

**As Reported by the House Finance and Appropriations
Committee**

**124th General Assembly
Regular Session
2001-2002**

Sub. H. B. No. 94

REPRESENTATIVE Carey

A B I L L

To amend sections 9.06, 9.821, 9.822, 103.143, 102.02,	1
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for the purpose of adopting new section numbers as 67
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of the Revised Code; to amend the versions of	102
sections 2152.43 and 5139.31 of the Revised Code	103
that are scheduled to take effect January 1, 2002;	104
and to amend the versions of sections 5139.01 and	105
5139.11 of the Revised Code that are scheduled to	106
take effect January 1, 2002, and to amend Section	107
153 of Am. Sub. H.B. 117 of the 121st General	108
Assembly, as subsequently amended; to amend Section	109
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Assembly; to amend Section 4 of Am. S.B. 210 of the	119
123rd General Assembly; to amend Sections 129 and	120
180 of Am. Sub. H.B. 283 of the 123rd General	121
Assembly; to amend Sections 10 and 13 of Am. Sub.	122
S.B. 287 of the 123rd General Assembly to repeal	123

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Section 18 of Am. Sub. H.B. 650 of the 122nd 124
 General Assembly, as subsequently amended; to 125
 repeal Section 17 of Am. Sub. H.B. 282 of the 123rd 126
 General Assembly, as subsequently amended; to 127
 repeal Section 15 of Am. Sub. S.B. 287 of the 123rd 128
 General Assembly and to repeal Section 173 of this 129
 act on January 16, 2002 to make operating 130
 appropriations for the biennium beginning July 1, 131
 2001, and ending June 30, 2003, and to provide 132
 authorization and conditions for the operation of 133
 state programs. 134
 135

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

Section 1. That sections 9.06, 9.821, 9.822, 103.143, 102.02, 136
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5739.02, 5739.024, 5747.122, 5747.221, 5747.39, 6101.25, 6109.13,	183
6109.21, and 6111.035 be amended; sections 3317.161 (3317.052),	184
3317.162 (3317.053), 5101.19 (329.19), 5101.071 (5101.251),	185

5101.853 (5101.851), 5101.854 (5101.853), 5108.06 (5108.03), 186
5108.07 (5108.05), 5108.08 (5108.06), 5111.34 (5111.206), and 187
5111.87 (5111.871) be amended for the purpose of adopting new 188
section numbers as indicated in parentheses; and new sections 189
5101.852, 5108.07, 5108.08, 5111.34, 5111.341, 5111.87, and 190
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5123.0412, 5123.0413, 5123.195, 5126.046, 5126.047, 5126.055, and 201
5126.056 of the Revised Code be enacted to read as follows: 202

203
Sec. 9.06. (A)(1) The department of rehabilitation and 204
correction shall contract for the private operation and management 205
pursuant to this section of the initial intensive program prison 206
established pursuant to section 5120.033 of the Revised Code and 207
may contract for the private operation and management of any other 208
facility under this section. Counties and municipal corporations 209
to the extent authorized in sections 307.93, 341.35, 753.03, and 210
753.15 of the Revised Code, may contract for the private operation 211
and management of a facility under this section. A contract 212
entered into under this section shall be for an initial term of 213
not more than two years, with an option to renew for additional 214
periods of two years. 215

(2) ~~Not later than December 31, 1998, the~~ The department of 216

rehabilitation and correction, by rule, shall adopt minimum 217
criteria and specifications that a person or entity, other than a 218
person or entity that satisfies the criteria set forth in division 219
(A)(3)(a) of this section and subject to division (I) of this 220
section, must satisfy in order to apply to operate and manage as a 221
contractor pursuant to this section the initial intensive program 222
prison established pursuant to section 5120.033 of the Revised 223
Code. 224

(3) Subject to division (I) of this section, any person or 225
entity that applies to operate and manage a facility as a 226
contractor pursuant to this section shall satisfy one or more of 227
the following criteria: 228

(a) The person or entity is accredited by the American 229
correctional association and, at the time of the application, 230
operates and manages one or more facilities accredited by the 231
American correctional association. 232

(b) The person or entity satisfies all of the minimum 233
criteria and specifications adopted by the department of 234
rehabilitation and correction pursuant to division (A)(2) of this 235
section, provided that this alternative shall be available only in 236
relation to the initial intensive program prison established 237
pursuant to section 5120.033 of the Revised Code. 238

(4) Subject to division (I) of this section, before a public 239
entity may enter into a contract under this section, the 240
contractor shall convincingly demonstrate to the public entity 241
that it can operate the facility with the inmate capacity required 242
by the public entity and provide the services required in this 243
section and realize at least a five per cent savings over the 244
projected cost to the public entity of providing these same 245
services to operate the facility that is the subject of the 246
contract. No out-of-state prisoners may be housed in any facility 247
that is the subject of a contract entered into under this section. 248

(B) Subject to division (I) of this section, any contract 249
entered into under this section shall include all of the 250
following: 251

(1) A requirement that the contractor retain the contractor's 252
accreditation from the American correctional association 253
throughout the contract term or, if the contractor applied 254
pursuant to division (A)(3)(b) of this section, continue complying 255
with the applicable criteria and specifications adopted by the 256
department of rehabilitation and correction pursuant to division 257
(A)(2) of this section; 258

(2) A requirement that all of the following conditions be 259
met: 260

(a) The contractor begins the process of accrediting the 261
facility with the American correctional association no later than 262
sixty days after the facility receives its first inmate. 263

(b) The contractor receives accreditation of the facility 264
within twelve months after the date the contractor applies to the 265
American correctional association for accreditation. 266

(c) Once the accreditation is received, the contractor 267
maintains it for the duration of the contract term. 268

(d) If the contractor does not comply with divisions 269
(B)(2)(a) to (c) of this section, the contractor is in violation 270
of the contract, and the public entity may revoke the contract at 271
its discretion. 272

(3) A requirement that the contractor comply with all rules 273
promulgated by the department of rehabilitation and correction 274
that apply to the operation and management of correctional 275
facilities, including the minimum standards for jails in Ohio and 276
policies regarding the use of force and the use of deadly force, 277
although the public entity may require more stringent standards, 278
and comply with any applicable laws, rules, or regulations of the 279

federal, state, and local governments, including, but not limited to, sanitation, food service, safety, and health regulations. The contractor shall be required to send copies of reports of inspections completed by the appropriate authorities regarding compliance with rules and regulations to the director of rehabilitation and correction or the director's designee and, if contracting with a local public entity, to the governing authority of that entity.

(4) A requirement that the contractor report for investigation all crimes in connection with the facility to the public entity, to all local law enforcement agencies with jurisdiction over the place at which the facility is located, and, for a crime committed at a state correctional institution, to the state highway patrol;

(5) A requirement that the contractor immediately report all escapes from the facility, and the apprehension of all escapees, by telephone and in writing to all local law enforcement agencies with jurisdiction over the place at which the facility is located, to the prosecuting attorney of the county in which the facility is located, to the state highway patrol, to a daily newspaper having general circulation in the county in which the facility is located, and, if the ~~institution~~ facility is a state correctional institution, to the department of rehabilitation and correction. The written notice may be by either facsimile transmission or mail. A failure to comply with this requirement regarding an escape is a violation of section 2921.22 of the Revised Code.

(6) A requirement that, if the facility is a state correctional institution, the contractor provide a written report within specified time limits to the director of rehabilitation and correction or the director's designee of all unusual incidents at the facility as defined in rules promulgated by the department of rehabilitation and correction or, if the facility is a local

correctional institution, that the contractor provide a written
report of all unusual incidents at the facility to the governing
authority of the local public entity;

(7) A requirement that the contractor maintain proper control
of inmates' personal funds pursuant to rules promulgated by the
department of rehabilitation and correction, for state
correctional institutions, or pursuant to the minimum standards
for jails along with any additional standards established by the
local public entity, for local correctional institutions, and that
records pertaining to these funds be made available to
representatives of the public entity for review or audit;

(8) A requirement that the contractor prepare and distribute
to the director of rehabilitation and correction or, if
contracting with a local public entity, to the governing authority
of the local entity, annual budget income and expenditure
statements and funding source financial reports;

(9) A requirement that the public entity appoint and
supervise a full-time contract monitor, that the contractor
provide suitable office space for the contract monitor at the
facility, and that the contractor allow the contract monitor
unrestricted access to all parts of the facility and all records
of the facility except the contractor's financial records;

(10) A requirement that if the facility is a state
correctional institution, designated department of rehabilitation
and correction staff members be allowed access to the facility in
accordance with rules promulgated by the department;

(11) A requirement that the contractor provide internal and
perimeter security as agreed upon in the contract;

(12) If the facility is a state correctional institution, a
requirement that the contractor impose discipline on inmates
housed in a state correctional institution, only in accordance

with rules promulgated by the department of rehabilitation and 343
correction; 344

(13) A requirement that the facility be staffed at all times 345
with a staffing pattern approved by the public entity and adequate 346
both to ensure supervision of inmates and maintenance of security 347
within the facility, and to provide for programs, transportation, 348
security, and other operational needs. In determining security 349
needs, the contractor shall be required to consider, among other 350
things, the proximity of the facility to neighborhoods and 351
schools. 352

(14) If the contract is with a local public entity, a 353
requirement that the contractor provide services and programs, 354
consistent with the minimum standards for jails promulgated by the 355
department of rehabilitation and correction under section 5120.10 356
of the Revised Code; 357

(15) A clear statement that no immunity from liability 358
granted to the state, and no immunity from liability granted to 359
political subdivisions under Chapter 2744. of the Revised Code, 360
shall extend to the contractor or any of the contractor's 361
employees; 362

(16) A statement that all documents and records relevant to 363
the facility shall be maintained in the same manner required for, 364
and subject to the same laws, rules, and regulations as apply to, 365
the records of the public entity; 366

(17) Authorization for the public entity to impose a fine on 367
the contractor from a schedule of fines included in the contract 368
for the contractor's failure to perform its contractual duties, or 369
to cancel the contract, as the public entity considers 370
appropriate. If a fine is imposed, the public entity may reduce 371
the payment owed to the contractor pursuant to any invoice in the 372
amount of the imposed fine. 373

(18) A statement that all services provided or goods produced 374
at the facility shall be subject to the same regulations, and the 375
same distribution limitations, as apply to goods and services 376
produced at other correctional institutions; 377

(19) Authorization for the department to establish one or 378
more prison industries at a facility operated and managed by a 379
contractor for the department; 380

(20) A requirement that, if the facility is an intensive 381
program prison established pursuant to section 5120.033 of the 382
Revised Code, the facility shall comply with all criteria for 383
intensive program prisons of that type that are set forth in that 384
section; 385

(21) If the institution is a state correctional institution, 386
a requirement that the contractor provide clothing for all inmates 387
housed in the facility that is conspicuous in its color, style, or 388
color and style, that conspicuously identifies its wearer as an 389
inmate, and that is readily distinguishable from clothing of a 390
nature that normally is worn outside the facility by non-inmates, 391
that the contractor require all inmates housed in the facility to 392
wear the clothing so provided, and that the contractor not permit 393
any inmate, while inside or on the premises of the facility or 394
while being transported to or from the facility, to wear any 395
clothing of a nature that does not conspicuously identify its 396
wearer as an inmate and that normally is worn outside the facility 397
by non-inmates. 398

(C) No contract entered into under this section may require, 399
authorize, or imply a delegation of the authority or 400
responsibility of the public entity to a contractor for any of the 401
following: 402

(1) Developing or implementing procedures for calculating 403
inmate release and parole eligibility dates and recommending the 404

granting or denying of parole, although the contractor may submit
written reports that have been prepared in the ordinary course of
business;

(2) Developing or implementing procedures for calculating and
awarding earned credits, approving the type of work inmates may
perform and the wage or earned credits, if any, that may be
awarded to inmates engaging in ~~such~~ that work, and granting,
denying, or revoking earned credits;

(3) For inmates serving a term imposed for a felony offense
committed prior to July 1, 1996, or for a misdemeanor offense,
developing or implementing procedures for calculating and awarding
good time, approving the good time, if any, that may be awarded to
inmates engaging in work, and granting, denying, or revoking good
time;

(4) For inmates serving a term imposed for a felony offense
committed on or after July 1, 1996, extending an inmate's term
pursuant to the provisions of law governing bad time;

(5) Classifying an inmate or placing an inmate in a more or a
less restrictive custody than the custody ordered by the public
entity;

(6) Approving inmates for work release;

(7) Contracting for local or long distance telephone services
for inmates or receiving commissions from ~~such~~ those services at a
facility that is owned by or operated under a contract with the
department.

(D) A contractor that has been approved to operate a facility
under this section, and a person or entity that enters into a
contract for specialized services, as described in division (I) of
this section, relative to an intensive program prison established
pursuant to section 5120.033 of the Revised Code to be operated by
a contractor that has been approved to operate the prison under

this section, shall provide an adequate policy of insurance 436
specifically including, but not limited to, insurance for civil 437
rights claims as determined by a risk management or actuarial firm 438
with demonstrated experience in public liability for state 439
governments. The insurance policy shall provide that the state, 440
including all state agencies, and all political subdivisions of 441
the state with jurisdiction over the facility or in which a 442
facility is located are named as insured, and that the state and 443
its political subdivisions shall be sent any notice of 444
cancellation. The contractor may not self-insure. 445

A contractor that has been approved to operate a facility 446
under this section, and a person or entity that enters into a 447
contract for specialized services, as described in division (I) of 448
this section, relative to an intensive program prison established 449
pursuant to section 5120.033 of the Revised Code to be operated by 450
a contractor that has been approved to operate the prison under 451
this section, shall indemnify and hold harmless the state, its 452
officers, agents, and employees, and any local government entity 453
in the state having jurisdiction over the facility or ownership of 454
the facility, shall reimburse the state for its costs in defending 455
the state or any of its officers, agents, or employees, and shall 456
reimburse any local government entity of that nature for its costs 457
in defending the local government entity, from all of the 458
following: 459

(1) Any claims or losses for services rendered by the 460
contractor, person, or entity performing or supplying services in 461
connection with the performance of the contract; 462

(2) Any failure of the contractor, person, or entity or its 463
officers or employees to adhere to the laws, rules, regulations, 464
or terms agreed to in the contract; 465

(3) Any constitutional, federal, state, or civil rights claim 466
brought against the state related to the facility operated and 467

managed by the contractor; 468

(4) Any claims, losses, demands, or causes of action arising 469
out of the contractor's, person's, or entity's activities in this 470
state; 471

(5) Any attorney's fees or court costs arising from any 472
habeas corpus actions or other inmate suits that may arise from 473
any event that occurred at the facility or was a result of such an 474
event, or arise over the conditions, management, or operation of 475
the facility, which fees and costs shall include, but not be 476
limited to, attorney's fees for the state's representation and for 477
any court-appointed representation of any inmate, and the costs of 478
any special judge who may be appointed to hear such those actions 479
or suits. 480

(E) Private correctional officers of a contractor operating 481
and managing a facility pursuant to a contract entered into under 482
this section may carry and use firearms in the course of their 483
employment only after being certified as satisfactorily completing 484
an approved training program as described in division (A) of 485
section 109.78 of the Revised Code. 486

(F) Upon notification by the contractor of an escape from, or 487
of a disturbance at, the facility that is the subject of a 488
contract entered into under this section, the department of 489
rehabilitation and correction and state and local law enforcement 490
agencies shall use all reasonable means to recapture escapees or 491
quell any disturbance. Any cost incurred by the state or its 492
political subdivisions relating to the apprehension of an escapee 493
or the quelling of a disturbance at the facility shall be 494
chargeable to and borne by the contractor. The contractor shall 495
also reimburse the state or its political subdivisions for all 496
reasonable costs incurred relating to the temporary detention of 497
the escapee following recapture. 498

(G) Any offense that would be a crime if committed at a state 499
correctional institution or jail, workhouse, prison, or other 500
correctional facility shall be a crime if committed by or with 501
regard to inmates at facilities operated pursuant to a contract 502
entered into under this section. 503

(H) A contractor operating and managing a facility pursuant 504
to a contract entered into under this section shall pay any inmate 505
workers at the facility at the rate approved by the public entity. 506
Inmates working at the facility shall not be considered employees 507
of the contractor. 508

(I) In contracting for the private operation and management 509
pursuant to division (A) of this section of the initial intensive 510
program prison established pursuant to section 5120.033 of the 511
Revised Code or of any other intensive program prison established 512
pursuant to that section, the department of rehabilitation and 513
correction may enter into a contract with a contractor for the 514
general operation and management of the prison and may enter into 515
one or more separate contracts with other persons or entities for 516
the provision of specialized services for persons confined in the 517
prison, including, but not limited to, security or training 518
services or medical, counseling, educational, or similar treatment 519
programs. If, pursuant to this division, the department enters 520
into a contract with a contractor for the general operation and 521
management of the prison and also enters into one or more 522
specialized service contracts with other persons or entities, all 523
of the following apply: 524

(1) The contract for the general operation and management 525
shall comply with all requirements and criteria set forth in this 526
section, and all provisions of this section apply in relation to 527
the prison operated and managed pursuant to the contract. 528

(2) Divisions (A)(2), (B), and (C) of this section do not 529
apply in relation to any specialized services contract, except to 530

the extent that the provisions of those divisions clearly are relevant to the specialized services to be provided under the specialized services contract. Division (D) of this section applies in relation to each specialized services contract.

(J) As used in this section:

(1) "Public entity" means the department of rehabilitation and correction, or a county or municipal corporation or a combination of counties and municipal corporations, that has jurisdiction over a facility that is the subject of a contract entered into under this section.

(2) "Local public entity" means a county or municipal corporation, or a combination of counties and municipal corporations, that has jurisdiction over a jail, workhouse, or other correctional facility used only for misdemeanants that is the subject of a contract entered into under this section.

(3) "Governing authority of a local public entity" means, for a county, the board of county commissioners; for a municipal corporation, the legislative authority; for a combination of counties and municipal corporation, all the boards of county commissioners and municipal legislative authorities that joined to create the facility.

(4) "Contractor" means a person ~~who~~ or entity that enters into a contract under this section to operate and manage a jail, workhouse, or other correctional facility.

(5) "Facility" means the specific county, multicounty, municipal, municipal-county, or multicounty-municipal jail, workhouse, prison, or other type of correctional institution or facility used only for misdemeanants, or a state correctional institution, that is the subject of a contract entered into under this section.

(6) "Person or entity" in the case of a contract for the

private operation and management of a state correctional 562
institution, includes an employee organization, as defined in 563
section 4117.01 of the Revised Code, that represents employees at 564
state correctional institutions. 565

Sec. 9.821. (A) The department of administrative services 566
shall direct and manage for state agencies all risk management and 567
insurance programs authorized under section 9.822 of the Revised 568
Code. 569

(B) The office of risk management is hereby established 570
within the department of administrative services. The director of 571
administrative services, or a deputy director appointed by the 572
director, shall control and supervise the office. 573

(C) The office may take any of the following actions that it 574
determines to be in the best interests of the state: 575

(1) Provide all insurance coverages for the state, including, 576
but not limited to, automobile liability, casualty, property, 577
public liability, and, except as provided in division (C)(6) of 578
this section, fidelity bond insurance~~r~~. The cost of insurance 579
coverage shall be paid from appropriations made to the state 580
agencies that the office has designated to receive the coverage. 581
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(2) Provide coverage of legal expenses that are necessary and 583
related to the legal defense of claims against the state; 584

(3) Purchase insurance policies consistent with sections 585
125.01 to 125.111 of the Revised Code, develop and administer 586
self-insurance programs, or do both; 587

(4) Consolidate and combine state insurance coverages; 588

(5) Provide technical services in risk management and 589
insurance to state agencies; 590

(6)(a) Establish and administer a self-insured fidelity bond program for a particular class or subclass of state officer, employee, or agent, if, prior to the establishment and administration of this program, the director does both of the following:

(i) Holds a hearing in accordance with Chapter 119. of the Revised Code to determine whether fidelity bond insurance for that particular class or subclass of state officer, employee, or agent is available in the voluntary market;

(ii) If, as a result of that hearing, the director determines that fidelity bond insurance for a particular class or subclass of state officer, employee, or agent is unavailable in the voluntary market and that the absence of this insurance threatens the operation of state government and will be detrimental to the general welfare of the citizens of this state, adopts rules in accordance with Chapter 119. of the Revised Code to establish standards and procedures governing the establishment, administration, and termination of the fidelity bond program for that particular class or subclass of state officer, employee, or agent.

(b) Division (C)(6)(a) of this section does not apply to any self-insured blanket fidelity bond program that, on ~~the effective date of this section~~ September 20, 1993, has been established pursuant to section 9.831 ~~or 9.832~~ of the Revised Code.

(7) Except as provided in division (C)(6) of this section, adopt and publish, in accordance with section 111.15 of the Revised Code, necessary rules and procedures governing the administration of the state's insurance and risk management activities.

(D) No state agency, except a state agency exempted under section 125.02 or 125.04 of the Revised Code from the department's

purchasing authority, shall purchase any insurance described in 622
this section except as authorized by the department and in 623
accordance with terms, conditions, and procurement methods 624
established by the department. 625

(E) With respect to any civil action, demand, or claim 626
against the state that could be filed in the court of claims, 627
nothing in sections 9.82 to 9.823 of the Revised Code shall be 628
interpreted to permit the settlement or compromise of those civil 629
actions, demands, or claims, except in the manner provided in 630
Chapter 2743. of the Revised Code. 631

Sec. 9.822. (A) The department of administrative services 632
through the office of risk management shall establish an insurance 633
plan or plans, ~~which~~ that may provide for self-insurance or the 634
purchase of insurance, or both, for any of the following purposes: 635

(1) Insuring state real and personal property against losses 636
occasioned by fire, windstorm, or other accidents and perils; 637

(2) Insuring the state and its officers and employees against 638
liability resulting from any civil action, demand, or claim 639
against the state or its officers and employees arising out of any 640
act or omission of an officer or employee in the performance of 641
his official duties, except acts and omissions for which 642
indemnification is prohibited under section 9.87 of the Revised 643
Code; 644

(3) Insuring the state through the fidelity bonding of state 645
officers, employees, and agents who are required by law to provide 646
a fidelity bond. 647

(B)(1) Prior to the establishment of any self-insured 648
fidelity bond program for a particular class or subclass of state 649
officer, employee, or agent authorized pursuant to division (A)(3) 650
of this section, the director of administrative services shall 651

follow the procedures for holding a hearing and adopting rules set
forth in division (C)(6)(a) of section 9.821 of the Revised Code.

(2) Division (B)(1) of this section does not apply to any
self-insured blanket fidelity bond program that, on ~~the effective~~
~~date of this section~~ September 20, 1993, has been established
pursuant to section 9.831 ~~or 9.832~~ of the Revised Code.

(3) The director shall prepare annually a written report
detailing any self-insured fidelity bond program established
pursuant to division (A)(3) of this section. The report shall
include, but is not limited to, information relating to premiums
collected, income from recovery, loss experience, and
administrative costs of the program. A copy of the report,
together with a copy of those portions of the most recent reports
submitted under division (D) of section 9.823 of the Revised Code
~~and pertaining that pertain~~ to any such self-insured fidelity bond
program, shall be submitted to the speaker of the house of
representatives and the president of the senate by the ~~first~~ last
day of ~~September~~ March of each year.

