~~as~~ 1348
~~defined in section 135.62 of the Revised Code~~, or eligible 1349
savings institution, ~~as defined in section 135.70 of the Revised~~ 1350
~~Code~~, is designated, and the manner in which linked deposits are 1351
placed, purchased, designated, held, and collateralized. 1352

~~(C)~~ (D) Notwithstanding any contrary provision of the 1353
Revised Code, the treasurer of state may require an eligible 1354
credit union, ~~as defined in section 135.62 of the Revised Code~~, 1355
that holds linked deposits authorized under this ~~chapter~~ section 1356
to pay interest at a rate not lower than the product of the 1357
~~prevailing~~ interest rate set in the deposit agreement, as 1358
required by sections 135.623 and 135.703 of the Revised Code, 1359
multiplied by the sum of one plus the treasurer of state's 1360
assessment rate. The treasurer of state may, in accordance with 1361
section 119.03 of the Revised Code, adopt rules necessary for 1362
the implementation of this division. 1363

(E) (1) Records of the treasurer of state, an eligible 1364
lending institution, or an eligible savings institution are not 1365
public records within the meaning of section 149.43 of the 1366
Revised Code if any of the following apply: 1367

(a) The record is provided by an eligible borrower to an 1368
eligible lending institution, or by an eligible participant to 1369
an eligible savings institution, to obtain a financial service 1370
or product from such institution. 1371

(b) The record results from a transaction between the 1372
eligible borrower and the eligible lending institution, or the 1373
eligible participant and the eligible savings institution, 1374
involving a financial product or service. 1375

(c) An eligible lending institution or eligible savings 1376
institution otherwise obtains the record about an eligible 1377
borrower or eligible participant in connection with providing a 1378
financial product or service. 1379

(2) The records specified in division (E)(1) of this 1380
section may include names, addresses, telephone numbers, social 1381
security numbers, income, credit scores, information obtained 1382
through cookies and other internet collection devices, loan 1383
amounts, contributors to a linked deposit savings account, and 1384
amounts contributed to, earned by, or distributed from a linked 1385
deposit savings account. 1386

Sec. 135.63. (A) The general assembly finds that 1387
strengthening families across Ohio is critical toward ensuring 1388
the long-term prosperity of the state. However, the upfront 1389
financial costs associated with adoption often deter families 1390
from pursuing the adoption process. Accordingly, it is declared 1391
to be the public policy of the state through the adoption linked 1392
deposit program to create the availability of reduced rate loans 1393
to reduce the financial burden of adoption and to strengthen 1394
families in this state. 1395

(B) An eligible borrower for the adoption linked deposit 1396
program is an individual who is a resident of this state and to 1397
whom either of the following applies: 1398

(1) The individual completes a home study pursuant to 1399
section 3107.031 of the Revised Code and is approved to adopt. 1400

(2) The individual is pursuing an adoption through the 1401
public foster care system and meets the requirements set by the 1402
department of ~~job and family services~~children and youth. 1403

(C) An eligible lending institution for the adoption 1404
linked deposit program must be able to make secured or unsecured 1405
personal loans. 1406

(D) An eligible borrower shall certify on the loan 1407
application that the reduced rate loan will be used exclusively 1408
to pay for qualifying adoption expenses. 1409

Sec. 135.70. As used in sections 135.70 to 135.71 of the 1410
Revised Code: 1411

(A) "Closing costs" means a disbursement listed on a 1412
closing disclosure for the purchase of a home by an eligible 1413
participant. 1414

(B) "Closing disclosure" means the statement of receipts 1415
and disbursements for a transaction related to real estate, 1416
including a statement prescribed under the Real Estate 1417
Settlement Procedures Act of 1974, 12 U.S.C. 2601 et seq., as 1418
amended, and the regulations thereunder. 1419

(C) "Discount interest rate" means an interest rate below 1420
the prevailing interest rate that the treasurer of state 1421
determines eligible savings institutions are willing to pay to 1422
hold linked deposits. 1423

(D) "Eligible credit union" has the same meaning as in 1424
section 135.62 of the Revised Code. 1425

(E) "Eligible expenses" has the same meaning as in section 1426
5747.85 of the Revised Code. 1427

(F) "Eligible home costs" means the down payment, eligible 1428

expenses, and closing costs for the purchase of a home by an 1429
eligible participant, or the transfer of funds from one 1430
homeownership savings account to another homeownership savings 1431
account at a different eligible savings institution. 1432

~~(F)~~(G) "Eligible participant" means an individual who has 1433
met all of the requirements necessary to participate in the 1434
specific linked deposit program for which they have applied. 1435

~~(G)~~(H) "Eligible program costs" means costs corresponding 1436
to the purpose of the eligible linked deposit program. 1437

~~(H)~~(I) "Eligible savings institution" means a financial 1438
institution that: 1439

(1) Offers accounts to residents of this state to save for 1440
the purposes related to the applicable linked deposit program; 1441

(2) Agrees to participate in the applicable linked deposit 1442
program; 1443

(3) Is a public depository of state funds, or an eligible 1444
credit union designated under division (A) of section 135.12 of 1445
the Revised Code. 1446

~~(I)~~(J) "Home" means ~~a dwelling in this state to be owned-~~ 1447
~~and occupied as a single-family primary residence by an eligible-~~ 1448
~~participant. "Home" includes a house, condo, unit in a multiple-~~ 1449
~~unit dwelling, manufactured home or mobile home taxed as real-~~ 1450
~~property pursuant to division (B) of section 4503.06 of the-~~ 1451
~~Revised Code, or any other building with a residential-~~ 1452
~~classification, as allowed by the treasurer of state, and-~~ 1453
~~includes so much of the land surrounding the dwelling as is-~~ 1454
~~reasonably necessary for the use of the dwelling as a residence,-~~ 1455
~~as determined by the treasurer of state~~ "primary residence" as 1456
defined by section 5747.85 of the Revised Code. 1457

~~(J)~~ (K) "Homeownership savings account" means a linked 1458
deposit savings account opened exclusively for the purpose of 1459
paying eligible home costs and in compliance with the 1460
requirements of section 135.71 of the Revised Code. 1461

~~(K)~~ (L) "Linked deposit" means a certificate of deposit, 1462
share certificate, other financial institution instrument, or 1463
portion of an existing deposit of interim funds made in 1464
accordance with section 135.09 of the Revised Code that is 1465
placed, purchased, or designated by the treasurer of state with 1466
an eligible savings institution; provided the institution agrees 1467
to pay the premium savings rate to approved eligible 1468
participants, in accordance with the deposit agreement required 1469
by section 135.703 of the Revised Code. 1470

~~(L)~~ (M) "Linked deposit program" means a program 1471
authorized under section 135.61 and sections 135.70 to 135.71 of 1472
the Revised Code and established by the treasurer of state 1473
pursuant to those sections. 1474

~~(M)~~ (N) "Linked deposit savings account" means an 1475
interest-bearing account that is opened by an eligible 1476
participant at an eligible savings institution exclusively for 1477
the purpose of the applicable linked deposit program. 1478

~~(N)~~ (O) "Manufactured home" has the same meaning as in 1479
section 3781.06 of the Revised Code. 1480

~~(O)~~ "Mobile home" has the same meaning as in section 1481
4501.01 of the Revised Code. 1482

~~(P)~~ "Other financial institution instrument" means a 1483
product that otherwise would pay the prevailing interest rate 1484
approved by the treasurer of state, for the purpose of providing 1485
eligible participants with the benefits of the applicable linked 1486

deposit program, and in accordance with the deposit agreement 1487
under section 135.703 of the Revised Code. 1488

~~(Q)~~ (P) "Premium savings rate" means a rate, established 1489
under section 135.704 of the Revised Code, that reflects the 1490
percentage rate increase above the present savings rate, as 1491
determined by the eligible savings institution, applicable to 1492
each eligible participant. 1493

~~(R)~~ (Q) "Prevailing interest rate" means a current market 1494
interest rate selected by the treasurer of state that eligible 1495
savings institutions are willing to pay to hold deposits of the 1496
treasurer of state. 1497

~~(S)~~ (R) "Program period" means five years from the date 1498
the eligible participant opens a linked deposit savings account 1499
with the eligible savings institution. 1500

~~(T)~~ (S) "Treasurer of state's assessment rate" has the 1501
same meaning as in section 135.62 of the Revised Code. 1502

Sec. 135.71. (A) The general assembly finds that making 1503
homeownership more attainable is an important part of fostering 1504
a robust and lasting population across the state. However, 1505
individuals often struggle to accumulate the financial resources 1506
needed to purchase a home. Accordingly, it is declared to be the 1507
public policy of the state through the homeownership savings 1508
linked deposit program to make available premium rate savings 1509
accounts for the down payment and closing costs associated with 1510
the purchase of a home. 1511

(B) An eligible participant for the homeownership savings 1512
linked deposit program is an individual who is a resident of 1513
this state and has applied for a homeownership savings account 1514
at an eligible savings institution. 1515

(C) An eligible participant shall certify on the application that the funds in the homeownership savings account shall be used exclusively for eligible home costs.

(D) A homeownership savings account shall be owned by not more than one eligible participant and an eligible participant shall hold not more than one homeownership savings account per program period at any eligible savings institution.

(E) The treasurer of state shall report to the tax commissioner any information in the treasurer of state's possession deemed necessary by the tax commissioner to properly administer section 5747.85 of the Revised Code.

(F) Not later than January 31, 2027, the treasurer of state and the tax commissioner shall issue a report regarding the efficacy of the homeownership savings linked deposit program. The report shall include all of the following:

- (1) The number of homeownership savings accounts created;
- (2) The number of participating eligible savings institutions;
- (3) The total amount contributed into the accounts;
- (4) The average yield on the accounts;
- (5) Any other information the treasurer of state or tax commissioner deems relevant.

The report shall be delivered to the governor, the speaker of the house of representatives, and the president of the senate.

Sec. 175.17. (A) As used in this section:

- (1) "Qualified project" means a project to develop single-

family dwellings in this state that satisfies any qualifications established by the director under division (I) of this section.	1543 1544
(2) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.	1545 1546
(3) "Reserved credit amount" means the amount determined by the director and stipulated in the notice sent under division (B) of this section.	1547 1548 1549
(4) "Annual credit amount" means the amount computed by the director under division (D) of this section before issuing an eligibility certificate.	1550 1551 1552
(5) "Equity owner" means any person who directly or indirectly, through one or more pass-through entities, is a member, partner, or shareholder of a pass-through entity.	1553 1554 1555
(6) "Person" has the same meaning as in section 5701.01 of the Revised Code.	1556 1557
(7) "Eligibility certificate" means a certificate issued by the director to a project development owner under division (D) of this section.	1558 1559 1560
(8) "Project development owner" means a unit of government that owns a qualified project.	1561 1562
(9) "Affordability period" means the period that commences on the date of sale of a single-family dwelling constructed as part of a qualified project to the initial qualified buyer and continues through subsequent qualified buyers for ten years.	1563 1564 1565 1566
(10) "Designated reporter" means the project development owner or one of the owner's direct or indirect partners, members, or shareholders, as selected by the owner under division (B) of this section.	1567 1568 1569 1570

(11) "Project development investor" means any person that 1571
contributes capital to a qualified project in exchange for an 1572
allocation of a tax credit under this section. 1573

(12) "Credit period" means the ten-year period that begins 1574
in the year the eligibility certificate is issued. 1575

(13) "Director" means the executive director of the Ohio 1576
housing finance agency. 1577

(14) "Unit of government" means a county, township, 1578
municipal corporation, regional planning commission, community 1579
improvement corporation, economic development corporation, or 1580
county land reutilization corporation organized under Chapter 1581
1724. of the Revised Code, or port authority. 1582

(15) "Project development team" means the group of 1583
entities that develops, constructs, reports, appraises, 1584
finances, and services the associated properties of a qualified 1585
project in partnership with the project development owner. 1586

(B) (1) A project development owner may submit an 1587
application to the director for a credit reservation under this 1588
section on a form and in a manner that the director shall 1589
prescribe. On the application, the project development owner 1590
shall provide all of the following: 1591

(a) The name and address of the project development 1592
owner's designated reporter; 1593

(b) The names and addresses of all members of the project 1594
development team; 1595

(c) An estimate of the qualified project's development 1596
costs; 1597

(d) Any other information as the director may require 1598

pursuant to division (I) of this section. 1599

The director shall competitively evaluate and approve 1600
applications and award tax credit reservations under this 1601
section for a qualified project in accordance with the plan 1602
adopted under division (I)(1) of this section. The director 1603
shall determine the credit amount reserved for each qualified 1604
project, which shall not exceed the difference between the total 1605
estimated development costs included with the application and 1606
the appraised market value of all homes in the finished project, 1607
as estimated by the director. The director shall not reserve a 1608
credit under this section if doing so would exceed the annual 1609
limit prescribed by division (B)(3) of this section. 1610

(2) The director shall send written notice of the tax 1611
credit reservation to the project development owner of an 1612
approved qualified project. The notice shall state the aggregate 1613
credit amount reserved for all years of the qualified project's 1614
credit period and stipulate that receipt of the credit is 1615
contingent upon issuance of an eligibility certificate and 1616
filing the information required by division (H) of this section. 1617

(3) The amount of credits reserved by the director under 1618
division (B) of this section in a fiscal year shall not exceed 1619
the sum of (a) fifty million dollars, (b) the amount, if any, by 1620
which the credit allocation prescribed by this division for the 1621
preceding fiscal year exceeds the credits reserved by the 1622
director in that year, and (c) the amount of tax credits 1623
recaptured, assessed, and collected by the tax commissioner or 1624
superintendent of insurance, and disallowed or subject to 1625
reduction under this section in the preceding fiscal year. For 1626
the purpose of computing and determining compliance with the 1627
credit allocation prescribed by division (B)(3) of this section, 1628

the credit amount reserved for the project development owner is 1629
the full amount for all years of the qualified project's credit 1630
period. 1631

(4) The director shall not reserve a tax credit under this 1632
section after June 30, 2027. 1633

(C) The project development owner shall maintain ownership 1634
of a qualified project and associated single-family dwellings 1635
until the dwellings are sold to qualified buyers. The project 1636
development team shall service the associated properties of a 1637
qualified project for the duration of the applicable 1638
affordability period. 1639

The qualified buyer of a single-family home constructed as 1640
part of a qualified project for which a tax credit was reserved 1641
under this section shall occupy the home as the buyer's primary 1642
residence during the affordability period. 1643

(D) Upon completion of a qualified project for which a tax 1644
credit was reserved under this section, the project development 1645
owner shall notify the director and provide a final development 1646
cost certification for approval. After receipt of this notice, 1647
the director shall appraise the project's dwellings. Immediately 1648
after approving the final cost certification, the director shall 1649
compute the amount of the tax credit that may be claimed in each 1650
year and issue an eligibility certificate to the project 1651
development owner. That annual amount, which shall be stated on 1652
the certificate, shall equal one-tenth of the reserved credit 1653
amount stated in the notice issued under division (B) of this 1654
section, subject to any reduction or increase as the result of 1655
the approval of the final cost certification and the appraisal 1656
conducted under this division. 1657

(E) Each eligibility certificate shall state the annual credit amount, the years that comprise the credit period, the name, address, and the taxpayer identification number of the project development owner, the project development owner's designated reporter, and all members of the project development team along with the date the certificate is issued, a unique identifying number, and any additional information the director may require by rule. The director shall certify a copy of each eligibility certificate to the tax commissioner and the superintendent of insurance.

(F) (1) For each year of a qualified project's credit period, a project development owner may claim a nonrefundable credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or a portion of the annual credit amount listed on the eligibility certificate. The credit shall be claimed in the manner prescribed by section 5725.37, 5726.60, 5729.20, or 5747.84 of the Revised Code.

(2) A project development owner may or, if the owner is not subject to any tax against which the credit authorized under this section may be claimed, shall allocate all or a portion of the annual credit amount for any year of a qualified project's credit period among one or more project development investors. Such allocated credits may be applied by those project development investors or the equity owners of such an investor that is a pass-through entity against more than one tax, as applicable, but the total credits claimed for that year of the qualified project's credit period by all project development investors and equity owners shall not exceed the annual credit amount stated on the eligibility certificate.

(3) A project development investor or the equity owner of 1688
such an investor that is a pass-through entity may claim the 1689
credit authorized by this section after the date the director 1690
issues an eligibility certificate under division (D) of this 1691
section and the applicable annual report required by division 1692
(H) of this section is filed by the designated reporter. 1693

(4) A project development investor or equity owner that 1694
claims a tax credit under division (F) (2) of this section shall 1695
submit a copy of the eligibility certificate with the investor's 1696
or equity owner's tax return. Upon request of the tax 1697
commissioner or the superintendent of insurance, any project 1698
development investor or equity owner claiming a tax credit under 1699
that division shall provide the tax commissioner or 1700
superintendent other documentation that may be necessary to 1701
verify that the project development investor or equity owner is 1702
entitled to claim the credit. 1703

(G) The director may disallow or recapture any portion of 1704
a credit if the project development owner or the project 1705
development owner's qualified project does not or ceases to 1706
qualify for the credit. If the director determines to recapture 1707
such a tax credit, the director shall certify the name of the 1708
project development owner, and the amount to be recaptured to 1709
the tax commissioner and to the superintendent of insurance. The 1710
tax commissioner or superintendent shall determine the taxpayer 1711
or taxpayers that claimed the credit, the tax against which the 1712
credit was claimed, and the amount to be recaptured and make an 1713
assessment against the taxpayer or taxpayers under Chapter 1714
5725., 5726., 5729., or 5747. of the Revised Code, as 1715
applicable, for the amount to be recaptured. The time 1716
limitations on assessments under those chapters do not bar an 1717
assessment made under this division. 1718

(H) For each calendar year, a designated reporter shall 1719
provide the following information to the director on a form 1720
prescribed by the director in consultation with the tax 1721
commissioner and the superintendent of insurance: 1722

(1) A list of each project development investor or equity 1723
owner that has been allocated a portion of the annual credit 1724
awarded in an eligibility certificate for that year, including 1725
the investor or owner's name, address, taxpayer identification 1726
number, and the tax against which the credit will be claimed by 1727
each. 1728

(2) For each project development investor or equity owner, 1729
the amount of annual credit that has been allocated for that 1730
year. 1731

(3) An aggregate list of the credit amount allocated for a 1732
qualified project demonstrating that the aggregate annual amount 1733
of the credits allocated does not exceed the aggregate annual 1734
credit awarded in the eligibility certificate. 1735

A designated reporter shall notify the director of any 1736
changes to the information reported under division (H) of this 1737
section in the time and manner prescribed by the director. The 1738
director shall provide a copy of the report submitted by the 1739
designated reporter under division (H) of this section to the 1740
tax commissioner and the superintendent of insurance in the time 1741
and manner prescribed by the commissioner and superintendent. 1742

No credits allocated under this section may be claimed 1743
unless the credits are listed on the report required by division 1744
(H) of this section. 1745

(I) (1) The director shall adopt a plan for competitively 1746
awarding tax credits under this section. The plan shall 1747

establish the criteria and metrics under which projects will be 1748
assessed for qualification and may allocate tax credits in a 1749
pooled manner. 1750

(2) The director may assess application, processing, and 1751
reporting fees to cover the cost of administering this section. 1752

(3) The director, in consultation with the tax 1753
commissioner and the superintendent of insurance, shall adopt 1754
any rules necessary to implement this section in accordance with 1755
Chapter 119. of the Revised Code. Such rules may include all of 1756
the following: 1757

(a) Supplementary definitions as may be necessary to 1758
administer this section. 1759

(b) Underwriting criteria to assess the risk associated 1760
with any application and determine appropriate criteria to deny 1761
an application based upon risk. 1762

(c) Criteria by which a project development owner shall be 1763
responsible for any or all risk associated with a qualified 1764
project such as homeowner abandonment, default, foreclosure, or 1765
other such risks. 1766

(d) Criteria to maintain the affordability of each of a 1767
qualified project's single-family dwellings during the 1768
affordability period, which may include a deed restriction held 1769
by the project development owner for some or all of the amount 1770
of the tax credit or any appreciated value of the property. 1771

(e) Requirements that the project development owner 1772
provide certain capital assets or other investments that 1773
contribute to the affordability of the project. 1774

(f) Criteria to be used in determining whether an 1775

individual is a qualified buyer. 1776

(g) Criteria regarding the purchase, ownership, and sale 1777
of completed qualified project single-family dwellings. 1778

(h) The manner of determining the project's development 1779
costs and the appraised market value of qualified project 1780
single-family dwellings. 1781

(i) Any other qualifications a project must meet to 1782
qualify as a qualified project. 1783

Sec. 317.115. After a village dissolution under sections 1784
703.31 to 703.39 of the Revised Code, an instrument related to a 1785
tract, parcel, or lot of land located within what was previously 1786
the territory of the dissolved village may utilize the lot and 1787
sublot number previously assigned to the tract, parcel, or lot 1788
of land. 1789

Sec. 317.18. The county recorder shall make and keep up 1790
direct and reverse indexes of all the names of both parties to 1791
all instruments previously received for record by the county 1792
recorder. The indexes shall show the kind of instrument, the 1793
range, township, and section or the survey number and number of 1794
acres, or the permanent parcel number provided for under section 1795
319.28 of the Revised Code, or the lot and subplot number and the 1796
part thereof, all as the case requires, of each tract, parcel, 1797
or lot of land described in any such instrument. The name of 1798
each grantor shall be entered in the direct index, and the name 1799
of each grantee shall be entered in the reverse index. After a 1800
village dissolution under sections 703.31 to 703.39 of the 1801
Revised Code, the county recorder may continue to utilize the 1802
lot and subplot number previously assigned to a tract, parcel, or 1803
lot of land. 1804

As to notices of claims filed in accordance with sections 1805
5301.51, 5301.52, and 5301.56 of the Revised Code, there shall 1806
be entered in the reverse index the name of each claimant, 1807
followed by the name of the present owner of title against whom 1808
the claim is asserted, if the notice contains the name of the 1809
present owner; or, if the notice contains the names of more than 1810
one such owner, there shall be entered the name of the first 1811
owner followed by "and others" or its equivalent. 1812

In all cases of deeds, mortgages, or other instruments 1813
made by any sheriff, master commissioner, marshal, auditor, 1814
executor, administrator, trustee, or other officer, for the 1815
sale, conveyance, or encumbrance of any lands, tenements, or 1816
hereditaments, and recorded in the recorder's office, the 1817
recorder shall index the parties to such instrument under their 1818
appropriate letters, respectively, as follows: 1819

(A) The names of the persons represented by such officer 1820
as owners of the lands, tenements, or hereditaments described in 1821
any such instruments; 1822

(B) The official designation of the officer by whom such 1823
instrument was made; 1824

(C) The individual names of the officers by whom such 1825
instrument was made. 1826

Whenever, in the opinion of the board of county 1827
commissioners, it becomes necessary to transcribe, on account of 1828
its worn out or incomplete condition, any volume of an index in 1829
use, such volume shall be revised and transcribed to conform 1830
with this section; except that in counties having a sectional 1831
index in conformity with section 317.20 of the Revised Code, 1832
such transcript shall be only a copy of the original. 1833

Sec. 703.23. All courts shall take judicial notice of the 1834
classification of municipal corporations, and of their 1835
advancement, reduction, and ~~surrender of powers~~dissolution. 1836

Sec. 703.31. As used in sections 703.31 to 703.39 of the 1837
Revised Code: 1838

"Date the dissolution is effective" means the date the 1839
election result is certified under section 703.33 of the Revised 1840
Code or the date the attorney general files a certified copy of 1841
a court's order of dissolution with the secretary of state, 1842
auditor of state, and county recorder, as applicable, under 1843
section 118.31 or 703.34 of the Revised Code. 1844

"Period when a dissolution is in question" means the 1845
period beginning on the date a petition under section 703.33 of 1846
the Revised Code is presented or a legal action is filed by the 1847
attorney general under section 118.31 or 703.34 of the Revised 1848
Code and ending the date the result of the election under 1849
section 703.33 of the Revised Code is certified or the decision 1850
of the court of common pleas under section 118.31 or 703.34 of 1851
the Revised Code is declared. 1852

"Transition period" means the period beginning on the date 1853
the dissolution is effective and ending on the date the 1854
transition supervisory board determines all outstanding debts, 1855
obligations, and liabilities of the dissolved village have been 1856
resolved, all real and personal property of the dissolved 1857
village has been transferred or otherwise disposed of, and all 1858
utility property and utility services have been transferred. 1859

"Utility services" means electric, water, sewer, and other 1860
similar utilities. 1861

Sec. 703.32. The process for dissolving a village, whether 1862

the dissolution is determined under section 118.31, 703.33, or 1863
703.34 of the Revised Code, shall be conducted in accordance 1864
with sections 703.31 to 703.39 of the Revised Code. 1865

Sec. ~~703.20~~ 703.33. (A) Villages may ~~surrender their~~ 1866
~~corporate powers~~ voluntarily dissolve upon the petition to the 1867
legislative authority of the village, or, in the alternative, to 1868
the board of elections of the county in which the largest 1869
portion of the population of the village resides as provided in 1870
division (B) (1) of this section, of at least thirty per cent of 1871
the electors thereof, to be determined by the number voting at 1872
the last regular municipal election, and by an affirmative vote 1873
of a majority of the electors at ~~a special election, which shall~~ 1874
~~be provided for by the legislative authority or, in the~~ 1875
~~alternative, at a~~ the next general or special election as 1876
~~provided for by the board of elections under division (B) (1) of~~ 1877
~~this section. The election shall be conducted, canvassed, and~~ 1878
~~the result certified and made known as at regular municipal~~ 1879
elections held in an even-numbered year occurring after the 1880
period ending ninety days after the filing of the petition with 1881
the legislative authority. If the result of the election is in 1882
favor of the surrender, the village clerk or, in the 1883
alternative, the board of elections shall certify the result to 1884
the secretary of state, the auditor of state, and the county 1885
recorder, who shall record it in their respective offices. ~~The~~ 1886
~~corporate powers of the village shall cease upon the recording~~ 1887
~~of the certified election results in the county recorder's~~ 1888
~~office.~~ 1889

(B) (1) If the legislative authority of a village fails to 1890
act upon the petition within thirty days after receipt of the 1891
petition, the electors may present the petition to the board of 1892
elections to determine the validity and sufficiency of the 1893

signatures. The petition shall be governed by the rules of 1894
section 3501.38 of the Revised Code. The petition shall be filed 1895
with the board of elections of the county in which the largest 1896
portion of the population of the village resides. A petition 1897
filed under this division is only valid if filed during an even- 1898
numbered year on or after the first day of July, and at least 1899
ninety days before the next general election. If the petition is 1900
sufficient, the board of elections shall submit the question 1901
"Shall the village of _____ surrender its corporate 1902
powers?" for the approval or rejection of the electors of the 1903
village at the next general ~~or special~~ election, held in any an 1904
even-numbered year, occurring after the period ending ninety 1905
days after the filing of the petition with the board. If the 1906
result of the election is in favor of the surrender, the board 1907
of elections shall certify the results to the secretary of 1908
state, the auditor of state, and the county recorder, who shall 1909
record it in their respective offices. The corporate powers of 1910
the village shall cease upon the recording of the certified 1911
election results in the county recorder's office. 1912

(2) In addition to filing the petition with the board of 1913
elections as provided in division (B) (1) of this section, a copy 1914
of the petition shall be filed with the board of township 1915
trustees of each township affected by the surrender. 1916

~~(C) The auditor of state shall assist in facilitating a~~ 1917
~~timely and systematic manner for complying with the requirements~~ 1918
~~of section 703.21 of the Revised Code.~~ 1919

Sec. ~~703.201-703.34~~. (A) As used in this section, 1920
"condition for ~~surrendering corporate powers~~the dissolution of a 1921
village" means any of the following: 1922

(1) The village has been declared to be in a fiscal 1923

emergency under Chapter 118. of the Revised Code and has been in 1924
fiscal emergency for at least three consecutive years with 1925
little or no improvement on the conditions that caused the 1926
fiscal emergency declaration. 1927

(2) The village has failed to properly follow applicable 1928
election laws for at least two consecutive election cycles for 1929
any one elected office in the village. 1930

(3) The village has been declared during an audit 1931
conducted under section 117.11 of the Revised Code to be 1932
unauditable under section 117.41 of the Revised Code in at least 1933
two consecutive audits. 1934

(4) The village does not provide at least two services 1935
typically provided by municipal government, such as police or 1936
fire protection, garbage collection, water or sewer service, 1937
emergency medical services, road maintenance, or similar 1938
services. "Services" does not include any administrative service 1939
or legislative action. 1940

(5) The village has failed for any fiscal year to adopt 1941
the tax budget required by section 5705.28 of the Revised Code. 1942

(6) A village elected official has been convicted of theft 1943
in office, either under section 2921.41 of the Revised Code or 1944
an equivalent criminal statute at the federal level, at least 1945
two times in a period of ten years. The convicted official with 1946
respect to those convictions may be the same person or different 1947
persons. 1948

(B) If the auditor of state finds, in an audit report 1949
issued under division (A) or (B) of section 117.11 of the 1950
Revised Code of a village that has a population of one hundred 1951
fifty persons or less and consists of less than two square 1952

miles, that the village meets at least two conditions for 1953
~~surrendering corporate powers~~the dissolution of a village, the 1954
auditor of state shall send a certified copy of the report 1955
together with a letter to the attorney general requesting the 1956
attorney general to institute legal action to dissolve the 1957
village in accordance with division (C) of this section. The 1958
report and letter shall be sent to the attorney general within 1959
ten business days after the auditor of state's transmittal of 1960
the report to the village. The audit report transmitted to the 1961
village shall be accompanied by a notice to the village of the 1962
auditor's intent to refer the report to the attorney general for 1963
legal action in accordance with this section. 1964

(C) Within twenty days of receipt of the auditor of 1965
state's report and letter, the attorney general may file a legal 1966
action in the court of common pleas on behalf of the state to 1967
request the dissolution of the village that is the subject of 1968
the audit report. If a legal action is filed, the court shall 1969
hold a hearing within ninety days after the date the attorney 1970
general files the legal action with the court. Notice of the 1971
hearing shall be filed with the attorney general, the clerk of 1972
the village that is the subject of the action, and each fiscal 1973
officer of a township located wholly or partly within the 1974
village. 1975

At the hearing on dissolution, the court shall determine 1976
if the village has a population of one hundred fifty persons or 1977
less, consists of less than two square miles, and meets at least 1978
two conditions for ~~surrendering corporate powers~~the dissolution 1979
of a village. If the court so finds, ~~it~~the court shall order 1980
the dissolution of the village ~~and provide for the surrender of~~ 1981
~~corporate powers~~, which shall proceed in accordance with 1982
~~section 703.21~~sections 703.31 to 703.39 of the Revised Code. 1983

The attorney general shall file a certified copy of the court's order of dissolution with the secretary of state and the county recorder of the county in which the village is situated, who shall record it in their respective offices. ~~Upon the recording in the county recorder's office, the corporate powers of the village shall cease.~~

(D) For purposes of this section, the population of a village shall be the population determined either at the last preceding federal decennial census or according to population estimates certified by the department of development between decennial censuses.

(E) The procedure in this section is in addition to the procedure of section ~~703.20~~ 703.33 of the Revised Code for the ~~surrender of the corporate powers~~ dissolution of a village.

Sec. 703.35. During the period when a dissolution is in question, both of the following apply:

(A) The legislative authority of the village shall not create any new debts, obligations, or liabilities except to the extent the debt, obligation, or liability is necessary in connection with the continued provision of the village's utilities consistent with prudent utility practice.

(B) The legislative authority of the village shall select an official or employee of the village who is knowledgeable on village matters to serve as a representative during a dissolution, should one occur, as specified under section 703.361 of the Revised Code.

Sec. 703.36. On the date the dissolution is effective, all of the following apply:

(A) The village ceases to exist.

<u>(B) The corporate powers of the village cease.</u>	2013
<u>(C) The village officials cease to hold office. An official elected to start a term on or after the date the dissolution is effective shall not take office.</u>	2014 2015 2016
<u>(D) An issue voted on and scheduled to take effect on or after the date the dissolution is effective, other than tax levies and special assessments preserved under section 703.371 of the Revised Code, shall not take effect.</u>	2017 2018 2019 2020
<u>(E) A charter, if applicable, and all ordinances and resolutions of the village, except for tax levy and special assessment ordinances and resolutions preserved under section 703.371 of the Revised Code and ordinances and resolutions necessary to maintain such tax levies and special assessments, are extinguished. Except as provided in division (H) of section 703.371 of the Revised Code, all resolutions of the township or townships into which the village dissolved apply throughout the township's newly included territory, including zoning regulations enacted by a board of township trustees under Chapter 519. of the Revised Code except as provided in sections 303.22 and 519.22 of the Revised Code. Except as provided in sections 303.22 and 519.22 of the Revised Code, county zoning regulations enacted by a board of county commissioners apply throughout the township's newly included territory as applicable.</u>	2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036
<u>(F) A transition supervisory board exists, in accordance with section 703.361 of the Revised Code.</u>	2037 2038
<u>(G) The territory of the village becomes part of the township or townships in which the village territory is located, along existing township boundaries. If there is uncertainty in</u>	2039 2040 2041

this regard, the transition supervisory board shall resolve the 2042
uncertainty. 2043

(H) All leases to which the dissolved village was a party 2044
terminate in accordance with the lease agreement. If a lease 2045
agreement does not have a provision governing the circumstances, 2046
the transition supervisory board shall resolve the lease. 2047

Sec. 703.361. (A) (1) A transition supervisory board 2048
consists of the following three voting members: 2049

(a) The auditor of the county wherein a majority of the 2050
village territory was located; 2051

(b) A member of the board of county commissioners, 2052
selected by the board of county commissioners, of the county 2053
wherein a majority of the village territory was located; 2054

(c) The recorder of the county wherein a majority of the 2055
village territory was located. 2056

(2) A township trustee or the township fiscal officer, as 2057
determined by the board of township trustees, of each township 2058
assuming territory of the dissolved village shall serve on the 2059
board as a nonvoting member. 2060

(3) If the general election that determined the date the 2061
dissolution is effective also included an election for an office 2062
for which the office holder is designated as a board member 2063
under division (A) (1) of this section, the individual declared 2064
as elected to the office shall serve on the board. 2065

(4) An individual who is a resident of the dissolved 2066
village is prohibited from serving on the board. Such an 2067
individual who is designated as a board member shall designate a 2068
suitable replacement to serve on the board. 2069

(B) The county auditor, or the county auditor's designee 2070
under division (A) (4) of this section, is the chair of the 2071
board. 2072

(C) The board is a public body for purposes of section 2073
121.22 of the Revised Code. 2074

(D) The members of the board are not liable, and shall be 2075
held harmless, in any matter in which the board acts in 2076
accordance with sections 703.31 to 703.39 of the Revised Code, 2077
except for liability imposed as a result of a finding for 2078
recovery or other citation in an audit conducted by, or on 2079
behalf of, the auditor of state. 2080

(E) The transition supervisory board shall appoint and 2081
supervise a receiver-trustee. The board shall select a receiver- 2082
trustee from a list of persons provided to the board by the 2083
auditor of state. The board may replace the receiver-trustee as 2084
necessary with approval of the auditor of state. 2085

(F) The village representative selected under section 2086
703.35 of the Revised Code, the person serving as fiscal officer 2087
of the village before it dissolved, and the person serving as 2088
the primary legal counsel for the village before it dissolved 2089
shall provide consultation to the board as requested by the 2090
board. If the legislative authority of a village failed to 2091
select a representative under section 703.35 of the Revised 2092
Code, the board shall select the village representative. 2093

(G) The board shall continue in existence until the date 2094
the auditor of state provides the board the final audit or final 2095
agreed-upon procedure audit under section 703.38 of the Revised 2096
Code. 2097

Sec. 703.362. The receiver-trustee shall perform the 2098

<u>following duties:</u>	2099
<u>(A) Resolve the outstanding debts, obligations, and liabilities of the dissolved village;</u>	2100
	2101
<u>(B) Approve necessary operations and budgetary functions of the dissolved village;</u>	2102
	2103
<u>(C) Settle or resolve any legal claims against the dissolved village existing on the date the dissolution is effective or brought within ninety days after the day the receiver-trustee initially is appointed by the transition supervisory board, as provided under section 703.39 of the Revised Code;</u>	2104
	2105
	2106
	2107
	2108
	2109
<u>(D) Administer and collect taxes and special assessments levied by the legislative authority of the dissolved village in accordance with section 703.371 of the Revised Code during the transition period;</u>	2110
	2111
	2112
	2113
<u>(E) Wind down the involvement of the dissolved village in community improvement corporations, special improvement districts, and tax increment financing arrangements as provided in sections 703.376, 703.377, and 703.378 of the Revised Code;</u>	2114
	2115
	2116
	2117
<u>(F) Dispose of or transfer the dissolved village's real and personal property as provided in section 703.373 of the Revised Code;</u>	2118
	2119
	2120
<u>(G) Manage the dissolved village's utility services until the utility services are transferred under section 703.374 of the Revised Code;</u>	2121
	2122
	2123
<u>(H) Manage the response to public records requests until the records are transferred under section 703.375 of the Revised Code;</u>	2124
	2125
	2126

(I) Perform all other duties assigned to the receiver-trustee under sections 703.31 to 703.39 of the Revised Code or assigned to the transition supervisory board under those sections and delegated by the board to the receiver-trustee; 2127
2128
2129
2130

(J) Conduct all other necessary business of the dissolved village to conclude the village's affairs. 2131
2132

Sec. 703.37. During the transition period, all of the following apply: 2133
2134

(A) The dissolved village's real and personal property shall be disposed of or transferred as provided under section 703.373 of the Revised Code. 2135
2136
2137

(B) The dissolved village's utility services shall be managed and transferred as provided under section 703.374 of the Revised Code. 2138
2139
2140

(C) The dissolved village's records shall be handled as provided under section 703.375 of the Revised Code. 2141
2142

(D) Any funds resulting from a legal settlement that should be provided to the dissolved village shall be provided to the receiver-trustee. 2143
2144
2145

Sec. 703.371. (A) All taxes and special assessments levied by the legislative authority of the dissolved village, including taxes levied in accordance with Chapters 718. and 5745. of the Revised Code, shall continue to be collected after the date the dissolution is effective to the extent that the receiver-trustee determines that the revenue is needed to pay the outstanding debts, obligations, and liabilities of the village and may lawfully be used for that purpose. 2146
2147
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2153

During the transition period, the receiver-trustee shall 2154

administer and receive payments or settlements of such taxes and 2155
special assessments. After the transition period, the fiscal 2156
officer of the township that assumed the most dissolved village 2157
territory shall administer and receive payments or settlements 2158
of such taxes and special assessments. 2159

Except as provided in division (G) of this section, 2160
revenue from taxes and special assessments levied by the 2161
legislative authority of the dissolved village shall be used 2162
solely to pay the outstanding debts, obligations, and 2163
liabilities of the village. 2164

(B) A property tax or special assessment levied by the 2165
legislative authority of a dissolved village that is not needed 2166
to pay the outstanding debts, obligations, and liabilities of 2167
the village or that cannot lawfully be used for that purpose 2168
shall not be levied after the tax year that includes the date 2169
the dissolution is effective. Within thirty days after that 2170
date, the receiver-trustee or township fiscal officer that 2171
administers the tax or assessment shall send notice to the 2172
county auditor and each other member of the county budget 2173
commission of each county in which the territory of the village 2174
is located identifying each property tax levy and special 2175
assessment subject to this division and specifying the date the 2176
dissolution is effective. 2177

(C) A property tax or special assessment levied and 2178
collected in accordance with division (A) of this section after 2179
the tax year that includes the date the dissolution is effective 2180
shall not be levied after the tax year that includes the date 2181
that all outstanding debts, obligations, and liabilities of the 2182
dissolved village are paid in full. Within thirty days after 2183
that date, the receiver-trustee or township fiscal officer that 2184

administers the tax or assessment shall send notice to the 2185
county auditor and each other member of the county budget 2186
commission of each county in which the tax or assessment is 2187
levied identifying each property tax levy and special assessment 2188
subject to this division and specifying the date that all 2189
outstanding debts, obligations, and liabilities of the village 2190
were paid in full. 2191

(D) A tax levied by the legislative authority of a 2192
dissolved village in accordance with Chapter 718. or 5745. of 2193
the Revised Code that is not needed to pay the outstanding 2194
debts, obligations, and liabilities of the village or that 2195
cannot be used for such purposes shall not be levied in any 2196
taxable year beginning on or after the date that the dissolution 2197
is effective. Within thirty days after that date, the receiver- 2198
trustee or township fiscal officer that administers the tax 2199
shall send notice to the tax commissioner identifying each tax 2200
subject to this division and specifying the date the dissolution 2201
is effective. 2202

(E) A tax levied in accordance with Chapter 718. or 5745. 2203
of the Revised Code and collected in accordance with division 2204
(A) of this section after the date the dissolution is effective 2205
shall not be levied in any taxable year beginning on or after 2206
the date that all outstanding debts, obligations, and 2207
liabilities of the dissolved village are paid in full. Within 2208
thirty days after that date, the receiver-trustee or the fiscal 2209
officer that administers the tax shall immediately send notice 2210
to the tax commissioner identifying each tax subject to this 2211
division and specifying the date that all outstanding debts, 2212
obligations, and liabilities of the village were paid in full. 2213

(F) Refunds of illegal, erroneous, or excessive payments 2214

of taxes levied by the legislative authority of a dissolved 2215
village in accordance with Chapter 718. and 5745. of the Revised 2216
Code are "outstanding debts, obligations, and liabilities of the 2217
village" for purposes of this section. During the transition 2218
period, the receiver-trustee shall estimate the total amount of 2219
refunds that are expected to be requested and approved in 2220
accordance with section 718.19, 718.91, and 5745.11 of the 2221
Revised Code from the date the dissolution is effective until 2222
the first day of the fourth year following the last taxable year 2223
in which a tax is levied under division (E) of this section. 2224

The receiver-trustee shall deposit, out of amounts 2225
collected under this division, an amount equal to one hundred 2226
ten per cent of the estimate to a separate fund to be used only 2227
for tax refunds under sections 718.19, 718.91, and 5745.11 of 2228
the Revised Code. The fund shall be administered by the fiscal 2229
officer that administers the taxes. 2230

On the first day of the fourth year following the last 2231
taxable year in which a tax is levied under division (E) of this 2232
section, the fund shall be extinguished and any remaining 2233
balance shall be distributed among the townships into which the 2234
village was dissolved and used in accordance with division (G) 2235
of this section. Notwithstanding anything in the Revised Code to 2236
the contrary, no requests or applications for refund may be 2237
submitted or approved in accordance with section 718.19, 718.91, 2238
or 5745.11 of the Revised Code after the date the fund is 2239
extinguished under this division. 2240

(G) All revenue from taxes and special assessments levied 2241
by the legislative authority of a dissolved village that is 2242
either not used to pay the outstanding debts, obligations, and 2243
liabilities of the village or that cannot be used for that 2244

purpose shall be remitted to the township or townships into 2245
which the village is dissolved. If more than one township is to 2246
receive the remaining revenue, the revenue shall be divided 2247
among the townships in proportion to the amount of territory 2248
that each township has within the former boundaries of the 2249
dissolved village as compared to the total territory within the 2250
former boundaries of the dissolved village. 2251

Revenue received by a township under this division shall 2252
be deposited into the general fund of the township. The township 2253
or townships may use revenue received under this division for 2254
any lawful purpose so long as that purpose directly or 2255
indirectly benefits the territory of the dissolved village. 2256

(H) Resolutions related to property taxes levied by the 2257
board of trustees of a township shall apply to all taxable 2258
property within the former village territory dissolved into the 2259
township on and after the first day of the first taxable year in 2260
which, pursuant to divisions (B) and (C) of this section, no 2261
property taxes are levied on that property by the legislative 2262
authority of the dissolved village. This division applies only 2263
to resolutions related to property taxes that are levied on all 2264
taxable property within the township or all taxable property 2265
within the unincorporated territory of the township. Resolutions 2266
related to property taxes levied within a portion of the 2267
township or a portion of the township's unincorporated territory 2268
shall not apply to the territory of the dissolved village unless 2269
such resolutions are amended to include such territory. 2270

(I) This section does not apply to taxes or assessments 2271
levied within all or part of the territory of a dissolved 2272
village by a taxing authority other than the legislative 2273
authority of the dissolved village or a board of township 2274

trustees. The levy and collection of such taxes and assessments 2275
shall continue unimpeded by the dissolution of the village and 2276
the revenue derived therefrom shall be used for the purposes 2277
described in the ordinance or resolution that levies the tax or 2278
assessment. 2279

Sec. 703.372. Except as expressly provided in sections 2280
703.377 and 703.378 of the Revised Code, the township or 2281
townships into which the territory of a village is dissolved do 2282
not assume the voted debts, obligations, or liabilities of the 2283
village. 2284

Unvoted debt serviced by property taxes levied within the 2285
ten-mill limitation shall be assumed by the township or 2286
townships into which the territory of the village is dissolved 2287
in proportion to the total assessed valuation of territory that 2288
each township has within the former boundaries of the dissolved 2289
village as compared to the total assessed valuation of all 2290
territory within the former boundaries of the dissolved village. 2291
For the purpose of this section, the total assessed valuation of 2292
village territory shall be determined based on the tax year in 2293
which the dissolution is effective. 2294

Sec. 703.373. During the transition period, the dissolved 2295
village's real and personal property shall be disposed of by the 2296
receiver-trustee as follows: 2297

(A) The receiver-trustee shall dispose of the village's 2298
liquidable assets, as necessary, to use the proceeds to pay the 2299
outstanding debts, obligations, and liabilities of the dissolved 2300
village. 2301

(B) The receiver-trustee shall transfer real or personal 2302
property related to utility services as provided under section 2303

703.374 of the Revised Code. 2304

(C) The receiver-trustee shall facilitate the transfer of 2305
the remaining real and personal property to the township or 2306
townships into which the village dissolved, as follows: 2307

(1) (a) If a village is dissolved into one township, the 2308
remaining real and personal property vests by operation of law 2309
in the township. 2310

(b) If a village is dissolved into two or more townships, 2311
the receiver-trustee shall direct the townships to enter into an 2312
agreement regarding the distribution of the real and personal 2313
property not later than sixty days after the date the 2314
dissolution is effective. During that timeframe, the receiver- 2315
trustee shall assist the townships in evaluating the dissolved 2316
village's real and personal property as necessary. If the 2317
townships are not able to enter into an agreement during that 2318
timeframe, the receiver-trustee shall decide the distribution of 2319
the property to the townships. 2320

(2) The receiver-trustee shall record one of the following 2321
with the county recorder of the county where an affected parcel 2322
of real property is located, along with one or more affidavits 2323
stating facts relating to the title as provided for in section 2324
5301.252 of the Revised Code: 2325

(a) A list of real property that vests by operation of law 2326
under this division; 2327

(b) An agreement entered into under this division; 2328

(c) The receiver-trustee's distribution in lieu of an 2329
agreement under this division. 2330

(3) The county recorder shall make appropriate notations 2331

in the county records to reflect a transfer under this section. 2332
The notations shall include a reference to the county's recorded 2333
certificate of dissolution. The recording of a certificate of 2334
dissolution or a certified copy thereof, an item recorded under 2335
division (C)(2)(a), (b), or (c) of this section, and supporting 2336
affidavits serve as sufficient evidence of a transfer of title 2337
from the dissolved village to a township or townships. The 2338
documents shall be recorded in the same manner as a deed of 2339
conveyance, except the receiver-trustee and the affected 2340
township or townships are exempt from any fees specified under 2341
section 317.32 of the Revised Code. 2342

Sec. 703.374. During the transition period, the dissolved 2343
village's utility services, if any, shall be handled as follows: 2344

(A) The provision of utility services shall be 2345
uninterrupted. 2346

(B) The receiver-trustee shall manage the continued 2347
provision of the utility services until the responsibility is 2348
transferred under this section. 2349

(C) The receiver-trustee shall transfer management of the 2350
utility services, as appropriate, to another entity that 2351
lawfully may provide those utility services. The receiver- 2352
trustee shall transfer the respective real or personal property 2353
to the same entity. 2354

Sec. 703.375. (A) During the transition period, the 2355
dissolved village's public records shall be handled as follows: 2356

(1) The receiver-trustee shall evaluate the dissolved 2357
village's records retention schedule to determine if it is 2358
viable for future responses to public records requests. If it is 2359
viable, the receiver-trustee shall follow the schedule in 2360

responding to requests. If it is not viable, the receiver- 2361
trustee, with assistance from the county records commission of 2362
the county wherein a majority of the village territory was 2363
located, shall create a records retention schedule applicable to 2364
the dissolved village's records. 2365

(2) Requests for the dissolved village's public records 2366
shall be submitted to the receiver-trustee. The receiver-trustee 2367
shall respond to those requests in accordance with section 2368
149.43 of the Revised Code. If the receiver-trustee transferred 2369
records under division (B) of this section before receiving a 2370
request, the receiver-trustee shall notify the requestor that 2371
the records may be available via request to the entity or 2372
township to which the records were transferred. 2373

(B) Within the first ninety days after the date the 2374
dissolution is effective, the receiver-trustee, with assistance 2375
from the county records commission of the county wherein a 2376
majority of the village territory was located, shall review the 2377
records of the dissolved village. The review shall determine 2378
which records may be disposed of, which records are related to 2379
utility services and shall be transferred to the entity assuming 2380
the management of the utility service, and which records shall 2381
be transferred to the township or townships into which the 2382
dissolved village dissolved. If necessary, the receiver-trustee 2383
and commission may seek the assistance of an entity or township 2384
for this purpose. 2385

(C) Beginning on the date the transition period is over, 2386
the township or townships to which the records of the dissolved 2387
village were transferred under this section are responsible for 2388
responding to requests for those records. 2389

Sec. 703.376. (A) If the dissolved village designated a 2390

community improvement corporation as its agency for the purposes 2391
described in division (A) (1) of section 1724.10 of the Revised 2392
Code, one of the following shall occur during the transition 2393
period: 2394

(1) If the dissolving village is the only subdivision that 2395
designated the community improvement corporation as its agency, 2396
the community improvement corporation shall be dissolved; 2397

(2) If more than one subdivision designated the community 2398
improvement corporation as its agency, the community improvement 2399
corporation shall either: (a) dissolve and apportion its 2400
remaining assets among each such subdivision in accordance with 2401
the articles of incorporation, or (b) apportion and liquidate 2402
the dissolving village's share of the community improvement 2403
corporation's assets and amend the articles of incorporation to 2404
reflect that the community improvement corporation is no longer 2405
the agency of the dissolving village. 2406

(B) Assets of a community improvement corporation 2407
apportioned to a dissolving village under division (A) (1) or (2) 2408
of this section shall be disposed of by the receiver-trustee 2409
under section 703.373 of the Revised Code. Assets apportioned to 2410
subdivisions other than the dissolving village shall either be 2411
retained by the community improvement corporation if the 2412
community improvement corporation continues to exist, or 2413
disposed of under section 1724.07 of the Revised Code if the 2414
community improvement corporation is dissolved. 2415

(C) The secretary of state shall cancel the articles of 2416
incorporation of a community improvement corporation dissolved 2417
under this section, and all rights, privileges, and franchises 2418
conferred upon that community improvement corporation by those 2419
articles of incorporation then shall cease. 2420

<u>Sec. 703.377. (A) As used in this section:</u>	2421
<u>(1) "Participating political subdivision" and "special improvement district" have the same meanings as in section 1710.01 of the Revised Code.</u>	2422 2423 2424
<u>(2) "Appraised value" has the same meaning as in section 1710.13 of the Revised Code.</u>	2425 2426
<u>(3) "Legislative authority" means the legislative authority of a municipal corporation or board of trustees of a township.</u>	2427 2428 2429
<u>(B) During the period when a dissolution is in question, the board of directors of any special improvement district with respect to which the village is a participating political subdivision shall not create any new debts, obligations, or liabilities except to the extent the debt, obligation, or liability is necessary in connection with the continued provision of the utilities of a participating political subdivision consistent with prudent utility practice.</u>	2430 2431 2432 2433 2434 2435 2436 2437
<u>(C) During the transition period, the receiver-trustee shall call a meeting to consider winding down the affairs of the district or transitioning the affairs of the district that concern the dissolved village to the township or townships that assumed or will assume district territory as a result of the dissolution. Notice of the meeting shall be given as provided in section 1710.05 of the Revised Code to the members of the district, all participating political subdivisions other than the dissolved village, and the township or townships that assumed or will assume district territory as a result of the dissolution.</u>	2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448
<u>(D) Upon the affirmative vote of the transition</u>	2449

supervisory board, the legislative authority of each township 2450
that assumed or will assume district territory as a result of 2451
the dissolution, the legislative authorities of all 2452
participating political subdivisions other than the dissolved 2453
village, and members of the district who collectively own more 2454
than fifty per cent of the appraised value of the real property 2455
in the district that may be subject to assessment under division 2456
(C) of section 1710.06 of the Revised Code, the improvement or 2457
services plan for the special improvement district may be 2458
amended to replace the dissolving village with the township or 2459
townships that assumed or will assume district territory as a 2460
result of the dissolution. Upon such a vote, the township or 2461
townships assume all rights and responsibilities of the 2462
dissolved village related to the special improvement district. 2463

(E) Except as provided in division (D) of this section, 2464
the special improvement district shall be dissolved. Once 2465
dissolved, all bonds, notes, and other obligations of the 2466
district associated with the improvement or services plan shall 2467
be paid. Thereafter, the plan shall be repealed. All special 2468
assessments imposed to pay for the costs of the plan shall 2469
continue until all bonds, notes, and other obligations of the 2470
district are paid. During the transition period, the receiver- 2471
trustee shall assume the rights and obligations of the dissolved 2472
village with respect to such assessments. After the transition 2473
period, the township or townships that assumed territory of the 2474
special improvement district as a result of the dissolution 2475
shall assume such rights and obligations. 2476

Upon fully paying off all bonds, notes, and other 2477
obligations, the board of directors of the special improvement 2478
district shall notify the legislative authority of each 2479
participating subdivision and either the receiver-trustee or, if 2480

the transition period is over, legislative authority of the 2481
township or townships that assumed district territory as a 2482
result of the dissolution. Upon receiving such notice, the 2483
participating political subdivisions and either the receiver- 2484
trustee or the township or townships that assumed district 2485
territory shall discontinue the levy of any special assessments 2486
imposed to pay for costs of the plan. 2487

(F) No rights or obligations of any person under any 2488
contract, or in relation to any bonds, notes, or assessments 2489
made under Chapter 1710. of the Revised Code, shall be affected 2490
by the dissolution of the district, except with the consent of 2491
that person or by order of a court with jurisdiction over the 2492
matter. Upon dissolution of a district, any assets or rights of 2493
the district, after payment of all bonds, notes, or other 2494
obligations of the district, shall be deposited in a special 2495
account in the treasury of each participating political 2496
subdivision, prorated based on the total appraised value of the 2497
real property located within the subdivision and the former 2498
district as compared to the total appraised value of all real 2499
property located within the former district. All funds deposited 2500
to such a special account shall be used for the benefit of the 2501
territory that made up the district. 2502

Assets or rights apportioned to the dissolved village 2503
shall be disposed of by the receiver-trustee under section 2504
703.373 of the Revised Code or, if the transition period is 2505
over, dispensed to the township or townships that assumed 2506
district property as a result of the dissolution, prorated based 2507
on the total appraised value of former district property assumed 2508
by each such township. Such assets and rights shall be used for 2509
the benefit of the territory that made up the district. 2510

Sec. 703.378. Notwithstanding any provision of the Revised Code to the contrary, a township into which property subject to service payments in lieu of taxes required under section 725.04, 5709.42, or 5709.46 of the Revised Code, or services charges in lieu of taxes required under section 1728.11 or 1728.111 of the Revised Code, is dissolved in accordance with sections 703.31 to 703.39 of the Revised Code shall assume all rights and responsibilities under sections 725.04, 1728.11, 1728.111, 5709.40 to 5709.43, or 5709.45 to 5709.47 of the Revised Code of the dissolved village that granted exemption of the property.

