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SUMMARY

Township law

- Specifies which body serves as the organizational board of commissioners of a new community authority if more than one body is eligible.
- Authorizes townships to impose a "protect and serve charge" of up to $1 on admissions to certain event venues in the township to fund police, fire, and emergency medical services.
- Modifies various township newspaper publication requirements to allow publication via the print or digital edition of a newspaper of general circulation, the official public notice website, or via the township's website and social media account.
- Eliminates the requirement that the county prosecutor approve specifications of fire equipment.
- Specifies that boards of township trustees' emergency powers include emergencies due to a natural disaster, civil unrest, cyber attack, or the derailment of a train.
- Eliminates a requirement that each township provide its fiscal officer with a book for the record of marks and brands.
- Repeals provisions of law requiring townships to obtain the approval of voters before constructing or improving a town hall above a certain cost (currently $75,000).
- Allows townships to establish township preservation commissions.
- Establishes a civil enforcement process for the resolution of zoning violations and the collection of zoning fines.

- Requires a permanent license plate issued to a township to display the term "township" in bold letters.
- Allows a township to use general funds to pay for machinery, tools, material, and labor used in constructing, reconstructing, maintaining, or repairing roads and culverts.

Municipal forestry assessments

- Allows a municipal corporation, by ordinance, to provide 501(c)(3) nonprofit entities with an exemption from special assessments assessed for managing shade trees in public rights-of-way and along the streets of the municipal corporation.

Extension of certain township TIFs

- Allows a township to extend the life of an existing tax increment financing (TIF) district for up to 15 years if certain conditions are met.

County engineer

- Allows a board of county commissioners, when the office of county engineer is vacant, to contract with another county's county engineer to perform the duties of county engineer in that county, and gives the county engineer supplemental compensation for doing so.
- Prohibits a county engineer from engaging in the private practice of engineering or surveying in a county in which the person is the county engineer or acting county engineer.
- Eliminates the compensation schedule that applies to county engineers with a private practice, and instead subjects all country engineers to the compensation schedule currently applicable to county engineers without a private practice.

County creation of additional port authority

- Allows a county that is included in an existing port authority to create a new port authority if the existing port authority has jurisdiction in more than one county and the county creating the port authority has a population of 100,000 or less.

Digital publication of notices

- Requires a publisher to establish a government rate for posting legal advertisements, notices, and proclamations that are required by law to be published, in a newspaper of general circulation's digital edition on the newspaper's website.

Video public records

- Authorizes a state or local law enforcement agency to include in its public records policy the requirement that a requester pay the estimated actual cost before beginning the process of preparing a video record for inspection or production.
- Specifies that the agency may charge the actual cost, not to exceed $75 per hour of video produced, nor $750 total.

Community action agencies

- Requires a nonprofit agency or organization designated as a community action agency to be incorporated under Ohio's nonprofit incorporation laws.
- Exempts a nonprofit agency or organization, which has been designated as a community action agency by the Community Services Division of the Department of Development, from the requirements of Ohio Open Meetings Law and specifies that the agency is not a state agency or public office.
- Requires that the written operating procedures of a community action agency specify methods by which the board may conduct meetings using virtual electronic technology, and that the board may provide notice of its meetings by any means deemed appropriate.

Ethics law and village mayors (VETOED)

- Would have exempted village mayors from the prohibition on having an unlawful interest in a public contract under certain circumstances.

Recreation boards

- Specifies that automated external defibrillators must be placed in each sports and recreation location at any time that the location is hosting an organized youth sport activity.

Designated public service workers

- Allows a judge and a prosecuting attorney to submit an affidavit to have their name removed from the general tax list and duplicate of real and public utility property.

Common pleas and municipal court clerks (VETOED)

- Would have required elected clerks of the common pleas court or municipal court to determine the best means and methods for storing, maintaining, and retrieving all papers delivered to the clerk in compliance with existing court rules (VETOED).

Electronic license applications

- Requires a state department, agency, or office that issues a license or another authorization to a person to practice a trade or profession to require applicants to apply through an electronic licensing system.
- Permits a department, agency, or office to adopt a policy allowing an applicant to apply for a license or another authorization using a paper application.

Notary Law

- Requires a notary to take the oath of office in person.
- Modifies and reorganizes the law governing disciplinary actions by the Secretary of State (SOS) upon allegations of notary misconduct, including by eliminating the administrative

hearing requirement and prohibiting the reappointment of any notary whose commission is revoked.

- Requires electronic submission of requests for a duplicate or amended commission.
- Revises the information required to be included in the notary database maintained by the SOS.
- Increases the maximum fee for online notarization from $25 to $30, and authorizes online notaries to charge an additional $10 technology fee for use of an identity verification process.
- Reorganizes the law concerning notarial certificates provided by non-notaries (like judges) who are authorized to perform notarial acts.
- Reorganizes the law concerning the execution of an acknowledgment and specifies the meaning of an acknowledgment executed on behalf of a Limited Liability Company (LLC).
- Expounds upon the standard for determining if a notary has "personal knowledge" or "satisfactory evidence" for the purposes of verifying the identity of a person making an acknowledgment or jurat, or the validity of that person's signature.
- Specifies that notaries have statewide jurisdiction and consolidates the list of notarial acts that a notary or other authorized person may perform.
- Specifies the form of an oath or affirmation given by a notary to a person signing a jurat.
- Expands the list of county government officials that are required to accept electronically notarized documents to include clerks of courts and deputy registrars.
- Specifies that a notary commission is not an occupational or professional license for the purposes of the state's occupational regulation laws.

Limited liability companies (LLCs)

- Requires the SOS to charge a $50 filing fee for an LLC statement of authority, an amendment or cancellation of a statement of authority, or a denial of a statement of authority.
- Eliminates the $50 filing fee for certificates of correction concerning the registration or assumed name of a foreign LLC.
- Requires a certificate of merger to include the name and mailing address of the person or entity that will provide a copy of the merger agreement to shareholders, partners, or equity holders of a constituent entity.

Compensation for intercollegiate student-athletes

- Authorizes an institution of higher education (a state institution of higher education or a private college) to compensate a student-athlete for use of the student-athlete's name, image, or likeness (NIL).

- Specifies that a student-athlete is not an institution's employee because the institution compensates the student-athlete for use of the student-athlete's NIL.
- Prohibits a student-athlete from using specified property belonging to an institution to further opportunities for the student-athlete to earn NIL compensation unless authorized by the institution.
- Authorizes an institution to provide money, resources, or other benefits to an institutional marketing associate or third-party entity to incentivize it to facilitate opportunities for student-athletes to earn NIL compensation.
- Prohibits an institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics from taking specified actions regarding a student-athlete for obtaining representation from an athlete agent or attorney or for earning NIL compensation or any other athletics-related compensation.
- Makes any contract or proposed contract providing a student-athlete with NIL compensation that is disclosed to an institution as required under continuing law confidential and not a public record for purposes of the Public Records Law.
- Authorizes student-athletes, institutions, institutional marketing associates, and third-party entities to sue for violations of the act and provides immunity to employees of institutions, associates, and entities for damages resulting from a student-athlete's inability to earn NIL compensation.
- Prohibits a student-athlete under age 18 from entering into a contract that provides the student-athlete with NIL compensation unless the contract includes the written consent of the student-athlete's parent, guardian, or custodian.

Historic rehabilitation tax credit

- Prohibits the Department of Development, in awarding a historic rehabilitation tax credit, from considering whether a project will benefit an economically distressed area.

Ohio Opportunity Zone investment tax credit

- Allows the tax credit for investments in Ohio opportunity zones to be claimed against the financial institutions tax or domestic or foreign insurance company tax.

Sales tax exemption: sports facilities

- Expands a sales tax exemption for construction materials incorporated into the construction of a professional sports facility to apply to any subsequent construction and to include other tangible personal property incorporated into its construction.
- Authorizes the team-owning lessee of a county-owned sports facility to sign the exemption certificate, on behalf of the county, to claim the exemption.

Commercial activity tax situsing for motor vehicles

- Situses receipts to Ohio from the sale or lease of a motor vehicle by a dealer, for commercial activity tax (CAT) purposes, only if a certificate of title with an Ohio address is issued for that vehicle.
- Applies the situsing provision retrospectively and prospectively to all tax periods.

Sales and use tax on delivery network services

- Allows a company that coordinates delivery of goods between customers and local businesses to obtain a waiver from the requirement that it collect and remit sales or use tax on the goods as if it were the seller.
- Subjects the delivery charges of a company that has obtained a waiver to sales or use tax, thus requiring the company to collect and remit tax on its delivery services but not the cost of goods delivered.

Direct transfer of properties subject to tax foreclosure

- Imposes new requirements on the direct transfer of abandoned, tax-foreclosed property to a land bank or political subdivision without a foreclosure sale.

CAUV: land subject to state conservation easements

- Allows farmland to continue to be valued at its current agricultural use value (CAUV) for property tax purposes if the land becomes subject to a water conservation project funded by the H2Ohio program.
- Allows property owners whose land did not qualify for CAUV for tax year 2023 or 2024, but would have under the act, to apply for a refund.

Excess funds in foreclosure sales

- Requires the officer that conducts a property foreclosure sale, including a tax foreclosure sale, to deliver any excess funds to the clerk of court not later than 45 days after the confirmation of sale.
- Authorizes the clerk, in certain circumstances, to notify the judgment debtor of excess funds by posting notice on the clerk's website, sending a text message, or posting the notice in a conspicuous place in the court where the foreclosure action commenced.
- Increases from 60 to 90 days the time within which the clerk of court must give excess funds in a tax foreclosure sale to the county treasurer.

Brownfield Remediation Program

- Eliminates procedures for designating a county lead entity under the Brownfield Remediation Program, and, instead, revises what is considered a lead entity by both:

- Eliminating the stipulation that a lead entity must be a grant award recipient and the responsible party with whom the Department of Development executes a grant agreement for grant funds; and
- Clarifying that a lead entity means a county, township, municipal corporation, port authority, conservancy district, park district or other similar park authority, county land reutilization corporation, or organization for profit.

- Regarding continuing law that allows money appropriated to counties that is unspent after a calendar year to be made available for grants statewide on a first-come, first-served basis, eliminates the requirement that those grants be limited to 75% of a qualifying project's total cost.
- Delays the effective date of these changes until July 1, 2025.

Conservancy district charitable and social welfare trusts

- Allows the board of directors of a conservancy district that includes all or parts of more than 16 counties to both:
  - Establish a charitable trust, social welfare trust, or both, that meets certain requirements, to benefit the conservancy district and the purposes for which the district was created, in perpetuity;
  - Use surplus money in its maintenance fund, other than proceeds derived from the levy of maintenance assessments, to provide financial support to a conservancy district charitable trust or social welfare trust.
- Establishes requirements for the instrument creating a conservancy district charitable trust or social welfare trust and documents evidencing payment and receipt of financial support by the trusts.
- Exempts conservancy district charitable trusts and social welfare trusts from the Public Records Law and from being considered a "subdivision" under the uniform depository act.
- Exempts conservancy district charitable trusts and social welfare trusts from:
  - Various charitable trust oversight powers granted to the Attorney General, including authority for the Attorney General to investigate trustees of charitable trusts;
  - General law governing the incorporation and administration of charitable trusts.
- Exempts money in a conservancy district charitable trust and social welfare trust and money received for them from the meaning of "public moneys" under the uniform depository act.
- Adds rents, incomes, royalties, and other revenues received from the use of the conservancy district's lands to the conservancy district maintenance fund.
- Increases statutory competitive bidding thresholds from $50,000 to $75,000 for conservancy districts and, starting in 2025, increases the threshold amount by 3% each year.

Homebuyer Protection Act

- Requires the Superintendent of the Division of Real Estate and Professional Licensing to adopt rules that require a real estate broker or salesperson to provide the seller a second disclosure of laws that relate to anti-discrimination in the home-buying process and the penalties for violating those laws.
- Prohibits the real estate broker or salesperson from marketing or showing a seller's home before providing the disclosure form to, and receiving a signed and dated copy from the seller.
- Authorizes the Superintendent to enforce the act's provisions.
- Exempts the rules from the law concerning reduction of regulatory restrictions.
- Names the disclosure mandate the "Homebuyer Protection Act."

Public utility costs classified as regulatory assets

Governmental entity right-of-way regulation costs

- Adds to those costs for which a public utility subject to the Public Utilities Commission (PUCO) jurisdiction may file an application with PUCO for accounting authority to classify them as a regulatory asset, a cost that is directly incurred on or after April 3, 2025, due to a "governmental entity" regulation of the utility's occupancy or use of a "right-of-way."
- Defines "governmental entity" as a state agency or political subdivision that is not a municipal corporation and a "right-of-way" as land designated for public use that is owned or controlled by a governmental entity and is not a private easement and includes a municipal corporation public way.
- Requires PUCO to process applications for classifying governmental entity public way regulation costs as regulatory assets in the same manner as applications for the recovery of municipal public way regulation costs as regulatory assets.
- Requires PUCO to authorize such accounting authority as may be reasonably necessary to classify the cost as a regulatory asset.
- Requires PUCO to establish a charge and collection mechanism permitting the utility's full recovery of a regulatory asset described above if treatment of the cost as a regulatory asset is determined to not be practical or if deferred recovery would impose a hardship on the utility or its customers.
- Exempts cost recovery authorized as a regulatory asset as described above from any provision of law or agreement establishing price caps, rate freezes, or rate increase moratoria.

Municipal public way regulation costs

- Clarifies that a public utility may apply to PUCO for accounting authority to classify, as regulatory assets, its costs related to the use or occupancy of a municipal public way and

incurred as a result of municipal corporation regulation (instead of local regulation as in former law) of its use or occupancy.

Waste energy recovery systems

- Includes a facility that produces and uses steam, or transfers it, from recovered waste heat from a manufacturing process to another manufacturing process or to generate electricity as a "waste energy recovery system" for purposes of several provisions of electric utility law.

Underground Technical Committee

- Adds an OHIO811 nonvoting advisory member to the Underground Technical Committee (UTC), who is not counted for purposes of (1) determining whether a quorum is present and (2) determining the number of votes necessary to constitute a majority for the UTC to take action.
- Requires the OHIO811 member to be appointed by the Governor to a four-year term, and the first Ohio811 member to be appointed by June 2, 2025.
- Requires the OHIO811 member to assist and provide certain information regarding the Ohio underground protection service law and processes to the UTC.

Post-release employment assistance

State identification cards

- Requires the Department of Rehabilitation and Correction (DRC) and the Department of Youth Services (DYS) to make available and submit completed applications for state identification cards or temporary identification cards ("ID card") on behalf of individuals in their custody.
- Requires DRC and DYS to initiate the application process within the nine months prior to an individual's release if the individual is serving a sentence more than one year, or within a reasonable time if the individual is serving a sentence less than one year.
- Authorizes the Registrar of Motor Vehicles to create a process by which DRC and DYS may submit the applications.
- Eliminates the identification cards issued by DRC and DYS that were used by individuals to obtain an ID card issued by the Bureau of Motor Vehicles (BMV).
- Specifies that the ID cards issued by the BMV to residents in the custody of DRC or DYS are free.
- Delays the administrative implementation of the ID card requirements by 18 months.

Employment-related documents

- Requires DRC, if resources or third-party assistance is available, to provide every inmate released from prison who committed a felony offense, who intends to live in Ohio, with

documentation to assist the inmate in obtaining post-release employment, creating a resume, and conducting a practice job interview.

- Exempts certain inmates from being required to complete resumes or practice job interviews prior to release from incarceration, including those who decline to participate.

Cooperative economic development agreements

- Allows, under certain conditions, a cooperative economic development agreement (CEDA) to include a new type of agreement that would allow a political subdivision's regulations to apply within territory wherein the regulations would not otherwise apply.
- Specifically includes road and bridge improvements and regulations as types of government improvements and services that CEDAs should be liberally construed to allow.
- Specifies that nothing in the CEDA law expands or diminishes the exception of public utilities from certain regulations.

Insurance coverage

Occupational therapy, physical therapy, and chiropractic services

- Prohibits a health benefit plan from imposing cost sharing for occupational therapy, physical therapy, or chiropractic services that exceeds the cost sharing for an office visit to a primary care physician or osteopath physician.
- Requires a health plan issuer to clearly state on its website and on all relevant literature that coverage for occupational therapy, physical therapy, and chiropractic services is available along with any limitations.
- Makes a violation of these occupational therapy, physical therapy, or chiropractic services provisions an unfair and deceptive practice in the business of insurance.

Hearing aids

- Requires health plan issuers to cover hearing aids and related services for persons 21 and younger.
- Names the requirement "Madeline's Law."

Residential facilities for foster children

- Enacts law that applies to residential facilities for foster children operated by public children services agencies (PCSAs), private child placing agencies (PCPAs), private noncustodial agencies, or superintendents of county or district children's homes, including:
  - Notification requirements when a child under a residential facility's care and supervision presents to an emergency department or hospital for an injury or mental health crisis or has an interaction with a law enforcement officer;

- A requirement that residential facilities, PCSAs, and PCPAs have 24-hour emergency on-call procedures for purposes of those notifications;
- Mandatory monthly visits by a PCSA or PCPA to check on the well-being of a child under a residential facility's care and supervision;
- Circumstances that require a PCSA or PCPA to review a child's residential facility placement;
- PCSA and PCPA oversight of services provided by community organizations to a child under a residential facility's care and supervision;
- Notification requirements regarding delinquent children placed in a residential facility;
- Certification requirements, including site visits at least annually, compliance with local planning and zoning requirements, and notifications to the local authorities;
- Mandatory criminal records checks for employment or appointment in a residential facility, including conditional employment while a records check is pending if authorized by the federal government;
- Various rulemaking and reporting requirements regarding Department of Children and Youth (DCY) oversight of residential facilities in Ohio, including:
  - Determining and establishing incentives to attract residential facilities to underserved regions;
  - Establishing a procedure for individuals to communicate concerns about residential facilities;
  - Conducting surveys of residential facility, PCSA, and PCPA staff about those facilities;
  - Reviewing reports, concerns and complaints about residential facilities it receives under the act;
  - Reviewing and updating training requirements for residential facility staff.