Sec. 102.02. (A) Except as otherwise provided in division (H)
of this section, every person who is elected to or is a candidate
for a state, county, or city office, or the office of member of
the United States congress, and every person who is appointed to
fill a vacancy for an unexpired term in such an elective office;
all members of the state board of education; the director,
assistant directors, deputy directors, division chiefs, or persons
of equivalent rank of any administrative department of the state;
the president or other chief administrative officer of every state
institution of higher education as defined in section 3345.011 of
the Revised Code; the chief executive officer of each state
retirement system; all members of the board of commissioners on
grievances and discipline of the supreme court and the ethics

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commission created under section 102.05 of the Revised Code; every 683
business manager, treasurer, or superintendent of a city, local, 684
exempted village, joint vocational, or cooperative education 685
school district or an educational service center; every person who 686
is elected to or is a candidate for the office of member of a 687
board of education of a city, local, exempted village, joint 688
vocational, or cooperative education school district or of a 689
governing board of an educational service center that has a total 690
student count of twelve thousand or more as most recently 691
determined by the department of education pursuant to section 692
3317.03 of the Revised Code; every person who is appointed to the 693
board of education of a municipal school district pursuant to 694
division (B) or (F) of section 3311.71 of the Revised Code; all 695
members of the board of directors of a sanitary district 696
established under Chapter 6115. of the Revised Code and organized 697
wholly for the purpose of providing a water supply for domestic, 698
municipal, and public use that includes two municipal corporations 699
in two counties; every public official or employee who is paid a 700
salary or wage in accordance with schedule C of section 124.15 or 701
schedule E-2 of section 124.152 of the Revised Code; members of 702
the board of trustees and the executive director of the tobacco 703
use prevention and control foundation; members of the board of 704
trustees and the executive director of the southern Ohio 705
agricultural and community development foundation; members and the 706
executive director of the biomedical research and technology 707
transfer commission; and every other public official or employee 708
who is designated by the appropriate ethics commission pursuant to 709
division (B) of this section shall file with the appropriate 710
ethics commission on a form prescribed by the commission, a 711
statement disclosing all of the following: 712

(1) The name of the person filing the statement and each 713
member of the person's immediate family and all names under which 714
the person or members of the person's immediate family do 715

business;

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(2)(a) Subject to divisions (A)(2)(b) and (c) of this section
and except as otherwise provided in section 102.022 of the Revised
Code, identification of every source of income, other than income
from a legislative agent identified in division (A)(2)(b) of this
section, received during the preceding calendar year, in the
person's own name or by any other person for the person's use or
benefit, by the person filing the statement, and a brief
description of the nature of the services for which the income was
received. If the person filing the statement is a member of the
general assembly, the statement shall identify the amount of every
source of income received in accordance with the following ranges
of amounts: zero or more, but less than one thousand dollars; one
thousand dollars or more, but less than ten thousand dollars; ten
thousand dollars or more, but less than twenty-five thousand
dollars; twenty-five thousand dollars or more, but less than fifty
thousand dollars; fifty thousand dollars or more, but less than
one hundred thousand dollars; and one hundred thousand dollars or
more. Division (A)(2)(a) of this section shall not be construed to
require a person filing the statement who derives income from a
business or profession to disclose the individual items of income
that constitute the gross income of that business or profession,
except for those individual items of income that are attributable
to the person's or, if the income is shared with the person, the
partner's, solicitation of services or goods or performance,
arrangement, or facilitation of services or provision of goods on
behalf of the business or profession of clients, including
corporate clients, who are legislative agents as defined in
section 101.70 of the Revised Code. A person who files the
statement under this section shall disclose the identity of and
the amount of income received from a person who the public
official or employee knows or has reason to know is doing or

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seeking to do business of any kind with the public official's or 748
employee's agency. 749

(b) If the person filing the statement is a member of the 750
general assembly, the statement shall identify every source of 751
income and the amount of that income that was received from a 752
legislative agent, as defined in section 101.70 of the Revised 753
Code, during the preceding calendar year, in the person's own name 754
or by any other person for the person's use or benefit, by the 755
person filing the statement, and a brief description of the nature 756
of the services for which the income was received. Division 757
(A)(2)(b) of this section requires the disclosure of clients of 758
attorneys or persons licensed under section 4732.12 of the Revised 759
Code, or patients of persons certified under section 4731.14 of 760
the Revised Code, if those clients or patients are legislative 761
agents. Division (A)(2)(b) of this section requires a person 762
filing the statement who derives income from a business or 763
profession to disclose those individual items of income that 764
constitute the gross income of that business or profession that 765
are received from legislative agents. 766

(c) Except as otherwise provided in division (A)(2)(c) of 767
this section, division (A)(2)(a) of this section applies to 768
attorneys, physicians, and other persons who engage in the 769
practice of a profession and who, pursuant to a section of the 770
Revised Code, the common law of this state, a code of ethics 771
applicable to the profession, or otherwise, generally are required 772
not to reveal, disclose, or use confidences of clients, patients, 773
or other recipients of professional services except under 774
specified circumstances or generally are required to maintain 775
those types of confidences as privileged communications except 776
under specified circumstances. Division (A)(2)(a) of this section 777
does not require an attorney, physician, or other professional 778
subject to a confidentiality requirement as described in division 779

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

(3) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(3) of this section does not require disclosure of the name of any bank,

savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account. 812
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(4) All fee simple and leasehold interests to which the person filing the statement holds legal title to or a beneficial interest in real property located within the state, excluding the person's residence and property used primarily for personal recreation; 815
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(5) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A)(5) of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions shall disclose the names of all state-chartered savings and loan associations and of all service corporations subject to regulation under division (E)(2) of section 1151.34 of the Revised Code to whom the superintendent in the superintendent's own name or in the name of any other person owes any money, and that the superintendent and any deputy superintendent of banks shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money. 820
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(6) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)(3) of this section, who owe more than one thousand dollars to the person filing the statement, either in the person's own name or to any person for the person's use or benefit. Division (A)(6) of this section shall not be construed to require the disclosure 838
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of clients of attorneys or persons licensed under section 4732.12 844
or 4732.15 of the Revised Code, or patients of persons certified 845
under section 4731.14 of the Revised Code, nor the disclosure of 846
debts owed to the person resulting from the ordinary conduct of a 847
business or profession. 848

(7) Except as otherwise provided in section 102.022 of the 849
Revised Code, the source of each gift of over seventy-five 850
dollars, or of each gift of over twenty-five dollars received by a 851
member of the general assembly from a legislative agent, received 852
by the person in the person's own name or by any other person for 853
the person's use or benefit during the preceding calendar year, 854
except gifts received by will or by virtue of section 2105.06 of 855
the Revised Code, or received from spouses, parents, grandparents, 856
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 857
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 858
fathers-in-law, mothers-in-law, or any person to whom the person 859
filing the statement stands in loco parentis, or received by way 860
of distribution from any inter vivos or testamentary trust 861
established by a spouse or by an ancestor; 862

(8) Except as otherwise provided in section 102.022 of the 863
Revised Code, identification of the source and amount of every 864
payment of expenses incurred for travel to destinations inside or 865
outside this state that is received by the person in the person's 866
own name or by any other person for the person's use or benefit 867
and that is incurred in connection with the person's official 868
duties, except for expenses for travel to meetings or conventions 869
of a national or state organization to which either house of the 870
general assembly, any legislative agency, a state institution of 871
higher education as defined in section 3345.031 of the Revised 872
Code, any other state agency, or any political subdivision or any 873
office or agency of a political subdivision pays membership dues; 874

(9) Except as otherwise provided in section 102.022 of the 875

Revised Code, identification of the source of payment of expenses 876
for meals and other food and beverages, other than for meals and 877
other food and beverages provided at a meeting at which the person 878
participated in a panel, seminar, or speaking engagement or at a 879
meeting or convention of a national or state organization to which 880
either house of the general assembly, any legislative agency, a 881
state institution of higher education as defined in section 882
3345.031 of the Revised Code, any other state agency, or any 883
political subdivision or any office or agency of a political 884
subdivision pays membership dues, that are incurred in connection 885
with the person's official duties and that exceed one hundred 886
dollars aggregated per calendar year; 887

(10) If the financial disclosure statement is filed by a 888
public official or employee described in division (B)(2) of 889
section 101.73 of the Revised Code or division (B)(2) of section 890
121.63 of the Revised Code who receives a statement from a 891
legislative agent, executive agency lobbyist, or employer that 892
contains the information described in division (F)(2) of section 893
101.73 of the Revised Code or division (G)(2) of section 121.63 of 894
the Revised Code, all of the nondisputed information contained in 895
the statement delivered to that public official or employee by the 896
legislative agent, executive agency lobbyist, or employer under 897
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 898
the Revised Code. As used in division (A)(10) of this section, 899
"legislative agent," "executive agency lobbyist," and "employer" 900
have the same meanings as in sections 101.70 and 121.60 of the 901
Revised Code. 902

A person may file a statement required by this section in 903
person or by mail. A person who is a candidate for elective office 904
shall file the statement no later than the thirtieth day before 905
the primary, special, or general election at which the candidacy 906
is to be voted on, whichever election occurs soonest, except that 907

a person who is a write-in candidate shall file the statement no
later than the twentieth day before the earliest election at which
the person's candidacy is to be voted on. A person who holds
elective office shall file the statement on or before the
fifteenth day of April of each year unless the person is a
candidate for office. A person who is appointed to fill a vacancy
for an unexpired term in an elective office shall file the
statement within fifteen days after the person qualifies for
office. Other persons shall file an annual statement on or before
the fifteenth day of April or, if appointed or employed after that
date, within ninety days after appointment or employment. No
person shall be required to file with the appropriate ethics
commission more than one statement or pay more than one filing fee
for any one calendar year.

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

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

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(B) The Ohio ethics commission, the joint legislative ethics
committee, and the board of commissioners on grievances and
discipline of the supreme court, using the rule-making procedures
of Chapter 119. of the Revised Code, may require any class of
public officials or employees under its jurisdiction and not
specifically excluded by this section whose positions involve a
substantial and material exercise of administrative discretion in
the formulation of public policy, expenditure of public funds,
enforcement of laws and rules of the state or a county or city, or
the execution of other public trusts, to file an annual statement
on or before the fifteenth day of April under division (A) of this
section. The appropriate ethics commission shall send the public

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officials or employees written notice of the requirement by the 940
fifteenth day of February of each year the filing is required 941
unless the public official or employee is appointed after that 942
date, in which case the notice shall be sent within thirty days 943
after appointment, and the filing shall be made not later than 944
ninety days after appointment. 945

Except for disclosure statements filed by members of the 946
board of trustees and the executive director of the tobacco use 947
prevention and control foundation, members of the board of 948
trustees and the executive director of the southern Ohio 949
agricultural and community development foundation, and members and 950
the executive director of the biomedical research and technology 951
transfer commission, disclosure statements filed under this 952
division with the Ohio ethics commission by members of boards, 953
commissions, or bureaus of the state for which no compensation is 954
received other than reasonable and necessary expenses shall be 955
kept confidential. Disclosure statements filed with the Ohio 956
ethics commission under division (A) of this section by business 957
managers, treasurers, and superintendents of city, local, exempted 958
village, joint vocational, or cooperative education school 959
districts or educational service centers shall be kept 960
confidential, except that any person conducting an audit of any 961
such school district or educational service center pursuant to 962
section 115.56 or Chapter 117. of the Revised Code may examine the 963
disclosure statement of any business manager, treasurer, or 964
superintendent of that school district or educational service 965
center. The Ohio ethics commission shall examine each disclosure 966
statement required to be kept confidential to determine whether a 967
potential conflict of interest exists for the person who filed the 968
disclosure statement. A potential conflict of interest exists if 969
the private interests of the person, as indicated by the person's 970
disclosure statement, might interfere with the public interests 971

the person is required to serve in the exercise of the person's 972
authority and duties in the person's office or position of 973
employment. If the commission determines that a potential conflict 974
of interest exists, it shall notify the person who filed the 975
disclosure statement and shall make the portions of the disclosure 976
statement that indicate a potential conflict of interest subject 977
to public inspection in the same manner as is provided for other 978
disclosure statements. Any portion of the disclosure statement 979
that the commission determines does not indicate a potential 980
conflict of interest shall be kept confidential by the commission 981
and shall not be made subject to public inspection, except as is 982
necessary for the enforcement of Chapters 102. and 2921. of the 983
Revised Code and except as otherwise provided in this division. 984
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(C) No person shall knowingly fail to file, on or before the 986
applicable filing deadline established under this section, a 987
statement that is required by this section. 988

(D) No person shall knowingly file a false statement that is 989
required to be filed under this section. 990

(E)(1) Except as provided in divisions (E)(2) and (3) of this 991
section, ~~on and after March 2, 1994,~~ the statement required by 992
division (A) or (B) of this section shall be accompanied by a 993
filing fee of twenty-five dollars. 994

(2) The statement required by division (A) of this section 995
shall be accompanied by a filing fee to be paid by the person who 996
is elected or appointed to, or is a candidate for, any of the 997
following offices: 998

For state office, except member of		999
state board of education	\$50	1000
For office of member of United States		1001
congress or member of general assembly	\$25	1002
For county office	\$25	1003

file the statement a late filing fee equal to one-half of the 1036
applicable filing fee for each day the statement is not filed, 1037
except that the total amount of the late filing fee shall not 1038
exceed one hundred dollars. 1039

(G)(1) The appropriate ethics commission other than the Ohio 1040
ethics commission shall deposit all fees it receives under 1041
divisions (E) and (F) of this section into the general revenue 1042
fund of the state. 1043

(2) The Ohio ethics commission shall deposit all receipts, 1044
including, but not limited to, fees it receives under divisions 1045
(E) and (F) of this section and all moneys it receives from 1046
settlements under division (G) of section 102.06 of the Revised 1047
Code, into the Ohio ethics commission fund, which is hereby 1048
created in the state treasury. All moneys credited to the fund 1049
shall be used solely for expenses related to the operation and 1050
statutory functions of the commission. 1051

(H) Division (A) of this section does not apply to a person 1052
elected or appointed to the office of precinct, ward, or district 1053
committee member under Chapter 3517. of the Revised Code; a 1054
presidential elector; a delegate to a national convention; village 1055
or township officials and employees; any physician or psychiatrist 1056
who is paid a salary or wage in accordance with schedule C of 1057
section 124.15 or schedule E-2 of section 124.152 of the Revised 1058
Code and whose primary duties do not require the exercise of 1059
administrative discretion; or any member of a board, commission, 1060
or bureau of any county or city who receives less than one 1061
thousand dollars per year for serving in that position. 1062

Sec. 103.143. In addition to its duties under section 103.14 1063
of the Revised Code, ~~the legislative budget office~~ of the 1064
legislative service commission shall, in accordance with this 1065
section, review all bills assigned to a committee of the general 1066

assembly, complete the appropriate local impact statements 1067
required by this section, and compile and distribute these 1068
statements as required by division (D) of this section. 1069

(A) Subject to division (F) of this section, whenever any 1070
bill is introduced into either house of the general assembly and 1071
receives second consideration pursuant to the rules of that house, 1072
the bill shall be reviewed immediately by the legislative budget 1073
officer. Upon completing this review, the legislative budget 1074
officer shall determine whether the bill could result in a net 1075
additional cost to school districts, counties, townships, or 1076
municipal corporations from any new or expanded program or service 1077
that school districts, counties, townships, or municipal 1078
corporations would be required to perform or administer under the 1079
bill. If the legislative budget officer determines that it could 1080
result in such a cost, the legislative ~~budget office~~ service 1081
commission shall prepare a local impact statement in the manner 1082
specified in this section. Immediately upon determining the 1083
potential for a net additional cost, the legislative budget 1084
officer shall notify the sponsor of the bill, the chairperson of 1085
the committee to which the bill has been assigned, and the 1086
presiding officer and minority leader of the house in which the 1087
bill originates of the legislative budget officer's determination 1088
by signing and dating a statement to be delivered to them. 1089

If a local impact statement is required, the legislative 1090
~~budget office~~ service commission shall, as soon as possible but no 1091
later than thirty days after the date the bill is scheduled for a 1092
first hearing in a committee in the house in which the bill was 1093
introduced or no later than thirty days after being requested to 1094
do so by the chairperson of such a committee, prepare a statement 1095
containing the most accurate estimate possible, in dollars, of the 1096
net additional costs, if any, that will be required of school 1097
districts, counties, townships, or municipal corporations to 1098

perform or administer a new or expanded program or service 1099
required under the bill. Copies of this statement shall be sent to 1100
the governor, the speaker of the house of representatives, the 1101
president of the senate, the sponsor of the bill, the minority 1102
leader in both houses, and the chairperson of the committee to 1103
which the bill has been assigned. 1104

No bill for which a local impact statement is required by 1105
this section shall be voted out of committee until after the 1106
committee members have received and considered the statement or, 1107
if the bill was amended in committee, the revised statement, 1108
unless the bill is voted out of committee by a two-thirds vote of 1109
the membership of the committee. 1110

(B) In preparing a local impact statement, the legislative 1111
~~budget office~~ service commission may request any department, 1112
division, institution, board, commission, authority, bureau, or 1113
other instrumentality or officer of the state, a school district, 1114
a county, a municipal corporation, or a township to provide any of 1115
the following information: 1116

(1) An estimate, in dollars, of the amount by which the bill 1117
would increase or decrease the revenues received or expenditures 1118
made by the instrumentality, officer, or entity; 1119

(2) Any other information the legislative ~~budget office~~ 1120
service commission considers necessary for it to understand or 1121
explain the fiscal effect of the bill. 1122

An instrumentality, officer, or entity shall comply with a 1123
request as soon as reasonably possible, but not later than fifteen 1124
days, after receiving it. The legislative ~~budget office~~ service 1125
commission shall specify the manner of compliance in its request, 1126
and if necessary may specify a period of time longer than fifteen 1127
days for compliance. The legislative ~~budget office~~ service 1128
commission may consider any information provided under division 1129
(B)(1) or (2) of this section in preparing a local impact 1130

statement. 1131

(C) Any time a bill is amended, the legislative ~~budget office~~ service commission shall, as soon as reasonably possible, revise 1132
the local impact statement to reflect changes made by amendment. 1133
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(D) The legislative ~~budget office~~ service commission shall 1135
annually compile the final local impact statements completed for 1136
all laws passed by both houses of the general assembly in the 1137
preceding year. It shall send a copy of this compilation as a 1138
draft report ~~to the state and local government commission~~ and to 1139
associations or nonprofit organizations formed for the improvement 1140
of school districts or municipal, township, or county government 1141
or for their elected officials by the last day of July of each 1142
year. Upon receiving the draft report, ~~the state and local~~ 1143
~~government commission shall solicit comments from these~~ 1144
associations and organizations may comment about the actual fiscal 1145
impact of bills passed during the year covered by the report. ~~The~~ 1146
~~commission shall review and comment on the draft report before~~ 1147
~~returning it to the legislative budget office, along with the~~ and 1148
forward those comments ~~of the associations and organizations, to~~ 1149
the legislative service commission by the last day of August. The 1150
legislative ~~budget office~~ service commission shall then prepare a 1151
final report consisting of the compiled local impact statements 1152
and all forwarded comments ~~returned by the state and local~~ 1153
~~government commission~~. The final report shall be completed by the 1154
last day of September and copies of the report shall be sent to 1155
the governor, the speaker of the house of representatives, and the 1156
president of the senate. 1157
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(E) As used in this section, "net additional cost" means any 1159
cost incurred or anticipated to be incurred by a school district, 1160
county, township, or municipal corporation in performing or 1161
administering a new or expanded program or service required by a 1162

state law other than any of the following: 1163

(1) A cost arising from the exercise of authority granted by 1164
a state law rather than from the performance of a duty or 1165
obligation imposed by a state law; 1166

(2) New duties or obligations that create only a minimal cost 1167
for affected school districts, counties, townships, or municipal 1168
corporations. The legislative ~~budget-office~~ service commission 1169
shall determine what constitutes such a minimal cost. Before 1170
making this determination, the legislative ~~budget-office~~ service 1171
commission shall notify the state organizations that represent 1172
school districts, counties, townships, and municipal corporations 1173
regarding the proposed determination and provide a thirty-day 1174
period for these organizations and individual school districts, 1175
counties, townships, and municipal corporations to comment on it. 1176
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(3) A cost arising from a law passed as a result of a federal 1178
mandate. 1179

The amounts described in division (E)(2) of this section 1180
include only the amounts remaining after subtracting from such 1181
costs any revenues received or receivable by the school district, 1182
county, township, or municipal corporation on account of the 1183
program or service, including the following: 1184

(a) Fees charged to the recipients of the program or service; 1185
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(b) State or federal aid paid specifically or categorically 1187
in connection with the program or service; 1188

(c) Any offsetting savings resulting from the diminution or 1189
elimination of any other program or service directly attributable 1190
to the performance or administration of the required program or 1191
service. 1192

(F) This section does not apply to any of the following: 1193

(1) The main biennial operating appropriations bill;	1194
(2) The biennial operating appropriations bill for state agencies supported by motor fuel tax revenue;	1195 1196
(3) The biennial operating appropriations bill or bills for the bureau of workers' compensation and the industrial commission;	1197 1198
(4) Any other bill that makes the principal biennial operating appropriations for one or more state agencies;	1199 1200
(5) The bill that primarily contains corrections and supplemental appropriations to the biennial operating appropriations bills;	1201 1202 1203
(6) The main biennial capital appropriations bill;	1204
(7) The bill that primarily contains reappropriations from previous capital appropriations bills.	1205 1206
Sec. 105.41. (A) There is hereby created the capitol square review and advisory board, consisting of nine members as follows:	1207 1208
(1) Two members of the senate, appointed by the president of the senate, both of whom shall not be members of the same political party;	1209 1210 1211
(2) Two members of the house of representatives, appointed by the speaker of the house of representatives, both of whom shall not be members of the same political party;	1212 1213 1214
(3) Five members appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be members of the same political party, one of whom shall represent the office of the state architect and engineer, one of whom shall represent the Ohio arts council, one of whom shall represent the Ohio historical society, one of whom shall represent the Ohio building authority, and one of whom shall represent the public at large.	1215 1216 1217 1218 1219 1220 1221 1222

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(B) Terms of office of each appointed member of the board 1223
shall be for three years, except that members of the general 1224
assembly appointed to the board shall be members of the board only 1225
so long as they are members of the general assembly. Each member 1226
shall hold office from the date of the member's appointment until 1227
the end of the term for which the member was appointed. In case of 1228
a vacancy occurring on the board, the president of the senate, the 1229
speaker of the house of representatives, or the governor, as the 1230
case may be, shall in the same manner prescribed for the regular 1231
appointment to the commission, fill the vacancy by appointing a 1232
member. Any member appointed to fill a vacancy occurring prior to 1233
the expiration of the term for which the member's predecessor was 1234
appointed shall hold office for the remainder of the term. Any 1235
member shall continue in office subsequent to the expiration date 1236
of the member's term until the member's successor takes office, or 1237
until a period of sixty days has elapsed, whichever occurs first. 1238
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(C) The board shall hold meetings in a manner and at times 1240
prescribed by the rules adopted by the board. A majority of the 1241
board constitutes a quorum, and no action shall be taken by the 1242
board unless approved by at least five voting members. At its 1243
first meeting, the board shall adopt rules for the conduct of its 1244
business and the election of its officers, and shall organize by 1245
selecting a chairperson and other officers as it considers 1246
necessary. Board members shall serve without compensation but 1247
shall be reimbursed for actual and necessary expenses incurred in 1248
the performance of their duties. 1249