Sec. 703.379. (A) As used in this section, "local government fund payments" means payments a dissolved village would receive under sections 5747.503, 5747.51, and 5747.53, and division (C) of section 5747.50 of the Revised Code, as applicable, if not for the dissolution of the village.

(B) A county budget commission of a county in which all or part of the former territory of the dissolved village is located shall exclude the dissolved village from any apportionment plan adopted under section 5747.51 or 5747.53 of the Revised Code on or after the first day of the transition period. A county budget commission shall not amend an apportionment plan adopted under one of those sections before the first day of the transition period for the purpose of reallocating county undivided local government fund payments apportioned to the dissolved village.

(C) All local government fund payments to a dissolved village shall continue as described in divisions (D) and (E) of this section until the end of the last calendar year for which an apportionment plan adopted by a county budget commission under section 5747.51 or 5747.53 of the Revised Code includes allocations of county undivided local government fund revenue to

the dissolved village. 2541

(D) During the transition period, local government fund 2542
payments to the dissolved village shall be distributed to the 2543
receiver-trustee for disposal under section 703.373 of the 2544
Revised Code. 2545

(E) After the transition period, local government fund 2546
payments to the dissolved village shall be distributed directly 2547
to the fiscal officer of the township that assumed the most 2548
dissolved village territory. The fiscal officer shall first 2549
apply the revenue to any outstanding debts, obligations, and 2550
liabilities of the dissolved village. Any remaining revenue 2551
shall then be dispensed to the township or townships into which 2552
the territory of the dissolved village was dissolved. Such 2553
remaining revenue shall be divided in the same proportions and 2554
used for the same purposes as tax and special assessment revenue 2555
under division (G) of section 703.371 of the Revised Code. 2556

Sec. 703.38. (A) On the date the transition period is 2557
over, the transition supervisory board shall notify the auditor 2558
of state and all entities affected by, or participating in, the 2559
dissolution that the transition period is over. 2560

(B) Not later than thirty days after receiving the notice 2561
required under division (A) of this section, the auditor of 2562
state shall commence a final audit or final agreed-upon 2563
procedure audit. The auditor of state shall provide the 2564
completed final audit or final agreed-upon procedure audit to 2565
the transition supervisory board. 2566

Sec. 703.39. Any potential claimant with a potential claim 2567
against the dissolving village shall bring the claim not later 2568
than ninety days after the day the receiver-trustee initially is 2569

appointed by the transition supervisory board. A claim brought 2570
after that date is invalid. 2571

Sec. 731.14. All contracts made by the legislative 2572
authority of a village shall be executed in the name of the 2573
village and signed on its behalf by the mayor and clerk. Except 2574
where the contract is for equipment, services, materials, or 2575
supplies to be purchased under division (D) of section 713.23 or 2576
section 125.04 or 5513.01 of the Revised Code, available from a 2577
qualified nonprofit agency pursuant to sections 4115.31 to 2578
4115.35 of the Revised Code, or required to be purchased from a 2579
qualified nonprofit agency under sections 125.60 to 125.6012 of 2580
the Revised Code, ~~or, during the period of emergency declared by~~ 2581
~~Executive Order 2020-01D, issued on March 9, 2020, when the~~ 2582
~~purchase is for personal protective equipment necessary to~~ 2583
~~respond to that emergency,~~ when any expenditure, other than the 2584
compensation of persons employed in the village, exceeds ~~fifty-~~ 2585
~~thousand dollars~~ the amount specified in section 9.17 of the 2586
Revised Code, such contracts shall be in writing and made with 2587
the lowest and best bidder after advertising once a week for not 2588
less than two consecutive weeks in a newspaper of general 2589
circulation within the village. The legislative authority may 2590
also cause notice to be inserted in trade papers or other 2591
publications designated by it or to be distributed by electronic 2592
means, including posting the notice on the legislative 2593
authority's internet web site. If the legislative authority 2594
posts the notice on its web site, it may eliminate the second 2595
notice otherwise required to be published in a newspaper of 2596
general circulation within the village, provided that the first 2597
notice published in such newspaper meets all of the following 2598
requirements: 2599

(A) It is published at least two weeks before the opening 2600

of bids. 2601

(B) It includes a statement that the notice is posted on 2602
the legislative authority's internet web site. 2603

(C) It includes the internet address of the legislative 2604
authority's internet web site. 2605

(D) It includes instructions describing how the notice may 2606
be accessed on the legislative authority's internet web site. 2607

The bids shall be opened and shall be publicly read by the 2608
clerk of the village or a person designated by the clerk at the 2609
time, date, and place specified in the advertisement to bidders 2610
or specifications. The time, date, and place of bid openings may 2611
be extended to a later date by the legislative authority of the 2612
village, provided that written or oral notice of the change 2613
shall be given to all persons who have received or requested 2614
specifications no later than ninety-six hours prior to the 2615
original time and date fixed for the opening. This section does 2616
not apply to those villages that have provided for the 2617
appointment of a village administrator under section 735.271 of 2618
the Revised Code. 2619

As used in this section, "personal protective equipment" 2620
means equipment worn to minimize exposure to hazards that cause 2621
workplace injuries and illnesses. 2622

Sec. 1545.07. The commissioners appointed in accordance 2623
with section 1545.05 or pursuant to section 1545.041 of the 2624
Revised Code shall constitute the board of park commissioners of 2625
the park district. Such board shall be a body politic and 2626
corporate, and may sue and be sued as provided in sections 2627
1545.01 to 1545.28 of the Revised Code. Such board may employ a 2628
secretary and such other employees as are necessary in the 2629

performance of the powers conferred in such sections. The board 2630
may appoint a treasurer to act as custodian of the board's funds 2631
and as fiscal officer for the park district. For the purposes of 2632
acquiring, planning, developing, protecting, maintaining, or 2633
improving lands and facilities thereon under section 1545.11 of 2634
the Revised Code, and for other types of assistance which it 2635
finds necessary in carrying out its duties under Chapter 1545. 2636
of the Revised Code, the board may hire and contract for 2637
professional, technical, consulting, and other special services, 2638
including, in accordance with division (D) of section 309.09 of 2639
the Revised Code, the legal services of the prosecuting attorney 2640
of the county in which the park district is located, and may 2641
purchase goods. In procuring any goods with a cost in excess of 2642
~~fifty thousand dollars~~the amount specified in section 9.17 of 2643
the Revised Code, the board shall contract as a contracting 2644
authority under sections 307.86 to 307.91 of the Revised Code, 2645
to the same extent and with the same limitations as a board of 2646
county commissioners. In procuring services, the board shall 2647
contract in the manner and under procedures established by the 2648
bylaws of the board as required in section 1545.09 of the 2649
Revised Code. 2650

Sec. 1724.07. ~~In~~Except as provided in section 703.376 of 2651
the Revised Code, in the event of ~~any~~ voluntary or involuntary 2652
dissolution, liquidation, or failure to reinstate the articles 2653
after cancellation of the community improvement corporation, any 2654
remaining assets shall be applied as follows: 2655

(A) In the case of an economic development corporation, to 2656
such civic projects or public charitable purposes in the 2657
community or area as may be determined by the directors with the 2658
approval of the court of common pleas of the county wherein the 2659
corporation has its principal place of business; 2660

(B) In the case of a county land reutilization corporation, as determined by the board of county commissioners with the written approval of the county treasurer. Pending the determination, the remaining assets shall be transferred to the general fund of the county to be held and accounted for in a separate account until applied as determined by the board.

Sec. 1901.34. (A) Except as provided in divisions (B) and (D) of this section, the village solicitor, city director of law, or similar chief legal officer for each municipal corporation within the territory of a municipal court shall prosecute all cases brought before the municipal court for criminal offenses occurring within the municipal corporation for which that person is the solicitor, director of law, or similar chief legal officer. Except as provided in division (B) of this section, the village solicitor, city director of law, or similar chief legal officer of the municipal corporation in which a municipal court is located shall prosecute all criminal cases brought before the court arising in the unincorporated areas within the territory of the municipal court.

(B) The Auglaize county, Brown county, Clermont county, Columbiana county, Hocking county, Holmes county, Jackson county, Morrow county, Ottawa county, Paulding county, Perry county, Portage county, and Putnam county prosecuting attorneys shall prosecute in municipal court all violations of state law arising in their respective counties. The Carroll county, Crawford county, Hamilton county, Madison county, and Wayne county prosecuting attorneys, beginning January 1, 2008, the Erie county prosecuting attorney, ~~and~~ beginning January 1, 2024, the Fulton county prosecuting attorney, and beginning on the effective date of this amendment, the Geauga county prosecuting attorney shall prosecute all violations of state law arising

within the unincorporated areas of their respective counties. 2692
The Darke county prosecuting attorney shall prosecute in the 2693
Darke county municipal court all violations of state law arising 2694
in the county, except for violations of state law arising in the 2695
municipal corporation of Greenville and violations of state law 2696
arising in the village of Versailles. The Greene county board of 2697
county commissioners may provide for the prosecution of all 2698
violations of state law arising within the territorial 2699
jurisdiction of any municipal court located in Greene county. 2700
The Montgomery county prosecuting attorney shall prosecute in 2701
the Montgomery county municipal court all felony, misdemeanor, 2702
and traffic violations arising in the unincorporated townships 2703
of Jefferson, Jackson, Perry, and Clay and all felony violations 2704
of state law and all violations involving a state or county 2705
agency arising within the jurisdiction of the court. All other 2706
violations arising in the territory of the Montgomery county 2707
municipal court shall be prosecuted by the village solicitor, 2708
city director of law, or similar chief legal officer for each 2709
municipal corporation within the territory of the Montgomery 2710
county municipal court. 2711

The prosecuting attorney of any county given the duty of 2712
prosecuting in municipal court violations of state law shall 2713
receive no additional compensation for assuming these additional 2714
duties, except that the prosecuting attorney of Hamilton, 2715
Portage, and Wayne counties shall receive compensation at the 2716
rate of four thousand eight hundred dollars per year, and the 2717
prosecuting attorney of Auglaize county shall receive 2718
compensation at the rate of one thousand eight hundred dollars 2719
per year, each payable from the county treasury of the 2720
respective counties in semimonthly installments. 2721

(C) The village solicitor, city director of law, or 2722

similar chief legal officer shall perform the same duties, 2723
insofar as they are applicable to the village solicitor, city 2724
director of law, or similar chief legal officer, as are required 2725
of the prosecuting attorney of the county. The village 2726
solicitor, city director of law, similar chief legal officer or 2727
any assistants who may be appointed shall receive for such 2728
services additional compensation to be paid from the treasury of 2729
the county as the board of county commissioners prescribes. 2730

(D) The prosecuting attorney of any county, other than 2731
Auglaize, Brown, Clermont, Hocking, Holmes, Jackson, Morrow, 2732
Ottawa, Paulding, Perry, Portage, or Putnam county, may enter 2733
into an agreement with any municipal corporation in the county 2734
in which the prosecuting attorney serves pursuant to which the 2735
prosecuting attorney prosecutes all criminal cases brought 2736
before the municipal court that has territorial jurisdiction 2737
over that municipal corporation for criminal offenses occurring 2738
within the municipal corporation. The prosecuting attorney of 2739
Auglaize, Brown, Clermont, Hocking, Holmes, Jackson, Morrow, 2740
Ottawa, Paulding, Perry, Portage, or Putnam county may enter 2741
into an agreement with any municipal corporation in the county 2742
in which the prosecuting attorney serves pursuant to which the 2743
respective prosecuting attorney prosecutes all cases brought 2744
before the Auglaize county, Brown county, Clermont county, 2745
Hocking county, Holmes county, Jackson county, Morrow county, 2746
Ottawa county, Paulding county, Perry county, Portage county, or 2747
Putnam county municipal court for violations of the ordinances 2748
of the municipal corporation or for criminal offenses other than 2749
violations of state law occurring within the municipal 2750
corporation. For prosecuting these cases, the prosecuting 2751
attorney and the municipal corporation may agree upon a fee to 2752
be paid by the municipal corporation, which fee shall be paid 2753

into the county treasury, to be used to cover expenses of the 2754
office of the prosecuting attorney. 2755

Sec. 2950.11. (A) Regardless of when the sexually oriented 2756
offense or child-victim oriented offense was committed, if a 2757
person is convicted of, pleads guilty to, has been convicted of, 2758
or has pleaded guilty to a sexually oriented offense or a child- 2759
victim oriented offense or a person is or has been adjudicated a 2760
delinquent child for committing a sexually oriented offense or a 2761
child-victim oriented offense and is classified a juvenile 2762
offender registrant or is an out-of-state juvenile offender 2763
registrant based on that adjudication, and if the offender or 2764
delinquent child is in any category specified in division (F) (1) 2765
(a), (b), or (c) of this section, the sheriff with whom the 2766
offender or delinquent child has most recently registered under 2767
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 2768
the sheriff to whom the offender or delinquent child most 2769
recently sent a notice of intent to reside under section 2950.04 2770
or 2950.041 of the Revised Code, within the period of time 2771
specified in division (C) of this section, shall provide a 2772
written notice containing the information set forth in division 2773
(B) of this section to all of the persons described in divisions 2774
(A) (1) to (10) of this section. If the sheriff has sent a notice 2775
to the persons described in those divisions as a result of 2776
receiving a notice of intent to reside and if the offender or 2777
delinquent child registers a residence address that is the same 2778
residence address described in the notice of intent to reside, 2779
the sheriff is not required to send an additional notice when 2780
the offender or delinquent child registers. The sheriff shall 2781
provide the notice to all of the following persons: 2782

(1) (a) Any occupant of each residential unit that is 2783
located within one thousand feet of the offender's or delinquent 2784

child's residential premises, that is located within the county 2785
served by the sheriff, and that is not located in a multi-unit 2786
building. Division (D) (3) of this section applies regarding 2787
notices required under this division. 2788

(b) If the offender or delinquent child resides in a 2789
multi-unit building, any occupant of each residential unit that 2790
is located in that multi-unit building and that shares a common 2791
hallway with the offender or delinquent child. For purposes of 2792
this division, an occupant's unit shares a common hallway with 2793
the offender or delinquent child if the entrance door into the 2794
occupant's unit is located on the same floor and opens into the 2795
same hallway as the entrance door to the unit the offender or 2796
delinquent child occupies. Division (D) (3) of this section 2797
applies regarding notices required under this division. 2798

(c) The building manager, or the person the building owner 2799
or condominium unit owners association authorizes to exercise 2800
management and control, of each multi-unit building that is 2801
located within one thousand feet of the offender's or delinquent 2802
child's residential premises, including a multi-unit building in 2803
which the offender or delinquent child resides, and that is 2804
located within the county served by the sheriff. In addition to 2805
notifying the building manager or the person authorized to 2806
exercise management and control in the multi-unit building under 2807
this division, the sheriff shall post a copy of the notice 2808
prominently in each common entryway in the building and any 2809
other location in the building the sheriff determines 2810
appropriate. The manager or person exercising management and 2811
control of the building shall permit the sheriff to post copies 2812
of the notice under this division as the sheriff determines 2813
appropriate. In lieu of posting copies of the notice as 2814
described in this division, a sheriff may provide notice to all 2815

occupants of the multi-unit building by mail or personal 2816
contact; if the sheriff so notifies all the occupants, the 2817
sheriff is not required to post copies of the notice in the 2818
common entryways to the building. Division (D)(3) of this 2819
section applies regarding notices required under this division. 2820

(d) All additional persons who are within any category of 2821
neighbors of the offender or delinquent child that the attorney 2822
general by rule adopted under section 2950.13 of the Revised 2823
Code requires to be provided the notice and who reside within 2824
the county served by the sheriff; 2825

(2) The executive director of the public children services 2826
agency that has jurisdiction within the specified geographical 2827
notification area and that is located within the county served 2828
by the sheriff; 2829

(3) (a) The superintendent of each board of education of a 2830
school district that has schools within the specified 2831
geographical notification area and that is located within the 2832
county served by the sheriff; 2833

(b) The principal of the school within the specified 2834
geographical notification area and within the county served by 2835
the sheriff that the delinquent child attends; 2836

(c) If the delinquent child attends a school outside of 2837
the specified geographical notification area or outside of the 2838
school district where the delinquent child resides, the 2839
superintendent of the board of education of a school district 2840
that governs the school that the delinquent child attends and 2841
the principal of the school that the delinquent child attends. 2842

(4) (a) The appointing or hiring officer of each chartered 2843
nonpublic school located within the specified geographical 2844

notification area and within the county served by the sheriff or 2845
of each other school located within the specified geographical 2846
notification area and within the county served by the sheriff 2847
and that is not operated by a board of education described in 2848
division (A) (3) of this section; 2849

(b) Regardless of the location of the school, the 2850
appointing or hiring officer of a chartered nonpublic school 2851
that the delinquent child attends. 2852

(5) The director, head teacher, elementary principal, or 2853
site administrator of each preschool program governed by Chapter 2854
3301. of the Revised Code that is located within the specified 2855
geographical notification area and within the county served by 2856
the sheriff; 2857

(6) The administrator of each child care center or type A 2858
family child care home that is located within the specified 2859
geographical notification area and within the county served by 2860
the sheriff, and each holder of a license to operate a type B 2861
family child care home that is located within the specified 2862
geographical notification area and within the county served by 2863
the sheriff. As used in this division, "child care center," 2864
"type A family child care home," and "type B family child care 2865
home" have the same meanings as in section 5104.01 of the 2866
Revised Code. 2867

(7) The president or other chief administrative officer of 2868
each institution of higher education, as defined in section 2869
2907.03 of the Revised Code, that is located within the 2870
specified geographical notification area and within the county 2871
served by the sheriff, and the chief law enforcement officer of 2872
the state university law enforcement agency or campus police 2873
department established under section 3345.04 or 1713.50 of the 2874

Revised Code, if any, that serves that institution;	2875
(8) The sheriff of each county that includes any portion	2876
of the specified geographical notification area;	2877
(9) If the offender or delinquent child resides within the	2878
county served by the sheriff, the chief of police, marshal, or	2879
other chief law enforcement officer of the municipal corporation	2880
in which the offender or delinquent child resides or, if the	2881
offender or delinquent child resides in an unincorporated area,	2882
the constable or chief of the police department or police	2883
district police force of the township in which the offender or	2884
delinquent child resides;	2885
(10) Volunteer organizations in which contact with minors	2886
or other vulnerable individuals might occur or any organization,	2887
company, or individual who requests notification as provided in	2888
division (J) of this section.	2889
(B) The notice required under division (A) of this section	2890
shall include all of the following information regarding the	2891
subject offender or delinquent child:	2892
(1) The offender's or delinquent child's name;	2893
(2) The address or addresses of the offender's or public	2894
registry-qualified juvenile offender registrant's residence,	2895
school, institution of higher education, or place of employment,	2896
as applicable, or the residence address or addresses of a	2897
delinquent child who is not a public registry-qualified juvenile	2898
offender registrant;	2899
(3) The sexually oriented offense or child-victim oriented	2900
offense of which the offender was convicted, to which the	2901
offender pleaded guilty, or for which the child was adjudicated	2902
a delinquent child;	2903

(4) A statement that identifies the category specified in 2904
division (F)(1)(a), (b), or (c) of this section that includes 2905
the offender or delinquent child and that subjects the offender 2906
or delinquent child to this section; 2907

(5) The offender's or delinquent child's photograph. 2908

(C) If a sheriff with whom an offender or delinquent child 2909
registers under section 2950.04, 2950.041, or 2950.05 of the 2910
Revised Code or to whom the offender or delinquent child most 2911
recently sent a notice of intent to reside under section 2950.04 2912
or 2950.041 of the Revised Code is required by division (A) of 2913
this section to provide notices regarding an offender or 2914
delinquent child and if, pursuant to that requirement, the 2915
sheriff provides a notice to a sheriff of one or more other 2916
counties in accordance with division (A)(8) of this section, the 2917
sheriff of each of the other counties who is provided notice 2918
under division (A)(8) of this section shall provide the notices 2919
described in divisions (A)(1) to (7) and (A)(9) and (10) of this 2920
section to each person or entity identified within those 2921
divisions that is located within the specified geographical 2922
notification area and within the county served by the sheriff in 2923
question. 2924

(D)(1) A sheriff required by division (A) or (C) of this 2925
section to provide notices regarding an offender or delinquent 2926
child shall provide the notice to the neighbors that are 2927
described in division (A)(1) of this section and the notices to 2928
law enforcement personnel that are described in divisions (A)(8) 2929
and (9) of this section as soon as practicable, but no later 2930
than five days after the offender sends the notice of intent to 2931
reside to the sheriff and again no later than five days after 2932
the offender or delinquent child registers with the sheriff or, 2933

if the sheriff is required by division (C) of this section to 2934
provide the notices, no later than five days after the sheriff 2935
is provided the notice described in division (A) (8) of this 2936
section. 2937

A sheriff required by division (A) or (C) of this section 2938
to provide notices regarding an offender or delinquent child 2939
shall provide the notices to all other specified persons that 2940
are described in divisions (A) (2) to (7) and (A) (10) of this 2941
section as soon as practicable, but not later than seven days 2942
after the offender or delinquent child registers with the 2943
sheriff or, if the sheriff is required by division (C) of this 2944
section to provide the notices, no later than five days after 2945
the sheriff is provided the notice described in division (A) (8) 2946
of this section. 2947

(2) If an offender or delinquent child in relation to whom 2948
division (A) of this section applies verifies the offender's or 2949
delinquent child's current residence, school, institution of 2950
higher education, or place of employment address, as applicable, 2951
with a sheriff pursuant to section 2950.06 of the Revised Code, 2952
the sheriff may provide a written notice containing the 2953
information set forth in division (B) of this section to the 2954
persons identified in divisions (A) (1) to (10) of this section. 2955
If a sheriff provides a notice pursuant to this division to the 2956
sheriff of one or more other counties in accordance with 2957
division (A) (8) of this section, the sheriff of each of the 2958
other counties who is provided the notice under division (A) (8) 2959
of this section may provide, but is not required to provide, a 2960
written notice containing the information set forth in division 2961
(B) of this section to the persons identified in divisions (A) 2962
(1) to (7) and (A) (9) and (10) of this section. 2963

(3) A sheriff may provide notice under division (A) (1) (a) 2964
or (b) of this section, and may provide notice under division 2965
(A) (1) (c) of this section to a building manager or person 2966
authorized to exercise management and control of a building, by 2967
mail, by personal contact, or by leaving the notice at or under 2968
the entry door to a residential unit. For purposes of divisions 2969
(A) (1) (a) and (b) of this section, and the portion of division 2970
(A) (1) (c) of this section relating to the provision of notice to 2971
occupants of a multi-unit building by mail or personal contact, 2972
the provision of one written notice per unit is deemed as 2973
providing notice to all occupants of that unit. 2974

(E) All information that a sheriff possesses regarding an 2975
offender or delinquent child who is in a category specified in 2976
division (F) (1) (a), (b), or (c) of this section that is 2977
described in division (B) of this section and that must be 2978
provided in a notice required under division (A) or (C) of this 2979
section or that may be provided in a notice authorized under 2980
division (D) (2) of this section is a public record that is open 2981
to inspection under section 149.43 of the Revised Code. 2982

The sheriff shall not cause to be publicly disseminated by 2983
means of the internet any of the information described in this 2984
division that is provided by a delinquent child unless that 2985
child is in a category specified in division (F) (1) (a), (b), or 2986
(c) of this section. 2987

(F) (1) Except as provided in division (F) (2) of this 2988
section, the duties to provide the notices described in 2989
divisions (A) and (C) of this section apply regarding any 2990
offender or delinquent child who is in any of the following 2991
categories: 2992

(a) The offender is a tier III sex offender/child-victim 2993

offender, or the delinquent child is a public registry-qualified 2994
juvenile offender registrant, and a juvenile court has not 2995
removed pursuant to section 2950.15 of the Revised Code the 2996
delinquent child's duty to comply with sections 2950.04, 2997
2950.041, 2950.05, and 2950.06 of the Revised Code. 2998

(b) The delinquent child is a tier III sex offender/child- 2999
victim offender who is not a public registry-qualified juvenile 3000
offender registrant, the delinquent child was subjected to this 3001
section prior to January 1, 2008, as a sexual predator, habitual 3002
sex offender, child-victim predator, or habitual child-victim 3003
offender, as those terms were defined in section 2950.01 of the 3004
Revised Code as it existed prior to January 1, 2008, and a 3005
juvenile court has not removed pursuant to section 2152.84 or 3006
2152.85 of the Revised Code the delinquent child's duty to 3007
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 3008
the Revised Code. 3009

(c) The delinquent child is a tier III sex offender/child- 3010
victim offender who is not a public registry-qualified juvenile 3011
offender registrant, the delinquent child was classified a 3012
juvenile offender registrant on or after January 1, 2008, the 3013
court has imposed a requirement under section 2152.82, 2152.83, 3014
or 2152.84 of the Revised Code subjecting the delinquent child 3015
to this section, and a juvenile court has not removed pursuant 3016
to section 2152.84 or 2152.85 of the Revised Code the delinquent 3017
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 3018
and 2950.06 of the Revised Code. 3019

(2) The notification provisions of this section do not 3020
apply to a person described in division (F) (1) (a), (b), or (c) 3021
of this section if a court finds at a hearing after considering 3022
the factors described in this division that the person would not 3023

be subject to the notification provisions of this section that 3024
were in the version of this section that existed immediately 3025
prior to January 1, 2008. In making the determination of whether 3026
a person would have been subject to the notification provisions 3027
under prior law as described in this division, the court shall 3028
consider the following factors: 3029

(a) The offender's or delinquent child's age; 3030

(b) The offender's or delinquent child's prior criminal or 3031
delinquency record regarding all offenses, including, but not 3032
limited to, all sexual offenses; 3033

(c) The age of the victim of the sexually oriented offense 3034
for which sentence is to be imposed or the order of disposition 3035
is to be made; 3036

(d) Whether the sexually oriented offense for which 3037
sentence is to be imposed or the order of disposition is to be 3038
made involved multiple victims; 3039

(e) Whether the offender or delinquent child used drugs or 3040
alcohol to impair the victim of the sexually oriented offense or 3041
to prevent the victim from resisting; 3042

(f) If the offender or delinquent child previously has 3043
been convicted of or pleaded guilty to, or been adjudicated a 3044
delinquent child for committing an act that if committed by an 3045
adult would be, a criminal offense, whether the offender or 3046
delinquent child completed any sentence or dispositional order 3047
imposed for the prior offense or act and, if the prior offense 3048
or act was a sex offense or a sexually oriented offense, whether 3049
the offender or delinquent child participated in available 3050
programs for sexual offenders; 3051

(g) Any mental illness or mental disability of the 3052

offender or delinquent child; 3053

(h) The nature of the offender's or delinquent child's 3054
sexual conduct, sexual contact, or interaction in a sexual 3055
context with the victim of the sexually oriented offense and 3056
whether the sexual conduct, sexual contact, or interaction in a 3057
sexual context was part of a demonstrated pattern of abuse; 3058

(i) Whether the offender or delinquent child, during the 3059
commission of the sexually oriented offense for which sentence 3060
is to be imposed or the order of disposition is to be made, 3061
displayed cruelty or made one or more threats of cruelty; 3062

(j) Whether the offender or delinquent child would have 3063
been a habitual sex offender or a habitual child victim offender 3064
under the definitions of those terms set forth in section 3065
2950.01 of the Revised Code as that section existed prior to 3066
January 1, 2008; 3067

(k) Any additional behavioral characteristics that 3068
contribute to the offender's or delinquent child's conduct. 3069

(G) (1) The department of job and family services shall 3070
compile, maintain, and update in January and July of each year, 3071
a list of all agencies, centers, or homes of a type described in 3072
division (A) (2) or (6) of this section that contains the name of 3073
each agency, center, or home of that type, the county in which 3074
it is located, its address and telephone number, and the name of 3075
an administrative officer or employee of the agency, center, or 3076
home. 3077

(2) The department of education and workforce shall 3078
compile, maintain, and update in January and July of each year, 3079
a list of all boards of education, schools, or programs of a 3080
type described in division (A) (3), (4), or (5) of this section 3081

that contains the name of each board of education, school, or 3082
program of that type, the county in which it is located, its 3083
address and telephone number, the name of the superintendent of 3084
the board or of an administrative officer or employee of the 3085
school or program, and, in relation to a board of education, the 3086
county or counties in which each of its schools is located and 3087
the address of each such school. 3088

(3) The ~~department~~—chancellor of higher education shall 3089
compile, maintain, and update in January and July of each year, 3090
a list of all institutions of a type described in division (A) 3091
(7) of this section that contains the name of each such 3092
institution, the county in which it is located, its address and 3093
telephone number, and the name of its president or other chief 3094
administrative officer. 3095

(4) A sheriff required by division (A) or (C) of this 3096
section, or authorized by division (D) (2) of this section, to 3097
provide notices regarding an offender or delinquent child, or a 3098
designee of a sheriff of that type, may request the department 3099
of job and family services, department of education and 3100
workforce, or ~~department~~—chancellor of higher education by 3101
telephone, in person, or by mail, to provide the sheriff or 3102
designee with the names, addresses, and telephone numbers of the 3103
appropriate persons and entities to whom the notices described 3104
in divisions (A) (2) to (7) of this section are to be provided. 3105
Upon receipt of a request, the department shall provide the 3106
requesting sheriff or designee with the names, addresses, and 3107
telephone numbers of the appropriate persons and entities to 3108
whom those notices are to be provided. 3109

(H) (1) Upon the motion of the offender or the prosecuting 3110
attorney of the county in which the offender was convicted of or 3111

pleaded guilty to the sexually oriented offense or child-victim 3112
oriented offense for which the offender is subject to community 3113
notification under this section, or upon the motion of the 3114
sentencing judge or that judge's successor in office, the judge 3115
may schedule a hearing to determine whether the interests of 3116
justice would be served by suspending the community notification 3117
requirement under this section in relation to the offender. The 3118
judge may dismiss the motion without a hearing but may not issue 3119
an order suspending the community notification requirement 3120
without a hearing. At the hearing, all parties are entitled to 3121
be heard, and the judge shall consider all of the factors set 3122
forth in division (K) of this section. If, at the conclusion of 3123
the hearing, the judge finds that the offender has proven by 3124
clear and convincing evidence that the offender is unlikely to 3125
commit in the future a sexually oriented offense or a child- 3126
victim oriented offense and if the judge finds that suspending 3127
the community notification requirement is in the interests of 3128
justice, the judge may suspend the application of this section 3129
in relation to the offender. The order shall contain both of 3130
these findings. 3131

The judge promptly shall serve a copy of the order upon 3132
the sheriff with whom the offender most recently registered 3133
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 3134
and upon the bureau of criminal identification and 3135
investigation. 3136

An order suspending the community notification requirement 3137
does not suspend or otherwise alter an offender's duties to 3138
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 3139
the Revised Code and does not suspend the victim notification 3140
requirement under section 2950.10 of the Revised Code. 3141

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a sexually violent predator;

(b) A person who is convicted of or pleads guilty to a sexually oriented offense that is a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either who is sentenced under section 2971.03 of the Revised Code or upon whom a sentence of life without parole is imposed under division (B) of section 2907.02

of the Revised Code; 3172

(c) A person who is convicted of or pleads guilty to a 3173
sexually oriented offense that is attempted rape committed on or 3174
after January 2, 2007, and who also is convicted of or pleads 3175
guilty to a specification of the type described in section 3176
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 3177

(d) A person who is convicted of or pleads guilty to an 3178
offense described in division (B) (3) (a), (b), (c), or (d) of 3179
section 2971.03 of the Revised Code and who is sentenced for 3180
that offense pursuant to that division; 3181

(e) An offender who is in a category specified in division 3182
(F) (1) (a), (b), or (c) of this section and who, subsequent to 3183
being subjected to community notification, has pleaded guilty to 3184
or been convicted of a sexually oriented offense or child-victim 3185
oriented offense. 3186

(I) If a person is convicted of, pleads guilty to, has 3187
been convicted of, or has pleaded guilty to a sexually oriented 3188
offense or a child-victim oriented offense or a person is or has 3189
been adjudicated a delinquent child for committing a sexually 3190
oriented offense or a child-victim oriented offense and is 3191
classified a juvenile offender registrant or is an out-of-state 3192
juvenile offender registrant based on that adjudication, and if 3193
the offender or delinquent child is not in any category 3194
specified in division (F) (1) (a), (b), or (c) of this section, 3195
the sheriff with whom the offender or delinquent child has most 3196
recently registered under section 2950.04, 2950.041, or 2950.05 3197
of the Revised Code and the sheriff to whom the offender or 3198
delinquent child most recently sent a notice of intent to reside 3199
under section 2950.04 or 2950.041 of the Revised Code, within 3200
the period of time specified in division (D) of this section, 3201

shall provide a written notice containing the information set 3202
forth in division (B) of this section to the executive director 3203
of the public children services agency that has jurisdiction 3204
within the specified geographical notification area and that is 3205
located within the county served by the sheriff. 3206

(J) Each sheriff shall allow a volunteer organization or 3207
other organization, company, or individual who wishes to receive 3208
the notice described in division (A) (10) of this section 3209
regarding a specific offender or delinquent child or notice 3210
regarding all offenders and delinquent children who are located 3211
in the specified geographical notification area to notify the 3212
sheriff by electronic mail or through the sheriff's web site of 3213
this election. The sheriff shall promptly inform the bureau of 3214
criminal identification and investigation of these requests in 3215
accordance with the forwarding procedures adopted by the 3216
attorney general pursuant to section 2950.13 of the Revised 3217
Code. 3218

(K) In making a determination under division (H) (1) of 3219
this section as to whether to suspend the community notification 3220
requirement under this section for an offender, the judge shall 3221
consider all relevant factors, including, but not limited to, 3222
all of the following: 3223

(1) The offender's age; 3224

(2) The offender's prior criminal or delinquency record 3225
regarding all offenses, including, but not limited to, all 3226
sexually oriented offenses or child-victim oriented offenses; 3227

(3) The age of the victim of the sexually oriented offense 3228
or child-victim oriented offense the offender committed; 3229

(4) Whether the sexually oriented offense or child-victim 3230

oriented offense the offender committed involved multiple 3231
victims; 3232

(5) Whether the offender used drugs or alcohol to impair 3233
the victim of the sexually oriented offense or child-victim 3234
oriented offense the offender committed or to prevent the victim 3235
from resisting; 3236

(6) If the offender previously has been convicted of, 3237
pleaded guilty to, or been adjudicated a delinquent child for 3238
committing an act that if committed by an adult would be a 3239
criminal offense, whether the offender completed any sentence or 3240
dispositional order imposed for the prior offense or act and, if 3241
the prior offense or act was a sexually oriented offense or a 3242
child-victim oriented offense, whether the offender or 3243
delinquent child participated in available programs for sex 3244
offenders or child-victim offenders; 3245

(7) Any mental illness or mental disability of the 3246
offender; 3247

(8) The nature of the offender's sexual conduct, sexual 3248
contact, or interaction in a sexual context with the victim of 3249
the sexually oriented offense the offender committed or the 3250
nature of the offender's interaction in a sexual context with 3251
the victim of the child-victim oriented offense the offender 3252
committed, whichever is applicable, and whether the sexual 3253
conduct, sexual contact, or interaction in a sexual context was 3254
part of a demonstrated pattern of abuse; 3255

(9) Whether the offender, during the commission of the 3256
sexually oriented offense or child-victim oriented offense the 3257
offender committed, displayed cruelty or made one or more 3258
threats of cruelty; 3259

(10) Any additional behavioral characteristics that 3260
contribute to the offender's conduct. 3261

(L) As used in this section, "specified geographical 3262
notification area" means the geographic area or areas within 3263
which the attorney general, by rule adopted under section 3264
2950.13 of the Revised Code, requires the notice described in 3265
division (B) of this section to be given to the persons 3266
identified in divisions (A)(2) to (8) of this section. 3267

Sec. 3301.077. ~~Not later than January 31, 2014, the state-~~ 3268
~~board of education~~ The department of education and workforce 3269
shall adopt reading competencies for all reading credentials and 3270
training. Such competencies shall include, but not be limited 3271
to, an understanding of phonemic awareness, phonics, fluency, 3272
vocabulary, comprehension, appropriate use of assessments, 3273
differentiated instruction, and selection of appropriate 3274
instructional materials and application of research-based 3275
instructional practices. The department may review and update 3276
the reading competencies as it considers necessary. 3277

Sec. 3307.01. As used in this chapter: 3278

(A) "Employer" means the board of education, school 3279
district, governing authority of any community school 3280
established under Chapter 3314. of the Revised Code, a science, 3281
technology, engineering, and mathematics school established 3282
under Chapter 3326. of the Revised Code, college, university, 3283
institution, or other agency within the state by which a teacher 3284
is employed and paid. 3285

(B)(1) "Teacher" means all of the following: 3286

(a) Any person paid from public funds and employed in the 3287
public schools of the state under any type of contract described 3288

in section 3311.77 or 3319.08 of the Revised Code in a position 3289
for which the person is required to have a license or 3290
registration issued pursuant to sections 3319.22 to 3319.31 of 3291
the Revised Code; 3292

(b) Except as provided in division (B) (2) (b) or (c) of 3293
this section, any person employed as a teacher or faculty member 3294
in a community school or a science, technology, engineering, and 3295
mathematics school pursuant to Chapter 3314. or 3326. of the 3296
Revised Code; 3297

(c) Any person having a license or registration issued 3298
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 3299
employed in a public school in this state in an educational 3300
position, as determined by the department of education and 3301
workforce, under programs provided for by federal acts or 3302
regulations and financed in whole or in part from federal funds, 3303
but for which no licensure requirements for the position can be 3304
made under the provisions of such federal acts or regulations; 3305

(d) Any other teacher or faculty member employed in any 3306
school, college, university, institution, or other agency wholly 3307
controlled and managed, and supported in whole or in part, by 3308
the state or any political subdivision thereof, including 3309
Central state university, Cleveland state university, and the 3310
university of Toledo; 3311

(e) The educational employees of the state board of 3312
education, as determined by the state superintendent of public 3313
instruction, and the educational employees of the department of 3314
education and workforce, as determined by the director of 3315
education and workforce; 3316

(f) Any person having a registration issued pursuant to 3317

section 3301.28 of the Revised Code and employed as a tutor by 3318
the coordinating service center as defined in that section; 3319

(g) Any person having a license issued pursuant to Chapter 3320
4732. of the Revised Code and employed as a school psychologist 3321
in a public school; 3322

(h) Any person having a pre-service teacher permit issued 3323
pursuant to section 3319.0812 of the Revised Code and employed 3324
as a substitute teacher by a school district or school. 3325

In all cases of doubt, the state teachers retirement board 3326
shall determine whether any person is a teacher, and its 3327
decision shall be final. 3328

(2) "Teacher" does not include any of the following: 3329

(a) Any eligible employee of a public institution of 3330
higher education, as defined in section 3305.01 of the Revised 3331
Code, who elects to participate in an alternative retirement 3332
plan established under Chapter 3305. of the Revised Code; 3333

(b) Any person employed by a community school operator, as 3334
defined in section 3314.02 of the Revised Code, if on or before 3335
February 1, 2016, the school's operator was withholding and 3336
paying employee and employer taxes pursuant to 26 U.S.C. 3101(a) 3337
and 3111(a) for persons employed in the school as teachers, 3338
unless the person had contributing service in a community school 3339
in the state within one year prior to the later of February 1, 3340
2016, or the date on which the operator for the first time 3341
withholds and pays employee and employer taxes pursuant to 26 3342
U.S.C. 3101(a) and 3111(a) for that person; 3343

(c) Any person who would otherwise be a teacher under 3344
division (B) (2) (b) of this section who terminates employment 3345
with a community school operator and has no contributing service 3346

in a community school in the state for a period of at least one 3347
year from the date of termination of employment. 3348

(C) "Member" means any person included in the membership 3349
of the state teachers retirement system, which shall consist of 3350
all teachers and contributors as defined in divisions (B) and 3351
(D) of this section and all disability benefit recipients, as 3352
defined in section 3307.50 of the Revised Code. However, for 3353
purposes of this chapter, the following persons shall not be 3354
considered members: 3355

(1) A student, intern, or resident who is not a member 3356
while employed part-time by a school, college, or university at 3357
which the student, intern, or resident is regularly attending 3358
classes; 3359

(2) A person denied membership pursuant to section 3307.24 3360
of the Revised Code; 3361

(3) An other system retirant, as defined in section 3362
3307.35 of the Revised Code, or a superannuate; 3363

(4) An individual employed in a program established 3364
pursuant to the "Job Training Partnership Act," 96 Stat. 1322 3365
(1982), 29 U.S.C.A. 1501; 3366

(5) The surviving spouse of a member or retirant if the 3367
surviving spouse's only connection to the retirement system is 3368
an account in an STRS defined contribution plan. 3369

(D) "Contributor" means any person who has an account in 3370
the teachers' savings fund or defined contribution fund, except 3371
that "contributor" does not mean a member or retirant's 3372
surviving spouse with an account in an STRS defined contribution 3373
plan. 3374

(E) "Beneficiary" means any person eligible to receive, or
in receipt of, a retirement allowance or other benefit provided
by this chapter.

(F) "Year" means the year beginning the first day of July
and ending with the thirtieth day of June next following, except
that for the purpose of determining final average salary under
the plan described in sections 3307.50 to 3307.79 of the Revised
Code, "year" may mean the contract year.

(G) "Local district pension system" means any school
teachers pension fund created in any school district of the
state in accordance with the laws of the state prior to
September 1, 1920.

(H) "Employer contribution" means the amount paid by an
employer, as determined by the employer rate, including the
normal and deficiency rates, contributions, and funds wherever
used in this chapter.

(I) "Five years of service credit" means employment
covered under this chapter and employment covered under a former
retirement plan operated, recognized, or endorsed by a college,
institute, university, or political subdivision of this state
prior to coverage under this chapter.

(J) "Actuary" means an actuarial professional contracted
with or employed by the state teachers retirement board, who
shall be either of the following:

(1) A member of the American academy of actuaries;

(2) A firm, partnership, or corporation of which at least
one person is a member of the American academy of actuaries.

(K) "Fiduciary" means a person who does any of the

following: 3403

(1) Exercises any discretionary authority or control with 3404
respect to the management of the system, or with respect to the 3405
management or disposition of its assets; 3406

(2) Renders investment advice for a fee, direct or 3407
indirect, with respect to money or property of the system; 3408

(3) Has any discretionary authority or responsibility in 3409
the administration of the system. 3410

(L) (1) (a) Except as provided in this division, 3411
"compensation" means all salary, wages, and other earnings paid 3412
to a teacher by reason of the teacher's employment, including 3413
compensation paid pursuant to a supplemental contract. The 3414
salary, wages, and other earnings shall be determined prior to 3415
determination of the amount required to be contributed to the 3416
teachers' savings fund or defined contribution fund under 3417
section 3307.26 of the Revised Code and without regard to 3418
whether any of the salary, wages, or other earnings are treated 3419
as deferred income for federal income tax purposes. 3420

(b) Except as provided in division (L) (1) (c) of this 3421
section, "compensation" includes amounts paid by an employer as 3422
a retroactive payment of earnings, damages, or back pay pursuant 3423
to a court order, court-adopted settlement agreement, or other 3424
settlement agreement if the retirement system receives both of 3425
the following: 3426

(i) Teacher and employer contributions under sections 3427
3307.26 and 3307.28 of the Revised Code, plus interest 3428
compounded annually at a rate determined by the state teachers 3429
retirement board, for each year or portion of a year for which 3430
amounts are paid under the order or agreement; 3431

(ii) Teacher and employer contributions under sections 3432
3307.26 and 3307.28 of the Revised Code, plus interest 3433
compounded annually at a rate determined by the board, for each 3434
year or portion of a year not subject to division (L) (1) (b) (i) 3435
of this section for which the board determines the teacher was 3436
improperly paid, regardless of the teacher's ability to recover 3437
on such amounts improperly paid. 3438

(c) If any portion of an amount paid by an employer as a 3439
retroactive payment of earnings, damages, or back pay is for an 3440
amount, benefit, or payment described in division (L) (2) of this 3441
section, that portion of the amount is not compensation under 3442
this section. 3443

(2) Compensation does not include any of the following: 3444

(a) Payments for accrued but unused sick leave or personal 3445
leave, including payments made under a plan established pursuant 3446
to section 124.39 of the Revised Code or any other plan 3447
established by the employer; 3448

(b) Payments made for accrued but unused vacation leave, 3449
including payments made pursuant to section 124.13 of the 3450
Revised Code or a plan established by the employer; 3451

(c) Payments made for vacation pay covering concurrent 3452
periods for which other salary, compensation, or benefits under 3453
this chapter or Chapter 145. or 3309. of the Revised Code are 3454
paid; 3455

(d) Amounts paid by the employer to provide life 3456
insurance, sickness, accident, endowment, health, medical, 3457
hospital, dental, or surgical coverage, or other insurance for 3458
the teacher or the teacher's family, or amounts paid by the 3459
employer to the teacher in lieu of providing the insurance; 3460

(e) Incidental benefits, including lodging, food, laundry, 3461
parking, or services furnished by the employer, use of the 3462
employer's property or equipment, and reimbursement for job- 3463
related expenses authorized by the employer, including moving 3464
and travel expenses and expenses related to professional 3465
development; 3466

(f) Payments made by the employer in exchange for a 3467
member's waiver of a right to receive any payment, amount, or 3468
benefit described in division (L) (2) of this section; 3469

(g) Payments by the employer for services not actually 3470
rendered; 3471

(h) Any amount paid by the employer as a retroactive 3472
increase in salary, wages, or other earnings, unless the 3473
increase is one of the following: 3474

(i) A retroactive increase paid to a member employed by a 3475
school district board of education in a position that requires a 3476
license designated for teaching and not designated for being an 3477
administrator issued under section 3319.22 of the Revised Code 3478
that is paid in accordance with uniform criteria applicable to 3479
all members employed by the board in positions requiring the 3480
licenses; 3481

(ii) A retroactive increase paid to a member employed by a 3482
school district board of education in a position that requires a 3483
license designated for being an administrator issued under 3484
section 3319.22 of the Revised Code that is paid in accordance 3485
with uniform criteria applicable to all members employed by the 3486
board in positions requiring the licenses; 3487

(iii) A retroactive increase paid to a member employed by 3488
a school district board of education as a superintendent that is 3489

also paid as described in division (L) (2) (h) (i) of this section;	3490
(iv) A retroactive increase paid to a member employed by	3491
an employer other than a school district board of education in	3492
accordance with uniform criteria applicable to all members	3493
employed by the employer.	3494
(i) Payments made to or on behalf of a teacher that are in	3495
excess of the annual compensation that may be taken into account	3496
by the retirement system under division (a) (17) of section 401	3497
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26	3498
U.S.C.A. 401(a) (17), as amended. For a teacher who first	3499
establishes membership before July 1, 1996, the annual	3500
compensation that may be taken into account by the retirement	3501
system shall be determined under division (d) (3) of section	3502
13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub.	3503
L. No. 103-66, 107 Stat. 472.	3504
(j) Payments made under division (B), (C), or (E) of	3505
section 5923.05 of the Revised Code, Section 4 of Substitute	3506
Senate Bill No. 3 of the 119th general assembly, Section 3 of	3507
Amended Substitute Senate Bill No. 164 of the 124th general	3508
assembly, or Amended Substitute House Bill No. 405 of the 124th	3509
general assembly;	3510
(k) Anything of value received by the teacher that is	3511
based on or attributable to retirement or an agreement to	3512
retire.	3513
(3) The retirement board shall determine both of the	3514
following:	3515
(a) Whether particular forms of earnings are included in	3516
any of the categories enumerated in this division;	3517
(b) Whether any form of earnings not enumerated in this	3518

division is to be included in compensation. 3519

Decisions of the board made under this division shall be 3520
final. 3521

(M) "Superannuate" means both of the following: 3522

(1) A former teacher receiving from the system a 3523
retirement allowance under section 3307.58 or 3307.59 of the 3524
Revised Code; 3525

(2) A former teacher receiving a benefit from the system 3526
under a plan established under section 3307.81 of the Revised 3527
Code, except that "superannuate" does not include a former 3528
teacher who is receiving a benefit based on disability under a 3529
plan established under section 3307.81 of the Revised Code. 3530

For purposes of sections 3307.35 and 3307.353 of the 3531
Revised Code, "superannuate" also means a former teacher 3532
receiving from the system a combined service retirement benefit 3533
paid in accordance with section 3307.57 of the Revised Code, 3534
regardless of which retirement system is paying the benefit. 3535

(N) "STRS defined benefit plan" means the plan described 3536
in sections 3307.50 to 3307.79 of the Revised Code. 3537

(O) "STRS defined contribution plan" means the plans 3538
established under section 3307.81 of the Revised Code and 3539
includes the STRS combined plan under that section. 3540

(P) "Faculty" means the teaching staff of a university, 3541
college, or school, including any academic administrators. 3542

Sec. 3309.01. As used in this chapter: 3543

(A) "Employer" or "public employer" means boards of 3544
education, school districts, joint vocational districts, 3545

governing authorities of community schools established under 3546
Chapter 3314. of the Revised Code, a science, technology, 3547
engineering, and mathematics school established under Chapter 3548
3326. of the Revised Code, educational institutions, technical 3549
colleges, state, municipal, and community colleges, community 3550
college branches, universities, university branches, other 3551
educational institutions, or other agencies within the state by 3552
which an employee is employed and paid, including any 3553
organization using federal funds, provided the federal funds are 3554
disbursed by an employer as determined by the above. In all 3555
cases of doubt, the school employees retirement board shall 3556
determine whether any employer is an employer as defined in this 3557
chapter, and its decision shall be final. 3558

(B) "Employee" means all of the following: 3559

(1) Any person employed by a public employer in a position 3560
for which the person is not required to have a registration, 3561
certificate, or license issued pursuant to section 3301.28 or 3562
sections 3319.22 to 3319.31 of the Revised Code or a permit 3563
issued under section 3319.0812 of the Revised Code; 3564

(2) Any person who performs a service common to the normal 3565
daily operation of an educational unit even though the person is 3566
employed and paid by one who has contracted with an employer to 3567
perform the service, and the contracting board or educational 3568
unit shall be the employer for the purposes of administering the 3569
provisions of this chapter; 3570

(3) Any person, not a faculty member, employed in any 3571
school or college or other institution wholly controlled and 3572
managed, and wholly or partly supported by the state or any 3573
political subdivision thereof, the board of trustees, or other 3574
managing body of which shall accept the requirements and 3575

obligations of this chapter. 3576

In all cases of doubt, the school employees retirement 3577
board shall determine whether any person is an employee, as 3578
defined in this division, and its decision is final. 3579

(C) "Prior service" means all service rendered prior to 3580
September 1, 1937: 3581

(1) As an employee as defined in division (B) of this 3582
section; 3583

(2) As an employee in a capacity covered by the public 3584
employees retirement system or the state teachers retirement 3585
system; 3586

(3) As an employee of an institution in another state, 3587
service credit for which was procured by a member under the 3588
provisions of section 3309.31 of the Revised Code. 3589

Prior service, for service as an employee in a capacity 3590
covered by the public employees retirement system or the state 3591
teachers retirement system, shall be granted a member under 3592
qualifications identical to the laws and rules applicable to 3593
service credit in those systems. 3594

Prior service shall not be granted any member for service 3595
rendered in a capacity covered by the public employees 3596
retirement system, the state teachers retirement system, and 3597
this system in the event the service credit has, in the 3598
respective systems, been received, waived by exemption, or 3599
forfeited by withdrawal of contributions, except as provided in 3600
this chapter. 3601

If a member who has been granted prior service should, 3602
subsequent to September 16, 1957, and before retirement, 3603

establish three years of contributing service in the public 3604
employees retirement system, or one year in the state teachers 3605
retirement system, then the prior service granted shall become, 3606
at retirement, the liability of the other system, if the prior 3607
service or employment was in a capacity that is covered by that 3608
system. 3609

The provisions of this division shall not cancel any prior 3610
service granted a member by the school employees retirement 3611
board prior to August 1, 1959. 3612

(D) "Total service," "total service credit," or "Ohio 3613
service credit" means all contributing service of a member of 3614
the school employees retirement system, and all prior service, 3615
computed as provided in this chapter, and all service 3616
established pursuant to sections 3309.31, 3309.311, and 3309.33 3617
of the Revised Code. In addition, "total service" includes any 3618
period, not in excess of three years, during which a member was 3619
out of service and receiving benefits from the state insurance 3620
fund, provided the injury or incapacitation was the direct 3621
result of school employment. 3622

(E) "Member" means any employee, except an SERS retirant 3623
or other system retirant as defined in section 3309.341 of the 3624
Revised Code, who has established membership in the school 3625
employees retirement system. "Member" includes a disability 3626
benefit recipient. 3627

(F) "Contributor" means any person who has an account in 3628
the employees' savings fund. When used in the sections listed in 3629
division (B) of section 3309.82 of the Revised Code, 3630
"contributor" includes any person participating in a plan 3631
established under section 3309.81 of the Revised Code. 3632

(G) "Retirant" means any former member who retired and is receiving a retirement allowance under section 3309.36 or 3309.381 or former section 3309.38 of the Revised Code.