- Creates the Study Committee to Evaluate the Placement of Delinquent Children in Residential Facilities to evaluate, make recommendations, and issue a report to the Governor and the General Assembly.

Educational stability of foster children

- Requires the Department of Education and Workforce (DEW) to provide all school districts with best practices to help ensure the educational stability of students who are in a PCSA or PCPA's custody.
- Requires the school district in which a foster child is enrolled after being placed in a residential facility to assess the needs of the child for appropriate services and interventions and to use the results to make recommendations regarding the child.

- Requires DCY and DEW to create a standard form to be used by PCSAs and PCPAs to convey to school district foster care liaisons information necessary to support the education of children in their custody.

Peace officer training

- Requires the Attorney General, in consultation with the Ohio Peace Officer Training Commission, to adopt rules governing the training of peace officers in identifying and interacting with at-risk youth.

Medical free speech and opinions (VETOED)

- Would have prohibited an administrative or disciplinary action against a licensed health care professional, hospital, or inpatient facility for expressing a medical opinion that does not align with those of the licensing board, a local board of health, the Ohio Department of Health (ODH), or another health authority (VETOED).
- Would have prohibited the licensing board and ODH from infringing on medical free speech (VETOED).

Denial of fluids and nutrition

- Generally prohibits the denial of fluids or nutrition to a hospital or inpatient facility patient.

World Health Organization

- Specifies that the World Health Organization lacks jurisdiction in Ohio.
- Prohibits a political subdivision, public official, or state agency from enforcing or using any state funding to implement or incentivize any guideline, mandate, recommendations, or rule issued by the World Health Organization, in particular, one that prohibits issuing a prescription for, or dispensing a drug, including an off-label drug.

Dolly Parton's Imagination Library of Ohio Advisory Board

- Establishes the 12-member Dolly Parton's Imagination Library of Ohio Advisory Board.

Specialty license plates

- Creates the "St. Vincent-St. Mary High School" and "Dolly Parton's Imagination Library" specialty license plates.

Ukraine Independence Day

- Designates August 24 as Ukraine Independence Day in Ohio.

Appropriations

- Expands the Auditor of State fiscal distress services appropriation line item.
- Appropriates $1.5 million to the Department of Development for grants to townships seeking to modernize regulations and processes tied to zoning efforts.

- Appropriates $1 million to the Indigent Burial and Cremation Support Program.

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DETAILED ANALYSIS

New community authority

The act makes a clarification regarding the organizational board of commissioners for a new community district. The organizational board is responsible for overseeing the proceedings to establish a new community district, which is ultimately overseen and operated by a board of trustees. The act specifies that when multiple bodies are eligible to serve as the organizational board of commissioners of a new community authority, the body appearing on the original

petition, unless that body adopts a resolution to appoint another body as the organizational board.[1]

Township admissions charge

The act authorizes townships to impose a "protect and serve charge" on admissions to certain event venues in the township to fund police, fire, and emergency medical services. The township may authorize a charge up to $1 per admission to event venues that have a capacity of least 2,000 and are exempt from property taxation. However, the charge cannot apply to admissions to county fairgrounds, events sponsored by the state or a local government, or events with a ticket price of $10 or less. Before adopting a resolution imposing the charge, the township must hold two public hearings on the proposal, with notice of each meeting published in a local newspaper.

A township that chooses to impose the charge must use the revenue collected to fund police, fire, and emergency medical services. Under the act, a person receiving an admission payment will collect the charge from the person making the payment, then remit that charge to the township. The township may prescribe all rules necessary to administer the charge.[2]

Newspaper notices

The act modifies various township newspaper publication requirements. Instead of a township providing publication via newspaper as required under prior law, the act allows a township to select one (or more) of three methods for publication:

1. The print or digital edition of a newspaper of general circulation within the township;
2. The official public notice website; or
3. The township's website and social media account.

Therefore, under the act, a township may meet the public notice requirements by purchasing digital advertisements only, or posting on the township's website, completely foregoing the newspaper of general circulation, or the print edition of the newspaper.

While the act appears to authorize a township to publish only on the official public notice website, that website, operated by newspaper organizations, only includes documents that have been published via the print edition of a newspaper. Under the act, to publish a document on the official public notice website, a township must purchase an advertisement in the newspaper of general circulation, either print, digital, or both.

In the case of a limited home rule township, when a notification is published by posting on the township website or social media account, the fiscal officer must create and maintain proof.[3] The act retains requirements regarding the timing of a notice (e.g., notice must be

[1] R.C. 349.01, 349.03, and 349.14.

[2] R.C. 503.54

[3] R.C. 504.121.

published x number of days before the relevant event). The act does not modify every instance of newspaper publication by a township; if an existing requirement applies to a variety of entities and not only townships (e.g., townships, counties, and municipal corporations), the act does not modify the requirement.[4]

Fire equipment specifications

Under prior law, a township could not purchase or lease fire-related equipment unless the county prosecutor approved the specifications. The act eliminates the approval by the prosecutor.[5]

Township emergencies

The act expands the authority of a board of township trustees to declare emergencies to specifically include emergencies due to a natural disaster, civil unrest, cyber attack, or the derailment of a train.[6]

Marks and brands

The act eliminates a requirement that each township provide its fiscal officer with a book for the record of marks and brands.[7]

Township town halls

The act eliminates the requirement that a township obtain voter approval before a town hall can be built, improved, enlarged, or removed at a cost above currently $75,000.[8]

Township preservation commission

The act allows a township to establish a township preservation commission, tasked with preserving historic properties in the unincorporated territory of the township. A board of township trustees may adopt a resolution to establish a commission and appoint seven members. Commission members serve three-year terms, though initial terms are one, two, or three years long to create staggered terms indefinitely. Four members constitute a quorum, with any action requiring a majority of members present. The members are not compensated.

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[4] R.C. 501.07, 503.162, 503.41, 504.02, 504.03, 504.12, 504.121, 504.122, 504.123, 504.124, 504.125, repealed, 504.126 (renumbered), 504.21, 505.07, 505.10, 505.17, 505.264, 505.28, 505.37, 505.373, 505.55, 505.73, 505.75, 505.76, 505.86, 505.87, 505.871, 511.12, 511.21, 515.01, 515.04, 517.07, 517.073, 517.12, 517.22, 519.06, 519.08, 519.09, 519.12, 519.15, 521.03, 971.12, 971.99, 4504.18, 4504.181, 5571.011, 5571.20, 5573.02, 5573.10, 5575.01, 5575.02, and 5579.05. See also R.C. 125.182 and publicnoticesohio.com, which is operated by the Ohio News Media Association.

[5] R.C. 505.37.

[6] R.C. 505.82.

[7] R.C. 507.05.

[8] R.C. 511.01 and 511.02, repealed; conforming changes in R.C. 505.26, 511.03, and 511.04.

Within 30 days of being appointed, the members must select a chairperson and vice-chairperson. The members must adopt rules of procedure and, within six months of being appointed, they must also adopt procedures and guidelines for performing their duties. Both sets of rules are subject to the approval of the township trustees. The commission can take official action during a public meeting only, and must maintain a record of proceedings that is available for inspection.

The commission has the following duties:

- Promote the importance of historic preservation throughout the unincorporated territory of the township.
- Maintain a register of historic properties located within the unincorporated township.
- Make recommendations to the board of township trustees regarding properties that may be designated as registered, historic properties.
- Consider applications and issue certificates for exterior alterations at registered properties.

The commission's primary purpose is to protect the unique historical and architectural character of registered properties and promote the conservation of the registered properties. The commission itself does not designate properties as registered properties; that is the duty of the board of township trustees, upon recommendation of the commission. If a township has established a preservation commission, the exterior of a registered property may only be altered after obtaining a certificate from the commission allowing the alteration.[9]

Zoning violations

The act establishes a civil enforcement process for township zoning violations. Prior law specified that a person who violates a township zoning law must be fined up to $500 per offense. The act modifies this by specifying the fine is civil in nature and must be collected by filing a civil action in the court of common pleas in the county where the property is located. The act allows a complaint to combine the collection action with a cause of action for injunction, abatement, mandamus, or other appropriate relief. Finally, the act specifies that each day the violation continues – beginning the day the judgment granting relief is issued – is a separate offense.[10]

Township license plates

Continuing law requires the Registrar of Motor Vehicles to issue permanent license plates for motor vehicles acquired by the state or a political subdivision. For a permanent license plate issued for use on a motor vehicle owned or used by a township, the act requires the term "township" to be displayed in bold letters on the plate.[11]

[9] R.C. 511.51, 511.52, and 511.53.

[10] R.C. 519.99.

[11] R.C. 4503.16.

Township road funds

Continuing law allows a township to use the township's road fund to pay for machinery, tools, material, and labor used in constructing, reconstructing, maintaining, or repairing roads and culverts. The act allows a township also to use its general fund.[12]

Municipal forestry assessments

The act allows a municipal corporation, by ordinance, to provide 501(c)(3) nonprofit entities with an exemption from special assessments related to shade tree management in public rights-of-way in a municipal corporation. Under continuing law, a municipal corporation may levy a special assessment for the planting, maintenance, trimming, and removing of shade trees within public rights-of-way and to control blight and disease of shade trees.[13]

Extension of certain township TIFs

TIF background

Continuing law allows municipalities, townships, and counties to create a tax increment financing (TIF) arrangement to finance public infrastructure improvements. Through a TIF, the subdivision grants a property tax exemption for the increase in the assessed value of designated parcels that are part of a development project. The exemption may apply to specific parcels or to entire areas, known as "incentive districts." The owners of the parcels make payments in lieu of taxes to the subdivision equal to the amount of taxes that would otherwise have been paid with respect to the exempted improvements ("service payments"). TIFs thereby create a flow of revenue back to the subdivision, which generally uses those service payments to pay the public infrastructure costs necessitated by the development project.

Extension

The act allows a township that created an incentive district TIF before 2006 to extend that TIF for up to 15 years, provided that certain conditions are met. In general, under continuing law, a subdivision can authorize a TIF for up to 30 years with school board approval or up to ten years without school board approval.

To be eligible for the extension, the township must (a) obtain the approval of the school board of each district in which the TIF is located and (b) notify the county in which the TIF is located. Unlike continuing law generally, if a school board fails to either approve or deny the TIF extension within the time allocated, the township cannot extend the TIF. However, similar to continuing law, if the resolution creating the TIF provides for compensation to be paid to a school district, or if a school district has adopted a resolution waiving its right to approve TIFs, the school board's approval is not required.

[12] R.C. 5549.21.

[13] R.C. 727.011.

If the TIF is extended, the percentage of improvements exempted cannot exceed the percentage originally authorized. For example, if 80% of the value of improvements were exempted under the original TIF, the extended TIF cannot allow an exemption of more than 80%.

The act's extension is similar to other extensions granted for certain TIFs in recent years. For example, the most recent biennial appropriations act, H.B. 33 of the 135th General Assembly, authorized a similar 15-year extension for municipal incentive district TIFs created before 2006. In addition, continuing law also authorizes a similar 15-year extension for certain township parcel TIFs created before 1995.[14]

County engineer

The act makes various changes regarding county engineers.

County engineer vacancies

The act allows a board of county commissioners, when the office of county engineer is vacant and cannot be filled, or when there is no person running for county engineer, to contract with another county's county engineer to exercise the powers and perform the duties of county engineer for that county. The act allows a person to serve as county engineer for more than one county under these circumstances.[15]

A county engineer so contracted must receive supplemental compensation for the services rendered under the contract, based on the population of the county in which the engineer is contracted to perform services. The compensation must only be for the contract term, and may not extend beyond the last day of the term for which there is a vacancy.[16]

The Ohio Constitution requires that vacancies in elected offices be filled for the unexpired term. For county offices, the Constitution allows the General Assembly to prescribe the manner of filling the vacancy.[17]

Private practice

The act prohibits county engineers from engaging in the private practice of engineering or surveying work that would go before the office of county engineer in any county in which the person is serving as county engineer or acting county engineer. "Acting county engineer" refers to a county engineer serving a county other than the county in which they were elected.

The act eliminates the procedures concerning conflicts of interest for a county engineer who currently also elects to work in private practice.[18]

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[14] R.C. 5709.40(L), not in the act, and 5709.73(L).

[15] R.C. 305.021(A). Note that a person is not eligible to be a county engineer unless the person is a registered professional engineer and a registered surveyor (R.C. 315.02, not in the act).

[16] R.C. 305.021(B).

[17] Ohio Constitution, Article XVII, Section 2; see also R.C. 305.02, not in the act.

[18] R.C. 325.14(B), with conforming changes in R.C. 315.251(B) and 319.203.

County engineer compensation

The act eliminates the compensation schedule that applies to county engineers with a private practice, and instead subjects all county engineers to the compensation schedule currently applicable to county engineers without a private practice. The act also eliminates obsolete compensation schedules.[19]

The act's compensation change applies to a county engineer whose term of office begins on or after April 3, 2025, the act's effective date. In accordance with the Ohio Constitution, the act requires a county engineer who is serving a term of office that began before that date, to continue to receive compensation in accordance with the law in effect before that date for the remainder of that term of office.[20]

County creation of additional port authority

The act allows a county that is included in an existing port authority to create a new port authority that encompasses only the territorial jurisdiction of that county, provided both of the following apply:

1. The existing port authority has an area of jurisdiction that includes more than one county; and
2. The county creating the port authority within its jurisdiction has a population of 100,000 or less.

Continuing law generally prohibits a county that has created or joined an existing port authority from creating or joining a new port authority, except for certain circumstances in which the existing port authority operates an airport. The act retains that exemption and adds the new exemption above, which, as of January 1, 2025, applies to Champaign, Fayette, Sandusky, and Seneca counties.[21]

Digital publication of legal advertisements and public notices

The act modifies the general publication statute to no longer require publication of legal advertisements and public notices via both print and digital formats. The act instead allows such publications to be *either* via newspaper or via the newspaper's website.[22] Correspondingly, the act removes the prohibition against a newspaper charging to replicate a print publication via the newspaper's website. The act requires a publisher to establish a government rate for posting in a newspaper's digital edition on the newspaper's website; the rate may not exceed the lowest classified advertising rate and lowest insert rate paid by other advertisers.

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[19] R.C. 325.14(A).

[20] Section 19.

[21] R.C. 4582.30.

[22] A statute that specifically requires newspaper publication would prevail over this general statute. See R.C. 1.51, not in the act.

Continuing law requires an Ohio trade organization, which represents the majority of newspapers of general circulation, to operate an "official public notice web site." In all cases in which a notice or advertisement is required by a law to be published in a newspaper of general circulation, the notice or advertisement also must be posted on the official public notice website by the publisher of the newspaper. The act likewise requires any notice appearing on the newspaper's website to be published on the statewide "official public notice website."[23]

Video public records

The act authorizes a state or local law enforcement agency to charge a requester to prepare a video record for inspection. The agency may charge the actual cost associated with preparing a video record for inspection or production, not to exceed $75 per hour of video produced, nor $750 total. Under continuing law, a public office must make copies of the requested public record available to the requester at cost. The act defines "actual cost," with respect to video records only, to mean all costs incurred by the state or local law enforcement agency in reviewing, blurring or otherwise obscuring, redacting, uploading, or producing the video records, including but not limited to the storage medium on which the record is produced, staff time, and any other relevant overhead necessary to comply with the request.

Furthermore, the act authorizes an agency to include in its public records policy the requirement that a requester pay the estimated actual cost before beginning the process of preparing a video record for inspection or production. Where a state or local law enforcement agency imposes such a requirement, its obligation to produce a video or make it available for inspection begins once the estimated actual cost is paid in full by the requester. An agency must provide the requester with the estimated actual cost within five business days of receipt of the public records request. If the actual cost exceeds the estimated actual cost, a state or local law enforcement agency may charge a requester for the difference upon fulfilling a request for video records if the requester is notified in advance that the actual cost may be up to 20% higher than the estimated actual cost. A state or local law enforcement agency may not charge a requester a difference that exceeds 20% of the estimated actual cost.

When considering whether a state or local law enforcement agency promptly prepared a video record for inspection or provided a video record for production within a reasonable time, in addition to any other factors, a court must consider the time required for a state or local law enforcement agency to retrieve, download, review, redact, seek legal advice regarding, and produce the video record.[24]

Community action agencies

The act requires a nonprofit agency or organization to be incorporated under Ohio's nonprofit incorporation laws, to be designated as a community action agency by the Community Services Division of the Department of Development. The act also specifies that a community

[23] R.C. 7.10, 7.16, and 125.182.