(D) The board may do any of the following: 1250

(1) Employ or hire on a consulting basis professional, 1251
technical, and clerical employees as are necessary for the 1252
performance of its duties; 1253

(2) Hold public hearings at times and places as determined by 1254

the board; 1255

(3) Adopt, amend, or rescind rules necessary to accomplish 1256
the duties of the board as set forth in this section; 1257

(4) Sponsor, conduct, and support such social events as the 1258
board may authorize and consider appropriate for the employees of 1259
the board, employees and members of the general assembly, 1260
employees of persons under contract with the board or otherwise 1261
engaged to perform services on the premises of capitol square, or 1262
other persons as the board may consider appropriate. Subject to 1263
the requirements of Chapter 4303. of the Revised Code, the board 1264
may provide beer, wine, and intoxicating liquor, with or without 1265
charge, for ~~such~~ those events and may use funds only from the sale 1266
of goods and services fund to purchase the beer, wine, and 1267
intoxicating liquor the board provides. 1268

(E) The board shall do all of the following: 1269

(1) Have sole authority to coordinate and approve any 1270
improvements, additions, and renovations that are made to the 1271
capitol square. The improvements shall include, but not be limited 1272
to, the placement of monuments and sculpture on the capitol 1273
grounds. 1274

(2) Operate the capitol square, and have sole authority to 1275
regulate all uses of the capitol square. The uses shall include, 1276
but not be limited to, the casual and recreational use of the 1277
capitol square. 1278

(3) Employ, fix the compensation of, and prescribe the duties 1279
of the executive director of the board and ~~such~~ other employees ~~as~~ 1280
the board considers necessary for the performance of its powers 1281
and duties; 1282

(4) Establish and maintain the capitol collection trust. The 1283
capitol collection trust shall consist of furniture, antiques, and 1284
other items of personal property that the board shall store in 1285

suitable facilities until they are ready to be placed in the 1286
capitol square. 1287

(5) Perform ~~such~~ repair, construction, contracting, 1288
purchasing, maintenance, supervisory, and operating activities ~~as~~ 1289
the board determines are necessary for the operation and 1290
maintenance of the capitol square; 1291

(6) Maintain and preserve the capitol square, in accordance 1292
with guidelines issued by the United States secretary of the 1293
interior for application of the secretary's standards for 1294
rehabilitation adopted in 36 C.F.R. part 67. 1295

(F)(1) The ~~capitol square review and advisory~~ board shall 1296
lease capital facilities improved or financed by the Ohio building 1297
authority pursuant to Chapter 152. of the Revised Code for the use 1298
of the board, and may enter into any other agreements with the 1299
authority ancillary to improvement, financing, or leasing of ~~such~~ 1300
those capital facilities, including, but not limited to, any 1301
agreement required by the applicable bond proceedings authorized 1302
by Chapter 152. of the Revised Code. Any lease of capital 1303
facilities authorized by this section shall be governed by 1304
division (D) of section 152.24 of the Revised Code. 1305

(2) Fees, receipts, and revenues received by the ~~capitol~~ 1306
~~square review and advisory~~ board from the state underground 1307
parking garage constitute available receipts as defined in section 1308
152.09 of the Revised Code, and may be pledged to the payment of 1309
bond service charges on obligations issued by the Ohio building 1310
authority pursuant to Chapter 152. of the Revised Code to improve 1311
or finance capital facilities useful to the board. The authority 1312
may, with the consent of the board, provide in the bond 1313
proceedings for a pledge of all or ~~such a~~ portion of ~~such~~ those 1314
fees, receipts, and revenues as the authority determines. The 1315
authority may provide in the bond proceedings or by separate 1316
agreement with the board for the transfer of ~~such~~ those fees, 1317

receipts, and revenues to the appropriate bond service fund or 1318
bond service reserve fund as required to pay the bond service 1319
charges when due, and any such provision for the transfer of ~~such~~ 1320
those fees, receipts, and revenues shall be controlling 1321
notwithstanding any other provision of law pertaining to ~~such~~ 1322
those fees, receipts, and revenues. 1323

(3) All moneys received by the treasurer of state on account 1324
of the board and required by the applicable bond proceedings or by 1325
separate agreement with the board to be deposited, transferred, or 1326
credited to the bond service fund or bond service reserve fund 1327
established by ~~such~~ the bond proceedings shall be transferred by 1328
the treasurer of state to such fund, whether or not ~~such fund~~ it 1329
is in the custody of the treasurer of state, without necessity for 1330
further appropriation, upon receipt of notice from the Ohio 1331
building authority as prescribed in the bond proceedings. 1332

(G) All fees, receipts, and revenues received by the ~~capitol~~ 1333
~~square review and advisory~~ board from the state underground 1334
parking garage shall be deposited into the state treasury to the 1335
credit of the underground parking garage operating fund, which is 1336
hereby created, to be used for the purposes specified in division 1337
(F) of this section and for the operation and maintenance of the 1338
garage. All investment earnings of the fund shall be credited to 1339
the fund. 1340

(H) All donations received by the ~~capitol square review and~~ 1341
~~advisory~~ board shall be deposited into the state treasury to the 1342
credit of the capitol square renovation gift fund, which is hereby 1343
created. The fund shall be used by the ~~capitol square review and~~ 1344
~~advisory~~ board as follows: 1345

(1) To provide part or all of the funding related to 1346
construction, goods, or services for the renovation of the capitol 1347
square; 1348

(2) To purchase art, antiques, and artifacts for display at 1349

the capitol square;

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

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

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(J) There is hereby created in the state treasury the capitol square ~~improvement~~ government television and telecommunications operating fund, to be used by the ~~capitol square review and advisory~~ board to pay construction, renovation for the operations, improvements, and educational projects of, and any other costs related to, any television or telecommunications studio the ~~capitol square~~ board authorizes to carry out its functions under this section, for which money is not otherwise available to the board. Whenever the board determines that there is a need to incur ~~such~~ those costs and that the unencumbered, unobligated balance to the credit of the underground parking garage operating fund exceeds the amount needed for the purposes specified in division (F) of this section and for the operation and maintenance of the garage, the board may request the director of budget and management to transfer from the underground parking garage operating fund to the capitol square ~~improvement~~ government

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television and telecommunications operating fund the amount needed 1382
to pay ~~such construction, renovation, or for the operations,~~ 1383
improvements, and educational projects of, and the other costs 1384
related to, the studio. The director then shall ~~thereupon~~ transfer 1385
the amount needed from the excess balance of the underground 1386
parking garage operating fund. 1387

(K) As the operation and maintenance of the capitol square 1388
constitute essential government functions of a public purpose, the 1389
board shall not be required to pay taxes or assessments upon the 1390
square, ~~or~~ upon any property acquired or used by the board under 1391
this section, or upon any income generated by the operation of the 1392
square. 1393

(L) As used in this section, "capitol square" means the 1394
capitol building, senate building, capitol atrium, capitol 1395
grounds, and the state underground parking garage. 1396

(M) The capitol annex shall be known as the senate building. 1397

Sec. 111.16. The secretary of state shall charge and collect, 1398
for the benefit of the state, the following fees: 1399

(A) For filing and recording articles of incorporation of a 1400
domestic corporation, including designation of agent: 1401

(1) Wherein the corporation shall not be authorized to issue 1402
any shares of capital stock, one hundred twenty-five dollars-~~i~~ 1403

(2) Wherein the corporation shall be authorized to issue 1404
shares of capital stock, with or without par value: 1405

(a) Ten cents for each share authorized up to and including 1406
one thousand shares; 1407

(b) Five cents for each share authorized in excess of one 1408
thousand shares up to and including ten thousand shares; 1409

(c) Two cents for each share authorized in excess of ten 1410

thousand shares up to and including fifty thousand shares;	1411
(d) One cent for each share authorized in excess of fifty thousand shares up to and including one hundred thousand shares;	1412 1413
(e) One-half cent for each share authorized in excess of one hundred thousand shares up to and including five hundred thousand shares;	1414 1415 1416
(f) One-quarter cent for each share authorized in excess of five hundred thousand shares; provided no fee shall be less than eighty-five <u>one hundred twenty-five</u> dollars or greater than one hundred thousand dollars.	1417 1418 1419 1420
(B) For filing and recording a certificate of amendment to or amended articles of incorporation of a domestic corporation, or for filing and recording a certificate of reorganization, a certificate of dissolution, or an amendment to a foreign license application:	1421 1422 1423 1424 1425
(1) If the domestic corporation is not authorized to issue any shares of capital stock, twenty-five <u>fifty</u> dollars;	1426 1427
(2) If the domestic corporation is authorized to issue shares of capital stock, thirty-five <u>fifty</u> dollars, and in case of any increase in the number of shares authorized to be issued, a further sum computed in accordance with the schedule set forth in division (A)(2) of this section less a credit computed in the same manner for the number of shares previously authorized to be issued by the corporation; provided no fee under division (B)(2) of this section shall be greater than one hundred thousand dollars;	1428 1429 1430 1431 1432 1433 1434 1435
(3) If the foreign corporation is not authorized to issue any shares of capital stock, fifty dollars;	1436 1437
(4) If the foreign corporation is authorized to issue shares of capital stock, fifty dollars.	1438 1439
(C) For filing and recording articles of incorporation of a	1440

savings and loan association, one hundred ~~twenty-five~~ dollars; and 1441
for filing and recording a certificate of amendment to or amended 1442
articles of incorporation ~~that do not involve an increase in the~~ 1443
~~authorized capital stock of such corporation of a savings and loan~~ 1444
~~association, twenty-five~~ fifty dollars; ~~and for filing and~~ 1445
~~recording a certificate of amendment to or amended articles of~~ 1446
~~incorporation that do involve an increase in the authorized~~ 1447
~~capital stock of such corporation, thirty-five~~ dollars; 1448

(D) For filing and recording a certificate of merger or 1449
consolidation, ~~fifty~~ one hundred twenty-five dollars and, in the 1450
case of any new corporation resulting from a consolidation or any 1451
surviving corporation that has an increased number of shares 1452
authorized to be issued resulting from a merger, an additional sum 1453
computed in accordance with the schedule set forth in division 1454
(A)(2) of this section less a credit computed in the same manner 1455
for the number of shares previously authorized to be issued or 1456
represented in this state by each of the corporations for which a 1457
consolidation or merger is effected by the certificate; 1458

(E) For filing and recording articles of incorporation of a 1459
credit union or the American credit union guaranty association, 1460
~~thirty-five~~ one hundred twenty-five dollars, and for filing and 1461
recording a certificate of increase in capital stock or any other 1462
amendment of the articles of incorporation of a credit union or 1463
the association, ~~twenty-five~~ fifty dollars; 1464

(F) For filing and recording articles of organization of a 1465
limited liability company ~~or, for filing and recording an~~ 1466
~~application to become a registered foreign limited liability~~ 1467
~~company,~~ for filing and recording a registration application to 1468
become a domestic limited liability partnership, ~~or for filing and~~ 1469
~~recording an application to become~~ a registered foreign limited 1470
liability partnership, ~~eighty-five~~ one hundred twenty-five 1471
dollars; 1472

(G) For filing and recording a certificate of limited partnership or an application for registration as a foreign limited partnership the following apply:	1473 1474 1475
(1) If the certificate or application is for a limited partnership or foreign limited partnership described in division (A)(1) of section 1782.63 of the Revised Code, and the partnership has complied with divisions (A)(1)(a) to (e) of that section, no fee:	1476 1477 1478 1479 1480
(2) If the certificate or application is for a limited partnership or foreign limited partnership other than a partnership described in division (G)(1) of this section, <u>eighty-five, one hundred twenty-five</u> dollars.	1481 1482 1483 1484
(H) For filing a copy of papers evidencing the incorporation of a municipal corporation or of annexation of territory by a municipal corporation, five dollars, to be paid by the <u>municipal</u> corporation, the petitioners therefor, or their agent;	1485 1486 1487 1488
(I) For filing and recording any of the following:	1489
(1) A license to transact business in this state by a foreign corporation for profit pursuant to section 1703.04 of the Revised Code <u>or a foreign nonprofit corporation pursuant to section 1703.27 of the Revised Code</u> , one hundred <u>twenty-five</u> dollars;	1490 1491 1492 1493 1494
(2) An annual report <u>or annual statement</u> pursuant to section 1775.63 <u>or 1785.06</u> of the Revised Code, ten <u>twenty-five</u> dollars;	1495 1496
(3) Any <u>Except as otherwise provided in this section or any other section of the Revised Code</u> , any other certificate or paper that is required to be <u>filed and recorded</u> or is permitted by any provision of the Revised Code to be filed and recorded <u>by any provision of the Revised Code</u> with the secretary of state, ten <u>twenty-five</u> dollars.	1497 1498 1499 1500 1501 1502

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

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

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

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

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

(N) ~~For expedited filing service for filings referred to in divisions (A), (B), (C), (D), (E), (F), and (G) of this section, ten dollars in addition to the fee for filing and recording provided in those divisions~~ Fifty dollars for filing and recording any of the following:

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

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

<u>(3) The withdrawal of registration of a foreign or domestic</u>	1533
<u>limited liability partnership under section 1775.61 or 1775.64 of</u>	1534
<u>the Revised Code, or the certificate of cancellation of</u>	1535
<u>registration of a foreign limited liability company under section</u>	1536
<u>1705.57 of the Revised Code;</u>	1537
<u>(4) The filing of a cancellation of disclaimer of general</u>	1538
<u>partner status under Chapter 1782. of the Revised Code.</u>	1539
<u>(O) Fees For filing a statement of continued existence by a</u>	1540
<u>nonprofit corporation, twenty-five dollars;</u>	1541
<u>(P) For filing a restatement under section 1705.08 or 1782.09</u>	1542
<u>of the Revised Code, an amendment to a certificate of cancellation</u>	1543
<u>under section 1782.10 of the Revised Code, an amendment under</u>	1544
<u>section 1705.08 or 1782.09 of the Revised Code, or a correction</u>	1545
<u>under section 1705.55, 1775.61, 1775.64, or 1782.52 of the Revised</u>	1546
<u>Code, fifty dollars;</u>	1547
<u>(Q) For filing for reinstatement of an entity cancelled by</u>	1548
<u>operation of law, by the secretary of state, by order of the</u>	1549
<u>department of taxation, or by order of a court, twenty-five</u>	1550
<u>dollars;</u>	1551
<u>(R) For filing a change of agent, resignation of agent, or</u>	1552
<u>change of agent's address under section 1701.07, 1702.06,</u>	1553
<u>1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, or 1782.04</u>	1554
<u>of the Revised Code, twenty-five dollars;</u>	1555
<u>(S) For filing and recording any of the following:</u>	1556
<u>(1) An application for the exclusive right to use a name or</u>	1557
<u>an application to reserve a name for future use under section</u>	1558
<u>1701.05, 1702.05, 1703.31, 1705.05, or 1746.06 of the Revised</u>	1559
<u>Code, fifty dollars;</u>	1560
<u>(2) A trade name or fictitious name registration or report,</u>	1561
<u>fifty dollars;</u>	1562

(3) An application to renew any item covered by division (S)(1) or (2) of this section that is permitted to be renewed, twenty-five dollars; 1563
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(4) An assignment of rights for use of a name covered by division (S)(1), (2), or (3) of this section, the cancellation of a name registration or name reservation that is so covered, or notice of a change of address of the registrant of a name that is so covered, twenty-five dollars. 1566
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(T) For filing and recording a report to operate a business trust or a real estate investment trust, either foreign or domestic, one hundred twenty-five dollars; and for filing and recording an amendment to a report or associated trust instrument, or a surrender of authority, to operate a business trust or real estate investment trust, fifty dollars; 1571
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(U)(1) For filing and recording the registration of a trademark, service mark, or mark of ownership, one hundred twenty-five dollars; 1577
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(2) For filing and recording the change of address of a registrant, the assignment of rights to a registration, a renewal of a registration, or the cancellation of a registration associated with a trademark, service mark, or mark of ownership, twenty-five dollars. 1580
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Fees specified in this section may be paid by cash, check, or money order or by credit card, or an alternative payment program, in accordance with division (B) or (C) of section 111.18 of the Revised Code. Any credit card number or the expiration date of any credit card is not subject to disclosure under Chapter 149. of the Revised Code. 1585
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Sec. 111.18. (A) The secretary of state shall keep a record of all fees collected by the secretary of state and, ~~except as~~ 1591
1592

~~otherwise provided in this subject to division (B) of section and 1593
in sections 1309.401 and 1329.68 and division (C)(2) of section 1594
3506.05 of the Revised Code and except as otherwise provided in 1595
the Revised Code, shall pay, through June 30, 2001, fifty per cent 1596
of them into the state treasury to the credit of the general 1597
revenue fund and fifty per cent of them into the state treasury to 1598
the credit of the corporate and uniform commercial code filing 1599
fund created under by section 1309.401 of the Revised Code and 1600
shall pay, on and after July 1, 2001, all of them into the state 1601
treasury to the credit of the general revenue fund. Through June 1602
30, 2001, all of the fees collected under divisions (I)(2) and (N) 1603
of section 111.16 of the Revised Code shall be paid into the state 1604
treasury to the credit of that corporate and uniform commercial 1605
code filing fund. On and after July 1, 2001, the following fees 1606
shall be paid into the state treasury to the credit of that 1607
corporate and uniform commercial code filing fund: 1608~~

~~(1) Twenty-five dollars of each fee collected under divisions 1609
(A)(2), (F), (G)(2), and (I)(1) of section 111.16 of the Revised 1610
Code: 1611~~

~~(2) Twenty-five dollars of each fee collected under division 1612
(C) of section 1703.031 of the Revised Code: 1613~~

~~(3) All fees collected under divisions (I)(2) and (N) of 1614
section 111.16 of the Revised Code: 1615~~

~~(4) All fees collected under section 1703.08 of the Revised 1616
Code: 1617~~

~~(5) Each fifty-dollar fee for amendments filed by foreign 1618
nonprofit corporations under section 1703.27 of the Revised Code. 1619~~

(B) The secretary of state may implement a credit card 1620
payment program permitting that permits payment of any fee charged 1621
by the secretary of state by means of a credit card. The secretary 1622
of state may open an account outside the state treasury in a 1623

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financial institution for the purpose of depositing credit card 1624
receipts. Within forty-eight hours following the deposit of the 1625
receipts, the financial institution shall make available to the 1626
secretary of state funds in the amount of the receipts. The 1627
secretary of state ~~then~~ shall ~~then~~ pay ~~these~~ those funds into the 1628
state treasury to the credit of the ~~general revenue~~ corporate and 1629
uniform commercial code filing fund, subject to division (B) of 1630
section 1309.401 of the Revised Code and except as otherwise 1631
provided by in the Revised Code. 1632

The secretary of state may pay the cost of any service charge 1633
required by a financial institution or credit card company in 1634
connection with a credit card payment program. 1635

The secretary of state shall adopt rules ~~as~~ necessary to 1636
carry out the purposes of this division. The rules shall include 1637
standards for determining eligible financial institutions and the 1638
manner in which funds shall be made available and shall be 1639
consistent with the standards contained in sections 135.03, 1640
135.18, and 135.181 of the Revised Code. 1641

(C) The secretary of state may implement alternative payment 1642
programs that permit payment of any fee charged by the secretary 1643
of state by means other than cash, check, money order, or credit 1644
card; an alternative payment program may include, but is not 1645
limited to, one that permits a fee to be paid by electronic means 1646
of transmission. The secretary of state may open an account 1647
outside the state treasury in a financial institution for the 1648
purpose of operating an alternative payment program. Within 1649
forty-eight hours following the deposit of funds into such an 1650
account, the financial institution shall make available to the 1651
secretary of state the deposited funds. The secretary of state 1652
then shall pay those funds into the state treasury to the credit 1653
of the corporate and uniform commercial code filing fund, subject 1654
to division (B) of section 1309.401 of the Revised Code and except 1655

as otherwise provided in the Revised Code. 1656

The secretary of state may pay the cost of any service charge 1657
required by a financial institution or service company in 1658
connection with an alternative payment program. 1659

The secretary of state shall adopt rules necessary to carry 1660
out the purposes of this division. The rules shall include 1661
standards for determining eligible financial institutions and the 1662
manner in which funds shall be made available and shall be 1663
consistent with the standards contained in sections 135.03, 1664
135.18, and 135.181 of the Revised Code. 1665

Sec. 111.23. (A) The secretary of state, by rule, shall 1666
establish, and prescribe guidelines and fees for the use of, an 1667
"expedited filing service" that provides, at the option of the 1668
person making such a filing, expeditious processing of any filing 1669
with the secretary of state under ~~Chapters~~ Chapter 1309. and or 1670
1329. and of any filing referred to in divisions (A), (B), (C), 1671
(D), (E), (F), and (G) of section 111.16 or Title XVII of the 1672
Revised Code. 1673

(B) The secretary of state may adopt rules establishing, and 1674
prescribing guidelines and fees for the use of, a bulk filing 1675
service that provides, at the option of the person making a 1676
filing, a method for providing large amounts of information. The 1677
secretary of state may charge and collect fees for filings made 1678
through a bulk filing service at reduced amounts from those 1679
otherwise specified in or authorized by the Revised Code. 1680

(C) The secretary of state may adopt rules establishing, and 1681
prescribing guidelines and fees for the use of, alternative filing 1682
procedures in making filings with the secretary of state. Under 1683
these rules, the secretary of state may accept any filing and 1684
payment of associated fees through any electronic, digital, 1685
facsimile, or other means of transmission. The filings shall be 1686

made on a form prescribed by the secretary of state and shall 1687
comply fully with any other requirements of the Revised Code 1688
applicable to the type of filing being made. 1689

Sec. 111.25. (A) The secretary of state shall prescribe the 1690
following forms for persons to use in complying with the 1691
requirements of Chapter 1309. of the Revised Code for the filing 1692
of financing statements and related documents: 1693

~~(A)~~(1) The financing statement described in division (A) of 1694
section 1309.39 of the Revised Code; 1695

~~(B)~~(2) A form for the amendment of a financing statement 1696
described in division (C) of section 1309.39 of the Revised Code; 1697

~~(C)~~(3) A continuation statement described in division (C) of 1698
section 1309.40 of the Revised Code; 1699

~~(D)~~(4) A termination statement described in division (A) of 1700
section 1309.41 of the Revised Code; 1701

~~(E)~~(5) A form for an assignment of rights under a financing 1702
statement described in section 1309.42 of the Revised Code; 1703

~~(F)~~(6) A statement of release described in section 1309.43 of 1704
the Revised Code. 1705

(B) The secretary of state shall prescribe the forms for 1706
persons to use in complying with the requirements of Title XVII of 1707
the Revised Code to the extent that those requirements relate to 1708
filings with the secretary of state's office. 1709

Sec. 118.08. (A) The members of the financial planning and 1710
supervision commission shall serve without compensation, but shall 1711
be paid by the commission their necessary and actual expenses 1712
incurred while engaged in the business of the commission. 1713

(B) All expenses incurred for services rendered by the 1714

financial supervisor for a period of twenty-four months shall be 1715
paid by the commission pursuant to an appropriation made by the 1716
general assembly for this purpose. Expenses incurred for services 1717
rendered by the financial supervisor beyond this period shall be 1718
borne by the municipal corporation, county, or township unless the 1719
director of budget and management waives the costs and allows 1720
payment in accordance with the following: 1721

(1) If the continued performance of the financial supervisor 1722
is required for a period of twenty-five to thirty months, the 1723
municipal corporation, county, or township is responsible for 1724
twenty per cent of the compensation due. 1725

(2) If the continued performance of the financial supervisor 1726
is required for a period of thirty-one to thirty-six months, the 1727
municipal corporation, county, or township is responsible for 1728
fifty per cent of the compensation due. 1729

(3) If the continued performance of the financial supervisor 1730
is required for a period of thirty-seven months or more, the 1731
municipal corporation, county, or township is responsible for one 1732
hundred per cent of the compensation due except as otherwise 1733
provided in division (B)(4) of this section. 1734

(4) ~~Beginning in fiscal year 2000, if~~ If the continued 1735
performance of the financial supervisor has been required longer 1736
than eight fiscal years for any municipal corporation, county, or 1737
township declared to be in a fiscal emergency prior to fiscal year 1738
1996, that municipal corporation, county, or township is 1739
responsible for fifty per cent of the compensation due in its 1740
ninth fiscal year ~~2000~~ while in fiscal emergency and one hundred 1741
per cent of the compensation due in its tenth fiscal year ~~2001~~ and 1742
every fiscal year thereafter while in fiscal emergency. 1743

(C) If the municipal corporation, county, or township fails 1744
to make any payment to the financial supervisor as required by 1745

this chapter, the financial supervisor may certify to the county auditor the amount due, and that amount shall be withheld from the municipal corporation, county, or township from any fund or funds in the custody of the county auditor for distribution to the municipal corporation, county, or township, except for those reserved for payment of local government fund notes. Upon receiving ~~such~~ the certification from the ~~auditor of state~~ financial supervisor, the county auditor shall draw a voucher for the amount against ~~such~~ those fund or funds in favor of the financial supervisor.