(H) "Beneficiary" or "beneficiaries" means the estate or a person or persons who, as the result of the death of a contributor or retirant, qualifies for or is receiving some right or benefit under this chapter.

(I) "Interest," as specified in division (E) of section 3309.60 of the Revised Code, means interest at the rates for the respective funds and accounts as the school employees retirement board may determine from time to time.

(J) "Accumulated contributions" means the sum of all amounts credited to a contributor's account in the employees' savings fund together with any regular interest credited thereon at the rates approved by the retirement board prior to retirement.

(K) "Final average salary" means the sum of the annual compensation for the three highest years of compensation for which contributions were made by the member, divided by three. If the member has a partial year of contributing service in the year in which the member terminates employment and the partial year is at a rate of compensation that is higher than the rate of compensation for any one of the highest three years of annual earnings, the board shall substitute the compensation earned for the partial year for the compensation earned for a similar fractional portion in the lowest of the three high years of annual compensation before dividing by three. If a member has less than three years of contributing membership, the final average salary shall be the total compensation divided by the total number of years, including any fraction of a year, of

contributing service. 3663

(L) "Annuity" means payments for life derived from 3664
contributions made by a contributor and paid from the annuity 3665
and pension reserve fund as provided in this chapter. All 3666
annuities shall be paid in twelve equal monthly installments. 3667

(M) (1) "Pension" means annual payments for life derived 3668
from appropriations made by an employer and paid from the 3669
employers' trust fund or the annuity and pension reserve fund. 3670
All pensions shall be paid in twelve equal monthly installments. 3671

(2) "Disability retirement" means retirement as provided 3672
in section 3309.40 of the Revised Code. 3673

(N) "Retirement allowance" means the pension plus the 3674
annuity. 3675

(O) (1) "Benefit" means a payment, other than a retirement 3676
allowance or the annuity paid under section 3309.344 of the 3677
Revised Code, payable from the accumulated contributions of the 3678
member or the employer, or both, under this chapter and includes 3679
a disability allowance or disability benefit. 3680

(2) "Disability allowance" means an allowance paid on 3681
account of disability under section 3309.401 of the Revised 3682
Code. 3683

(3) "Disability benefit" means a benefit paid as 3684
disability retirement under section 3309.40 of the Revised Code, 3685
as a disability allowance under section 3309.401 of the Revised 3686
Code, or as a disability benefit under section 3309.35 of the 3687
Revised Code. 3688

(P) "Annuity reserve" means the present value, computed 3689
upon the basis of mortality tables adopted by the school 3690

employees retirement board, of all payments to be made on 3691
account of any annuity, or benefit in lieu of any annuity, 3692
granted to a retirant. 3693

(Q) "Pension reserve" means the present value, computed 3694
upon the basis of mortality tables adopted by the school 3695
employees retirement board, of all payments to be made on 3696
account of any pension, or benefit in lieu of any pension, 3697
granted to a retirant or a beneficiary. 3698

(R) "Year" means the year beginning the first day of July 3699
and ending with the thirtieth day of June next following. 3700

(S) "Local district pension system" means any school 3701
employees' pension fund created in any school district of the 3702
state prior to September 1, 1937. 3703

(T) "Employer contribution" means the amount paid by an 3704
employer as determined under section 3309.49 of the Revised 3705
Code. 3706

(U) "Fiduciary" means a person who does any of the 3707
following: 3708

(1) Exercises any discretionary authority or control with 3709
respect to the management of the system, or with respect to the 3710
management or disposition of its assets; 3711

(2) Renders investment advice for a fee, direct or 3712
indirect, with respect to money or property of the system; 3713

(3) Has any discretionary authority or responsibility in 3714
the administration of the system. 3715

(V) (1) Except as otherwise provided in this division, 3716
"compensation" means all salary, wages, and other earnings paid 3717
to a contributor by reason of employment. The salary, wages, and 3718

other earnings shall be determined prior to determination of the 3719
amount required to be contributed to the employees' savings fund 3720
under section 3309.47 of the Revised Code and without regard to 3721
whether any of the salary, wages, or other earnings are treated 3722
as deferred income for federal income tax purposes. 3723

(2) Compensation does not include any of the following: 3724

(a) Payments for accrued but unused sick leave or personal 3725
leave, including payments made under a plan established pursuant 3726
to section 124.39 of the Revised Code or any other plan 3727
established by the employer; 3728

(b) Payments made for accrued but unused vacation leave, 3729
including payments made pursuant to section 124.13 of the 3730
Revised Code or a plan established by the employer; 3731

(c) Payments made for vacation pay covering concurrent 3732
periods for which other salary or compensation is also paid or 3733
during which benefits are paid under this chapter; 3734

(d) Amounts paid by the employer to provide life 3735
insurance, sickness, accident, endowment, health, medical, 3736
hospital, dental, or surgical coverage, or other insurance for 3737
the contributor or the contributor's family, or amounts paid by 3738
the employer to the contributor in lieu of providing the 3739
insurance; 3740

(e) Incidental benefits, including lodging, food, laundry, 3741
parking, or services furnished by the employer, use of the 3742
employer's property or equipment, and reimbursement for job- 3743
related expenses authorized by the employer, including moving 3744
and travel expenses and expenses related to professional 3745
development; 3746

(f) Payments made to or on behalf of a contributor that 3747

are in excess of the annual compensation that may be taken into 3748
account by the retirement system under division (a) (17) of 3749
section 401 of the "Internal Revenue Code of 1986," 100 Stat. 3750
2085, 26 U.S.C.A. 401(a) (17), as amended. For a contributor who 3751
first establishes membership before July 1, 1996, the annual 3752
compensation that may be taken into account by the retirement 3753
system shall be determined under division (d) (3) of section 3754
13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. 3755
L. No. 103-66, 107 Stat. 472; 3756

(g) Payments made under division (B), (C), or (E) of 3757
section 5923.05 of the Revised Code, Section 4 of Substitute 3758
Senate Bill No. 3 of the 119th general assembly, Section 3 of 3759
Amended Substitute Senate Bill No. 164 of the 124th general 3760
assembly, or Amended Substitute House Bill No. 405 of the 124th 3761
general assembly; 3762

(h) Anything of value received by the contributor that is 3763
based on or attributable to retirement or an agreement to 3764
retire, except that payments made on or before January 1, 1989, 3765
that are based on or attributable to an agreement to retire 3766
shall be included in compensation if both of the following 3767
apply: 3768

(i) The payments are made in accordance with contract 3769
provisions that were in effect prior to January 1, 1986. 3770

(ii) The employer pays the retirement system an amount 3771
specified by the retirement board equal to the additional 3772
liability from the payments. 3773

(3) The retirement board shall determine by rule whether 3774
any form of earnings not enumerated in this division is to be 3775
included in compensation, and its decision shall be final. 3776

(W) "Disability benefit recipient" means a member who is receiving a disability benefit.	3777 3778
(X) "Actuary" means an individual who satisfies all of the following requirements:	3779 3780
(1) Is a member of the American academy of actuaries;	3781
(2) Is an associate or fellow of the society of actuaries;	3782
(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.	3783 3784
Sec. 3310.41. (A) As used in this section:	3785
(1) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program or an education plan developed by the school district under division (G) of this section and to which the child's parent owes fees for the services provided to the child:	3786 3787 3788 3789 3790 3791 3792
(a) A school district that is not the school district in which the child is entitled to attend school;	3793 3794
(b) A public entity other than a school district.	3795
(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.	3796 3797 3798
(3) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.	3799 3800
(4) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.	3801 3802 3803

(5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated. "Parent" also includes the custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency.

(6) "Qualified special education child" is a child who ~~either was either enrolled in or eligible to enter school in the~~ school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this section is first sought for the child or is eligible to enter school in any grade preschool through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship under this section is first sought for the child and for whom any of the following conditions apply:

(a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section.

(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child that includes services related to autism.

(c) The child has been diagnosed as autistic by a physician or psychologist.

(7) "Registered private provider" means a nonpublic school

or other nonpublic entity that has been approved by the 3833
department and workforce to participate in the program 3834
established under this section. 3835

(8) "Special education program" means a school or facility 3836
that provides special education and related services to children 3837
with disabilities. 3838

(B) There is hereby established the autism scholarship 3839
program. Under the program, the department shall pay a 3840
scholarship under section 3317.022 of the Revised Code to the 3841
parent of each qualified special education child upon 3842
application of that parent pursuant to procedures and deadlines 3843
established by rule of the department. Each scholarship shall be 3844
used only to pay tuition for the child on whose behalf the 3845
scholarship is awarded to attend a special education program 3846
that implements the child's individualized education program or 3847
education plan and that is operated by an alternative public 3848
provider or by a registered private provider, and to pay for 3849
other services agreed to by the provider and the parent of a 3850
qualified special education child that are not included in the 3851
individualized education program or education plan but are 3852
associated with educating the child. Upon agreement with the 3853
parent of a qualified special education child, the alternative 3854
public provider or the registered private provider may modify 3855
the services provided to the child. The purpose of the 3856
scholarship is to permit the parent of a qualified special 3857
education child the choice to send the child to a special 3858
education program, instead of the one operated by or for the 3859
school district in which the child is entitled to attend school, 3860
to receive the services prescribed in the child's individualized 3861
education program or education plan once the individualized 3862
education program or education plan is finalized and any other 3863

services agreed to by the provider and the parent of a qualified 3864
special education child. The services provided under the 3865
scholarship shall include an educational component or services 3866
designed to assist the child to benefit from the child's 3867
education. 3868

A scholarship under this section shall not be awarded to 3869
the parent of a child while the child's individualized education 3870
program is being developed by the school district in which the 3871
child is entitled to attend school, or while any administrative 3872
or judicial mediation or proceedings with respect to the content 3873
of the child's individualized education program are pending. A 3874
scholarship under this section shall not be used for a child to 3875
attend a public special education program that operates under a 3876
contract, compact, or other bilateral agreement between the 3877
school district in which the child is entitled to attend school 3878
and another school district or other public provider, or for a 3879
child to attend a community school established under Chapter 3880
3314. of the Revised Code. However, nothing in this section or 3881
in any rule adopted by the department shall prohibit a parent 3882
whose child attends a public special education program under a 3883
contract, compact, or other bilateral agreement, or a parent 3884
whose child attends a community school, from applying for and 3885
accepting a scholarship under this section so that the parent 3886
may withdraw the child from that program or community school and 3887
use the scholarship for the child to attend a special education 3888
program for which the parent is required to pay for services for 3889
the child. 3890

Except for development of the child's individualized 3891
education program or education plan, the school district in 3892
which a qualified special education child is entitled to attend 3893
school and the child's school district of residence, as defined 3894

in section 3323.01 of the Revised Code, if different, are not 3895
obligated to provide the child with a free appropriate public 3896
education under Chapter 3323. of the Revised Code for as long as 3897
the child continues to attend the special education program 3898
operated by either an alternative public provider or a 3899
registered private provider for which a scholarship is awarded 3900
under the autism scholarship program. If at any time, the 3901
eligible applicant for the child decides no longer to accept 3902
scholarship payments and enrolls the child in the special 3903
education program of the school district in which the child is 3904
entitled to attend school, that district shall provide the child 3905
with a free appropriate public education under Chapter 3323. of 3906
the Revised Code. 3907

A child attending a special education program with a 3908
scholarship under this section shall continue to be entitled to 3909
transportation to and from that program in the manner prescribed 3910
by law. 3911

(C) As prescribed in division (A) (2) (h) of section 3317.03 3912
of the Revised Code, a child who is not a preschool child with a 3913
disability for whom a scholarship is awarded under this section 3914
shall be counted in the formula ADM of the district in which the 3915
child is entitled to attend school and not in the formula ADM of 3916
any other school district. 3917

(D) A scholarship shall not be paid under section 3317.022 3918
of the Revised Code to a parent for payment of tuition owed to a 3919
nonpublic entity unless that entity is a registered private 3920
provider. The department shall approve entities that meet the 3921
standards established by rule of the department for the program 3922
established under this section. 3923

(E) The department shall adopt rules under Chapter 119. of 3924

the Revised Code prescribing procedures necessary to implement 3925
this section, including, but not limited to, procedures and 3926
deadlines for parents to apply for scholarships, standards for 3927
registered private providers, and procedures for approval of 3928
entities as registered private providers. 3929

The rules also shall specify that intervention services 3930
under the autism scholarship program may be provided by a 3931
qualified, credentialed provider, including, but not limited to, 3932
all of the following: 3933

(1) A behavior analyst certified by a nationally 3934
recognized organization that certifies behavior analysts; 3935

(2) A psychologist licensed to practice in this state 3936
under Chapter 4732. of the Revised Code; 3937

(3) An independent school psychologist or school 3938
psychologist licensed to practice in this state under Chapter 3939
4732. of the Revised Code; 3940

(4) Any person employed by a licensed psychologist, 3941
licensed independent school psychologist, or licensed school 3942
psychologist, while carrying out specific tasks, under the 3943
licensee's supervision, as an extension of the licensee's legal 3944
and ethical authority as specified under Chapter 4732. of the 3945
Revised Code who is ascribed as "psychology trainee," 3946
"psychology assistant," "psychology intern," or other 3947
appropriate term that clearly implies their supervised or 3948
training status; 3949

(5) Unlicensed persons holding a doctoral degree in 3950
psychology or special education from a program approved by the 3951
department; 3952

(6) A "registered behavior technician" as described under 3953

rule 5123-9-41 of the Administrative Code working under the 3954
supervision and following the intervention plan of a certified 3955
Ohio behavior analyst or a behavior analyst certified by a 3956
nationally recognized organization that certifies behavior 3957
analysts; 3958

(7) A "certified Ohio behavior analyst" under Chapter 3959
4783. of the Revised Code; 3960

(8) Any other qualified individual as determined by the 3961
department. 3962

(F) The department shall provide reasonable notice to all 3963
parents of children receiving a scholarship under the autism 3964
scholarship program, alternative public providers, and 3965
registered private providers of any amendment to a rule 3966
governing, or change in the administration of, the autism 3967
scholarship program. 3968

(G) If a child qualifies for the autism scholarship 3969
program pursuant to a diagnosis under division (A) (6) (c) of this 3970
section and does not have an individualized education program 3971
that includes services related to autism, the school district in 3972
which the child is entitled to attend school shall develop an 3973
education plan for the child. 3974

(H) Not later than the thirtieth day of June each year, 3975
each alternative public provider and registered private provider 3976
enrolling students receiving autism scholarships shall submit to 3977
the department, in a form and manner prescribed by the 3978
department, the tuition rates charged by the provider for the 3979
following school year. 3980

(I) The department shall not require the parent of a 3981
student who applies for or receives a scholarship under this 3982

section to complete any kind of income verification regarding 3983
the student's family income. 3984

Sec. 3313.608. (A) (1) Beginning with students who enter 3985
third grade in the school year that starts July 1, 2009, and 3986
until June 30, 2013, unless the student is excused under 3987
division (C) of section 3301.0711 of the Revised Code from 3988
taking the assessment described in this section, for any student 3989
who does not attain at least the equivalent level of achievement 3990
designated under division (A) (3) of section 3301.0710 of the 3991
Revised Code on the assessment prescribed under that section to 3992
measure skill in English language arts expected at the end of 3993
third grade, each school district, in accordance with the policy 3994
adopted under section 3313.609 of the Revised Code, shall do one 3995
of the following: 3996

(a) Promote the student to fourth grade if the student's 3997
principal and reading teacher agree that other evaluations of 3998
the student's skill in reading demonstrate that the student is 3999
academically prepared to be promoted to fourth grade; 4000

(b) Promote the student to fourth grade but provide the 4001
student with intensive intervention services in fourth grade; 4002

(c) Retain the student in third grade. 4003

(2) Beginning with students who enter third grade in the 4004
2013-2014 school year, unless the student is excused under 4005
division (C) of section 3301.0711 of the Revised Code from 4006
taking the assessment described in this section, no school 4007
district shall promote to fourth grade any student who does not 4008
attain at least the equivalent level of achievement designated 4009
under division (A) (3) of section 3301.0710 of the Revised Code 4010
on the assessment prescribed under that section to measure skill 4011

in English language arts expected at the end of third grade, 4012
unless one of the following applies: 4013

(a) The student is an English learner who has been 4014
enrolled in United States schools for less than three full 4015
school years and has had less than three years of instruction in 4016
an English as a second language program. 4017

(b) The student is a child with a disability entitled to 4018
special education and related services under Chapter 3323. of 4019
the Revised Code and the student's individualized education 4020
program exempts the student from retention under this division. 4021

(c) The student demonstrates an acceptable level of 4022
performance on an alternative standardized reading assessment as 4023
determined by the department of education and workforce. 4024

(d) All of the following apply: 4025

(i) The student is a child with a disability entitled to 4026
special education and related services under Chapter 3323. of 4027
the Revised Code. 4028

(ii) The student has taken the third grade English 4029
language arts achievement assessment prescribed under section 4030
3301.0710 of the Revised Code. 4031

(iii) The student's individualized education program or 4032
plan under section 504 of the "Rehabilitation Act of 1973," 87 4033
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 4034
received intensive remediation in reading for two school years 4035
but still demonstrates a deficiency in reading. 4036

(iv) The student previously was retained in any of grades 4037
kindergarten to three. 4038

(e) (i) The student received intensive remediation for 4039

reading for two school years but still demonstrates a deficiency 4040
in reading and was previously retained in any of grades 4041
kindergarten to three. 4042

(ii) A student who is promoted under division (A) (2) (e) (i) 4043
of this section shall continue to receive intensive reading 4044
instruction in grade four. The instruction shall include an 4045
altered instructional day that includes specialized diagnostic 4046
information and specific research-based reading strategies for 4047
the student that have been successful in improving reading among 4048
low-performing readers. 4049

(f) A student's parent or guardian, in consultation with 4050
the student's reading teacher and building principal, requests 4051
that the student, regardless of if the student is reading at 4052
grade level, be promoted to the fourth grade. 4053

A student who is promoted under division (A) (2) (f) of this 4054
section shall continue to receive intensive reading instruction 4055
in the same manner as a student retained under this section 4056
until the student is able to read at grade level. 4057

(B) (1) Beginning in the 2012-2013 school year, to assist 4058
students in meeting the third grade guarantee established by 4059
this section, each school district board of education shall 4060
adopt policies and procedures with which it annually shall 4061
assess the reading skills of each student, except those students 4062
with significant cognitive disabilities or other disabilities as 4063
authorized by the department on a case-by-case basis, enrolled 4064
in kindergarten to third grade and shall identify students who 4065
are reading below their grade level. The reading skills 4066
assessment shall be completed by the thirtieth day of September 4067
for students in grades one to three, and by the twentieth day of 4068
instruction of the school year for students in kindergarten. 4069

Each district shall use the diagnostic assessment to measure 4070
reading ability for the appropriate grade level adopted under 4071
section 3301.079 of the Revised Code, or a comparable tool 4072
approved by the department of education and workforce, to 4073
identify such students. The policies and procedures shall 4074
require the students' classroom teachers to be involved in the 4075
assessment and the identification of students reading below 4076
grade level. The assessment may be administered electronically 4077
using live, two-way video and audio connections whereby the 4078
teacher administering the assessment may be in a separate 4079
location from the student. 4080

(2) For each student identified by the diagnostic 4081
assessment prescribed under this section as having reading 4082
skills below grade level, the district shall do both of the 4083
following: 4084

(a) Provide to the student's parent or guardian, in 4085
writing, all of the following: 4086

(i) Notification that the student has been identified as 4087
having a substantial deficiency in reading; 4088

(ii) A description of the current services that are 4089
provided to the student; 4090

(iii) A description of the proposed supplemental 4091
instructional services and supports that will be provided to the 4092
student that are designed to remediate the identified areas of 4093
reading deficiency; 4094

(iv) Notification that if the student attains a score in 4095
the range designated under division (A) (3) of section 3301.0710 4096
of the Revised Code on the assessment prescribed under that 4097
section to measure skill in English language arts expected at 4098

the end of third grade, the student shall be retained unless the 4099
student is exempt under division (A) of this section. The 4100
notification shall specify that the assessment under section 4101
3301.0710 of the Revised Code is not the sole determinant of 4102
promotion and that additional evaluations and assessments are 4103
available to the student to assist parents and the district in 4104
knowing when a student is reading at or above grade level and 4105
ready for promotion. 4106

(v) A statement that connects the child's proficiency 4107
level in reading to long-term outcomes of success related to 4108
proficiency in reading. 4109

(b) Provide intensive reading instruction services and 4110
regular diagnostic assessments to the student immediately 4111
following identification of a reading deficiency until the 4112
development of the reading improvement and monitoring plan 4113
required by division (C) of this section. These intervention 4114
services shall be aligned with the science of reading as defined 4115
under section 3313.6028 of the Revised Code and include 4116
research-based reading strategies that have been shown to be 4117
successful in improving reading among low-performing readers and 4118
instruction targeted at the student's identified reading 4119
deficiencies. 4120

(3) For each student retained under division (A) of this 4121
section, the district shall do all of the following: 4122

(a) Provide intense remediation services until the student 4123
is able to read at grade level. The remediation services shall 4124
include intensive interventions in reading that address the 4125
areas of deficiencies identified under this section including, 4126
but not limited to, not less than ninety minutes of reading 4127
instruction per day, and may include any of the following: 4128

(i) Small group instruction;	4129
(ii) Reduced teacher-student ratios;	4130
(iii) More frequent progress monitoring;	4131
(iv) Tutoring or mentoring;	4132
(v) Transition classes containing third and fourth grade students;	4133 4134
(vi) Extended school day, week, or year;	4135
(vii) Summer reading camps.	4136
(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;	4137 4138 4139 4140
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	4141 4142 4143
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 and workforce. 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.	4144 4145 4146 4147 4148 4149 4150 4151
(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	4152 4153 4154 4155

academic ability field. 4156

As used in this division, "specific academic ability 4157
field" has the same meaning as in section 3324.01 of the Revised 4158
Code. 4159

(C) For each student required to be provided intervention 4160
services under this section, the district shall develop a 4161
reading improvement and monitoring plan within sixty days after 4162
receiving the student's results on the diagnostic assessment or 4163
comparable tool administered under division (B)(1) of this 4164
section. The district shall involve the student's parent or 4165
guardian and classroom teacher in developing the plan. The plan 4166
shall include all of the following: 4167

(1) Identification of the student's specific reading 4168
deficiencies; 4169

(2) A description of the additional instructional services 4170
and support that will be provided to the student to remediate 4171
the identified reading deficiencies; 4172

(3) Opportunities for the student's parent or guardian to 4173
be involved in the instructional services and support described 4174
in division (C)(2) of this section; 4175

(4) A process for monitoring the extent to which the 4176
student receives the instructional services and support 4177
described in division (C)(2) of this section; 4178

(5) A reading curriculum during regular school hours that 4179
does all of the following: 4180

(a) Assists students to read at grade level; 4181

(b) Provides scientifically based and reliable assessment; 4182

(c) Provides initial and ongoing analysis of each 4183
student's reading progress. 4184

(6) A statement that if the student does not attain at 4185
least the equivalent level of achievement designated under 4186
division (A) (3) of section 3301.0710 of the Revised Code on the 4187
assessment prescribed under that section to measure skill in 4188
English language arts expected by the end of third grade, the 4189
student may be retained in third grade. 4190

(7) High-dosage tutoring opportunities aligned with the 4191
student's classroom instruction through a state-approved vendor 4192
on the list of high-quality tutoring vendors under section 4193
3301.136 of the Revised Code or a locally approved opportunity 4194
that aligns with high-dosage tutoring best practices. High- 4195
dosage tutoring opportunities shall include additional 4196
instruction time of at least three days per week, or at least 4197
fifty hours over thirty-six weeks. 4198

The district shall continue to provide the plan developed 4199
under division (C) of this section until the student achieves 4200
the required level of skill in reading for the student's current 4201
grade level. 4202

Each student with a reading improvement and monitoring 4203
plan under this division who enters third grade after July 1, 4204
2013, shall be assigned to a teacher who satisfies one or more 4205
of the criteria set forth in division (H) of this section. 4206

The district shall report any information requested by the 4207
department about the reading improvement monitoring plans 4208
developed under this division in the manner required by the 4209
department. 4210

(D) Each school district shall report annually to the 4211

department on its implementation and compliance with this 4212
section using guidelines prescribed by the department. The 4213
director of education and workforce annually shall report to the 4214
governor and general assembly the number and percentage of 4215
students in grades kindergarten through four reading below grade 4216
level based on the diagnostic assessments administered under 4217
division (B) of this section and the achievement assessments 4218
administered under divisions (A) (1) (a) and (b) of section 4219
3301.0710 of the Revised Code in English language arts, 4220
aggregated by school district and building; the types of 4221
intervention services provided to students; and, if available, 4222
an evaluation of the efficacy of the intervention services 4223
provided. 4224

(E) Any summer remediation services funded in whole or in 4225
part by the state and offered by school districts to students 4226
under this section shall meet the following conditions: 4227

(1) The remediation methods are based on reliable 4228
educational research. 4229

(2) The school districts conduct assessment before and 4230
after students participate in the program to facilitate 4231
monitoring results of the remediation services. 4232

(3) The parents of participating students are involved in 4233
programming decisions. 4234

(F) Any intervention or remediation services required by 4235
this section shall include intensive, explicit, and systematic 4236
instruction. 4237

(G) This section does not create a new cause of action or 4238
a substantive legal right for any person. 4239

(H) (1) Except as provided under divisions (H) (2), (3), and 4240

(4) of this section, each student described in division (B) (3) 4241
or (C) of this section who enters third grade for the first time 4242
on or after July 1, 2013, shall be assigned a teacher who has at 4243
least one year of teaching experience and who satisfies one or 4244
more of the following criteria: 4245

(a) The teacher holds a reading endorsement on the 4246
teacher's license and has attained a passing score on the 4247
corresponding assessment for that endorsement, as applicable. 4248

(b) The teacher has completed a master's degree program 4249
with a major in reading. 4250

(c) The teacher was rated "most effective" for reading 4251
instruction consecutively for the most recent two years based on 4252
assessments of student growth measures developed by a vendor and 4253
that is on the list of student assessments approved by the 4254
department under division (B) (2) of section 3319.112 of the 4255
Revised Code. 4256

(d) The teacher was rated "above expected value added," in 4257
reading instruction, as determined by criteria established by 4258
the department, for the most recent, consecutive two years. 4259

(e) The teacher has earned a passing score on a rigorous 4260
test of principles of scientifically research-based reading 4261
instruction as approved by the department. 4262

(f) The teacher holds an educator license for teaching 4263
grades pre-kindergarten through three or four through nine 4264
issued on or after July 1, 2017. 4265

(2) Notwithstanding division (H) (1) of this section, a 4266
student described in division (B) (3) or (C) of this section who 4267
enters third grade for the first time on or after July 1, 2013, 4268
may be assigned to a teacher with less than one year of teaching 4269

experience provided that the teacher meets one or more of the 4270
criteria described in divisions (H) (1) (a) to (f) of this section 4271
and that teacher is assigned a teacher mentor who meets the 4272
qualifications of division (H) (1) of this section. 4273

(3) Notwithstanding division (H) (1) of this section, a 4274
student described in division (B) (3) or (C) of this section who 4275
enters third grade for the first time on or after July 1, 2013, 4276
but prior to July 1, 2016, may be assigned to a teacher who 4277
holds an alternative credential approved by the department or 4278
who has successfully completed training that is based on 4279
principles of scientifically research-based reading instruction 4280
that has been approved by the department. ~~Beginning on July 1,~~ 4281
~~2014, the~~ The alternative credentials and training described in 4282
division (H) (3) of this section shall be aligned with the 4283
reading competencies adopted by the ~~state board~~ department of 4284
education and workforce under section 3301.077 of the Revised 4285
Code. 4286

(4) Notwithstanding division (H) (1) of this section, a 4287
student described in division (B) (3) or (C) of this section who 4288
enters third grade for the first time on or after July 1, 2013, 4289
may receive reading intervention or remediation services under 4290
this section from an individual employed as a speech-language 4291
pathologist who holds a license issued by the state speech and 4292
hearing professionals board under Chapter 4753. of the Revised 4293
Code and a registration under section 3319.221 of the Revised 4294
Code. 4295

(5) A teacher, other than a student's teacher of record, 4296
may provide any services required under this section, so long as 4297
that other teacher meets the requirements of division (H) of 4298
this section and the teacher of record and the school principal 4299

agree to the assignment. Any such assignment shall be documented 4300
in the student's reading improvement and monitoring plan. 4301

As used in this division, "teacher of record" means the 4302
classroom teacher to whom a student is assigned. 4303

(I) Notwithstanding division (H) of this section, a 4304
teacher may teach reading to any student who is an English 4305
language learner, and has been in the United States for three 4306
years or less, or to a student who has an individualized 4307
education program developed under Chapter 3323. of the Revised 4308
Code if that teacher holds an alternative credential approved by 4309
the department or has successfully completed training that is 4310
based on principles of scientifically research-based reading 4311
instruction that has been approved by the department. ~~Beginning~~ 4312
~~on July 1, 2014, the~~ The alternative credentials and training 4313
described in this division shall be aligned with the reading 4314
competencies adopted by the ~~state board~~ department of education 4315
and workforce under section 3301.077 of the Revised Code. 4316

(J) If, on or after June 4, 2013, a school district or 4317
community school cannot furnish the number of teachers needed 4318
who satisfy one or more of the criteria set forth in division 4319
(H) of this section for the 2013-2014 school year, the school 4320
district or community school shall develop and submit a staffing 4321
plan by June 30, 2013. The staffing plan shall include criteria 4322
that will be used to assign a student described in division (B) 4323
(3) or (C) of this section to a teacher, credentials or training 4324
held by teachers currently teaching at the school, and how the 4325
school district or community school will meet the requirements 4326
of this section. The school district or community school shall 4327
post the staffing plan on its web site for the applicable school 4328
year. 4329

Not later than March 1, 2014, and on the first day of 4330
March in each year thereafter, a school district or community 4331
school that has submitted a plan under this division shall 4332
submit to the department a detailed report of the progress the 4333
district or school has made in meeting the requirements under 4334
this section. 4335

A school district or community school may request an 4336
extension of a staffing plan beyond the 2013-2014 school year. 4337
Extension requests must be submitted to the department not later 4338
than the thirtieth day of April prior to the start of the 4339
applicable school year. The department may grant extensions 4340
valid through the 2015-2016 school year. 4341

(K) The department of education and workforce shall 4342
designate one or more staff members to provide guidance and 4343
assistance to school districts and community schools in 4344
implementing the third grade guarantee established by this 4345
section, including any standards or requirements adopted to 4346
implement the guarantee and to provide information and support 4347
for reading instruction and achievement. 4348

Sec. 3313.7117. (A) As used in this section: 4349

(1) "Licensed health care professional" means any of the 4350
following: 4351

(a) A physician authorized under Chapter 4731. of the 4352
Revised Code to practice medicine and surgery or osteopathic 4353
medicine and surgery; 4354

(b) A registered nurse, advanced practice registered 4355
nurse, or licensed practical nurse licensed under Chapter 4723. 4356
of the Revised Code; 4357

(c) A physician assistant licensed under Chapter 4730. of 4358

the Revised Code. 4359

(2) "Seizure disorder" means epilepsy or involuntary 4360
disturbance of brain function that may manifest as an 4361
impairment, loss of consciousness, behavioral abnormalities, 4362
sensory disturbance or convulsions. 4363

(3) "Treating practitioner" means any of the following who 4364
has primary responsibility for treating a student's seizure 4365
disorder and has been identified as such by the student's 4366
parent, guardian, or other person having care or charge of the 4367
student or, if the student is at least eighteen years of age, by 4368
the student: 4369

(a) A physician authorized under Chapter 4731. of the 4370
Revised Code to practice medicine and surgery or osteopathic 4371
medicine and surgery; 4372

(b) An advanced practice registered nurse who holds a 4373
current, valid license to practice nursing as an advanced 4374
practice registered nurse issued under Chapter 4723. of the 4375
Revised Code and is designated as a clinical nurse specialist or 4376
certified nurse practitioner in accordance with section 4723.42 4377
of the Revised Code; 4378

(c) A physician assistant who holds a license issued under 4379
Chapter 4730. of the Revised Code, holds a valid prescriber 4380
number issued by the state medical board, and has been granted 4381
physician-delegated prescriptive authority. 4382

(B) A school nurse, or another district or school employee 4383
if a district or school does not have a school nurse, of each 4384
city, local, exempted village, and joint vocational school 4385
district and the governing authority of a chartered nonpublic 4386
school, acting in collaboration with a student's parents or 4387

guardian, shall create an individualized seizure action plan for 4388
each student enrolled in the school district or chartered 4389
nonpublic school who has an active seizure disorder diagnosis. A 4390
plan shall include all of the following components: 4391

(1) A written request signed by the parent, guardian, or 4392
other person having care or charge of the student, required by 4393
division (C)(1) of section 3313.713 of the Revised Code, to have 4394
one or more drugs prescribed for a seizure disorder administered 4395
to the student; 4396

(2) A written statement from the student's treating 4397
practitioner providing the drug information required by division 4398
(C)(2) of section 3313.713 of the Revised Code for each drug 4399
prescribed to the student for a seizure disorder. 4400

(3) Any other component required by the ~~state board~~ 4401
department of education and workforce. 4402

(C)(1) The school nurse or a school administrator if the 4403
district does not employ a school nurse, shall notify a school 4404
employee, contractor, and volunteer in writing regarding the 4405
existence and content of each seizure action plan in force if 4406
the employee, contractor, or volunteer does any of the 4407
following: 4408

(a) Regularly interacts with the student; 4409

(b) Has legitimate educational interest in the student or 4410
is responsible for the direct supervision of the student; 4411

(c) Is responsible for transportation of the student to 4412
and from school. 4413

(2) The school nurse or a school administrator if the 4414
district does not employ a school nurse, shall identify each 4415

individual who has received training under division (G) of this 4416
section in the administration of drugs prescribed for seizure 4417
disorders. The school nurse, or another district employee if a 4418
district does not employ a school nurse, shall coordinate 4419
seizure disorder care at that school and ensure that all staff 4420
described in division (C) (1) of this section are trained in the 4421
care of students with seizure disorders. 4422

(D) A drug prescribed to a student with a seizure disorder 4423
shall be provided to the school nurse or another person at the 4424
school who is authorized to administer it to the student if the 4425
district does not employ a full-time school nurse. The drug 4426
shall be provided in the container in which it was dispensed by 4427
the prescriber or a licensed pharmacist. 4428

(E) A seizure action plan is effective only for the school 4429
year in which the written request described in division (B) (1) 4430
of this section was submitted and must be renewed at the 4431
beginning of each school year. 4432

(F) A seizure action plan created under division (B) of 4433
this section shall be maintained in the office of the school 4434
nurse or school administrator if the district does not employ a 4435
full-time school nurse. 4436

(G) A school district or governing authority of a 4437
chartered nonpublic school shall designate at least one employee 4438
at each school building it operates, aside from a school nurse, 4439
to be trained on the implementation of seizure action plans 4440
every two years. The district or governing authority shall 4441
provide or arrange for the training of the employee. The 4442
training must include and be consistent with guidelines and best 4443
practices established by a nonprofit organization that supports 4444
the welfare of individuals with epilepsy and seizure disorders, 4445

such as the Epilepsy Alliance Ohio or Epilepsy Foundation of 4446
Ohio or other similar organizations as determined by the 4447
department ~~of education~~, and address all of the following: 4448

(1) Recognizing the signs and symptoms of a seizure; 4449

(2) The appropriate treatment for a student who exhibits 4450
the symptoms of a seizure; 4451

(3) Administering drugs prescribed for seizure disorders, 4452
subject to section 3313.713 of the Revised Code. 4453

A seizure training program under division (G) of this 4454
section shall not exceed one hour and shall qualify as a 4455
professional development activity for the renewal of educator 4456
licenses, including activities approved by local professional 4457
development committees under division (F) of section 3319.22 of 4458
the Revised Code. If the training is provided to a school 4459
district on portable media by a nonprofit entity, the training 4460
shall be provided free of charge. 4461

(H) A board of education or governing authority shall 4462
require each person it employs as an administrator, guidance 4463
counselor, teacher, or bus driver to complete a minimum of one 4464
hour of self-study training or in-person training on seizure 4465
disorders not later than twenty-four months after the effective 4466
date of this section. Any such person employed after that date 4467
shall complete the training within ninety days of employment. 4468
The training shall qualify as a professional development 4469
activity for the renewal of educator licenses, including 4470
activities approved by local professional development committees 4471
under division (F) of section 3319.22 of the Revised Code. 4472

(I) (1) A school or school district, a member of a board or 4473
governing authority, or a district or school employee is not 4474

liable in damages in a civil action for injury, death, or loss 4475
to person or property allegedly arising from providing care or 4476
performing duties under this section unless the act or omission 4477
constitutes willful or wanton misconduct. 4478

This section does not eliminate, limit, or reduce any 4479
other immunity or defense that a school district, member of a 4480
school district board of education, or school district employee 4481
may be entitled to under Chapter 2744. or any other provision of 4482
the Revised Code or under the common law of this state. 4483

(2) A chartered nonpublic school or any officer, director, 4484
or employee of the school is not liable in damages in a civil 4485
action for injury, death, or loss to person or property 4486
allegedly arising from providing care or performing duties under 4487
this section unless the act or omission constitutes willful or 4488
wanton misconduct. 4489

Sec. 3314.017. (A) The department of education and 4490
workforce shall prescribe by rules, adopted in accordance with 4491
Chapter 119. of the Revised Code, an academic performance rating 4492
and report card system that satisfies the requirements of this 4493
section for community schools that primarily serve students 4494
enrolled in dropout prevention and recovery programs as 4495
described in division (A) (4) (a) of section 3314.35 of the 4496
Revised Code, to be used in lieu of the system prescribed under 4497
sections 3302.03 and 3314.012 of the Revised Code beginning with 4498
the 2012-2013 school year. Each such school shall comply with 4499
the testing and reporting requirements of the system as 4500
prescribed by the department. 4501

(B) Nothing in this section shall at any time relieve a 4502
school from its obligations under the "No Child Left Behind Act 4503
of 2001" to make "adequate yearly progress," as both that act 4504

and that term are defined in section 3302.01 of the Revised Code, or a school's amenability to the provisions of section 3302.04 or 3302.041 of the Revised Code. The department shall continue to report each school's performance as required by the act and to enforce applicable sanctions under section 3302.04 or 3302.041 of the Revised Code.

(C) The rules adopted by the department shall prescribe the following performance indicators for the rating and report card system required by this section:

(1) Graduation rate for each of the following student cohorts:

(a) The number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class;

(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.

(2) The percentage of twelfth-grade students currently 4533
enrolled in the school who have attained the designated passing 4534
score on all of the state high school achievement assessments 4535
required under division (B) (1) of section 3301.0710 of the 4536
Revised Code or the cumulative performance score on the end-of- 4537
course examinations prescribed under division (B) (2) of section 4538
3301.0712 of the Revised Code, whichever applies, and other 4539
students enrolled in the school, regardless of grade level, who 4540
are within three months of their twenty-second birthday and have 4541
attained the designated passing score on all of the state high 4542
school achievement assessments or the cumulative performance 4543
score on the end-of-course examinations, whichever applies, by 4544
their twenty-second birthday; 4545

(3) Annual measurable objectives as defined in section 4546
3302.01 of the Revised Code; 4547

(4) Growth in student achievement in reading, or 4548
mathematics, or both as measured by separate nationally norm- 4549
referenced assessments that have developed appropriate standards 4550
for students enrolled in dropout prevention and recovery 4551
programs, adopted or approved by the department. 4552

(D) (1) The department's rules shall prescribe the expected 4553
performance levels and benchmarks for each of the indicators 4554
prescribed by division (C) of this section based on the data 4555
gathered by the department under division (G) of this section 4556
and simulations created by the department. Based on a school's 4557
level of attainment or nonattainment of the expected performance 4558
levels and benchmarks for each of the indicators, the department 4559
shall rate each school in one of the following categories: 4560

(a) Exceeds standards; 4561

(b) Meets standards;	4562
(c) Does not meet standards.	4563
(2) The department's rules shall establish all of the following:	4564 4565
(a) Performance levels and benchmarks for the indicators described in divisions (C) (1) to (3) of this section;	4566 4567
(b) Both of the following:	4568
(i) Performance levels and benchmarks for the indicator described in division (C) (4) of this section;	4569 4570
(ii) Standards for awarding a community school described in division (A) (4) (a) of section 3314.35 of the Revised Code an overall designation, which shall be calculated as follows:	4571 4572 4573
(I) Thirty per cent of the score shall be based on the indicators described in division (C) (1) of this section that are applicable to the school year for which the overall designation is granted.	4574 4575 4576 4577
(II) Thirty per cent of the score shall be based on the indicators described in division (C) (4) of this section.	4578 4579
(III) Twenty per cent of the score shall be based on the indicators described in division (C) (2) of this section.	4580 4581
(IV) Twenty per cent of the score shall be based on the indicators described in division (C) (3) of this section.	4582 4583
(3) If both of the indicators described in divisions (C) (1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards."	4584 4585 4586 4587
The rating and the relevant performance data for each	4588

school shall be posted on the department's web site, and a copy 4589
of the rating and data shall be provided to the governing 4590
authority of the community school. 4591

(E) (1) For the 2012-2013 school year, the department shall 4592
issue a report card including the following performance 4593
measures, but without a performance rating as described in 4594
divisions (D) (1) (a) to (c) of this section, for each community 4595
school described in division (A) (4) (a) of section 3314.35 of the 4596
Revised Code: 4597

(a) The graduation rates as described in divisions (C) (1) 4598
(a) to (c) of this section; 4599

(b) The percentage of twelfth-grade students and other 4600
students who have attained a designated passing score on high 4601
school achievement assessments as described in division (C) (2) 4602
of this section; 4603

(c) The statewide average for the graduation rates and 4604
assessment passage rates described in divisions (C) (1) (a) to (c) 4605
and (C) (2) of this section; 4606

(d) Annual measurable objectives described in division (C) 4607
(3) of this section. 4608

(2) For the 2013-2014 school year, the department shall 4609
issue a report card including the following performance measures 4610
for each community school described in division (A) (4) (a) of 4611
section 3314.35 of the Revised Code: 4612

(a) The graduation rates described in divisions (C) (1) (a) 4613
to (d) of this section, including a performance rating as 4614
described in divisions (D) (1) (a) to (c) of this section; 4615

(b) The percentage of twelfth-grade students and other 4616

students who have attained a designated passing score on high school achievement assessments as described in division (C) (2) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;

(c) Annual measurable objectives described in division (C) (3) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;

(d) Both of the following without an assigned rating:

(i) Growth in annual student achievement in reading and mathematics described in division (C) (4) of this section, if available;

(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.

(3) Beginning with the 2014-2015 school year, and annually thereafter, the department shall issue a report card for each community school described in division (A) (4) (a) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D) (1) (a) to (c) of this section:

(a) The graduation rates as described in division (C) (1) of this section;

(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C) (2) of this section;

(c) Annual measurable objectives described in division (C)

(3) of this section, including a performance rating as described 4645
in divisions (D)(1)(a) to (c) of this section; 4646

(d) Growth in annual student achievement in reading and 4647
mathematics as described in division (C)(4) of this section; 4648

(e) An overall performance designation for the school 4649
calculated under rules adopted under division (D)(2) of this 4650
section. 4651

The department shall also include student outcome data, 4652
including postsecondary credit earned, nationally recognized 4653
career or technical certification, military enlistment, job 4654
placement, attendance rate, and progress on closing achievement 4655
gaps for each school. This information shall not be included in 4656
the calculation of a school's performance rating. 4657

(F) Not later than the thirty-first day of July of each 4658
year, the department shall submit preliminary report card data 4659
for overall academic performance for each performance measure 4660
prescribed in division (E)(3) of this section for each community 4661
school to which this section applies. 4662

(G) For the purposes of prescribing performance levels and 4663
benchmarks under division (D) of this section, the department 4664
shall gather and analyze data from prior school years for each 4665
community school described in division (A)(4)(a) of section 4666
3314.35 of the Revised Code. Each such school shall cooperate 4667
with the department. The department shall consult with 4668
stakeholder groups in performing its duties under this division. 4669

(H) The department shall review the performance levels and 4670
benchmarks for performance indicators in the report card issued 4671
under this section and may revise them based on the data 4672
collected under division (G) of this section. 4673

(I) For the purposes of division (F) of section 3314.351 4674
of the Revised Code, the department shall recalculate the 4675
ratings for each school under division (E)(3) of this section 4676
for the 2017-2018 school year and calculate the ratings under 4677
that division for the 2018-2019 school year using the indicators 4678
prescribed by division (C) of this section, as it exists on and 4679
after July 18, 2019. 4680

Sec. 3314.091. (A) A school district is not required to 4681
provide transportation for any native student enrolled in a 4682
community school if the district board of education has entered 4683
into an agreement with the community school's governing 4684
authority that designates the community school as responsible 4685
for providing or arranging for the transportation of the 4686
district's native students to and from the community school. For 4687
any such agreement to be effective, it must be certified by the 4688
director of education and workforce as having met all of the 4689
following requirements: 4690

(1) It is submitted to the department of education and 4691
workforce by a deadline which shall be established by the 4692
department. 4693

(2) In accordance with divisions (C)(1) and (2) of this 4694
section, it specifies qualifications, such as residing a minimum 4695
distance from the school, for students to have their 4696
transportation provided or arranged. 4697

(3) The transportation provided by the community school is 4698
subject to all provisions of the Revised Code and all rules 4699
adopted under the Revised Code pertaining to pupil 4700
transportation. 4701

(4) The sponsor of the community school also has signed 4702

the agreement. 4703

(B) (1) For the school year that begins on July 1, 2007, a 4704
school district is not required to provide transportation for 4705
any native student enrolled in a community school, if the 4706
community school during the previous school year transported the 4707
students enrolled in the school or arranged for the students' 4708
transportation, even if that arrangement consisted of having 4709
parents transport their children to and from the school, but did 4710
not enter into an agreement to transport or arrange for 4711
transportation for those students under division (A) of this 4712
section, and if the governing authority of the community school 4713
by July 15, 2007, submits written notification to the district 4714
board of education stating that the governing authority is 4715
accepting responsibility for providing or arranging for the 4716
transportation of the district's native students to and from the 4717
community school. 4718

(2) Except as provided in division (B) (4) of this section, 4719
for any school year subsequent to the school year that begins on 4720
July 1, 2007, a school district is not required to provide 4721
transportation for any native student enrolled in a community 4722
school if the governing authority of the community school, by 4723
the first day of August, submits written notification to the 4724
district board of education stating that the governing authority 4725
is accepting responsibility for providing or arranging for the 4726
transportation of the district's native students to and from the 4727
community school. If the governing authority of the community 4728
school has previously accepted responsibility for providing or 4729
arranging for the transportation of a district's native students 4730
to and from the community school, under division (B) (1) or (2) 4731
of this section, and has since relinquished that responsibility 4732
under division (B) (3) of this section, the governing authority 4733

shall not accept that responsibility again unless the district
board consents to the governing authority's acceptance of that
responsibility.