[24] R.C. 149.43(B)(1).

action agency is not a state agency or public office.[25] These agencies provide a range of services to impact the causes of poverty in a community. Under Ohio law, a designated community action agency is eligible to receive community services block grant funds.[26]

The act exempts a nonprofit agency or organization, which has been designated as a community action agency, from the requirements of the Ohio Open Meetings Law. Generally, under continuing law, public officials must take official action and conduct deliberations upon official business only in open meetings. Certain public offices are exempt from this requirement for some or all of the office's meetings.[27]

Under continuing law, a board of directors of a community action agency must adopt written policies describing the operating procedures to be use by the board to conduct its meetings. The act requires that the written operating procedures specify: (1) the methods by which the board may conduct meetings using virtual electronic technology, and (2) that the board may provide notice of its meetings by any means deemed appropriate to the board.[28]

Ethics law and village mayors (VETOED)

The Governor vetoed a provision that would have exempted a village mayor or other executive officer of a village, or either's family members or business associates, from the prohibition on having an unlawful interest in a public contract under the following circumstances:

1. The mayor or other executive officer has no role in approving or voting for the contract, or engaging members of the village legislative authority to do so;
2. The treatment accorded the village is either preferential to or the same as that accorded other customers or clients in similar transactions;
3. The entire transaction is conducted with full knowledge by the village legislative authority or other contracting authority.[29]

Recreation boards

The act requires the controlling authority of each sports and recreation location to place automated external defibrillators (AEDs) in each sports and recreation location at any time the location is hosting an organized youth sport activity, rather than at all times as required under prior law. Continuing law exempts a township from the AED requirement if its population is less than 5,000; the act specifies the population considered is the population of the *unincorporated* area of the township.[30]

[25] R.C. 122.66.

[26] R.C. 122.69, not in the act.

[27] R.C. 121.22.

[28] R.C. 122.70.

[29] R.C. 2921.42.

[30] R.C. 755.13.

Designated public service workers

Under continuing law, a number of persons are designated as public service workers, including judges and prosecutors. This designation exempts those workers' residential and familial information from being disclosed as a public record. The act clarifies that a judge and a prosecuting attorney may submit an affidavit to have the person's name removed from the general tax list and duplicate of real and public utility property, and replaced with the person's initials. Unlike the residential address of other designated public service workers, the residential address of a judge or a prosecuting attorney is not exempt from disclosure. This may be because a judge and a prosecuting attorney are elected to office. Furthermore, a declaration of candidacy form is a public record and it includes the candidate's address.

Under the act, the residential address of a judge and a prosecuting attorney remains subject to disclosure under Public Records Law.[31]

Common pleas and municipal court clerks (VETOED)

The Governor vetoed a provision that would have required elected clerks of the common pleas court or municipal court to determine the best means and methods for storing, maintaining, and retrieving all papers delivered to the clerk in compliance with Rule 26 of the Rules of Superintendence for the Courts of Ohio, whether delivered in writing or in electronic form, and implementing the means and methods for storage, maintenance, and retrieval.[32]

The Governor also vetoed provisions that would have clarified that an appointed municipal court clerk would have remained under the direction of the court, and a clerk of a common pleas court appointed in a charter county would perform duties pursuant to the county charter.[33] Finally, the Governor vetoed the removal of provisions granting municipal court clerks other powers and duties as prescribed by the court, and the removal of a provision stating that the clerk of a common pleas court must be under the direction of the court in the performance of official duties.[34]

Electronic license applications

The act requires a state department, agency, or office that issues a license, certificate, registration, or other authorization to a person to practice a trade or profession to require an applicant for an initial license or another authorization to apply through an electronic licensing system. A department, agency, or office also may adopt a policy that allows a person to submit a paper application. If the department, agency, or office adopts such a policy under the act, it cannot require a person to submit a paper application and must accept an electronic application submitted through the electronic licensing system used by the department, agency, or office.

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[31] R.C. 319.28.

[32] R.C. 1901.31(E)(3) and 2303.12(B)(2)(a).

[33] R.C. 1901.31(E)(4) and 2303.12(B)(2)(b).

[34] R.C. 1901.31(E)(1) and (F) and 2303.26.

The Ohio Supreme Court is not subject to the act's requirements when issuing initial licenses pursuant to rules governing admission to the practice of law.[35]

Notary Law

Oath of office

The act requires a notary, prior to engaging in official duties, to take and subscribe to an oath of office in person before another notary or person authorized to administer oaths. Prior law required an oath of office but did not expressly require it to be taken in person.[36]

Discipline

The act modifies and reorganizes the law governing disciplinary actions by the Secretary of State (SOS) upon allegations of notary misconduct. The changes are summarized in the table below.

Notary Discipline	
Prior Law	**Law under H.B. 315**
Allowed the SOS to revoke a notary's commission upon presentation of satisfactory evidence of official misconduct or incapacity *(R.C. 147.01(C))*.	Similar to prior law, but also allows the SOS to revoke a notary's commission upon the judgment of a court that the notary has engaged in official misconduct or is incapacitated *(R.C. 147.01(C)(2))*.
Required the SOS to remove from office a notary who receives a fee greater than the amount allowed by law *(R.C. 147.13, repealed by the act)*.	Prohibits a notary from charging or accepting a fee greater than the amount allowed by law but does not require revocation of the notary's commission *(R.C. 147.141(A)(18))*.
Required the SOS to remove from office a notary who dishonestly or unfaithfully discharges any official duties *(R.C. 147.13, repealed by the act)*.	Allows the SOS to revoke the commission of a notary who lacks the requisite honesty, integrity, competence, or reliability to act as a notary, including by including a fraudulent, dishonest, or deceitful misstatement or omission on a notarial certificate *(R.C. 147.032(D))*.
Required the SOS to remove from office a notary who certified the affidavit of a person without administering the appropriate oath or affirmation *(R.C. 147.14, repealed by the act)*.[37]	Allows the SOS to revoke the commission of a notary who either fails to administer an oath or affirmation when executing a jurat or performs a notarial act without requiring personal

[35] R.C. 4743.06.

[36] R.C. 147.01(G) and 147.03.

[37] Conforming change in R.C. 147.99.

Notary Discipline	
Prior Law	**Law under H.B. 315**
	appearance, except in the context of online notarizations *(R.C. 147.032(D)(1) and (2))*.
No provision.	Requires a notary to cooperate with the SOS in the course of an investigation, including by responding in a timely manner to all questions posed by the SOS, and requires the SOS to revoke the commission of a notary who fails to comply *(R.C. 147.032(C))*.
Required the SOS to hold an administrative hearing before revoking or suspending a notary's commission or issuing a letter of admonition *(R.C. 147.032(B))*.	Requires only that the SOS conduct an investigation before administering such disciplinary measures *(R.C. 147.032(B))*.
Specified that a notary whose commission was revoked for failure to administer the appropriate oath or affirmation was ineligible for reappointment for three years. A notary whose commission was revoked for charging excess fees or dishonestly or unfaithfully discharging official duties was ineligible for reappointment. *(R.C. 147.13 and 147.14, repealed by the act.)*	Specifies that, in all cases, a notary whose commission is revoked is ineligible for reappointment *(R.C. 147.01(C)(3))*.

Electronic forms

The act requires a notary whose commission is lost or destroyed to submit an electronic commission request form, as opposed to filing an affidavit attesting that original commission was lost or destroyed. Similarly, the act requires a notary seeking an amendment to their commission, such as changing a name or address, to submit an electronic amendment form, as opposed to a paper form. The SOS is required to create and make available both forms.[38]

Database

Continuing law requires the SOS to maintain a database of notaries. Under the act, the database must include each notary's "status [and] authority to perform notarial acts" rather than "verification of . . . authority and good standing." Additionally, the database must include whether a notary is "authorized" rather than "registered" to perform online notarizations.[39]

[38] R.C. 147.371.

[39] R.C. 147.051.

Fees

The act increases the maximum fee for an online notarization from $25 to $30. Additionally, the act authorizes online notaries to charge a $10 technology fee for each online notarization session to cover the use of an online identity verification process. A notary is prohibited from charging or accepting a fee greater than these amounts.[40]

Notarial certificates

Continuing law requires that a notary provide a completed notarial certificate for every notarial act performed. The act relocates a provision concerning notarial certificates provided by a non-notary (such as a judge) who is authorized to perform a notarial act. Under continuing law, the certificate must be accepted if any the following apply:

- The certificate is in a form prescribed by state law;
- The certificate is in a form prescribed by law or regulation in the place in which the notarial act is performed;
- The certificate contains the words "acknowledged by me," or a substantial equivalent.

The act adds that the certificate must be accepted if it includes the words: "sworn to and subscribed before me," "affirmed to and subscribed by me," or a substantial equivalent.[41]

Acknowledgments

An acknowledgment is a statement made by a person to a notary or other authorized person confirming that the person signed a record for the purpose stated in the record. If the person signed the record in a representative capacity, the acknowledgement also confirms that the signer has proper authority to act on behalf of the person or entity identified in the record.[42]

The act combines two sections of the Revised Code concerning the meaning of an acknowledgment and the procedural requirements for a notary or other authorized person administering one. The only substantive change to those sections made by the act is the addition of what a person confirms by signing an acknowledgement on behalf of a limited liability company (LLC). Specifically, that the person is a member, manager, or agent signing on behalf of the LLC by proper authority and that the member, manager, or agent executed the instrument as an act of the LLC for the purposes stated in the instrument.[43]

Identification

Under continuing law, a notary who takes an acknowledgment or a jurat – i.e., an oath or affirmation that the contents of a particular document are true – is required to confirm by personal knowledge or through satisfactory evidence both the identity of the person making the

[40] R.C. 147.08 and 147.141(A)(18).

[41] R.C. 147.542; R.C. 147.54, repealed by the act.

[42] R.C. 147.011(A).

[43] R.C. 147.53; R.C. 147.541, repealed by the act.

acknowledgment or jurat and the validity of the person's signature. The act specifies what it means to have personal knowledge or satisfactory evidence of a person's identity.

Under the act, a notary has personal knowledge of the identity of the person appearing before them if the person is personally known to the notary through dealings sufficient to provide reasonable certainty that the person has the identity claimed. A notary has satisfactory evidence of the identity of the person appearing before them if the notary can identify the person by either of the following means:

- A passport, driver's license, government-issued nondriver identification card, or other form of government-issued identification with the signature or photograph of the individual, which is current or expired not more than three years before performance of the notarial act;
- By verification on oath or affirmation of a credible witness personally appearing before the notary and known to the notary or whom the notary can identify on the basis of such a government-issued identification card.

The act states that a witness is not credible if the witness has a conflict of interest with respect to the transaction. In other words, the witness is named in the transaction at issue or has a direct financial or other interest in the transaction. The act also allows a notary to require a person to provide additional information or credentials if necessary to assure the notary of the person's identity.[44]

Notarial acts, generally

The act specifies that notaries have "statewide jurisdiction," and consolidates the list of notarial acts a notary or other authorized person may perform into one Revised Code section. Under continuing law, those notarial acts include:

- Administering oaths or affirmations required or authorized by law;
- Taking and certifying acknowledgements of deeds, mortgages, liens, powers of attorney, and other instruments of writing;
- Taking and certifying depositions.[45]

Jurats

The act requires the person executing a jurat to certify all of the following:

- The signer appeared before the notary;
- The notary administered an oath or affirmation to the signer that the statement in the jurat is true and correct;
- The signer signed the document in the presence of the notary.

[44] R.C. 147.49, 147.50, and 147.53(B).

[45] R.C. 147.07 and 147.51, with conforming changes in R.C. 147.52 and 147.60.

Additionally, the oath or affirmation must include the question, "Do you solemnly swear that the statements in this document are true, so help you God?" "Do you affirm, under penalty of perjury, that the statements in this document are true?" or a substantially similar question.[46]

Electronically notarized documents

The act expands the list of county government officials that are required to accept electronically notarized documents. Under continuing law, county auditors, engineers, and recorders are required to accept a digital copy of a document executed electronically by a notary for purposes of approval, transfer, and recording. The act adds clerks of courts of record and deputy registrars to the list.

Additionally, the act makes a similar change with regard to printed copies of electronically notarized documents that contain an authenticator certificate. Note, however, that the act specifies that an authenticator certificate may not be signed or notarized with an electronic signature, either in person or through an online notarization system.[47]

Occupational regulations

The act specifies that a notary commission is not an occupation or professional license for the purposes of state laws concerning occupational regulations.[48] Among other things, those laws establish a general policy of adopting the least restrictive regulation required to address a material harm, and require the General Assembly to review the state's occupational licensing boards at least once every six years.[49]

Limited liability companies (LLCs)

Fees collected by the Secretary of State

Under continuing law, a LLC may file a statement of authority with the SOS, affirming the power of a specific person or position to enter into transactions on behalf of the LLC. The LLC may amend or cancel the statement of authority by making a new filing with the SOS. Furthermore, a person named in a statement authority may file a statement denying the person's authority. The act specifies that a $50 fee is required to file a statement of authority, an amendment or cancellation thereof, or a statement of denial. The same fee applies under continuing law for filing certain documents related to a partnership, including a statement of denial, a statement of dissociation, a statement of disclaimer of general partner state, or a cancellation of disclaimer of general partner state.[50]

[46] R.C. 147.54.

[47] R.C. 147.591(B) and (C).

[48] R.C. 147.011.

[49] R.C. Chapter 4798, not in the act.

[50] R.C. 111.16(N).

The act eliminates the $50 fee charged by the SOS for a certificate of correction filed with respect to the registration or assumed name of a foreign LLC.[51]

Merger certificates

Continuing law allows LLCs to merge with one or more constituent entities (i.e., a party to a merger agreement) upon certain specified conditions. One of those conditions is filing a merger certificate with the SOS after each constituent entity has approved the merger agreement. Under continuing law, changed in part by the act, a merger certificate must include:

- The name and form of each constituent entity, the jurisdiction of its governing statute, and, if any, its registration number;
- The name and form of the surviving entity, the jurisdiction of its government statute, and, if any, a statement that the surviving entity is created pursuant to the merger;
- The effective date of the merger;
- If the surviving merger is to be created pursuant to the merger.

The act expands this list by requiring the merger certificate to include the name and mailing address of a person or entity that will provide a copy of the merger agreement in response to any written request made by a shareholder, partner, or other equity holder of a constituent entity.[52]

Compensation for intercollegiate student-athletes

The act revises the Collegiate Student Athlete Law[53] that governs compensation to intercollegiate athletes. It makes changes throughout the law to refer to an intercollegiate athlete as a "student-athlete." A student-athlete is an individual who is eligible to participate in, participates in, or has participated in intercollegiate athletics for an institution of higher education (a state institution of higher education or private college). An individual who participates in intramural athletics at an institution or in professional athletics is not considered a student-athlete.[54]

Institutional support for student-athlete compensation

The act authorizes an institution to compensate a student-athlete for use of the student-athlete's name, image, or likeness (NIL). The institution, however, cannot compensate the student-athlete using any fees paid to the institution by or on behalf of students attending that institution. The act eliminates the prohibition against any institution or athletic authority (an athletic association, conference, or other group or organization with authority over

[51] R.C. 111.16(P); R.C. 1706.511 and 1706.513, not in the act.

[52] R.C. 1706.712(B).

[53] R.C. Chapter 3376.

[54] R.C. 3376.01, 3376.02, 3376.03, 3376.04, 3376.06, 3376.07, and 3376.08.

intercollegiate athletics) compensating a prospective student-athlete in relation to the prospective student-athlete's NIL.[55]

An institution also may provide money, assets, resources, opportunities, services, or other benefits to an institutional marketing associate or third-party entity to incentivize it to facilitate opportunities for a student-athlete to earn compensation for use of the student-athlete's NIL (NIL compensation). An institutional marketing associate is any third-party entity that enters into a contract with, or otherwise acts on behalf of, an institution or an institution's intercollegiate athletics department. It does not include an institution or athletic authority or a staff member, employee, officer, director, manager, or owner of an institution or athletic authority. A third-party entity is any individual or entity, including an athlete agent, other than an institution or athletic authority.[56]

Institutional prohibitions

The act prohibits an institution from upholding any rule, requirement, standard, or other limitation that prevents a student-athlete of that institution from fully participating in intercollegiate athletics because the student-athlete either:

- Earns any compensation related to the student-athlete's position on an intercollegiate athletics team's roster;
- Obtains professional representation from an athlete agent or attorney.

Continuing law prohibits an institution from doing so because a student-athlete earns NIL compensation.[57]

Athletic authority prohibitions

The act prohibits an athletic authority from doing any of the following:

- Considering a complaint, initiating an investigation, or taking any adverse action against an institution, institutional marketing associate, or third-party entity for engaging in any conduct authorized under the act;
- Penalizing an institution or student-athlete, or preventing the institution or student-athlete from participating in intercollegiate athletics, because another individual or third-party entity whose purpose includes supporting or benefiting the institution or student-athlete violates a rule or regulation of the athletic authority that addresses NIL compensation;
- Preventing an institution from compensating a student-athlete for use of the student-athlete's NIL or providing any other compensation related to the student-athlete's position on an intercollegiate athletics team's roster;

[55] R.C. 3376.04 and 3376.09.

[56] R.C. 3376.01 and 3376.09.

[57] R.C. 3376.02.

- Preventing an institution, associate, or entity from identifying, creating, facilitating, negotiating, supporting, assisting with, engaging with, or otherwise enabling opportunities for a student-athlete to earn NIL compensation;
- Preventing a student-athlete from fully participating in intercollegiate athletics because the student-athlete either:
  - Earns any compensation related to the student-athlete's position on an intercollegiate athletics team's roster (continuing law prohibits an athletic authority from doing so because a student-athlete earns NIL compensation);
  - Obtains professional representation from an athlete agent or attorney.