Sec. 120.06. (A)(1) The state public defender, when designated by the court or requested by a county public defender or joint county public defender, may provide legal representation in all courts throughout the state to indigent adults and juveniles who are charged with the commission of an offense or act for which the penalty or any possible adjudication includes the potential loss of liberty.

(2) The state public defender may provide legal representation to any indigent person who, while incarcerated in any state correctional institution, is charged with a felony offense, for which the penalty or any possible adjudication that may be imposed by a court upon conviction includes the potential loss of liberty.

(3) The state public defender may provide legal representation to any person incarcerated in any correctional institution of the state, in any matter in which the person asserts the person is unlawfully imprisoned or detained.

(4) The state public defender, in any case in which the state public defender has provided legal representation or is requested to do so by a county public defender or joint county public defender, may provide legal representation on appeal.

(5) The state public defender, when designated by the court 1777
or requested by a county public defender, joint county public 1778
defender, or the director of rehabilitation and correction, shall 1779
provide legal representation in parole and probation revocation 1780
matters, unless the state public defender finds that the alleged 1781
parole or probation violator has the financial capacity to retain 1782
the alleged violator's own counsel. 1783

(6) If the state public defender contracts with a county 1784
public defender commission, a joint county public defender 1785
commission, or a board of county commissioners for the provision 1786
of services, under authority of division (C)(7) of section 120.04 1787
of the Revised Code, the state public defender shall provide legal 1788
representation in accordance with the contract. 1789

(B) The state public defender shall not be required to 1790
prosecute any appeal, postconviction remedy, or other proceeding 1791
pursuant to division (A)(3), (4), or (5) of this section, unless 1792
the state public defender first is satisfied that there is 1793
arguable merit to the proceeding. 1794

(C) A court may appoint counsel or allow an indigent person 1795
to select the indigent's own personal counsel to assist the state 1796
public defender as co-counsel when the interests of justice so 1797
require. When co-counsel is appointed to assist the state public 1798
defender, the co-counsel shall receive any compensation that the 1799
court may approve, not to exceed the amounts provided for in 1800
section 2941.51 of the Revised Code. 1801

(D) When the state public defender is designated by the court 1802
or requested by a county public defender or joint county public 1803
defender to provide legal representation for an indigent person in 1804
any case, other than pursuant to a contract entered into under 1805
authority of division (C)(7) of section 120.04 of the Revised 1806
Code, the state public defender shall send to the county in which 1807
the case is filed an itemized bill for fifty per cent of the 1808

actual cost of the representation. The county, upon receipt of an
itemized bill from the state public defender pursuant to this
division, shall pay fifty per cent of the actual cost of the legal
representation as set forth in the itemized bill. There is hereby
created in the state treasury the county representation fund for
the deposit of moneys received from counties under this division.
All moneys credited to the fund shall be used by the state public
defender to provide legal representation for indigent persons when
designated by the court or requested by a county or joint county
public defender.

(E)(1) Notwithstanding any contrary provision of sections
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code
that pertains to representation by the attorney general, an
assistant attorney general, or special counsel of an officer or
employee, as defined in section 109.36 of the Revised Code, or of
an entity of state government, the state public defender may elect
to contract with, and to have the state pay pursuant to division
(E)(2) of this section for the services of, private legal counsel
to represent the Ohio public defender commission, the state public
defender, assistant state public defenders, other employees of the
commission or the state public defender, and attorneys described
in division (C) of section 120.41 of the Revised Code in a
malpractice or other civil action or proceeding that arises from
alleged actions or omissions related to responsibilities derived
pursuant to this chapter, or in a civil action that is based upon
alleged violations of the constitution or statutes of the United
States, including section 1983 of Title 42 of the United States
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that
arises from alleged actions or omissions related to
responsibilities derived pursuant to this chapter, if the state
public defender determines, in good faith, that the defendant in
the civil action or proceeding did not act manifestly outside the

scope of the defendant's employment or official responsibilities, 1841
with malicious purpose, in bad faith, or in a wanton or reckless 1842
manner. If the state public defender elects not to contract 1843
pursuant to this division for private legal counsel in a civil 1844
action or proceeding, then, in accordance with sections 109.02, 1845
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 1846
attorney general shall represent or provide for the representation 1847
of the Ohio public defender commission, the state public defender, 1848
assistant state public defenders, other employees of the 1849
commission or the state public defender, or attorneys described in 1850
division (C) of section 120.41 of the Revised Code in the civil 1851
action or proceeding. 1852

(2)(a) Subject to division (E)(2)(b) of this section, payment 1853
from the state treasury for the services of private legal counsel 1854
with whom the state public defender has contracted pursuant to 1855
division (E)(1) of this section shall be accomplished only through 1856
the following procedure: 1857

(i) The private legal counsel shall file with the attorney 1858
general a copy of the contract; a request for an award of legal 1859
fees, court costs, and expenses earned or incurred in connection 1860
with the defense of the Ohio public defender commission, the state 1861
public defender, an assistant state public defender, an employee, 1862
or an attorney in a specified civil action or proceeding; a 1863
written itemization of those fees, costs, and expenses, including 1864
the signature of the state public defender and the state public 1865
defender's attestation that the fees, costs, and expenses were 1866
earned or incurred pursuant to division (E)(1) of this section to 1867
the best of the state public defender's knowledge and information; 1868
a written statement whether the fees, costs, and expenses are for 1869
all legal services to be rendered in connection with that defense, 1870
are only for legal services rendered to the date of the request 1871
and additional legal services likely will have to be provided in 1872

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connection with that defense, or are for the final legal services 1873
rendered in connection with that defense; a written statement 1874
indicating whether the private legal counsel previously submitted 1875
a request for an award under division (E)(2) of this section in 1876
connection with that defense and, if so, the date and the amount 1877
of each award granted; and, if the fees, costs, and expenses are 1878
for all legal services to be rendered in connection with that 1879
defense or are for the final legal services rendered in connection 1880
with that defense, a certified copy of any judgment entry in the 1881
civil action or proceeding or a signed copy of any settlement 1882
agreement entered into between the parties to the civil action or 1883
proceeding. 1884

(ii) Upon receipt of a request for an award of legal fees, 1885
court costs, and expenses and the requisite supportive 1886
documentation described in division (E)(2)(a)(i) of this section, 1887
the attorney general shall review the request and documentation; 1888
determine whether any of the limitations specified in division 1889
(E)(2)(b) of this section apply to the request; and, if an award 1890
of legal fees, court costs, or expenses is permissible after 1891
applying the limitations, prepare a document awarding legal fees, 1892
court costs, or expenses to the private legal counsel. The 1893
document shall name the private legal counsel as the recipient of 1894
the award; specify the total amount of the award as determined by 1895
the attorney general; itemize the portions of the award that 1896
represent legal fees, court costs, and expenses; specify any 1897
limitation applied pursuant to division (E)(2)(b) of this section 1898
to reduce the amount of the award sought by the private legal 1899
counsel; state that the award is payable from the state treasury 1900
pursuant to division (E)(2)(a)(iii) of this section; and be 1901
approved by the inclusion of the signatures of the attorney 1902
general, the state public defender, and the private legal counsel. 1903

(iii) The attorney general shall forward a copy of the 1904

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document prepared pursuant to division (E)(2)(a)(ii) of this section to the director of budget and management. The award of legal fees, court costs, or expenses shall be paid out of the state public defender's appropriations, to the extent there is a sufficient available balance in those appropriations. If the state public defender does not have a sufficient available balance in the state public defender's appropriations to pay the entire award of legal fees, court costs, or expenses, the director shall make application for a transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies in an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations. A transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies shall be authorized if there are sufficient moneys greater than the sum total of then pending emergency purposes account requests, or requests for releases from the other appropriation. If a transfer of appropriations out of the emergency purposes account or other appropriation for emergencies or contingencies is made to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the director shall cause the payment to be made to the private legal counsel. If sufficient moneys do not exist in the emergency purposes account or other appropriation for emergencies or contingencies to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the private legal counsel shall request the general assembly to make an appropriation sufficient to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, and no payment in that amount shall be made until the appropriation has been made. The private legal counsel shall

make the request during the current biennium and during each 1938
succeeding biennium until a sufficient appropriation is made. 1939
1940

(b) An award of legal fees, court costs, and expenses 1941
pursuant to division (E) of this section is subject to the 1942
following limitations: 1943

(i) The maximum award or maximum aggregate of a series of 1944
awards of legal fees, court costs, and expenses to the private 1945
legal counsel in connection with the defense of the Ohio public 1946
defender commission, the state public defender, an assistant state 1947
public defender, an employee, or an attorney in a specified civil 1948
action or proceeding shall not exceed fifty thousand dollars. 1949

(ii) The private legal counsel shall not be awarded legal 1950
fees, court costs, or expenses to the extent the fees, costs, or 1951
expenses are covered by a policy of malpractice or other 1952
insurance. 1953

(iii) The private legal counsel shall be awarded legal fees 1954
and expenses only to the extent that the fees and expenses are 1955
reasonable in light of the legal services rendered by the private 1956
legal counsel in connection with the defense of the Ohio public 1957
defender commission, the state public defender, an assistant state 1958
public defender, an employee, or an attorney in a specified civil 1959
action or proceeding. 1960

(c) If, pursuant to division (E)(2)(a) of this section, the 1961
attorney general denies a request for an award of legal fees, 1962
court costs, or expenses to private legal counsel because of the 1963
application of a limitation specified in division (E)(2)(b) of 1964
this section, the attorney general shall notify the private legal 1965
counsel in writing of the denial and of the limitation applied. 1966

(d) If, pursuant to division (E)(2)(c) of this section, a 1967
private legal counsel receives a denial of an award notification 1968

or if a private legal counsel refuses to approve a document under
division (E)(2)(a)(ii) of this section because of the proposed
application of a limitation specified in division (E)(2)(b) of
this section, the private legal counsel may commence a civil
action against the attorney general in the court of claims to
prove the private legal counsel's entitlement to the award sought,
to prove that division (E)(2)(b) of this section does not prohibit
or otherwise limit the award sought, and to recover a judgment for
the amount of the award sought. A civil action under division
(E)(2)(d) of this section shall be commenced no later than two
years after receipt of a denial of award notification or, if the
private legal counsel refused to approve a document under division
(E)(2)(a)(ii) of this section because of the proposed application
of a limitation specified in division (E)(2)(b) of this section,
no later than two years after the refusal. Any judgment of the
court of claims in favor of the private legal counsel shall be
paid from the state treasury in accordance with division (E)(2)(a)
of this section.

(F) If a court appoints the office of the state public
defender to represent a petitioner in a postconviction relief
proceeding under section 2953.21 of the Revised Code, the
petitioner has received a sentence of death, and the proceeding
relates to that sentence, all of the attorneys who represent the
petitioner in the proceeding pursuant to the appointment, whether
an assistant state public defender, the state public defender, or
another attorney, shall be certified under Rule ~~65~~ 20 of the Rules
of Superintendence for ~~Common Pleas~~ the Courts of Ohio to
represent indigent defendants charged with or convicted of an
offense for which the death penalty can be or has been imposed.

Sec. 120.16. (A)(1) The county public defender shall provide
legal representation to indigent adults and juveniles who are
charged with the commission of an offense or act that is a

violation of a state statute and for which the penalty or any possible adjudication includes the potential loss of liberty and in postconviction proceedings as defined in this section.

(2) The county public defender may provide legal representation to indigent adults and juveniles charged with the violation of an ordinance of a municipal corporation for which the penalty or any possible adjudication includes the potential loss of liberty, if the county public defender commission has contracted with the municipal corporation to provide legal representation for indigent persons charged with a violation of an ordinance of the municipal corporation.

(B) The county public defender shall provide the legal representation authorized by division (A) of this section at every stage of the proceedings following arrest, detention, service of summons, or indictment.

(C) The county public defender may request the state public defender to prosecute any appeal or other remedy before or after conviction that the county public defender decides is in the interests of justice, and may provide legal representation in parole and probation revocation matters.

(D) The county public defender shall not be required to prosecute any appeal, postconviction remedy, or other proceeding, unless the county public defender is first satisfied there is arguable merit to the proceeding.

(E) Nothing in this section shall prevent a court from appointing counsel other than the county public defender or from allowing an indigent person to select the indigent person's own personal counsel to represent the indigent person. A court may also appoint counsel or allow an indigent person to select the indigent person's own personal counsel to assist the county public defender as co-counsel when the interests of justice so require.

(F) Information as to the right to legal representation by 2032
the county public defender or assigned counsel shall be afforded 2033
to an accused person immediately upon arrest, when brought before 2034
a magistrate, or when formally charged, whichever occurs first. 2035

(G) If a court appoints the office of the county public 2036
defender to represent a petitioner in a postconviction relief 2037
proceeding under section 2953.21 of the Revised Code, the 2038
petitioner has received a sentence of death, and the proceeding 2039
relates to that sentence, all of the attorneys who represent the 2040
petitioner in the proceeding pursuant to the appointment, whether 2041
an assistant county public defender or the county public defender, 2042
shall be certified under Rule ~~65~~ 20 of the Rules of 2043
Superintendence for ~~Common Pleas~~ the Courts of Ohio to represent 2044
indigent defendants charged with or convicted of an offense for 2045
which the death penalty can be or has been imposed. 2046

Sec. 120.26. (A)(1) The joint county public defender shall 2047
provide legal representation to indigent adults and juveniles who 2048
are charged with the commission of an offense or act that is a 2049
violation of a state statute and for which the penalty or any 2050
possible adjudication includes the potential loss of liberty and 2051
in postconviction proceedings as defined in this section. 2052

(2) The joint county public defender may provide legal 2053
representation to indigent adults and juveniles charged with the 2054
violation of an ordinance of a municipal corporation for which the 2055
penalty or any possible adjudication includes the potential loss 2056
of liberty, if the joint county public defender commission has 2057
contracted with the municipal corporation to provide legal 2058
representation for indigent persons charged with a violation of an 2059
ordinance of the municipal corporation. 2060

(B) The joint county public defender shall provide the legal 2061
representation authorized by division (A) of this section at every 2062

stage of the proceedings following arrest, detention, service of
summons, or indictment. 2063
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(C) The joint county public defender may request the Ohio
public defender to prosecute any appeal or other remedy before or
after conviction that the joint county public defender decides is
in the interests of justice and may provide legal representation
in parole and probation revocation matters. 2065
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(D) The joint county public defender shall not be required to
prosecute any appeal, postconviction remedy, or other proceeding,
unless the joint county public defender is first satisfied that
there is arguable merit to the proceeding. 2070
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(E) Nothing in this section shall prevent a court from
appointing counsel other than the joint county public defender or
from allowing an indigent person to select the indigent person's
own personal counsel to represent the indigent person. A court may
also appoint counsel or allow an indigent person to select the
indigent person's own personal counsel to assist the joint county
public defender as co-counsel when the interests of justice so
require. 2074
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(F) Information as to the right to legal representation by
the joint county public defender or assigned counsel shall be
afforded to an accused person immediately upon arrest, when
brought before a magistrate, or when formally charged, whichever
occurs first. 2082
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(G) If a court appoints the office of the joint county public
defender to represent a petitioner in a postconviction relief
proceeding under section 2953.21 of the Revised Code, the
petitioner has received a sentence of death, and the proceeding
relates to that sentence, all of the attorneys who represent the
petitioner in the proceeding pursuant to the appointment, whether
an assistant joint county defender or the joint county public
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defender, shall be certified under Rule 65 20 of the Rules of
Superintendence for ~~Common Pleas~~ the Courts of Ohio to represent
indigent defendants charged with or convicted of an offense for
which the death penalty can be or has been imposed.

Sec. 120.33. (A) In lieu of using a county public defender or
joint county public defender to represent indigent persons in the
proceedings set forth in division (A) of section 120.16 of the
Revised Code, the board of county commissioners of any county may
adopt a resolution to pay counsel who are either personally
selected by the indigent person or appointed by the court. The
resolution shall include those provisions the board of county
commissioners considers necessary to provide effective
representation of indigent persons in any proceeding for which
counsel is provided under this section. The resolution shall
include provisions for contracts with any municipal corporation
under which the municipal corporation shall reimburse the county
for counsel appointed to represent indigent persons charged with
violations of the ordinances of the municipal corporation.

(1) In a county that adopts a resolution to pay counsel, an
indigent person shall have the right to do either of the
following:

(a) To select the person's own personal counsel to represent
the person in any proceeding included within the provisions of the
resolution;

(b) To request the court to appoint counsel to represent the
person in such a proceeding.

(2) The court having jurisdiction over the proceeding in a
county that adopts a resolution to pay counsel shall, after
determining that the person is indigent and entitled to legal
representation under this section, do either of the following:

(a) By signed journal entry recorded on its docket, enter the name of the lawyer selected by the indigent person as counsel of record;

(b) Appoint counsel for the indigent person if the person has requested the court to appoint counsel and, by signed journal entry recorded on its dockets, enter the name of the lawyer appointed for the indigent person as counsel of record.

(3) The board of county commissioners shall establish a schedule of fees by case or on an hourly basis to be paid to counsel for legal services provided pursuant to a resolution adopted under this section. Prior to establishing the schedule, the board of county commissioners shall request the bar association or associations of the county to submit a proposed schedule. The schedule submitted shall be subject to the review, amendment, and approval of the board of county commissioners.

(4) Counsel selected by the indigent person or appointed by the court at the request of an indigent person in a county that adopts a resolution to pay counsel, except for counsel appointed to represent a person charged with any violation of an ordinance of a municipal corporation that has not contracted with the county commissioners for the payment of appointed counsel, shall be paid by the county and shall receive the compensation and expenses the court approves. Each request for payment shall be accompanied by a financial disclosure form and an affidavit of indigency that are completed by the indigent person on forms prescribed by the state public defender. Compensation and expenses shall not exceed the amounts fixed by the board of county commissioners in the schedule adopted pursuant to division (A)(3) of this section. No court shall approve compensation and expenses that exceed the amount fixed pursuant to division (A)(3) of this section.

The fees and expenses approved by the court shall not be taxed as part of the costs and shall be paid by the county.

However, if the person represented has, or may reasonably be
expected to have, the means to meet some part of the cost of the
services rendered to the person, the person shall pay the county
an amount that the person reasonably can be expected to pay.
Pursuant to section 120.04 of the Revised Code, the county shall
pay to the state public defender a percentage of the payment
received from the person in an amount proportionate to the
percentage of the costs of the person's case that were paid to the
county by the state public defender pursuant to this section. The
money paid to the state public defender shall be credited to the
client payment fund created pursuant to division (B)(5) of section
120.04 of the Revised Code.