(3) A governing authority's acceptance of responsibility
under division (B) (1) or (2) of this section shall cover an
entire school year, and shall remain in effect for subsequent
school years unless the governing authority submits written
notification to the district board that the governing authority
is relinquishing the responsibility. However, a governing
authority shall not relinquish responsibility for transportation
before the end of a school year, and shall submit the notice
relinquishing responsibility by the thirty-first day of January,
in order to allow the school district reasonable time to prepare
transportation for its native students enrolled in the school.

(4) (a) For any school year that begins on or after July 1,
2014, a school district is not required to provide
transportation for any native student enrolled in a community
school scheduled to open for operation in the current school
year, if the governing authority of the community school, by the
fifteenth day of April of the previous school year, submits
written notification to the district board of education stating
that the governing authority is accepting responsibility for
providing or arranging for the transportation of the district's
native students to and from the community school.

(b) The governing authority of a community school that
accepts responsibility for transporting its students under
division (B) (4) (a) of this section shall comply with divisions
(B) (2) and (3) of this section to renew or relinquish that
authority for subsequent school years.

(C) (1) A community school governing authority that enters

into an agreement under division (A) of this section, or that 4764
accepts responsibility under division (B) of this section, shall 4765
provide or arrange transportation free of any charge for each of 4766
its enrolled students who is required to be transported under 4767
section 3327.01 of the Revised Code. The governing authority 4768
shall report to the department of education and workforce the 4769
number of students transported or for whom transportation is 4770
arranged under this section in accordance with rules adopted by 4771
the department. 4772

(2) The governing authority may provide or arrange 4773
transportation for any other enrolled student who is not 4774
eligible for transportation in accordance with division (C)(1) 4775
of this section and may charge a fee for such service up to the 4776
actual cost of the service. 4777

(3) Notwithstanding anything to the contrary in division 4778
(C)(1) or (2) of this section, a community school governing 4779
authority shall provide or arrange transportation free of any 4780
charge for any disabled student enrolled in the school for whom 4781
the student's individualized education program developed under 4782
Chapter 3323. of the Revised Code specifies transportation. 4783

(D) A community school shall use payments received under 4784
division ~~(H)~~(I) of section 3317.0212 of the Revised Code solely 4785
to pay the costs of providing or arranging for the 4786
transportation of students who are eligible as specified in 4787
section 3327.01 of the Revised Code and division (C)(1) of this 4788
section, which may include payments to a parent, guardian, or 4789
other person in charge of a child in lieu of transportation. 4790

(E) Except when arranged through payment to a parent, 4791
guardian, or person in charge of a child, transportation 4792
provided or arranged for by a community school pursuant to an 4793

agreement under this section is subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to the construction, design, equipment, and operation of school buses and other vehicles transporting students to and from school. The drivers and mechanics of the vehicles are subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to drivers and mechanics of such vehicles. The community school also shall comply with sections 3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) of section 3327.16 of the Revised Code and, subject to division (C)(1) of this section, sections 3327.01 and 3327.02 of the Revised Code, as if it were a school district.

Sec. 3317.16. The department of education and workforce shall compute and distribute state core foundation funding to each funding unit that is a joint vocational school district for the fiscal year as follows:

For fiscal years 2024 and 2025:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (4), (5), and (6) of this section - the district's general funding base) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that fiscal year calculated under division (A)(3) of this section - the district's disadvantaged pupil impact aid funding base) X the district's phase-in percentage for disadvantaged pupil impact aid for that fiscal year]

For fiscal year 2026 and each fiscal year thereafter, the sum of the district's state core foundation funding components

for that fiscal year calculated under divisions (A) (1), (2), 4824
(3), (4), (5), and (6) of this section. 4825

(A) A district's state core foundation funding components 4826
shall be all of the following: 4827

(1) The district's state share of the base cost, which is 4828
equal to the following: 4829

(a) For fiscal years 2024 and 2025, an amount calculated 4830
according to the following formula: 4831

(The district's base cost calculated under section 3317.012 of 4832
the Revised Code) - (0.0005 X the lesser of the district's 4833
three-year average valuation or the district's most recent 4834
valuation) 4835

However, no district shall receive an amount under 4836
division (A) (1) of this section that is less than ~~0.05~~0.10 4837
times the base cost calculated for the district under section 4838
3317.012 of the Revised Code. 4839

(b) For fiscal year 2026 and each fiscal year thereafter, 4840
an amount calculated in a manner determined by the general 4841
assembly. 4842

(2) Additional state aid for special education and related 4843
services provided under Chapter 3323. of the Revised Code 4844
calculated as follows: 4845

(a) For fiscal years 2024 and 2025, the sum of the 4846
following: 4847

(i) The district's category one special education ADM X 4848
the multiple specified in division (A) of section 3317.013 of 4849
the Revised Code X the statewide average base cost per pupil for 4850
that fiscal year X the district's state share percentage; 4851

(ii) The district's category two special education ADM X 4852
the multiple specified in division (B) of section 3317.013 of 4853
the Revised Code X the statewide average base cost per pupil for 4854
that fiscal year X the district's state share percentage; 4855

(iii) The district's category three special education ADM 4856
X the multiple specified in division (C) of section 3317.013 of 4857
the Revised Code X the statewide average base cost per pupil for 4858
that fiscal year X the district's state share percentage; 4859

(iv) The district's category four special education ADM X 4860
the multiple specified in division (D) of section 3317.013 of 4861
the Revised Code X the statewide average base cost per pupil for 4862
that fiscal year X the district's state share percentage; 4863

(v) The district's category five special education ADM X 4864
the multiple specified in division (E) of section 3317.013 of 4865
the Revised Code X the statewide average base cost per pupil for 4866
that fiscal year X the district's state share percentage; 4867

(vi) The district's category six special education ADM X 4868
the multiple specified in division (F) of section 3317.013 of 4869
the Revised Code X the statewide average base cost per pupil for 4870
that fiscal year X the district's state share percentage. 4871

(b) For fiscal year 2026 and each fiscal year thereafter, 4872
the sum of the following: 4873

(i) An amount calculated in a manner determined by the 4874
general assembly times the funding unit's category one special 4875
education ADM; 4876

(ii) An amount calculated in a manner determined by the 4877
general assembly times the funding unit's category two special 4878
education ADM; 4879

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM;	4880 4881 4882
(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;	4883 4884 4885
(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;	4886 4887 4888
(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.	4889 4890 4891
(3) Disadvantaged pupil impact aid calculated as follows:	4892
(a) For fiscal years 2024 and 2025, an amount calculated according to the following formula:	4893 4894
\$422 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D) (2) (p) of section 3317.03 of the Revised Code	4895 4896 4897 4898
(b) For fiscal year 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	4899 4900 4901
(4) English learner funds calculated as follows:	4902
(a) For fiscal years 2024 and 2025, the sum of the following:	4903 4904
(i) The district's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the	4905 4906

Revised Code X the statewide average base cost per pupil for 4907
that fiscal year X the district's state share percentage; 4908

(ii) The district's category two English learner ADM X the 4909
multiple specified in division (B) of section 3317.016 of the 4910
Revised Code X the statewide average base cost per pupil for 4911
that fiscal year X the district's state share percentage; 4912

(iii) The district's category three English learner ADM X 4913
the multiple specified in division (C) of section 3317.016 of 4914
the Revised Code X the statewide average base cost per pupil for 4915
that fiscal year X the district's state share percentage. 4916

(b) For fiscal year 2026 and each fiscal year thereafter, 4917
the sum of the following: 4918

(i) An amount calculated in a manner determined by the 4919
general assembly times the funding unit's category one English 4920
learner ADM; 4921

(ii) An amount calculated in a manner determined by the 4922
general assembly times the funding unit's category two English 4923
learner ADM; 4924

(iii) An amount calculated in a manner determined by the 4925
general assembly times the funding unit's category three English 4926
learner ADM. 4927

(5) Career-technical education funds calculated under 4928
division (C) of section 3317.014 of the Revised Code. 4929

(6) Career-technical education associated services funds 4930
calculated under division (D) of section 3317.014 of the Revised 4931
Code. 4932

(B) (1) If a joint vocational school district's costs for a 4933
fiscal year for a student in its categories two through six 4934

special education ADM exceed the threshold cost for serving the 4935
student, as specified in division (B) of section 3317.0214 of 4936
the Revised Code, the district may submit to the department 4937
documentation, as prescribed by the department, of all of its 4938
costs for that student. Upon submission of documentation for a 4939
student of the type and in the manner prescribed, the department 4940
shall pay to the district an amount equal to the sum of the 4941
following: 4942

(a) One-half of the district's costs for the student in 4943
excess of the threshold cost; 4944

(b) The product of one-half of the district's costs for 4945
the student in excess of the threshold cost multiplied by the 4946
district's state share percentage. 4947

(2) The district shall report under division (B)(1) of 4948
this section, and the department shall pay for, only the costs 4949
of educational expenses and the related services provided to the 4950
student in accordance with the student's individualized 4951
education program. Any legal fees, court costs, or other costs 4952
associated with any cause of action relating to the student may 4953
not be included in the amount. 4954

(C)(1) For each student with a disability receiving 4955
special education and related services under an individualized 4956
education program, as defined in section 3323.01 of the Revised 4957
Code, at a joint vocational school district, the resident 4958
district or, if the student is enrolled in a community school, 4959
the community school shall be responsible for the amount of any 4960
costs of providing those special education and related services 4961
to that student that exceed the sum of the amount calculated for 4962
those services attributable to that student under division (A) 4963
of this section. 4964

Those excess costs shall be calculated using a formula 4965
approved by the department. 4966

(2) The board of education of the joint vocational school 4967
district may report the excess costs calculated under division 4968
(C) (1) of this section to the department. 4969

(3) If the board of education of the joint vocational 4970
school district reports excess costs under division (C) (2) of 4971
this section, the department shall pay the amount of excess cost 4972
calculated under division (C) (2) of this section to the joint 4973
vocational school district and shall deduct that amount as 4974
provided in division (C) (3) (a) or (b) of this section, as 4975
applicable: 4976

(a) If the student is not enrolled in a community school, 4977
the department shall deduct the amount from the account of the 4978
student's resident district pursuant to division (J) of section 4979
3317.023 of the Revised Code. 4980

(b) If the student is enrolled in a community school, the 4981
department shall deduct the amount from the account of the 4982
community school pursuant to section 3314.083 of the Revised 4983
Code. 4984

(D) A joint vocational school district shall spend the 4985
funds it receives under division (A) (3) of this section in 4986
accordance with section 3317.25 of the Revised Code. 4987

(E) For fiscal years 2024 and 2025, a school district 4988
shall spend the funds it receives under division (A) (4) of this 4989
section only for services for English learners. 4990

(F) As used in this section: 4991

(1) "Community school" means a community school 4992

established under Chapter 3314. of the Revised Code. 4993

(2) "Resident district" means the city, local, or exempted 4994
village school district in which a student is entitled to attend 4995
school under section 3313.64 or 3313.65 of the Revised Code. 4996

Sec. 3317.22. (A) As used in this section: 4997

(1) "Eligible internet- or computer-based community 4998
school" means an internet- or computer-based community school in 4999
which a majority of the students were enrolled in a dropout 5000
prevention and recovery program. 5001

(2) "Statewide average base cost per-pupil" has the same 5002
meaning as in section 3317.02 of the Revised Code. 5003

(3) "Internet- or computer-based community school" has the 5004
same meaning as in section 3314.02 of the Revised Code. 5005

(B) The department of education and workforce shall 5006
establish a program to provide additional funding for students 5007
enrolled in grades eight through twelve in eligible internet- or 5008
computer-based community schools. An eligible internet- or 5009
computer-based community school may choose to participate in the 5010
program by notifying the department not later than the first day 5011
of February of the school year in which the school will 5012
participate in the program in a form and manner determined by 5013
the department. 5014

(C) The department shall require each eligible internet- 5015
or computer-based community school that chooses to participate 5016
in the program to report all information that is necessary to 5017
make payments under division (D) of this section. 5018

(D) The department shall calculate an additional payment 5019
for each eligible internet- or computer-based community school 5020

that chooses to participate in the program, as follows: 5021

(1) Compute the lesser of the following for each student 5022
enrolled in grades eight through twelve: 5023

(a) The statewide average base cost per-pupil X the 5024
maximum full-time equivalency for the portion of the school year 5025
for which the student is enrolled in the school; 5026

(b) The sum of the following: 5027

(i) A one-time payment of \$1,750. In the case of a student 5028
enrolled in the school for the first time for the school year 5029
for which the payment is being made, payment shall be made under 5030
division (D) (1) (b) (i) of this section at least thirty days after 5031
the student is considered to be enrolled in the school in 5032
accordance with division (H) (2) of section 3314.08 of the 5033
Revised Code, provided the student has been continuously 5034
enrolled in the school during that time, as determined by the 5035
department. In the case of a student that was enrolled in the 5036
school for the prior school year, payment shall be made under 5037
division (D) (1) (b) (i) of this section at least thirty days after 5038
the student has started to participate in learning opportunities 5039
for the school year for which the payment is being made, 5040
provided the student has been continuously enrolled in the 5041
school during that time, as determined by the department. 5042

(ii) The statewide average base cost per-pupil X (1/920) X 5043
the lesser of the number of hours the student participates in 5044
learning opportunities in that fiscal year or 920; 5045

(iii) The lesser of (\$500 X either the number of courses 5046
completed by the student in that fiscal year, in the case of a 5047
student enrolled in grade eight, or the number of credits earned 5048
by the student in that fiscal year, in the case of a student 5049

enrolled in grades nine through twelve) or \$2,500. 5050

(2) Compute the sum of the amounts calculated under 5051
division (D)(1) of this section for all students enrolled in 5052
grades eight through twelve. 5053

(3) Compute the school's payment in accordance with the 5054
following formula: 5055

(The amount determined under division (D)(2) of this 5056
section) - (the number of full-time equivalent students enrolled 5057
in grades eight through twelve in the school X the statewide 5058
average base cost per-pupil) 5059

If the amount computed under division (D)(3) is a negative 5060
number, the school shall not receive a payment under this 5061
section. 5062

(E)(1) The department may complete a review of the 5063
enrollment of each eligible internet- or computer-based 5064
community school that chooses to participate in the program in 5065
accordance with division (K) of section 3314.08 of the Revised 5066
Code. If the department determines a school has been overpaid 5067
based on a review completed under division (E)(1) of this 5068
section, the department shall require a repayment of the 5069
overpaid funds and may require the school to establish a plan to 5070
improve the reporting of enrollment. 5071

(2) To the extent that an eligible internet- or computer- 5072
based community school that chooses to participate in the 5073
program had, for the prior school year, a percentage of student 5074
engagement in learning opportunities that was less than sixty- 5075
five per cent, the school shall provide to the department a 5076
meaningful plan for increasing student engagement. 5077

(3) All eligible internet- or computer-based community 5078

schools that choose to participate in the program shall 5079
implement programming or protocol which documents enrollment and 5080
participation in learning opportunities in order to participate 5081
in the program. 5082

Sec. 3318.05. For purposes of this section, "conditional 5083
approval" includes any conditional approval made by the Ohio 5084
facilities commission and approved by the controlling board in 5085
calendar year 2023. 5086

The conditional approval of the Ohio facilities 5087
construction commission for a project shall lapse and the amount 5088
reserved and encumbered for such project shall be released 5089
unless the school district board accepts such conditional 5090
approval within one hundred twenty days following the date of 5091
certification of the conditional approval to the school district 5092
board and the electors of the school district vote favorably on 5093
both of the propositions described in divisions (A) and (B) of 5094
this section within sixteen months of the date of such 5095
certification, except that a school district described in 5096
division (C) of this section does not need to submit the 5097
proposition described in division (B) of this section. The 5098
propositions described in divisions (A) and (B) of this section 5099
shall be combined in a single proposal. If the district board or 5100
the district's electors fail to meet such requirements and the 5101
amount reserved and encumbered for the district's project is 5102
released, the district shall be given first priority for project 5103
funding as such funds become available, subject to section 5104
3318.054 of the Revised Code. 5105

(A) On the question of issuing bonds of the school 5106
district board, for the school district's portion of the basic 5107
project cost, in an amount equal to the school district's 5108

portion of the basic project cost less the amount of the 5109
proceeds of any securities authorized or to be authorized under 5110
division (J) of section 133.06 of the Revised Code and dedicated 5111
by the school district board to payment of the district's 5112
portion of the basic project cost; and 5113

(B) On the question of levying a tax the proceeds of which 5114
shall be used to pay the cost of maintaining or upgrading the 5115
classroom facilities included in the project. Such tax shall be 5116
at the rate of not less than one-half mill for each dollar of 5117
valuation for a period of twenty-three years, subject to any 5118
extension approved under section 3318.061 of the Revised Code. 5119

(C) If a school district has in place a tax levied under 5120
section 5705.21 of the Revised Code for general permanent 5121
improvements for a continuing period of time and the proceeds of 5122
such tax can be used for maintenance or upgrades, or if a 5123
district agrees to the transfers described in section 3318.051 5124
of the Revised Code, the school district need not levy the 5125
additional tax required under division (B) of this section, 5126
provided the school district board includes in the agreement 5127
entered into under section 3318.08 of the Revised Code 5128
provisions either: 5129

(1) Earmarking an amount from the proceeds of that 5130
permanent improvement tax for maintenance or upgrades of 5131
classroom facilities equivalent to the amount of the additional 5132
tax and for the equivalent number of years otherwise required 5133
under this section; 5134

(2) Requiring the transfer of money in accordance with 5135
section 3318.051 of the Revised Code. 5136

The district board subsequently may rescind the agreement 5137

to make the transfers under section 3318.051 of the Revised Code 5138
only so long as the electors of the district have approved, in 5139
accordance with section 3318.063 of the Revised Code, the levy 5140
of a tax for the maintenance or upgrades of the classroom 5141
facilities acquired under the district's project and that levy 5142
continues to be collected as approved by the electors. 5143

(D) Proceeds of the tax to be used for maintenance or 5144
upgrade of the classroom facilities under either division (B) or 5145
(C) (1) of this section, and transfers of money in accordance 5146
with section 3318.051 of the Revised Code shall be deposited 5147
into a separate fund established by the school district for such 5148
purpose. 5149

(E) Proceeds of the tax to be used for maintenance or 5150
upgrades of the classroom facilities under either division (B) 5151
or (C) (1) of this section shall not be used to upgrade classroom 5152
facilities, unless the district board submits to the Ohio 5153
facilities construction commission a proposal regarding the use 5154
of those proceeds for upgrades and the commission approves the 5155
proposal. 5156

Sec. 3318.41. (A) (1) The Ohio facilities construction 5157
commission annually shall assess the classroom facilities needs 5158
of the number of joint vocational school districts that the 5159
commission reasonably expects to be able to provide assistance 5160
to in a fiscal year, based on the amount set aside for that 5161
fiscal year under division (B) of section 3318.40 of the Revised 5162
Code and the order of priority prescribed in division (B) of 5163
section 3318.42 of the Revised Code, except that in fiscal year 5164
2004 the commission shall conduct at least the five assessments 5165
prescribed in division (E) of section 3318.40 of the Revised 5166
Code. 5167

Upon conducting an assessment of the classroom facilities 5168
needs of a school district, the commission shall make a 5169
determination of all of the following: 5170

(a) The number of classroom facilities to be included in a 5171
project and the basic project cost of acquiring the classroom 5172
facilities included in the project. The number of facilities and 5173
basic project cost shall be determined in accordance with the 5174
specifications adopted under section 3318.311 of the Revised 5175
Code except to the extent that compliance with such 5176
specifications is waived by the commission pursuant to the rule 5177
of the commission adopted under division (F) of section 3318.40 5178
of the Revised Code. 5179

(b) The school district's portion of the basic project 5180
cost as determined under division (C) of section 3318.42 of the 5181
Revised Code; 5182

(c) The remaining portion of the basic project cost that 5183
shall be supplied by the state; 5184

(d) The amount of the state's portion of the basic project 5185
cost to be encumbered in accordance with section 3318.11 of the 5186
Revised Code in the current and subsequent fiscal years from 5187
funds set aside under division (B) of section 3318.40 of the 5188
Revised Code. 5189

(2) Divisions (A), (C), and (D) of section 3318.03 of the 5190
Revised Code apply to any project under sections 3318.40 to 5191
3318.45 of the Revised Code. 5192

(B) (1) If the commission makes a determination under 5193
division (A) of this section in favor of the acquisition of 5194
classroom facilities for a project under sections 3318.40 to 5195
3318.45 of the Revised Code, such project shall be conditionally 5196

approved. Such conditional approval shall be submitted to the 5197
controlling board for approval. The controlling board shall 5198
immediately approve or reject the commission's determination, 5199
conditional approval, the amount of the state's portion of the 5200
basic project cost, and the amount of the state's portion of the 5201
basic project cost to be encumbered in the current fiscal year. 5202
In the event of approval by the controlling board, the 5203
commission shall certify the conditional approval to the joint 5204
vocational school district board of education and shall encumber 5205
the approved funds for the current fiscal year. 5206

(2) No school district that receives assistance under 5207
sections 3318.40 to 3318.45 of the Revised Code shall have 5208
another such project conditionally approved until the expiration 5209
of twenty years after the school district's prior project was 5210
conditionally approved, unless the school district board 5211
demonstrates to the satisfaction of the commission that the 5212
school district has experienced since conditional approval of 5213
its prior project an exceptional increase in enrollment or 5214
program requirements significantly above the school district's 5215
design capacity under that prior project as determined by rule 5216
of the commission. Any rule adopted by the commission to 5217
implement this division shall be tailored to address the 5218
classroom facilities needs of joint vocational school districts. 5219

(C) In addition to generating the amount of the school 5220
district's portion of the basic project cost as determined under 5221
division (C) of section 3318.42 of the Revised Code, in order 5222
for a school district to receive assistance under sections 5223
3318.40 to 3318.45 of the Revised Code, the school district 5224
board shall set aside school district moneys for the maintenance 5225
of the classroom facilities included in the school district's 5226
project in the amount and manner prescribed in section 3318.43 5227

of the Revised Code. 5228

(D) (1) The conditional approval for a project certified 5229
under division (B) (1) of this section shall lapse and the amount 5230
reserved and encumbered for such project shall be released 5231
unless both of the following conditions are satisfied: 5232

(a) Within one hundred twenty days following the date of 5233
certification of the conditional approval to the joint 5234
vocational school district board, the school district board 5235
accepts the conditional approval and certifies to the commission 5236
the school district board's plan to generate the school 5237
district's portion of the basic project cost, as determined 5238
under division (C) of section 3318.42 of the Revised Code, and 5239
to set aside moneys for maintenance of the classroom facilities 5240
acquired under the project, as prescribed in section 3318.43 of 5241
the Revised Code. 5242

(b) Within sixteen months following the date of 5243
certification of the conditional approval to the school district 5244
board, the electors of the school district vote favorably on any 5245
ballot measures proposed by the school district board to 5246
generate the school district's portion of the basic project 5247
cost. 5248

For purposes of this section, "conditional approval" 5249
includes any conditional approval made by the Ohio facilities 5250
commission and approved by the controlling board in calendar 5251
year 2023. 5252

(2) If the school district board or electors fail to 5253
satisfy the conditions prescribed in division (D) (1) of this 5254
section and the amount reserved and encumbered for the school 5255
district's project is released, the school district shall be 5256

given first priority over other joint vocational school 5257
districts for project funding under sections 3318.40 to 3318.45 5258
of the Revised Code as such funds become available, subject to 5259
section 3318.054 of the Revised Code. 5260

(E) If the conditions prescribed in division (D) (1) of 5261
this section are satisfied, the commission and the school 5262
district board shall enter into an agreement as prescribed in 5263
section 3318.08 of the Revised Code and shall proceed with the 5264
development of plans, cost estimates, designs, drawings, and 5265
specifications as prescribed in section 3318.091 of the Revised 5266
Code. 5267

(F) Costs in excess of those approved by the commission 5268
under section 3318.091 of the Revised Code shall be payable only 5269
as provided in sections 3318.042 and 3318.083 of the Revised 5270
Code. 5271

(G) Advertisement for bids and the award of contracts for 5272
construction of any project under sections 3318.40 to 3318.45 of 5273
the Revised Code shall be conducted in accordance with section 5274
3318.10 of the Revised Code. 5275

(H) In accordance with division (R) of section 3318.08 of 5276
the Revised Code, the state funds reserved and encumbered and 5277
the funds provided by the school district to pay the basic 5278
project cost of a project under sections 3318.40 to 3318.45 of 5279
the Revised Code shall be spent simultaneously in proportion to 5280
the state's and the school district's respective portions of 5281
that basic project cost. 5282

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 5283
Code apply to projects under sections 3318.40 to 3318.45 of the 5284
Revised Code. 5285

Sec. 3319.0812. (A) The state board of education shall 5286
adopt rules in accordance with Chapter 119. of the Revised Code, 5287
establishing the standards and requirements for obtaining a pre- 5288
service teacher permit. The permit shall be required for an 5289
individual who is enrolled in an educator preparation program in 5290
order to participate in any student classroom teaching or other 5291
training experience that involves students in any of grades pre- 5292
kindergarten through twelve in a public or chartered nonpublic 5293
school and that is required for completion of the program. 5294

(B) Notwithstanding section 3319.226 of the Revised Code, 5295
a school district or school may employ an individual who holds a 5296
permit issued under this section as a substitute teacher. The 5297
individual may teach for up to the equivalent of one full 5298
semester, subject to the approval of the employing district 5299
board of education or school governing authority and may be 5300
compensated for that service. The district superintendent or 5301
chief administrator of the school may request that the board or 5302
governing authority approve one or more additional subsequent 5303
semester-long periods of teaching for the individual. 5304

(C) A pre-service teacher permit shall be valid for three 5305
years. The state board, on a case-by-case basis, may extend the 5306
permit's duration as needed to enable the permit holder to 5307
complete the educator preparation program in which the permit 5308
holder is enrolled. 5309

(D) An individual applying for a pre-service teacher 5310
permit shall be subject to a criminal records check as 5311
prescribed by section 3319.39 of the Revised Code. In the manner 5312
prescribed by the state board, the individual shall submit the 5313
criminal records check to the state board. The state board shall 5314
use the information submitted to enroll the individual in the 5315

retained applicant fingerprint database, established under 5316
section 109.5721 of the Revised Code, in the same manner as any 5317
teacher licensed under ~~section~~ sections 3319.22 to 3319.31 of 5318
the Revised Code. 5319

If the state board receives notification of the arrest or 5320
conviction of an individual under division (D) of this section, 5321
the ~~department~~ state board shall promptly notify the applicable 5322
educator preparation program and any school district or school 5323
in which the pre-service teacher has been employed or assigned 5324
as part of the program and may take any action authorized under 5325
sections 3319.31 and 3319.311 of the Revised Code that it 5326
considers to be appropriate. Upon receiving notification from 5327
the state board of an arrest or conviction of an individual 5328
under division (D) of this section, the educator preparation 5329
program shall provide to the ~~department~~ state board a list of 5330
all school districts and schools to which the pre-service 5331
teacher has been assigned as a part of the program. 5332

Sec. 3319.22. (A) (1) The state board of education shall 5333
issue the following educator licenses: 5334

(a) A resident educator license, which shall be valid for 5335
two years and shall be renewable for reasons specified by rules 5336
adopted by the state board pursuant to division (A) (3) of this 5337
section. The state board, on a case-by-case basis, may extend 5338
the license's duration as necessary to enable the license holder 5339
to complete the Ohio teacher residency program established under 5340
section 3319.223 of the Revised Code; 5341

(b) A professional educator license, which shall be valid 5342
for five years and shall be renewable; 5343

(c) A senior professional educator license, which shall be 5344

valid for five years and shall be renewable; 5345

(d) A lead professional educator license, which shall be 5346
valid for five years and shall be renewable. 5347

~~Licenses Subject to division (A) (4) of this section,~~ 5348
~~licenses~~ issued under division (A) (1) of this section on and 5349
~~after the effective date of this amendment December 29, 2023,~~ 5350
shall specify whether the educator is licensed to teach grades 5351
pre-kindergarten through eight or grades six through twelve. The 5352
changes to the grade band specifications under this section 5353
shall not apply to a person who holds a license under division 5354
(A) (1) of this section prior to ~~the effective date of this~~ 5355
~~amendment December 29, 2023~~. Further, the changes to the grade 5356
band specifications under this section shall not apply to any 5357
license issued to teach in the area of computer information 5358
science, bilingual education, dance, drama or theater, world 5359
language, health, library or media, music, physical education, 5360
teaching English to speakers of other languages, career- 5361
technical education, or visual arts or to any license issued to 5362
an intervention specialist, including a gifted intervention 5363
specialist, or to any other license that does not align to the 5364
grade band specifications. 5365

(2) (a) Except as provided in division (A) (2) (b) of this 5366
section, the state board may issue any additional educator 5367
licenses of categories, types, and levels the board elects to 5368
provide. 5369

(b) Not later than December 31, 2024, the state board 5370
shall cease licensing school psychologists. The state board 5371
shall coordinate with the state board of psychology to 5372
transition to licensure under Chapter 4732. of the Revised Code 5373
any school psychologists licensed under rules adopted in 5374

accordance with sections 3301.07 and 3319.22 of the Revised Code. 5375
5376

(3) Except as provided in division (I) of this section, 5377
the state board shall adopt rules establishing the standards and 5378
requirements for obtaining each educator license issued under 5379
this section. The rules shall also include the reasons for which 5380
a resident educator license may be renewed under division (A) (1) 5381
(a) of this section. 5382

(4) Notwithstanding the requirement that each license 5383
issued under division (A) (1) of this section specify the grade 5384
band in which the educator is licensed to teach, a school 5385
district or community school may employ an educator to teach 5386
outside of the designated grade band by not more than two grade 5387
levels and for not more than two school years at a time. The 5388
school district superintendent or governing authority of the 5389
community school may renew that teacher's eligibility to teach 5390
in accordance with this division on a biennial basis. 5391

(B) Except as provided in division (I) of this section, 5392
the rules adopted under this section shall require at least the 5393
following standards and qualifications for the educator licenses 5394
described in division (A) (1) of this section: 5395

(1) An applicant for a resident educator license shall 5396
hold at least a bachelor's degree from an accredited teacher 5397
preparation program or be a participant in the teach for America 5398
program and meet the qualifications required under section 5399
3319.227 of the Revised Code. 5400

(2) An applicant for a professional educator license 5401
shall: 5402

(a) Hold at least a bachelor's degree from an institution 5403

of higher education accredited by a regional accrediting organization; 5404
5405

(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code. 5406
5407
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(3) An applicant for a senior professional educator license shall: 5412
5413

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization; 5414
5415
5416

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code; 5417
5418
5419

(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code. 5420
5421
5422
5423

(4) An applicant for a lead professional educator license shall: 5424
5425

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization; 5426
5427
5428

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 5429
5430
5431

3319.222 or former section 3319.22 of the Revised Code; 5432

(c) Meet the criteria for the distinguished level of 5433
performance, as described in the standards for teachers adopted 5434
by the state board under section 3319.61 of the Revised Code; 5435

(d) Either hold a valid certificate issued by the national 5436
board for professional teaching standards or meet the criteria 5437
for a master teacher or other criteria for a lead teacher 5438
adopted by the educator standards board under division (F) (4) or 5439
(5) of section 3319.61 of the Revised Code. 5440

(C) The state board shall align the standards and 5441
qualifications for obtaining a principal license with the 5442
standards for principals adopted by the state board under 5443
section 3319.61 of the Revised Code. 5444

(D) If the state board requires any examinations for 5445
educator licensure, the state board shall provide the results of 5446
such examinations received by the state board to the chancellor 5447
of higher education, in the manner and to the extent permitted 5448
by state and federal law. 5449

(E) Any rules the state board of education adopts, amends, 5450
or rescinds for educator licenses under this section or any 5451
other law shall be adopted, amended, or rescinded under Chapter 5452
119. of the Revised Code except as follows: 5453

(1) Notwithstanding division (E) of section 119.03 and 5454
division (A) (1) of section 119.04 of the Revised Code, in the 5455
case of the adoption of any rule or the amendment or rescission 5456
of any rule that necessitates institutions' offering preparation 5457
programs for educators and other school personnel that are 5458
approved by the chancellor of higher education under section 5459
3333.048 of the Revised Code to revise the curriculum of those 5460

programs, the effective date shall not be as prescribed in 5461
division (E) of section 119.03 and division (A) (1) of section 5462
119.04 of the Revised Code. Instead, the effective date of such 5463
rules, or the amendment or rescission of such rules, shall be 5464
the date prescribed by section 3333.048 of the Revised Code. 5465

(2) Notwithstanding the authority to adopt, amend, or 5466
rescind emergency rules in division (G) of section 119.03 of the 5467
Revised Code, this authority shall not apply to the state board 5468
of education with regard to rules for educator licenses. 5469

(F) (1) The rules adopted under this section establishing 5470
standards requiring additional coursework for the renewal of any 5471
educator license shall require a school district and a chartered 5472
nonpublic school to establish local professional development 5473
committees. In a nonpublic school, the chief administrative 5474
officer shall establish the committees in any manner acceptable 5475
to such officer. The committees established under this division 5476
shall determine whether coursework that a district or chartered 5477
nonpublic school teacher proposes to complete meets the 5478
requirement of the rules. The state board shall provide 5479
technical assistance and support to committees as the committees 5480
incorporate the professional development standards adopted 5481
pursuant to section 3319.61 of the Revised Code into their 5482
review of coursework that is appropriate for license renewal. 5483
The rules shall establish a procedure by which a teacher may 5484
appeal the decision of a local professional development 5485
committee. 5486

(2) In any school district in which there is no exclusive 5487
representative established under Chapter 4117. of the Revised 5488
Code, the professional development committees shall be 5489
established as described in division (F) (2) of this section. 5490

Not later than the effective date of the rules adopted 5491
under this section, the board of education of each school 5492
district shall establish the structure for one or more local 5493
professional development committees to be operated by such 5494
school district. The committee structure so established by a 5495
district board shall remain in effect unless within thirty days 5496
prior to an anniversary of the date upon which the current 5497
committee structure was established, the board provides notice 5498
to all affected district employees that the committee structure 5499
is to be modified. Professional development committees may have 5500
a district-level or building-level scope of operations, and may 5501
be established with regard to particular grade or age levels for 5502
which an educator license is designated. 5503

Each professional development committee shall consist of 5504
at least three classroom teachers employed by the district, one 5505
principal employed by the district, and one other employee of 5506
the district appointed by the district superintendent. For 5507
committees with a building-level scope, the teacher and 5508
principal members shall be assigned to that building, and the 5509
teacher members shall be elected by majority vote of the 5510
classroom teachers assigned to that building. For committees 5511
with a district-level scope, the teacher members shall be 5512
elected by majority vote of the classroom teachers of the 5513
district, and the principal member shall be elected by a 5514
majority vote of the principals of the district, unless there 5515
are two or fewer principals employed by the district, in which 5516
case the one or two principals employed shall serve on the 5517
committee. If a committee has a particular grade or age level 5518
scope, the teacher members shall be licensed to teach such grade 5519
or age levels, and shall be elected by majority vote of the 5520
classroom teachers holding such a license and the principal 5521

shall be elected by all principals serving in buildings where 5522
any such teachers serve. The district superintendent shall 5523
appoint a replacement to fill any vacancy that occurs on a 5524
professional development committee, except in the case of 5525
vacancies among the elected classroom teacher members, which 5526
shall be filled by vote of the remaining members of the 5527
committee so selected. 5528

Terms of office on professional development committees 5529
shall be prescribed by the district board establishing the 5530
committees. The conduct of elections for members of professional 5531
development committees shall be prescribed by the district board 5532
establishing the committees. A professional development 5533
committee may include additional members, except that the 5534
majority of members on each such committee shall be classroom 5535
teachers employed by the district. Any member appointed to fill 5536
a vacancy occurring prior to the expiration date of the term for 5537
which a predecessor was appointed shall hold office as a member 5538
for the remainder of that term. 5539

The initial meeting of any professional development 5540
committee, upon election and appointment of all committee 5541
members, shall be called by a member designated by the district 5542
superintendent. At this initial meeting, the committee shall 5543
select a chairperson and such other officers the committee deems 5544
necessary, and shall adopt rules for the conduct of its 5545
meetings. Thereafter, the committee shall meet at the call of 5546
the chairperson or upon the filing of a petition with the 5547
district superintendent signed by a majority of the committee 5548
members calling for the committee to meet. 5549

(3) In the case of a school district in which an exclusive 5550
representative has been established pursuant to Chapter 4117. of 5551

the Revised Code, professional development committees shall be 5552
established in accordance with any collective bargaining 5553
agreement in effect in the district that includes provisions for 5554
such committees. 5555

If the collective bargaining agreement does not specify a 5556
different method for the selection of teacher members of the 5557
committees, the exclusive representative of the district's 5558
teachers shall select the teacher members. 5559

If the collective bargaining agreement does not specify a 5560
different structure for the committees, the board of education 5561
of the school district shall establish the structure, including 5562
the number of committees and the number of teacher and 5563
administrative members on each committee; the specific 5564
administrative members to be part of each committee; whether the 5565
scope of the committees will be district levels, building 5566
levels, or by type of grade or age levels for which educator 5567
licenses are designated; the lengths of terms for members; the 5568
manner of filling vacancies on the committees; and the frequency 5569
and time and place of meetings. However, in all cases, except as 5570
provided in division (F) (4) of this section, there shall be a 5571
majority of teacher members of any professional development 5572
committee, there shall be at least five total members of any 5573
professional development committee, and the exclusive 5574
representative shall designate replacement members in the case 5575
of vacancies among teacher members, unless the collective 5576
bargaining agreement specifies a different method of selecting 5577
such replacements. 5578

(4) Whenever an administrator's coursework plan is being 5579
discussed or voted upon, the local professional development 5580
committee shall, at the request of one of its administrative 5581

members, cause a majority of the committee to consist of 5582
administrative members by reducing the number of teacher members 5583
voting on the plan. 5584

(G) (1) The ~~department of education and workforce~~state 5585
board of education, educational service centers, county boards 5586
of developmental disabilities, college and university 5587
departments of education, head start programs, and the Ohio 5588
education computer network may establish local professional 5589
development committees to determine whether the coursework 5590
proposed by their employees who are licensed or certificated 5591
under this section or section 3319.222 of the Revised Code, or 5592
under the former version of either section as it existed prior 5593
to October 16, 2009, meet the requirements of the rules adopted 5594
under this section. They may establish local professional 5595
development committees on their own or in collaboration with a 5596
school district or other agency having authority to establish 5597
them. 5598

Local professional development committees established by 5599
county boards of developmental disabilities shall be structured 5600
in a manner comparable to the structures prescribed for school 5601
districts in divisions (F) (2) and (3) of this section, as shall 5602
the committees established by any other entity specified in 5603
division (G) (1) of this section that provides educational 5604
services by employing or contracting for services of classroom 5605
teachers licensed or certificated under this section or section 5606
3319.222 of the Revised Code, or under the former version of 5607
either section as it existed prior to October 16, 2009. All 5608
other entities specified in division (G) (1) of this section 5609
shall structure their committees in accordance with guidelines 5610
which shall be issued by the ~~department~~state board. 5611

(2) Educational service centers may establish local professional development committees to serve educators who are not employed in schools in this state, including pupil services personnel who are licensed under this section. Local professional development committees shall be structured in a manner comparable to the structures prescribed for school districts in divisions (F) (2) and (3) of this section.

These committees may agree to review the coursework, continuing education units, or other equivalent activities related to classroom teaching or the area of licensure that is proposed by an individual who satisfies both of the following conditions:

(a) The individual is licensed or certificated under this section or under the former version of this section as it existed prior to October 16, 2009.

(b) The individual is not currently employed as an educator or is not currently employed by an entity that operates a local professional development committee under this section.

Any committee that agrees to work with such an individual shall work to determine whether the proposed coursework, continuing education units, or other equivalent activities meet the requirements of the rules adopted by the state board under this section.

(3) Any public agency that is not specified in division (G) (1) or (2) of this section but provides educational services and employs or contracts for services of classroom teachers licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to October 16, 2009, may establish a

local professional development committee, subject to the 5641
approval of the ~~department of education and workforce~~state 5642
board. The committee shall be structured in accordance with 5643
guidelines issued by the ~~department~~state board. 5644

(H) Not later than July 1, 2016, the state board, in 5645
accordance with Chapter 119. of the Revised Code, shall adopt 5646
rules pursuant to division (A) (3) of this section that do both 5647
of the following: 5648

(1) Exempt consistently high-performing teachers from the 5649
requirement to complete any additional coursework for the 5650
renewal of an educator license issued under this section or 5651
section 3319.26 of the Revised Code. The rules also shall 5652
specify that such teachers are exempt from any requirements 5653
prescribed by professional development committees established 5654
under divisions (F) and (G) of this section. 5655

(2) For purposes of division (H) (1) of this section, the 5656
state board shall define the term "consistently high-performing 5657
teacher." 5658

(I) The state board shall issue a resident educator 5659
license, professional educator license, senior professional 5660
educator license, lead professional educator license, or any 5661
other educator license in accordance with Chapter 4796. of the 5662
Revised Code to an applicant if either of the following applies: 5663

(1) The applicant holds a license in another state. 5664

(2) The applicant has satisfactory work experience, a 5665
government certification, or a private certification as 5666
described in that chapter as a resident educator, professional 5667
educator, senior professional educator, lead professional 5668
educator, or any other type of educator in a state that does not 5669

issue one or more of those licenses. 5670

Sec. 3319.233. (A) ~~Beginning July 1, 2017, all~~ All new 5671
educator licenses issued for grades pre-kindergarten through 5672
three or four through nine shall require the applicant to attain 5673
a passing score on a rigorous examination of principles of 5674
scientifically research-based reading instruction that is 5675
aligned with the reading competencies adopted by the ~~state board~~ 5676
department of education and workforce under section 3301.077 of 5677
the Revised Code. 5678

(B) The state board shall adopt rules in accordance with 5679
Chapter 119. of the Revised Code prescribing criteria and 5680
procedures necessary to implement the requirements of this 5681
section. 5682

Sec. 3319.60. There is hereby established the educator 5683
standards board. The board shall develop and recommend to the 5684
state board of education standards for entering and continuing 5685
in the educator professions and standards for educator 5686
professional development. The board membership shall reflect the 5687
diversity of the state in terms of gender, race, ethnic 5688
background, and geographic distribution. 5689

(A) The board shall consist of the following members: 5690

(1) The following nineteen members appointed by the state 5691
board of education: 5692

(a) Ten persons employed as teachers in a school district. 5693
Three persons appointed under this division shall be employed as 5694
teachers in a secondary school, two persons shall be employed as 5695
teachers in a middle school, three persons shall be employed as 5696
teachers in an elementary school, one person shall be employed 5697
as a teacher in a pre-kindergarten classroom, and one person 5698

shall be a teacher who serves on a local professional 5699
development committee pursuant to section 3319.22 of the Revised 5700
Code. At least one person appointed under this division shall 5701
hold a teaching certificate or license issued by the national 5702
board for professional teaching standards. The Ohio education 5703
association shall submit a list of fourteen nominees for these 5704
appointments and the state board may appoint up to seven members 5705
to the educator standards board from that list. The Ohio 5706
federation of teachers shall submit a list of six nominees for 5707
these appointments and the state board may appoint up to three 5708
members to the educator standards board from that list. If there 5709
is an insufficient number of nominees from both lists to satisfy 5710
the membership requirements of this division, the state board 5711
shall request additional nominees who satisfy those 5712
requirements. 5713

(b) One person employed as a teacher in a chartered, 5714
nonpublic school. Stakeholder groups selected by the state board 5715
shall submit a list of two nominees for this appointment. 5716

(c) Five persons employed as school administrators in a 5717
school district. Of those five persons, one person shall be 5718
employed as a secondary school principal, one person shall be 5719
employed as a middle school principal, one person shall be 5720
employed as an elementary school principal, one person shall be 5721
employed as a school district treasurer or business manager, and 5722
one person shall be employed as a school district 5723
superintendent. The buckeye association of school administrators 5724
shall submit a list of two nominees for the school district 5725
superintendent, the Ohio association of school business 5726
officials shall submit a list of two nominees for the school 5727
district treasurer or business manager, the Ohio association of 5728
elementary school administrators shall submit a list of two 5729

nominees for the elementary school principal, and the Ohio 5730
association of secondary school administrators shall submit a 5731
list of two nominees for the middle school principal and a list 5732
of two nominees for the secondary school principal. 5733

(d) One person who is a member of a school district board 5734
of education. The Ohio school boards association shall submit a 5735
list of two nominees for this appointment. 5736

(e) One person who is a parent of a student currently 5737
enrolled in a school operated by a school district. The Ohio 5738
parent teacher association shall submit a list of two nominees 5739
for this appointment. 5740

(f) One person who represents community schools 5741
established under Chapter 3314. of the Revised Code. 5742

(2) The chancellor of higher education shall appoint three 5743
persons employed by institutions of higher education that offer 5744
educator preparation programs. One person shall be employed by 5745
an institution of higher education that has a certificate of 5746
authorization under Chapter 1713. of the Revised Code; one 5747
person shall be employed by a state university, as defined in 5748
section 3345.011 of the Revised Code, or a university branch; 5749
and one person shall be employed by a state community college, 5750
community college, or technical college. Of the two persons 5751
appointed from an institution of higher education that has a 5752
certificate of authorization under Chapter 1713. of the Revised 5753
Code and from a state university or university branch: 5754

(a) One shall be a representative of the Ohio association 5755
of private colleges for teacher education, or its successor 5756
organization. 5757

(b) One shall be a representative of the state university 5758

education deans of Ohio, or its successor organization. 5759

The chancellor shall appoint a representative from each of 5760
the organizations specified in divisions (A)(2)(a) and (b) of 5761
this section not later than sixty days after April 6, 2023. Each 5762
representative shall serve a two-year term beginning July 1, 5763
2023. 5764

(3) The speaker of the house of representatives shall 5765
appoint two persons who are active in or retired from the 5766
education profession. 5767

(4) The president of the senate shall appoint two persons 5768
who are active in or retired from the education profession. 5769

(5) The superintendent of public instruction, the 5770
chancellor of higher education, ~~the director of education and~~ 5771
~~workforce,~~ or their designees, and the chairpersons and the 5772
ranking minority members of the education committees of the 5773
senate and house of representatives shall serve as nonvoting, ex 5774
officio members. 5775

(B) Terms of office shall be for two years. Each member 5776
shall hold office from the date of the member's appointment 5777
until the end of the term for which the member was appointed. At 5778
the first meeting, appointed members shall select a chairperson 5779
and a vice-chairperson. Vacancies on the board shall be filled 5780
in the same manner as prescribed for appointments under division 5781
(A) of this section. Any member appointed to fill a vacancy 5782
occurring prior to the expiration of the term for which the 5783
member's predecessor was appointed shall hold office for the 5784
remainder of such term. Any member shall continue in office 5785
subsequent to the expiration date of the member's term until the 5786
member's successor takes office, or until a period of sixty days 5787

has elapsed, whichever occurs first. The terms of office of 5788
members are renewable. 5789

(C) Members shall receive no compensation for their 5790
services. 5791

(D) The board shall establish guidelines for its 5792
operation. These guidelines shall permit the creation of 5793
standing subcommittees when necessary. The board shall determine 5794
the membership of any subcommittee it creates. The board may 5795
select persons who are not members of the board to participate 5796
in the deliberations of any subcommittee as representatives of 5797
stakeholder groups, but no such person shall vote on any issue 5798
before the subcommittee. 5799

Sec. 3319.611. The subcommittee on standards for 5800
superintendents of the education standards board is hereby 5801
established. The subcommittee shall consist of the following 5802
members: 5803

(A) The school district superintendent appointed to the 5804
educator standards board under section 3319.60 of the Revised 5805
Code, who shall act as chairperson of the subcommittee; 5806

(B) Three additional school district superintendents 5807
appointed by the state board of education, for terms of two 5808
years. The buckeye association of school administrators shall 5809
submit a list of six nominees for appointments under this 5810
section. 5811

(C) Three additional members of the educator standards 5812
board, appointed by the chairperson of the educator standards 5813
board; 5814

(D) The superintendent of public instruction, and the 5815
chancellor of higher education, ~~and the director of education~~ 5816

~~and workforce,~~ or their designees, who shall serve as nonvoting, 5817
ex officio members of the subcommittee. 5818

Members of the subcommittee shall receive no compensation 5819
for their services. The members appointed under divisions (B) 5820
and (C) of this section may be reappointed. 5821

The subcommittee shall assist the educator standards board 5822
in developing the standards for superintendents and with any 5823
additional matters the educator standards board directs the 5824
subcommittee to examine. 5825

Sec. 3319.612. The subcommittee on standards for school 5826
treasurers and business managers of the educator standards board 5827
is hereby established. The subcommittee shall consist of the 5828
following members: 5829

(A) The school district treasurer or business manager 5830
appointed to the educator standards board under section 3319.60 5831
of the Revised Code, who shall act as chairperson of the 5832
subcommittee; 5833

(B) Three additional school district treasurers or 5834
business managers appointed by the state board of education for 5835
terms of two years. The Ohio association of school business 5836
officials shall submit a list of six nominees for appointments 5837
under this section. 5838

(C) Three additional members of the educator standards 5839
board, appointed by the chairperson of the educator standards 5840
board; 5841

(D) The superintendent of public instruction, and the 5842
chancellor of higher education, ~~and the director of education~~ 5843
~~and workforce,~~ or their designees, who shall serve as nonvoting, 5844
ex officio members of the subcommittee. 5845

Members of the subcommittee shall receive no compensation 5846
for their services. The members appointed under divisions (B) 5847
and (C) of this section may be reappointed. 5848

The subcommittee shall assist the educator standards board 5849
in developing the standards for school treasurers and business 5850
managers and with any additional matters the educator standards 5851
board directs the subcommittee to examine. 5852

Sec. 3322.24. (A) All governing entities shall count 5853
courses successfully completed under this chapter for high 5854
school credit toward the graduation requirements and subject 5855
area requirements of the governing entity. If a course 5856
comparable to one a participant completed with an approved 5857
provider is offered by the governing entity, the governing 5858
entity shall award comparable credit. If no comparable course is 5859
offered, the governing entity shall grant an appropriate number 5860
of elective credits to the participant. 5861

(B) If there is a dispute between the governing entity of 5862
a participant's school and a participant regarding high school 5863
credits granted for a course, the participant may appeal the 5864
decision to the department of education and workforce. The 5865
department's decision regarding any high school credits granted 5866
under this section is final. 5867

(C) Evidence of successful completion of each course and 5868
the high school credits awarded by the school shall be included 5869
in the student's record. The record shall indicate that the 5870
credits were earned as a participant under this chapter and 5871
shall include the name of the educational provider at which the 5872
credits were earned. 5873

Sec. 3323.02. As used in this section, "IDEIA" means the 5874

"Individuals with Disabilities Education Improvement Act of 5875
2004," Pub. L. No. 108-446. 5876

It is the purpose of this chapter to ensure that all 5877
children with disabilities residing in this state who are at 5878
least three years of age and less than twenty-two years of age, 5879
including children with disabilities who have been suspended or 5880
expelled from school, have available to them a free appropriate 5881
public education. No school district, county board of 5882
developmental disabilities, or other educational agency shall 5883
receive state or federal funds for special education and related 5884
services unless those services for children with disabilities 5885
are provided in accordance with IDEIA and related provisions of 5886
the Code of Federal Regulations, the provisions of this chapter, 5887
rules and standards adopted by the department of education and 5888
workforce, and any procedures or guidelines issued by the 5889
director of education and workforce. Any options or discretion 5890
provided to the state by IDEIA may be exercised in state law or 5891
in rules or standards adopted by the department of education and 5892
workforce. 5893