The act also prohibits an athletic authority from preventing an institution from becoming a member of the athletic authority or from participating in intercollegiate athletics sponsored by the athletic authority because a student-athlete either:

- Earns NIL compensation or any other compensation related to the student-athlete's position on an intercollegiate athletics team's roster;
- Obtains professional representation from an athlete agent or attorney.

Former law instead prohibited an athletic authority from preventing an institution from fully participating in intercollegiate athletics because a student-athlete at that institution (1) used the student-athlete's NIL or (2) obtained professional representation in relation to contracts or legal matters regarding NIL compensation.

The prohibitions that applied under former law to athletic authorities expressly applied to the National Collegiate Athletic Association (NCAA). The act eliminates reference to the NCAA with respect to those prohibitions.[58]

Additional prohibitions

In addition to the prohibitions described above, the act prohibits any institution or athletic authority from either:

- Preventing a student-athlete from earning NIL compensation if the student-athlete earns that compensation in accordance with the act; or
- Entering into, renewing, or modifying any agreement that prohibits a student-athlete from earning NIL compensation while engaging in activities that do not relate to academic, athletic department, or official team activities.

It also prohibits an institution or athletic authority from preventing any student-athlete, rather than only a student-athlete residing in Ohio as under former law, from obtaining professional representation. It applies the prohibition with respect to professional representation obtained from an athlete agent or attorney regarding any matter, rather than

[58] R.C. 3376.03.

professional representation only for contracts or legal matters regarding NIL compensation as under former law.

The act modifies a prohibition against an institution or athletic authority from interfering with or preventing a student-athlete from fully participating in intercollegiate athletics because the student-athlete obtains professional representation. An institution or athletic authority cannot do so under the act because the student-athlete obtains professional representation from an athlete agent or attorney regarding any matter, rather than professional representation only for contracts or legal matters regarding NIL compensation as under former law.

Under continuing law, an official team activity means all games, practices, exhibitions, scrimmages, team appearances, team photograph sessions, sports camps sponsored by an institution, and other team-organized activities, regardless of whether the activity takes place on or off campus, including individual photograph sessions and news media interviews.[59]

NIL contracts

Confidentiality of disclosed contracts

Under continuing law, a student-athlete who intends to enter into a contract providing the student-athlete with NIL compensation must disclose the proposed contract to the student-athlete's institution for review. The act makes any contract, proposed contract, or related documentation disclosed to an institution confidential and not a public record for purposes of the Public Records Law.[60]

Minor student-athlete contracts

The act prohibits a student-athlete under 18 years old from entering into a contract that provides the student-athlete with NIL compensation unless the contract includes the written consent of the student-athlete's parent, guardian, or custodian.[61]

Contracts for advertisements

Continuing law prohibits a student-athlete from entering into a contract under which the student-athlete, for NIL compensation, must display a sponsor's product, or otherwise advertise for a sponsor, if that requirement conflicts with a contract to which an institution is a party. The act eliminates a specific prohibition regarding the display or advertising under the contract occurring during official team activities or any other time.[62]

[59] R.C. 3376.01(C) (relocated from R.C. 3376.06(A)) and 3376.04.

[60] R.C. 3376.06, by reference to R.C. 149.43.

[61] R.C. 3376.13.

[62] R.C. 3376.06.

Student-athlete use of institutional property

Unless authorized by an institution, the act prohibits a student-athlete, to further the student-athlete's opportunities to earn NIL compensation, from using any of the following property that belongs to the institution:

- Facilities;
- Equipment;
- Apparel;
- Uniforms;
- Intellectual property, including logos, indicia, products protected by copyright, and registered or unregistered trademarks.[63]

Scholarships

Under the act, a student-athlete's scholarship eligibility or renewal cannot be affected because the student-athlete obtains professional representation from an athlete agent or attorney. Earning NIL compensation under continuing law also cannot affect a student-athlete's scholarship eligibility or renewal.[64]

The act eliminates a provision that specified a scholarship from an institution at which a student is enrolled is not NIL compensation. It also eliminates a prohibition against an institution revoking or reducing a scholarship because a student earned NIL compensation.[65]

Remedies and immunities

Under the act, a student-athlete alleging an injury because an institution or athletic authority has violated the act may sue for injunctive relief. An institution, institutional marketing associate, or third-party entity alleging it has been subjected by an athletic authority to any actual or threatened complaint, investigation, penalty, or other adverse action for engaging in any conduct authorized under the act may sue for injunctive relief.

An employee of an institution, associate, or entity is not liable for any damages that result from a student-athlete's inability to earn NIL compensation because of a decision or action that routinely occurs in the course of intercollegiate athletics.[66]

Student-athlete employment status

Under continuing law, a student-athlete is not an employee of an institution by participating in its athletic program. Nor, under the act, is a student-athlete an employee because

[63] R.C. 3376.10.

[64] R.C. 3376.02.

[65] R.C. 3376.05, repealed.

[66] R.C. 3376.12.

the institution compensates the student-athlete for use of the student-athlete's NIL.[67] Thus, under the act, it appears that a student-athlete may not be an employee of an institution at least for state labor law purposes for receiving NIL compensation from the institution.

It is not clear, however, whether that student-athlete would be considered an employee under federal labor laws. Federal labor laws have their own definitions of employee and their own tests for determining whether an employment relationship exists.[68]

Limitations

Nothing in the act either:

- Requires an institution or athletic authority to enable opportunities for a student-athlete to earn compensation related to the student-athlete's position on an intercollegiate athletics team's roster;
- Grants to a student-athlete rights to use an institution's or athletic authority's intellectual property to further the student-athlete's opportunities to earn compensation related to the student-athlete's position on an intercollegiate athletics team's roster.

Continuing law also specifies that it does not do either of the above to further a student-athlete's opportunities to earn NIL compensation.[69]

Professional representation

As noted above, continuing law and the act include several prohibitions against certain actions being taken against a student-athlete or institution because the student-athlete obtains professional representation. Under the act, these prohibitions apply with respect to professional representation obtained from an athlete agent or attorney.[70] Under continuing law, an athlete agent must include in a contract with an athlete a warning that the athlete may lose eligibility to compete in any amateur or intercollegiate athletics by signing the contract.[71] The act does not address this requirement. Since, for example, the act prohibits an athletic authority from preventing an athlete who obtains professional representation from participating in intercollegiate athletics,[72] it is not clear how this required contract provision applies with respect

[67] R.C. 3376.11 (renumbered from R.C. 3345.56).

[68] See, e.g., 29 United States Code (U.S.C.) 152 and 203 and 29 Code of Federal Regulations 795.105. See also *Donovan v. Brandel*, 736 F.2d 1114, 1115 (6th Cir. 1984); *Johnson v. NCAA*, 108 F.4th 163, 180 (3rd Cir. 2024); *SuperShuttle DFW, Inc.,* 367 NLRB No. 75 (2019), slip op. at 1; and *Dartmouth College v. Service Employees International Union*, Local 560, NLRB Case No. 01-RC-325633, 2024 NLRB Reg. Dir. Dec. LEXIS 17 (February 5, 2024).

[69] R.C. 3376.08.

[70] R.C. 3376.02, 3376.03, and 3376.04.

[71] R.C. 4771.02, not in the act.

[72] R.C. 3376.03.

to an athlete agent if the agent represents the athlete for NIL purposes only. It is possible the agent would have to include the warning in the contract even though it might not apply.

Historic rehabilitation tax credit

Under continuing law, a person may apply to the Department of Development (DEV) to receive a partially refundable income tax, insurance premium tax, or financial institution tax credit equal to 25% of the person's cost to rehabilitate a historic building in Ohio. DEV awards the credits competitively, based on a series of scoring criteria DEV prescribes. The act prohibits DEV from considering whether a historic rehabilitation project is located in or will benefit an economically distressed area in awarding credits, e.g., as by weighting preference based on the poverty rate in the jurisdiction or census tract.[73]

Under its previous scoring criteria, DEV gives additional points to projects located in such an area.[74]

Ohio Opportunity Zone investment tax credit

Under continuing law, a taxpayer may apply to the Director of Development for a tax nonrefundable credit on the basis of investments made in Ohio "opportunity zones," which are geographic areas authorized under federal law and designated by the state that meet certain economically distressed criteria. The credit generally equals 10% of the taxpayer's investment, and not more than $25 million in credits may be awarded in each fiscal year.

The act allows the credit to be claimed against the financial institutions tax or domestic or foreign insurance company tax. That change begins with credits awarded for applications submitted after July 2, 2025. Under prior law, the credit could only be claimed against the income tax.[75]

Sales tax exemption: sports facilities

Under continuing law, building and construction materials incorporated into the original construction of a sports facility that is intended to house a major league professional athletic team are exempt from sales and use tax. The act expands this exemption to apply to any subsequent construction, e.g., renovations, and to include other tangible personal property, beyond construction materials, incorporated into its construction or renovation.[76]

The act also authorizes the owner of a professional sports team and lessee of a county-owned sports facility to sign and submit an exemption certificate for the sports facility sales and use tax exemption described above. Under continuing law, the exemption certificate must be signed by the construction contractor and, if the contractor wants to be absolved of liability for

[73] R.C. 149.311.

[74] See pages 13 to 18 of DEV's most recent (Round 33), Ohio Historic Preservation Tax Credit Application Guide (PDF), available on DEV's website: development.ohio.gov.

[75] R.C. 122.84, 5725.38, 5725.98, 5726.61, 5726.98, 5729.21, 5729.98, 5747.86, and 5747.98; Section 18.

[76] R.C. 5739.02(B)(13).

an improper exemption, the property owner.[77] The act's change essentially creates a third option in the context of sports facility construction – allowing the private lessee to sign in lieu of the county, albeit on behalf of the county.[78] Both changes apply beginning on May 1, 2025 – the first day of the first month after the act's April 3, 2025, effective date.[79]

Commercial activity tax situsing for motor vehicles

The commercial activity tax (CAT) is imposed on businesses for the privilege of doing business in Ohio, and generally amounts to 0.26% of gross receipts from a business' Ohio sales. In determining whether a sale takes place in Ohio, and is therefore subject to CAT, a determination referred to in tax terms as "situsing" must be made. That determination is not always straightforward and continuing law contains specific provisions to guide the process.

Under prior law, gross receipts from the sale of all tangible personal property (TPP), including motor vehicles, were sitused to Ohio if the purchaser received the property in Ohio. In cases where the property was delivered by motor carrier or other means of transportation, the place where the property was ultimately received after all the transportation was completed was considered the place where the purchaser received the property, and thus the place where the gross receipts were sitused.

A related provision, unchanged by the act, expands on this "ultimate destination rule" to extend it to property that is accepted in Ohio but then taken directly out of the state by the purchaser. So, even though not transported by motor carrier or other means of transportation, if property is accepted in Ohio and immediately taken out of the state, the receipts are sitused as though the vehicle was transported by motor carrier to a destination outside the state.[80]

The act specifically addresses the situsing of gross receipts from the sale or lease of a motor vehicle by a motor vehicle dealer, removing those transactions from the general TPP situsing provisions described above. Now, those gross receipts can only be sitused to Ohio if the motor vehicle is issued a certificate of title showing the owner's or lessee's Ohio address.[81] This change applies prospectively and retrospectively to all CAT tax periods.[82]

Sales and use tax on delivery network services

The act authorizes an optional waiver to change the way sales and use taxes are collected on transactions completed through online marketplaces that coordinate between customers and local businesses located within 75 miles of each other. Services that are eligible to avail

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[77] Ohio Administrative Code (O.A.C.) 5703-9-14(I); see also Ohio Department of Taxation, "Exemption Certificate Forms," Information Release ST2005-02, which may be accessed by conducting a keyword search for "exemption certificate forms" on the Department of Taxation's website: tax.ohio.gov.

[78] R.C. 5739.03(B)(7).

[79] Section 15.

[80] R.C. 5751.033(E).

[81] R.C. 5751.033(M).

[82] Section 22.

themselves of the act's provisions typically offer consumers a way to order food or other goods for delivery from a local business like a grocery store or restaurant. The act refers to these companies as "delivery network companies."[83]

The key to understanding the act's changes to this system is to first ask two questions related to sales and use taxes on online purchases:

Who is the seller or vendor?

What is the taxable price?

The seller or vendor

Ohio's use tax law refers to "sellers" and the sales tax law refers to "vendors," but the distinction is not necessary to understand the act's changes, so only sellers will be mentioned here. Prior law treated most delivery network companies as the seller of the products delivered from local businesses as a general rule.

That is because these companies generally qualify as "marketplace facilitators" – businesses that operate physical or electronic marketplaces where retail sales are facilitated for third-party sellers. E-commerce platforms are well-known examples, because in addition to selling their own products, they may allow third parties to list and sell products as well.

Under the prior general rule, if a marketplace facilitator had a "substantial nexus" with Ohio, the marketplace facilitator was treated as the seller of all products sold on its marketplace. A marketplace facilitator has substantial nexus if it facilitates enough transactions with Ohio purchasers to subject itself to the state's legal jurisdiction. Continuing law presumes a substantial nexus for marketplace facilitators that annually facilitate $100,000 in total sales or 200 individual sales in Ohio.

Because marketplace facilitators with a substantial nexus were usually treated as the seller for sales and use tax purposes, they were often responsible for collecting sales and use tax on sales to Ohio consumers and remitting that tax to the state.[84] There is an exception to this rule under continuing law, through which marketplace sellers can request to be treated as the seller for sales and use tax purposes, but the act does not affect that exception.[85]

The taxable price

In Ohio, sales of tangible personal property, i.e., physical items, are taxable unless specifically exempt by law, and sales of services are not taxable unless specifically made so by law. Delivery, as a standalone service, is not generally a taxable service. But, because of the way price is calculated for sales and use tax, combined with the law regarding marketplace facilitators, delivery services can be taxable under certain circumstances.

[83] R.C. 5739.01(XXX).

[84] R.C. 5741.01; R.C. 5741.07 and 5741.071, not in the act.

[85] R.C. 5747.071, not in the act.

Sales and use taxes are calculated by applying the tax rate to the taxable purchase price of a taxable item or service. Delivery charges may or may not be included in taxable price, depending on who is providing and charging for the delivery and the products being delivered.

If the seller is charging for preparation and delivery, the delivery charges are considered part of the price. So, if the item or service is taxable, and the seller provides and charges for delivery, the tax will be calculated based on the combined price of the item or service and the delivery charge. A seller's delivery charges on a nontaxable item, e.g., food, will not make the item taxable, nor will the delivery charge be taxed. If there are taxable and nontaxable items subject to the same delivery charge, the charge may be apportioned among the items so only part of the delivery charge is subject to tax. In contrast, if the customer is paying someone other than the seller for delivery, those delivery charges are not part of the price for the item or service purchased from the seller under any circumstance. As a result, the tax calculated for the purchase from the seller will not include tax on the third-party delivery charges.[86]

Seller and price: prior law summarized

The two key points of sales and use tax law detailed above may be summarized as follows:

- Delivery network companies with a substantial nexus are treated as the seller of an item for sales and use tax purposes as a general rule, due to the state's requirements for marketplace facilitators;
- When the seller of an item also charges for its delivery, the delivery charge is part of the taxable price of the item.

As a result, under prior law, when a delivery network company, that qualified as a marketplace facilitator, coordinated between a customer, local merchant, and delivery person to deliver a taxable item, the company was treated as the seller and the delivery charge could be taxable as part of the price of the item unless a seller had requested to be treated as the vendor.

Waiver to separate the seller of the item and delivery service

The act allows delivery network companies to opt-out of being classified as a seller by obtaining a waiver, despite meeting the requirements for classification as a marketplace facilitator. Under the act, delivery charges from the companies that obtain a waiver are treated as a separate taxable sale.

To obtain a waiver, a delivery network company must submit a request to the Tax Commissioner. The company must also be current on all taxes, fees, and charges administered by the Commissioner that are not subject to a bona fide dispute. The company also must not have requested that a previously granted waiver be canceled or had such a waiver revoked within the 12 months preceding the request, or failed to file a required sales or use tax return.

A waiver that is not affirmatively granted or denied within 30 days of its submission is automatically granted. Waivers are effective on the first day of the first month that begins at

[86] R.C. 5739.01; O.A.C. 5703-9-52.

least 30 days after the waiver is granted, and remains valid until the first day of the first month that begins at least 60 days after the waiver is revoked by the Commissioner or cancelled by the company.

A delivery network company that receives a waiver must notify each local business operating on the company's marketplace that the business, and not the company, will be considered the seller with respect to the product the business sells on the company's marketplace. As a result, the local business becomes responsible for collecting and remitting sales or use tax on taxable products sold on the marketplace.

The Commissioner may divulge any information related to the status of a waiver requested by a local business operating on the marketplace, and may adopt any rule necessary to administer the waiver.[87]

Taxability of delivery network services

With the option for a delivery network company to not be treated as the seller of local products sold through its platform even though it is a marketplace facilitator, continuing law's provisions for the inclusion or exclusion of delivery charges from price apply differently. If a delivery network company is treated as the seller because it does not obtain a waiver its services will be included in the price of the goods delivered because the law treats the company as the seller for sales and use tax purposes. If the delivery network company obtains a waiver, the goods will be taxed according to their price, irrespective of the delivery charge, and that tax will be collected by the local business and remitted to the state by the merchant providing the goods.