The county auditor shall draw a warrant on the county
treasurer for the payment of counsel in the amount fixed by the
court, plus the expenses the court fixes and certifies to the
auditor. The county auditor shall report periodically, but not
less than annually, to the board of county commissioners and to
the Ohio public defender commission the amounts paid out pursuant
to the approval of the court. The board of county commissioners,
after review and approval of the auditor's report, may then
certify it to the state public defender for reimbursement. If a
request for reimbursement is not accompanied by a financial
disclosure form and an affidavit of indigency completed by the
indigent person on forms prescribed by the state public defender,
the state public defender shall not pay the requested
reimbursement. If a request for the reimbursement of the cost of
counsel in any case is not received by the state public defender
within ninety days after the end of the calendar month in which
the case is finally disposed of by the court, unless the county
has requested and the state public defender has granted an
extension of the ninety-day limit, the state public defender shall
not pay the requested reimbursement. The state public defender

shall also review the report and, in accordance with the 2188
standards, guidelines, and maximums established pursuant to 2189
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 2190
prepare a voucher for fifty per cent of the total cost of each 2191
county appointed counsel system in the period of time covered by 2192
the certified report and a voucher for fifty per cent of the costs 2193
and expenses that are reimbursable under section 120.35 of the 2194
Revised Code, if any, or, if the amount of money appropriated by 2195
the general assembly to reimburse counties for the operation of 2196
county public defender offices, joint county public defender 2197
offices, and county appointed counsel systems is not sufficient to 2198
pay fifty per cent of the total cost of all of the offices and 2199
systems other than costs and expenses that are reimbursable under 2200
section 120.35 of the Revised Code, for the lesser amount required 2201
by section 120.34 of the Revised Code. 2202

(5) If any county appointed counsel system fails to maintain 2203
the standards for the conduct of the system established by the 2204
rules of the Ohio public defender commission pursuant to divisions 2205
(B) and (C) of section 120.03 or the standards established by the 2206
state public defender pursuant to division (B)(7) of section 2207
120.04 of the Revised Code, the Ohio public defender commission 2208
shall notify the board of county commissioners of the county that 2209
the county appointed counsel system has failed to comply with its 2210
rules or the standards of the state public defender. Unless the 2211
board of county commissioners corrects the conduct of its 2212
appointed counsel system to comply with the rules and standards 2213
within ninety days after the date of the notice, the state public 2214
defender may deny all or part of the county's reimbursement from 2215
the state provided for in division (A)(4) of this section. 2216

(B) In lieu of using a county public defender or joint county 2217
public defender to represent indigent persons in the proceedings 2218
set forth in division (A) of section 120.16 of the Revised Code, 2219

and in lieu of adopting the resolution and following the procedure 2220
described in division (A) of this section, the board of county 2221
commissioners of any county may contract with the state public 2222
defender for the state public defender's legal representation of 2223
indigent persons. A contract entered into pursuant to this 2224
division may provide for payment for the services provided on a 2225
per case, hourly, or fixed contract basis. 2226

(C) If a court appoints an attorney pursuant to this section 2227
to represent a petitioner in a postconviction relief proceeding 2228
under section 2953.21 of the Revised Code, the petitioner has 2229
received a sentence of death, and the proceeding relates to that 2230
sentence, the attorney who represents the petitioner in the 2231
proceeding pursuant to the appointment shall be certified under 2232
Rule 65 20 of the Rules of Superintendence for ~~Common Pleas~~ the 2233
Courts of Ohio to represent indigent defendants charged with or 2234
convicted of an offense for which the death penalty can be or has 2235
been imposed. 2236

Sec. 121.40. (A) There is hereby created the ~~governor's~~ Ohio 2237
community service council consisting of twenty-one members 2238
including the superintendent of public instruction or the 2239
superintendent's designee, the chancellor of the Ohio board of 2240
regents or the chancellor's designee, the director of natural 2241
resources or the director's designee, the director of youth 2242
services or the director's designee, the director of aging or the 2243
director's designee, the director of job and family services or 2244
the director's designee, the chairperson of the committee of the 2245
house of representatives dealing with education or the 2246
chairperson's designee, the chairperson of the committee of the 2247
senate dealing with education or the chairperson's designee, and 2248
thirteen members who shall be appointed by the governor with the 2249
advice and consent of the senate and who shall serve terms of 2250
office of three years. The appointees shall include educators, 2251

including teachers and administrators; representatives of youth 2252
organizations; students and parents; representatives of 2253
organizations engaged in volunteer program development and 2254
management throughout the state, including youth and conservation 2255
programs; and representatives of business, government, nonprofit 2256
organizations, social service agencies, veterans organizations, 2257
religious organizations, or philanthropies that support or 2258
encourage volunteerism within the state. Members of the council 2259
shall receive no compensation, but shall be reimbursed for actual 2260
and necessary expenses incurred in the performance of their 2261
official duties. 2262

(B) The council shall appoint an executive director for the 2263
council, who shall be in the unclassified civil service. The 2264
executive director shall supervise the council's activities and 2265
report to the council on the progress of those activities. The 2266
executive director shall do all things necessary for the efficient 2267
and effective implementation of the duties of the council. 2268

The responsibilities assigned to the executive director do 2269
not relieve the members of the council from final responsibility 2270
for the proper performance of the requirements of this ~~division~~ 2271
section. 2272

(C) The council or its designee shall do all of the 2273
following: 2274

(1) Employ, promote, supervise, and remove all employees as 2275
needed in connection with the performance of its duties under this 2276
section and may assign duties to those employees as necessary to 2277
achieve the most efficient performance of its functions, and to 2278
that end may establish, change, or abolish positions, and assign 2279
and reassign duties and responsibilities of any employee of the 2280
council. Personnel employed by the council who are subject to 2281
Chapter 4117. of the Revised Code shall retain all of their rights 2282
and benefits conferred pursuant to that chapter. Nothing in this 2283

chapter shall be construed as eliminating or interfering with 2284
Chapter 4117. of the Revised Code or the rights and benefits 2285
conferred under that chapter to public employees or to any 2286
bargaining unit. 2287

(2) Maintain its office in Columbus, and may hold sessions at 2288
any place within the state; 2289

(3) Acquire facilities, equipment, and supplies necessary to 2290
house the council, its employees, and files and records under its 2291
control, and to discharge any duty imposed upon it by law. The 2292
expense of these acquisitions shall be audited and paid for in the 2293
same manner as other state expenses. For that purpose, the council 2294
shall prepare and submit to the office of budget and management a 2295
budget for each biennium according to sections 101.532 and 107.03 2296
of the Revised Code. The budget submitted shall cover the costs of 2297
the council and its staff in the discharge of any duty imposed 2298
upon the council by law. The council shall not delegate any 2299
authority to obligate funds. 2300

(4) Pay its own payroll and other operating expenses from 2301
line items designated by the general assembly; 2302

(5) Retain its fiduciary responsibility as appointing 2303
authority. Any transaction instructions shall be certified by the 2304
appointing authority or its designee. 2305

(6) Establish the overall policy and management of the 2306
council in accordance with this chapter; 2307

(7) Assist in coordinating and preparing the state 2308
application for funds under sections 101 to 184 of the "National 2309
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 2310
U.S.C.A. 12411 to 12544, ~~and amendments thereto~~ as amended, assist 2311
in administering and overseeing the "National and Community 2312
Service Trust Act of 1993," P.L. 103-82, 107 Stat. 785, and the 2313
americorps program in this state, and assist in developing 2314

objectives for a comprehensive strategy to encourage and expand 2315
community service programs throughout the state; 2316

(8) Assist the state board of education, school districts, 2317
the board of regents, and institutions of higher education in 2318
coordinating community service education programs through 2319
cooperative efforts between institutions and organizations in the 2320
public and private sectors; 2321

(9) Assist the departments of natural resources, youth 2322
services, aging, and job and family services in coordinating 2323
community service programs through cooperative efforts between 2324
institutions and organizations in the public and private sectors; 2325

(10) Suggest individuals and organizations that are available 2326
to assist school districts, institutions of higher education, and 2327
the departments of natural resources, youth services, aging, and 2328
job and family services in the establishment of community service 2329
programs and assist in investigating sources of funding for 2330
implementing ~~such~~ these programs; 2331

(11) Assist in evaluating the state's efforts in providing 2332
community service programs using standards and methods that are 2333
consistent with any statewide objectives for ~~such~~ these programs 2334
and provide information to the state board of education, school 2335
districts, the board of regents, institutions of higher education, 2336
and the departments of natural resources, youth services, aging, 2337
and job and family services to guide them in making decisions 2338
about these programs; 2339

(12) Assist the state board of education in complying with 2340
section 3301.70 of the Revised Code and the board of regents in 2341
complying with division (B)(2) of section 3333.043 of the Revised 2342
Code. 2343

(D) The department of aging shall serve as the council's 2344
fiscal agent. Beginning on July 1, 1997, whenever reference is 2345

made in any law, contract, or document to the functions of the 2346
department of youth services as fiscal agent to the council, the 2347
reference shall be deemed to refer to the department of aging. The 2348
department of aging shall have no responsibility for or obligation 2349
to the council prior to July 1, 1997. Any validation, cure, right, 2350
privilege, remedy, obligation, or liability shall be retained by 2351
the council. 2352

As used in this section, "fiscal agent" means technical 2353
support and includes the following technical support services: 2354

(1) Preparing and processing payroll and other personnel 2355
documents that the council executes as the appointing authority. 2356
The department of aging shall not approve any payroll or other 2357
personnel-related documents. 2358

(2) Maintaining ledgers of accounts and reports of account 2359
balances, and monitoring budgets and allotment plans in 2360
consultation with the council. The department shall not approve 2361
any biennial budget, grant, expenditure, audit, or fiscal-related 2362
document. 2363

(3) Performing other routine support services that the 2364
director of aging or the director's designee and the council or 2365
its designee consider appropriate to achieve efficiency. 2366

(E) The council or its designee has the following authority 2367
and responsibility relative to fiscal matters: 2368

(1) Sole authority to draw funds for any and all federal 2369
programs in which the council is authorized to participate; 2370

(2) Sole authority to expend funds from their accounts for 2371
programs and any other necessary expenses the council may incur 2372
and its subgrantees may incur; 2373

(3) Responsibility to cooperate with and inform the 2374
department of aging as fiscal agent to ensure that the department 2375

is fully apprised of all financial transactions.	2376
The council shall follow all state procurement requirements.	2377
The department of aging shall determine fees to be charged to the council, which shall be in proportion to the services performed for the council.	2378 2379 2380
The council shall pay fees owed to the department of aging from a general revenue fund of the council or from any other fund from which the operating expenses of the council are paid. Any amounts set aside for a fiscal year for the payment of such <u>these</u> fees shall be used only for the services performed for the council by the department of aging in that fiscal year.	2381 2382 2383 2384 2385 2386
Sec. 122.011. (A) The department of development shall develop and promote plans and programs designed to assure that state resources are efficiently used, economic growth is properly balanced, community growth is developed in an orderly manner, and local governments are coordinated with each other and the state, and for such purposes may do all of the following:	2387 2388 2389 2390 2391 2392
(1) Serve as a clearinghouse for information, data, and other materials that may be helpful or necessary to persons or local governments, as provided in section 122.07 of the Revised Code;	2393 2394 2395 2396
(2) Prepare and activate plans for the retention, development, expansion, and use of the resources and commerce of the state, as provided in section 122.04 of the Revised Code;	2397 2398 2399
(3) Assist and cooperate with federal, state, and local governments and agencies of federal, state, and local governments in the coordination of programs to carry out the functions and duties of the department;	2400 2401 2402 2403
(4) Encourage and foster research and development activities, conduct studies related to the solution of community problems, and	2404 2405

develop recommendations for administrative or legislative actions, 2406
as provided in section 122.03 of the Revised Code; 2407
2408

(5) Serve as the economic and community development planning 2409
agency, which shall prepare and recommend plans and programs for 2410
the orderly growth and development of this state and which shall 2411
provide planning assistance, as provided in section 122.06 of the 2412
Revised Code; 2413

(6) Cooperate with and provide technical assistance to state 2414
departments, political subdivisions, regional and local planning 2415
commissions, tourist associations, councils of government, 2416
community development groups, community action agencies, and other 2417
appropriate organizations for carrying out the functions and 2418
duties of the department or for the solution of community 2419
problems; 2420

(7) Coordinate the activities of state agencies that have an 2421
impact on carrying out the functions and duties of the department; 2422

(8) Encourage and assist the efforts of and cooperate with 2423
local governments to develop mutual and cooperative solutions to 2424
their common problems that relate to carrying out the purposes of 2425
this section; 2426

(9) Study existing structure, operations, and financing of 2427
regional or local government and those state activities that 2428
involve significant relations with regional or local governmental 2429
units, recommend to the governor and to the general assembly such 2430
changes in these provisions and activities as will improve the 2431
operations of regional or local government, and conduct other 2432
studies of legal provisions that affect problems related to 2433
carrying out the purposes of this section; 2434

(10) Appoint, with the approval of the governor, technical 2435
and other advisory councils as it considers appropriate, as 2436

provided in section 122.09 of the Revised Code;	2437
(11) Create and operate a division of community development	2438
to develop and administer programs and activities that are	2439
authorized by federal statute or the Revised Code;	2440
(12) Until July 1, 2001, review, analyze, and summarize	2441
applications and information regarding the family farm loan	2442
program forwarded to the department by a financial institution	2443
pursuant to section 901.81 of the Revised Code, and forward the	2444
applications, information, analyses, and summaries to the director	2445
of agriculture;	2446
(13) Until July 1, 2001 <u>2003</u> , establish fees and charges, in	2447
consultation with the director of agriculture, for purchasing	2448
loans from financial institutions and providing loan guarantees	2449
under the family farm loan program created under sections 901.80	2450
to 901.83 of the Revised Code;	2451
(14) (13) Provide loan servicing for the loans purchased and	2452
loan guarantees provided under section 901.80 of the Revised Code	2453
as that section existed prior to July 1, 2001 <u>2003</u> ;	2454
(15) (14) Until July 1, 2001 <u>2003</u> , and upon approval by the	2455
controlling board under division (A)(3) of section 901.82 of the	2456
Revised Code of the release of money to be used for purchasing a	2457
loan or providing a loan guarantee, request the release of that	2458
money in accordance with division (B) of section 166.03 of the	2459
Revised Code for use for the purposes of the fund created by	2460
section 166.031 of the Revised Code.	2461
(B) The department, by rule, shall establish criteria	2462
defining nonprofit corporations that are eligible for appointment	2463
as qualified agents pursuant to sections 135.81 to 135.88 of the	2464
Revised Code. The criteria shall require that a corporation be	2465
organized pursuant to Chapter 1702. of the Revised Code and have	2466
as its primary purpose the promotion of economic development or	2467

the creation or retention of jobs and job opportunities. The 2468
criteria may include a specification as to the professional 2469
qualifications of the corporation employees, a minimum elapsed 2470
period of time since the corporation was organized, current and 2471
former activities of the corporation, and such other criteria 2472
reasonably related to the foregoing that relate to the ability of 2473
the corporation to act as a qualified agent for the purposes of 2474
sections ~~135.51~~ 135.81 to 135.88 of the Revised Code. 2475

(C) The director of development may request the attorney 2476
general to, and the attorney general, in accordance with section 2477
109.02 of the Revised Code, shall bring a civil action in any 2478
court of competent jurisdiction. The director may be sued in the 2479
director's official capacity, in connection with this chapter, in 2480
accordance with Chapter 2743. of the Revised Code. 2481

Sec. 122.71. As used in sections 122.71 to 122.83 of the 2482
Revised Code: 2483

(A) "Financial institution" means any banking corporation, 2484
trust company, insurance company, savings and loan association, 2485
building and loan association, or corporation, partnership, 2486
federal lending agency, foundation, or other institution engaged 2487
in lending or investing funds for industrial or business purposes. 2488

(B) "Project" means any real or personal property connected 2489
with or being a part of an industrial, distribution, commercial, 2490
or research facility to be acquired, constructed, reconstructed, 2491
enlarged, improved, furnished, or equipped, or any combination 2492
thereof, with the aid provided under sections 122.71 to 122.83 of 2493
the Revised Code, for industrial, commercial, distribution, and 2494
research development of the state. 2495

(C) "Mortgage" means the lien imposed on a project by a 2496
mortgage on real property, or by financing statements on personal 2497
property, or a combination of a mortgage and financing statements 2498

when a project consists of both real and personal property. 2499

(D) "Mortgagor" means the principal user of a project or the 2500
person, corporation, partnership, or association unconditionally 2501
guaranteeing performance by the principal user of its obligations 2502
under the mortgage. 2503

(E)(1) "Minority business enterprise" means an individual who 2504
is a United States citizen and owns and controls a business, or a 2505
partnership, corporation, or joint venture of any kind that is 2506
owned and controlled by United States citizens who, which citizen 2507
or citizens are residents of this state ~~or nonresidents of this~~ 2508
~~state who have a significant presence in this state,~~ and who are 2509
members of one of the following economically disadvantaged groups: 2510
Blacks, American Indians, Hispanics, and Orientals. 2511

(2) "Owned and controlled" means that at least fifty-one per 2512
cent of the business, including corporate stock if a corporation, 2513
is owned by persons who belong to one or more of the groups set 2514
forth in division (E)(1) of this section, and that those owners 2515
have control over the management and day-to-day operations of the 2516
business and an interest in the capital, assets, and profits and 2517
losses of the business proportionate to their percentage of 2518
ownership. In order to qualify as a minority business enterprise, 2519
a business shall have been owned and controlled by those persons 2520
at least one year prior to being awarded a contract pursuant to 2521
this section. 2522

(F) "Community improvement corporation" means a corporation 2523
organized under Chapter 1724. of the Revised Code. 2524

(G) "Ohio development corporation" means a corporation 2525
organized under Chapter 1726. of the Revised Code. 2526

(H) "Minority contractors business assistance organization" 2527
means an entity engaged in the provision of management and 2528
technical business assistance to minority business enterprise 2529

<u>entrepreneurs.</u>	2530
<u>(I) "Minority business supplier development council" means a</u>	2531
<u>nonprofit organization established as an affiliate of the national</u>	2532
<u>minority supplier development council.</u>	2533
Sec. 122.76. (A) The director of development, with	2534
controlling board approval, may lend funds to minority business	2535
enterprises and to community improvement corporations <u>and</u> , Ohio	2536
development corporations, <u>minority contractors business assistance</u>	2537
<u>organizations, and minority business supplier development councils</u>	2538
for the purpose of loaning funds to minority business enterprises	2539
and for the purpose of procuring or improving real or personal	2540
property, or both, for the establishment, location, or expansion	2541
of industrial, distribution, commercial, or research facilities in	2542
the state, if the director determines, in the director's sole	2543
discretion, that all of the following apply:	2544
(1) The project is economically sound and will benefit the	2545
people of the state by increasing opportunities for employment, by	2546
strengthening the economy of the state, or expanding minority	2547
business enterprises + .	2548
(2) The proposed minority business enterprise borrower is	2549
unable to finance the proposed project through ordinary financial	2550
channels at comparable terms + .	2551
(3) The value of the project is + or + upon completion thereof,	2552
will be + at least equal to the total amount of the money expended	2553
in the procurement or improvement of the project, and of which	2554
amount one or more financial institutions or other governmental	2555
entities have loaned not less than thirty per cent + <u>of that</u>	2556
<u>amount.</u>	2557
(4) The amount to be loaned by the director will not exceed	2558
sixty per cent of the total amount expended in the procurement or	2559

improvement of the project~~+~~. 2560

(5) The amount to be loaned by the director will be 2561
adequately secured by a first or second mortgage upon the project~~+~~ 2562
or by mortgages, leases, liens, assignments, or pledges on or of 2563
other property or contracts as the director requires, ~~and that~~ 2564
such mortgage will not be subordinate to any other liens or 2565
mortgages except the liens securing loans or investments made by 2566
financial institutions referred to in division (A)(3) of this 2567
section, and the liens securing loans previously made by any 2568
financial institution in connection with the procurement or 2569
expansion of all or part of a project. 2570

(B) Any proposed minority business enterprise borrower 2571
submitting an application for assistance under this section shall 2572
not have defaulted on a previous loan from the director, and no 2573
full or limited partner, ~~or~~ major shareholder, or holder of an 2574
equity interest of the proposed minority business enterprise 2575
borrower shall have defaulted on a loan from the director~~+~~. 2576

(C) The proposed minority business enterprise borrower shall 2577
demonstrate to the satisfaction of the director that it is able to 2578
successfully compete in the private sector if it obtains the 2579
necessary financial, technical, or managerial support and that 2580
support is available through the director, the minority business 2581
development office of the department of development, or other 2582
identified and acceptable sources. In determining whether a 2583
minority business enterprise borrower will be able to successfully 2584
compete, the director may give consideration to such factors as 2585
the successful completion of or participation in courses of study, 2586
recognized by the board of regents as providing financial, 2587
technical, or managerial skills related to the operation of the 2588
business, by the economically disadvantaged individual, owner, or 2589
partner, and the prior success of the individual, owner, or 2590
partner in personal, career, or business activities, as well as to 2591

other factors identified by the director. 2592

(D) The director shall not lend funds for the purpose of 2593
procuring or improving motor vehicles, power-driven vehicles, 2594
office equipment, raw materials, small tools, supplies, 2595
inventories, or accounts receivable. 2596

Sec. 122.92. There is hereby created in the department of 2597
development a minority business development division. The division 2598
shall do all of the following: 2599

(A) Provide technical, managerial, and counseling services 2600
and assistance to minority business enterprises; 2601

(B) Provide procurement and bid packaging assistance to 2602
minority business enterprises; 2603

(C) Provide bonding technical assistance to minority business 2604
enterprises; 2605

(D) Participate with other state departments and agencies as 2606
appropriate in developing specific plans and specific program 2607
goals for programs to assist in the establishment and development 2608
of minority business enterprises and establish regular performance 2609
monitoring and reporting systems to ensure that those goals are 2610
being achieved; 2611

(E) Implement state law and policy supporting minority 2612
business enterprise development, and assist in the coordination of 2613
plans, programs, and operations of state government which affect 2614
or may contribute to the establishment, preservation, and 2615
strengthening of minority business enterprises; 2616

(F) Assist in the coordination of activities and resources of 2617
state agencies and local governments, business and trade 2618
associations, universities, foundations, professional 2619
organizations, and volunteer and other groups, to promote the 2620
growth of minority business enterprises; 2621

(G) Establish a center for the development, collection, and dissemination of information that will be helpful to persons in establishing or expanding minority business enterprises in this state;	2622 2623 2624 2625
(H) Design, implement, and assist in experimental and demonstration projects designed to overcome the special problems of minority business enterprises;	2626 2627 2628
(I) Coordinate reviews of all proposed state training and technical assistance activities in direct support of minority business enterprise programs to ensure consistency with program goals and to preclude duplication of efforts by other state agencies;	2629 2630 2631 2632 2633
(J) Recommend appropriate legislative or executive actions to enhance minority business <u>enterprise</u> opportunities in the state;	2634 2635 2636
(K) Assist minority business enterprises in obtaining governmental or commercial financing for business expansion, establishment of new businesses, or industrial development projects;	2637 2638 2639 2640
(L) Assist minority business enterprises in contract procurement from government and commercial sources;	2641 2642
(M) Establish procedures to identify groups who have been disadvantaged because of racial, cultural, or ethnic circumstances without regard to the individual qualities of the members of the group;	2643 2644 2645 2646
(N) Establish procedures to identify persons who have been economically disadvantaged;	2647 2648
(O) <u>Provide grant assistance to nonprofit entities that promote economic development, development corporations, community improvement corporations, and incubator business entities, if the</u>	2649 2650 2651

entities or corporations focus on business, technical, and 2652
financial assistance to minority business enterprises to assist 2653
the enterprises with fixed asset financing; 2654

(P) Do all acts and things necessary or proper to carry out 2655
the powers expressly granted and duties imposed by sections 122.92 2656
to 122.94 of the Revised Code. 2657

Sec. 125.22. (A) The department of administrative services 2658
shall establish the central service agency to perform routine 2659
support for the following boards and commissions: 2660

(1) State board of examiners of architects; 2661

(2) Barber board; 2662

(3) State chiropractic board; 2663

(4) State board of cosmetology; 2664

(5) Accountancy board; 2665

(6) State dental board; 2666

(7) State board of optometry; 2667

(8) Ohio occupational therapy, physical therapy, and athletic 2668
trainers board; 2669

(9) State board of registration for professional engineers 2670
and surveyors; 2671

(10) State board of sanitarian registration; 2672

(11) Board of embalmers and funeral directors; 2673

(12) State board of psychology; 2674

(13) Ohio optical dispensers board; 2675

(14) Board of speech pathology and audiology; 2676

(15) Counselor and social worker board; 2677

(16) State veterinary medical licensing board; 2678

(17) Ohio board of dietetics;	2679
(18) Commission on Hispanic-Latino affairs;	2680
(19) Ohio respiratory care board;	2681
<u>(20) Ohio commission on African-American males.</u>	2682
(B)(1) Notwithstanding any other section of the Revised Code,	2683
the agency shall perform the following routine support services	2684
for the boards and commissions named in division (A) of this	2685
section unless the controlling board exempts a board or commission	2686
from this requirement on the recommendation of the director of	2687
administrative services:	2688
(a) Preparing and processing payroll and other personnel	2689
documents;	2690
(b) Preparing and processing vouchers, purchase orders,	2691
encumbrances, and other accounting documents;	2692
(c) Maintaining ledgers of accounts and balances;	2693
(d) Preparing and monitoring budgets and allotment plans in	2694
consultation with the boards and commissions;	2695
(e) Maintaining information required by section 3729.40 of	2696
the Revised Code;	2697
(f) Other routine support services that the director of	2698
administrative services considers appropriate to achieve	2699
efficiency.	2700
(2) The agency may perform other services which a board or	2701
commission named in division (A) of this section delegates to the	2702
agency and the agency accepts.	2703
(3) The agency may perform any service for any professional	2704
or occupational licensing board not named in division (A) of this	2705
section or any commission if the board or commission requests such	2706
service and the agency accepts.	2707

(C) The director of administrative services shall be the 2708
appointing authority for the agency. 2709

(D) The agency shall determine the fees to be charged to the 2710
boards and commissions, which shall be in proportion to the 2711
services performed for each board or commission. 2712