The department of education and workforce shall establish 5894
rules or standards for the provision of special education and 5895
related services for all children with disabilities who are at 5896
least three years of age and less than twenty-two years of age 5897
residing in the state, regardless of the severity of their 5898
disabilities, including children with disabilities who have been 5899
suspended or expelled from school. The department of education 5900
and workforce shall consult with the department of children and 5901
youth on rules or standards regarding the provision of special 5902
education and related services for children with disabilities 5903
from three to five years of age. The state law and the rules or 5904
standards of the department of education and workforce may 5905

impose requirements that are not required by IDEIA or related 5906
provisions of the Code of Federal Regulations. The school 5907
district of residence is responsible, in all instances, for 5908
ensuring that the requirements of Part B of IDEIA are met for 5909
every eligible child in its jurisdiction, regardless of whether 5910
services are provided by another school district, other 5911
educational agency, or other agency, department, or entity, 5912
unless IDEIA or related provisions of the Code of Federal 5913
Regulations, another section of this chapter, or a rule adopted 5914
by the department of education and workforce specifies that 5915
another school district, other educational agency, or other 5916
agency, department, or entity is responsible for ensuring 5917
compliance with Part B of IDEIA. 5918

The department of children and youth shall, as 5919
appropriate, incorporate the department of education and 5920
workforce's rules or standards for providing special education 5921
and related services for children with disabilities into the 5922
licensing requirements for preschool programs under sections 5923
3301.52 to 3301.59 of the Revised Code. 5924

Notwithstanding division (A) (4) of section 3301.53 of the 5925
Revised Code and any rules adopted pursuant to that section and 5926
division (A) of section 3313.646 of the Revised Code, a board of 5927
education of a school district may provide special education and 5928
related services for preschool children with disabilities in 5929
accordance with this chapter and section 3301.52, divisions (A) 5930
(1) to (3) and (A) (5) and (6) of section 3301.53, and sections 5931
3301.54 to 3301.59 of the Revised Code. 5932

The department of education and workforce may require any 5933
state or local agency to provide documentation that special 5934
education and related services for children with disabilities 5935

provided by the agency are in compliance with the requirements 5936
of this chapter. 5937

Not later than the first day of February of each year the 5938
department of education and workforce shall furnish the 5939
chairpersons of the education committees of the house of 5940
representatives and the senate with a report on the status of 5941
implementation of special education and related services for 5942
children with disabilities required by this chapter. The report 5943
shall include but shall not be limited to the following items: 5944
the most recent available figures on the number of children 5945
identified as children with disabilities and the number of 5946
identified children receiving special education and related 5947
services. The information contained in these reports shall be 5948
public information. 5949

Sec. 3333.048. (A) The chancellor of higher education, in 5950
consultation with the director of education and workforce, 5951
shall, in accordance with Chapter 119. of the Revised Code, 5952
establish metrics for the preparation of educators and other 5953
school personnel and the institutions of higher education that 5954
are engaged in their preparation. The metrics to be used in 5955
educator preparation programs shall do all of the following: 5956

(1) Be aligned with the standards and qualifications for 5957
educator licenses adopted by the state board of education under 5958
section 3319.22 of the Revised Code and the requirements of the 5959
Ohio teacher residency program established under section 5960
3319.223 of the Revised Code; 5961

(2) Ensure that educators and other school personnel are 5962
adequately prepared to use the value-added progress dimension 5963
prescribed by section 3302.021 of the Revised Code or the 5964
alternative student academic progress measure if adopted under 5965

division (C) (1) (e) of section 3302.03 of the Revised Code; 5966

(3) Ensure that all educators complete coursework in 5967
evidence-based strategies for effective literacy instruction 5968
aligned to the science of reading, which includes phonics, 5969
phonemic awareness, fluency comprehension, and vocabulary 5970
development, and is part of a structured literacy program; 5971

(4) Ensure that clinical preparation for all educators who 5972
are responsible for teaching reading only occur in the 5973
classrooms where the local education agency has verified that 5974
the practicing teachers have training in literacy instruction 5975
strategies aligned to the science of reading, use instructional 5976
materials aligned to the science of reading from the list 5977
established under section 3313.6028 of the Revised Code, and 5978
actively implement a structured literacy approach. 5979

(B) The chancellor shall do all of the following: 5980

(1) Develop an auditing process that clearly documents the 5981
degree to which every educator preparation program at an 5982
institution of higher education is effectively teaching the 5983
science of reading as follows: 5984

(a) By December 31, 2023, complete an initial survey of 5985
educator preparation programs, establish metrics for the audits, 5986
and update standards to reflect new requirements; 5987

(b) Grant a one-year grace period for all institutions to 5988
meet new standards and requirements under this section to begin 5989
on January 1, 2024; 5990

(c) On January 1, 2025, begin conducting audits of each 5991
institution that offers educator preparation programs. 5992

The chancellor shall revoke approval for programs that are 5993

found to be not in alignment and do not address the findings of 5994
the audit within a year. All programs shall be reviewed every 5995
four years thereafter to ensure continued alignment. 5996

(2) Annually create a summary of literacy instruction 5997
strategies and practices in place for all educator preparation 5998
programs based on the program audits, including institution- 5999
level summaries, until all programs reach the required alignment 6000
specified in division (A) (3) of this section; 6001

(3) In conjunction with the department of education and 6002
workforce, do all of the following: 6003

(a) Publicly release the summaries with local education 6004
agencies not later than the thirty-first day of March of each 6005
year; 6006

(b) Identify a list of approved vendors who can provide 6007
professional development experiences that are consistent with 6008
the science of reading to educators who are responsible for 6009
teaching reading, including faculty in educator preparation 6010
programs; 6011

(c) Develop a public dashboard that reports the first-time 6012
passage rates of students, by institution, on the foundations of 6013
reading licensure test. 6014

(C) If the metrics established under division (A) of this 6015
section require an institution of higher education that prepares 6016
teachers to satisfy the standards of an independent 6017
accreditation organization, the chancellor shall permit each 6018
institution to satisfy the standards of any applicable national 6019
educator preparation accrediting agency recognized by the United 6020
States department of education. 6021

(D) The metrics and educator preparation programs 6022

established under division (A) of this section may require an 6023
institution of higher education, as a condition of approval by 6024
the chancellor, to make changes in the curricula of its 6025
preparation programs for educators and other school personnel. 6026

Notwithstanding division (E) of section 119.03 and 6027
division (A)(1) of section 119.04 of the Revised Code, any 6028
metrics, educator preparation programs, rules, and regulations, 6029
or any amendment or rescission of such metrics, educator 6030
preparation programs, rules, and regulations, adopted under this 6031
section that necessitate institutions offering preparation 6032
programs for educators and other school personnel approved by 6033
the chancellor to revise the curricula of those programs shall 6034
not be effective for at least one year after the first day of 6035
January next succeeding the publication of the said change. 6036

Each institution shall allocate money from its existing 6037
revenue sources to pay the cost of making the curricular 6038
changes. 6039

(E) The chancellor shall notify the state board of the 6040
metrics and educator preparation programs established under 6041
division (A) of this section. The state board shall publish the 6042
metrics and educator preparation programs with the standards and 6043
qualifications for each type of educator license. 6044

(F) The graduates of educator preparation programs 6045
approved by the chancellor shall be licensed by the state board 6046
in accordance with the standards and qualifications adopted 6047
under section 3319.22 of the Revised Code. 6048

Sec. 3333.049. (A) ~~Not later than July 1, 2016, the~~ The 6049
chancellor of higher education shall revise the requirements for 6050
reading endorsement programs offered by institutions of higher 6051

education to align those requirements with the reading 6052
competencies adopted by the ~~state board~~ department of education 6053
and workforce under section 3301.077 of the Revised Code. 6054

(B) Each educator preparation program approved under 6055
section 3333.048 of the Revised Code shall require each 6056
candidate for an educator license who enters the program in the 6057
2022-2023 academic year, or any academic year thereafter, to 6058
receive instruction in computer science and computational 6059
thinking, as applied to student learning and classroom 6060
instruction, as appropriate for the grade level and subject area 6061
of the candidate's prospective educator license. 6062

Sec. 3345.60. (A) As used in this section, "institution of 6063
higher education" ~~includes all means either~~ of the following: 6064

(1) A state institution of higher education as defined in 6065
section 3345.011 of the Revised Code; 6066

~~(2) A private, nonprofit institution in this state holding 6067
a certificate of authorization pursuant to Chapter 1713. of the 6068
Revised Code;~~ 6069

~~(3) A career college or school that holds a certificate of 6070
registration from the state board of career colleges and schools 6071
under Chapter 3332. of the Revised Code or a private institution 6072
exempt from regulation under Chapter 3332. of the Revised Code 6073
as prescribed in section 3333.046 of the Revised Code, if the 6074
program has a certificate of authorization pursuant to Chapter 6075
1713. of the Revised Code. 6076~~

(B) Each institution of higher education shall do both of 6077
the following: 6078

(1) Make explicitly clear on its web site that a student 6079
has a right to access a transcript for purposes of seeking 6080

employment regardless of whether that student owes an 6081
institutional debt; 6082

(2) Post a list of resources available to students who owe 6083
an institutional debt, including payment plans, opportunities 6084
for settlement, and any other programs that work to prevent 6085
students from dropping out. 6086

Sec. 3352.16. (A) (1) The Wright state university center 6087
for civics, culture, and workforce development is established as 6088
an independent academic division within Wright state university, 6089
physically located on the Dayton campus of Wright state 6090
university. The center shall conduct teaching and research in 6091
the historical ideas, traditions, and texts that have shaped the 6092
American constitutional order and society and the United States 6093
armed forces. 6094

(2) The center shall establish bylaws requiring the center 6095
to do all of the following: 6096

(a) Educate students by means of free, open, and rigorous 6097
intellectual inquiry to seek the truth; 6098

(b) Affirm its duty to equip students with the skills, 6099
habits, and dispositions of mind they need to reach their own 6100
informed conclusions on matters of social and political 6101
importance; 6102

(c) Affirm the value of intellectual diversity in higher 6103
education and aspire to enhance the intellectual diversity of 6104
the university; 6105

(d) Affirm a commitment to create a community dedicated to 6106
an ethic of civil and free inquiry, which respects the 6107
intellectual freedom of each member, supports individual 6108
capacities for growth, and welcomes the differences of opinion 6109

that shall naturally exist in a public university community. 6110

The requirements prescribed under divisions (A) (2) (a) to 6111
(d) of this section shall take priority over any other bylaws 6112
adopted by the center. 6113

(3) The board of trustees of the university may name the 6114
center in accordance with the philanthropic naming policies and 6115
practices of the university. 6116

(B) The center shall be an independent academic division, 6117
physically located on the Dayton campus of Wright state 6118
university, with the authority to house faculty who hold their 6119
appointments within the center. Faculty appointed to the center 6120
shall not be required, but may, hold joint appointments within 6121
any other division of the university. No faculty outside of the 6122
center shall have the authority to block faculty hires into the 6123
center. No university policy shall govern the development and 6124
approval of curriculum within the center. 6125

(C) (1) The center shall offer instruction in all of the 6126
following: 6127

(a) The books and major debates which form the 6128
intellectual foundation of free societies, especially that of 6129
the United States; 6130

(b) The principles, ideals, and institutions of the 6131
American constitutional order, including the United States armed 6132
forces; 6133

(c) The foundations of responsible leadership and informed 6134
citizenship; 6135

(d) The origins, purpose, and role of Wright-Patterson air 6136
force base and surrounding defense-related industries in 6137

supporting the United States; 6138

(e) The workforce needs of Wright-Patterson air force base 6139
and industries that support the base. 6140

(2) The center also shall focus on all of the following: 6141

(a) Offering university-wide programming related to the 6142
values of free speech and civil discourse; 6143

(b) Expanding the intellectual diversity of the 6144
university's academic community; 6145

(c) Increasing the awareness of Wright-Patterson air force 6146
base and supporting workforce needs to sustain and attract 6147
missions at the base. 6148

(D) (1) Not later than ninety days after the effective date 6149
of this section, the board of trustees of the university shall 6150
appoint, with the advice and consent of the senate, a seven- 6151
member center academic council. An initial member shall not 6152
begin service until confirmed by the senate. Four members shall 6153
form a quorum. 6154

(2) The academic council shall be comprised of scholars 6155
with relevant expertise and experience. Not more than three 6156
members of the council may be employees of the university. Best 6157
efforts shall be made to have not fewer than three members of 6158
the advisory board be from Ohio. 6159

(3) Three members of the academic council shall serve 6160
initial terms of two years and four members shall serve initial 6161
terms of four years, which the members shall determine at their 6162
first meeting, and select replacements for vacant seats. 6163

(E) (1) The academic council established under division (D) 6164
of this section shall conduct a nationwide search for candidates 6165

for the director of the center and shall strictly adhere to all 6166
relevant state and federal laws. The academic council shall 6167
submit to the president of the university a list of finalists 6168
from which the president shall select and appoint a director, 6169
subject to approval by the board of trustees. Future directors 6170
shall be chosen in the same manner. 6171

(2) The director shall consult with the provost; however, 6172
the director shall report directly to the president of the 6173
university. 6174

(3) The director shall have the sole and exclusive 6175
authority to manage the recruitment and hiring process and to 6176
extend offers for employment for all faculty and staff of the 6177
center, and to terminate employment of all staff, subject to the 6178
approval of the board of trustees of the university. The 6179
director shall oversee, develop, and approve the center's 6180
curriculum. The center shall be granted the authority to offer 6181
courses independently and develop certificate, minor, and major 6182
programs as well as graduate programs, and offer degrees. 6183

(4) Notwithstanding section 3333.164 of the Revised Code, 6184
the center shall develop a set of standards and procedures to 6185
maximize the granting of academic credit for military training, 6186
experience, and coursework. 6187

(5) Notwithstanding section 3333.31 of the Revised Code, 6188
Wright state university shall not charge more than its in-state 6189
instructional and general fees to any current or honorably 6190
discharged member of the United States armed forces, or the 6191
spouse or dependents of such a member, who enrolls in a program 6192
offered by the center, regardless of whether that member, 6193
spouse, or dependent is a resident of this state under rules 6194
adopted under section 3333.31 of the Revised Code. 6195

(F) The director of the center shall submit an annual report to the board of trustees of the university and the general assembly in accordance with section 101.68 of the Revised Code. The report shall provide a full account of the center's achievements, opportunities, challenges, and obstacles in the development of this academic division.

Sec. 3365.08. (A) No participant enrolled under this chapter in a course for which credit toward high school graduation is awarded shall receive direct financial aid through any state or federal program.

(B) If a school district provides transportation for resident school students in grades eleven and twelve under section 3327.01 of the Revised Code, a parent of a participant enrolled in a course under division (A) (2) or (B) of section 3365.06 of the Revised Code may apply to the board of education for full or partial reimbursement for the necessary costs of transporting the participant between the secondary school the participant attends and the college in which the participant is enrolled. Reimbursement may be paid solely from funds received by the district for student transportation under section 3317.0212 of the Revised Code or other provisions of law. The department of education and workforce shall establish guidelines, based on financial need, under which a district may provide such reimbursement.

(C) If a community school provides or arranges transportation for its students in grades nine through twelve under section 3314.091 of the Revised Code, a parent of a participant of the community school who is enrolled in a course under division (A) (2) or (B) of section 3365.06 of the Revised Code may apply to the governing authority of the community

school for full or partial reimbursement of the necessary costs 6226
of transporting the participant between the community school and 6227
the college. The governing authority may pay the reimbursement 6228
in accordance with the department's rules adopted under division 6229
(B) of this section solely from funds paid to it under division 6230
~~(H)~~ (I) of section 3317.0212 of the Revised Code. 6231

Sec. 3505.30. When the results of the ballots have been 6232
ascertained, such results shall be embodied in a summary 6233
statement to be prepared by the precinct election officials in 6234
duplicate, on forms provided by the board of elections. One copy 6235
shall be certified by the precinct election officials and posted 6236
on the front of the polling place, and one copy, similarly 6237
certified, shall be transmitted without delay to the board in a 6238
sealed envelope along with the other returns of the election. 6239
The board shall, immediately upon receipt of such summary 6240
statements, compile and prepare an unofficial count and upon its 6241
completion shall transmit prepaid, immediately by telephone, 6242
facsimile machine, or other telecommunications device, the 6243
results of such unofficial count to the secretary of state, or 6244
to the board of the most populous county of the district which 6245
is authorized to canvass the returns. Such count, in no event, 6246
shall be made later than twelve noon on the day following the 6247
election. The board shall also transmit the same results to the 6248
administrative director of the supreme court by electronic mail 6249
or other telecommunication device as determined by the supreme 6250
court. The board shall also, at the same time, certify the 6251
results thereof to the secretary of state by certified mail. The 6252
board shall remain in session from the time of the opening of 6253
the polls, continuously, until the results of the election are 6254
received from every precinct in the county and such results are 6255
communicated to the secretary of state. 6256

Sec. 3505.33. When the board of elections has completed 6257
the canvass of the election returns from the precincts in its 6258
county, in which electors were entitled to vote at any general 6259
or special election, it shall determine and declare the results 6260
of the elections determined by the electors of such county or of 6261
a district or subdivision within such county. If more than the 6262
number of candidates to be elected to an office received the 6263
largest and an equal number of votes, such tie shall be resolved 6264
by lot by the ~~chairman~~ chairperson of the board in the presence 6265
of a majority of the members of the board. Such declaration 6266
shall be in writing and shall be signed by at least a majority 6267
of the members of the board. It shall bear the date of the day 6268
upon which it is made, and a copy thereof shall be posted by the 6269
board in a conspicuous place in its office. The board shall keep 6270
such copy posted for a period of at least five days. 6271

Thereupon the board shall promptly certify abstracts of 6272
the results of such elections within its county, in such forms 6273
as the secretary of state prescribes. Such forms shall be 6274
designated and shall contain abstracts as follows: 6275

Form No. 1. An abstract of the votes cast for the office 6276
of president and vice-president of the United States. 6277

Form No. 2. An abstract of the votes cast for the office 6278
of governor and lieutenant governor, secretary of state, auditor 6279
of state, treasurer of state, attorney general, chief justice of 6280
the supreme court of Ohio, judge of the supreme court of Ohio, 6281
member of the senate of the congress of the United States, 6282
member at large of the house of representatives of the congress 6283
of the United States, district member of the house of 6284
representatives of the congress of the United States, and an 6285
abstract of the votes cast upon each question or issue submitted 6286

at such election to electors throughout the entire state. 6287

Form No. 3. An abstract of the votes cast for the office 6288
of member of the senate of the general assembly, and member of 6289
the house of representatives of the general assembly. 6290

Form No. 4. A report of the votes cast for the office of 6291
member of the state board of education, judge of the court of 6292
appeals, judge of the court of common pleas, judge of the 6293
probate court, judge of the county court, county commissioner, 6294
county auditor, prosecuting attorney, clerk of the court of 6295
common pleas, sheriff, county recorder, county treasurer, county 6296
engineer, and coroner. 6297

Form No. 5. A report of the votes cast upon all questions 6298
and issues other than such questions and issues which were 6299
submitted to electors throughout the entire state. 6300

Form No. 6. A report of the votes cast for municipal 6301
offices, judge of the municipal court, township offices, and the 6302
office of member of a board of education. 6303

One copy of each of these forms shall be kept in the 6304
office of the board. One copy of each of these forms shall 6305
promptly be sent to the secretary of state, who shall place the 6306
records contained in forms No. 1, No. 2, ~~and No. 3,~~ No. 4, and 6307
No. 6 in electronic format. One copy of Form No. 2 shall 6308
promptly be ~~mailed~~ sent by electronic mail to the president of 6309
the senate of the general assembly ~~at his office in the~~ 6310
~~statehouse~~. The board shall also at once upon completion of the 6311
official count send a certified copy of that part of each of the 6312
forms which pertains to an election in which only electors of a 6313
district comprised of more than one county but less than all of 6314
the counties of the state voted to the board of the most 6315

populous county in such district. It shall also at once upon 6316
completion of the official count send a certified copy of that 6317
part of each of the forms which pertains to an election in which 6318
only electors of a subdivision located partly within the county 6319
voted to the board of the county in which the major portion of 6320
the population of such subdivision is located. 6321

If, after certifying and sending abstracts and parts 6322
thereof, a board finds that any such abstract or part thereof is 6323
incorrect, it shall promptly prepare, certify, and send a 6324
corrected abstract or part thereof to take the place of each 6325
incorrect abstract or part thereof theretofore certified and 6326
sent. 6327

Sec. 3505.35. (A) When the secretary of state has received 6328
from the board of elections of every county in the state Form 6329
No. 2, as provided for in section 3505.33 of the Revised Code, 6330
the secretary of state shall promptly fix the time and place for 6331
the canvass of such abstracts, and the time fixed shall not be 6332
later than ten days after such abstracts have been received by 6333
the secretary of state from all counties. The secretary of state 6334
shall notify the governor, auditor of state, attorney general, 6335
and the ~~chairman~~chairperson of the state central committee of 6336
each political party of the time and place fixed. At such time 6337
and in the presence of such of the persons so notified who 6338
attend, the secretary of state shall canvass the abstracts 6339
contained in said Form No. 2 and shall determine and declare the 6340
results of all elections in which electors throughout the entire 6341
state voted. If two or more candidates for election to the same 6342
office, or two or more sets of joint candidates for governor and 6343
lieutenant governor, receive the largest and an equal number of 6344
votes, such tie shall be resolved by lot by the secretary of 6345
state. Such declaration of results by the secretary of state 6346

shall be in writing and shall be signed by the secretary of 6347
state. It shall bear the date of the day upon which it is made, 6348
and a copy thereof shall be posted by the secretary of state in 6349
a conspicuous place in ~~his~~ the secretary of state's office. The 6350
secretary of state shall keep such copy posted for a period of 6351
at least five days. 6352

Such declaration of results made by the secretary of 6353
state, insofar as it pertains to the offices of governor and 6354
lieutenant governor, secretary of state, auditor of state, 6355
treasurer of state, and attorney general, is only for the 6356
purpose of fixing the time of the commencement of the period of 6357
time within which applications for recounts of votes may be 6358
filed as provided by section 3515.02 of the Revised Code. 6359

(B) When the secretary of state has received from the 6360
board of elections of every county in the state Form No. 4 and 6361
Form No. 6, as provided in section 3505.33 of the Revised Code, 6362
the secretary of state shall promptly transmit by electronic 6363
mail or other telecommunication device a copy of each form to 6364
the administrative director of the supreme court. 6365

Sec. 3701.0212. (A) There is created the center for 6366
community health worker excellence, a public-private partnership 6367
to support and foster the practice of community health workers 6368
and improve access to community health worker services across 6369
this state. 6370

(B) The center shall be a public-private partnership 6371
governed by a board of directors comprised of the following 6372
members: 6373

(1) The director of the department of health or the 6374
director's designee; 6375

- (2) The executive director of the commission on minority health or the director's designee; 6376
6377
- (3) The medicaid director or the director's designee; 6378
- (4) The executive director of the board of nursing or the director's designee; 6379
6380
- (5) The ~~superintendent of public instruction~~ director of education and workforce or the ~~superintendent's~~ director's designee; 6381
6382
6383
- (6) A representative of an OhioMeansJobs center operator, as defined in section 6301.01 of the Revised Code, appointed by the director of job and family services; 6384
6385
6386
- (7) An individual who provides services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute, appointed by the director of health; 6387
6388
6389
6390
6391
- (8) A representative of the Ohio association of community health workers, appointed by that entity; 6392
6393
- (9) A representative of the Ohio health information partnership, appointed by that entity; 6394
6395
- (10) A representative of the center for community solutions, appointed by that entity; 6396
6397
- (11) A representative of the Ohio association of community colleges, appointed by that entity; 6398
6399
- (12) A representative of the Ohio association of community health centers, appointed by that entity; 6400
6401
- (13) A representative of the Ohio alliance for population 6402

health, appointed by that entity; 6403

(14) A member of the house of representatives, appointed 6404
by the speaker of the house of representatives; 6405

(15) A member of the senate, appointed by the president of 6406
the senate. 6407

(C) Initial appointments to the committee shall be made 6408
not later than sixty days after the effective date of this 6409
section. Terms shall be two years, and members may be 6410
reappointed. If an appointed member no longer satisfies the 6411
grounds upon which the member was appointed, the member is 6412
ineligible to continue to serve, and a new member shall be 6413
appointed in accordance with division (B) of this section. 6414

Vacancies shall be filled in the manner provided for 6415
original appointments. Any member appointed to fill a vacancy 6416
occurring prior to the expiration date of the term for which the 6417
member's predecessor was appointed shall hold office as a member 6418
for the remainder of that term. 6419

Members of the board shall serve without compensation, 6420
except to the extent that serving on the board is considered 6421
part of the member's regular duties of employment. Members shall 6422
be reimbursed for actual and necessary expenses incurred in the 6423
performance of official duties. 6424

(D) The board of directors shall annually select from its 6425
members a chairperson or co-chairpersons. 6426

(E) The board of directors shall meet at the call of the 6427
chairperson but not less than quarterly. A majority of the 6428
members of the board constitutes a quorum. The chairperson shall 6429
provide members with at least five days written notice of all 6430
meetings. 6431

(F) Under the direction and oversight of the board of 6432
directors, and as implemented by health impact Ohio and the Ohio 6433
alliance for population health at Ohio university, the center 6434
shall engage in all of the following activities: 6435

(1) Establishing an electronic platform that may be 6436
accessed statewide to connect community health workers with 6437
individuals or communities in need of their services; 6438

(2) Evaluating and reporting on the state of the community 6439
health workforce in Ohio, including the total number of 6440
community health workers employed, the settings in which they 6441
practice, the number certified by the board of nursing, the 6442
average income or hourly wage earned by a community health 6443
worker, the reimbursement rates and needs of community health 6444
workers, and any available funding sources; 6445

(3) Creating and maintaining a web site or other 6446
electronic tools to coordinate resources for individuals 6447
practicing or seeking to practice as community health workers, 6448
including resources related to recruitment, education, training, 6449
certification, employment, and mentorships; 6450

(4) Making continuing education hours or credits available 6451
for free to community health workers certified by the board of 6452
nursing; 6453

(5) Providing financial assistance to employers that host 6454
or offer practicums or other training to community health 6455
workers seeking certification by board of nursing. 6456

In performing the activities, the center, together with 6457
health impact Ohio and the Ohio alliance for population health 6458
at Ohio university, may as necessary collaborate with other 6459
organizations and institutions, in particular, clinisync, unite 6460

us, Ohio association of community health workers, board of 6461
nursing, and university of Toledo. 6462

(G) The board shall issue a report to the governor and 6463
general assembly describing its activities and any 6464
recommendations pertaining to community health workers by the 6465
first of January of each odd numbered calendar year. 6466

Sec. 4301.62. (A) As used in this section: 6467

(1) "Chauffeured limousine" means a vehicle registered 6468
under section 4503.24 of the Revised Code. 6469

(2) "Street," "highway," and "motor vehicle" have the same 6470
meanings as in section 4511.01 of the Revised Code. 6471

(B) No person shall have in the person's possession an 6472
opened container of beer or intoxicating liquor in any of the 6473
following circumstances: 6474

(1) Except as provided in division (C) (1) (e) of this 6475
section, in an agency store; 6476

(2) Except as provided in division (C) or (J) of this 6477
section, on the premises of the holder of any permit issued by 6478
the division of liquor control; 6479

(3) In any other public place; 6480

(4) Except as provided in division (D) or (E) of this 6481
section, while operating or being a passenger in or on a motor 6482
vehicle on any street, highway, or other public or private 6483
property open to the public for purposes of vehicular travel or 6484
parking; 6485

(5) Except as provided in division (D) or (E) of this 6486
section, while being in or on a stationary motor vehicle on any 6487

street, highway, or other public or private property open to the 6488
public for purposes of vehicular travel or parking. 6489

(C) (1) A person may have in the person's possession an 6490
opened container of any of the following: 6491

(a) Beer or intoxicating liquor that has been lawfully 6492
purchased for consumption on the premises where bought from the 6493
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 6494
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 6495
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, D-9, E, F, F-2, F- 6496
5, F-7, ~~or F-8~~, or F-9 permit; 6497

(b) Beer, wine, or mixed beverages served for consumption 6498
on the premises by the holder of an F-3 permit, wine served as a 6499
tasting sample by an A-2, A-2f, S-1, or S-2 permit holder for 6500
consumption on the premises of a farmers market for which an F- 6501
10 permit has been issued, or wine served for consumption on the 6502
premises by the holder of an F-4 or F-6 permit; 6503

(c) Beer or intoxicating liquor consumed on the premises 6504
of a convention facility as provided in section 4303.201 of the 6505
Revised Code; 6506

(d) Beer or intoxicating liquor to be consumed during 6507
tastings and samplings approved by rule of the liquor control 6508
commission; 6509

(e) Spirituous liquor to be consumed for purposes of a 6510
tasting sample, as defined in section 4301.171 of the Revised 6511
Code; 6512

(f) Beer or intoxicating liquor to be consumed in an 6513
outdoor area described in division (B) (1) of section 4303.188 of 6514
the Revised Code. 6515

(2) A person may have in the person's possession on an F 6516
liquor permit premises an opened container of beer or 6517
intoxicating liquor that was not purchased from the holder of 6518
the F permit if the premises for which the F permit is issued is 6519
a music festival and the holder of the F permit grants 6520
permission for that possession on the premises during the period 6521
for which the F permit is issued. As used in this division, 6522
"music festival" means a series of outdoor live musical 6523
performances, extending for a period of at least three 6524
consecutive days and located on an area of land of at least 6525
forty acres. 6526

(3) (a) A person may have in the person's possession on a 6527
D-2 liquor permit premises an opened or unopened container of 6528
wine that was not purchased from the holder of the D-2 permit if 6529
the premises for which the D-2 permit is issued is an outdoor 6530
performing arts center, the person is attending an orchestral 6531
performance, and the holder of the D-2 permit grants permission 6532
for the possession and consumption of wine in certain 6533
predesignated areas of the premises during the period for which 6534
the D-2 permit is issued. 6535

(b) As used in division (C) (3) (a) of this section: 6536

(i) "Orchestral performance" means a concert comprised of 6537
a group of not fewer than forty musicians playing various 6538
musical instruments. 6539

(ii) "Outdoor performing arts center" means an outdoor 6540
performing arts center that is located on not less than one 6541
hundred fifty acres of land and that is open for performances 6542
from the first day of April to the last day of October of each 6543
year. 6544

(4) A person may have in the person's possession an opened 6545
or unopened container of beer or intoxicating liquor at an 6546
outdoor location at which the person is attending an orchestral 6547
performance as defined in division (C) (3) (b) (i) of this section 6548
if the person with supervision and control over the performance 6549
grants permission for the possession and consumption of beer or 6550
intoxicating liquor in certain predesignated areas of that 6551
outdoor location. 6552

(5) A person may have in the person's possession on an F-9 6553
liquor permit premises an opened or unopened container of beer 6554
or intoxicating liquor that was not purchased from the holder of 6555
the F-9 permit if ~~the person is attending either of the~~ 6556
~~following:~~ 6557

~~(a) An orchestral performance and the F-9 permit holder~~ 6558
~~grants permission for the possession and consumption of beer or~~ 6559
~~intoxicating liquor in certain predesignated areas of the~~ 6560
~~premises during the period for which the F-9 permit is issued;~~ 6561

~~(b) An outdoor performing arts event or orchestral~~ 6562
~~performance that is free of charge and the F-9 permit holder~~ 6563
~~annually hosts not less than twenty five other events or~~ 6564
~~performances that are free of charge on the permit premises.~~ 6565

~~As used in division (C) (5) of this section, "orchestral~~ 6566
~~performance" has the same meaning as in division (C) (3) (b) of~~ 6567
~~this section.~~ 6568

(6) (a) A person may have in the person's possession on the 6569
property of an outdoor motorsports facility an opened or 6570
unopened container of beer or intoxicating liquor that was not 6571
purchased from the owner of the facility if both of the 6572
following apply: 6573

(i) The person is attending a racing event at the facility; and 6574
6575

(ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility. 6576
6577
6578

(b) As used in division (C) (6) (a) of this section: 6579

(i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations. 6580
6581
6582

(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply: 6583
6584

(I) It is two and four-tenths miles or more in length. 6585

(II) It is located on two hundred acres or more of land. 6586

(III) The primary business of the owner of the facility is the hosting and promoting of racing events. 6587
6588

(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility. 6589
6590

(7) (a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under section 4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, A-2f, D class, or F class permit holder to which both of the following apply: 6591
6592
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(i) The permit holder's premises is located within the outdoor refreshment area. 6598
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(ii) The permit held by the permit holder has an outdoor 6600

refreshment area designation. 6601

(b) Division (C) (7) of this section does not authorize a 6602
person to do either of the following: 6603

(i) Enter the premises of an establishment within an 6604
outdoor refreshment area while possessing an opened container of 6605
beer or intoxicating liquor acquired elsewhere; 6606

(ii) Possess an opened container of beer or intoxicating 6607
liquor while being in or on a motor vehicle within an outdoor 6608
refreshment area, unless the possession is otherwise authorized 6609
under division (D) or (E) of this section. 6610

(c) As used in division (C) (7) of this section, "D class 6611
permit holder" does not include a D-6 or D-8 permit holder. 6612

(8) (a) A person may have in the person's possession on the 6613
property of a market, within a defined F-8 permit premises, an 6614
opened container of beer or intoxicating liquor that was 6615
purchased from a D permit premises that is located immediately 6616
adjacent to the market if both of the following apply: 6617

(i) The market grants permission for the possession and 6618
consumption of beer and intoxicating liquor within the defined 6619
F-8 permit premises; 6620

(ii) The market is hosting an event pursuant to an F-8 6621
permit and the market has notified the division of liquor 6622
control about the event in accordance with division (A) (3) of 6623
section 4303.208 of the Revised Code. 6624

(b) As used in division (C) (8) of this section, "market" 6625
means a market, for which an F-8 permit is held, that has been 6626
in operation since 1860. 6627

(D) This section does not apply to a person who pays all 6628

or a portion of the fee imposed for the use of a chauffeured 6629
limousine pursuant to a prearranged contract, or the guest of 6630
the person, when all of the following apply: 6631

(1) The person or guest is a passenger in the limousine. 6632

(2) The person or guest is located in the limousine, but 6633
is not occupying a seat in the front compartment of the 6634
limousine where the operator of the limousine is located. 6635

(3) The limousine is located on any street, highway, or 6636
other public or private property open to the public for purposes 6637
of vehicular travel or parking. 6638

(E) An opened bottle of wine that was purchased from the 6639
holder of a permit that authorizes the sale of wine for 6640
consumption on the premises where sold is not an opened 6641
container for the purposes of this section if both of the 6642
following apply: 6643

(1) The opened bottle of wine is securely resealed by the 6644
permit holder or an employee of the permit holder before the 6645
bottle is removed from the premises. The bottle shall be secured 6646
in such a manner that it is visibly apparent if the bottle has 6647
been subsequently opened or tampered with. 6648

(2) The opened bottle of wine that is resealed in 6649
accordance with division (E) (1) of this section is stored in the 6650
trunk of a motor vehicle or, if the motor vehicle does not have 6651
a trunk, behind the last upright seat or in an area not normally 6652
occupied by the driver or passengers and not easily accessible 6653
by the driver. 6654

(F) (1) Except if an ordinance or resolution is enacted or 6655
adopted under division (F) (2) of this section, this section does 6656
not apply to a person who, pursuant to a prearranged contract, 6657

is a passenger riding on a commercial quadricycle when all of 6658
the following apply: 6659

(a) The person is not occupying a seat in the front of the 6660
commercial quadricycle where the operator is steering or 6661
braking. 6662

(b) The commercial quadricycle is being operated on a 6663
street, highway, or other public or private property open to the 6664
public for purposes of vehicular travel or parking. 6665

(c) The person has in their possession on the commercial 6666
quadricycle an opened container of beer or wine. 6667

(d) The person has in their possession on the commercial 6668
quadricycle not more than either thirty-six ounces of beer or 6669
eighteen ounces of wine. 6670

(2) The legislative authority of a municipal corporation 6671
or township may enact an ordinance or adopt a resolution, as 6672
applicable, that prohibits a passenger riding on a commercial 6673
quadricycle from possessing an opened container of beer or wine. 6674

(3) As used in this section, "commercial quadricycle" 6675
means a vehicle that has fully-operative pedals for propulsion 6676
entirely by human power and that meets all of the following 6677
requirements: 6678

(a) It has four wheels and is operated in a manner similar 6679
to a bicycle. 6680

(b) It has at least five seats for passengers. 6681

(c) It is designed to be powered by the pedaling of the 6682
operator and the passengers. 6683

(d) It is used for commercial purposes. 6684

(e) It is operated by the vehicle owner or an employee of the owner. 6685
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(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market. 6687
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As used in division (G) of this section, "market" means an establishment that: 6692
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(1) Leases space in the market to individual vendors, not less than fifty per cent of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code; 6694
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(2) Has an indoor sales floor area of not less than twenty-two thousand square feet; 6698
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(3) Hosts a farmer's market on each Saturday from April through December. 6700
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(H) (1) As used in this section, "alcoholic beverage" has the same meaning as in section 4303.185 of the Revised Code. 6702
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(2) An alcoholic beverage in a closed container being transported under section 4303.185 of the Revised Code to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing. 6704
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(I) This section does not apply to a person who has in the person's possession an opened container of beer or intoxicating liquor in a public-use airport, as described in division (D) (2) 6710
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(a) (iii) of section 4303.181 of the Revised Code, when both of 6713
the following apply: 6714

(1) Consumption of the opened container of beer or 6715
intoxicating liquor occurs in the area of the airport terminal 6716
that is restricted to persons taking flights to and from the 6717
airport; and 6718

(2) The consumption is authorized under division (D) (2) (a) 6719
of section 4303.181 of the Revised Code. 6720

(J) This section does not apply to a person that has in 6721
the person's possession an opened container of homemade beer or 6722
wine that is served in accordance with division (E) of section 6723
4301.201 of the Revised Code. 6724

Sec. 4303.209. (A) (1) The division of liquor control may 6725
issue an F-9 permit to a-any of the following: 6726

(a) A nonprofit corporation that operates a park on 6727
property leased from a municipal corporation~~or to a ;~~ 6728

(b) A nonprofit corporation that provides or manages 6729
entertainment programming pursuant to an agreement with a 6730
nonprofit corporation that operates a park on property leased 6731
from a municipal corporation~~to ;~~ 6732

(c) A nonprofit corporation that provides or manages 6733
entertainment programming at a municipal park pursuant to an 6734
agreement with the municipal corporation. 6735

An F-9 permit holder may sell beer or intoxicating liquor 6736
by the individual drink at specific events conducted within the 6737
park property and appurtenant streets, but only if, and only at 6738
times at which, the sale of beer and intoxicating liquor on the 6739
premises is otherwise permitted by law. ~~Additionally, an F-9~~ 6740

~~permit may be issued only if the park property meets either of
the following:~~ 6741
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~~(a) It is located in a county that has a population of
between one million one hundred thousand and one million two
hundred thousand on March 22, 2012.~~ 6743
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~~(b) It is the subject of an agreement between a municipal
corporation, a national nonprofit organization that is a
foundation, and an Ohio based nonprofit organization for the
purposes of hosting outdoor performing arts events or orchestral
performances. As used in division (A) (1) (b) of this section,
"orchestral performance" has the same meaning as in division (C)
(3) (a) of section 4301.62 of the Revised Code.~~ 6746
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~~(2) The division may issue separate F-9 permits to a
nonprofit corporation that operates a park on property leased
from a municipal corporation and a nonprofit corporation that
provides or manages entertainment programming pursuant to an
agreement with a nonprofit corporation that operates a park on
property leased from a municipal corporation under division (A)
(1) (a), (b), or (c) of this section for the same location to be
effective during the same time period. However, the permit
privileges may be exercised by only one of the holders of an F-9
permit at specific events. The other holder of an F-9 permit
shall certify to the division that it will not exercise its
permit privileges during that specific event.~~ 6753
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~~(3) The premises on which an F-9 permit will be used shall
be clearly defined and sufficiently restricted to allow proper
supervision of the permit's use by state and local law
enforcement officers. Sales under an F-9 permit shall be
confined to the same hours permitted to the holder of a D-3
permit.~~ 6765
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(4) The fee for an F-9 permit is one thousand seven hundred dollars. An F-9 permit is effective for a period not to exceed nine months as specified in the permit. An F-9 permit is not transferable or renewable. However, the holder of an F-9 permit may apply for a new F-9 permit at any time. The holder of an F-9 permit shall make sales only at those specific events about which the permit holder has notified in advance the division of liquor control, the department of public safety, and the chief, sheriff, or other principal peace officer of the local law enforcement agencies having jurisdiction over the premises.

(B) (1) An application for the issuance of an F-9 permit is subject to the notice and hearing requirements established in division (A) of section 4303.26 of the Revised Code.

(2) The liquor control commission shall adopt rules under Chapter 119. of the Revised Code necessary to administer this section.

(C) No F-9 permit holder shall sell beer or intoxicating liquor beyond the hours of sale allowed by the permit. This division imposes strict liability on the holder of an F-9 permit and on any officer, agent, or employee of that permit holder.

(D) Nothing in this section prohibits the division from issuing an F-2 permit for a specific event not conducted by the holder of an F-9 permit provided that the holder of the F-9 permit certifies to the division that it will not exercise its permit privileges during that specific event.

Sec. 4519.55. Application for a certificate of title for an off-highway motorcycle or all-purpose vehicle shall be made upon a form prescribed by the registrar of motor vehicles and

shall be sworn to before a notary public or other officer 6800
empowered to administer oaths. The application shall be filed 6801
with the clerk of any court of common pleas. An application for 6802
a certificate of title may be filed electronically by any 6803
electronic means approved by the registrar in any county with 6804
the clerk of the court of common pleas of that county. 6805

If an application for a certificate of title is filed 6806
electronically by an electronic dealer on behalf of the 6807
purchaser of an off-highway motorcycle or all-purpose vehicle, 6808
the clerk shall retain the completed electronic record to which 6809
the dealer converted the certificate of title application and 6810
other required documents. The registrar, after consultation with 6811
the attorney general, shall adopt rules that govern the location 6812
at which, and the manner in which, are stored the actual 6813
application and all other documents relating to the sale of an 6814
off-highway motorcycle or all-purpose vehicle when an electronic 6815
dealer files the application for a certificate of title 6816
electronically on behalf of the purchaser. 6817

The application shall be accompanied by the fee prescribed 6818
in section 4519.59 of the Revised Code. The fee shall be 6819
retained by the clerk who issues the certificate of title and 6820
shall be distributed in accordance with that section. If a clerk 6821
of a court of common pleas, other than the clerk of the court of 6822
common pleas of an applicant's county of residence, issues a 6823
certificate of title to the applicant, the clerk shall transmit 6824
data related to the transaction to the automated title 6825
processing system. 6826

If a certificate of title previously has been issued for 6827
an off-highway motorcycle or all-purpose vehicle, the 6828
application also shall be accompanied by the certificate of 6829

title duly assigned, unless otherwise provided in this chapter. 6830
If a certificate of title previously has not been issued for the 6831
off-highway motorcycle or all-purpose vehicle, the application, 6832
unless otherwise provided in this chapter, shall be accompanied 6833
by a manufacturer's or importer's certificate; by a sworn 6834
statement of ownership; or by a certificate of title, bill of 6835
sale, or other evidence of ownership required by law of another 6836
state from which the off-highway motorcycle or all-purpose 6837
vehicle was brought into this state. The registrar, in 6838
accordance with Chapter 119. of the Revised Code, shall 6839
prescribe the types of additional documentation sufficient to 6840
establish proof of ownership, including, but not limited to, 6841
receipts from the purchase of parts or components, photographs, 6842
and affidavits of other persons. 6843

If the application is made by two persons regarding an 6844
off-highway motorcycle or an all-purpose vehicle in which they 6845
wish to establish joint ownership with right of survivorship, 6846
they may do so as provided in section 2131.12 of the Revised 6847
Code. If the applicant requests a designation of the off-highway 6848
motorcycle or all-purpose vehicle in beneficiary form so that 6849
upon the death of the owner of the off-highway motorcycle or 6850
all-purpose vehicle, ownership of the off-highway motorcycle or 6851
all-purpose vehicle will pass to a designated transfer-on-death 6852
beneficiary or beneficiaries, the applicant may do so as 6853
provided in section 2131.13 of the Revised Code. A person who 6854
establishes ownership of an off-highway motorcycle or an all- 6855
purpose vehicle that is transferable on death in accordance with 6856
section 2131.13 of the Revised Code may terminate that type of 6857
ownership or change the designation of the transfer-on-death 6858
beneficiary or beneficiaries by applying for a certificate of 6859
title pursuant to this section. 6860

For purposes of the transfer of a certificate of title, if the clerk is satisfied that a secured party has duly discharged a lien notation but has not canceled the lien notation with a clerk, the clerk may cancel the lien notation on the automated title processing system and notify the clerk of the county of origin.

In the case of the sale of an off-highway motorcycle or all-purpose vehicle by a dealer to a general purchaser or user, the certificate of title shall be obtained in the name of the purchaser by the dealer upon application signed by the purchaser. In all other cases, the certificate shall be obtained by the purchaser. In all cases of transfer of an off-highway motorcycle or all-purpose vehicle, the application for certificate of title shall be filed within thirty days after the later of the date of purchase or assignment of ownership of the off-highway motorcycle or all-purpose vehicle. If the application for certificate of title is not filed within thirty days after the later of the date of purchase or assignment of ownership of the off-highway motorcycle or all-purpose vehicle, the clerk shall charge a late filing fee of five dollars in addition to the fee prescribed by section 4519.59 of the Revised Code. The clerk shall retain the entire amount of each late filing fee.