For companies that obtain a waiver, the act specifically defines delivery network services as a taxable service. So, a delivery network company without a waiver authorized by the act must collect and remit tax on its delivery charges as part of the taxable price, which also includes the price of taxable goods sold. In contrast, a company with the waiver must collect and remit tax on all its delivery charges as a separate taxable service, regardless of whether the delivered goods are taxable, but it need not collect and remit taxes on the price of those goods.[88]

Direct transfer of properties subject to tax foreclosure

The act modifies a law that allows certain tax-foreclosed property to be transferred directly to a county land bank or political subdivision without a foreclosure sale. The change applies to abandoned property that is subject to continuing law's expedited administrative tax foreclosure process.

Expedited tax foreclosures

Under continuing law, county boards of revision (BORs) are authorized to adjudicate tax foreclosure complaints on abandoned property. This administrative option is in lieu of a judicial

[87] R.C. 5741.072.

[88] R.C. 5739.01(B)(13).

proceeding. The option is available for property that is unoccupied and that meets certain other criteria, such as the property is not receiving utility service or being boarded up.

Under the expedited procedure, if a property owner does not respond to a foreclosure complaint filed with the BOR, the BOR may adjudicate the foreclosure within 30 days after the complaint is filed. If the property owner files an answer, the BOR must conduct a hearing between 30 and 90 days after receiving the filing. Use of this alternative procedure shortens the timeline and abbreviates the administrative steps necessary to obtain a tax foreclosure judgment.

Disposition of property

Upon a property's foreclosure, the BOR must order that the property be sold at auction or otherwise conveyed to a political subdivision or county land bank. In general, property may only be transferred to a land bank or subdivision without a public sale if the delinquent taxes due and foreclosure costs exceed the property's fair market value. Otherwise, the property must be offered at a public sale.

However, there is an exception to this rule. A county may invoke an "alternative redemption period," which shortens the time within which a property owner may redeem the property by paying the delinquent taxes and foreclosure costs. When a county invokes the alternative redemption period, and the property owner does not respond within 28 days, the county may transfer the property directly to a land bank or subdivision, without a public sale – even if the property's fair market value exceeds the delinquent taxes due. When such a transfer occurs, the tax lien is extinguished.

New requirement for direct transfers

The act imposes new requirements for direct transfers of expedited foreclosure property to land banks or subdivisions. These requirements apply regardless of whether the delinquent taxes due exceed the property's fair market value.

Under the act, when a political subdivision or land bank acquires property in a direct transfer, the subdivision or land bank must do all of the following:

1. Sell the property either at a public auction or through the public solicitation of bids;
2. Keep a record of the property's previous tax delinquency, foreclosure costs, and the costs incurred by the subdivision or land bank while holding the property. The record must be kept for three years and is considered a public record;
3. If the sale price exceeds those total costs, forward the excess proceeds to the county treasurer where the property is located, who will notify the owner. The proceeds are treated the same as excess proceeds from a foreclosure sale: the county will hold the proceeds for three years. If the proceeds remain unclaimed after three years, the funds revert to either the land bank or, if no land bank exists, the county in which the property is located.[89]

[89] R.C. 323.78 and 5721.20.

CAUV: land subject to state conservation easements

Under continuing law, farmland is valued at its current agricultural use value (CAUV) – i.e., its value considering only its use as agriculture. The Ohio Constitution specifically authorizes farmland to be valued at its CAUV, rather than its fair market value.[90] The CAUV formula, which is designed to carry out this constitutionally authorized valuation standard, typically results in a lower tax bill for farm owners because the land is often valued below its actual market value, particularly in areas where farmland is in demand for development purposes.

Under continuing law, land used for conservation qualifies for the CAUV program if (a) the land is enrolled in a federal conservation program or (b) the conservation land constitutes 25% or less of the farm's total area.

In addition to already qualifying land, the act allows, for tax years 2023 and after, farmland to continue to be valued at its CAUV for property tax purposes if (a) the land becomes subject to an agricultural or natural water conservation project funded by the H2Ohio program or (b) the land is or was, within the last two years, subject to such a project and is now subject to a conservation easement held by the state or another party in connection with the H2Ohio program. Property owners whose land did not qualify for CAUV for tax year 2023 or 2024, but would have under the act, can apply to the county auditor for a refund of any taxes overpaid or CAUV recoupment charges levied with respect to that land.[91]

Excess funds in foreclosure sales

General overview

The act changes the procedures that apply when a court receives excess funds in a foreclosure sale. Excess funds are money beyond the amount necessary to satisfy the writ of execution plus interest and costs. Under continuing law, the judgement debtor (i.e., the former owner) is entitled to receive the excess funds. The act requires excess funds to be delivered to the clerk of court within 45 days after the confirmation of sale. The act also changes how the clerk is required to notify the judgement debtor about the excess funds. Furthermore, the act specifies that the judgement debtor includes any individual, corporation, business trust, estate, trust, partnership, or association.[92]

Delivery time

Under continuing law, when the officer that conducts a foreclosure sale receives excess funds, the officer must deliver them to the clerk of the court that issued the writ of execution. Prior law did not specify a time within which the funds were required to be delivered. The act specifies that delivery must occur within 45 days after the confirmation of sale.[93]

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[90] Ohio Const., art. II, sec. 36.

[91] R.C. 5713.30, 5713.31, and 5713.34; Section 13.

[92] R.C. 2329.01(B)(4).

[93] R.C. 2329.44.

Notice procedures

Continuing law, changed in part by the act, prescribes two notice procedures for excess funds: a three-part procedure and a one-part procedure. Under prior law, the clerk was required to use the three-part procedure whenever the balance of the excess funds was $100 or more. The act increases this threshold to $500 or more. When the balance of excess funds is less than $500, the one-part procedure applies.[94]

Three-part procedure

Under prior law, the three-part procedure requires the clerk to send notice to the judgment debtor as follows:

1. First, by certified mail within 90 days after a sheriff's sale;
2. If the first notice is returned, then second by ordinary mail;
3. If the second notice is returned, then third by publication in a newspaper.

The act modifies the procedure by allowing the third notice to be published in a newspaper, posted on the clerk's website, sent via text message to the judgement debtor, or posted in a conspicuous place in the court where the foreclosure action commenced.

The act also makes an exception to the first and second parts of the procedure if the clerk does not have the address or the name of the judgement debtor. If the address of the judgment debtor is not known, the clerk is not required to send a notice by certified or ordinary mail. Instead, the clerk must notify the judgement debtor in accordance with the third part of the notice procedure (newspaper, text, website, or courthouse posting). If the name of the judgment debtor is not known, the clerk may send notice in accordance with any of the three parts of the notice procedure but is not required to complete more than one of those parts.[95]

One-part procedure

Under continuing law, changed in part by the act, if the balance of the excess funds is less than the statutory threshold ($100 under former law and $500 under the act), the clerk must send the notice of the excess funds to the judgment debtor by certified mail. If the mailed notice is returned, the clerk is not required to continue attempts to notify the judgement debtor. The act specifies that if the address of the judgement debtor is not known, the clerk must instead notify the judgment debtor in accordance with the third part of the notice procedure described above (newspaper, website, text, or courthouse posting). If the name of the judgment debtor is not known, the clerk must notify the judgment debtor in accordance with either the first part (certified mail) or third part (newspaper, website, text, or courthouse posting) of the procedure described above.[96]

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[94] R.C. 2329.44.

[95] R.C. 2329.44.

[96] R.C. 2329.44(A)(2).

Unclaimed excess funds

Under continuing law, if excess funds remain unclaimed for 90 days following the "first date of publication," the clerk is required to dispose the balance in the same manner as other unclaimed funds the court holds. The act clarifies the timing, by specifying that the 90 days begins after the last mailing, posting, or text message required under the act.[97]

Tax foreclosures

The act increases from 60 to 90 days (from the day the final notice is provided) the time within which the clerk of court must deliver unclaimed excess funds from a tax foreclosure sale to the county treasurer to be held in the name of the owner. The act otherwise requires the clerk of court in tax foreclosure sales to follow the same procedures that apply to other foreclosure sales. Under the act, the officer who conducts the sale must send any excess funds to the clerk of court that issued the writ of execution not later than 45 days after the confirmation of sale. The clerk must notify the owner following the same requirements as described above.[98]

Brownfield Remediation Program

Lead entities

The Brownfield Remediation Program awards grants for remediation of brownfield sites throughout Ohio. Under prior law, each county in Ohio was required to designate one lead entity to oversee and submit grant applications for the county. The lead entity was determined based on county population and whether the county had a county land reutilization corporation (county land bank).

The lead entity of each county was required to submit all grant applications for that county and also submit with a grant application any agreements executed between the lead entity with other recipients that will receive grant money through the lead entity. Those recipients included local governments, nonprofit organizations, community development corporations, regional planning commissions, county land banks, and community action agencies.

The act eliminates the procedures for the designation of a county lead entity under the Program and, instead, revises what is considered a lead entity by both:

1. Eliminating the stipulation that a lead entity must be a grant award recipient and the responsible party with whom the DEV executes a grant agreement for grant funds; and
2. Clarifying that a lead entity means a county, township, municipal corporation, port authority, conservancy district, park district or other similar park authority, county land bank, or organization for profit.[99]

[97] R.C. 2329.44(A)(1)(d) and (A)(2)(b).

[98] R.C. 5721.20.

[99] R.C. 122.6511(B) and (C).

Thus, under the act, any lead entity within a county may apply for and receive a grant through the Program (subject to funding allocations made to each county).

Matching funds

Continuing law allows money appropriated to each county that is unspent after a calendar year to be made available for grants statewide on a first-come, first-served basis. These grants were limited to 75% of a project's total cost. The act eliminates the 75% limitation.[100]

Effective date

The act:

1. Delays the effective date of the above changes to July 1, 2025; and
2. States that the changes apply to new projects that are applied for and awarded funding by the Director on and after July 1, 2025. Projects that are applied for or were applied for prior to that date are governed by the statute as it existed prior to that date.[101]

Conservancy district

The act allows the board of directors of a conservancy district that includes all or parts of more than 16 counties (referred to in this analysis as a "large conservancy district") to establish a charitable trust, social welfare trust, or both, to benefit the district and the district's purposes. Various requirements are imposed on these charitable trusts and social welfare trusts. The trusts are also exempted from several classifications under existing law, meaning that certain laws, such as the public records law, would not apply to them. Some changes are also made to the existing conservancy district maintenance fund to, in part, allow for financial support to charitable trusts and social welfare trusts.

Conservancy district charitable and social welfare trusts

Establishment

The act permits the board of directors of a large conservancy district, to facilitate the future preservation of the district's lands and improvements and accomplish the district's purposes, to establish a charitable trust, social welfare trust, or both, to benefit the district and the purposes for which the district was created, in perpetuity. A large conservancy district can provide financial support to any charitable trust or social welfare trust in accordance with the "**Conservancy district maintenance fund**" section discussed below. This financial support provision does not limit a conservancy district's authority to appropriate, transfer, and spend funds to carry out the purposes of the conservancy district law.

"Financial support" is defined as the provision of funds from a large conservancy district to a charitable trust, social welfare trust, or both, for the purposes of preserving, investing, and

[100] R.C. 122.6511(D).

[101] R.C. 122.6511(E); Section 4.

using the funds for the benefit of the district and the purposes for which the district was created.[102]

Qualifying as charitable or social welfare trusts

An entity must meet all of the following to be a "charitable trust" under the act:

- It is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code. This federal tax exemption applies to corporations and any community chest, fund, or foundation that satisfies several conditions, such as being organized and operated exclusively for religious, charitable, or scientific purposes.
- At least in part, it benefits a large conservancy district.
- At least in part, its purposes are consistent with the purposes of a large conservancy district.

A "social welfare trust" is an entity that meets all of the following:

- It is exempt from federal income taxation under section 501(c)(4) of the Internal Revenue Code. This federal tax exemption applies to organizations not organized for profit that satisfy several conditions, such as being operated exclusively for the promotion of social welfare.
- At least in part, it benefits a large conservancy district.
- At least in part, its purposes are consistent with the purposes of a large conservancy district.[103]

Trust instrument and financial support document requirements

The instrument creating any charitable trust or social welfare trust, or the documents evidencing the payment and receipt of financial support, must do all of the following:

- Require, except as provided in the act, that the trustee do all the following:
  - Act in accordance with any applicable trust documents and grant or donation restrictions imposed by the conservancy district.
  - Act in accordance with the Uniform Prudent Management of Institutional Funds Act (UPMIFA). UPMIFA imposes several requirements and grants permissive authority for the management of a fund held by an institution exclusively for charitable purposes, with some exceptions). An example of a UPMIFA requirement is that an institution must consider the charitable purposes of the institution and the purposes of the institutional fund when managing and investing the fund, subject to the intent of a donor expressed in a gift instrument. An example of permissive authority granted by UPMIFA is that, subject to limitation in a gift instrument or any other provision of law,

[102] R.C. 6101.47(A)(2) and (B).

[103] R.C. 6101.47(A)(1) and (3); 26 U.S.C. 501(c)(3) and (4).

an institution can delegate to an external agent the management and investment of an institutional fund to the extent that an institution could prudently delegate under the circumstances.

- Qualify as an "institution" under UPMIFA, meaning any of: (1) a person, other than an individual, organized and operated exclusively for charitable purposes, (2) a governmental organization to the extent that it holds funds exclusively for a charitable purpose, (3) a trust that had both charitable and noncharitable interests and the noncharitable interests have terminated.

- Prohibit invasion of the principal amount granted to the charitable trust or social welfare trust by the district.
- Require the trustee to administer the financial support amounts held in trust, including by holding, investing, and reinvesting principal, collecting income from investments, and, after deducting the costs of administering the trust and any applicable trustee compensation, using the net income solely for the benefit of the district.
- Require the trustee at all times to keep and make available to the district accurate books and records of all funds, sub-funds, accounts, and sub-accounts into which any financial support received and any investment earnings on any financial support is held.
- Specify the conditions, if any, under which the charitable trust or social welfare trust is revocable and require that upon revocation the principal portion of any financial support received from a conservancy district must revert to the district.
- Include any other provision that the board of directors of a large conservancy district determines to be necessary or advisable, if any.[104]

Exemptions from current law classifications

A charitable trust or social welfare trust established by the act or receiving money from a large conservancy district is exempt from classification as any of the following:

- A "subdivision" under the Uniform Depository Act, which governs deposits made by entities classified as subdivisions such as townships, districts or local authorities electing or appointing a treasurer, and certain municipal corporations.
- A "public office" under the Public Records Law. There are various public records requirements imposed on public offices, including that the public records may be requested by any person for inspection with penalties attaching if the office does not properly comply. Thus, the Public Records Law does not apply to a charitable trust or social welfare trust established by the act.
- A "charitable trust" under existing charitable trusts law. This means that charitable trusts and social welfare trusts under the act would be exempt from:

[104] R.C. 6101.47(C); R.C. 1715.51 to 1715.59, not in the act.

- Various charitable trust oversight powers granted to the Attorney General, including authority for the Attorney General to investigate trustees of charitable trusts.
- General law governing the incorporation and administration of charitable trusts.

Additionally, money in a charitable trust or social welfare trust created under the act and money received by a charitable trust or social welfare trust from a large conservancy district is not considered "public moneys" under the Uniform Depository Act. Public moneys are the funds subject to the requirements of that act.[105]

Conservancy district maintenance fund

Continuing law requires the moneys of every conservancy district to be administered through various funds, including a maintenance fund. The maintenance fund consists of the proceeds of annual maintenance assessments, earnings from the operation of the works of the district, and all receipts not otherwise assigned by law or order of the district board of directors. Money in the maintenance fund is presently used to pay for the operation, maintenance, and other current expenses of the district.

The maintenance fund is changed by the act to do the following:

- Adding rents, incomes, royalties, or other revenues received from the use of the district's lands to the fund.
- Modifying a potential use of money in the fund from "other current expense of the district" to "any other expense of the district."
- Permitting a large conservancy district board of directors to use surplus money in the maintenance fund, other than proceeds derived from the levy of maintenance assessments, to provide financial support to a charitable trust or social welfare trust established pursuant to the act.[106]

Competitive bidding

The act increases statutory competitive bidding thresholds from $50,000 to $75,000 for conservancy districts. Starting in 2025, the provision increases the threshold amount by 3% each year. It also specifies that no project subject to this provision can be divided into component parts, separate projects, or separate items of work to avoid these requirements.[107]

Homebuyer Protection Act

The Superintendent of Real Estate and Professional Licensing must adopt rules by April 3, 2026, that require a real estate broker or salesperson to provide a disclosure form to the seller of residential real estate prior to listing or marketing the home. The disclosure form must list all

[105] R.C. 6101.47(D) and (E); R.C. 109.23 to 109.33, Chapters 135, 149, and 1719, not in the act.

[106] R.C. 6101.44.