(E) Each board or commission named in division (A) of this 2713
section and any other board or commission requesting services from 2714
the agency shall pay these fees to the agency from the general 2715
revenue fund maintenance account of the board or commission or 2716
from such other fund as the operating expenses of the board or 2717
commission are paid. Any amounts set aside for a fiscal year by a 2718
board or commission to allow for the payment of fees shall be used 2719
only for the services performed by the agency in that fiscal year. 2720
All receipts collected by the agency shall be deposited in the 2721
state treasury to the credit of the central service agency fund, 2722
which is hereby created. All expenses incurred by the agency in 2723
performing services for the boards or commissions shall be paid 2724
from the fund. 2725

(F) Nothing in this section shall be construed as a grant of 2726
authority for the central service agency to initiate or deny 2727
personnel or fiscal actions for the boards and commissions. 2728

Sec. 126.11. (A)(1) The director of budget and management 2729
shall, upon consultation with the treasurer of state, coordinate 2730
and approve the scheduling of initial sales of publicly offered 2731
securities of the state and of publicly offered fractionalized 2732
interests in or securitized issues of public obligations of the 2733
state. The director shall from time to time develop and distribute 2734
to state issuers an approved sale schedule for each of the 2735
obligations covered by ~~this~~ division (A) of this section. ~~This~~ 2736
~~division~~ Division (A) of this section applies only to those 2737
nonconduit obligations on which the state or a state agency is the 2738

direct obligor or obligor on any backup security or related credit 2739
enhancement facility or source of money subject to state 2740
appropriations that is intended for payment of those obligations. 2741

(2) The issuers of obligations pursuant to section 151.03, 2742
151.04, 151.05, or 151.07 or Chapter 152. of the Revised Code 2743
shall submit to the director: 2744

(a) For review and approval: the projected sale date, amount, 2745
and type of obligations proposed to be sold; their purpose, 2746
security, and source of payment; and the proposed structure and 2747
maturity schedule; 2748

(b) For review and comment: the authorizing order or 2749
resolution; preliminary and final offering documents; method of 2750
sale; preliminary and final pricing information; and any written 2751
reports or recommendations of financial advisors or consultants 2752
relating to those obligations; 2753

(c) Promptly after each sale of those obligations: final 2754
terms, including sale price, maturity schedule and yields, and 2755
sources and uses; names of the original purchasers or 2756
underwriters; a copy of the final offering document and of the 2757
transcript of proceedings; and any other pertinent information 2758
requested by the director. 2759

(3) The issuer of obligations pursuant to section 151.06 or 2760
151.08 or Chapter 154. ~~or 3318.~~ of the Revised Code shall submit 2761
to the director: 2762

(a) For review and mutual agreement: the projected sale date, 2763
amount, and type of obligations proposed to be sold; their 2764
purpose, security, and source of payment; and the proposed 2765
structure and maturity schedule; 2766

(b) For review and comment: the authorizing order or 2767
resolution; preliminary and final offering documents; method of 2768
sale; preliminary and final pricing information; and any written 2769

reports or recommendations of financial advisors or consultants	2770
relating to those obligations;	2771
(c) Promptly after each sale of those obligations: final	2772
terms, including sale price, maturity schedule and yields, and	2773
sources and uses; names of the original purchasers or	2774
underwriters; a copy of the final offering document and of the	2775
transcript of proceedings; and any other pertinent information	2776
requested by the director.	2777
(4) The issuers of obligations pursuant to Chapter 166.,	2778
4981., 5540., or 6121., or section 5531.10, of the Revised Code	2779
shall submit to the director:	2780
(a) For review and comment: the projected sale date, amount,	2781
and type of obligations proposed to be sold; the purpose,	2782
security, and source of payment; and preliminary and final	2783
offering documents;	2784
(b) Promptly after each sale of those obligations: final	2785
terms, including a maturity schedule; names of the original	2786
purchasers or underwriters; a copy of the complete continuing	2787
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent	2788
rule as from time to time in effect; and any other pertinent	2789
information requested by the director.	2790
(5) Not later than thirty days after the end of a fiscal	2791
year, each issuer of obligations subject to divisions (A) and (B)	2792
of this section shall submit to the director and to the treasurer	2793
of state a sale plan for the then current fiscal year for each	2794
type of obligation, projecting the amount and term of each	2795
issuance, the method of sale, and the month of sale.	2796
(B) Issuers of obligations pursuant to <u>section 3318.085 or</u>	2797
<u>Chapter 122., 166., 175., 3345., 3347., 3366., 3377., 3706.,</u>	2798
<u>3737., 5537., 6121., or 6123. of the Revised Code, and issuers of</u>	2799
<u>securities issued pursuant to Chapter 165. of the Revised Code</u>	2800

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~~other than a county or municipal corporation,~~ shall submit to the 2801
director copies of the preliminary and final offering documents 2802
upon their availability if not previously submitted pursuant to 2803
division (A) of this section. 2804

(C) Not later than the first day of January of each year, 2805
every state agency obligated to make payments on outstanding 2806
public obligations with respect to which fractionalized interests 2807
have been publicly issued, such as certificates of participation, 2808
shall submit a report to the director of the amounts payable from 2809
state appropriations under those public obligations during the 2810
then current and next two fiscal years, identifying the 2811
appropriation or intended appropriation from which payment is 2812
expected to be made. 2813

(D)(1) Information relating generally to the historic, 2814
current, or future demographics or economy or financial condition 2815
or funds or general operations of the state, and descriptions of 2816
any state contractual obligations relating to public obligations, 2817
to be contained in any offering document, continuing disclosure 2818
document, or written presentation prepared, approved, or provided, 2819
or committed to be provided, by an issuer in connection with the 2820
original issuance and sale of, or rating, remarketing, or credit 2821
enhancement facilities relating to, public obligations referred to 2822
in division (A) of this section shall be approved as to format and 2823
accuracy by the director before being presented, published, or 2824
disseminated in preliminary, draft, or final form, or publicly 2825
filed in paper, electronic, or other format. 2826

(2) Except for information described in division (D)(1) of 2827
this section that is to be contained in an offering document, 2828
continuing disclosure document, or written presentation, division 2829
(D)(1) of this section does not inhibit direct communication 2830
between an issuer and a rating agency, remarketing agent, or 2831
credit enhancement provider concerning an issuance of public 2832

obligations referred to in division (A) of this section or matters 2833
associated with that issuance. 2834

(3) The materials approved and provided pursuant to division 2835
(D) of this section are the information relating to the particular 2836
subjects provided by the state or state agencies that are required 2837
or contemplated by any applicable state or federal securities laws 2838
and any commitments by the state or state agencies made under 2839
those laws. Reliance for the purpose should not be placed on any 2840
other information publicly provided, in any format including 2841
electronic, by any state agency for other purposes, including 2842
general information provided to the public or to portions of the 2843
public. A statement to that effect shall be included in those 2844
materials so approved or provided. 2845

(E) Issuers of obligations referred to in division (A) of 2846
this section may take steps, by formal agreement, covenants in the 2847
proceedings, or otherwise, as may be necessary or appropriate to 2848
comply or permit compliance with applicable lawful disclosure 2849
requirements relating to those obligations, and may, subject to 2850
division (D) of this section, provide, make available, or file 2851
copies of any required disclosure materials as necessary or 2852
appropriate. Any such formal agreement or covenant relating to 2853
subjects referred to in division (D) of this section, and any 2854
description of that agreement or covenant to be contained in any 2855
offering document, shall be approved by the director before being 2856
entered into or published or publicly disseminated in preliminary, 2857
draft, or final form or publicly filed in paper, electronic, or 2858
other format. The director shall be responsible for making all 2859
filings in compliance with those requirements relating to direct 2860
obligations of the state, including fractionalized interests in 2861
those obligations. 2862

(F) No state agency or official shall, without the approval 2863
of the director of budget and management, do either of the 2864

following:	2865
(1) Enter into or commit to enter into a public obligation under which fractionalized interests in the payments are to be publicly offered, which payments are anticipated to be made from money from any source appropriated or to be appropriated by the general assembly or in which the provision stated in section 9.94 of the Revised Code is not included;	2866 2867 2868 2869 2870 2871
(2) Except as otherwise expressly authorized for the purpose by law, agree or commit to provide, from money from any source to be appropriated in the future by the general assembly, financial assistance to or participation in the costs of capital facilities, or the payment of debt charges, directly or by way of a credit enhancement facility, a reserve, rental payments, or otherwise, on obligations issued to pay costs of capital facilities.	2872 2873 2874 2875 2876 2877 2878
(G) As used in this section, "credit enhancement facilities," "debt charges," "fractionalized interests in public obligations," "obligor," "public issuer," and "securities" have the same meanings as in section 133.01 of the Revised Code; "public obligation" has the same meaning as in division (GG)(2) of section 133.01 of the Revised Code; "obligations" means securities or public obligations or fractionalized interests in them; "issuers" means issuers of securities or state obligors on public obligations; "offering document" means an official statement, offering circular, private placement memorandum, or prospectus, or similar document; and "director" means the director of budget and management or the employee of the office of budget and management designated by the director for the purpose.	2879 2880 2881 2882 2883 2884 2885 2886 2887 2888 2889 2890 2891
Sec. 126.21. (A) The director of budget and management shall do all of the following:	2892 2893
(1) Keep all necessary accounting records;	2894

(2) Prescribe and maintain the accounting system of the state	2895
and establish appropriate accounting procedures and charts of	2896
accounts;	2897
(3) Establish procedures for the use of written, electronic,	2898
optical, or other communications media for approving payment	2899
vouchers;	2900
(4) Reconcile, in the case of any variation between the	2901
amount of any appropriation and the aggregate amount of items of	2902
the appropriation, with the advice and assistance of the state	2903
agency affected by it and the legislative budget office of the	2904
legislative service commission, totals so as to correspond in the	2905
aggregate with the total appropriation. In the case of a conflict	2906
between the item and the total of which it is a part, the item	2907
shall be considered the intended appropriation.	2908
(5) Evaluate on an ongoing basis and, if necessary, recommend	2909
improvements to the internal controls used in state agencies;	2910
	2911
(6) Authorize the establishment of petty cash accounts. The	2912
director of budget and management may withdraw approval for any	2913
petty cash account and require the officer in charge to return to	2914
the state treasury any unexpended balance shown by the officer's	2915
accounts to be on hand. Any officer who is issued a warrant for	2916
petty cash shall render a detailed account of the expenditures of	2917
the petty cash and shall report when requested the balance of	2918
petty cash on hand at any time.	2919
(7) Process orders, invoices, vouchers, claims, and payrolls	2920
and prepare financial reports and statements;	2921
(8) Perform extensions, reviews, and compliance checks prior	2922
to approving a payment as the director considers necessary;	2923
(9) Issue the official comprehensive annual financial report	2924
of the state. The report shall cover all funds and account groups	2925

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of the state reporting entity and shall include ~~general purpose~~ 2926
basic financial statements and required supplementary information 2927
prepared in accordance with generally accepted accounting 2928
principles and other information as the director provides. All 2929
state agencies, authorities, institutions, offices, retirement 2930
systems, and other component units of the state reporting entity 2931
as determined by the director shall furnish the director whatever 2932
financial statements and other information the director requests 2933
for the report, in the form, at the times, covering the periods, 2934
and with the attestation the director prescribes. The information 2935
for state institutions of higher education, as defined in section 2936
3345.011 of the Revised Code, shall be submitted to the director 2937
by the Ohio board of regents. The board shall establish a due date 2938
by which each such institution shall submit the information to the 2939
board, but no such date shall be later than one hundred twenty 2940
days after the end of the state fiscal year unless a later date is 2941
approved by the director. 2942

(B) In addition to the director's duties under division (A) 2943
of this section, the director of budget and management may 2944
establish and administer one or more state payment card programs 2945
that permit or require state agencies to use a payment card to 2946
purchase equipment, materials, supplies, or services in accordance 2947
with guidelines issued by the director. The director may contract 2948
with one or more vendors to provide the payment cards and payment 2949
card services. State agencies may only participate in state 2950
payment card programs that the director establishes pursuant to 2951
this section. 2952

Sec. 127.16. (A) Upon the request of either a state agency or 2953
the director of budget and management and after the controlling 2954
board determines that an emergency or a sufficient economic reason 2955
exists, the controlling board may approve the making of a purchase 2956
without competitive selection as provided in division (B) of this 2957

section.	2958
(B) Except as otherwise provided in this section, no state agency, using money that has been appropriated to it directly, shall:	2959 2960 2961
(1) Make any purchase from a particular supplier, that would amount to fifty thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for purchases made by the agency and the amount of all outstanding encumbrances for purchases made by the agency from the supplier, unless the purchase is made by competitive selection or with the approval of the controlling board;	2962 2963 2964 2965 2966 2967 2968
(2) Lease real estate from a particular supplier, if the lease would amount to seventy-five thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for real estate leases made by the agency and the amount of all outstanding encumbrances for real estate leases made by the agency from the supplier, unless the lease is made by competitive selection or with the approval of the controlling board.	2969 2970 2971 2972 2973 2974 2975 2976
(C) Any person who authorizes a purchase in violation of division (B) of this section shall be liable to the state for any state funds spent on the purchase, and the attorney general shall collect the amount from the person.	2977 2978 2979 2980
(D) Nothing in division (B) of this section shall be construed as:	2981 2982
(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code;	2983 2984 2985
(2) Applying to medicaid provider agreements under Chapter 5111. of the Revised Code or payments or provider agreements under disability assistance medical assistance established under Chapter	2986 2987 2988

5115. of the Revised Code;	2989
(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;	2990 2991 2992
(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair;	2993 2994 2995 2996 2997 2998 2999 3000 3001
(5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;	3002 3003 3004 3005
(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate.	3006 3007 3008 3009 3010 3011 3012 3013
(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;	3014 3015 3016
(8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in	3017 3018 3019

connection with the eligibility determinations it makes for	3020
applicants of programs administered by the social security	3021
administration;	3022
(9) Applying to payments by the department of job and family	3023
services under section 5111.13 of the Revised Code for group	3024
health plan premiums, deductibles, coinsurance, and other	3025
cost-sharing expenses;	3026
(10) Applying to any agency of the legislative branch of the	3027
state government;	3028
(11) Applying to agreements or contracts entered into under	3029
section 5101.11, 5101.21, or 5101.211 of the Revised Code;	3030
(12) Applying to purchases of services by the adult parole	3031
authority under section 2967.14 of the Revised Code or by the	3032
department of youth services under section 5139.08 of the Revised	3033
Code;	3034
(13) Applying to dues or fees paid for membership in an	3035
organization or association;	3036
(14) Applying to purchases of utility services pursuant to	3037
section 9.30 of the Revised Code;	3038
(15) Applying to purchases made in accordance with rules	3039
adopted by the department of administrative services of motor	3040
vehicle, aviation, or watercraft fuel, or emergency repairs of	3041
such vehicles;	3042
(16) Applying to purchases of tickets for passenger air	3043
transportation;	3044
(17) Applying to purchases necessary to provide public	3045
notifications required by law or to provide notifications of job	3046
openings;	3047
(18) Applying to the judicial branch of state government;	3048

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(19) Applying to purchases of liquor for resale by the division of liquor control;	3049 3050
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	3051 3052 3053
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	3054 3055 3056 3057
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	3058 3059 3060
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	3061 3062
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	3063 3064 3065 3066
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;	3067 3068
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	3069 3070 3071 3072 3073
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under sections 5123.18, 5123.182, and 5111.252 of the Revised Code;	3074 3075 3076
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section	3077 3078

5119.101 of the Revised Code;	3079
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	3080 3081 3082 3083 3084 3085
(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;	3086 3087 3088 3089 3090
(31) Applying to the department of job and family services' purchases of health assistance services under the children's health insurance program part I provided for under section 5101.50 of the Revised Code or the children's health insurance program part II provided for under section 5101.51 of the Revised Code;	3091 3092 3093 3094 3095
<u>(32) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code.</u>	3096 3097 3098 3099
(E) Notwithstanding division (B)(1) of this section, the cumulative purchase threshold shall be seventy-five thousand dollars for the departments of mental retardation and developmental disabilities, mental health, rehabilitation and correction, and youth services.	3100 3101 3102 3103 3104
(F) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1), (B)(2), and (E) of this section, all of the following purchases by such agency shall not be considered:	3105 3106 3107 3108
(1) Purchases made through competitive selection or with	3109

controlling board approval;	3110
(2) Purchases listed in division (D) of this section;	3111
(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate.	3112 3113
(G) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.	3114 3115 3116
Sec. 131.01. As used in Chapters 113., 117., 123., 124., 125., 126., 127., and 131. of the Revised Code, and any statute that uses the terms in connection with state accounting or budgeting:	3117 3118 3119 3120
(A) <u>"Account"</u> means any record, element, or summary in which financial transactions are identified and recorded as debit or credit transactions in order to summarize items of a similar nature or classification.	3121 3122 3123 3124
(B) <u>"Accounting procedure"</u> means the arrangement of all processes which discover, record, and summarize financial information to produce financial statements and reports and to provide internal control.	3125 3126 3127 3128
(C) <u>"Accounting system"</u> means the total structure of records and procedures which discover, record, classify, and report information on the financial position and operations of a governmental unit or any of its funds, balanced account groups, and organizational components.	3129 3130 3131 3132 3133
(D) <u>"Allocation"</u> means a portion of an appropriation which is designated for expenditure by specific organizational units or for special purposes, activities, or objects that do not relate to a period of time.	3134 3135 3136 3137
(E) <u>"Allotment"</u> means all or part of an appropriation which	3138

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- may be encumbered or expended within a specific period of time. 3139
- (F) "Appropriation" means an authorization granted by the 3140
general assembly to make expenditures and to incur obligations for 3141
specific purposes. 3142
- (G) "Assets" means resources owned, controlled, or otherwise 3143
used or held by the state which have monetary value. 3144
- (H) "Budget" means the plan of financial operation embodying 3145
an estimate of proposed expenditures and obligations for a given 3146
period and the proposed means of financing them. 3147
- (I) "Direct deposit" is a form of electronic funds transfer 3148
in which money is electronically deposited into the account of a 3149
person or entity at a financial institution. 3150
- (J) "Disbursement" means a payment made for any purpose. 3151
- (K) "Electronic benefit transfer" means the electronic 3152
delivery of benefits through automated teller machines, point of 3153
sale terminals, or other electronic media pursuant to section 3154
5101.33 of the Revised Code. 3155
- (L) "Electronic funds transfer" means the electronic movement 3156
of funds via automated clearing house or wire transfer. 3157
- (M) "Encumbrancing document" means a document reserving all 3158
or part of an appropriation. 3159
- (N) "Expenditure" means a reduction of the balance of an 3160
appropriation after legal requirements have been met. 3161
- (O) "Fund" means an independent fiscal and accounting entity 3162
with a self-balancing set of accounts recording cash or other 3163
resources, together with all related liabilities, obligations, 3164
reserves, and fund balances which are segregated for the purpose 3165
of carrying on specific activities or attaining certain objectives 3166
in accordance with special rules, restrictions, or limitations. 3167
- (P) "Lapse" means the automatic termination of an 3168

appropriation at the end of the fiscal period for which it was 3169
appropriated. 3170

(Q) "Reappropriation" means an appropriation of a previous 3171
appropriation that is continued in force in a succeeding 3172
appropriation period. "Reappropriation" shall be equated with and 3173
incorporated in the term "appropriation." 3174

(R) "Voucher" means the document used to transmit a claim for 3175
payment and evidentiary matter related to the claim. 3176

(S) "Warrant" means an order drawn upon the treasurer of 3177
state by the auditor of state directing the treasurer of state to 3178
pay a specified amount, including an order to make a lump-sum 3179
payment to a financial institution for the transfer of funds by 3180
direct deposit or the drawdown of funds by electronic benefit 3181
transfer, and the resulting electronic transfer to or by the 3182
ultimate payees. 3183

The terms defined in this section shall be used, on all 3184
accounting forms, reports, formal rules, and budget requests 3185
produced by a state agency, only as defined in this section. 3186

Sec. 133.021. The general assembly hereby finds and declares 3187
that the "Tax Reform Act of 1986" (the "Act") establishes a 3188
unified volume ceiling on the aggregate amount of private activity 3189
bonds which can be issued in each state. The unified volume 3190
ceiling is the product of seventy-five dollars multiplied by the 3191
state population in 1987 and fifty dollars multiplied by the state 3192
population in each succeeding calendar year. 3193

The general assembly further finds and declares that the Act 3194
requires the state to allocate its volume ceiling according to a 3195
specified formula unless a different procedure is established by 3196
the governor or general assembly. 3197

The general assembly further finds and declares that pursuant 3198

to authorization of state legislation the general assembly has, by 3199
division (D)(3) of section 133.02 of the Revised Code, effective 3200
October 30, 1989, provided for delegating such function to the 3201
governor and for further delegation as therein provided, subject 3202
to such prospectively effective actions as may subsequently be 3203
taken by the general assembly. 3204

The general assembly further finds and declares that it 3205
desires to by legislation provide for an efficient, effective, and 3206
equitable procedure under which the state will allocate the 3207
unified volume ceiling. 3208

The general assembly therefore finds and declares that it is 3209
necessary to create the joint select committee on volume cap to 3210
create a process for the allocation of the unified volume ceiling. 3211

(A) Pursuant to section 146(e)(2)(B)(ii) of the Internal 3212
Revenue Code, which provides that a state may by law provide a 3213
different formula for allocating the state ceiling, there is 3214
hereby created the joint select committee on volume cap to provide 3215
for the allocation and the reallocation of the unified volume 3216
ceiling among the governmental units (or other authorities) in the 3217
state having authority to issue tax exempt private activity bonds. 3218

(B) The committee shall consist of eight members. Two members 3219
shall be from the house of representatives appointed by the 3220
speaker of the house of representatives; two members shall be from 3221
the senate appointed by the president of the senate; and four 3222
members shall be appointed by the governor. Each member shall be 3223
selected for ~~his or her~~ the member's knowledge and experience in 3224
tax exempt private activity bonds. The members shall serve at the 3225
pleasure of the appointing authority. A vacancy shall be filled in 3226
the same manner as the original appointment. 3227

(C) The purpose of the committee shall be to maximize the 3228
economic benefits of the unified volume ceiling to all citizens of 3229

the state. To this end, the joint select committee on volume cap	3230
shall:	3231
(1) Annually, survey the governmental units (or other	3232
authorities) in the state having authority to issue tax exempt	3233
private activity bonds concerning:	3234
(a) The amount of tax exempt private activity bonds issued	3235
for the previous calendar year; and	3236
(b) The amount requested for the calendar year allocation	3237
currently under consideration.	3238
(2) Set forth procedures for making allocations, reallocation	3239
and carry forward of the state's unified volume ceiling in	3240
accordance with the Act;	3241
(3)(2) Develop strategies for allocating and reallocating the	3242
unified volume ceiling which are designed to maximize the	3243
availability of tax exempt private activity bonds among competing	3244
sectors of the state.	3245
(D) To provide for the orderly and prompt issuance of private	3246
activity bonds, the committee is authorized to allocate the	3247
unified volume ceiling among those governmental units (or other	3248
authorities) in the state having authority to issue tax exempt	3249
private activity bonds. The committee shall reserve a portion of	3250
the unified volume ceiling to be allocated for multi-family rental	3251
housing projects. The committee in determination of unified volume	3252
ceiling allocations and reallocations shall consider the	3253
following:	3254
(1) The interest of the state with regard to long-term	3255
economic development, housing, education, redevelopment, and solid	3256
waste management;	3257
(2) The projected increase of jobs in the state;	3258
(3) The needs of political subdivisions.	3259

(E) The director of development shall adopt rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this section.