Except in the case of an off-highway motorcycle or all-purpose vehicle purchased prior to July 1, 1999, the clerk shall refuse to accept an application for certificate of title unless the applicant either tenders with the application payment of all taxes levied by or pursuant to Chapter 5739. or 5741. of the Revised Code based on the purchaser's county of residence, or submits either of the following:

(A) A receipt issued by the tax commissioner or a clerk of courts showing payment of the tax; 6891
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(B) An exemption certificate, in any form prescribed by the tax commissioner, that specifies why the purchase is not subject to the tax imposed by Chapter 5739. or 5741. of the Revised Code. 6893
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Payment of the tax shall be made in accordance with division (E) of section 4505.06 of the Revised Code and any rules issued by the tax commissioner. When a dealer submits payment of the tax to the clerk, the dealer shall retain any discount to which the dealer is entitled under section 5739.12 of the Revised Code. The clerk shall issue a receipt in the form prescribed by the tax commissioner to any applicant who tenders payment of the tax with the application for a certificate of title. If the application for a certificate of title is for an off-highway motorcycle or all-purpose vehicle purchased prior to July 1, 1999, the clerk shall accept the application without payment of the taxes levied by or pursuant to Chapter 5739. or 5741. of the Revised Code or presentation of either of the items listed in division (A) or (B) of this section. 6897
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For receiving and disbursing such taxes paid to the clerk by a resident of the clerk's county, the clerk may retain a poundage fee of one and one-hundredth per cent of the taxes collected, which shall be paid into the certificate of title administration fund created by section 325.33 of the Revised Code. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county. 6911
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A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common 6918
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pleas to applicants who reside in the first clerk's county. The 6921
registrar, in consultation with the tax commissioner and the 6922
clerks of the courts of common pleas, shall develop a report 6923
from the automated title processing system that informs each 6924
clerk of the amount of the poundage fees that the clerk is 6925
permitted to retain from those taxes because of certificates of 6926
title issued by the clerks of other counties to applicants who 6927
reside in the first clerk's county. 6928

In the case of casual sales of off-highway motorcycles or 6929
all-purpose vehicles that are subject to the tax imposed by 6930
Chapter 5739. or 5741. of the Revised Code, the purchase price 6931
for the purpose of determining the tax shall be the purchase 6932
price on an affidavit executed and filed with the clerk by the 6933
seller on a form to be prescribed by the registrar, which shall 6934
be prima-facie evidence of the price for the determination of 6935
the tax. 6936

In addition to the information required by section 4519.57 6937
of the Revised Code, each certificate of title shall contain in 6938
bold lettering the following notification and statements: 6939
"WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You 6940
are required by law to state the true selling price. A false 6941
statement is in violation of section 2921.13 of the Revised Code 6942
and is punishable by six months imprisonment or a fine of up to 6943
one thousand dollars, or both. All transfers are audited by the 6944
department of taxation. The seller and buyer must provide any 6945
information requested by the department of taxation. The buyer 6946
may be assessed any additional tax found to be due." 6947

The clerk shall forward all payments of taxes, less 6948
poundage fees, to the ~~treasurer of state~~ registrar of motor 6949
vehicles in a manner to be prescribed by the tax commissioner 6950

and shall furnish information to the commissioner as the 6951
commissioner may require. 6952

Every clerk shall have the capability to transact by 6953
electronic means all procedures and transactions relating to the 6954
issuance of certificates of title for off-highway motorcycles 6955
and all-purpose vehicles that are described in the Revised Code 6956
as being accomplished by electronic means. 6957

Sec. 4723.091. (A) An individual who applies for licensure 6958
under section 4723.09 of the Revised Code; issuance of a 6959
certificate under section 4723.651, 4723.75, ~~or~~4723.85, or 6960
4723.89 of the Revised Code; reactivation of a license, under 6961
division (D) of section 4723.24 of the Revised Code, that has 6962
been inactive for at least five years; or reinstatement of a 6963
license, under division (D) of section 4723.24 of the Revised 6964
Code, that has lapsed for at least five years shall submit a 6965
request to the bureau of criminal identification and 6966
investigation for a criminal records check of the applicant. The 6967
request shall be made in accordance with section 109.572 of the 6968
Revised Code. 6969

(B) An applicant requesting a criminal records check under 6970
division (A) of this section shall also ask the superintendent 6971
of the bureau of criminal identification and investigation to 6972
request that the federal bureau of investigation send to the 6973
superintendent any information the federal bureau of 6974
investigation has with respect to the applicant. 6975

(C) On receipt of all items required for the commencement 6976
of a criminal records check pursuant to division (A) of this 6977
section, the bureau of criminal identification and investigation 6978
shall conduct a criminal records check of the applicant. On the 6979
completion of the criminal records check, the bureau shall send 6980

the results to the board of nursing. 6981

(D) The results of a criminal records check conducted 6982
pursuant to a request made under division (A) of this section, 6983
and any report containing those results, are not public records 6984
for purposes of section 149.43 of the Revised Code and shall not 6985
be made available to any person or for any purpose other than 6986
the following: 6987

(1) The results may be made available to any person for 6988
use in determining under section 4723.09, 4723.651, 4723.75, ~~or~~ 6989
4723.85, or 4723.89 of the Revised Code whether the individual 6990
who is the subject of the check should be granted a license or 6991
certificate under this chapter or whether any temporary permit 6992
granted to the individual under section 4723.09 of the Revised 6993
Code has terminated automatically. 6994

(2) The results may be made available to any person for 6995
use in determining under division (D) of section 4723.24 of the 6996
Revised Code whether the individual who is the subject of the 6997
check should have the individual's license or certificate 6998
reactivated or reinstated. 6999

(3) The results may be made available to any person for 7000
use in determining under section 4723.28 of the Revised Code 7001
whether the individual who is the subject of the check should be 7002
subject to disciplinary action in accordance with that section. 7003

(4) The results may be made available to the individual 7004
who is the subject of the check or that individual's 7005
representative. 7006

Sec. 4723.092. The board of nursing shall not refuse to 7007
issue a license under section 4723.09 of the Revised Code or a 7008
certificate under section 4723.651, 4723.75, ~~or~~ 4723.85, or 7009

4723.89 of the Revised Code because of a conviction of, plea of 7010
guilty to, a judicial finding of guilt of, a judicial finding of 7011
guilt resulting from a plea of no contest to, or a judicial 7012
finding of eligibility for a pretrial diversion or similar 7013
program or for intervention in lieu of a conviction for a 7014
criminal offense unless the refusal is in accordance with 7015
section 9.79 of the Revised Code. 7016

Sec. 4723.89. (A) As used in this section: 7017

(1) "Doula" means a trained, nonmedical professional who 7018
advocates for, and provides continuous physical, emotional, and 7019
informational support to, a pregnant woman through the delivery 7020
of a child and immediately after the delivery, including during 7021
any of the following periods, ~~regardless of whether the woman's~~ 7022
~~pregnancy results in a live birth:~~ 7023

(a) The antepartum period; 7024

(b) The intrapartum period; 7025

(c) The postpartum period. 7026

(2) "Doula certification organization" means ~~any an~~ 7027
organization that is recognized ~~organization that the board of~~ 7028
nursing considers appropriate, at an international, national, 7029
state, or local level, for training and certifying doulas. 7030

(B) Beginning on ~~the date that occurs one year after the~~ 7031
~~effective date of this section~~ October 3, 2024, a person shall 7032
not use or assume the title "certified doula" unless the person 7033
holds a certificate issued under this section by the board of 7034
nursing. 7035

(C) The board of nursing shall seek and consider the 7036
opinion of the doula advisory group established in section 7037

4723.90 of the Revised Code when an individual is seeking to be 7038
eligible for medicaid reimbursement as a certified doula. 7039

(D) The board shall adopt rules in accordance with Chapter 7040
119. of the Revised Code establishing standards and procedures 7041
for issuing certificates to doulas under this section. The rules 7042
shall include all of the following: 7043

(1) Requirements for certification as a doula, including ~~a~~ 7044
both of the following: 7045

(a) A requirement that a doula either be certified by a 7046
doula certification organization or, if not certified, have 7047
education and experience considered by the board to be 7048
appropriate, as specified in the rules; 7049

(b) A requirement that the results of a criminal records 7050
check conducted in accordance with section 4723.091 of the 7051
Revised Code demonstrate that the applicant is not ineligible 7052
for certification in accordance with section 4723.092 of the 7053
Revised Code. 7054

(2) Requirements for renewal of a certificate and 7055
continuing education; 7056

(3) Requirements for training on racial bias, health 7057
disparities, and cultural competency as a condition of initial 7058
certification and certificate renewal; 7059

(4) Certificate application and renewal fees, as well as a 7060
waiver of those fees for applicants with a family income not 7061
exceeding ~~two~~ three hundred per cent of the federal poverty 7062
line; 7063

(5) Requirements and standards of practice for certified 7064
doulas; 7065

(6) The amount of a fine to be imposed under division ~~(E)~~ (F) of this section; 7066
7067

(7) Any other standards or procedures the board considers 7068
necessary to implement this section. 7069

~~(D)~~ (E) The board of nursing shall develop and regularly 7070
update a registry of doulas who hold certificates issued under 7071
this section. The registry shall be made available to the public 7072
on a web site maintained by the board. 7073

~~(E)~~ (F) In an adjudication under Chapter 119. of the 7074
Revised Code, the board of nursing may impose a fine against any 7075
person who violates division (B) of this section. On request of 7076
the board, the attorney general shall bring and prosecute to 7077
judgment a civil action to collect any fine imposed under this 7078
division that remains unpaid. 7079

Sec. 4723.90. (A) There is hereby established within the 7080
board of nursing the doula advisory ~~board~~ group. 7081

(B) (1) The advisory ~~board~~ group shall consist of ~~at least~~ 7082
~~thirteen but not more than fifteen~~ the following seventeen 7083
~~members appointed by the board of nursing.~~ 7084

~~The overall composition of the membership of the advisory~~ 7085
~~board shall be as follows:~~ 7086

(a) ~~At least three~~ The following members appointed by the 7087
board of nursing: 7088

(i) Three members shall represent representing communities 7089
most impacted by negative maternal and infant health outcomes. 7090

~~(b) At least six;~~ 7091

(ii) Five members shall be who are doulas with current, 7092

valid certification from a doula certification organization- 7093

~~(c) At least one member shall be a ;~~ 7094

(iii) Two members who are public health officialofficials, 7095
physicianphysicians, nurseurses, or social worker.workers 7096

~~(d) At least one member shall be a consumer.;~~ 7097

(iv) Two members who are consumers; 7098

(v) Two members representing a doula certification program 7099
or organization established in Ohio. 7100

(b) One member representing the commission on minority 7101
health appointed by the executive director of the commission on 7102
minority health; 7103

(c) One member representing the department of health 7104
appointed by the director of health; 7105

(d) One member representing the board of nursing appointed 7106
by the board of nursing. 7107

(2) Both of the following apply to the board of nursing in 7108
appointing members to the advisory ~~board~~group pursuant to 7109
division (B) (1) (a) of this section: 7110

(a) A good faith effort shall be made to select members 7111
who represent counties with higher rates of infant and maternal 7112
mortality, particularly those counties with the largest 7113
disparities. 7114

(b) Priority shall be given to individuals with direct 7115
service experience providing care to infants and pregnant and 7116
postpartum women. 7117

(C) The advisory ~~board~~group, by a majority vote of a 7118
quorum of its members, shall select an individual to serve as 7119

its chairperson. The advisory ~~board~~group may replace a 7120
chairperson in the same manner. 7121

(D) Of the initial appointments to the advisory ~~board~~group 7122
pursuant to division (B)(1)(a) of this section, half shall be 7123
appointed to a term of one year and half shall be appointed to a 7124
term of two years. Thereafter, all terms shall be two years. 7125

(E) The board of nursing, the executive director of the 7126
commission on minority health, and the director of health shall 7127
fill a vacancy as soon as practicable. 7128

~~(E)-(F)~~ If requested, a member shall receive ~~per diem~~ 7129
~~compensation for, as well as reimbursement of actual and~~ 7130
necessary expenses incurred pursuant to, fulfilling the member's 7131
~~duties on the advisory board~~group duties. 7132

(G) Members may be reappointed for an unlimited number of 7133
terms. 7134

~~(F)-(H)~~ The advisory ~~board~~group shall meet at the call of 7135
the advisory ~~board's~~group's chairperson as often as the 7136
chairperson determines necessary for timely completion of the 7137
~~board's~~group's duties as described in this section. 7138

~~(G)-(I)~~ The board of nursing shall provide meeting space, 7139
virtual meeting technology, staff services, and other technical 7140
assistance required by the advisory ~~board~~group in carrying out 7141
its duties. 7142

~~(H)-(J)~~ The advisory ~~board~~group shall do all of the 7143
following: 7144

(1) Provide general advice, guidance, and recommendations 7145
to the board of nursing regarding doula certification and the 7146
adoption of rules under divisions ~~(C)(3)-(D)(3)~~(D)(3) and (5) of 7147

section 4723.89 of the Revised Code; 7148

(2) Advise the board of nursing regarding individuals 7149
seeking to be eligible for medicaid reimbursement as certified 7150
doulas; 7151

(3) Provide general advice, guidance, and recommendations 7152
to the department of medicaid regarding the ~~program operated~~ 7153
medicaid coverage of doula services required under section 7154
5164.071 of the Revised Code; 7155

~~(3) Make recommendations to the medicaid director~~ 7156
~~regarding~~ (4) Beginning two years after the effective date of 7157
this section and annually thereafter, submit a report to the 7158
adoption of rules for purposes of general assembly in accordance 7159
with section ~~5164.071~~ 101.68 of the Revised Code including the 7160
following information regarding the doula services provided 7161
pursuant to section 5164.071 of the Revised Code: 7162

(a) The number of pregnant women and infants served; 7163

(b) The number and types of doula services provided; 7164

(c) Outcome metrics, including maternal and infant health 7165
outcomes. 7166

Sec. 4731.07. (A) The state medical board shall keep a 7167
record of its proceedings. The minutes of a meeting of the board 7168
shall, on approval by the board, constitute an official record 7169
of its proceedings. 7170

(B) The board shall keep a register of applicants for 7171
licenses and certificates issued under this chapter; licenses 7172
issued under Chapters 4730., 4760., 4762., 4774., and 4778.; and 7173
licenses and limited permits issued under Chapters 4759. and 7174
4761. of the Revised Code. The register shall show the name of 7175

the applicant and whether the applicant was granted or refused 7176
the license, certificate, or limited permit being sought. 7177

With respect to applicants to practice medicine and 7178
surgery or osteopathic medicine and surgery, the register shall 7179
show the name of the institution that granted the applicant the 7180
degree of doctor of medicine or osteopathic medicine. With 7181
respect to applicants to practice respiratory care, the register 7182
shall show the addresses of the person's last known place of 7183
~~business and residence~~, the effective date and identification 7184
number of the license or limited permit, and, if applicable, the 7185
name and location of the institution that granted the person's 7186
degree or certificate of completion of respiratory care 7187
educational requirements and the date the degree or certificate 7188
of completion was issued. 7189

(C) The books and records of the board shall be prima- 7190
facie evidence of matters therein contained. 7191

Sec. 5162.13. (A) On or before the first day of January of 7192
each year, the department of medicaid shall complete a report on 7193
the effectiveness of the medicaid program in meeting the health 7194
care needs of low-income pregnant women, infants, and children. 7195
The report shall include all of the following, delineated by 7196
race and ethnic group: 7197

(1) The estimated number of pregnant women, infants, and 7198
children eligible for the program; 7199

(2) The actual number of eligible persons enrolled in the 7200
program; 7201

(3) The actual number of enrolled pregnant women 7202
categorized by estimated gestational age at time of enrollment; 7203

(4) The average number of days between the following 7204

events:	7205
(a) A pregnant woman's application for medicaid and enrollment in the fee-for-service component of medicaid;	7206 7207
(b) A pregnant woman's application for enrollment in a medicaid managed care organization and enrollment in the managed care organization.	7208 7209 7210
The information described in divisions (A) (4) (a) and (b) of this section shall also be delineated by county and the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code.	7211 7212 7213 7214
(5) The number of prenatal, postpartum, and child health visits;	7215 7216
(6) The estimated number of enrolled women of child-bearing age who use a tobacco product;	7217 7218
(7) The estimated number of enrolled women of child-bearing age who participate in a tobacco cessation program or who use a tobacco cessation product;	7219 7220 7221
(8) The rates at which enrolled pregnant women receive addiction or mental health services, progesterone therapy, and any other service specified by the department;	7222 7223 7224
(9) A report on birth outcomes, including a comparison of low-birthweight births and infant mortality rates of medicaid recipients with the general female child-bearing and infant population in this state;	7225 7226 7227 7228
(10) A comparison of the prenatal, delivery, and child health costs of the program with such costs of similar programs in other states, where available;	7229 7230 7231

(11) A report on performance data generated by the 7232
component of the state innovation model (SIM) grant pertaining 7233
to episode-based payments for perinatal care that was awarded to 7234
this state by the center for medicare and medicaid innovation in 7235
the United States centers for medicare and medicaid services; 7236

(12) A report on funds allocated for infant mortality 7237
reduction initiatives in the urban and rural communities 7238
specified in rules adopted under section 3701.142 of the Revised 7239
Code; 7240

(13) A report on the results of client responses to 7241
questions related to pregnancy services and healthcheck that are 7242
asked by the personnel of county departments of job and family 7243
services; 7244

(14) A comparison of the performance of the fee-for- 7245
service component of medicaid with the performance of each 7246
medicaid managed care organization on perinatal health metrics; 7247

(15) A report demonstrating cost savings resulting from 7248
program investments; 7249

(16) Beginning two years after the effective date of this 7250
amendment, a report on the medicaid coverage of doula services 7251
required by section 5164.071 of the Revised Code, including: 7252

(a) Outcomes related to maternal health and maternal 7253
morbidity; 7254

(b) Infant health outcomes; 7255

(c) The average costs of providing doula services to 7256
mothers and infants; 7257

(d) Estimated cost increases or savings as a result of 7258
providing doula coverage. 7259

(B) The department shall submit the report to the general assembly in accordance with section 101.68 of the Revised Code and to the joint medicaid oversight committee. The department also shall make the report available to the public.

(C) The department shall provide to the joint medicaid oversight committee a copy of the data used to calculate the information required in the report under division (A) (16) of this section.

Sec. 5164.071. (A) As used in this section, "doula" has the same meaning as in section 4723.89 of the Revised Code.

(B) The medicaid program shall ~~operate a program to cover~~ doula services that are provided by a doula if the doula has a valid provider agreement and is certified under section 4723.89 of the Revised Code. Medicaid payments for doula services shall be determined on the basis of each pregnancy, regardless of whether multiple births occur as a result of that pregnancy.

(C) Any provider outcome measurements or incentives the department of medicaid implements for the medicaid coverage of doula services shall be consistent with this state's medicare-medicaid plan quality withhold provider or managed care plan methodology and benchmarks.

(D) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. ~~Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.~~

Sec. 5705.14. No transfer shall be made from one fund of a subdivision to any other fund, by order of the court or

otherwise, except as follows: 7289

(A) The unexpended balance in a bond fund that is no 7290
longer needed for the purpose for which such fund was created 7291
shall be transferred to the sinking fund or bond retirement fund 7292
from which such bonds are payable. 7293

(B) The unexpended balance in any specific permanent 7294
improvement fund, other than a bond fund, after the payment of 7295
all obligations incurred in the acquisition of such improvement, 7296
shall be transferred to the sinking fund or bond retirement fund 7297
of the subdivision; provided that if such money is not required 7298
to meet the obligations payable from such funds, it may be 7299
transferred to a special fund for the acquisition of permanent 7300
improvements, or, with the approval of the court of common pleas 7301
of the county in which such subdivision is located, to the 7302
general fund of the subdivision. 7303

(C) (1) Except as provided in division (C) (2) of this 7304
section, the unexpended balance in the sinking fund or bond 7305
retirement fund of a subdivision, after all indebtedness, 7306
interest, and other obligations for the payment of which such 7307
fund exists have been paid and retired, shall be transferred, in 7308
the case of the sinking fund, to the bond retirement fund, and 7309
in the case of the bond retirement fund, to the sinking fund; 7310
provided that if such transfer is impossible by reason of the 7311
nonexistence of the fund to receive the transfer, such 7312
unexpended balance, with the approval of the court of common 7313
pleas of the county in which such division is located, may be 7314
transferred to any other fund of the subdivision. 7315

(2) Money in a bond fund or bond retirement fund of a 7316
city, local, exempted village, cooperative education, or joint 7317
vocational school district may be transferred to a specific 7318

permanent improvement fund provided that the county budget 7319
commission of the county in which the school district is located 7320
approves the transfer upon its determination that the money 7321
transferred will not be required to meet the obligations payable 7322
from the bond fund or bond retirement fund. In arriving at such 7323
a determination, the county budget commission shall consider the 7324
balance of the bond fund or bond retirement fund, the 7325
outstanding obligations payable from the fund, and the sources 7326
and timing of the fund's revenue. 7327

(D) The unexpended balance in any special fund, other than 7328
an improvement fund, existing in accordance with division (D), 7329
(F), or (G) of section 5705.09 or section 5705.12 of the Revised 7330
Code, may be transferred to the general fund or to the sinking 7331
fund or bond retirement fund after the termination of the 7332
activity, service, or other undertaking for which such special 7333
fund existed, but only after the payment of all obligations 7334
incurred and payable from such special fund. 7335

(E) Money may be transferred from the general fund to any 7336
other fund of the subdivision. 7337

(F) Moneys retained or received by a county under section 7338
4501.04 or division (A) (2) of section 5735.27 of the Revised 7339
Code may be transferred from the fund into which they were 7340
deposited to the sinking fund or bond retirement fund from which 7341
any principal, interest, or charges for which such moneys may be 7342
used is payable. 7343

(G) Moneys retained or received by a municipal corporation 7344
under section 4501.04 or division (A) (1) of section 5735.27 of 7345
the Revised Code may be transferred from the fund into which 7346
they were deposited to the sinking fund or bond retirement fund 7347
from which any principal, interest, or charges for which such 7348

moneys may be used is payable. 7349

(H) (1) Money may be transferred from the county 7350
developmental disabilities general fund to the county 7351
developmental disabilities capital fund established under 7352
section 5705.091 of the Revised Code or to any other fund 7353
created for the purposes of the county board of developmental 7354
disabilities, so long as money in the fund to which the money is 7355
transferred can be spent for the particular purpose of the 7356
transferred money. The county board of developmental 7357
disabilities may request, by resolution, that the board of 7358
county commissioners make the transfer. The county board of 7359
developmental disabilities shall transmit a certified copy of 7360
the resolution to the board of county commissioners. Upon 7361
receiving the resolution, the board of county commissioners may 7362
make the transfer. Money transferred to a fund shall be credited 7363
to an account appropriate to its particular purpose. 7364

(2) An unexpended balance in an account in the county 7365
developmental disabilities capital fund or any other fund 7366
created for the purposes of the county board of developmental 7367
disabilities may be transferred back to the county developmental 7368
disabilities general fund. The transfer may be made if the 7369
unexpended balance is no longer needed for its particular 7370
purpose and all outstanding obligations have been paid. Money 7371
transferred back to the county developmental disabilities 7372
general fund shall be credited to an account for current 7373
expenses within that fund. The county board of developmental 7374
disabilities may request, by resolution, that the board of 7375
county commissioners make the transfer. The county board of 7376
developmental disabilities shall transmit a certified copy of 7377
the resolution to the board of county commissioners. Upon 7378
receiving the resolution, the board of county commissioners may 7379

make the transfer. 7380

(I) Money may be transferred from the public assistance 7381
fund established under section 5101.161 of the Revised Code to 7382
either of the following funds, so long as the money to be 7383
transferred from the public assistance fund may be spent for the 7384
purposes for which money in the receiving fund may be used: 7385

(1) The children services fund established under section 7386
5101.144 of the Revised Code; 7387

(2) The child support enforcement administrative fund 7388
established, as authorized under rules adopted by the director 7389
of job and family services, in the county treasury for use by 7390
any county family services agency. 7391

(J) Notwithstanding this section, money in any fund or 7392
account of a village dissolved in accordance with sections 7393
703.31 to 703.39 of the Revised Code may be transferred by the 7394
receiver-trustee to a special account for the purpose of paying 7395
the debts, obligations, and liabilities of the dissolved village 7396
or to the general fund of any township into which the territory 7397
of the village is dissolved for any purpose that directly or 7398
indirectly benefits the former territory of the dissolved 7399
village. 7400

(K) Except in the case of transfer pursuant to division 7401
(E) or (J) of this section, transfers authorized by this section 7402
shall only be made by resolution of the taxing authority passed 7403
with the affirmative vote of two-thirds of the members. 7404

Sec. 5726.58. (A) Terms used in this section have the same 7405
meanings as in section 175.16 of the Revised Code. 7406

(B) A taxpayer may claim a nonrefundable tax credit 7407
against the tax imposed under section 5726.02 of the Revised 7408

Code for each person included in the annual report of the 7409
taxpayer that is allocated a credit issued by the executive 7410
director of the ~~governor's office of housing transformation~~ Ohio 7411
housing finance agency under section 175.16 of the Revised Code. 7412
The credit equals the amount allocated to such person for the 7413
taxable year and reported by the designated reporter on the form 7414
prescribed by division (I) of section 175.16 of the Revised 7415
Code. 7416

The credit authorized in this section shall be claimed in 7417
the order required under section 5726.98 of the Revised Code. If 7418
the amount of a credit exceeds the tax otherwise due under 7419
section 5726.02 of the Revised Code after deducting all other 7420
credits preceding the credit in the order prescribed in section 7421
5726.98 of the Revised Code, the excess may be carried forward 7422
for not more than five ensuing tax years. The amount of the 7423
excess credit claimed in any such year shall be deducted from 7424
the balance carried forward to the next tax year. 7425

No credit shall be claimed under this section to the 7426
extent the credit was claimed under section 5725.36, 5729.19, or 7427
5747.83 of the Revised Code. 7428

Sec. 5729.20. (A) Terms used in this section have the same 7429
meanings as in section 175.17 of the Revised Code. 7430

(B) There is allowed a nonrefundable tax credit against 7431
the tax imposed by section 5729.03 or 5729.06 of the Revised 7432
Code for a foreign insurance company that is allocated a credit 7433
issued by the ~~executive~~ executive director of the Ohio housing 7434
finance agency under section 175.17 of the Revised Code. The 7435
credit equals the amount allocated to such company for the 7436
calendar year and reported by the designated reporter on the 7437
form prescribed by division (H) of section 175.17 of the Revised 7438

Code. 7439

The credit authorized in this section shall be claimed in 7440
the order required under section 5729.98 of the Revised Code. If 7441
the amount of a credit exceeds the tax otherwise due under 7442
section 5729.03 or 5729.06 of the Revised Code after deducting 7443
all other credits preceding the credit in the order prescribed 7444
in section 5725.98 of the Revised Code, the excess may be 7445
carried forward for not more than five ensuing calendar years. 7446
The amount of the excess credit claimed in any such year shall 7447
be deducted from the balance carried forward to the next 7448
calendar year. 7449

No credit shall be claimed under this section to the 7450
extent the credit was claimed under section 5725.37, 5726.60, or 7451
5747.84 of the Revised Code. 7452

A foreign insurance company shall not be required to pay 7453
any additional tax levied under section 5729.06 of the Revised 7454
Code as a result of claiming the tax credit authorized under 7455
this section. 7456

Sec. 5747.01. Except as otherwise expressly provided or 7457
clearly appearing from the context, any term used in this 7458
chapter that is not otherwise defined in this section has the 7459
same meaning as when used in a comparable context in the laws of 7460
the United States relating to federal income taxes or if not 7461
used in a comparable context in those laws, has the same meaning 7462
as in section 5733.40 of the Revised Code. Any reference in this 7463
chapter to the Internal Revenue Code includes other laws of the 7464
United States relating to federal income taxes. 7465

As used in this chapter: 7466

(A) "Adjusted gross income" or "Ohio adjusted gross 7467

income" means federal adjusted gross income, as defined and used 7468
in the Internal Revenue Code, adjusted as provided in this 7469
section: 7470

(1) Add interest or dividends on obligations or securities 7471
of any state or of any political subdivision or authority of any 7472
state, other than this state and its subdivisions and 7473
authorities. 7474

(2) Add interest or dividends on obligations of any 7475
authority, commission, instrumentality, territory, or possession 7476
of the United States to the extent that the interest or 7477
dividends are exempt from federal income taxes but not from 7478
state income taxes. 7479

(3) Deduct interest or dividends on obligations of the 7480
United States and its territories and possessions or of any 7481
authority, commission, or instrumentality of the United States 7482
to the extent that the interest or dividends are included in 7483
federal adjusted gross income but exempt from state income taxes 7484
under the laws of the United States. 7485

(4) Deduct disability and survivor's benefits to the 7486
extent included in federal adjusted gross income. 7487

(5) Deduct the following, to the extent not otherwise 7488
deducted or excluded in computing federal or Ohio adjusted gross 7489
income: 7490

(a) Benefits under Title II of the Social Security Act and 7491
tier 1 railroad retirement; 7492

(b) Railroad retirement benefits, other than tier 1 7493
railroad retirement benefits, to the extent such amounts are 7494
exempt from state taxation under federal law. 7495

(6) Deduct the amount of wages and salaries, if any, not 7496
otherwise allowable as a deduction but that would have been 7497
allowable as a deduction in computing federal adjusted gross 7498
income for the taxable year, had the work opportunity tax credit 7499
allowed and determined under sections 38, 51, and 52 of the 7500
Internal Revenue Code not been in effect. 7501

(7) Deduct any interest or interest equivalent on public 7502
obligations and purchase obligations to the extent that the 7503
interest or interest equivalent is included in federal adjusted 7504
gross income. 7505

(8) Add any loss or deduct any gain resulting from the 7506
sale, exchange, or other disposition of public obligations to 7507
the extent that the loss has been deducted or the gain has been 7508
included in computing federal adjusted gross income. 7509

(9) Deduct or add amounts, as provided under section 7510
5747.70 of the Revised Code, related to contributions made to or 7511
tuition units purchased under a qualified tuition program 7512
established pursuant to section 529 of the Internal Revenue 7513
Code. 7514

(10) (a) Deduct, to the extent not otherwise allowable as a 7515
deduction or exclusion in computing federal or Ohio adjusted 7516
gross income for the taxable year, the amount the taxpayer paid 7517
during the taxable year for medical care insurance and qualified 7518
long-term care insurance for the taxpayer, the taxpayer's 7519
spouse, and dependents. No deduction for medical care insurance 7520
under division (A) (10) (a) of this section shall be allowed 7521
either to any taxpayer who is eligible to participate in any 7522
subsidized health plan maintained by any employer of the 7523
taxpayer or of the taxpayer's spouse, or to any taxpayer who is 7524
entitled to, or on application would be entitled to, benefits 7525

under part A of Title XVIII of the "Social Security Act," 49 7526
Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of 7527
division (A)(10)(a) of this section, "subsidized health plan" 7528
means a health plan for which the employer pays any portion of 7529
the plan's cost. The deduction allowed under division (A)(10)(a) 7530
of this section shall be the net of any related premium refunds, 7531
related premium reimbursements, or related insurance premium 7532
dividends received during the taxable year. 7533

(b) Deduct, to the extent not otherwise deducted or 7534
excluded in computing federal or Ohio adjusted gross income 7535
during the taxable year, the amount the taxpayer paid during the 7536
taxable year, not compensated for by any insurance or otherwise, 7537
for medical care of the taxpayer, the taxpayer's spouse, and 7538
dependents, to the extent the expenses exceed seven and one-half 7539
per cent of the taxpayer's federal adjusted gross income. 7540

(c) For purposes of division (A)(10) of this section, 7541
"medical care" has the meaning given in section 213 of the 7542
Internal Revenue Code, subject to the special rules, 7543
limitations, and exclusions set forth therein, and "qualified 7544
long-term care" has the same meaning given in section 7702B(c) 7545
of the Internal Revenue Code. Solely for purposes of division 7546
(A)(10)(a) of this section, "dependent" includes a person who 7547
otherwise would be a "qualifying relative" and thus a 7548
"dependent" under section 152 of the Internal Revenue Code but 7549
for the fact that the person fails to meet the income and 7550
support limitations under section 152(d)(1)(B) and (C) of the 7551
Internal Revenue Code. 7552

(11)(a) Deduct any amount included in federal adjusted 7553
gross income solely because the amount represents a 7554
reimbursement or refund of expenses that in any year the 7555

taxpayer had deducted as an itemized deduction pursuant to 7556
section 63 of the Internal Revenue Code and applicable United 7557
States department of the treasury regulations. The deduction 7558
otherwise allowed under division (A) (11) (a) of this section 7559
shall be reduced to the extent the reimbursement is attributable 7560
to an amount the taxpayer deducted under this section in any 7561
taxable year. 7562

(b) Add any amount not otherwise included in Ohio adjusted 7563
gross income for any taxable year to the extent that the amount 7564
is attributable to the recovery during the taxable year of any 7565
amount deducted or excluded in computing federal or Ohio 7566
adjusted gross income in any taxable year. 7567

(12) Deduct any portion of the deduction described in 7568
section 1341(a) (2) of the Internal Revenue Code, for repaying 7569
previously reported income received under a claim of right, that 7570
meets both of the following requirements: 7571

(a) It is allowable for repayment of an item that was 7572
included in the taxpayer's adjusted gross income for a prior 7573
taxable year and did not qualify for a credit under division (A) 7574
or (B) of section 5747.05 of the Revised Code for that year; 7575

(b) It does not otherwise reduce the taxpayer's adjusted 7576
gross income for the current or any other taxable year. 7577

(13) Deduct an amount equal to the deposits made to, and 7578
net investment earnings of, a medical savings account during the 7579
taxable year, in accordance with section 3924.66 of the Revised 7580
Code. The deduction allowed by division (A) (13) of this section 7581
does not apply to medical savings account deposits and earnings 7582
otherwise deducted or excluded for the current or any other 7583
taxable year from the taxpayer's federal adjusted gross income. 7584

(14) (a) Add an amount equal to the funds withdrawn from a 7585
medical savings account during the taxable year, and the net 7586
investment earnings on those funds, when the funds withdrawn 7587
were used for any purpose other than to reimburse an account 7588
holder for, or to pay, eligible medical expenses, in accordance 7589
with section 3924.66 of the Revised Code; 7590

(b) Add the amounts distributed from a medical savings 7591
account under division (A) (2) of section 3924.68 of the Revised 7592
Code during the taxable year. 7593

(15) Add any amount claimed as a credit under section 7594
5747.059 of the Revised Code to the extent that such amount 7595
satisfies either of the following: 7596

(a) The amount was deducted or excluded from the 7597
computation of the taxpayer's federal adjusted gross income as 7598
required to be reported for the taxpayer's taxable year under 7599
the Internal Revenue Code; 7600

(b) The amount resulted in a reduction of the taxpayer's 7601
federal adjusted gross income as required to be reported for any 7602
of the taxpayer's taxable years under the Internal Revenue Code. 7603

(16) Deduct the amount contributed by the taxpayer to an 7604
individual development account program established by a county 7605
department of job and family services pursuant to sections 7606
329.11 to 329.14 of the Revised Code for the purpose of matching 7607
funds deposited by program participants. On request of the tax 7608
commissioner, the taxpayer shall provide any information that, 7609
in the tax commissioner's opinion, is necessary to establish the 7610
amount deducted under division (A) (16) of this section. 7611

(17) (a) (i) Subject to divisions (A) (17) (a) (iii), (iv), and 7612
(v) of this section, add five-sixths of the amount of 7613

depreciation expense allowed by subsection (k) of section 168 of 7614
the Internal Revenue Code, including the taxpayer's 7615
proportionate or distributive share of the amount of 7616
depreciation expense allowed by that subsection to a pass- 7617
through entity in which the taxpayer has a direct or indirect 7618
ownership interest. 7619

(ii) Subject to divisions (A) (17) (a) (iii), (iv), and (v) 7620
of this section, add five-sixths of the amount of qualifying 7621
section 179 depreciation expense, including the taxpayer's 7622
proportionate or distributive share of the amount of qualifying 7623
section 179 depreciation expense allowed to any pass-through 7624
entity in which the taxpayer has a direct or indirect ownership 7625
interest. 7626

(iii) Subject to division (A) (17) (a) (v) of this section, 7627
for taxable years beginning in 2012 or thereafter, if the 7628
increase in income taxes withheld by the taxpayer is equal to or 7629
greater than ten per cent of income taxes withheld by the 7630
taxpayer during the taxpayer's immediately preceding taxable 7631
year, "two-thirds" shall be substituted for "five-sixths" for 7632
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 7633

(iv) Subject to division (A) (17) (a) (v) of this section, 7634
for taxable years beginning in 2012 or thereafter, a taxpayer is 7635
not required to add an amount under division (A) (17) of this 7636
section if the increase in income taxes withheld by the taxpayer 7637
and by any pass-through entity in which the taxpayer has a 7638
direct or indirect ownership interest is equal to or greater 7639
than the sum of (I) the amount of qualifying section 179 7640
depreciation expense and (II) the amount of depreciation expense 7641
allowed to the taxpayer by subsection (k) of section 168 of the 7642
Internal Revenue Code, and including the taxpayer's 7643

proportionate or distributive shares of such amounts allowed to 7644
any such pass-through entities. 7645

(v) If a taxpayer directly or indirectly incurs a net 7646
operating loss for the taxable year for federal income tax 7647
purposes, to the extent such loss resulted from depreciation 7648
expense allowed by subsection (k) of section 168 of the Internal 7649
Revenue Code and by qualifying section 179 depreciation expense, 7650
"the entire" shall be substituted for "five-sixths of the" for 7651
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 7652

The tax commissioner, under procedures established by the 7653
commissioner, may waive the add-backs related to a pass-through 7654
entity if the taxpayer owns, directly or indirectly, less than 7655
five per cent of the pass-through entity. 7656

(b) Nothing in division (A) (17) of this section shall be 7657
construed to adjust or modify the adjusted basis of any asset. 7658

(c) To the extent the add-back required under division (A) 7659
(17) (a) of this section is attributable to property generating 7660
nonbusiness income or loss allocated under section 5747.20 of 7661
the Revised Code, the add-back shall be situated to the same 7662
location as the nonbusiness income or loss generated by the 7663
property for the purpose of determining the credit under 7664
division (A) of section 5747.05 of the Revised Code. Otherwise, 7665
the add-back shall be apportioned, subject to one or more of the 7666
four alternative methods of apportionment enumerated in section 7667
5747.21 of the Revised Code. 7668

(d) For the purposes of division (A) (17) (a) (v) of this 7669
section, net operating loss carryback and carryforward shall not 7670
include the allowance of any net operating loss deduction 7671
carryback or carryforward to the taxable year to the extent such 7672

loss resulted from depreciation allowed by section 168(k) of the 7673
Internal Revenue Code and by the qualifying section 179 7674
depreciation expense amount. 7675

(e) For the purposes of divisions (A) (17) and (18) of this 7676
section: 7677

(i) "Income taxes withheld" means the total amount 7678
withheld and remitted under sections 5747.06 and 5747.07 of the 7679
Revised Code by an employer during the employer's taxable year. 7680

(ii) "Increase in income taxes withheld" means the amount 7681
by which the amount of income taxes withheld by an employer 7682
during the employer's current taxable year exceeds the amount of 7683
income taxes withheld by that employer during the employer's 7684
immediately preceding taxable year. 7685

(iii) "Qualifying section 179 depreciation expense" means 7686
the difference between (I) the amount of depreciation expense 7687
directly or indirectly allowed to a taxpayer under section 179 7688
of the Internal Revised Code, and (II) the amount of 7689
depreciation expense directly or indirectly allowed to the 7690
taxpayer under section 179 of the Internal Revenue Code as that 7691
section existed on December 31, 2002. 7692

(18) (a) If the taxpayer was required to add an amount 7693
under division (A) (17) (a) of this section for a taxable year, 7694
deduct one of the following: 7695

(i) One-fifth of the amount so added for each of the five 7696
succeeding taxable years if the amount so added was five-sixths 7697
of qualifying section 179 depreciation expense or depreciation 7698
expense allowed by subsection (k) of section 168 of the Internal 7699
Revenue Code; 7700

(ii) One-half of the amount so added for each of the two 7701

succeeding taxable years if the amount so added was two-thirds 7702
of such depreciation expense; 7703

(iii) One-sixth of the amount so added for each of the six 7704
succeeding taxable years if the entire amount of such 7705
depreciation expense was so added. 7706

(b) If the amount deducted under division (A) (18) (a) of 7707
this section is attributable to an add-back allocated under 7708
division (A) (17) (c) of this section, the amount deducted shall 7709
be situated to the same location. Otherwise, the add-back shall 7710
be apportioned using the apportionment factors for the taxable 7711
year in which the deduction is taken, subject to one or more of 7712
the four alternative methods of apportionment enumerated in 7713
section 5747.21 of the Revised Code. 7714

(c) No deduction is available under division (A) (18) (a) of 7715
this section with regard to any depreciation allowed by section 7716
168(k) of the Internal Revenue Code and by the qualifying 7717
section 179 depreciation expense amount to the extent that such 7718
depreciation results in or increases a federal net operating 7719
loss carryback or carryforward. If no such deduction is 7720
available for a taxable year, the taxpayer may carry forward the 7721
amount not deducted in such taxable year to the next taxable 7722
year and add that amount to any deduction otherwise available 7723
under division (A) (18) (a) of this section for that next taxable 7724
year. The carryforward of amounts not so deducted shall continue 7725
until the entire addition required by division (A) (17) (a) of 7726
this section has been deducted. 7727

(19) Deduct, to the extent not otherwise deducted or 7728
excluded in computing federal or Ohio adjusted gross income for 7729
the taxable year, the amount the taxpayer received during the 7730
taxable year as reimbursement for life insurance premiums under 7731

section 5919.31 of the Revised Code. 7732

(20) Deduct, to the extent not otherwise deducted or 7733
excluded in computing federal or Ohio adjusted gross income for 7734
the taxable year, the amount the taxpayer received during the 7735
taxable year as a death benefit paid by the adjutant general 7736
under section 5919.33 of the Revised Code. 7737

(21) Deduct, to the extent included in federal adjusted 7738
gross income and not otherwise allowable as a deduction or 7739
exclusion in computing federal or Ohio adjusted gross income for 7740
the taxable year, military pay and allowances received by the 7741
taxpayer during the taxable year for active duty service in the 7742
United States army, air force, navy, marine corps, or coast 7743
guard or reserve components thereof or the national guard. The 7744
deduction may not be claimed for military pay and allowances 7745
received by the taxpayer while the taxpayer is stationed in this 7746
state. 7747

(22) Deduct, to the extent not otherwise allowable as a 7748
deduction or exclusion in computing federal or Ohio adjusted 7749
gross income for the taxable year and not otherwise compensated 7750
for by any other source, the amount of qualified organ donation 7751
expenses incurred by the taxpayer during the taxable year, not 7752
to exceed ten thousand dollars. A taxpayer may deduct qualified 7753
organ donation expenses only once for all taxable years 7754
beginning with taxable years beginning in 2007. 7755

For the purposes of division (A) (22) of this section: 7756

(a) "Human organ" means all or any portion of a human 7757
liver, pancreas, kidney, intestine, or lung, and any portion of 7758
human bone marrow. 7759

(b) "Qualified organ donation expenses" means travel 7760

expenses, lodging expenses, and wages and salary forgone by a 7761
taxpayer in connection with the taxpayer's donation, while 7762
living, of one or more of the taxpayer's human organs to another 7763
human being. 7764

(23) Deduct, to the extent not otherwise deducted or 7765
excluded in computing federal or Ohio adjusted gross income for 7766
the taxable year, amounts received by the taxpayer as retired 7767
personnel pay for service in the uniformed services or reserve 7768
components thereof, or the national guard, or received by the 7769
surviving spouse or former spouse of such a taxpayer under the 7770
survivor benefit plan on account of such a taxpayer's death. If 7771
the taxpayer receives income on account of retirement paid under 7772
the federal civil service retirement system or federal employees 7773
retirement system, or under any successor retirement program 7774
enacted by the congress of the United States that is established 7775
and maintained for retired employees of the United States 7776
government, and such retirement income is based, in whole or in 7777
part, on credit for the taxpayer's uniformed service, the 7778
deduction allowed under this division shall include only that 7779
portion of such retirement income that is attributable to the 7780
taxpayer's uniformed service, to the extent that portion of such 7781
retirement income is otherwise included in federal adjusted 7782
gross income and is not otherwise deducted under this section. 7783
Any amount deducted under division (A) (23) of this section is 7784
not included in a taxpayer's adjusted gross income for the 7785
purposes of section 5747.055 of the Revised Code. No amount may 7786
be deducted under division (A) (23) of this section on the basis 7787
of which a credit was claimed under section 5747.055 of the 7788
Revised Code. 7789

(24) Deduct, to the extent not otherwise deducted or 7790
excluded in computing federal or Ohio adjusted gross income for 7791

the taxable year, the amount the taxpayer received during the 7792
taxable year from the military injury relief fund created in 7793
section 5902.05 of the Revised Code. 7794

(25) Deduct, to the extent not otherwise deducted or 7795
excluded in computing federal or Ohio adjusted gross income for 7796
the taxable year, the amount the taxpayer received as a veterans 7797
bonus during the taxable year from the Ohio department of 7798
veterans services as authorized by Section 2r of Article VIII, 7799
Ohio Constitution. 7800

(26) Deduct, to the extent not otherwise deducted or 7801
excluded in computing federal or Ohio adjusted gross income for 7802
the taxable year, any income derived from a transfer agreement 7803
or from the enterprise transferred under that agreement under 7804
section 4313.02 of the Revised Code. 7805

(27) Deduct, to the extent not otherwise deducted or 7806
excluded in computing federal or Ohio adjusted gross income for 7807
the taxable year, Ohio college opportunity or federal Pell grant 7808
amounts received by the taxpayer or the taxpayer's spouse or 7809
dependent pursuant to section 3333.122 of the Revised Code or 20 7810
U.S.C. 1070a, et seq., and used to pay room or board furnished 7811
by the educational institution for which the grant was awarded 7812
at the institution's facilities, including meal plans 7813
administered by the institution. For the purposes of this 7814
division, receipt of a grant includes the distribution of a 7815
grant directly to an educational institution and the crediting 7816
of the grant to the enrollee's account with the institution. 7817

(28) Deduct from the portion of an individual's federal 7818
adjusted gross income that is business income, to the extent not 7819
otherwise deducted or excluded in computing federal adjusted 7820
gross income for the taxable year, one hundred twenty-five 7821

thousand dollars for each spouse if spouses file separate 7822
returns under section 5747.08 of the Revised Code or two hundred 7823
fifty thousand dollars for all other individuals. 7824

(29) Deduct, as provided under section 5747.78 of the 7825
Revised Code, contributions to ABLE savings accounts made in 7826
accordance with sections 113.50 to 113.56 of the Revised Code. 7827

(30) (a) Deduct, to the extent not otherwise deducted or 7828
excluded in computing federal or Ohio adjusted gross income 7829
during the taxable year, all of the following: 7830

(i) Compensation paid to a qualifying employee described 7831
in division (A) (14) (a) of section 5703.94 of the Revised Code to 7832
the extent such compensation is for disaster work conducted in 7833
this state during a disaster response period pursuant to a 7834
qualifying solicitation received by the employee's employer; 7835

(ii) Compensation paid to a qualifying employee described 7836
in division (A) (14) (b) of section 5703.94 of the Revised Code to 7837
the extent such compensation is for disaster work conducted in 7838
this state by the employee during the disaster response period 7839
on critical infrastructure owned or used by the employee's 7840
employer; 7841

(iii) Income received by an out-of-state disaster business 7842
for disaster work conducted in this state during a disaster 7843
response period, or, if the out-of-state disaster business is a 7844
pass-through entity, a taxpayer's distributive share of the 7845
pass-through entity's income from the business conducting 7846
disaster work in this state during a disaster response period, 7847
if, in either case, the disaster work is conducted pursuant to a 7848
qualifying solicitation received by the business. 7849

(b) All terms used in division (A) (30) of this section 7850

have the same meanings as in section 5703.94 of the Revised Code. 7851
7852

(31) For a taxpayer who is a qualifying Ohio educator, 7853
deduct, to the extent not otherwise deducted or excluded in 7854
computing federal or Ohio adjusted gross income for the taxable 7855
year, the lesser of two hundred fifty dollars or the amount of 7856
expenses described in subsections (a)(2)(D)(i) and (ii) of 7857
section 62 of the Internal Revenue Code paid or incurred by the 7858
taxpayer during the taxpayer's taxable year in excess of the 7859
amount the taxpayer is authorized to deduct for that taxable 7860
year under subsection (a)(2)(D) of that section. 7861

(32) Deduct, to the extent not otherwise deducted or 7862
excluded in computing federal or Ohio adjusted gross income for 7863
the taxable year, amounts received by the taxpayer as a 7864
disability severance payment, computed under 10 U.S.C. 1212, 7865
following discharge or release under honorable conditions from 7866
the armed forces, as defined by 10 U.S.C. 101. 7867

(33) Deduct, to the extent not otherwise deducted or 7868
excluded in computing federal adjusted gross income or Ohio 7869
adjusted gross income, amounts not subject to tax due to an 7870
agreement entered into under division (A)(2) of section 5747.05 7871
of the Revised Code. 7872

(34) Deduct amounts as provided under section 5747.79 of 7873
the Revised Code related to the taxpayer's qualifying capital 7874
gains and deductible payroll. 7875

To the extent a qualifying capital gain described under 7876
division (A)(34) of this section is business income, the 7877
taxpayer shall deduct those gains under this division before 7878
deducting any such gains under division (A)(28) of this section. 7879

(35) (a) For taxable years beginning in or after 2026, 7880
deduct, to the extent not otherwise deducted or excluded in 7881
computing federal or Ohio adjusted gross income for the taxable 7882
year: 7883

(i) One hundred per cent of the capital gain received by 7884
the taxpayer in the taxable year from a qualifying interest in 7885
an Ohio venture capital operating company attributable to the 7886
company's investments in Ohio businesses during the period for 7887
which the company was an Ohio venture operating company; and 7888

(ii) Fifty per cent of the capital gain received by the 7889
taxpayer in the taxable year from a qualifying interest in an 7890
Ohio venture capital operating company attributable to the 7891
company's investments in all other businesses during the period 7892
for which the company was an Ohio venture operating company. 7893

(b) Add amounts previously deducted by the taxpayer under 7894
division (A) (35) (a) of this section if the director of 7895
development certifies to the tax commissioner that the 7896
requirements for the deduction were not met. 7897

(c) All terms used in division (A) (35) of this section 7898
have the same meanings as in section 122.851 of the Revised 7899
Code. 7900

(d) To the extent a capital gain described in division (A) 7901
(35) (a) of this section is business income, the taxpayer shall 7902
apply that division before applying division (A) (28) of this 7903
section. 7904

(36) Add, to the extent not otherwise included in 7905
computing federal or Ohio adjusted gross income for any taxable 7906
year, the taxpayer's proportionate share of the amount of the 7907
tax levied under section 5747.38 of the Revised Code and paid by 7908

an electing pass-through entity for the taxable year. 7909

Notwithstanding any provision of the Revised Code to the 7910
contrary, the portion of the addition required by division (A) 7911
(36) of this section related to the apportioned business income 7912
of the pass-through entity shall be considered business income 7913
under division (B) of this section. Such addition is eligible 7914
for the deduction in division (A) (28) of this section, subject 7915
to the applicable dollar limitations, and the tax rate 7916
prescribed by division (A) (4) (a) of section 5747.02 of the 7917
Revised Code. The taxpayer shall provide, upon request of the 7918
tax commissioner, any documentation necessary to verify the 7919
portion of the addition that is business income under this 7920
division. 7921

(37) Deduct, to the extent not otherwise deducted or 7922
excluded in computing federal or Ohio adjusted gross income for 7923
the taxable year, amounts delivered to a qualifying institution 7924
pursuant to section 3333.128 of the Revised Code for the benefit 7925
of the taxpayer or the taxpayer's spouse or dependent. 7926

(38) Deduct, to the extent not otherwise deducted or 7927
excluded in computing federal or Ohio adjusted gross income for 7928
the taxable year, amounts received under the Ohio adoption grant 7929
program pursuant to section 5101.191 of the Revised Code. 7930

(39) Deduct, to the extent included in federal adjusted 7931
gross income, income attributable to amounts provided to a 7932
taxpayer for any of the purposes for which ~~a deduction is an~~ 7933
exclusion would have been authorized under section 139 of the 7934
Internal Revenue Code, ~~assuming if that~~ the train derailment 7935
near the city of East Palestine on February 3, 2023, ~~is~~ had been 7936
a qualified disaster pursuant to that section, or to compensate 7937
for lost business resulting from that derailment, if such 7938

amounts are provided by any of the following: 7939

(a) A federal, state, or local government agency; 7940

(b) A railroad company, as that term is defined in section 7941
5727.01 of the Revised Code; 7942

(c) Any subsidiary, insurer, or agent of a railroad 7943
company or any related person. 7944

Notwithstanding any provision to the contrary, the 7945
derailment is not required to meet the definition of a 7946
"qualified disaster" pursuant to section 139 of the Internal 7947
Revenue Code to qualify for the deduction under this section. 7948

(40) Deduct, to the extent included in federal adjusted 7949
gross income, income attributable to loan repayments on behalf 7950
of the taxpayer under the rural practice incentive program under 7951
section 3333.135 of the Revised Code. 7952

(41) Add any income taxes deducted in computing federal or 7953
Ohio adjusted gross income to the extent the income taxes were 7954
derived from income subject to a tax levied in another state or 7955
the District of Columbia when such tax was enacted for purposes 7956
of complying with internal revenue service notice 2020-75. 7957

Notwithstanding any provision of the Revised Code to the 7958
contrary, the portion of the addition required by division (A) 7959
(41) of this section related to the apportioned business income 7960
of the pass-through entity shall be considered business income 7961
under division (B) of this section. Such addition is eligible 7962
for the deduction in division (A) (28) of this section, subject 7963
to the applicable dollar limitations, and the tax rate 7964
prescribed by division (A) (4) (a) of section 5747.02 of the 7965
Revised Code. The taxpayer shall provide, upon request of the 7966
tax commissioner, any documentation necessary to verify the 7967

portion of the addition that is business income under this 7968
division. 7969

(42) Deduct amounts contributed to a homeownership savings 7970
account and calculated pursuant to divisions (B) and (C) of 7971
section 5747.85 of the Revised Code. 7972

(43) If the taxpayer is the account owner, add the amount 7973
of funds withdrawn from a homeownership savings account not used 7974
for eligible expenses, regardless of who deposited those funds. 7975
As used in division (A) (43) of this section, "homeownership 7976
savings account," "account owner," and "eligible expenses" have 7977
the same meanings as in section 5747.85 of the Revised Code. 7978

(B) "Business income" means income, including gain or 7979
loss, arising from transactions, activities, and sources in the 7980
regular course of a trade or business and includes income, gain, 7981
or loss from real property, tangible property, and intangible 7982
property if the acquisition, rental, management, and disposition 7983
of the property constitute integral parts of the regular course 7984
of a trade or business operation. "Business income" includes 7985
income, including gain or loss, from a partial or complete 7986
liquidation of a business, including, but not limited to, gain 7987
or loss from the sale or other disposition of goodwill or the 7988
sale of an equity or ownership interest in a business. 7989

As used in this division, the "sale of an equity or 7990
ownership interest in a business" means sales to which either or 7991
both of the following apply: 7992

(1) The sale is treated for federal income tax purposes as 7993
the sale of assets. 7994

(2) The seller materially participated, as described in 26 7995
C.F.R. 1.469-5T, in the activities of the business during the 7996

taxable year in which the sale occurs or during any of the five 7997
preceding taxable years. 7998

(C) "Nonbusiness income" means all income other than 7999
business income and may include, but is not limited to, 8000
compensation, rents and royalties from real or tangible personal 8001
property, capital gains, interest, dividends and distributions, 8002
patent or copyright royalties, or lottery winnings, prizes, and 8003
awards. 8004

(D) "Compensation" means any form of remuneration paid to 8005
an employee for personal services. 8006

(E) "Fiduciary" means a guardian, trustee, executor, 8007
administrator, receiver, conservator, or any other person acting 8008
in any fiduciary capacity for any individual, trust, or estate. 8009

(F) "Fiscal year" means an accounting period of twelve 8010
months ending on the last day of any month other than December. 8011

(G) "Individual" means any natural person. 8012

(H) "Internal Revenue Code" means the "Internal Revenue 8013
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 8014

(I) "Resident" means any of the following: 8015

(1) An individual who is domiciled in this state, subject 8016
to section 5747.24 of the Revised Code; 8017

(2) The estate of a decedent who at the time of death was 8018
domiciled in this state. The domicile tests of section 5747.24 8019
of the Revised Code are not controlling for purposes of division 8020
(I) (2) of this section. 8021

(3) A trust that, in whole or part, resides in this state. 8022
If only part of a trust resides in this state, the trust is a 8023

resident only with respect to that part. 8024

For the purposes of division (I) (3) of this section: 8025

(a) A trust resides in this state for the trust's current 8026
taxable year to the extent, as described in division (I) (3) (d) 8027
of this section, that the trust consists directly or indirectly, 8028
in whole or in part, of assets, net of any related liabilities, 8029
that were transferred, or caused to be transferred, directly or 8030
indirectly, to the trust by any of the following: 8031

(i) A person, a court, or a governmental entity or 8032
instrumentality on account of the death of a decedent, but only 8033
if the trust is described in division (I) (3) (e) (i) or (ii) of 8034
this section; 8035

(ii) A person who was domiciled in this state for the 8036
purposes of this chapter when the person directly or indirectly 8037
transferred assets to an irrevocable trust, but only if at least 8038
one of the trust's qualifying beneficiaries is domiciled in this 8039
state for the purposes of this chapter during all or some 8040
portion of the trust's current taxable year; 8041

(iii) A person who was domiciled in this state for the 8042
purposes of this chapter when the trust document or instrument 8043
or part of the trust document or instrument became irrevocable, 8044
but only if at least one of the trust's qualifying beneficiaries 8045
is a resident domiciled in this state for the purposes of this 8046
chapter during all or some portion of the trust's current 8047
taxable year. If a trust document or instrument became 8048
irrevocable upon the death of a person who at the time of death 8049
was domiciled in this state for purposes of this chapter, that 8050
person is a person described in division (I) (3) (a) (iii) of this 8051
section. 8052

(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code.