[107] R.C. 6101.16.

federal and state laws that relate to anti-discrimination in the home-buying process and the penalties for any violation. This portion of the act is named the "Homebuyer Protection Act."[108]

Disclosure of anti-discrimination laws

The disclosure form required by the act must outline the federal and state laws that relate to anti-discrimination in the home-buying process including, specifically, Ohio and federal Fair Housing laws and a statement defining the practice of "blockbusting." The Division of Real Estate must develop and maintain this form. Under continuing law, all brokers and salespersons are required to enter into a written agency agreement prior to engaging in activities on behalf of a buyer or seller in residential real estate transactions. The agency agreement must include a statement on Ohio and federal Fair Housing laws, the illegality of blockbusting, and a copy of the U.S. Department of Housing and Urban Development's Equal Housing Opportunity logotype. The form required by the act and the disclosures required in written agency agreements under continuing law include the same or similar information. It is not clear whether these disclosures must be provided as separate documents.[109]

Under the act, a real estate broker or salesperson cannot market or show a seller's residential real estate before providing the seller with the disclosure and receiving a signed and dated copy from the seller. The broker or salesperson must retain the signed and dated copy of the disclosure for at least three years following the closing date on the seller's residential real estate.[110]

Enforcement

When the Superintendent determines that a real estate broker or salesperson has violated the act, the Superintendent may either initiate disciplinary action or serve a citation.[111] Both options are governed by continuing law, unchanged by the act. If the Superintendent chooses to take disciplinary action, then after notice and a hearing, the following sanctions may be imposed on a broker or salesperson who has *willfully disregarded* or violated the act:

- License suspension or revocation;
- A fine of up to $2,500 per violation;
- A public reprimand;
- Completion of additional continuing education coursework.[112]

If the Superintendent instead serves a citation, the citation must provide notice of the alleged violation and the opportunity to request a hearing as well as a statement of a fine of up

[108] R.C. 4735.80; Section 21.

[109] R.C. 4735.80(A); R.C. 4735.55, not in the act.

[110] R.C. 4735.80(B).

[111] R.C. 4735.181.

[112] R.C. 4735.181; R.C. 4735.051 and 4735.18, not in the act.

to $200 per violation. In addition, the Superintendent may take disciplinary action against violators who have been issued a citation and who commit repeated violations within specified time frames. Once the citation is final (based on a hearing, failure to timely request a hearing, or failure to reach an alternative agreement), the violator must meet all the requirements in the citation, such as payment of a fine, within 30 days. Automatic license suspension is required for failure to do so.[113]

Rules

The rules required by the act are exempt from continuing law requirements concerning the reduction of regulatory restrictions.[114]

Public utility costs classified as regulatory assets

Governmental entity right-of-way regulation costs

The act allows a public utility that is subject to the ratemaking jurisdiction of the Public Utilities Commission (PUCO) to recover certain costs as a regulatory asset. It adds as costs eligible for recovery as a regulatory asset those that are (1) directly incurred as a result of a governmental entity's regulation of a public utility's occupancy or use of a right-of-way and (2) incurred on or after April 3, 2025.[115]

As defined in the act, a "governmental entity" is a state agency or a political subdivision of Ohio that is not a municipal corporation, which may include, for example, a county, township, or the Ohio Department of Transportation. "Right-of-way" is defined as the surface of, and the space within, through, on, across, above, or below any land designated for public use that is owned or controlled by a governmental entity and is not a private easement. "Right-of-way" includes a municipal public way.[116]

Application requirements for regulatory asset accounting authority

Under the act, the public utility may file an application with PUCO for the accounting authority to classify such costs as regulatory assets for the purpose of recovering the costs. The act specifies that PUCO must process applications in the same manner as required under continuing law for public utility applications for classification of municipal public way regulation costs as a regulatory asset. The requirements include the following:

- An application must be processed as an application not for an increase in rates under the public utility ratemaking law.
- An application must include information as PUCO reasonably requires.

[113] R.C. 4735.181.

[114] R.C. 4735.80(C); R.C. 121.95 to 121.953, not in the act.

[115] R.C. 4905.301(B) and (C).

[116] R.C. 4905.301(A); R.C. 4939.01(N), not in the act.

- PUCO must conclude its consideration of the application and issue a final order not later than 120 days after its submission to PUCO.
- A final order for a recovery mechanism must provide for retroactive adjustment as PUCO determines appropriate.

The act applies to the application, the ongoing municipal public way law that a utility is not required to waive any rights as a condition of occupancy or use of a municipal public way. It also requires applications to be processed according to the rules adopted as necessary to carry out the municipal public way laws regarding public way occupancy or use.[117]

Other PUCO determinations and requirements

Under the act, PUCO must authorize the accounting authority reasonably necessary to classify the costs as regulatory assets. However, if PUCO determines, upon an application or its own initiative, that classification of a cost as a regulatory asset is not practical or that deferred recovery of that cost would impose a hardship on the public utility or its customers, it must establish a charge and collection mechanism to permit the public utility full recovery of that cost.[118]

Cost recovery authorized as a regulatory asset under the act (for a cost incurred as a result of a governmental entity's regulation) is not subject to any other provision of law or any agreement establishing price caps, rate freezes, or rate moratoria.[119]

Municipal public way regulation costs

The act adds clarity to the law, mostly unchanged by the act, that already allows a public utility, subject to the ratemaking jurisdiction of the PUCO, to submit an application to PUCO for authorization of accounting authority to classify certain costs as regulatory assets for cost recovery. The act clarifies that the costs eligible for recovery are those incurred by a public utility as a result of *municipal corporation regulation* of the use or occupancy of the municipal public way. Prior law specified that costs eligible for recovery as regulatory assets were those incurred as a result of *local regulation* of its use or occupancy.[120] This clarification was necessary due to the establishment of the application (discussed above) regarding other governmental entities (besides municipal corporations) and their regulation of public utility usage of public rights-of-way.

Waste energy recovery systems

The act includes "[a] facility that produces steam from recovered waste heat from a manufacturing process and uses that steam, or transfers that steam to another facility, to provide

[117] R.C. 4905.301(B) and (F) and 4939.07(E), (F), and (G).

[118] R.C. 4905.301(B) and (D).

[119] R.C. 4905.301(E).

[120] R.C. 4939.07(D)(2)(a).

heat to another manufacturing process or to generate electricity" under the continuing law definition of a "waste energy recovery system (WERS)."[121]

Renewable energy

The act's inclusion of that type of facility as a WERS makes it a "renewable energy resource" if the facility was placed into service or retrofitted on or after September 10, 2012, and was not included in an electric distribution utility's (EDU's) energy efficiency (EE) program on or after January 1, 2012. This change lets the facility qualify, if certain other conditions are met, as a "qualifying renewable energy resource" for purposes of complying with the renewable energy portfolio standards and earning renewable energy credits under the Competitive Retail Electric Service Law.

It would also allow the facility to be the subject of an agreement by an EDU and a mercantile customer, or group of mercantile customers, for the construction of a customer-sited renewable energy resource that would provide power to the mercantile customer(s) facilities.[122]

Advanced energy

The facility added as a WERS also becomes an "advanced energy resource" under the condition that it has not been included in an EE program by an EDU. The resource, therefore, may be an "advanced energy project" that qualifies for financial, technical, and other types of assistance under the advanced energy program and from an advanced energy manufacturing center.[123]

Energy efficiency

The facility also can be included in an EDU's EE program under the EE portfolio provisions in the Competitive Retail Electric Service Law if, as a WERS, it was placed into service or retrofitted on or after September 10, 2012. However, it is not clear what effect this will have as the EE portfolio requirements have since terminated.[124]

Underground Technical Committee

OHIO811 nonvoting member

The act adds OHIO811 to the stakeholder groups whose members make up the Underground Technical Committee (UTC). The OHIO811 member acts as a nonvoting advisory

[121] R.C. 4928.01(A)(38)(c).

[122] R.C. 4928.01(A)(37)(a); R.C. 4928.47, and 4928.64 to 4928.65, not in the act.

[123] R.C. 4928.01(A)(25) and (34); R.C. 4928.62 and 4928.621, not in the act.

[124] R.C. 4928.66(A), (F), and (G), not in the act. *In the Matter of the Application of Ohio Power Company for approval of its EE/PDR Program Portfolio Plan for 2017 through 2020*, *Case No. 16-0574-EL-POR, February 24, 2021*.

member and is appointed by the Governor for a four-year term. Additionally, not later than June 2, 2025, the Governor must appoint the first OHIO811 member to the UTC.[125]

Duties

The act requires the OHIO811 member to provide:

- Support to the UTC during discussions regarding enforcement provisions of the Ohio underground protection service law;
- Subject matter expertise and education regarding the "Contact 811 Before You Dig" process and stakeholder responsibilities to it during any Public Utilities Commission staff inquiries regarding compliance failures; and
- Additional research, data, and industry information when requested by UTC.[126]

Exclusions

The act prohibits the OHIO811 member from voting on any UTC action regarding the Ohio underground protection service Law. Additionally, the OHIO811 member cannot be included as a member of the UTC for purposes of calculating the number of votes necessary to take action regarding said law.[127]

Post-release employment assistance

The act makes several changes to the laws designed to assist certain inmates and youth in custody in obtaining post-release employment after their confinement. This assistance includes resume creation, interview practice, compilation of necessary identity documentation, and obtaining a state identification card.

State identification cards

The act requires the Department of Rehabilitation and Correction (DRC) and the Department of Youth Services (DYS) to provide an application for a state identification card or temporary identification card ("ID card"), as applicable, to a person who is in their custody.[128] The process for obtaining the ID card must begin approximately nine months before the inmate or youth's release from confinement if the inmate or youth is serving a sentence that exceeds one year. If the inmate or youth is serving a sentence that is less than one year, the process must begin within a reasonable timeframe. DRC and DYS must give the application to anyone who does not have a current valid and unexpired ID card or driver's license. If the person in the custody of DRC or DYS completes the application, the Department must submit the completed application, along with a color photograph of the person and supporting documentation of the person's age

[125] R.C. 3781.34; Section 11.

[126] R.C. 3781.361(A); R.C. Chapter 4913.

[127] R.C. 3781.36(B), 3781.361(B) and (C), 4913.15(C), and 4913.17(C).

[128] R.C. 4507.50. A "temporary identification card" is issued to individuals whose driver's license is suspended.

and identity, to the Registrar of Motor Vehicles.[129] DRC or DYS may sign the application, in lieu of a parent or guardian, for any minor applicants.[130]

Under prior law, rather than applying directly for an ID card issued by the Bureau of Motor Vehicles (BMV), DRC and DYS issued a separate identification card that operated as verification of the cardholder's Social Security number and identification as a U.S. citizen. The cardholder could then use that separate identification card to obtain an ID card from the BMV. The act eliminates this separate identification card in favor of DRC and DYS assisting inmates and youth in obtaining an ID card from the BMV directly.[131]

The act authorizes the Registrar to establish a separate application and process for DRC and DYS to use in submitting applications. DRC and DYS must use that process in submitting completed applications. The Registrar can then mail the ID card to either the individual or the applicable Department, as necessary based on the timing of the mailing and the location of the individual. Any ID card issued to an inmate or youth who is under 17 and in the custody of DRC or DYS is free.[132] The act also makes technical changes, clarifying that all ID card applications must be accompanied by any necessary supporting documents, which the Registrar or deputy registrar will authenticate and verify.[133]

Delayed implementation

To give the BMV, DRC, and DYS time to update their computer and processing systems, the act delays the full implementation of the new ID card process by 18 months. Until that time, the agencies must continue to use the prior law process, which requires DRC/DYS to issue identification cards so that a former inmate's identity may be verified by the BMV to obtain a state ID card.[134]

Employment-related documents

The act requires DRC to provide every inmate released from a term of imprisonment for a felony offense who intends to reside in Ohio with documentation that will assist the inmate in obtaining post-release employment. Additionally, DRC must help some inmates in creating a resume and conducting a practice job interview, provided that resources are available or third parties can assist with the resumes and interviews at no cost to DRC. Relatedly, the act authorizes DRC to contract with government or nonprofit workforce development reentry organizations to assist inmates in creating resumes and conducting interviews.[135]

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[129] R.C. 5120.59 and 5139.511.

[130] R.C. 4507.51(A)(1).

[131] R.C. 4507.51(B), 5120.59, and 5139.511.

[132] R.C. 4507.50(D) and (E)(3), 4507.51(B)(2), and 4507.52(B)(5)(c). ID cards are already free for anyone 17 or older in Ohio.

[133] R.C. 4507.51(A)(4).

[134] Section 20.

[135] R.C. 5145.1611(A).

The documentation that DRC must provide upon the inmate's release from custody includes:

- A copy of the vocational training record of the inmate, if applicable;
- A copy of the work record of the inmate, if applicable;
- A certified copy of the birth certificate of the inmate, if obtainable;
- A Social Security card or a replacement Social Security card of the inmate, if the inmate has a Social Security number and if obtainable; and
- An identification card or temporary identification card issued by the BMV, if applicable.[136]

Unless the inmate is otherwise exempt and provided DRC was able to find the supportive resources, DRC must provide the inmate a resume that includes any trade learned by the inmate (including the inmate's proficiency at that trade) and documentation that the inmate has completed a practice interview. DRC must also provide a notification to the inmate if the inmate is eligible to apply for a license from a state entity charged with oversight of an occupational license or certification, if the inmate completed the eligibility requirements for the license while incarcerated with DRC.[137]

Inmate exemption

The act exempts certain inmates released from prison for a felony offense from being required to complete a resume or practice job interview. Specifically, inmates who decline to participate, inmates 65 or older, inmates granted judicial release, or inmates released as if on parole, and inmates released to the custody of another jurisdiction are not required to complete resumes or practice job interviews. The act also provides that inmates DRC determines to be physically or mentally unable to return to the workforce upon release from incarceration are not required to complete resumes or practice job interviews.[138]

Cooperative economic development agreements

Under continuing law, cooperative economic development agreements (CEDAs) provide for, among other things, the provision of joint services or permanent improvements within incorporated or unincorporated areas, annexation-related agreements, or agreements about other development-related matters.

New type of agreement

The act allows, within a CEDA, a type of agreement that would allow a political subdivision's regulations to apply within territory wherein the regulations would not otherwise apply, subject to numerous conditions.

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[136] R.C. 5145.1611(B).

[137] R.C. 5145.1611(B).

[138] R.C. 5145.1611(C).

Eligible parties

This type of agreement can be entered into by contiguous cities and townships ("parties to the agreement"); the township(s) must be in a county that has a population of 160,000 to 180,000[139] and has a county planning commission.[140] A county wherein a political subdivision that is party to the CEDA is located, or a county contiguous to a political subdivision that is party to the CEDA, may become a party to the agreement if the legislative authority of each city and the board of township trustees of each township that is a party to the CEDA give their written consent.

Eligible territory

The agreement can apply only to real property within a "megaproject supporting site," which is all or part of the territory that is subject to the CEDA and satisfies the following factors:

- It is subject to a CEDA that becomes effective not later than June 30, 2025. The act specifies that amendments to or modifications of a CEDA that is effective by that date do not affect eligibility. This includes amendments to include an agreement or modifications of an agreement, even if made after that date.
- It is 600 acres or less.
- It is zoned to allow for the development, operation, and construction of 1,000 or more residential dwelling units in addition to nonresidential uses.
- Any portion of the real property's perimeter boundary is located within five miles of real property on which a megaproject[141] is located, is under construction, or is planned to be constructed.

Effect of agreement

Under an agreement, the megaproject supporting site can be subject to the substance of ordinances, resolutions, or other regulations of one or more of the parties to the agreement related to the permitting, engineering, and construction of public and private improvements and other regulatory and proprietary matters determined to be for a public purpose under building codes, subdivision and other regulations contemplated in R.C. Chapter 711 (platting law), and regulations concerning construction and maintenance of new roads and streets. The following are excluded: regulations related to zoning, public water infrastructure and services, public sanitary sewer infrastructure and services, bridges, existing roads and streets, stormwater management, floodplain management, or soil erosion control. The regulations specified in the agreement would then apply within the designated territory and prevail over regulations that

[139] Determined by the most recent federal decennial census published by the U.S. Census Bureau before the execution of the CEDA.

[140] The commission must have been operating as of the last day of the year to which the census applies.

[141] Defined under R.C. 122.17, not in the act. The megaproject real property would be identified in a fully executed agreement with the Tax Credit Authority under R.C. 122.17(D).

would otherwise apply, including regulations of a political subdivision that is not party to the CEDA.

The political subdivision whose regulations the designated territory is subject to is responsible for administering and processing the regulations within the designated territory and may be compensated for its services as specified in the agreement. All public improvements that are constructed pursuant to the regulations must be required to be owned and maintained by one or more of the parties to the CEDA, as specified in the agreement. The public improvement cannot, without its consent, be required to be owned or maintained by any political subdivision whose regulations have been superseded, and that political subdivision does not, without its consent, have any related obligations or liabilities.

Effective date of agreement

An agreement is effective upon written approval of the legislative authority of each city, the board of township trustees of each township, and the board of county commissioners of each county that is party to the agreement.

Alternative county agreement

Before executing a CEDA that includes an agreement, a township that is party to the proposed CEDA must deliver, by certified mail, written notice to the clerk of the board of commissioners of the county in which affected property is located and to the proposed other party or parties to the CEDA indicating its intent to include an agreement within the proposed CEDA. The notice must identify which ordinances, resolutions, or other regulations are to be addressed in the permissible agreement and the territory to which the agreement will apply. The township and the county have 90 days from the clerk's receipt of the notice to negotiate their own agreement ("alternative county agreement") concerning procedures to achieve the efficient administration of those county regulations over which the regulations of another political subdivision would prevail under the agreement, including, without limitation, definitive timing requirements for completing related administrative actions. The township and county can mutually extend the 90-day period for up to an additional 30 days.