Sec. 133.06. (A) A school district shall not incur, without a vote of the electors, net indebtedness that exceeds an amount equal to one-tenth of one per cent of its tax valuation, except as provided in divisions (G) and (H) of this section and in division (C) of section 3313.372 of the Revised Code, or as prescribed in section 3318.052 of the Revised Code.

(B) Except as provided in divisions (E) ~~and~~, (F), and (I) of this section, a school district shall not incur net indebtedness that exceeds an amount equal to nine per cent of its tax valuation.

(C) A school district shall not submit to a vote of the electors the question of the issuance of securities in an amount that will make the district's net indebtedness after the issuance of the securities exceed an amount equal to four per cent of its tax valuation, unless the superintendent of public instruction, acting under policies adopted by the state board of education, and the tax commissioner, acting under written policies of the commissioner, consent to the submission. A request for the consents shall be made at least thirty days prior to the election at which the question is to be submitted, except that the superintendent of public instruction and the tax commissioner may waive this thirty-day deadline or grant their consents after the election if the school district shows good cause for such waiver or consent after the election.

(D) In calculating the net indebtedness of a school district, none of the following shall be considered:

(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to

division (D) of section 133.10 of the Revised Code;	3291
(2) Securities issued under division (F) of this section,	3292
under section 133.301 of the Revised Code, and, to the extent in	3293
excess of the limitation stated in division (B) of this section,	3294
under division (E) of this section;	3295
(3) Indebtedness resulting from the dissolution of a joint	3296
vocational school district under section 3311.217 of the Revised	3297
Code, evidenced by outstanding securities of that joint vocational	3298
school district;	3299
(4) Loans, evidenced by any securities, received under	3300
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the	3301
Revised Code;	3302
(5) Debt incurred under section 3313.374 of the Revised Code;	3303
	3304
(6) Debt incurred pursuant to division (B)(5) of section	3305
3313.37 of the Revised Code to acquire computers and related	3306
hardware;	3307
<u>(7) Debt incurred under section 3318.041 of the Revised Code.</u>	3308
	3309
(E) A school district may become a special needs district as	3310
to certain securities as provided in division (E) of this section.	3311
(1) A board of education, by resolution, may declare its	3312
school district to be a special needs district by determining both	3313
of the following:	3314
(a) The student population is not being adequately serviced	3315
by the existing permanent improvements of the district.	3316
(b) The district cannot obtain sufficient funds by the	3317
issuance of securities within the limitation of division (B) of	3318
this section to provide additional or improved needed permanent	3319
improvements in time to meet the needs.	3320

- (2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:
- (a) A history of and a projection of the growth of the student population;
- (b) The history of and a projection of the growth of the tax valuation;
- (c) The projected needs;
- (d) The estimated cost of permanent improvements proposed to meet such projected needs.
- (3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:
- (a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.
- (b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than three per cent per year. The findings and certification of the superintendent shall be conclusive.
- (4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:
- (a) Nine per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by

the percentage by which the tax valuation has increased over the 3351
tax valuation on the first day of the sixtieth month preceding the 3352
month in which its board determines to submit to the electors the 3353
question of issuing the proposed securities; 3354

(b) Nine per cent of the sum of its tax valuation plus an 3355
amount that is the product of multiplying that tax valuation by 3356
the percentage, determined by the superintendent of public 3357
instruction, by which that tax valuation is projected to increase 3358
during the next ten years. 3359

(F) A school district may issue securities for emergency 3360
purposes, in a principal amount that does not exceed an amount 3361
equal to three per cent of its tax valuation, as provided in this 3362
division. 3363

(1) A board of education, by resolution, may declare an 3364
emergency if it determines both of the following: 3365

(a) School buildings or other necessary school facilities in 3366
the district have been wholly or partially destroyed, or condemned 3367
by a constituted public authority, or that such buildings or 3368
facilities are partially constructed, or so constructed or planned 3369
as to require additions and improvements to them before the 3370
buildings or facilities are usable for their intended purpose, or 3371
that corrections to permanent improvements are necessary to remove 3372
or prevent health or safety hazards. 3373

(b) Existing fiscal and net indebtedness limitations make 3374
adequate replacement, additions, or improvements impossible. 3375

(2) Upon the declaration of an emergency, the board of 3376
education may, by resolution, submit to the electors of the 3377
district pursuant to section 133.18 of the Revised Code the 3378
question of issuing securities for the purpose of paying the cost, 3379
in excess of any insurance or condemnation proceeds received by 3380
the district, of permanent improvements to respond to the 3381

emergency need. 3382

(3) The procedures for the election shall be as provided in 3383
section 133.18 of the Revised Code, except that: 3384

(a) The form of the ballot shall describe the emergency 3385
existing, refer to this division as the authority under which the 3386
emergency is declared, and state that the amount of the proposed 3387
securities exceeds the limitations prescribed by division (B) of 3388
this section; 3389

(b) The resolution required by division (B) of section 133.18 3390
of the Revised Code shall be certified to the county auditor and 3391
the board of elections at least seventy-five days prior to the 3392
election; 3393

(c) The county auditor shall advise and, not later than 3394
sixty-five days before the election, confirm that advice by 3395
certification to, the board of education of the information 3396
required by division (C) of section 133.18 of the Revised Code; 3397

(d) The board of education shall then certify its resolution 3398
and the information required by division (D) of section 133.18 of 3399
the Revised Code to the board of elections not less than sixty 3400
days prior to the election. 3401

(4) Notwithstanding division (B) of section 133.21 of the 3402
Revised Code, the first principal payment of securities issued 3403
under this division may be set at any date not later than sixty 3404
months after the earliest possible principal payment otherwise 3405
provided for in that division. 3406

(G) The board of education may contract with an architect, 3407
professional engineer, or other person experienced in the design 3408
and implementation of energy conservation measures for an analysis 3409
and recommendations pertaining to installations, modifications of 3410
installations, or remodeling that would significantly reduce 3411
energy consumption in buildings owned by the district. The report 3412

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shall include estimates of all costs of such installations, 3413
modifications, or remodeling, including costs of design, 3414
engineering, installation, maintenance, repairs, and debt service, 3415
and estimates of the amounts by which energy consumption and 3416
resultant operational and maintenance costs, as defined by the 3417
Ohio school facilities commission, would be reduced. 3418

If the board finds after receiving the report that the amount 3419
of money the district would spend on such installations, 3420
modifications, or remodeling is not likely to exceed the amount of 3421
money it would save in energy and resultant operational and 3422
maintenance costs over the ensuing fifteen years, the board may 3423
submit to the commission a copy of its findings and a request for 3424
approval to incur indebtedness to finance the making or 3425
modification of installations or the remodeling of buildings for 3426
the purpose of significantly reducing energy consumption. 3427

If the commission determines that the board's findings are 3428
reasonable, it shall approve the board's request. Upon receipt of 3429
the commission's approval, the district may issue securities 3430
without a vote of the electors in a principal amount not to exceed 3431
nine-tenths of one per cent of its tax valuation for the purpose 3432
of making such installations, modifications, or remodeling, but 3433
the total net indebtedness of the district without a vote of the 3434
electors incurred under this and all other sections of the Revised 3435
Code shall not exceed one per cent of the district's tax 3436
valuation. 3437

So long as any securities issued under division (G) of this 3438
section remain outstanding, the board of education shall monitor 3439
the energy consumption and resultant operational and maintenance 3440
costs of buildings in which installations or modifications have 3441
been made or remodeling has been done pursuant to division (G) of 3442
this section and shall maintain and annually update a report 3443
documenting the reductions in energy consumption and resultant 3444

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operational and maintenance cost savings attributable to such 3445
installations, modifications, or remodeling. The report shall be 3446
certified by an architect or engineer independent of any person 3447
that provided goods or services to the board in connection with 3448
the energy conservation measures that are the subject of the 3449
report. The resultant operational and maintenance cost savings 3450
shall be certified by the school district treasurer. The report 3451
shall be made available to the commission upon request. 3452

(H) With the consent of the superintendent of public 3453
instruction, a school district may incur without a vote of the 3454
electors net indebtedness that exceeds the amounts stated in 3455
divisions (A) and (G) of this section for the purpose of paying 3456
costs of permanent improvements, if and to the extent that both of 3457
the following conditions are satisfied: 3458

(1) The fiscal officer of the school district estimates that 3459
receipts of the school district from payments made under or 3460
pursuant to agreements entered into pursuant to section 725.02, 3461
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 3462
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 3463
Code, or distributions under division (C) of section 5709.43 of 3464
the Revised Code, or any combination thereof, are, after 3465
accounting for any appropriate coverage requirements, sufficient 3466
in time and amount, and are committed by the proceedings, to pay 3467
the debt charges on the securities issued to evidence that 3468
indebtedness and payable from those receipts, and the taxing 3469
authority of the district confirms the fiscal officer's estimate, 3470
which confirmation is approved by the superintendent of public 3471
instruction; 3472

(2) The fiscal officer of the school district certifies, and 3473
the taxing authority of the district confirms, that the district, 3474
at the time of the certification and confirmation, reasonably 3475
expects to have sufficient revenue available for the purpose of 3476

operating such permanent improvements for their intended purpose 3477
upon acquisition or completion thereof, and the superintendent of 3478
public instruction approves the taxing authority's confirmation. 3479

The maximum maturity of securities issued under division (H) 3480
of this section shall be the lesser of twenty years or the maximum 3481
maturity calculated under section 133.20 of the Revised Code. 3482

(I) A school district may incur net indebtedness by the 3483
issuance of securities in accordance with the provisions of this 3484
chapter in excess of the limit specified in division (B) of this 3485
section when necessary to raise the school district portion of the 3486
basic project cost pursuant to Chapter 3318. of the Revised Code. 3487
The school facilities commission shall notify the superintendent 3488
of public instruction whenever a school district will exceed the 3489
nine per cent limit pursuant to this division. 3490

Sec. 133.07. (A) A county shall not incur, without a vote of 3491
the electors, either of the following: 3492

(1) Net indebtedness for all purposes that exceeds an amount 3493
equal to one per cent of its tax valuation; 3494

(2) Net indebtedness for the purpose of paying the county's 3495
share of the cost of the construction, improvement, maintenance, 3496
or repair of state highways that exceeds an amount equal to 3497
one-half of one per cent of its tax valuation. 3498

(B) A county shall not incur total net indebtedness that 3499
exceeds an amount equal to one of the following limitations that 3500
applies to the county: 3501

(1) A county with a valuation not exceeding one hundred 3502
million dollars, three per cent of that tax valuation; 3503

(2) A county with a tax valuation exceeding one hundred 3504
million dollars but not exceeding three hundred million dollars, 3505
three million dollars plus one and one-half per cent of that tax 3506

valuation in excess of one hundred million dollars;	3507
(3) A county with a tax valuation exceeding three hundred million dollars, six million dollars plus two and one-half per cent of that tax valuation in excess of three hundred million dollars.	3508 3509 3510 3511
(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:	3512 3513
(1) Securities described in section 307.201 of the Revised Code;	3514 3515
(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:	3516 3517 3518
(a) Water systems or facilities;	3519
(b) Sanitary sewerage systems or facilities, or surface and storm water drainage and sewerage systems or facilities, or a combination of those systems or facilities;	3520 3521 3522
(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;	3523 3524 3525
(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;	3526 3527 3528
(e) Facilities for the care or treatment of the sick or infirm, and for housing the persons providing that care or treatment and their families;	3529 3530 3531
(f) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;	3532 3533
(g) Facilities for natural resources exploration, development, recovery, use, and sale;	3534 3535

(h) Correctional and detention facilities and related rehabilitation facilities.	3536 3537
(3) Securities issued for the purpose of purchasing, constructing, improving, or extending water or sanitary or surface and storm water sewerage systems or facilities, or a combination of those systems or facilities, to the extent that an agreement entered into with another subdivision requires the other subdivision to pay to the county amounts equivalent to debt charges on the securities;	3538 3539 3540 3541 3542 3543 3544
(4) Voted general obligation securities issued for the purpose of permanent improvements for sanitary sewerage or water systems or facilities to the extent that the total principal amount of voted securities outstanding for the purpose does not exceed an amount equal to two per cent of the county's tax valuation;	3545 3546 3547 3548 3549 3550
(5) Securities issued for permanent improvements to house agencies, departments, boards, or commissions of the county or of any municipal corporation located, in whole or in part, in the county, to the extent that the revenues, other than revenues from unvoted county property taxes, derived from leases or other agreements between the county and those agencies, departments, boards, commissions, or municipal corporations relating to the use of the permanent improvements are sufficient to cover the cost of all operating expenses of the permanent improvements paid by the county and debt charges on the securities;	3551 3552 3553 3554 3555 3556 3557 3558 3559 3560
(6) Securities issued pursuant to section 133.08 of the Revised Code;	3561 3562
(7) Securities issued for the purpose of acquiring or constructing roads, highways, bridges, or viaducts, for the purpose of acquiring or making other highway permanent improvements, or for the purpose of procuring and maintaining	3563 3564 3565 3566

computer systems for the office of the clerk of any 3567
county-operated municipal court, for the office of the clerk of 3568
the court of common pleas, or for the office of the clerk of the 3569
probate, juvenile, or domestic relations division of the court of 3570
common pleas to the extent that the legislation authorizing the 3571
issuance of the securities includes a covenant to appropriate from 3572
moneys distributed to the county pursuant to division (B) of 3573
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 3574
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 3575
sufficient amount to cover debt charges on and financing costs 3576
relating to the securities as they become due; 3577

(8) Securities issued for the purpose of acquiring, 3578
constructing, improving, and equipping a county, multicounty, or 3579
multicounty-municipal jail, workhouse, juvenile detention 3580
facility, or correctional facility; 3581

(9) Securities issued for the acquisition, construction, 3582
equipping, or repair of any permanent improvement or any class or 3583
group of permanent improvements enumerated in a resolution adopted 3584
pursuant to division (D) of section 5739.026 of the Revised Code 3585
to the extent that the legislation authorizing the issuance of the 3586
securities includes a covenant to appropriate from moneys received 3587
from the taxes authorized under section 5739.023 and division 3588
(A)(5) of section 5739.026 of the Revised Code an amount 3589
sufficient to pay debt charges on the securities and those moneys 3590
shall be pledged for that purpose; 3591

(10) Securities issued for county or joint county solid waste 3592
or hazardous waste collection, transfer, or disposal facilities, 3593
or resource recovery and solid or hazardous waste recycling 3594
facilities, or any combination of those facilities; 3595

(11) Securities issued for the acquisition, construction, and 3596
equipping of a port authority educational and cultural facility 3597
under section 307.671 of the Revised Code; 3598

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(12) Securities issued for the acquisition, construction, equipping, and improving of a municipal educational and cultural facility under division (B)(1) of section 307.672 of the Revised Code;	3599 3600 3601 3602
(13) Securities issued for energy conservation measures under section 307.041 of the Revised Code;	3603 3604
(14) Securities issued for the acquisition, construction, equipping, improving, or repair of a sports facility, including obligations issued to pay costs of a sports facility under section 307.673 of the Revised Code;	3605 3606 3607 3608
(15) Securities issued under section 755.17 of the Revised Code if the legislation authorizing issuance of the securities includes a covenant to appropriate from revenue received from a tax authorized under division (A)(5) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay debt charges on the securities, and the board of county commissioners pledges that revenue for that purpose, pursuant to section 755.171 of the Revised Code;	3609 3610 3611 3612 3613 3614 3615 3616
(16) Sales tax supported bonds issued pursuant to section 133.081 of the Revised Code for the purpose of acquiring, constructing, improving, or equipping any permanent improvement to the extent that the legislation authorizing the issuance of the sales tax supported bonds pledges county sales taxes to the payment of debt charges on the sales tax supported bonds and contains a covenant to appropriate from county sales taxes a sufficient amount to cover debt charges or the financing costs related to the sales tax supported bonds as they become due;	3617 3618 3619 3620 3621 3622 3623 3624 3625
(17) Bonds or notes issued under section 133.60 of the Revised Code if the legislation authorizing issuance of the bonds or notes includes a covenant to appropriate from revenue received from a tax authorized under division (A)(9) of section 5739.026	3626 3627 3628 3629

and section 5741.023 of the Revised Code an amount sufficient to
pay the debt charges on the bonds or notes, and the board of
county commissioners pledges that revenue for that purpose;
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(18) Securities issued under section 3707.55 of the Revised
Code for the acquisition of real property by a general health
district;
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(19) Securities issued under division (A)(3) of section
3313.37 of the Revised Code for the acquisition of real and
personal property by an educational service center.
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(D) In calculating the net indebtedness of a county, no
obligation incurred under division (D) of section 339.06 of the
Revised Code shall be considered.
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Sec. 140.01. As used in this chapter: 3642

(A) "Hospital agency" means any public hospital agency or any
nonprofit hospital agency.
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(B) "Public hospital agency" means any county, board of
county hospital trustees established pursuant to section 339.02 of
the Revised Code, county hospital commission established pursuant
to section 339.14 of the Revised Code, municipal corporation, new
community authority organized under Chapter 349. of the Revised
Code, joint township hospital district, state or municipal
university or college operating or authorized to operate a
hospital facility, or the state.
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(C) "Nonprofit hospital agency" means a corporation or
association not for profit, no part of the net earnings of which
inures or may lawfully inure to the benefit of any private
shareholder or individual, that has authority to own or operate a
hospital facility or provides or is to provide services to one or
more other hospital agencies.
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(D) "Governing body" means, in the case of a county, the 3659

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board of county commissioners or other legislative body; in the 3660
case of a board of county hospital trustees, the board; in the 3661
case of a county hospital commission, the commission; in the case 3662
of a municipal corporation, the council or other legislative 3663
authority; in the case of a new community authority, its board of 3664
trustees; in the case of a joint township hospital district, the 3665
joint township district hospital board; in the case of a state or 3666
municipal university or college, its board of trustees or board of 3667
directors; in the case of a nonprofit hospital agency, the board 3668
of trustees or other body having general management thereof of the 3669
agency; and, in the case of the state, the director of development 3670
or the Ohio higher educational facility commission. 3671

(E) "Hospital facilities" means buildings, structures and 3672
other improvements, additions thereto and extensions thereof, 3673
furnishings, equipment, and real estate and interests in real 3674
estate, used or to be used for or in connection with one or more 3675
hospitals, emergency, intensive, intermediate, extended, 3676
long-term, or self-care facilities, diagnostic and treatment and 3677
out-patient facilities, facilities related to programs for home 3678
health services, clinics, laboratories, public health centers, 3679
research facilities, and rehabilitation facilities, for or 3680
pertaining to diagnosis, treatment, care, or rehabilitation of 3681
sick, ill, injured, infirm, impaired, disabled, or handicapped 3682
persons, or the prevention, detection, and control of disease, and 3683
also includes education, training, and food service facilities for 3684
health professions personnel, housing facilities for such 3685
personnel and their families, and parking and service facilities 3686
in connection with any of the foregoing; and includes any one, 3687
part of, or any combination of the foregoing; and further includes 3688
site improvements, utilities, machinery, facilities, furnishings, 3689
and any separate or connected buildings, structures, improvements, 3690
sites, utilities, facilities, or equipment to be used in, or in 3691

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connection with the operation or maintenance of, or supplementing 3692
or otherwise related to the services or facilities to be provided 3693
by, any one or more of such hospital facilities. 3694

(F) "Costs of hospital facilities" means the costs of 3695
acquiring or constructing hospital facilities, costs of improving 3696
one or more hospital facilities, including reconstructing, 3697
rehabilitating, remodeling, renovating, and enlarging, costs of 3698
equipping and furnishing such facilities, and all financing costs 3699
pertaining thereto, including, without limitation thereto, costs 3700
of engineering, architectural, and other professional services, 3701
designs, plans, specifications and surveys, and estimates of cost, 3702
costs of tests and inspections, the costs of any indemnity or 3703
surety bonds and premiums on insurance, all related direct or 3704
allocable administrative expenses pertaining thereto, fees and 3705
expenses of trustees, depositories, and paying agents for the 3706
obligations, cost of issuance of the obligations and financing 3707
charges and fees and expenses of financial advisors, attorneys, 3708
accountants, consultants and rating services in connection 3709
therewith, capitalized interest on the obligations, amounts 3710
necessary to establish reserves as required by the bond 3711
proceedings, the reimbursement of all moneys advanced or applied 3712
by the hospital agency or others or borrowed from others for the 3713
payment of any item or items of costs of such facilities, and all 3714
other expenses necessary or incident to planning or determining 3715
feasibility or practicability with respect to such facilities, and 3716
such other expenses as may be necessary or incident to the 3717
acquisition, construction, reconstruction, rehabilitation, 3718
remodeling, renovation, enlargement, improvement, equipment, and 3719
furnishing of such facilities, the financing thereof, and the 3720
placing of the same in use and operation, including any one, part 3721
of, or combination of such classes of costs and expenses, and 3722
means the costs of refinancing obligations issued by, or 3723

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reimbursement of money advanced by, nonprofit hospital agencies or 3724
others the proceeds of which were used for the payment of costs of 3725
hospital facilities, if the governing body of the public hospital 3726
agency determines that the refinancing or reimbursement advances 3727
the purposes of this chapter, whether or not the refinancing or 3728
reimbursement is in conjunction with the acquisition or 3729
construction of additional hospital facilities. 3730

(G) "Hospital receipts" means all moneys received by or on 3731
behalf of a hospital agency from or in connection with the 3732
ownership, operation, acquisition, construction, improvement, 3733
equipping, or financing of any hospital facilities, including, 3734
without limitation thereto, any rentals and other moneys received 3735
from the lease, sale, or other disposition of hospital facilities, 3736
and any gifts, grants, interest subsidies, or other moneys 3737
received under any federal program for assistance in financing the 3738
costs of hospital facilities, and any other gifts, grants, and 3739
donations, and receipts therefrom, available for financing the 3740
costs of hospital facilities. 3741

(H) "Obligations" means bonds, notes, or other evidences of 3742
indebtedness or obligation, including interest coupons pertaining 3743
thereto, issued or issuable by a public hospital agency to pay 3744
costs of hospital facilities. 3745

(I) "Bond service charges" means principal, interest, and 3746
call premium, if any, required to be paid on obligations. 3747

(J) "Bond proceedings" means one or more ordinances, 3748
resolutions, trust agreements, indentures, and other agreements or 3749
documents, and amendments and supplements to the foregoing, or any 3750
combination thereof, authorizing or providing for the terms, 3751
including any variable interest rates, and conditions applicable 3752
to, or providing for the security of, obligations and the 3753
provisions contained in such obligations. 3754

(K) "Nursing home" has the same meaning as in division (A)(1) of section 5701.13 of the Revised Code.	3755 3756
(L) "Residential care facility" has the same meaning as in division (A)(2) of section 5701.13 of the Revised Code.	3757 3758
(M) "Adult care facility" has the same meaning as in division (A)(3) of section 5701.13 of the Revised Code.	3759 3760
(N) "Independent living facility" means any self-care facility or other housing facility designed or used as a residence for elderly persons. An "independent living facility" does not include a residential facility, or that part of a residential facility, that is any of the following:	3761 3762 3763 3764 3765
(1) A hospital required to be certified by section 3727.02 of the Revised Code;	3766 3767
(2) A nursing home or residential care facility;	3768
(3) An adult care facility;	3769
(4) A hospice licensed under section 3712.04 of the Revised Code;	3770 3771
(5) A habilitation center as defined in section 5123.041 of the Revised Code;	3772 3773
(6) A residential facility for the mentally ill licensed by the department of mental health under section 5119.22 of the Revised Code;	3774 3775 3776
(7) A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;	3777 3778
(8) A facility certified as an alcohol and drug addiction program under section 3793.06 of the Revised Code;	3779 3780
(9) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of mental retardation and developmental	3781 3782 3783

disabilities under section 5123.18 of the Revised Code; 3784

(10) A residential facility used as part of a hospital to 3785
provide housing for staff of the hospital or students pursuing a 3786
course of study at the hospital. 3787