(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows:

(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a

revised qualifying ratio shall be computed. The numerator of the 8083
revised qualifying ratio is the sum of (1) the fair market value 8084
of the trust's assets immediately prior to the subsequent 8085
transfer, net of any related liabilities, multiplied by the 8086
qualifying ratio last computed without regard to the subsequent 8087
transfer, and (2) the fair market value of the subsequently 8088
transferred assets at the time transferred, net of any related 8089
liabilities, from sources enumerated in division (I) (3) (a) of 8090
this section. The denominator of the revised qualifying ratio is 8091
the fair market value of all the trust's assets immediately 8092
after the subsequent transfer, net of any related liabilities. 8093

(iii) Whether a transfer to the trust is by or from any of 8094
the sources enumerated in division (I) (3) (a) of this section 8095
shall be ascertained without regard to the domicile of the 8096
trust's beneficiaries. 8097

(e) For the purposes of division (I) (3) (a) (i) of this 8098
section: 8099

(i) A trust is described in division (I) (3) (e) (i) of this 8100
section if the trust is a testamentary trust and the testator of 8101
that testamentary trust was domiciled in this state at the time 8102
of the testator's death for purposes of the taxes levied under 8103
Chapter 5731. of the Revised Code. 8104

(ii) A trust is described in division (I) (3) (e) (ii) of 8105
this section if the transfer is a qualifying transfer described 8106
in any of divisions (I) (3) (f) (i) to (vi) of this section, the 8107
trust is an irrevocable inter vivos trust, and at least one of 8108
the trust's qualifying beneficiaries is domiciled in this state 8109
for purposes of this chapter during all or some portion of the 8110
trust's current taxable year. 8111

(f) For the purposes of division (I) (3) (e) (ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following:

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the transferor and either the decedent or the estate of the decedent at any time prior to the date of the decedent's death, and the decedent was domiciled in this state at the time of death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(iv) The transfer is made to a trust on account of a contractual relationship existing directly or indirectly between the transferor and another person who at the time of the decedent's death was domiciled in this state for purposes of this chapter.

(v) The transfer is made to a trust on account of the will 8141
of a testator who was domiciled in this state at the time of the 8142
testator's death for purposes of the taxes levied under Chapter 8143
5731. of the Revised Code. 8144

(vi) The transfer is made to a trust created by or caused 8145
to be created by a court, and the trust was directly or 8146
indirectly created in connection with or as a result of the 8147
death of an individual who, for purposes of the taxes levied 8148
under Chapter 5731. of the Revised Code, was domiciled in this 8149
state at the time of the individual's death. 8150

(g) The tax commissioner may adopt rules to ascertain the 8151
part of a trust residing in this state. 8152

(J) "Nonresident" means an individual or estate that is 8153
not a resident. An individual who is a resident for only part of 8154
a taxable year is a nonresident for the remainder of that 8155
taxable year. 8156

(K) "Pass-through entity" has the same meaning as in 8157
section 5733.04 of the Revised Code. 8158

(L) "Return" means the notifications and reports required 8159
to be filed pursuant to this chapter for the purpose of 8160
reporting the tax due and includes declarations of estimated tax 8161
when so required. 8162

(M) "Taxable year" means the calendar year or the 8163
taxpayer's fiscal year ending during the calendar year, or 8164
fractional part thereof, upon which the adjusted gross income is 8165
calculated pursuant to this chapter. 8166

(N) "Taxpayer" means any person subject to the tax imposed 8167
by section 5747.02 of the Revised Code or any pass-through 8168
entity that makes the election under division (D) of section 8169

5747.08 of the Revised Code.	8170
(O) "Dependents" means one of the following:	8171
(1) For taxable years beginning on or after January 1,	8172
2018, and before January 1, 2026, dependents as defined in the	8173
Internal Revenue Code;	8174
(2) For all other taxable years, dependents as defined in	8175
the Internal Revenue Code and as claimed in the taxpayer's	8176
federal income tax return for the taxable year or which the	8177
taxpayer would have been permitted to claim had the taxpayer	8178
filed a federal income tax return.	8179
(P) "Principal county of employment" means, in the case of	8180
a nonresident, the county within the state in which a taxpayer	8181
performs services for an employer or, if those services are	8182
performed in more than one county, the county in which the major	8183
portion of the services are performed.	8184
(Q) As used in sections 5747.50 to 5747.55 of the Revised	8185
Code:	8186
(1) "Subdivision" means any county, municipal corporation,	8187
park district, or township.	8188
(2) "Essential local government purposes" includes all	8189
functions that any subdivision is required by general law to	8190
exercise, including like functions that are exercised under a	8191
charter adopted pursuant to the Ohio Constitution.	8192
(R) "Overpayment" means any amount already paid that	8193
exceeds the figure determined to be the correct amount of the	8194
tax.	8195
(S) "Taxable income" or "Ohio taxable income" applies only	8196
to estates and trusts, and means federal taxable income, as	8197

defined and used in the Internal Revenue Code, adjusted as 8198
follows: 8199

(1) Add interest or dividends, net of ordinary, necessary, 8200
and reasonable expenses not deducted in computing federal 8201
taxable income, on obligations or securities of any state or of 8202
any political subdivision or authority of any state, other than 8203
this state and its subdivisions and authorities, but only to the 8204
extent that such net amount is not otherwise includible in Ohio 8205
taxable income and is described in either division (S) (1) (a) or 8206
(b) of this section: 8207

(a) The net amount is not attributable to the S portion of 8208
an electing small business trust and has not been distributed to 8209
beneficiaries for the taxable year; 8210

(b) The net amount is attributable to the S portion of an 8211
electing small business trust for the taxable year. 8212

(2) Add interest or dividends, net of ordinary, necessary, 8213
and reasonable expenses not deducted in computing federal 8214
taxable income, on obligations of any authority, commission, 8215
instrumentality, territory, or possession of the United States 8216
to the extent that the interest or dividends are exempt from 8217
federal income taxes but not from state income taxes, but only 8218
to the extent that such net amount is not otherwise includible 8219
in Ohio taxable income and is described in either division (S) 8220
(1) (a) or (b) of this section; 8221

(3) Add the amount of personal exemption allowed to the 8222
estate pursuant to section 642(b) of the Internal Revenue Code; 8223

(4) Deduct interest or dividends, net of related expenses 8224
deducted in computing federal taxable income, on obligations of 8225
the United States and its territories and possessions or of any 8226

authority, commission, or instrumentality of the United States 8227
to the extent that the interest or dividends are exempt from 8228
state taxes under the laws of the United States, but only to the 8229
extent that such amount is included in federal taxable income 8230
and is described in either division (S) (1) (a) or (b) of this 8231
section; 8232

(5) Deduct the amount of wages and salaries, if any, not 8233
otherwise allowable as a deduction but that would have been 8234
allowable as a deduction in computing federal taxable income for 8235
the taxable year, had the work opportunity tax credit allowed 8236
under sections 38, 51, and 52 of the Internal Revenue Code not 8237
been in effect, but only to the extent such amount relates 8238
either to income included in federal taxable income for the 8239
taxable year or to income of the S portion of an electing small 8240
business trust for the taxable year; 8241

(6) Deduct any interest or interest equivalent, net of 8242
related expenses deducted in computing federal taxable income, 8243
on public obligations and purchase obligations, but only to the 8244
extent that such net amount relates either to income included in 8245
federal taxable income for the taxable year or to income of the 8246
S portion of an electing small business trust for the taxable 8247
year; 8248

(7) Add any loss or deduct any gain resulting from sale, 8249
exchange, or other disposition of public obligations to the 8250
extent that such loss has been deducted or such gain has been 8251
included in computing either federal taxable income or income of 8252
the S portion of an electing small business trust for the 8253
taxable year; 8254

(8) Except in the case of the final return of an estate, 8255
add any amount deducted by the taxpayer on both its Ohio estate 8256

tax return pursuant to section 5731.14 of the Revised Code, and 8257
on its federal income tax return in determining federal taxable 8258
income; 8259

(9) (a) Deduct any amount included in federal taxable 8260
income solely because the amount represents a reimbursement or 8261
refund of expenses that in a previous year the decedent had 8262
deducted as an itemized deduction pursuant to section 63 of the 8263
Internal Revenue Code and applicable treasury regulations. The 8264
deduction otherwise allowed under division (S) (9) (a) of this 8265
section shall be reduced to the extent the reimbursement is 8266
attributable to an amount the taxpayer or decedent deducted 8267
under this section in any taxable year. 8268

(b) Add any amount not otherwise included in Ohio taxable 8269
income for any taxable year to the extent that the amount is 8270
attributable to the recovery during the taxable year of any 8271
amount deducted or excluded in computing federal or Ohio taxable 8272
income in any taxable year, but only to the extent such amount 8273
has not been distributed to beneficiaries for the taxable year. 8274

(10) Deduct any portion of the deduction described in 8275
section 1341(a) (2) of the Internal Revenue Code, for repaying 8276
previously reported income received under a claim of right, that 8277
meets both of the following requirements: 8278

(a) It is allowable for repayment of an item that was 8279
included in the taxpayer's taxable income or the decedent's 8280
adjusted gross income for a prior taxable year and did not 8281
qualify for a credit under division (A) or (B) of section 8282
5747.05 of the Revised Code for that year. 8283

(b) It does not otherwise reduce the taxpayer's taxable 8284
income or the decedent's adjusted gross income for the current 8285

or any other taxable year. 8286

(11) Add any amount claimed as a credit under section 8287
5747.059 of the Revised Code to the extent that the amount 8288
satisfies either of the following: 8289

(a) The amount was deducted or excluded from the 8290
computation of the taxpayer's federal taxable income as required 8291
to be reported for the taxpayer's taxable year under the 8292
Internal Revenue Code; 8293

(b) The amount resulted in a reduction in the taxpayer's 8294
federal taxable income as required to be reported for any of the 8295
taxpayer's taxable years under the Internal Revenue Code. 8296

(12) Deduct any amount, net of related expenses deducted 8297
in computing federal taxable income, that a trust is required to 8298
report as farm income on its federal income tax return, but only 8299
if the assets of the trust include at least ten acres of land 8300
satisfying the definition of "land devoted exclusively to 8301
agricultural use" under section 5713.30 of the Revised Code, 8302
regardless of whether the land is valued for tax purposes as 8303
such land under sections 5713.30 to 5713.38 of the Revised Code. 8304
If the trust is a pass-through entity investor, section 5747.231 8305
of the Revised Code applies in ascertaining if the trust is 8306
eligible to claim the deduction provided by division (S) (12) of 8307
this section in connection with the pass-through entity's farm 8308
income. 8309

Except for farm income attributable to the S portion of an 8310
electing small business trust, the deduction provided by 8311
division (S) (12) of this section is allowed only to the extent 8312
that the trust has not distributed such farm income. 8313

(13) Add the net amount of income described in section 8314

641(c) of the Internal Revenue Code to the extent that amount is 8315
not included in federal taxable income. 8316

(14) Deduct the amount the taxpayer would be required to 8317
deduct under division (A)(18) of this section if the taxpayer's 8318
Ohio taxable income were computed in the same manner as an 8319
individual's Ohio adjusted gross income is computed under this 8320
section. 8321

(15) Add, to the extent not otherwise included in 8322
computing taxable income or Ohio taxable income for any taxable 8323
year, the taxpayer's proportionate share of the amount of the 8324
tax levied under section 5747.38 of the Revised Code and paid by 8325
an electing pass-through entity for the taxable year. 8326

(16) Add any income taxes deducted in computing federal 8327
taxable income or Ohio taxable income to the extent the income 8328
taxes were derived from income subject to a tax levied in 8329
another state or the District of Columbia when such tax was 8330
enacted for purposes of complying with internal revenue service 8331
notice 2020-75. 8332

(T) "School district income" and "school district income 8333
tax" have the same meanings as in section 5748.01 of the Revised 8334
Code. 8335

(U) As used in divisions (A)(7), (A)(8), (S)(6), and (S) 8336
(7) of this section, "public obligations," "purchase 8337
obligations," and "interest or interest equivalent" have the 8338
same meanings as in section 5709.76 of the Revised Code. 8339

(V) "Limited liability company" means any limited 8340
liability company formed under former Chapter 1705. of the 8341
Revised Code as that chapter existed prior to February 11, 2022, 8342
Chapter 1706. of the Revised Code, or the laws of any other 8343

state. 8344

(W) "Pass-through entity investor" means any person who, 8345
during any portion of a taxable year of a pass-through entity, 8346
is a partner, member, shareholder, or equity investor in that 8347
pass-through entity. 8348

(X) "Banking day" has the same meaning as in section 8349
1304.01 of the Revised Code. 8350

(Y) "Month" means a calendar month. 8351

(Z) "Quarter" means the first three months, the second 8352
three months, the third three months, or the last three months 8353
of the taxpayer's taxable year. 8354

(AA) (1) "Modified business income" means the business 8355
income included in a trust's Ohio taxable income after such 8356
taxable income is first reduced by the qualifying trust amount, 8357
if any. 8358

(2) "Qualifying trust amount" of a trust means capital 8359
gains and losses from the sale, exchange, or other disposition 8360
of equity or ownership interests in, or debt obligations of, a 8361
qualifying investee to the extent included in the trust's Ohio 8362
taxable income, but only if the following requirements are 8363
satisfied: 8364

(a) The book value of the qualifying investee's physical 8365
assets in this state and everywhere, as of the last day of the 8366
qualifying investee's fiscal or calendar year ending immediately 8367
prior to the date on which the trust recognizes the gain or 8368
loss, is available to the trust. 8369

(b) The requirements of section 5747.011 of the Revised 8370
Code are satisfied for the trust's taxable year in which the 8371

trust recognizes the gain or loss. 8372

Any gain or loss that is not a qualifying trust amount is 8373
modified business income, qualifying investment income, or 8374
modified nonbusiness income, as the case may be. 8375

(3) "Modified nonbusiness income" means a trust's Ohio 8376
taxable income other than modified business income, other than 8377
the qualifying trust amount, and other than qualifying 8378
investment income, as defined in section 5747.012 of the Revised 8379
Code, to the extent such qualifying investment income is not 8380
otherwise part of modified business income. 8381

(4) "Modified Ohio taxable income" applies only to trusts, 8382
and means the sum of the amounts described in divisions (AA) (4) 8383
(a) to (c) of this section: 8384

(a) The fraction, calculated under section 5747.013, and 8385
applying section 5747.231 of the Revised Code, multiplied by the 8386
sum of the following amounts: 8387

(i) The trust's modified business income; 8388

(ii) The trust's qualifying investment income, as defined 8389
in section 5747.012 of the Revised Code, but only to the extent 8390
the qualifying investment income does not otherwise constitute 8391
modified business income and does not otherwise constitute a 8392
qualifying trust amount. 8393

(b) The qualifying trust amount multiplied by a fraction, 8394
the numerator of which is the sum of the book value of the 8395
qualifying investee's physical assets in this state on the last 8396
day of the qualifying investee's fiscal or calendar year ending 8397
immediately prior to the day on which the trust recognizes the 8398
qualifying trust amount, and the denominator of which is the sum 8399
of the book value of the qualifying investee's total physical 8400

assets everywhere on the last day of the qualifying investee's 8401
fiscal or calendar year ending immediately prior to the day on 8402
which the trust recognizes the qualifying trust amount. If, for 8403
a taxable year, the trust recognizes a qualifying trust amount 8404
with respect to more than one qualifying investee, the amount 8405
described in division (AA) (4) (b) of this section shall equal the 8406
sum of the products so computed for each such qualifying 8407
investee. 8408

(c) (i) With respect to a trust or portion of a trust that 8409
is a resident as ascertained in accordance with division (I) (3) 8410
(d) of this section, its modified nonbusiness income. 8411

(ii) With respect to a trust or portion of a trust that is 8412
not a resident as ascertained in accordance with division (I) (3) 8413
(d) of this section, the amount of its modified nonbusiness 8414
income satisfying the descriptions in divisions (B) (2) to (5) of 8415
section 5747.20 of the Revised Code, except as otherwise 8416
provided in division (AA) (4) (c) (ii) of this section. With 8417
respect to a trust or portion of a trust that is not a resident 8418
as ascertained in accordance with division (I) (3) (d) of this 8419
section, the trust's portion of modified nonbusiness income 8420
recognized from the sale, exchange, or other disposition of a 8421
debt interest in or equity interest in a section 5747.212 8422
entity, as defined in section 5747.212 of the Revised Code, 8423
without regard to division (A) of that section, shall not be 8424
allocated to this state in accordance with section 5747.20 of 8425
the Revised Code but shall be apportioned to this state in 8426
accordance with division (B) of section 5747.212 of the Revised 8427
Code without regard to division (A) of that section. 8428

If the allocation and apportionment of a trust's income 8429
under divisions (AA) (4) (a) and (c) of this section do not fairly 8430

represent the modified Ohio taxable income of the trust in this 8431
state, the alternative methods described in division (C) of 8432
section 5747.21 of the Revised Code may be applied in the manner 8433
and to the same extent provided in that section. 8434

(5) (a) Except as set forth in division (AA) (5) (b) of this 8435
section, "qualifying investee" means a person in which a trust 8436
has an equity or ownership interest, or a person or unit of 8437
government the debt obligations of either of which are owned by 8438
a trust. For the purposes of division (AA) (2) (a) of this section 8439
and for the purpose of computing the fraction described in 8440
division (AA) (4) (b) of this section, all of the following apply: 8441

(i) If the qualifying investee is a member of a qualifying 8442
controlled group on the last day of the qualifying investee's 8443
fiscal or calendar year ending immediately prior to the date on 8444
which the trust recognizes the gain or loss, then "qualifying 8445
investee" includes all persons in the qualifying controlled 8446
group on such last day. 8447

(ii) If the qualifying investee, or if the qualifying 8448
investee and any members of the qualifying controlled group of 8449
which the qualifying investee is a member on the last day of the 8450
qualifying investee's fiscal or calendar year ending immediately 8451
prior to the date on which the trust recognizes the gain or 8452
loss, separately or cumulatively own, directly or indirectly, on 8453
the last day of the qualifying investee's fiscal or calendar 8454
year ending immediately prior to the date on which the trust 8455
recognizes the qualifying trust amount, more than fifty per cent 8456
of the equity of a pass-through entity, then the qualifying 8457
investee and the other members are deemed to own the 8458
proportionate share of the pass-through entity's physical assets 8459
which the pass-through entity directly or indirectly owns on the 8460

last day of the pass-through entity's calendar or fiscal year 8461
ending within or with the last day of the qualifying investee's 8462
fiscal or calendar year ending immediately prior to the date on 8463
which the trust recognizes the qualifying trust amount. 8464

(iii) For the purposes of division (AA) (5) (a) (iii) of this 8465
section, "upper level pass-through entity" means a pass-through 8466
entity directly or indirectly owning any equity of another pass- 8467
through entity, and "lower level pass-through entity" means that 8468
other pass-through entity. 8469

An upper level pass-through entity, whether or not it is 8470
also a qualifying investee, is deemed to own, on the last day of 8471
the upper level pass-through entity's calendar or fiscal year, 8472
the proportionate share of the lower level pass-through entity's 8473
physical assets that the lower level pass-through entity 8474
directly or indirectly owns on the last day of the lower level 8475
pass-through entity's calendar or fiscal year ending within or 8476
with the last day of the upper level pass-through entity's 8477
fiscal or calendar year. If the upper level pass-through entity 8478
directly and indirectly owns less than fifty per cent of the 8479
equity of the lower level pass-through entity on each day of the 8480
upper level pass-through entity's calendar or fiscal year in 8481
which or with which ends the calendar or fiscal year of the 8482
lower level pass-through entity and if, based upon clear and 8483
convincing evidence, complete information about the location and 8484
cost of the physical assets of the lower pass-through entity is 8485
not available to the upper level pass-through entity, then 8486
solely for purposes of ascertaining if a gain or loss 8487
constitutes a qualifying trust amount, the upper level pass- 8488
through entity shall be deemed as owning no equity of the lower 8489
level pass-through entity for each day during the upper level 8490
pass-through entity's calendar or fiscal year in which or with 8491

which ends the lower level pass-through entity's calendar or 8492
fiscal year. Nothing in division (AA) (5) (a) (iii) of this section 8493
shall be construed to provide for any deduction or exclusion in 8494
computing any trust's Ohio taxable income. 8495

(b) With respect to a trust that is not a resident for the 8496
taxable year and with respect to a part of a trust that is not a 8497
resident for the taxable year, "qualifying investee" for that 8498
taxable year does not include a C corporation if both of the 8499
following apply: 8500

(i) During the taxable year the trust or part of the trust 8501
recognizes a gain or loss from the sale, exchange, or other 8502
disposition of equity or ownership interests in, or debt 8503
obligations of, the C corporation. 8504

(ii) Such gain or loss constitutes nonbusiness income. 8505

(6) "Available" means information is such that a person is 8506
able to learn of the information by the due date plus 8507
extensions, if any, for filing the return for the taxable year 8508
in which the trust recognizes the gain or loss. 8509

(BB) "Qualifying controlled group" has the same meaning as 8510
in section 5733.04 of the Revised Code. 8511

(CC) "Related member" has the same meaning as in section 8512
5733.042 of the Revised Code. 8513

(DD) (1) For the purposes of division (DD) of this section: 8514

(a) "Qualifying person" means any person other than a 8515
qualifying corporation. 8516

(b) "Qualifying corporation" means any person classified 8517
for federal income tax purposes as an association taxable as a 8518
corporation, except either of the following: 8519

(i) A corporation that has made an election under 8520
subchapter S, chapter one, subtitle A, of the Internal Revenue 8521
Code for its taxable year ending within, or on the last day of, 8522
the investor's taxable year; 8523

(ii) A subsidiary that is wholly owned by any corporation 8524
that has made an election under subchapter S, chapter one, 8525
subtitle A of the Internal Revenue Code for its taxable year 8526
ending within, or on the last day of, the investor's taxable 8527
year. 8528

(2) For the purposes of this chapter, unless expressly 8529
stated otherwise, no qualifying person indirectly owns any asset 8530
directly or indirectly owned by any qualifying corporation. 8531

(EE) For purposes of this chapter and Chapter 5751. of the 8532
Revised Code: 8533

(1) "Trust" does not include a qualified pre-income tax 8534
trust. 8535

(2) A "qualified pre-income tax trust" is any pre-income 8536
tax trust that makes a qualifying pre-income tax trust election 8537
as described in division (EE)(3) of this section. 8538

(3) A "qualifying pre-income tax trust election" is an 8539
election by a pre-income tax trust to subject to the tax imposed 8540
by section 5751.02 of the Revised Code the pre-income tax trust 8541
and all pass-through entities of which the trust owns or 8542
controls, directly, indirectly, or constructively through 8543
related interests, five per cent or more of the ownership or 8544
equity interests. The trustee shall notify the tax commissioner 8545
in writing of the election on or before April 15, 2006. The 8546
election, if timely made, shall be effective on and after 8547
January 1, 2006, and shall apply for all tax periods and tax 8548

years until revoked by the trustee of the trust. 8549

(4) A "pre-income tax trust" is a trust that satisfies all 8550
of the following requirements: 8551

(a) The document or instrument creating the trust was 8552
executed by the grantor before January 1, 1972; 8553

(b) The trust became irrevocable upon the creation of the 8554
trust; and 8555

(c) The grantor was domiciled in this state at the time 8556
the trust was created. 8557

(FF) "Uniformed services" has the same meaning as in 10 8558
U.S.C. 101. 8559

(GG) "Taxable business income" means the amount by which 8560
an individual's business income that is included in federal 8561
adjusted gross income exceeds the amount of business income the 8562
individual is authorized to deduct under division (A) (28) of 8563
this section for the taxable year. 8564

(HH) "Employer" does not include a franchisor with respect 8565
to the franchisor's relationship with a franchisee or an 8566
employee of a franchisee, unless the franchisor agrees to assume 8567
that role in writing or a court of competent jurisdiction 8568
determines that the franchisor exercises a type or degree of 8569
control over the franchisee or the franchisee's employees that 8570
is not customarily exercised by a franchisor for the purpose of 8571
protecting the franchisor's trademark, brand, or both. For 8572
purposes of this division, "franchisor" and "franchisee" have 8573
the same meanings as in 16 C.F.R. 436.1. 8574

(II) "Modified adjusted gross income" means Ohio adjusted 8575
gross income plus any amount deducted under divisions (A) (28) 8576

and (34) of this section for the taxable year. 8577

(JJ) "Qualifying Ohio educator" means an individual who, 8578
for a taxable year, qualifies as an eligible educator, as that 8579
term is defined in section 62 of the Internal Revenue Code, and 8580
who holds a certificate, license, or permit described in Chapter 8581
3319. or section 3301.071 of the Revised Code. 8582

Sec. 5747.501. (A) On or before the twenty-fifth day of 8583
July of each year, the tax commissioner shall estimate and 8584
certify to each county auditor the amount to be distributed from 8585
the local government fund to each undivided local government 8586
fund during the following calendar year under section 5747.50 of 8587
the Revised Code. The estimate shall equal the sum of the 8588
separate amounts computed under divisions (B) (1) and (2) of this 8589
section. 8590

(B) (1) The product obtained by multiplying the percentage 8591
described in division (B) (1) (a) of this section by the amount 8592
described in division (B) (1) (b) of this section. 8593

(a) Each county's proportionate share of the total amount 8594
distributed to the counties from the local government fund and 8595
the local government revenue assistance fund during calendar 8596
year 2007. ~~The~~ In each fiscal year, the amount distributed to 8597
any county undivided local government fund shall be an amount 8598
not less than eight hundred fifty thousand dollars. To the 8599
extent necessary to implement this minimum distribution 8600
requirement, the proportionate shares computed under this 8601
division shall be adjusted accordingly. 8602

(b) The total amount distributed to counties from the 8603
local government fund and the local government revenue 8604
assistance fund during calendar year 2007 adjusted downward if, 8605

and to the extent that, total local government fund 8606
distributions to counties for the following year are projected 8607
to be less than what was distributed to counties from the local 8608
government fund and local government revenue assistance fund 8609
during calendar year 2007. 8610

(2) The product obtained by multiplying the percentage 8611
described in division (B) (2) (a) of this section by the amount 8612
described in division (B) (2) (b) of this section. 8613

(a) Each county's proportionate share of the state's 8614
population as reflected in the most recent federal decennial 8615
census or the federal government's most recent census estimates, 8616
whichever represents the most recent year. 8617

(b) The amount by which total estimated distributions from 8618
the local government fund during the immediately succeeding 8619
calendar year, less the total estimated amount to be distributed 8620
from the fund to municipal corporations under division (C) of 8621
section 5747.50 of the Revised Code during the immediately 8622
succeeding calendar year, exceed the total amount distributed to 8623
counties from the local government fund and local government 8624
revenue assistance fund during calendar year 2007. 8625

Sec. 5747.67. (A) Any term used in this section has the 8626
same meaning as in section 122.852 of the Revised Code. 8627

(B) There is allowed a credit against a taxpayer's 8628
aggregate tax liability under section 5747.02 of the Revised 8629
Code for any ~~individual taxpayer~~ who, on the last day of the 8630
~~individual's taxpayer's~~ taxable year, is the certificate owner 8631
of a tax credit certificate issued under section 122.852 of the 8632
Revised Code. The credit shall be claimed for the taxpayer's 8633
taxable year that includes the date the certificate was issued 8634

by the director of development. The credit amount equals the 8635
amount stated in the certificate or the portion of that amount 8636
owned by the certificate owner. The credit shall be claimed in 8637
the order required under section 5747.98 of the Revised Code. If 8638
the credit amount exceeds the aggregate amount of tax otherwise 8639
due under section 5747.02 of the Revised Code after deducting 8640
all other credits in that order, the excess shall be refunded. 8641

(C) Nothing in this section limits or disallows pass- 8642
through treatment of the credit. 8643

Sec. 5747.85. (A) As used in this section: 8644

(1) "Homeownership savings account" ~~has and~~ "program
period" have the same meaning-meanings as in section 135.70 of 8645
the Revised Code. 8646
8647

(2) "Account owner" means "eligible participant" as 8648
defined by section 135.70 of the Revised Code. 8649

(3) "Contributor" means the account owner or a parent, 8650
spouse, sibling, stepparent, or grandparent of the account owner 8651
who deposits funds into the homeownership savings account. 8652

(4) "Lifetime contribution limit" means twenty-five 8653
thousand dollars of contributions per contributor per 8654
homeownership savings account. If an account owner opens one or 8655
more additional homeownership savings accounts, a contributor's 8656
lifetime contribution limit for the additional accounts shall be 8657
reduced by any contributions previously made by the contributor 8658
to an account owned by that account owner. 8659

(5) "Eligible expenses" means unreimbursed expenses paid 8660
by the account owner for home purchase costs for the account 8661
owner's primary residence and account fees imposed on the 8662
account owner. 8663

(6) "Primary residence" means a ~~home~~homestead located in 8664
this state that is or will be the account owner's principal 8665
place of residence at the time the eligible expenses are 8666
incurred and for which the account owner receives or will 8667
receive a reduction in real property taxes or manufactured home
taxes under division (B) of section 323.152 of the Revised Code. 8668
8669

(7) "Homestead" means a homestead, as defined in section 8670
323.151 of the Revised Code, or a manufactured or mobile home
that is owned and occupied as a home by an individual whose
domicile is in this state and upon which the manufactured home
tax is assessed pursuant to division (D) (2) of section 4503.06
of the Revised Code. 8671
8672
8673
8674
8675

(8) "Home purchase costs" means "~~closing costs~~" "eligible
home costs" as defined in section 135.70 of the Revised Code. 8676
8677

~~(8)~~ (9) "Employer contribution" means the amount an 8678
employer contributes to a homeownership savings account. 8679

(B) In computing Ohio adjusted gross income, a deduction 8680
from federal adjusted gross income is allowed to a contributor 8681
for amounts contributed to a homeownership savings account to 8682
the extent that the amounts contributed have not already been 8683
deducted in computing the contributor's federal or Ohio adjusted 8684
gross income for the taxable year. The deduction shall equal the 8685
amount of contributions made by the taxpayer and, if filing a 8686
joint return, the taxpayer's spouse, except that the deduction 8687
shall not exceed, for any taxable year, ten thousand dollars for 8688
spouses filing a joint return or five thousand dollars for all 8689
other taxpayers for each homeownership savings account to which 8690
contributions are made. If a taxpayer files a joint return, the 8691
deduction amount attributable to contributions made by each 8692
spouse shall not exceed five thousand dollars for each 8693

homeownership savings account to which contributions are made. A 8694
contributor is not entitled to a deduction under this section to 8695
the extent the deduction causes the contributor to exceed the 8696
lifetime contribution limit. No deduction is allowed under this 8697
section for the transfer of funds from one homeownership savings 8698
account to another homeownership savings account. 8699

(C) In computing Ohio adjusted gross income, a deduction 8700
from federal adjusted gross income is allowed to an account 8701
owner for the following items: 8702

(1) Interest earned on a homeownership savings account to 8703
the extent the interest has not been otherwise deducted or 8704
excluded in computing an account owner's federal or Ohio 8705
adjusted gross income. 8706

(2) Employer contributions made by an employer to an 8707
account owner's homeownership savings account to the extent the 8708
employer contributions have not been otherwise deducted or 8709
excluded in computing an account owner's federal or Ohio 8710
adjusted gross income. 8711

(D) The tax commissioner may request that a taxpayer 8712
claiming a deduction calculated under division (B) or (C) of 8713
this section furnish information necessary to support the claim 8714
for the deduction under this section, and no deduction shall be 8715
allowed unless the requested information is provided. 8716

(E) No deduction is permitted under division (B) or (C) of 8717
this section for contributions made or interest earned after the 8718
conclusion of a homeownership savings account's program period. 8719

(F) The commissioner may adopt rules necessary to 8720
administer this section. 8721

Section 101.02. That existing sections 109.11, 109.111, 8722

109.112, 118.27, 118.31, 122.85, 122.852, 128.54, 135.143, 8723
135.45, 135.61, 135.63, 135.70, 135.71, 175.17, 317.18, 703.20, 8724
703.201, 703.23, 731.14, 1545.07, 1724.07, 1901.34, 2950.11, 8725
3301.077, 3307.01, 3309.01, 3310.41, 3313.608, 3313.7117, 8726
3314.017, 3314.091, 3317.16, 3317.22, 3318.05, 3318.41, 8727
3319.0812, 3319.22, 3319.233, 3319.60, 3319.611, 3319.612, 8728
3322.24, 3323.02, 3333.048, 3333.049, 3345.60, 3365.08, 3505.30, 8729
3505.33, 3505.35, 3701.0212, 4301.62, 4303.209, 4519.55, 8730
4723.091, 4723.092, 4723.89, 4723.90, 4731.07, 5162.13, 8731
5164.071, 5705.14, 5726.58, 5729.20, 5747.01, 5747.501, 5747.67, 8732
and 5747.85 of the Revised Code are hereby repealed. 8733

Section 105.01. That sections 128.419, 703.21, and 3361.06 8734
of the Revised Code are hereby repealed. 8735

Section 110.10. That the versions of sections 2950.11, 8736
3301.53, and 3301.55 of the Revised Code that are scheduled to 8737
take effect January 1, 2025, be amended to read as follows: 8738

Sec. 2950.11. (A) Regardless of when the sexually oriented 8739
offense or child-victim oriented offense was committed, if a 8740
person is convicted of, pleads guilty to, has been convicted of, 8741
or has pleaded guilty to a sexually oriented offense or a child- 8742
victim oriented offense or a person is or has been adjudicated a 8743
delinquent child for committing a sexually oriented offense or a 8744
child-victim oriented offense and is classified a juvenile 8745
offender registrant or is an out-of-state juvenile offender 8746
registrant based on that adjudication, and if the offender or 8747
delinquent child is in any category specified in division (F) (1) 8748
(a), (b), or (c) of this section, the sheriff with whom the 8749
offender or delinquent child has most recently registered under 8750
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 8751
the sheriff to whom the offender or delinquent child most 8752

recently sent a notice of intent to reside under section 2950.04 8753
or 2950.041 of the Revised Code, within the period of time 8754
specified in division (C) of this section, shall provide a 8755
written notice containing the information set forth in division 8756
(B) of this section to all of the persons described in divisions 8757
(A) (1) to (10) of this section. If the sheriff has sent a notice 8758
to the persons described in those divisions as a result of 8759
receiving a notice of intent to reside and if the offender or 8760
delinquent child registers a residence address that is the same 8761
residence address described in the notice of intent to reside, 8762
the sheriff is not required to send an additional notice when 8763
the offender or delinquent child registers. The sheriff shall 8764
provide the notice to all of the following persons: 8765

(1) (a) Any occupant of each residential unit that is 8766
located within one thousand feet of the offender's or delinquent 8767
child's residential premises, that is located within the county 8768
served by the sheriff, and that is not located in a multi-unit 8769
building. Division (D) (3) of this section applies regarding 8770
notices required under this division. 8771

(b) If the offender or delinquent child resides in a 8772
multi-unit building, any occupant of each residential unit that 8773
is located in that multi-unit building and that shares a common 8774
hallway with the offender or delinquent child. For purposes of 8775
this division, an occupant's unit shares a common hallway with 8776
the offender or delinquent child if the entrance door into the 8777
occupant's unit is located on the same floor and opens into the 8778
same hallway as the entrance door to the unit the offender or 8779
delinquent child occupies. Division (D) (3) of this section 8780
applies regarding notices required under this division. 8781

(c) The building manager, or the person the building owner 8782

or condominium unit owners association authorizes to exercise 8783
management and control, of each multi-unit building that is 8784
located within one thousand feet of the offender's or delinquent 8785
child's residential premises, including a multi-unit building in 8786
which the offender or delinquent child resides, and that is 8787
located within the county served by the sheriff. In addition to 8788
notifying the building manager or the person authorized to 8789
exercise management and control in the multi-unit building under 8790
this division, the sheriff shall post a copy of the notice 8791
prominently in each common entryway in the building and any 8792
other location in the building the sheriff determines 8793
appropriate. The manager or person exercising management and 8794
control of the building shall permit the sheriff to post copies 8795
of the notice under this division as the sheriff determines 8796
appropriate. In lieu of posting copies of the notice as 8797
described in this division, a sheriff may provide notice to all 8798
occupants of the multi-unit building by mail or personal 8799
contact; if the sheriff so notifies all the occupants, the 8800
sheriff is not required to post copies of the notice in the 8801
common entryways to the building. Division (D) (3) of this 8802
section applies regarding notices required under this division. 8803

(d) All additional persons who are within any category of 8804
neighbors of the offender or delinquent child that the attorney 8805
general by rule adopted under section 2950.13 of the Revised 8806
Code requires to be provided the notice and who reside within 8807
the county served by the sheriff; 8808

(2) The executive director of the public children services 8809
agency that has jurisdiction within the specified geographical 8810
notification area and that is located within the county served 8811
by the sheriff; 8812

(3) (a) The superintendent of each board of education of a school district that has schools within the specified geographical notification area and that is located within the county served by the sheriff;

(b) The principal of the school within the specified geographical notification area and within the county served by the sheriff that the delinquent child attends;

(c) If the delinquent child attends a school outside of the specified geographical notification area or outside of the school district where the delinquent child resides, the superintendent of the board of education of a school district that governs the school that the delinquent child attends and the principal of the school that the delinquent child attends.

(4) (a) The appointing or hiring officer of each chartered nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A) (3) of this section;

(b) Regardless of the location of the school, the appointing or hiring officer of a chartered nonpublic school that the delinquent child attends.

(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff;

(6) The administrator of each child care center or type A

family child care home that is located within the specified 8842
geographical notification area and within the county served by 8843
the sheriff, and each holder of a license to operate a type B 8844
family child care home that is located within the specified 8845
geographical notification area and within the county served by 8846
the sheriff. As used in this division, "child care center," 8847
"type A family child care home," and "type B family child care 8848
home" have the same meanings as in section 5104.01 of the 8849
Revised Code. 8850

(7) The president or other chief administrative officer of 8851
each institution of higher education, as defined in section 8852
2907.03 of the Revised Code, that is located within the 8853
specified geographical notification area and within the county 8854
served by the sheriff, and the chief law enforcement officer of 8855
the state university law enforcement agency or campus police 8856
department established under section 3345.04 or 1713.50 of the 8857
Revised Code, if any, that serves that institution; 8858

(8) The sheriff of each county that includes any portion 8859
of the specified geographical notification area; 8860

(9) If the offender or delinquent child resides within the 8861
county served by the sheriff, the chief of police, marshal, or 8862
other chief law enforcement officer of the municipal corporation 8863
in which the offender or delinquent child resides or, if the 8864
offender or delinquent child resides in an unincorporated area, 8865
the constable or chief of the police department or police 8866
district police force of the township in which the offender or 8867
delinquent child resides; 8868

(10) Volunteer organizations in which contact with minors 8869
or other vulnerable individuals might occur or any organization, 8870
company, or individual who requests notification as provided in 8871

division (J) of this section. 8872

(B) The notice required under division (A) of this section 8873
shall include all of the following information regarding the 8874
subject offender or delinquent child: 8875

(1) The offender's or delinquent child's name; 8876

(2) The address or addresses of the offender's or public 8877
registry-qualified juvenile offender registrant's residence, 8878
school, institution of higher education, or place of employment, 8879
as applicable, or the residence address or addresses of a 8880
delinquent child who is not a public registry-qualified juvenile 8881
offender registrant; 8882

(3) The sexually oriented offense or child-victim oriented 8883
offense of which the offender was convicted, to which the 8884
offender pleaded guilty, or for which the child was adjudicated 8885
a delinquent child; 8886

(4) A statement that identifies the category specified in 8887
division (F)(1)(a), (b), or (c) of this section that includes 8888
the offender or delinquent child and that subjects the offender 8889
or delinquent child to this section; 8890

(5) The offender's or delinquent child's photograph. 8891

(C) If a sheriff with whom an offender or delinquent child 8892
registers under section 2950.04, 2950.041, or 2950.05 of the 8893
Revised Code or to whom the offender or delinquent child most 8894
recently sent a notice of intent to reside under section 2950.04 8895
or 2950.041 of the Revised Code is required by division (A) of 8896
this section to provide notices regarding an offender or 8897
delinquent child and if, pursuant to that requirement, the 8898
sheriff provides a notice to a sheriff of one or more other 8899
counties in accordance with division (A)(8) of this section, the 8900

sheriff of each of the other counties who is provided notice 8901
under division (A) (8) of this section shall provide the notices 8902
described in divisions (A) (1) to (7) and (A) (9) and (10) of this 8903
section to each person or entity identified within those 8904
divisions that is located within the specified geographical 8905
notification area and within the county served by the sheriff in 8906
question. 8907

(D) (1) A sheriff required by division (A) or (C) of this 8908
section to provide notices regarding an offender or delinquent 8909
child shall provide the notice to the neighbors that are 8910
described in division (A) (1) of this section and the notices to 8911
law enforcement personnel that are described in divisions (A) (8) 8912
and (9) of this section as soon as practicable, but no later 8913
than five days after the offender sends the notice of intent to 8914
reside to the sheriff and again no later than five days after 8915
the offender or delinquent child registers with the sheriff or, 8916
if the sheriff is required by division (C) of this section to 8917
provide the notices, no later than five days after the sheriff 8918
is provided the notice described in division (A) (8) of this 8919
section. 8920

A sheriff required by division (A) or (C) of this section 8921
to provide notices regarding an offender or delinquent child 8922
shall provide the notices to all other specified persons that 8923
are described in divisions (A) (2) to (7) and (A) (10) of this 8924
section as soon as practicable, but not later than seven days 8925
after the offender or delinquent child registers with the 8926
sheriff or, if the sheriff is required by division (C) of this 8927
section to provide the notices, no later than five days after 8928
the sheriff is provided the notice described in division (A) (8) 8929
of this section. 8930

(2) If an offender or delinquent child in relation to whom
division (A) of this section applies verifies the offender's or
delinquent child's current residence, school, institution of
higher education, or place of employment address, as applicable,
with a sheriff pursuant to section 2950.06 of the Revised Code,
the sheriff may provide a written notice containing the
information set forth in division (B) of this section to the
persons identified in divisions (A) (1) to (10) of this section.
If a sheriff provides a notice pursuant to this division to the
sheriff of one or more other counties in accordance with
division (A) (8) of this section, the sheriff of each of the
other counties who is provided the notice under division (A) (8)
of this section may provide, but is not required to provide, a
written notice containing the information set forth in division
(B) of this section to the persons identified in divisions (A)
(1) to (7) and (A) (9) and (10) of this section.

(3) A sheriff may provide notice under division (A) (1) (a)
or (b) of this section, and may provide notice under division
(A) (1) (c) of this section to a building manager or person
authorized to exercise management and control of a building, by
mail, by personal contact, or by leaving the notice at or under
the entry door to a residential unit. For purposes of divisions
(A) (1) (a) and (b) of this section, and the portion of division
(A) (1) (c) of this section relating to the provision of notice to
occupants of a multi-unit building by mail or personal contact,
the provision of one written notice per unit is deemed as
providing notice to all occupants of that unit.

(E) All information that a sheriff possesses regarding an
offender or delinquent child who is in a category specified in
division (F) (1) (a), (b), or (c) of this section that is
described in division (B) of this section and that must be

provided in a notice required under division (A) or (C) of this 8962
section or that may be provided in a notice authorized under 8963
division (D)(2) of this section is a public record that is open 8964
to inspection under section 149.43 of the Revised Code. 8965

The sheriff shall not cause to be publicly disseminated by 8966
means of the internet any of the information described in this 8967
division that is provided by a delinquent child unless that 8968
child is in a category specified in division (F)(1)(a), (b), or 8969
(c) of this section. 8970

(F)(1) Except as provided in division (F)(2) of this 8971
section, the duties to provide the notices described in 8972
divisions (A) and (C) of this section apply regarding any 8973
offender or delinquent child who is in any of the following 8974
categories: 8975

(a) The offender is a tier III sex offender/child-victim 8976
offender, or the delinquent child is a public registry-qualified 8977
juvenile offender registrant, and a juvenile court has not 8978
removed pursuant to section 2950.15 of the Revised Code the 8979
delinquent child's duty to comply with sections 2950.04, 8980
2950.041, 2950.05, and 2950.06 of the Revised Code. 8981

(b) The delinquent child is a tier III sex offender/child- 8982
victim offender who is not a public registry-qualified juvenile 8983
offender registrant, the delinquent child was subjected to this 8984
section prior to January 1, 2008, as a sexual predator, habitual 8985
sex offender, child-victim predator, or habitual child-victim 8986
offender, as those terms were defined in section 2950.01 of the 8987
Revised Code as it existed prior to January 1, 2008, and a 8988
juvenile court has not removed pursuant to section 2152.84 or 8989
2152.85 of the Revised Code the delinquent child's duty to 8990
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 8991

the Revised Code. 8992

(c) The delinquent child is a tier III sex offender/child- 8993
victim offender who is not a public registry-qualified juvenile 8994
offender registrant, the delinquent child was classified a 8995
juvenile offender registrant on or after January 1, 2008, the 8996
court has imposed a requirement under section 2152.82, 2152.83, 8997
or 2152.84 of the Revised Code subjecting the delinquent child 8998
to this section, and a juvenile court has not removed pursuant 8999
to section 2152.84 or 2152.85 of the Revised Code the delinquent 9000
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 9001
and 2950.06 of the Revised Code. 9002

(2) The notification provisions of this section do not 9003
apply to a person described in division (F)(1)(a), (b), or (c) 9004
of this section if a court finds at a hearing after considering 9005
the factors described in this division that the person would not 9006
be subject to the notification provisions of this section that 9007
were in the version of this section that existed immediately 9008
prior to January 1, 2008. In making the determination of whether 9009
a person would have been subject to the notification provisions 9010
under prior law as described in this division, the court shall 9011
consider the following factors: 9012

(a) The offender's or delinquent child's age; 9013

(b) The offender's or delinquent child's prior criminal or 9014
delinquency record regarding all offenses, including, but not 9015
limited to, all sexual offenses; 9016

(c) The age of the victim of the sexually oriented offense 9017
for which sentence is to be imposed or the order of disposition 9018
is to be made; 9019

(d) Whether the sexually oriented offense for which 9020

sentence is to be imposed or the order of disposition is to be 9021
made involved multiple victims; 9022

(e) Whether the offender or delinquent child used drugs or 9023
alcohol to impair the victim of the sexually oriented offense or 9024
to prevent the victim from resisting; 9025

(f) If the offender or delinquent child previously has 9026
been convicted of or pleaded guilty to, or been adjudicated a 9027
delinquent child for committing an act that if committed by an 9028
adult would be, a criminal offense, whether the offender or 9029
delinquent child completed any sentence or dispositional order 9030
imposed for the prior offense or act and, if the prior offense 9031
or act was a sex offense or a sexually oriented offense, whether 9032
the offender or delinquent child participated in available 9033
programs for sexual offenders; 9034

(g) Any mental illness or mental disability of the 9035
offender or delinquent child; 9036

(h) The nature of the offender's or delinquent child's 9037
sexual conduct, sexual contact, or interaction in a sexual 9038
context with the victim of the sexually oriented offense and 9039
whether the sexual conduct, sexual contact, or interaction in a 9040
sexual context was part of a demonstrated pattern of abuse; 9041

(i) Whether the offender or delinquent child, during the 9042
commission of the sexually oriented offense for which sentence 9043
is to be imposed or the order of disposition is to be made, 9044
displayed cruelty or made one or more threats of cruelty; 9045

(j) Whether the offender or delinquent child would have 9046
been a habitual sex offender or a habitual child victim offender 9047
under the definitions of those terms set forth in section 9048
2950.01 of the Revised Code as that section existed prior to 9049

January 1, 2008; 9050

(k) Any additional behavioral characteristics that 9051
contribute to the offender's or delinquent child's conduct. 9052

(G) (1) The department of children and youth shall compile, 9053
maintain, and update in January and July of each year, a list of 9054
all agencies, centers, or homes of a type described in division 9055
(A) (2) or (6) of this section that contains the name of each 9056
agency, center, or home of that type, the county in which it is 9057
located, its address and telephone number, and the name of an 9058
administrative officer or employee of the agency, center, or 9059
home. 9060

(2) The department of education and workforce shall 9061
compile, maintain, and update in January and July of each year, 9062
a list of all boards of education, schools, or programs of a 9063
type described in division (A) (3), (4), or (5) of this section 9064
that contains the name of each board of education, school, or 9065
program of that type, the county in which it is located, its 9066
address and telephone number, the name of the superintendent of 9067
the board or of an administrative officer or employee of the 9068
school or program, and, in relation to a board of education, the 9069
county or counties in which each of its schools is located and 9070
the address of each such school. 9071

(3) The ~~department~~ chancellor of higher education shall 9072
compile, maintain, and update in January and July of each year, 9073
a list of all institutions of a type described in division (A) 9074
(7) of this section that contains the name of each such 9075
institution, the county in which it is located, its address and 9076
telephone number, and the name of its president or other chief 9077
administrative officer. 9078

(4) A sheriff required by division (A) or (C) of this section, or authorized by division (D) (2) of this section, to provide notices regarding an offender or delinquent child, or a designee of a sheriff of that type, may request the department of children and youth, department of education and workforce, or ~~department~~ chancellor of higher education, by telephone, in person, or by mail, to provide the sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom the notices described in divisions (A) (2) to (7) of this section are to be provided. Upon receipt of a request, the department shall provide the requesting sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom those notices are to be provided.