The notice can include an election by the township to require the county to process and review all applications related to the permitting, engineering, and construction of public and private improvements that must be filed, processed, and approved by the county, its engineer, agencies, or departments in accordance with the same timing requirements as would apply to the processing and approval of similar applications if they were instead permitted to be filed under similar regulations adopted by the city that is a party to the CEDA. The election is binding on the county regardless of whether the township and the county enter into an alternative county agreement, unless otherwise provided in such an agreement. If the election is made and is not otherwise altered in an alternative county agreement, and an application requires review by any committee, commission, or board of the county, then the application must be placed on the agenda of the first regular meeting of that committee, commission, or board that occurs on or after the date that is 15 days after the date the application was filed. If no decision on the application is made at the initial meeting of the relevant committee, commission, or board, the application must be considered at subsequent meetings of the relevant committee, commission,

or board not less frequently than once every 30 days thereafter, until the relevant committee, commission, or board issues a decision on the application. These timing requirements apply over any conflicting provision in the county's regulations or in the Revised Code.

If an agreement between the township and county is not duly executed before the expiration of the 90-day period (or beyond the extended period), then the parties to the CEDA can approve and execute the type of agreement authorized under the act. If an alternative county agreement is duly executed, then during all times while the alternative county agreement remains effective, an agreement (the type authorized under the act) cannot be included in a CEDA. If an alternative county agreement terminates or expires, then a CEDA can include the type of agreement authorized under the act without the requirement to again follow this procedure.[142]

Road and bridge improvements and regulations

In the general CEDA law, under continuing language specifying that CEDAs should be liberally construed to allow the parties to provide government improvements and facilities and services, the act specifies this includes road and bridge improvements and regulations.[143]

Public utilities

Finally, the act specifies that nothing in the CEDA law expands or diminishes the exception of public utilities from certain regulations.[144]

Insurance coverage

Occupational therapy, physical therapy, and chiropractic services

The act prohibits a *health benefit plan* (a contract offered by a health plan issuer to provide for or pay for health care services) from imposing a *cost-sharing requirement* (any out-of-pocket expense requirement under a health benefit plan) for services rendered by a licensed occupational therapist, physical therapist, or chiropractor that is greater than the cost-sharing requirement for an office visit to a licensed primary care physician or osteopath physician.

In addition, the act requires a *health plan issuer* (an entity that contracts to provide or reimburse health care costs under a health benefit plan, including a sickness and accident insurance company, a health insuring corporation, a fraternal benefit society, a self-funded multiple employer welfare arrangement, or a nonfederal, government health plan) to clearly state on its website and on all relevant literature that coverage for occupational therapy, physical therapy, and chiropractic services is available under the issuer's health benefit plans, as well as all related limitations, conditions, and exclusions.

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[142] R.C. 701.07(C)(16).

[143] R.C. 701.07(H).

[144] R.C. 701.07(I).

A violation of the act's occupational therapy, physical therapy, or chiropractic services provisions is considered an unfair and deceptive practice in the business of insurance, potentially subjecting the violator to an injunction, license suspension, fines, or other penalties.[145]

Hearing aid coverage

The act also enacts "Madeline's Law," which requires health benefit plans to provide coverage for the cost of both:

- One hearing aid (including attachments, accessories, and parts other than batteries and cords) per hearing-impaired ear up to $2,500 every 48 months for a covered person 21 years old or younger; and
- All related services prescribed by an otolaryngologist or recommended by a licensed audiologist and dispensed by a licensed audiologist, licensed hearing aid dealer, or otolaryngologist.

A *hearing aid* is any wearable instrument or device designed or offered for the purpose of aiding or compensating for impaired human hearing, including all attachments, accessories, and parts, other than batteries and cords. *Related services* are services necessary to assess, select, and appropriately adjust or fit a hearing aid to ensure optimal performance.

A covered person may choose a hearing aid at any price, but the act does not require the health benefit plan to cover any costs beyond $2,500 per hearing aid, in any 48-month period. If a covered person chooses a more expensive hearing aid, the health plan issuer is prohibited from imposing any financial or contractual penalty on the covered person or hearing aid provider. However, the act allows a health plan issuer to deny a claim for a hearing aid if, less than 48 months prior to the claim, the covered person received hearing aid coverage from any other health benefit plan.

A health benefit plan is required to cover only hearing aids that are medically appropriate. The State Speech and Hearing Professionals Board is required to adopt professional standards concerning hearing aids as needed to evaluate a health benefit plan's compliance with the act's requirements.[146]

Exemption from review by the Superintendent of Insurance

The act's coverage requirements for hearing aids, occupational therapy, physical therapy, and chiropractic services might be considered a mandated health benefit. Under continuing law, if the General Assembly enacts a mandated health benefit, that provision cannot be enforced until the Superintendent of Insurance determines that it can be applied fully and equally in all respects to employee benefit plans subject to regulation by the federal "Employee Retirement Income Security Act of 1974" (ERISA)[147] and to employee benefit plans established or modified

[145] R.C. 3902.63; R.C. 3902.50 and 3901.19 through 3901.26, not in the act.

[146] R.C. 3902.64; Section 14 of the act.

[147] 29 U.S.C. 1001.

by the state or any of its political subdivisions. ERISA generally preempts state regulations so, in many cases, the review would prohibit enforcement of the mandate.[148]

The act's coverage requirements are explicitly exempt from this review.[149]

Residential facilities for foster children

The act establishes provisions that generally apply to residential facilities for foster children and the children who are under the care and supervision of these facilities. A residential facility is a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides 24-hour child care, county children's home, or district children's home.[150] The act's provisions are limited to residential facilities operated by a public children services agency (PCSA), private child placing agency (PCPA), private noncustodial agency, or superintendent of a county or district children's home for the placement of foster children.[151]

Notifications regarding medical care and law enforcement interactions

Medical care notifications

The act establishes notification and response requirements when a child is under a residential facility's care and supervision and presents to an emergency department or is admitted to a hospital for an injury or mental health crisis.

First, the act requires the emergency department or hospital to communicate with the PCSA or PCPA with custody of the child about the visit. This includes discussion of the child's medical treatment and a request to authorize care for the child but does not apply to medical services that a child may receive without parental consent and for which the child has given consent.[152] The emergency department or hospital also must notify the PCSA or PCPA when the child is discharged from its care.[153]

Second, the act requires a PCSA or PCPA to respond to the emergency department or hospital's communication regarding medical care within four hours after initial contact.[154]

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[148] 29 U.S.C. 1144.

[149] R.C. 3902.63 and 3902.64 .

[150] R.C. 5103.05(A)(8).

[151] R.C. 2151.46(F), 109.71(M), 5103.05(D) and (G), and 5103.052.

[152] These medical services, unchanged by the act, include: (1) blood donation, (2) emergency medical care for a sexual abuse victim, (3) abortion if the minor has applied to the local juvenile court and the court finds good cause to bypass parental consent, (4) HIV testing, (5) venereal disease diagnosis and treatment, (6) drug and alcohol abuse diagnosis and treatment, (7) medical care for a minor prosecuted as an adult and confined to a state correctional institution, and (8) outpatient mental health services. R.C. 2108.31, 2151.85, 2907.29, 3701.242, 3709.241, 3719.012, 5120.172, and 5122.04, not in the act.

[153] R.C. 2151.461(A)(1) and (2).

[154] R.C. 2151.461(B).

Third, notwithstanding Ohio law regarding protected health information and to the extent permitted by federal law, an emergency department or hospital must report a visit to the Ohio Resilience Through Integrated Systems and Excellence (OhioRISE) Program, if the child is participating in the program, and the Department of Children and Youth (DCY).[155] OhioRISE is a Medicaid managed care program that provides specialized services for children with complex behavioral health needs in order to keep children and families together.[156]

The act defines an "emergency department" to include a hospital emergency department and a freestanding emergency department, which is defined under preexisting law as a facility that provides emergency care and is structurally separate and distinct from a hospital.[157]

Law enforcement notifications

The act specifies that if a child that is under the care and supervision of a residential facility has an investigative interaction with a law enforcement officer, regardless of whether a police report is generated concerning the child, the law enforcement officer must notify the residential facility operator and the PCSA or PCPA with custody of the child of the interaction.[158] If a police report is generated, the residential facility must report the interaction and provide a copy of the police report to DCY.[159]

The act defines a "law enforcement officer" as a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or state highway patrol trooper.[160]

Rulemaking

By July 2, 2025, the DCY Director must adopt rules in accordance with the Administrative Procedure Act regarding these notification requirements. Specifically, the rules must establish the following:

- A standardized procedure under which an emergency department or hospital notifies a PCSA or PCPA about a child that presents to an emergency department or is admitted to a hospital;
- A standardized procedure under which a law enforcement officer notifies a PCSA or PCPA and residential facility about a child's interaction with law enforcement;

[155] R.C. 2151.462.

[156] See "About OhioRISE," which can be accessed under the "Learn About Managed Care" section on the Department of Medicaid's website at: managedcare.medicaid.ohio.gov.

[157] R.C. 2151.46(B) and (C); R.C. 3727.49, not in the act.

[158] R.C. 2151.463.

[159] R.C. 2151.464.

[160] R.C. 2151.46(E) and 5103.05(A)(7).

- Time frames for an emergency department or hospital or residential facility to provide reports to DCY, as well as standards for DCY to track the reports.[161]

24-hour emergency on-call procedure

The act requires each PCSA, PCPA, and residential facility to establish a 24-hour emergency on-call procedure to respond to contact from emergency departments, hospitals, law enforcement officers, and first responders regarding emergencies involving a child in the agency's custody or under the care and supervision of the residential facility, respectively.[162]

Under the act a "first responder" includes an EMT, EMT-basic, AEMT, EMTI, paramedic, firefighter, or volunteer firefighter. A "volunteer firefighter" is generally defined under preexisting law as a duly appointed member of a fire department on either a nonpay or part-pay basis who is ineligible to be a member of the Ohio Police and Fire Pension Fund or whose employment does not qualify for a public pension, or a firefighter drafted, requisitioned, or appointed to serve in an emergency.[163]

Monthly PCSA and PCPA visits

The act requires a PCSA or PCPA with custody of a child who is under a residential facility's care and supervision to conduct a monthly in-person visit to the facility to determine the child's well-being. The agency must maintain documentation of each visit and report concerns to DCY. By July 2, 2025, DCY must adopt rules in accordance with the Administrative Procedure Act to establish: (1) criteria for determining whether an agency must report a concern to DCY and (2) criteria for determining whether an agency must conduct a mandatory review of the child's placement (see "**Mandatory review of child's placement**," below).[164]

Mandatory review of child's placement

The act requires a PCSA or PCPA with custody of a child who is under a residential facility's care and supervision to review the child's placement if any of the following occur:

- The child presents to an emergency department or is admitted to a hospital for an injury or mental health crisis;
- A police report is generated regarding the child;
- During a monthly visit, the agency has determined that a review is necessary in accordance with rules that DCY adopts (see "**Monthly PCSA and PCPA visits**," above).[165]

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[161] R.C. 2151.465.

[162] R.C. 2151.469 and 5103.0510.

[163] R.C. 2151.46(D) and (G) and 5103.05(A)(5) and (11); conforming changes in R.C. 5103.0310 and 5103.0329; R.C. 146.01(B), not in the act.

[164] R.C. 2151.467.

[165] R.C. 2151.468(A).

A review must include a determination of whether the residential facility is an appropriate setting and is providing a satisfactory level of care to the child. The agency must notify the residential facility operator of the review results and any action that the agency plans to take regarding the child.[166]

The act requires DCY, by July 2, 2025, to adopt rules in accordance with the Administrative Procedure Act to establish guidelines for review, including review criteria, circumstances that would require a change in the child's placement, and a timeline for conducting review and taking appropriate action.[167]

Services from community organizations

The act requires a residential facility operator to notify a PCSA or PCPA with custody of a child of any service that a community organization provides or seeks to provide to a child under the facility's care and supervision. The PCSA or PCPA must provide prior approval for the services and document the services in the child's case plan.[168]

The act defines a "community organization" as an organization that provides services, including recreation, mental health care, and academic support, for a child placed in foster care.[169]

Delinquent children

Notification regarding placement of delinquent children

The act requires a PCSA or PCPA with custody of a child to inform the residential facility operator of any charges for which the child was adjudicated a delinquent child, including any former adjudication and any adjudication that resulted in the agency's current custody of the child. The agency must do this before the child's placement in the facility or within 96 hours after placement, if the placement is the result of an emergency placement or a change in the child's case plan.[170]

Study Committee

The act establishes the Study Committee to Evaluate the Placement of Delinquent Children in Residential Facilities. The Committee must do all of the following regarding children who are alleged to be or have been adjudicated delinquent and are in the custody of a PCSA or PCPA:

- Evaluate the placement of the children in residential facilities;
- Evaluate the existing system, resources, and services used to support the children;

[166] R.C. 2151.468(B) and (C).

[167] R.C. 2151.468(D).

[168] R.C. 2151.4610.

[169] R.C. 2151.46(A).

[170] R.C. 2151.466.

- Identify gaps in the availability of appropriate residential facilities, resources, and services to serve the children;
- Make recommendations for changes to meet the children's needs.

Within nine months after all members are appointed, the Committee must issue a report of its findings and recommendations to the Governor and the General Assembly. The Committee will cease to exist upon submitting the report.

The Committee must include the following members, to be appointed by May 3, 2025:

1. The DCY Director or the Director's designee;
2. The Director of Youth Services or the Director's designee;
3. The Director of Mental Health and Addiction Services or the Director's designee;
4. A public defender from the Office of the Public Defender appointed by the State Public Defender;
5. Two PCSA directors, one appointed by the Speaker of the House and one appointed by the Senate President;
6. Two juvenile court judges, one appointed by the Speaker of the House and one appointed by the Senate President;
7. A county commissioner appointed by the Senate President;
8. A city council or township trustee member appointed by the Speaker of the House;
9. A representative of a residential facility serving six or fewer children who are alleged to be or have been adjudicated delinquent children appointed by the Speaker of the House;
10. A representative of a residential facility serving more than six children who are alleged to be or have been adjudicated delinquent children appointed by the Senate President;
11. A representative of the Overcoming Hurdles in Ohio Youth Advisory Board appointed by the Speaker of the House;
12. A county sheriff or chief of police appointed by the Senate President;
13. Three members of the Senate, with no more than two members from the same political party, appointed by the Senate President;
14. Three members of the House, with no more than two members from the same political party, appointed by the Speaker.

The Senate President and Speaker of the House must each appoint one member of the Senate and House, respectively, to serve as the Committee co-chairpersons. Vacancies must be filled in the same manner as the original appointment. Members must serve without compensation.[171]

[171] Section 16.

Residential facility certification

The act contains several provisions related to the certification of a residential facility by DCY and requirements to maintain certification. These include: demonstration of compliance with all applicable zoning requirements in an application for certification, providing specific notifications to local government entities, allowing a local government entity to revoke a facility's conditional use permit for noncompliance with permit requirements or DCY's corrective action plan to remedy a certificate violation, requiring DCY to conduct site visits to ensure compliance, and requiring documentary evidence of fulfilling the requirements of a corrective action plan for noncompliance.

Application must demonstrate zoning compliance

The act requires that in a residential facility's application for a certificate from DCY, the facility operator must demonstrate, to DCY's satisfaction, that the proposed facility meets all applicable local planning and zoning requirements. The facility must maintain compliance for the certificate to remain in good standing.[172]

Notifications to local government entities

The act requires a residential facility to provide certain notifications to the board of township trustees or the legislative authority of the municipality where the facility will be located. First, before the residential facility begins operations, the operator must provide notification that the facility will be in operation.[173]

Second, the act expands notification requirements for residential facilities from emergency response entities to the board of township trustees or the legislative authority of the municipality where the facility will be located. Under existing law, unchanged by the act, within ten days after operations commence at *any* residential facility (not just those operated by a PCSA, PCPA, private noncustodial agency, or superintendent of a county or district children's home for the placement of children), the facility must provide the following to all county, municipal, or township law enforcement agencies, emergency management agencies, and fire departments with jurisdiction over the facility:

- Written notice that the facility is located and will be operating in the agency's or department's jurisdiction, including the facility's address, identification of the type of residential facility, and the facility's contact information;
- A copy of the facility's procedures for emergencies and disasters, medical emergency plan, and community engagement plan, in accordance with requirements that DCY has established by rule.[174]

[172] R.C. 5103.05(B).

[173] R.C. 5103.05(C).

[174] R.C. 5103.05(E).

In addition, a facility must provide any updated copies of the information in the second bullet to these entities within ten days of any changes to them.[175] Under the act, a residential facility operated by a PCSA, PCPA, private noncustodial agency, or superintendent of a county or district children's home for the placement of foster children also must provide the above information, as well as any changes, to the board of township trustees or the legislative authority of the municipal corporation where the facility will be located.[176]

Revocation of conditional use permit

The act allows a county, township, or municipal corporation to revoke any conditional use permit that the local government entity issued regarding the real property used as a residential facility under two circumstances: (1) if the facility operator fails to comply with the permit requirements or (2) if the facility operator has failed to fulfill the requirements of a corrective action plan that DCY issued for a finding of noncompliance. The act allows DCY to notify a county, township, or municipal corporation of the facility's failure to fulfill the requirements of a corrective action plan.[177]

The county, township, or municipal corporation must notify the permit holder of its intent to revoke a permit by certified mail or, if the local government entity has record of an internet identifier or record associated with the holder, by ordinary mail and that internet identifier of record. Continuing law defines "internet identifier of record" as an email address or any other designation used for self-identification or routing in internet communication or posting, provided for the purpose of receiving communication. The notice must also inform the holder of the right to a hearing before the local government entity within 30 days after a notice is mailed if the holder requests one.