(H) (1) Upon the motion of the offender or the prosecuting attorney of the county in which the offender was convicted of or pleaded guilty to the sexually oriented offense or child-victim oriented offense for which the offender is subject to community notification under this section, or upon the motion of the sentencing judge or that judge's successor in office, the judge may schedule a hearing to determine whether the interests of justice would be served by suspending the community notification requirement under this section in relation to the offender. The judge may dismiss the motion without a hearing but may not issue an order suspending the community notification requirement without a hearing. At the hearing, all parties are entitled to be heard, and the judge shall consider all of the factors set forth in division (K) of this section. If, at the conclusion of the hearing, the judge finds that the offender has proven by clear and convincing evidence that the offender is unlikely to commit in the future a sexually oriented offense or a child-

victim oriented offense and if the judge finds that suspending 9110
the community notification requirement is in the interests of 9111
justice, the judge may suspend the application of this section 9112
in relation to the offender. The order shall contain both of 9113
these findings. 9114

The judge promptly shall serve a copy of the order upon 9115
the sheriff with whom the offender most recently registered 9116
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 9117
and upon the bureau of criminal identification and 9118
investigation. 9119

An order suspending the community notification requirement 9120
does not suspend or otherwise alter an offender's duties to 9121
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 9122
the Revised Code and does not suspend the victim notification 9123
requirement under section 2950.10 of the Revised Code. 9124

(2) A prosecuting attorney, a sentencing judge or that 9125
judge's successor in office, and an offender who is subject to 9126
the community notification requirement under this section may 9127
initially make a motion under division (H)(1) of this section 9128
upon the expiration of twenty years after the offender's duty to 9129
comply with division (A)(2), (3), or (4) of section 2950.04, 9130
division (A)(2), (3), or (4) of section 2950.041 and sections 9131
2950.05 and 2950.06 of the Revised Code begins in relation to 9132
the offense for which the offender is subject to community 9133
notification. After the initial making of a motion under 9134
division (H)(1) of this section, thereafter, the prosecutor, 9135
judge, and offender may make a subsequent motion under that 9136
division upon the expiration of five years after the judge has 9137
entered an order denying the initial motion or the most recent 9138
motion made under that division. 9139

(3) The offender and the prosecuting attorney have the 9140
right to appeal an order approving or denying a motion made 9141
under division (H) (1) of this section. 9142

(4) Divisions (H) (1) to (3) of this section do not apply 9143
to any of the following types of offender: 9144

(a) A person who is convicted of or pleads guilty to a 9145
violent sex offense or designated homicide, assault, or 9146
kidnapping offense and who, in relation to that offense, is 9147
adjudicated a sexually violent predator; 9148

(b) A person who is convicted of or pleads guilty to a 9149
sexually oriented offense that is a violation of division (A) (1) 9150
(b) of section 2907.02 of the Revised Code committed on or after 9151
January 2, 2007, and either who is sentenced under section 9152
2971.03 of the Revised Code or upon whom a sentence of life 9153
without parole is imposed under division (B) of section 2907.02 9154
of the Revised Code; 9155

(c) A person who is convicted of or pleads guilty to a 9156
sexually oriented offense that is attempted rape committed on or 9157
after January 2, 2007, and who also is convicted of or pleads 9158
guilty to a specification of the type described in section 9159
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 9160

(d) A person who is convicted of or pleads guilty to an 9161
offense described in division (B) (3) (a), (b), (c), or (d) of 9162
section 2971.03 of the Revised Code and who is sentenced for 9163
that offense pursuant to that division; 9164

(e) An offender who is in a category specified in division 9165
(F) (1) (a), (b), or (c) of this section and who, subsequent to 9166
being subjected to community notification, has pleaded guilty to 9167
or been convicted of a sexually oriented offense or child-victim 9168

oriented offense. 9169

(I) If a person is convicted of, pleads guilty to, has 9170
been convicted of, or has pleaded guilty to a sexually oriented 9171
offense or a child-victim oriented offense or a person is or has 9172
been adjudicated a delinquent child for committing a sexually 9173
oriented offense or a child-victim oriented offense and is 9174
classified a juvenile offender registrant or is an out-of-state 9175
juvenile offender registrant based on that adjudication, and if 9176
the offender or delinquent child is not in any category 9177
specified in division (F) (1) (a), (b), or (c) of this section, 9178
the sheriff with whom the offender or delinquent child has most 9179
recently registered under section 2950.04, 2950.041, or 2950.05 9180
of the Revised Code and the sheriff to whom the offender or 9181
delinquent child most recently sent a notice of intent to reside 9182
under section 2950.04 or 2950.041 of the Revised Code, within 9183
the period of time specified in division (D) of this section, 9184
shall provide a written notice containing the information set 9185
forth in division (B) of this section to the executive director 9186
of the public children services agency that has jurisdiction 9187
within the specified geographical notification area and that is 9188
located within the county served by the sheriff. 9189

(J) Each sheriff shall allow a volunteer organization or 9190
other organization, company, or individual who wishes to receive 9191
the notice described in division (A) (10) of this section 9192
regarding a specific offender or delinquent child or notice 9193
regarding all offenders and delinquent children who are located 9194
in the specified geographical notification area to notify the 9195
sheriff by electronic mail or through the sheriff's web site of 9196
this election. The sheriff shall promptly inform the bureau of 9197
criminal identification and investigation of these requests in 9198
accordance with the forwarding procedures adopted by the 9199

attorney general pursuant to section 2950.13 of the Revised Code. 9200
9201

(K) In making a determination under division (H)(1) of this section as to whether to suspend the community notification requirement under this section for an offender, the judge shall consider all relevant factors, including, but not limited to, all of the following: 9202
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(1) The offender's age; 9207

(2) The offender's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexually oriented offenses or child-victim oriented offenses; 9208
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9210

(3) The age of the victim of the sexually oriented offense or child-victim oriented offense the offender committed; 9211
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(4) Whether the sexually oriented offense or child-victim oriented offense the offender committed involved multiple victims; 9213
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(5) Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense or child-victim oriented offense the offender committed or to prevent the victim from resisting; 9216
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(6) If the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be a criminal offense, whether the offender completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sexually oriented offense or a child-victim oriented offense, whether the offender or delinquent child participated in available programs for sex offenders or child-victim offenders; 9220
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(7) Any mental illness or mental disability of the 9229
offender; 9230

(8) The nature of the offender's sexual conduct, sexual 9231
contact, or interaction in a sexual context with the victim of 9232
the sexually oriented offense the offender committed or the 9233
nature of the offender's interaction in a sexual context with 9234
the victim of the child-victim oriented offense the offender 9235
committed, whichever is applicable, and whether the sexual 9236
conduct, sexual contact, or interaction in a sexual context was 9237
part of a demonstrated pattern of abuse; 9238

(9) Whether the offender, during the commission of the 9239
sexually oriented offense or child-victim oriented offense the 9240
offender committed, displayed cruelty or made one or more 9241
threats of cruelty; 9242

(10) Any additional behavioral characteristics that 9243
contribute to the offender's conduct. 9244

(L) As used in this section, "specified geographical 9245
notification area" means the geographic area or areas within 9246
which the attorney general, by rule adopted under section 9247
2950.13 of the Revised Code, requires the notice described in 9248
division (B) of this section to be given to the persons 9249
identified in divisions (A)(2) to (8) of this section. 9250

Sec. 3301.53. (A) ~~The director of education and workforce~~ 9251
~~and the~~ department of children and youth shall ~~consult with each~~ 9252
~~other to~~ formulate and prescribe ~~jointly~~ by rule adopted under 9253
Chapter 119. of the Revised Code minimum standards to be applied 9254
to preschool programs operated by school district boards of 9255
education, county boards of developmental disabilities, 9256
community schools, or eligible nonpublic schools. The rules 9257

- shall include the following: 9258
- (1) Standards ensuring that the preschool program is 9259
located in a safe and convenient facility that accommodates the 9260
enrollment of the program, is of the quality to support the 9261
growth and development of the children according to the program 9262
objectives, and meets the requirements of section 3301.55 of the 9263
Revised Code; 9264
- (2) Standards ensuring that supervision, discipline, and 9265
programs will be administered according to established 9266
objectives and procedures; 9267
- (3) Standards ensuring that preschool staff members and 9268
nonteaching employees are recruited, employed, assigned, 9269
evaluated, and provided in-service education without 9270
discrimination on the basis of age, color, national origin, 9271
race, or sex; and that preschool staff members and nonteaching 9272
employees are assigned responsibilities in accordance with 9273
written position descriptions commensurate with their training 9274
and experience; 9275
- (4) A requirement that boards of education intending to 9276
establish a preschool program demonstrate a need for a preschool 9277
program prior to establishing the program; 9278
- (5) Requirements that children participating in preschool 9279
programs have been immunized to the extent considered 9280
appropriate by the director of ~~education and workforce~~ children 9281
and youth to prevent the spread of communicable disease; 9282
- (6) Requirements that the parents of preschool children 9283
complete the emergency medical authorization form specified in 9284
section 3313.712 of the Revised Code; 9285
- (7) The department of education and workforce's rules or 9286

standards for providing special education and related services 9287
for children with disabilities under section 3323.02 of the 9288
Revised Code incorporated by reference, as appropriate. 9289

(B) ~~The director of education and workforce and the~~ 9290
department of children and youth shall ensure that the rules 9291
adopted under sections 3301.52 to 3301.58 of the Revised Code 9292
are consistent with and meet or exceed the requirements of 9293
Chapter 5104. of the Revised Code with regard to child care 9294
centers that serve preschool children. ~~The directors and the~~ 9295
department shall review all such rules at least once every five 9296
years. 9297

(C) ~~The director of education and workforce and the~~ 9298
department shall adopt rules for school child programs that are 9299
consistent with and meet or exceed the requirements of the rules 9300
adopted for child care centers that serve school-age children 9301
under Chapter 5104. of the Revised Code. 9302

Sec. 3301.55. (A) A school district, county board of 9303
developmental disabilities, community school, or eligible 9304
nonpublic school operating a preschool program shall house the 9305
program in buildings that meet the following requirements: 9306

(1) The building is operated by the district, county board 9307
of developmental disabilities, community school, or eligible 9308
nonpublic school and has been approved by the division of 9309
industrial compliance in the department of commerce or a 9310
certified municipal, township, or county building department for 9311
the purpose of operating a program for preschool children. Any 9312
such structure shall be constructed, equipped, repaired, 9313
altered, and maintained in accordance with applicable provisions 9314
of Chapters 3781. and 3791. and with rules adopted by the board 9315
of building standards under Chapter 3781. of the Revised Code 9316

for the safety and sanitation of structures erected for this 9317
purpose. 9318

(2) The building is in compliance with fire and safety 9319
laws and regulations as evidenced by reports of annual school 9320
fire and safety inspections as conducted by appropriate local 9321
authorities. 9322

(3) The school is in compliance with rules established by 9323
the department of education and workforce regarding school food 9324
services. 9325

(4) The facility includes not less than thirty-five square 9326
feet of indoor space for each child in the program. Safe play 9327
space, including both indoor and outdoor play space, totaling 9328
not less than sixty square feet for each child using the space 9329
at any one time, shall be regularly available and scheduled for 9330
use. 9331

(5) First aid facilities and space for temporary placement 9332
or isolation of injured or ill children are provided. 9333

(B) Each school district, county board of developmental 9334
disabilities, community school, or eligible nonpublic school 9335
that operates, or proposes to operate, a preschool program shall 9336
submit to the department of children and youth a building plan 9337
including all information specified by the department of 9338
children and youth not later than the first day of September of 9339
the school year in which the program is to be initiated. The 9340
department ~~of children and youth~~ shall determine whether the 9341
buildings meet the requirements of this section and section 9342
3301.53 of the Revised Code. If the department determines, on 9343
the basis of the building plan or any other information, that 9344
the buildings do not meet those requirements, it shall inspect 9345

the buildings. The department shall ~~submit a report to the~~ 9346
~~director of education and workforce specifying~~ 9347
specify any 9348
aspects of the building that are not in compliance with the 9349
requirements of this section and section 3301.53 of the Revised 9350
Code and the time period that will be allowed the district, 9351
county board of developmental disabilities, or school to meet 9352
the requirements.

Section 110.20. That the existing versions of sections 9353
2950.11, 3301.53, and 3301.55 of the Revised Code that are 9354
scheduled to take effect January 1, 2025, are hereby repealed. 9355

Section 201.10. All items in this act are hereby 9356
appropriated as designated out of any moneys in the state 9357
treasury to the credit of the designated fund. For all operating 9358
appropriations made in this act, those in the first column are 9359
for fiscal year 2024 and those in the second column are for 9360
fiscal year 2025. The operating appropriations made in this act 9361
are in addition to any other operating appropriations made for 9362
these fiscal years. 9363

Section 201.20. 9364

9365

	1	2	3	4	5
A	DNR DEPARTMENT OF NATURAL RESOURCES				
B	General Revenue Fund				
C	GRF	725459	Buckeye State Tree Nursery	\$1,600,000	\$1,250,000
D	TOTAL GRF General Revenue Fund			\$1,600,000	\$1,250,000

E TOTAL ALL BUDGET FUND GROUPS \$1,600,000 \$1,250,000

Section 201.30. Within the limits set forth in this act, 9366
the Director of Budget and Management shall establish accounts 9367
indicating the source and amount of funds for each appropriation 9368
made in this act, and shall determine the manner in which 9369
appropriation accounts shall be maintained. Expenditures from 9370
operating appropriations contained in this act shall be 9371
accounted for as though made in, and are subject to all 9372
applicable provisions of, H.B. 33 of the 135th General Assembly. 9373

Section 601.10. That Sections 130.113, 259.10, 371.10, and 9374
381.410 of H.B. 33 of the 135th General Assembly be amended to 9375
read as follows: 9376

Sec. 130.113. Notwithstanding any other provision of the 9377
Revised Code to the contrary, the public depositories designated 9378
and awarded the public moneys of the state under section 135.09 9379
and division (A) of section 135.12 of the Revised Code for the 9380
period commencing on or around July 4, 2022, shall be the 9381
designated public depositories for a total of three years 9382
commencing from that applicable date, and terminating on the day 9383
before the first Monday of July 2025. 9384

Sec. 259.10. 9385

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1 2 3 4 5

A DEV DEPARTMENT OF DEVELOPMENT

B General Revenue Fund

C	GRF	195402	Coal Research and Development Program	\$150,000	\$150,000
D	GRF	195405	Minority Business Development	\$9,650,000	\$9,150,000
E	GRF	195406	Helping Ohioans Stay in Their Homes	\$7,000,000	\$4,000,000
F	GRF	195415	Business Development Services	\$7,000,000 <u>\$4,000,000</u>	\$4,000,000
G	GRF	195426	Redevelopment Assistance	\$1,065,000	\$1,065,000
H	GRF	195453	Technology Programs and Grants	\$835,000	\$835,000
I	GRF	195454	Small Business and Export Assistance	\$4,000,000	\$4,000,000
J	GRF	195455	Appalachia Assistance	\$6,674,000	\$6,674,000
K	GRF	195497	CDBG Operating Match	\$1,400,000	\$1,400,000
L	GRF	195499	BSD Federal Programs Match	\$13,274,000	\$13,274,000
M	GRF	195503	Local Development Projects	\$62,615,000	\$3,500,000
N	GRF	195537	Ohio-Israel Agricultural Initiative	\$250,000	\$250,000

O	GRF	195553	Industry Sector Partnerships	\$5,000,000	\$5,000,000
P	GRF	195556	TechCred Program	\$25,200,000	\$25,200,000
Q	GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$5,732,500	\$4,042,500
R	GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$47,800,000	\$36,500,000
S	TOTAL GRF General Revenue Fund			\$194,645,500	\$119,040,500
T	Dedicated Purpose Fund Group				
U	4500	195624	Minority Business Bonding Program Administration	\$100,000	\$100,000
V	4510	195649	Business Assistance Programs	\$3,000,000	\$3,000,000
W	4F20	195639	State Special Projects	\$150,000	\$150,000
X	4F20	195655	Workforce Development Programs	\$1,175,000	\$1,175,000
Y	4F20	195699	Utility Community Assistance	\$750,000	\$750,000

Z	4W10	195646	Minority Business Enterprise Loan	\$5,000,000	\$5,000,000
AA	5AI1	1956G9	Broadband Pole Replacement and Undergrounding Program	\$50,000,000	\$0
AB	5AO0	1956H2	One Time Priority Projects	\$34,815,000	\$20,375,000
AC	5AP1	1956H3	Welcome Home Ohio Program	\$50,000,000	\$50,000,000
AD	5CV3	1956A1	Water and Sewer Quality Program	\$124,000,000	\$0
AE	5CV3	1956H4	County and Independent Fairs Grant	\$10,000,000	\$0
AF	5JR0	195635	Tax Incentives Operating	\$1,000,000	\$1,000,000
AG	5KP0	195645	Historic Rehabilitation Operating	\$1,300,000	\$1,300,000
AH	5M40	195659	Low Income Energy Assistance (USF)	\$325,000,000	\$325,000,000
AI	5M50	195660	Advanced Energy Loan Programs	\$8,925,000	\$8,925,000
AJ	5MH0	195644	SiteOhio Administration	\$5,000	\$5,000

AK	5MJ0	195683	TourismOhio Administration	\$7,500,000	\$7,500,000
AL	5UL0	195627	Brownfields Revolving Loan Program	\$1,695,000	\$1,695,000
AM	5UY0	195496	Sports Events Grants	\$10,000,000	\$0
AN	5W60	195691	International Trade Cooperative Projects	\$50,000	\$50,000
AO	5XH0	195632	Women Owned Business Loans	\$5,000,000	\$5,000,000
AP	5XH0	195694	Micro-Loan	\$2,500,000	\$2,500,000
AQ	5XM0	195576	All Ohio Future Fund	\$40,000,000	\$0
AR	5XX0	195408	Meat Processing Investment Program	\$14,000,000	\$0
AS	5YE0	1956A2	Brownfield Remediation	\$175,000,000	\$175,000,000
AT	5YF0	1956A3	Demolition and Site Revitalization	\$150,000,000	\$0
AU	5ZK0	1956F8	Innovation Hubs	\$125,000,000	\$0
AV	6170	195654	Volume Cap Administration	\$40,000	\$40,000
AW	6460	195638	Low- and Moderate- Income Housing Programs	\$65,000,000	\$65,000,000

AX	TOTAL DPF Dedicated Purpose Fund Group			\$1,211,005,000	\$673,565,000
AY	Internal Service Activity Fund Group				
AZ	1350	195684	Development Operations	\$16,922,815	\$17,112,847
BA	6850	195636	Development Services Reimbursable Expenditures	\$125,000	\$125,000
BB	TOTAL ISA Internal Service Activity Fund Group			\$17,047,815	\$17,237,847
BC	Facilities Establishment Fund Group				
BD	4Z60	195647	Rural Industrial Park Loan	\$15,000,000	\$15,000,000
BE	5S90	195628	Capital Access Loan Program	\$2,500,000	\$2,500,000
BF	7009	195664	Innovation Ohio	\$5,000,000	\$5,000,000
BG	7010	195665	Research and Development	\$5,000,000	\$5,000,000
BH	7037	195615	Facilities Establishment	\$10,000,000	\$10,000,000
BI	TOTAL FCE Facilities Establishment Fund Group			\$37,500,000	\$37,500,000
BJ	Bond Research and Development Fund Group				

BK	7011	195686	Third Frontier Tax Exempt - Operating	\$1,000,000	\$1,000,000
BL	7011	195687	Third Frontier Research and Development Projects	\$2,000,000	\$2,000,000
BM	7014	195620	Third Frontier Taxable - Operating	\$1,710,000	\$1,710,000
BN	7014	195692	Research and Development Taxable Bond Projects	\$20,000,000	\$20,000,000
BO	TOTAL BRD Bond Research and Development Fund Group			\$24,710,000	\$24,710,000
BP	Federal Fund Group				
BQ	3080	195580	Energy Efficiency and Conservation Block Grant Program	\$3,130,030	\$0
BR	3080	195581	Energy Efficiency Revolving Loan Fund Capitalization Grant	\$3,202,320	\$0
BS	3080	195602	Appalachian Regional Commission	\$5,750,000	\$5,750,000
BT	3080	195603	Housing Assistance Programs	\$12,575,000	\$12,575,000
BU	3080	195609	Small Business	\$5,550,000	\$5,550,000

			Administration Grants		
BV	3080	195618	Energy Grants	\$20,000,000	\$0
BW	3080	195670	Home Weatherization Program	\$102,000,000	\$102,000,000
BX	3080	195672	Manufacturing Extension Partnership	\$6,600,000	\$6,600,000
BY	3080	195675	Procurement Technical Assistance	\$1,300,000	\$1,300,000
BZ	3080	195696	State Trade and Export Promotion	\$1,000,000	\$1,000,000
CA	3350	195610	Energy Programs	\$350,000	\$350,000
CB	3AE0	195643	Workforce Development Initiatives	\$2,000,000	\$2,000,000
CC	3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$8,000,000	\$8,000,000
CD	3IC0	1956D9	Growth Capital Fund	\$53,431,176	\$0
CE	3IC0	1956E1	Early-Stage Focus Fund	\$26,156,936	\$0
CF	3IC0	1956E2	Certified Development Financial Institution Loan Participation	\$32,571,614	\$0
CG	3IC0	1956E3	Collateral Enhancement	\$17,747,554	\$0

			Program		
CH	3IF0	1956E4	Broadband Equity, Access, and Deployment (BEAD) Program	\$105,000,000	\$0
CI	3IF0	1956E5	Broadband Digital Equity Acts Program	\$1,000,000	\$30,000,000
CJ	3IM0	195582	Home-Owner Managing Energy Savings Rebate Program	\$124,875,180	\$0
CK	3IM0	195583	High-Efficiency Electric Home Rebate Program	\$124,150,970	\$0
CL	3K80	195613	Community Development Block Grant	\$62,975,000	\$62,975,000
CM	3K90	195611	Home Energy Assistance Block Grant	\$165,000,000	\$165,000,000
CN	3K90	195614	HEAP Weatherization	\$40,000,000	\$40,000,000
CO	3L00	195612	Community Services Block Grant	\$29,000,000	\$29,000,000
CP	3V10	195601	HOME Program	\$62,975,000	\$62,975,000
CQ	TOTAL	FED	Federal Fund Group	\$1,016,340,780	\$535,075,000
CR	TOTAL	ALL BUDGET	FUND GROUPS	\$2,501,249,095	\$1,407,128,347

	1	2	3	4	5
A	PUB OHIO PUBLIC DEFENDER COMMISSION				
B	General Revenue Fund				
C	GRF	019401	State Legal Defense Services	\$9,816,000	\$11,437,000
D	GRF	019501	County Reimbursement	\$166,096,000	\$171,912,000
E	TOTAL GRF General Revenue Fund			\$175,912,000	\$183,349,000
F	Dedicated Purpose Fund Group				
G	1010	019607	Juvenile Legal Assistance	\$205,000	\$205,000
H	4060	019603	Training and Publications	\$75,000	\$75,000
I	4070	019604	County Representation	\$375,000	\$375,000
J	4080	019605	Client Payments	\$800,000	\$800,000
K	4N90	019613	Gifts and Grants	\$13,400	\$13,400
L	5740	019606	Civil Legal Aid	\$30,000,000	\$28,000,000
M	5CX0	019617	Civil Case Filing Fee	\$620,000	\$620,000
N	5DY0	019618	Indigent Defense Support - County Share	\$23,904,000	\$23,904,000
O	5DY0	019619	Indigent Defense Support - State Office	\$6,000,000	\$6,000,000

P	TOTAL DPF Dedicated Purpose Fund Group	\$61,992,400	\$59,992,400
Q	Federal Fund Group		
R	3S80 019608 Federal Representation	\$38,300	\$38,300
S	TOTAL FED Federal Fund Group	\$38,300	\$38,300
T	TOTAL ALL BUDGET FUND GROUPS	\$237,942,700	\$243,379,700

STATE LEGAL DEFENSE SERVICES 9389

Of the foregoing appropriation item 019401, State Legal 9390
 Defense Services, up to \$50,000 in each fiscal year, shall be 9391
 used by the Ohio Public Defender to provide legal training 9392
 programs at no cost for private appointed counsel who represent 9393
 at least one indigent defendant at no cost, and for state and 9394
 county public defenders and attorneys who contract with the Ohio 9395
 Public Defender to provide indigent defense services. 9396

INDIGENT DEFENSE SUPPORT 9397

The foregoing appropriation item 019501, County 9398
 Reimbursement, shall be used to reimburse counties for the costs 9399
 of operating county public defender offices, joint county public 9400
 defender offices and county appointed counsel systems, the 9401
 counties' costs and expenses of conducting the defense in 9402
 capital cases, the counties' costs and expenses of appointed 9403
 counsel covered by section 2941.51 of the Revised Code ~~at an~~ 9404
~~hourly rate not to exceed \$75 per hour~~, and the costs and 9405
 expenses of contracting with the state public defender or with 9406
 any nonprofit organization to provide legal representation to 9407
 indigent persons. The counties' costs and expenses of appointed 9408
counsel covered by section 2941.51 of the Revised Code shall be 9409

reimbursed at an hourly rate not to exceed \$75 per hour, except 9410
that the counties' costs and expenses of conducting the defense 9411
in capital cases shall be reimbursed at an hourly rate not to 9412
exceed \$140 per hour. The intent of the General Assembly is to 9413
stabilize costs while allowing the task force to study indigent 9414
defense established in H.B. 150 of the 134th General Assembly to 9415
issue its report. 9416

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL 9417
AID FUND 9418

On July 1 of each fiscal year, or as soon as possible 9419
thereafter, the Director of Budget and Management shall transfer 9420
\$1,000,000 cash from the General Revenue Fund to the Legal Aid 9421
Fund (Fund 5740). The transferred cash shall be distributed by 9422
the Ohio Access to Justice Foundation to Ohio's civil legal aid 9423
societies as follows: \$500,000 in each fiscal year for the sole 9424
purpose of providing legal services for economically 9425
disadvantaged individuals and families seeking assistance with 9426
legal issues arising as a result of substance abuse disorders, 9427
and \$250,000 in each fiscal year for the sole purpose of 9428
providing legal services for veterans. None of the funds shall 9429
be used for administrative costs, including, but not limited to, 9430
salaries, benefits, or travel reimbursements. 9431

FEDERAL REPRESENTATION 9432

The foregoing appropriation item 019608, Federal 9433
Representation, shall be used to support representation provided 9434
by the Ohio Public Defender in federal court cases. 9435

Sec. 381.410. PROGRAM AND PROJECT SUPPORT 9436

(A) Of the foregoing appropriation item 235533, Program 9437
and Project Support, \$1,000,000 in each fiscal year shall be 9438

used to support the Ohio Aerospace Institute's Space Grant Consortium. 9439
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(B) Of the foregoing appropriation item 235533, Program and Project Support, \$400,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the development and implementation of an apprenticeship program administered through the Manufacturing Advocacy and Growth Network's (MAGNET) Early College Early Career Program. The apprenticeship program shall place high school students in a participating local private business that will employ the student and provide the training necessary for the student to earn a technical certification in Computer Integrated Manufacturing (CIM), machining, or welding. 9441
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(C) Of the foregoing appropriation item 235533, Program and Project Support, \$250,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the expansion of unmanned aviation STEM pilot programs in Clark County and at Midview High School JROTC in Grafton. 9452
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(D) Of the foregoing appropriation item 235533, Program and Project Support, \$500,000 in fiscal year 2024 shall be allocated to support the Ashland University Military and Veterans Resource Center Project. 9457
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(E) Of the foregoing appropriation item 235533, Program and Project Support, \$250,000 in each fiscal year shall be used to support the Clearance Ready Program at Wright State University. 9461
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(F) Of the foregoing appropriation item 235533, Program and Project Support, \$1,550,000 in fiscal year 2024 shall be used to support the IT Workforce Accelerator Training Center at 9465
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Youngstown State University. 9468

(G) Of the foregoing appropriation item 235533, Program 9469
and Project Support, \$300,000 in each fiscal year shall be used 9470
by the Chancellor of Higher Education to award competitive 9471
grants to state institutions of higher education, in 9472
collaboration with community centers, summer camps, or chartered 9473
nonpublic schools, to provide certificate courses for high 9474
school students and adults. The Chancellor shall establish 9475
procedures and criteria for awarding the grants, except that the 9476
Chancellor shall give preference in determining awards to 9477
institutions that have already formed such partnerships. 9478

(H) (1) Of the foregoing appropriation item 235533, Program 9479
and Project Support, \$250,000 in each fiscal year shall be used 9480
by the Chancellor of Higher Education, in collaboration with the 9481
Ohio State University Cooperative Extension Services and Central 9482
State University Cooperative Extension Services, to establish 9483
the Urban Farmer Youth Initiative Pilot Program to provide 9484
relevant programming and support with regard to farming and 9485
agriculture to young people between the ages of six to eighteen 9486
living in urban areas. 9487

(2) The pilot program shall operate for fiscal years 2024 9488
and 2025 and offer programming in at least two, but not more 9489
than four, counties. 9490

(3) (a) The Chancellor and the Ohio State University 9491
Cooperative Extension Services and Central State University 9492
Cooperative Extension Services may do both of the following: 9493

(i) Use up to fifteen per cent of the amount appropriated 9494
for fiscal year 2024 for the pilot program to develop and 9495
establish the pilot program; 9496

(ii) Partner with local entities to deliver programming 9497
for the pilot program. The Chancellor and the extension services 9498
may pay entities for services with funds appropriated for this 9499
program. 9500

(b) Any appropriated funds may also be used to support 9501
existing agricultural organizations to help expand programming 9502
to include young people living in urban areas. 9503

(I) Of the foregoing appropriation item 235533, Program 9504
and Project Support, \$100,000 in each fiscal year shall be 9505
distributed to S.U.C.C.E.S.S. for Autism to administer an 9506
interprofessional collaborative pilot program for the purpose of 9507
training professionals in The S.U.C.C.E.S.S. Approach, a 9508
transdisciplinary neurodevelopmental model to assess, educate, 9509
and treat children and adults with autism. 9510

(J) Of the foregoing appropriation item 235533, Program 9511
and Project Support, \$5,000,000 in each fiscal year shall be 9512
distributed to The Ohio State University to support the Salmon 9513
P. Chase Center for Civics, Culture, and Society established 9514
under section 3335.39 of the Revised Code. 9515

(K) Of the foregoing appropriation item 235533, Program 9516
and Project Support, \$1,000,000 in each fiscal year shall be 9517
distributed to the University of Toledo to support the Institute 9518
of American Constitutional Thought and Leadership established 9519
under section 3364.07 of the Revised Code. 9520

(L) Of the foregoing appropriation item 235533, Program 9521
and Project Support, \$200,000 in each fiscal year shall be used 9522
to support the University of Dayton Statehouse Civic Scholars 9523
Program. 9524

(M) Of the foregoing appropriation item 235533, Program 9525

and Project Support, \$100,000 in each fiscal year shall be 9526
allocated to support the Kent State University Rising Scholars 9527
Program. 9528

(N) Of the foregoing appropriation item, 235533, Program 9529
and Project Support, up to \$150,000 in fiscal year 2024 and up 9530
to \$250,000 in fiscal year 2025 shall be used to support The 9531
Ohio State University East Side Dental Clinic. 9532

(O) Of the foregoing appropriation item 235533, Program 9533
and Project Support, \$2,000,000 in each fiscal year shall be 9534
distributed to Miami University to support the center for 9535
civics, culture, and society established under section 3339.06 9536
of the Revised Code. 9537

(P) Of the foregoing appropriation item 235533, Program 9538
and Project Support, \$2,000,000 in each fiscal year shall be 9539
distributed to Cleveland State University to support the center 9540
for civics, culture, and society established under section 9541
3344.07 of the Revised Code. 9542

(Q) Of the foregoing appropriation item 235533, Program 9543
and Project Support, \$2,000,000 in each fiscal year shall be 9544
distributed to ~~the Wright State University of Cincinnati~~ to 9545
support the center for civics, culture, and ~~society workforce~~ 9546
development established under section ~~3361.06~~ 3352.16 of the 9547
Revised Code. 9548

(R) Of the foregoing appropriation item 235533, Program 9549
and Project Support, \$500,000 in fiscal year 2024 shall be 9550
distributed to the Ashland University Center for Addictions 9551
Project. 9552

Section 601.20. That existing Sections 130.113, 259.10, 9553
371.10, and 381.410 of H.B. 33 of the 135th General Assembly are 9554

hereby repealed. 9555

Section 601.30. That Section 5 of H.B. 554 of the 134th 9556
General Assembly (as amended by H.B. 33 of the 135th General 9557
Assembly) be amended to read as follows: 9558

Sec. 5. (A) This section applies to a community school 9559
described in Section 16 of H.B. 583 of the 134th General 9560
Assembly and to any other community school that is operated by a 9561
management company that operates a community school subject to 9562
that section. 9563

(B) Notwithstanding division (H) of section 3314.08 of the 9564
Revised Code, a community school established under Chapter 3314. 9565
of the Revised Code and to which this section applies may report 9566
to the Department of Education and Workforce the number of 9567
students enrolled in the community school on a full-time 9568
equivalent basis for the 2022-2023, 2023-2024, and 2024-2025 9569
school years using the lesser of the following: 9570

(1) The maximum full-time equivalency for the portion of 9571
the school year for which the student is enrolled in the school; 9572

(2) The sum of one-sixth of the full-time equivalency 9573
based on attendance for the portion of the school year for which 9574
the student is enrolled in the school and one-sixth the full- 9575
time equivalency based on each credit of instruction earned 9576
during the enrollment period, not to exceed five credits. 9577

(C) (1) The Department of Education and Workforce shall 9578
complete a review of each community school that reports the 9579
full-time equivalency of students under division (B) of this 9580
section in accordance with division (K) of section 3314.08 of 9581
the Revised Code. 9582

(2) If the Department determines a school has been 9583

overpaid based on a review completed under division (C) (1) of 9584
this section, it shall require a repayment of the overpaid funds 9585
and may require the school to establish a plan to improve the 9586
reporting of enrollment. 9587

(D) Notwithstanding any provision to the contrary in the 9588
Revised Code or the Administrative Code, for purposes of 9589
reporting attendance and meeting minimum school year 9590
requirements under sections 3313.48 and 3314.03 of the Revised 9591
Code, a community school to which this section applies may 9592
report attendance to the Department of Education and Workforce 9593
consistent with the attendance policy approved by the governing 9594
authority of the school. 9595

Section 601.40. That existing Section 5 of H.B. 554 of the 9596
134th General Assembly (as amended by H.B. 33 of the 135th 9597
General Assembly) is hereby repealed. 9598

Section 601.50. That Section 270.14 of H.B. 45 of the 9599
134th General Assembly be amended to read as follows: 9600

Sec. 270.14. In FY 2023, \$15,000,000 of the enhanced 9601
federal medical assistance percentage, enacted as a result of 9602
the COVID-19 pandemic, in Section 6008 of the "Families First 9603
Coronavirus Response Act," Pub. L. No. 116-127, shall be used to 9604
fund the one-time payment to each freestanding dialysis center, 9605
from GRF appropriation item 651525, Medicaid Health Care 9606
Services, in the manner in which the one-time payment is 9607
established in Section 751.20 of this act. 9608

An amount equal to the unexpended, unencumbered balance of 9609
the amount allocated in this section, at the end of fiscal year 9610
2023, is hereby reappropriated to the Department of Medicaid for 9611
the same purpose in fiscal year 2024. 9612

An amount equal to the unexpended, unencumbered balance of 9613
the amount allocated in this section, at the end of fiscal year 9614
2024, is hereby reappropriated to the Department of Medicaid for 9615
the same purpose in fiscal year 2025. 9616

Section 601.60. That existing Section 270.14 of H.B. 45 of 9617
the 134th General Assembly is hereby repealed. 9618

Section 733.10. The versions of sections 3325.06, 3325.07, 9619
3325.071, and 3325.09 of the Revised Code that took effect 9620
October 3, 2023, are presented below without amendment to 9621
confirm the General Assembly's intent in amending those sections 9622
in H.B. 33 of the 135th General Assembly, and the versions 9623
presented below are the versions that took effect on October 3, 9624
2023: 9625

Sec. 3325.06. (A) Ohio deaf and blind education services 9626
shall institute and establish a program of education to train 9627
parents of deaf or hard of hearing children of preschool age. 9628
The object and purpose of the educational program shall be to 9629
aid and assist the parents of deaf or hard of hearing children 9630
of preschool age in affording to the children the means of 9631
optimum communicational facilities. 9632

(B) Ohio deaf and blind education services shall institute 9633
and establish a program of education to train and assist parents 9634
of blind or visually impaired children of preschool age. The 9635
object and purpose of the educational program shall be to enable 9636
the parents of blind or visually impaired children of preschool 9637
age to provide their children with learning experiences that 9638
develop early literacy, communication, mobility, and daily 9639
living skills so the children can function independently in 9640
their living environments. 9641

Sec. 3325.07. Ohio deaf and blind education services in 9642
carrying out this section and division (A) of section 3325.06 of 9643
the Revised Code shall, insofar as practicable, plan, present, 9644
and carry into effect an educational program by means of any of 9645
the following methods of instruction: 9646

(A) Classes for parents of deaf or hard of hearing 9647
children of preschool age; 9648

(B) A preschool where parent and child may enter the 9649
preschool as a unit; 9650

(C) Correspondence course; 9651

(D) Personal consultations and interviews; 9652

(E) Child care or child development courses; 9653

(F) Summer enrichment courses; 9654

(G) By such other means or methods as the superintendent 9655
of Ohio deaf and blind education services deems advisable that 9656
would permit a deaf or hard of hearing child of preschool age to 9657
build communication skills at an early age. 9658

The superintendent may allow children who are not deaf or 9659
hard of hearing to participate in the methods of instruction 9660
described in divisions (A) to (G) of this section as a means to 9661
assist deaf or hard of hearing children to build communication 9662
skills. The superintendent shall establish policies and 9663
procedures regarding the participation of children who are not 9664
deaf or hard of hearing. 9665

The superintendent may establish reasonable fees for 9666
participation in the methods of instruction described in 9667
divisions (A) to (G) of this section to defray the costs of 9668
carrying them out. The superintendent shall determine the manner 9669

by which any such fees shall be collected. All fees shall be 9670
deposited in the even start fees and gifts fund, which is hereby 9671
created in the state treasury. The money in the fund shall be 9672
used to implement this section. 9673

Sec. 3325.071. Ohio deaf and blind education services in 9674
carrying out this section and division (B) of section 3325.06 of 9675
the Revised Code shall, insofar as practicable, plan, present, 9676
and carry into effect an educational program by means of any of 9677
the following methods of instruction: 9678

(A) Classes for parents of children of preschool age whose 9679
disabilities are visual impairments, independently or in 9680
cooperation with community agencies; 9681

(B) A preschool where a parent and child may enter the 9682
preschool as a unit; 9683

(C) Correspondence course; 9684

(D) Personal consultations and interviews; 9685

(E) Child care or child development courses for children 9686
and parents; 9687

(F) Summer enrichment courses; 9688

(G) By such other means or methods as the superintendent 9689
of Ohio deaf and blind education services deems advisable that 9690
would permit a child of preschool age whose disability is a 9691
visual impairment to build communication skills and develop 9692
literacy, mobility, and independence at an early age. 9693

The superintendent may allow children who do not have 9694
disabilities that are visual impairments to participate in the 9695
methods of instruction described in divisions (A) to (G) of this 9696
section so that children of preschool age whose disabilities are 9697

visual impairments are able to learn alongside their peers while 9698
receiving specialized instruction that is based on early 9699
learning and development strategies. The superintendent shall 9700
establish policies and procedures regarding the participation of 9701
children who do not have disabilities that are visual 9702
impairments. 9703

The superintendent may establish reasonable fees for 9704
participation in the methods of instruction described in 9705
divisions (A) to (G) of this section to defray the costs of 9706
carrying them out. The superintendent shall determine the manner 9707
by which any such fees shall be collected. All fees shall be 9708
deposited in the state school for the blind even start fees and 9709
gifts fund, which is hereby created in the state treasury. The 9710
money in the fund shall be used to implement this section. 9711

Sec. 3325.09. (A) Ohio deaf and blind education services 9712
shall institute and establish career-technical education and 9713
work training programs for secondary and post-secondary students 9714
who are blind, visually impaired, deaf, hard of hearing, or 9715
deafblind. These programs shall develop communication, mobility, 9716
and work skills and assist students in becoming productive 9717
members of society so that they can contribute to their 9718
communities and living environments. 9719

(B) Ohio deaf and blind education services may use any 9720
gifts, donations, or bequests it receives under section 3325.10 9721
or 3325.15 of the Revised Code for one or more of the following 9722
purposes that are related to career-technical and work training 9723
programs for secondary and post-secondary students who are 9724
blind, visually impaired, deaf, hard of hearing, or deafblind: 9725

(1) Room and board; 9726

(2) Training in mobility and orientation;	9727
(3) Activities that teach daily living skills;	9728
(4) Rehabilitation technology;	9729
(5) Activities that teach group and individual social and interpersonal skills;	9730 9731
(6) Work placement in the community by the school or a community agency;	9732 9733
(7) Transportation to and from work sites or locations of community interaction;	9734 9735
(8) Supervision and management of programs and services.	9736
(C) For the purposes of division (B) of this section, Ohio deaf and blind education services shall use funds received under section 3325.10 or 3325.15 of the Revised Code only for the school for which the funds were designated.	9737 9738 9739 9740
Section 733.20. The version of section 3301.58 of the Revised Code that is scheduled to take effect January 1, 2025, is presented below without amendment to confirm the General Assembly's intent in amending that section in H.B. 33 of the 135th General Assembly, and the version presented below is the version that takes effect on January 1, 2025:	9741 9742 9743 9744 9745 9746
Sec. 3301.58. (A) The department of children and youth is responsible for the licensing of preschool programs and school child programs and for the enforcement of sections 3301.52 to 3301.59 of the Revised Code and of any rules adopted under those sections. No school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school shall operate, establish, manage, conduct, or maintain a preschool program without a license issued under this	9747 9748 9749 9750 9751 9752 9753 9754

section. A school district board of education, county board of 9755
developmental disabilities, community school, authorized private 9756
before and after school care program, or eligible nonpublic 9757
school may obtain a license under this section for a school 9758
child program. The school district board of education, county 9759
board of developmental disabilities, community school, or 9760
eligible nonpublic school shall post the license for each 9761
preschool program and licensed school child program it operates, 9762
establishes, manages, conducts, or maintains in a conspicuous 9763
place in the preschool program or licensed school child program 9764
that is accessible to parents, custodians, or guardians and 9765
employees and staff members of the program at all times when the 9766
program is in operation. 9767

(B) Any school district board of education, county board 9768
of developmental disabilities, community school, or eligible 9769
nonpublic school that desires to operate, establish, manage, 9770
conduct, or maintain a preschool program shall apply to the 9771
department of children and youth for a license on a form that 9772
the department shall prescribe by rule. Any school district 9773
board of education, county board of developmental disabilities, 9774
community school, authorized private before and after school 9775
care program, or eligible nonpublic school that desires to 9776
obtain a license for a school child program shall apply to the 9777
department for a license on a form that the department shall 9778
prescribe by rule. The department shall provide at no charge to 9779
each applicant for a license under this section a copy of the 9780
requirements under sections 3301.52 to 3301.59 of the Revised 9781
Code and any rules adopted under those sections. The department 9782
may establish application fees by rule adopted under Chapter 9783
119. of the Revised Code, and all applicants for a license shall 9784
pay any fee established by the department at the time of making 9785

an application for a license. All fees collected pursuant to 9786
this section shall be paid into the state treasury to the credit 9787
of the general revenue fund. 9788

(C) Upon the filing of an application for a license, the 9789
department of children and youth shall investigate and inspect 9790
the preschool program or school child program to determine the 9791
license capacity for each age category of children of the 9792
program and to determine whether the program complies with 9793
sections 3301.52 to 3301.59 of the Revised Code and any rules 9794
adopted under those sections. When, after investigation and 9795
inspection, the department is satisfied that sections 3301.52 to 9796
3301.59 of the Revised Code and any rules adopted under those 9797
sections are complied with by the applicant, the department 9798
shall issue the program a provisional license as soon as 9799
practicable in the form and manner prescribed by the rules of 9800
the department. The provisional license shall be valid for one 9801
year from the date of issuance unless revoked. 9802

(D) The department of children and youth shall investigate 9803
and inspect a preschool program or school child program that has 9804
been issued a provisional license at least once during operation 9805
under the provisional license. If, after the investigation and 9806
inspection, the department determines that the requirements of 9807
sections 3301.52 to 3301.59 of the Revised Code and any rules 9808
adopted under those sections are met by the provisional 9809
licensee, the department shall issue the program a license. The 9810
license shall remain valid unless revoked or the program ceases 9811
operations. 9812

(E) The department of children and youth annually shall 9813
investigate and inspect each preschool program or school child 9814
program licensed under division (D) of this section to determine 9815

if the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are met by the program, and shall notify the program of the results.

(F) The license or provisional license shall state the name of the school district board of education, county board of developmental disabilities, community school, authorized private before and after school care program, or eligible nonpublic school that operates the preschool program or school child program and the license capacity of the program.

(G) The department of children and youth may revoke the license of any preschool program or school child program that is not in compliance with the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections.

(H) If the department of children and youth revokes a license, the department shall not issue a license to the program within two years from the date of the revocation. All actions of the department with respect to licensing preschool programs and school child programs shall be in accordance with Chapter 119. of the Revised Code.

Section 733.30. The versions of sections 3325.06, 3325.07, and 5104.02 of the Revised Code that are scheduled to take effect January 1, 2025, are presented below without amendment to confirm the General Assembly's intent in amending those sections in H.B. 33 of the 135th General Assembly, and the versions presented below are the versions that take effect on January 1, 2025:

Sec. 3325.06. (A) Ohio deaf and blind education services, in consultation with the department of children and youth, shall

institute and establish a program of education to train parents 9845
of deaf or hard of hearing children of preschool age. The object 9846
and purpose of the educational program shall be to aid and 9847
assist the parents of deaf or hard of hearing children of 9848
preschool age in affording to the children the means of optimum 9849
communicational facilities. 9850

(B) Ohio deaf and blind education services, in 9851
consultation with the department of children and youth, shall 9852
institute and establish a program of education to train and 9853
assist parents of blind or visually impaired children of 9854
preschool age. The object and purpose of the educational program 9855
shall be to enable the parents of blind or visually impaired 9856
children of preschool age to provide their children with 9857
learning experiences that develop early literacy, communication, 9858
mobility, and daily living skills so the children can function 9859
independently in their living environments. 9860

Sec. 3325.07. Ohio deaf and blind education services, in 9861
consultation with the department of children and youth, in 9862
carrying out this section and division (A) of section 3325.06 of 9863
the Revised Code shall, insofar as practicable, plan, present, 9864
and carry into effect an educational program by means of any of 9865
the following methods of instruction: 9866

(A) Classes for parents of deaf or hard of hearing 9867
children of preschool age; 9868

(B) A preschool where parent and child may enter the 9869
preschool as a unit; 9870

(C) Correspondence course; 9871

(D) Personal consultations and interviews; 9872

(E) Child care or child development courses; 9873

(F) Summer enrichment courses; 9874

(G) By such other means or methods as the superintendent 9875
of Ohio deaf and blind education services deems advisable that 9876
would permit a deaf or hard of hearing child of preschool age to 9877
build communication skills at an early age. 9878

The superintendent may allow children who are not deaf or 9879
hard of hearing to participate in the methods of instruction 9880
described in divisions (A) to (G) of this section as a means to 9881
assist deaf or hard of hearing children to build communication 9882
skills. The superintendent shall establish policies and 9883
procedures regarding the participation of children who are not 9884
deaf or hard of hearing. 9885

The superintendent may establish reasonable fees for 9886
participation in the methods of instruction described in 9887
divisions (A) to (G) of this section to defray the costs of 9888
carrying them out. The superintendent shall determine the manner 9889
by which any such fees shall be collected. All fees shall be 9890
deposited in the even start fees and gifts fund, which is hereby 9891
created in the state treasury. The money in the fund shall be 9892
used to implement this section. 9893

Sec. 5104.02. (A) The director of children and youth is 9894
responsible for licensing child care centers, type A family 9895
child care homes, and type B family child care homes. Each 9896
entity operating a head start program shall meet the criteria 9897
for, and be licensed as, a child care center. The director is 9898
responsible for the enforcement of this chapter and of rules 9899
promulgated pursuant to this chapter. 9900

No person, firm, organization, institution, or agency 9901
shall operate, establish, manage, conduct, or maintain a child 9902

care center or type A family child care home without a license 9903
issued under section 5104.03 of the Revised Code. The current 9904
license shall be posted in the center or home in a conspicuous 9905
place that is accessible to parents, custodians, or guardians 9906
and employees of the center or home at all times when the center 9907
or home is in operation. 9908

(B) A person, firm, institution, organization, or agency 9909
operating any of the following programs is exempt from the 9910
requirements of this chapter: 9911

(1) A program caring for children that operates for two 9912
consecutive weeks or less and not more than six weeks total in 9913
each calendar year; 9914

(2) Caring for children in places of worship during 9915
religious activities while at least one parent, guardian, or 9916
custodian of each child is participating in such activities and 9917
is readily available; 9918

(3) Supervised training, instruction, or activities of 9919
children in specific areas, including, but not limited to: art; 9920
drama; dance; music; athletic skills or sports; computers; or an 9921
educational subject conducted on an organized or periodic basis 9922
that a child does not attend for more than eight total hours per 9923
week; 9924

(4) Programs in which the director determines that at 9925
least one parent, custodian, or guardian of each child is on the 9926
premises of the facility that offers care and is readily 9927
accessible at all times and care is not provided for more than 9928
two and one-half hours a day per child; 9929

(5) Programs that provide care and are regulated by state 9930
departments other than the department of children and youth or 9931

the department of education and workforce. 9932

(6) Any preschool program or school child program, except 9933
a head start program, that is subject to licensure by the 9934
department of children and youth under sections 3301.52 to 9935
3301.59 of the Revised Code. 9936

(7) Any program providing care that meets all of the 9937
following requirements and, on October 20, 1987, was being 9938
operated by a nonpublic school that holds a charter issued under 9939
section 3301.16 of the Revised Code for kindergarten only: 9940

(a) The nonpublic school has given the notice to the state 9941
board of education and the director of children and youth 9942
required by Section 4 of Substitute House Bill No. 253 of the 9943
117th general assembly; 9944

(b) The nonpublic school continues to be chartered by the 9945
department of education and workforce for kindergarten, or 9946
receives and continues to hold a charter from the department for 9947
kindergarten through grade five; 9948

(c) The program is conducted in a school building; 9949

(d) The program is operated in accordance with rules 9950
promulgated by the department of children and youth under 9951
section 3301.53 of the Revised Code. 9952

(8) A youth development program operated outside of school 9953
hours to which all of the following apply: 9954

(a) The children enrolled in the program are under 9955
nineteen years of age and enrolled in or eligible to be enrolled 9956
in a grade of kindergarten or above. 9957

(b) The program provides informal care, which is care that 9958
does not require parental signature, permission, or notice for 9959

the child receiving the care to enter or leave the program. 9960

(c) The program provides any of the following supervised 9961
activities: educational, recreational, culturally enriching, 9962
social, and personal development activities. 9963

(d) The entity operating the program is exempt from 9964
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 9965

(9) A program caring for children that is operated by a 9966
nonchartered, nontax-supported school if the program meets all 9967
of the following conditions: 9968

(a) The program complies with state and local health, 9969
fire, and safety laws. 9970

(b) The program annually certifies in a report to the 9971
children's parents that the program is in compliance with 9972
division (B)(9)(a) of this section and files a copy of the 9973
report with the department of children and youth on or before 9974
the thirtieth day of September of each year. 9975

(c) The program complies with all applicable reporting 9976
requirements in the same manner as required by the department of 9977
education and workforce for nonchartered, nonpublic primary and 9978
secondary schools. 9979

(d) The program is associated with a nonchartered, nontax- 9980
supported primary or secondary school. 9981

(10) A program that provides activities for children who 9982
are five years of age or older and is operated by a county, 9983
township, municipal corporation, township park district created 9984
under section 511.18 of the Revised Code, park district created 9985
under section 1545.04 of the Revised Code, or joint recreation 9986
district established under section 755.14 of the Revised Code. 9987

Section 733.40. Any actions taken to establish and appoint 9988
governing board members for the Center for Civics, Culture, and 9989
Society at the University of Cincinnati under section 3361.06 of 9990
the Revised Code that was in effect prior to the effective date 9991
of this section shall be void. Any governing board member 9992
appointed and confirmed by the Senate prior to that date shall 9993
not hold that position on and after that date. 9994

Section 803.10. The amendment by this act of section 9995
5747.85 of the Revised Code applies to taxable years beginning 9996
on and after January 1, 2024. 9997

Section 803.20. The amendment by this act of section 9998
5726.58 of the Revised Code is remedial in nature and intended 9999
to clarify the law as it existed before the enactment of this 10000
act and shall be construed accordingly. 10001

The amendment by this act of division (A)(39) of section 10002
5747.01 of the Revised Code is a remedial measure intended to 10003
clarify existing law and applies to taxable years beginning on 10004
or after January 1, 2023. 10005

The amendment by this act of section 5747.67 of the 10006
Revised Code is intended to clarify the meaning of that section 10007
as it existed before the effective date of this section and is 10008
not intended to change the meaning in any way. 10009

Section 803.30. Consistent with section 1.48 of the 10010
Revised Code, the amendments to sections 109.11, 109.111, and 10011
109.112 of the Revised Code made by this act, which take effect 10012
in accordance with Section 812.20 of this act, are prospective 10013
in their operation and have no effect on an order or judgment of 10014
any court or any settlement or other compromise of claims 10015
issued, entered, or agreed to before January 1, 2025, even if an 10016

amount awarded, adjudged, settled upon, or comprised to has not 10017
been received in full by the state or an agency or officer of 10018
the state before then. 10019

Section 812.10. The amendment or enactment of the 10020
following provisions by this act take effect January 1, 2025: 10021

The amendment of sections 135.63 and 3323.02; 10022

The versions of sections 2950.11, 3301.53, and 3301.55 10023
that are scheduled to take effect January 1, 2025; 10024

Sections 733.20 and 733.30 of this act. 10025

Section 812.20. The amendments by this act of sections 10026
109.11, 109.111, and 109.112 and the enactment by this act of 10027
section 109.113 of the Revised Code take effect January 1, 2025. 10028

Section 820.10. Section 3307.01 of the Revised Code is 10029
presented in this act as a composite of the section as amended 10030
by both H.B. 33 of the 135th General Assembly and S.B. 131 of 10031
the 134th General Assembly. The General Assembly, applying the 10032
principle stated in division (B) of section 1.52 of the Revised 10033
Code that amendments are to be harmonized if reasonably capable 10034
of simultaneous operation, finds that the composite is the 10035
resulting version of the section in effect prior to the 10036
effective date of the section as presented in this act. 10037