If a holder requests a hearing, the county, township, or municipal corporation must set a time and place and notify the holder. At the hearing, the holder may appear in person, by the holder's attorney, or by other representative, or the holder may present the holder's position in writing. The holder may present evidence and examine witnesses appearing for or against the holder. If the holder does not request a hearing, the local government entity may revoke a permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement under Ohio law.[178]

DCY site visits

The act requires DCY to conduct a site visit of a residential facility at least annually to ensure certification compliance. The act also requires DCY to adopt rules in accordance with the Administrative Procedure Act by July 2, 2025, to establish criteria for requiring more than one site visit per year. The criteria must specify that a facility is subject to more than one site visit

[175] R.C. 5103.05(F).

[176] R.C. 5103.05(G).

[177] R.C. 5103.057(A).

[178] R.C. 5103.057(B) and (C); R.C. 9.312, not in the act.

after surpassing a threshold, to be determined by the Director, of the following reports that DCY receives regarding a residential facility:

- When a child under the facility's care and supervision presents to the emergency department or is admitted to a hospital for an injury or mental health crisis (see "**Medical care notifications**," above);
- When a child under the facility's care and supervision has an interaction with a law enforcement officer that results in the generation of a police report (see "**Law enforcement notifications**," above);
- When concerns about a child arise out of the mandatory monthly visit by a PCSA or PCPA to determine the child's well-being (see "**Monthly PCSA and PCPA visits**," above);
- When an individual in a community in which a residential facility is located communicates concerns, complaints, and other pertinent information related to the facility (see "**Communications regarding a residential facility**," below).[179]

Corrective action plan proof of remedy

The act specifies that if DCY has determined that a residential facility has violated a requirement for certification and issues a corrective action plan for the facility to remedy the violation, the facility operator must provide documentary evidence of the correction. Self-attestation without documentary evidence is insufficient proof of correction of the violation.[180]

Criminal records check for employment or appointment

The act establishes several provisions regarding criminal records checks for a person who is under final consideration for appointment or employment in a residential facility, many of which are similar to requirements for persons responsible for a child's care in out-of-home care.[181] The appointing or hiring officer that appoints or employs any person in the residential facility must request the Superintendent of the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check for a person who is under final consideration. The officer must make this request at the time of the initial application and every four years thereafter.[182]

The appointing or hiring officer must inform each applicant, at the time of the person's initial application, that the person must provide a set of fingerprint impressions and that a criminal records check must be satisfactorily completed.[183] The officer must provide each person

[179] R.C. 5103.058.

[180] R.C. 5103.056.

[181] R.C. 5103.053; conforming changes in R.C. 109.57 and 109.572; R.C. 2151.011(B)(34) and 2151.86, not in the act.

[182] R.C. 5103.053(A).

[183] R.C. 5103.053(G).

subject to a criminal records check a copy of a form as well as a standard impression sheet to obtain fingerprints, both of which the BCII Superintendent prescribes under the BCII law. The officer must forward the completed form and impression sheet to the BCII Superintendent at the time the criminal records check is requested.[184] A person who is subject to a criminal records check must complete the form (or provide all the information necessary to complete the form) and provide the fingerprint impressions. An officer cannot appoint or employ a person who fails to do this.[185]

At the time of initial application, the appointing or hiring officer must request that the BCII Superintendent obtain information from the Federal Bureau of Investigation (FBI), including fingerprint-based checks of federal national crime information databases, for the person subject to the check. After the initial check, this request is optional.[186]

The appointing or hiring officer must pay BCII a fee prescribed under the BCII law for each criminal records check. The officer may charge the person subject to the check an amount that is no more than the cost of the fees for the records check. If a fee is charged, the officer must notify the applicant at the time of the initial application of the amount and that, unless the fee is paid, the applicant will not be considered for appointment or employment.[187]

Offenses that result in disqualification

The act prohibits an appointing or hiring officer from appointing or employing a person if the person previously has been convicted of or pleaded guilty to various offenses specified under the BCII law, unless the person meets rehabilitation standards that the act requires DCY to adopt (see "**Rulemaking**," below). These offenses include: cruelty to animals, failure to report child abuse or neglect when required to do so, various violations related to children, various forms of murder or manslaughter, various forms of assault and other violent crimes (including domestic violence), various forms of menacing, patient abuse or neglect, kidnapping or abduction, human trafficking, sexual crimes, arson, traffic and vehicular crimes, crimes related to terrorism, various forms of robbery and burglary, identity fraud, violations involving weapons, and various violations related to drugs and harmful intoxicants.[188]

Conditional employment

The act requires the DCY Director to seek a federal waiver to authorize the conditional appointment or employment of a person in a residential facility while a criminal records check for the person is pending.[189] If the waiver is approved, an appointing or hiring officer may appoint or employ a person conditionally before obtaining the results of a criminal records check, as long

[184] R.C. 5103.053(B)(2).

[185] R.C. 5103.053(B)(3).

[186] R.C. 5103.053(B)(1).

[187] R.C. 5103.053(D).

[188] R.C. 5103.053(C)(1) and 109.572(A)(4).

[189] Section 17.

as the officer requested the check before conditional employment commences and the person has no direct contact with, or access to, children during the period of conditional employment.[190]

The appointing or hiring officer must terminate the appointment or employment if the results of the criminal records check are not obtained within 60 days after the request is made (other than the results of any request for information from the FBI) or if the results indicate that a person has been convicted of or pleaded guilty to an offense that results in disqualification (see "**Offenses that result in disqualification**," above). If the results of a criminal records check indicate that a person who is employed conditionally has been convicted of or pleaded guilty to one of these offenses, the officer must terminate the person's appointment or employment, unless the person meets rehabilitation standards that the act requires DCY to adopt (see "**Rulemaking**," below). This termination is not considered just cause for discharge for purposes of receiving unemployment benefits if the person attempts to deceive the officer about the person's criminal record.[191]

Criminal records checks are not public records

The act specifies that the report of any criminal records check that BCII conducts is not a public record and is only available to the following individuals:

- The person who is the subject of the criminal records check or the person's representative;
- The appointing or hiring officer requesting the criminal records check or the officer's representative;
- DCY, a county department of job and family services, or a PCSA;
- Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment.[192]

Rulemaking

The act requires DCY to adopt rules in accordance with the Administrative Procedure Act by July 2, 2025, to implement these criminal records check provisions. The rules must include rehabilitation standards that a person who has been convicted of or pleaded guilty to a specified offense must meet for an appointing or hiring officer to appoint or employ the person in a residential facility and, to the extent permitted under federal law, guidelines regarding conditional appointment or employment while the check is pending.[193]

[190] R.C. 5103.053(C)(2).

[191] R.C. 5103.053(C)(3).

[192] R.C. 5103.053(E).

[193] R.C. 5103.053(F).

DCY review and reporting requirements

The act imposes various review and reporting requirements related to DCY's oversight of residential facilities in Ohio.

Review of residential facility locations

The act requires DCY, by September 30, 2025, to adopt rules in accordance with the Administrative Procedure Act to do the following:

- Divide the state into regions;
- Determine an ideal number of residential facilities in each region by reviewing the total number of children in foster care in the region requiring care in a residential facility in the past three years;
- Establish incentives to attract residential facilities to regions in the state that are below the ideal number of residential facilities, as determined in the second bullet.

The purpose of this provision is to enable a child to remain within, or close to, the county in which the child resided before the child's placement in foster care.[194]

Communications regarding a residential facility

The act requires DCY, by July 2, 2025, to adopt rules pursuant to the Administrative Procedure Act to establish:

- A procedure for individuals in a community in which a residential facility is located to communicate concerns, complaints, or other pertinent information to DCY regarding the facility; and
- Standards for tracking and retaining the communications.[195]

Annual survey and review

The act requires DCY, by April 3, 2026, and annually thereafter, to survey the staff of all residential facilities and of PCSAs and PCPAs working with children under a residential facility's care and supervision regarding the status of these children. The survey must examine concerns regarding residential facility operations, the children residing in the facility, and the staff working within and overseeing the facility.[196]

The DCY Director annually must:

- Review the results of the staff survey;
- Review various reports that DCY is required to receive under the act, including when: (1) a child presents to the emergency department or is admitted to a hospital for an injury or

[194] R.C. 5103.054.

[195] R.C. 5103.055.

[196] R.C. 5103.0512(A).

mental health crisis, (2) a child has an interaction with a law enforcement officer that results in the generation of a police report, and (3) concerns about a child arise out of the mandatory monthly visit by a PCSA or PCPA to determine the child's well-being;

- Review the Ohio Administrative Code to determine whether existing training requirements are adequately responsive to the needs of residential facilities in the state, based on the above review, and adopt or modify rules accordingly pursuant to the Administrative Procedure Act.[197]

Educational stability of foster children

The act establishes several provisions regarding the educational stability of foster children. First, the act requires the Department of Education and Workforce (DEW) to provide all school districts with best practices to help ensure the educational stability of students who are in a PCSA's or PCPA's custody.[198]

Second, the act requires a school district that enrolls a child who is under a residential facility's care and supervision to assess the child's needs for appropriate services and interventions. To avoid any duplicative assessments and minimize the potential negative impact of an assessment on a child, the act requires the school district to utilize all available existing assessments regarding the child. The school district must use the assessment results: to make recommendations: (1) to the PCSA or PCPA with custody of the child and (2) for services and interventions for the child. To the extent permitted by state and federal law, the school district must share the recommendations for services and interventions for the school to implement with the PCSA or PCPA with custody of the child and to the residential facility.[199]

Third, by May 3, 2025, DCY, in conjunction with DEW, must create a standard form to be used by a PCSA and PCPA with custody of a child placed in a residential facility to convey information necessary to support the child's education. A PCSA or PCPA with custody of a child must complete this form for each child the agency places in a residential facility outside the county of the child's school district of residence. The agency must verbally convey the information to the foster care liaison in the student's new school district when the child is enrolled and must submit the written form to the district's foster care liaison within five days after the child's enrollment.[200]

Peace officer training

The act requires the Attorney General, in consultation with the Ohio Peace Officer Training Commission and DCY, to adopt rules governing the training of peace officers in identifying and interacting with at-risk youth. The rules may be adopted in accordance with the Administrative Procedure Act or provisions that specifically authorize the Attorney General to

[197] R.C. 5103.0512(B) and (C).

[198] R.C. 3301.95.

[199] R.C. 3313.6414.

[200] R.C. 5103.0513.

adopt and promulgate rules and regulations. The Ohio Peace Officer Training Academy must provide this training to peace officers.[201]

The act defines "at-risk youth" as an individual who: (1) is under 21 years of age, (2) resides in a state correctional institution, a Department of Youth Services institution, or a residential facility, and (3) is an abused, neglected, or dependent child; delinquent or unruly child; or juvenile traffic offender; or is at risk of becoming one of those.[202]

Medical free speech and opinions (VETOED)

The Governor vetoed a provision that would have prohibited a board that licenses or regulates health care professionals and ODH from infringing on medical free speech and from pursuing, or threatening to pursue, an administrative or disciplinary action against a prescriber, pharmacist, other licensed health professional, hospital, or inpatient facility for publicly or privately expressing a medical opinion that does not align with the opinions of the board, a local board of health, ODH, or another health authority.[203] An "inpatient facility" would have meant a skilled nursing facility or a freestanding inpatient rehabilitation facility.

Denial of fluids or nutrition

The act prohibits denying a hospital or inpatient facility patient sufficient means of fluids or nutrition, unless (1) that wish is clearly stated by the patient or patient's personal representative or documented in the patient's advance directive or (2) the denial is necessary for a medical procedure, including a diagnostic or surgical procedure. The denial must be for the shortest amount of time medically possible and with the informed consent of the patient or patient's personal representative.[204]

World Health Organization guidelines or rules

The act specifies that the World Health Organization lacks jurisdiction in Ohio. It also prohibits a political subdivision, public official, or state agency from enforcing or using any state funding to implement or incentivize any health policy guideline, mandate, recommendation, or rule issued by the World Health Organization, including one that prohibits issuing a prescription for or dispensing a drug, including an off-label drug.[205]

Dolly Parton's Imagination Library Advisory Board

The act establishes the 12-member Dolly Parton's Imagination Library of Ohio Advisory Board to coordinate the mission of the Dolly Parton's Imagination Library in the state. Those duties include working with the Dollywood Foundation and local nonprofit organizations in participating counties to ensure books distributed under the program remain at no cost to Ohio

[201] R.C. 109.7411.

[202] R.C. 109.71(L).

[203] R.C. 3792.07(B).

[204] R.C. 3792.07(D).

[205] R.C. 3792.07(C).

families, providing advice and recommendations to the Foundation on the appointment of the Ohio Director of the Foundation, providing strategic advice to the state director, and acting as public representatives of the Imagination Library.

Subject to funds appropriated by the General Assembly, the board, not sooner than July 1, 2025, must enter into a memorandum of understanding with the Dollywood foundation to operate the Imagination Library in the state for the FY 2026-FY 2027 fiscal biennium. The board must also enter into subsequent memoranda of understanding a necessary, but only for the length of one fiscal biennium and subject to funds appropriated by the General Assembly.

The board consists of the following 12 members:

1. Nine voting members appointed by the Governor with the advice and consent of the Senate;
2. One voting member appointed by the Senate President;
3. One voting member appointed by the Speaker of the House;
4. The Director of Children and Youth or the Director's designee.

Voting members may be reappointed for an unlimited number of successive three-year terms, but are subject to removal for failing to attend 60% of board meetings in a two-year period.[206]

Specialty license plates

"St. Vincent-St. Mary High School" license plate

License Plate	**St. Vincent-St. Mary High School** license plate, which must display an appropriate logo and words selected by the representatives of St. Vincent-St. Mary High School and approved by the Registrar of Motor Vehicles.[207]
Recipients	Available to all applicants.
Eligible Vehicles	Any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle approved by the Registrar.
Contribution; Additional BMV Fee; Use of Contribution	$25 required contribution. $10 additional administrative BMV fee. Contributions must be paid to the St. Vincent-St. Mary High School located in the municipal corporation of Akron.[208]

[206] R.C. 5180.40.

[207] R.C. 4503.888.

[208] R.C. 4501.21 and 4503.888.

Requirements for Issuance	1. Submission of an application; 2. Payment of the regular license tax, any local tax, contribution, administrative fee, any special reserved license plate fee if necessary; and 3. Compliance with all other relevant laws relating to motor vehicle registration.
Combined with Special Reserved License Plate	May be combined with a special reserved license plate.

"Dolly Parton's Imagination Library" license plate

License Plate	**Dolly Parton's Imagination Library** license plate, which must display an appropriate logo and words selected by the representatives of Dolly Parton's Imagination Library and approved by the Registrar of Motor Vehicles.[209]
Recipients	Available to all applicants.
Eligible Vehicles	Any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle approved by the Registrar.
Contribution; Additional BMV Fee; Use of Contribution	$25 required contribution. $10 additional administrative BMV fee. Contributions must be paid to Dolly Parton's Imagination Library of Ohio. The Library must use the money for operational costs, including the distribution of books.[210]
Requirements for Issuance	1. Submission of an application; 2. Payment of the regular license tax, any local tax, contribution, administrative fee, any special reserved license plate fee if necessary; and 3. Compliance with all other relevant laws relating to motor vehicle registration.
Combined with Special Reserved License Plate	May be combined with a special reserved license plate.
Special provisions	These specialty license plates are exempt from the following standard procedures:

[209] R.C. 4503.541.

[210] R.C. 4501.21 and 4503.541.

1. The requirement that the Registrar receive written statements from at least 150 people that they intend to apply for and obtain the license plates before the Registrar provides for the issuance of those license plates; and

2. The requirement that the license plates display county identification stickers that use a number or name to indicate the county of registration.[211]

Ukraine Independence Day

The act designates August 24 as Ukraine Independence Day in Ohio, in recognition of that day in 1991 when the parliament of Ukraine, the Verkovna Rada, formally declared an independent, sovereign, and democratic Ukrainian state.[212]

Appropriations

Auditor of State

The act expands the use of GRF ALI 070403, Fiscal Distress Technical Assistance, in the current biennium (FY 2024-FY 2025) to support costs incurred by the Auditor of State for colleges or universities in or at risk of entering in a state of fiscal caution, watch, or emergency. This line item supports technical assistance provided by the Auditor of State to local governments and schools in or at risk of entering fiscal caution, watch, or emergency.[213]

Department of Development

The act appropriates $1.5 million for FY 2025 to the Department of Development for grants to townships seeking to modernize regulations and processes tied to zoning efforts.[214]

State Board of Embalmers and Funeral Directors

The act appropriates $1 million in FY 2025 to the Indigent Burial and Cremation Support Program, which the State Board of Embalmers and Funeral Directors uses to help local government entities offset the costs they incur for cremating or burying indigent people.[215]

HISTORY

Action	Date
Introduced	11-02-23
Reported, H. State & Local Gov't	5-22-24
Re-referred to H. Finance	06-03-24

[211] R.C. 4503.541(D); R.C. 4503.19 and 4503.78, not in the act.

[212] R.C. 5.61.

[213] Sections 9 and 10.

[214] Sections 5, 6, and 8.

[215] Sections 5, 7, and 8.

Action	Date
Reported, H. Finance	06-25-24
Passed House (95-0)	06-26-24
Reported, S. Local Government	12-10-24
Passed Senate (31-0)	12-11-24
House refused to concur in Senate amendments (2-88)	12-11-24
Senate requested conference committee	12-16-24
House acceded to request for conference committee	12-16-24
House agreed to conference report (76-7)	12-18-24
Senate agreed to conference report (27-1)	12-18-24

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