Sec. 166.03. (A) There is hereby created the facilities 3788
establishment fund within the state treasury, consisting of 3789
proceeds from the issuance of obligations as specified under 3790
section 166.08 of the Revised Code; the moneys received by the 3791
state from the sources specified in section 166.09 of the Revised 3792
Code; service charges imposed under sections 166.06 and 166.07 of 3793
the Revised Code; any grants, gifts, or contributions of moneys 3794
received by the director of development to be used for loans made 3795
under section 166.07 of the Revised Code or for the payment of the 3796
allowable costs of project facilities; and all other moneys 3797
appropriated or transferred to the fund. Moneys in the loan 3798
guarantee fund in excess of four per cent of the unpaid principal 3799
amount of loan repayments guaranteed under section 166.06 of the 3800
Revised Code, but subject to the provisions and requirements of 3801
any guarantee contracts, may be transferred to the facilities 3802
establishment fund by the treasurer of state upon the order of the 3803
director of development. Moneys received by the state under 3804
Chapter 122. of the Revised Code, to the extent allocable to the 3805
utilization of moneys derived from proceeds of the sale of 3806
obligations pursuant to section 166.08 of the Revised Code, shall 3807
be credited to the facilities establishment fund. 3808

(B) All moneys appropriated or transferred to the facilities 3809
establishment fund may be released at the request of the director 3810
of development for payment of allowable costs or the making of 3811
loans under this chapter, for transfer to the loan guarantee fund 3812
established in section 166.06 of the Revised Code, or for use for 3813
the purpose of or transfer to the funds established by sections 3814

122.35, 122.42, 122.54, 122.55, 122.56, 122.561, 122.57, and 3815
122.80 of the Revised Code and, until July 1, ~~2001~~ 2003, the funds 3816
established by sections 122.26 and 166.031 of the Revised Code, 3817
but only for such of those purposes as are within the 3818
authorization of Section 13 of Article VIII, Ohio Constitution, in 3819
all cases subject to the approval of the controlling board. 3820

(C) The department of development, in the administration of 3821
the facilities establishment fund, is encouraged to utilize and 3822
promote the utilization of, to the maximum practicable extent, the 3823
other existing programs, business incentives, and tax incentives 3824
that department is required or authorized to administer or 3825
supervise. 3826

Sec. 169.01. As used in this chapter, unless the context 3827
otherwise requires: 3828

(A) "Financial organization" means any bank, trust company, 3829
savings bank, safe deposit company, mutual savings bank without 3830
mutual stock, savings and loan association, credit union, or 3831
investment company. 3832

(B)(1) "Unclaimed funds" means any moneys, rights to moneys, 3833
or intangible property, described in section 169.02 of the Revised 3834
Code, when, as shown by the records of the holder, the owner has 3835
not, within the times provided in section 169.02 of the Revised 3836
Code, done any of the following: 3837

(a) Increased, decreased, or adjusted the amount of such 3838
funds; 3839

(b) Assigned, paid premiums, or encumbered such funds; 3840

(c) Presented an appropriate record for the crediting of such 3841
funds or received payment of such funds by check, draft, or 3842
otherwise; 3843

(d) Corresponded with the holder concerning such funds; 3844

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(e) Otherwise indicated an interest in or knowledge of such funds;	3845 3846
(f) Transacted business with the holder.	3847
(2) "Unclaimed funds" does not include any of the following:	3848
(a) Money received or collected under section 9.39 of the Revised Code;	3849 3850
(b) Any payment or credit due to a business association from a business association representing sums payable to suppliers, or payment for services rendered, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;	3851 3852 3853 3854 3855 3856
(c) Any payment or credit received by a business association from a business association for tangible goods sold, or services performed, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;	3857 3858 3859 3860 3861
<u>(d) Any credit due a retail customer that is represented by a gift certificate, gift card, merchandise credit, or merchandise credit card, redeemable only for merchandise.</u>	3862 3863 3864
For purposes of divisions (B)(2)(b) and (c) of this section, "business association" means any corporation, joint venture, business trust, limited liability company, partnership, association, or other business entity composed of one or more individuals, whether or not the entity is for profit.	3865 3866 3867 3868 3869
(C) "Owner" means any person, or the person's legal representative, entitled to receive or having a legal or equitable interest in or claim against moneys, rights to moneys, or other intangible property, subject to this chapter.	3870 3871 3872 3873
(D)(1) "Holder" means any person that has possession,	3874

custody, or control of moneys, rights to moneys, or other	3875
intangible property, or that is indebted to another, if any of the	3876
following applies:	3877
(a) Such person resides in this state;	3878
(b) Such person is formed under the laws of this state;	3879
(c) Such person is formed under the laws of the United States	3880
and has an office or principal place of business in this state;	3881
	3882
(d) The records of such person indicate that the last known	3883
address of the owner of such moneys, rights to moneys, or other	3884
intangible property is in this state;	3885
(e) The records of such person do not indicate the last known	3886
address of the owner of the moneys, rights to moneys, or other	3887
intangible property and the entity originating or issuing the	3888
moneys, rights to moneys, or other intangible property is this	3889
state or any political subdivision of this state, or is	3890
incorporated, organized, created, or otherwise located in this	3891
state. Division (D)(1)(e) of this section applies to all moneys,	3892
rights to moneys, or other intangible property that is in the	3893
possession, custody, or control of such person on or after July	3894
22, 1994, whether the moneys, rights to moneys, or other	3895
intangible property becomes unclaimed funds prior to or on or	3896
after such <u>that</u> date.	3897
(2) "Holder" does not mean any hospital granted tax-exempt	3898
status under section 501(c)(3) of the Internal Revenue Code or any	3899
hospital owned or operated by the state or by any political	3900
subdivision. Any entity in order to be exempt from the definition	3901
of "holder" pursuant to this division shall make a reasonable,	3902
good-faith effort to contact the owner of the unclaimed funds.	3903
(E) "Person" includes a natural person; corporation, whether	3904
for profit or not for profit; copartnership; unincorporated	3905

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association or organization; public authority; estate; trust; two 3906
or more persons having a joint or common interest; eleemosynary 3907
organization; fraternal or cooperative association; other legal or 3908
community entity; the United States government, including any 3909
district, territory, possession, officer, agency, department, 3910
authority, instrumentality, board, bureau, or court; or any state 3911
or political subdivision thereof, including any officer, agency, 3912
board, bureau, commission, division, department, authority, court, 3913
or instrumentality. 3914

(F) "Mortgage funds" means the mortgage insurance fund 3915
created by section 122.561 of the Revised Code, and the housing 3916
guarantee fund created by division (D) of section 128.11 of the 3917
Revised Code. 3918

(G) "Lawful claims" means any vested right a holder of 3919
unclaimed funds has against the owner of such unclaimed funds. 3920

(H) "Public utility" means any entity defined as such by 3921
division (A) of section 745.01 or by section 4905.02 of the 3922
Revised Code. 3923

(I) "Deposit" means to place money in the custody of a 3924
financial organization for the purpose of establishing an 3925
income-bearing account by purchase or otherwise. 3926

(J) "Income-bearing account" means a time or savings account, 3927
whether or not evidenced by a certificate of deposit, or an 3928
investment account through which investments are made solely in 3929
obligations of the United States or its agencies or 3930
instrumentalities or guaranteed as to principal and interest by 3931
the United States or its agencies or instrumentalities, debt 3932
securities rated as investment grade by at least two nationally 3933
recognized rating services, debt securities which the director of 3934
commerce has determined to have been issued for the safety and 3935
welfare of the residents of this state, and equity interests in 3936

mutual funds that invest solely in some or all of the above-listed 3937
securities and involve no general liability, without regard to 3938
whether income earned on such accounts, securities, or interests 3939
is paid periodically or at the end of a term. 3940

Sec. 173.40. There is hereby created a component of the 3941
medicaid program established under Chapter 5111. of the Revised 3942
Code to be known as the preadmission screening system providing 3943
options and resources today program, or PASSPORT. ~~Through the~~ 3944
~~medical assistance program established under Chapter 5111. of the~~ 3945
~~Revised Code, the~~ The PASSPORT program shall provide home and 3946
community-based services as an alternative to nursing facility 3947
placement for aged and disabled ~~persons~~ medicaid recipients. The 3948
program shall be operated pursuant to a home and community-based 3949
waiver granted by the United States secretary of health and human 3950
services under section 1915 of the "Social Security Act," 49 Stat. 3951
620 (1935), 42 U.S.C. 1396n, as amended. The department of aging 3952
shall administer the program. ~~The department of aging shall enter~~ 3953
~~into~~ through an interagency agreement entered into with the 3954
department of job and family services ~~regarding services provided~~ 3955
~~under the program to recipients of medical assistance under~~ 3956
~~Chapter 5111. under section 5111.86~~ of the Revised Code. The 3957
directors of aging and job and family services shall adopt rules 3958
in accordance with Chapter 119. of the Revised Code to implement 3959
the program. 3960

Sec. 175.22. (A) The department of development and the Ohio 3961
housing finance agency shall each develop programs under which, in 3962
accordance with rules adopted under this section, it may make 3963
grants, loans, loan guarantees, and loan subsidies to counties, 3964
municipal corporations, townships, local housing authorities, and 3965
nonprofit organizations and may make loans, loan guarantees, and 3966
loan subsidies to private developers and private lenders to assist 3967

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them in activities that will provide housing and housing	3968
assistance for specifically targeted low- and moderate-income	3969
families and individuals. Activities for which grants, loans, loan	3970
guarantees, and loan subsidies may be made under this section	3971
include all of the following:	3972
(1) Acquiring, financing, constructing, leasing,	3973
rehabilitating, remodeling, improving, and equipping publicly or	3974
privately owned housing;	3975
(2) Providing supportive services related to housing and the	3976
homeless, including housing counseling [†] . <u>Not more than twenty per</u>	3977
<u>cent of the current year appropriation authority for the low- and</u>	3978
<u>moderate-income housing trust fund shall be awarded in any fiscal</u>	3979
<u>year for such supportive services.</u>	3980
(3) Providing rental assistance payments or other project	3981
operating subsidies that lower tenant rents.	3982
(B) Grants, loans, loan guarantees, and loan subsidies may be	3983
made to counties, municipal corporations, townships, and nonprofit	3984
organizations for the additional purposes of providing technical	3985
assistance, design and finance services and consultation, and	3986
payment of pre-development and administrative costs related to any	3987
of the activities listed above.	3988
(C) In developing programs under this section, the department	3989
and <u>the</u> agency shall invite, accept, and consider public comment,	3990
and recommendations from the housing trust fund advisory committee	3991
created under section 175.25 of the Revised Code, on how the	3992
programs should be designed to most effectively benefit low- and	3993
moderate-income families and individuals. The programs developed	3994
under this section shall respond collectively to housing and	3995
housing assistance needs of low- and moderate-income families and	3996
individuals statewide.	3997
(D) The department and <u>the</u> agency, in accordance with Chapter	3998

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119. of the Revised Code, shall each adopt rules under which it 3999
shall administer programs developed by it under this section. The 4000
rules shall prescribe procedures and forms whereby counties, 4001
municipal corporations, townships, local housing authorities, and 4002
nonprofit organizations may apply for grants, loans, loan 4003
guarantees, and loan subsidies and private developers and private 4004
lenders may apply for loans, loan guarantees, and loan subsidies; 4005
eligibility criteria for the receipt of funds; procedures for 4006
reviewing and granting or denying applications; procedures for 4007
paying out funds; conditions on the use of funds; procedures for 4008
monitoring the use of funds; and procedures under which a 4009
recipient shall be required to repay funds that are improperly 4010
used. The rules adopted by the department shall do both of the 4011
following: 4012

(1) Require each recipient of a grant or loan made from the 4013
low- and moderate-income housing trust fund for activities that 4014
will provide, or assist in providing, a rental housing project, to 4015
reasonably ensure that the rental housing project will be 4016
affordable to those families and individuals targeted for the 4017
rental housing project for the useful life of the rental housing 4018
project or for thirty years, whichever is longer; 4019

(2) Require each recipient of a grant or loan made from the 4020
low- and moderate-income housing trust fund for activities that 4021
will provide, or assist in providing, a housing project to prepare 4022
and implement a plan to reasonably assist any families and 4023
individuals displaced by the housing project in obtaining decent 4024
affordable housing. 4025

(E) In prescribing eligibility criteria and conditions for 4026
the use of funds, neither the department nor agency is limited to 4027
the criteria and conditions specified in this section and each may 4028
prescribe additional eligibility criteria and conditions that 4029
relate to the purposes for which grants, loans, loan guarantees, 4030

and loan subsidies may be made. However, the department and agency 4031
are limited by the following specifically targeted low- and 4032
moderate-income guidelines: 4033

(1) Not less than seventy-five per cent of the money granted 4034
and loaned under this section in any biennium shall be for 4035
activities that will provide affordable housing and housing 4036
assistance to families and individuals in a county whose incomes 4037
are equal to or less than fifty per cent of the median income for 4038
that county, as determined by the department under section 175.23 4039
of the Revised Code. 4040

(2) The remainder of the money granted and loaned under this 4041
section in any biennium shall be for activities that will provide 4042
affordable housing and housing assistance to families and 4043
individuals in a county whose incomes are equal to or less than 4044
eighty per cent of the median income for that county, as 4045
determined by the department under section 175.23 of the Revised 4046
Code. 4047

(F) In making grants, loans, loan guarantees, and loan 4048
subsidies under this section, the department and the agency shall 4049
give preference to viable projects and activities that will 4050
benefit those families and individuals in a county whose incomes 4051
are equal to or less than thirty-five per cent of the median 4052
income for that county, as determined by the department under 4053
section 175.23 of the Revised Code. The department and the agency 4054
shall monitor the programs developed under this section to ensure 4055
that money granted and loaned under this section is not used in a 4056
manner that violates division (H) of section 4112.02 of the 4057
Revised Code or discriminates against families with children. 4058

Sec. 179.02. (A) There is hereby established the Ohio 4059
commission on dispute resolution and conflict management, 4060
consisting of twelve members, unless a vacancy exists in an 4061

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appointment at any given time. The purpose of the commission is to 4062
provide, coordinate, fund, and evaluate dispute resolution and 4063
conflict management education, training, and research programs in 4064
this state, and to consult with, educate, train, provide resources 4065
for, and otherwise assist and facilitate other persons and public 4066
or private agencies, organizations, or entities that are engaged 4067
in activities related to dispute resolution and conflict 4068
management. Four members of the commission shall be appointed by 4069
the governor, four members shall be appointed by the chief justice 4070
of the supreme court, two members shall be appointed by the 4071
president of the senate, and two members shall be appointed by the 4072
speaker of the house of representatives. 4073

Within thirty days after ~~the effective date of this section~~ 4074
June 30, 1995, the governor, the chief justice of the supreme 4075
court, the president of the senate, and the speaker of the house 4076
of representatives shall make initial appointments to the 4077
commission. Of the initial appointments made to the commission by 4078
the governor and the chief justice, two each shall be for a term 4079
ending two years after ~~the effective date of this section~~ June 30, 4080
1995, and two each shall be for a term ending four years after 4081
that date. Of the initial appointments made to the commission by 4082
the president of the senate and the speaker of the house of 4083
representatives, one each shall be for a term ending two years 4084
after ~~the effective date of this section~~ June 30, 1995, and one 4085
each shall be for a term ending four years after that date. 4086
Thereafter, terms of office shall be for three years, with each 4087
term ending on the same day of the same month of the year as the 4088
term that it succeeds. Each member shall hold office from the date 4089
of appointment until the end of the term for which appointed. 4090
Members may be reappointed. ~~Vacancies~~ 4091

Vacancies shall be filled in the manner provided for original 4092
appointments. Any member appointed to fill a vacancy occurring 4093

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prior to the expiration date of the term for which the member's 4094
predecessor was appointed shall hold office as a member for the 4095
remainder of that term. ~~A~~ 4096

A member shall continue in office subsequent to the 4097
expiration date of the member's term until ~~a~~ the member's 4098
successor takes office or until a period of sixty days has 4099
elapsed, whichever occurs first. 4100

(B) The commission shall meet within two weeks after all of 4101
its initial members have been appointed, at a time and place 4102
determined by the governor. Thereafter, the commission shall meet 4103
at least quarterly, or more often upon the call of the ~~chairman~~ 4104
chairperson or at the request of the executive director of the 4105
commission. ~~The~~ 4106

The commission shall organize by selecting from among its 4107
members a ~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, 4108
and ~~such~~ other necessary officers ~~as are necessary~~. All officers 4109
shall be elected annually by vote of the members of the 4110
commission. ~~Each~~ 4111

Each member of the commission shall have one vote. ~~Seven~~ A 4112
majority of the members ~~constitute~~ of the commission, as it exists 4113
at any given time, constitutes a quorum, and the votes of a 4114
majority of the members present at a meeting of the commission are 4115
required to validate an action of the commission. 4116

(C) The members of the commission shall serve without 4117
compensation, but each member shall be reimbursed for actual and 4118
necessary expenses incurred in the performance of official duties, 4119
and actual mileage for each mile necessarily traveled in the 4120
performance of official duties. 4121

Sec. 179.03. (A) The Ohio commission on dispute resolution 4122
and conflict management shall do all of the following: 4123

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- (1) Appoint and set the compensation of an executive director, who shall serve at the pleasure of the commission; 4124
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- (2) Establish and maintain a central office; 4126
- (3) Adopt rules to govern the application for, and the awarding of, grants made available by the commission under sections 179.01 to 179.04 of the Revised Code out of the dispute resolution and conflict management commission gifts, grants, and reimbursements fund established by division (C) of this section; 4127
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- (4) Seek, solicit, and apply for grants from any public or private source to provide for the operation of dispute resolution and conflict management programs in this state; 4132
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- (5) Adopt standards for the evaluation of dispute resolution and conflict management programs funded pursuant to sections 179.01 to 179.04 of the Revised Code; 4135
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- (6) Provide technical aid and assistance to dispute resolution and conflict management programs, to centers that provide these programs, and to public and private agencies and organizations that provide these programs or engage in dispute resolution and conflict management ~~activities~~ services; 4138
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- (7) Approve an annual operating budget; 4143
- (8) Prepare an annual report on the operation of the commission and the office established by the commission, and provide the report to the governor, the supreme court, and the general assembly. 4144
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- (B) The commission may do any of the following: 4148
- (1) Receive and accept donations, grants, awards, bequests, gifts, reimbursements, and similar funds from any lawful source; 4149
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- (2) Accept the services of volunteer workers and consultants at no compensation, other than reimbursement for actual and necessary expenses incurred in the performance of their official 4151
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duties, and reimburse any volunteer workers or consultants for 4154
their actual and necessary expenses so incurred; 4155

(3) Prepare and publish statistical data and case studies and 4156
other data pertinent to the development, operation, and evaluation 4157
of dispute resolution and conflict management programs and centers 4158
that provide these programs or engage in dispute resolution and 4159
conflict management services; 4160

(4) Conduct programs that have a general objective of 4161
training and educating mediators and other persons engaged in 4162
providing dispute resolution and conflict management services; 4163

(5) Develop programs and curricula that are designed to 4164
provide dispute resolution and conflict management training and 4165
education for public and private education, as well as other 4166
appropriate education forums; 4167

(6) Enter into contracts for dispute resolution and conflict 4168
management services or authorize the executive director to enter 4169
into those contracts. 4170

(C) There is hereby established in the state treasury the 4171
dispute resolution and conflict management commission gifts, 4172
grants, and reimbursements fund. All donations, grants, awards, 4173
bequests, gifts, ~~and reimbursements~~, and similar funds received by 4174
the commission under this section shall be deposited in the fund. 4175

Sec. 179.04. (A) No person shall be appointed executive 4176
director of the Ohio commission on dispute resolution and conflict 4177
management unless the person is trained in law, public affairs, 4178
business administration, or social sciences and the person has 4179
experience in administering dispute resolution and conflict 4180
management programs or services. The executive director appointed 4181
by the commission shall serve at the pleasure of the commission. 4182

(B) The executive director shall do both of the following: 4183

(1) Appoint and set the compensation of personnel who are 4184
necessary for the efficient operation of the office established by 4185
the commission, with the approval of the commission; 4186

(2) Keep and maintain financial records pertaining to the 4187
awarding of grants and contracts authorized ~~pursuant to~~ under 4188
sections 179.01 to 179.04 of the Revised Code, and report 4189
periodically, but not less than annually, to the commission on all 4190
relevant data pertaining to the operations, costs, and projected 4191
needs of the office established by the commission and on 4192
recommendations for legislation or amendments to court rules that 4193
may be appropriate to improve dispute resolution and conflict 4194
management programs. 4195

(C) The executive director may do any of the following: 4196

(1) Make all necessary arrangements to coordinate the 4197
services of the office established by the commission with any 4198
federal, state, county, municipal, township, or private entity or 4199
program established to provide dispute resolution and conflict 4200
management services and to obtain and provide all funds allowable 4201
from any such entity or under any such ~~programs~~ program; 4202

(2) Consult and cooperate with professional groups concerned 4203
with the study, development, implementation, and evaluation of 4204
dispute resolution and conflict management programs and services 4205
and the operation of the ~~state dispute resolution and conflict~~ 4206
~~management~~ office established by the commission; 4207

(3) Accept the services of volunteer workers and consultants 4208
at no compensation, other than reimbursement for actual and 4209
necessary expenses incurred in the performance of their official 4210
duties, and provide for the reimbursement of any volunteer workers 4211
or consultants for their actual and necessary expenses so 4212
incurred; 4213

(4) Prescribe any forms that are necessary for the uniform 4214

operation of sections 179.01 to 179.04 of the Revised Code;	4215
<u>(5) With the authorization of the commission, enter into</u>	4216
<u>contracts for dispute resolution and conflict management services.</u>	4217
Sec. 181.51. As used in sections 181.51 to 181.56 of the	4218
Revised Code:	4219
(A) "Federal criminal justice acts" means any federal law	4220
that authorizes financial assistance and other forms of assistance	4221
to be given by the federal government to the states to be used for	4222
the improvement of the criminal and juvenile justice systems of	4223
the states.	4224
(B)(1) "Criminal justice system" includes all of the	4225
functions of the following:	4226
(a) The state highway patrol, county sheriff offices,	4227
municipal and township police departments, and all other law	4228
enforcement agencies;	4229
(b) The courts of appeals, courts of common pleas, municipal	4230
courts, county courts, and mayor's courts, when dealing with	4231
criminal cases;	4232
(c) The prosecuting attorneys, city directors of law, village	4233
solicitors, and other prosecuting authorities when prosecuting or	4234
otherwise handling criminal cases and the county and joint county	4235
public defenders and other public defender agencies or offices;	4236
	4237
(d) The department of rehabilitation and correction,	4238
probation departments, county and municipal jails and workhouses,	4239
and any other department, agency, or facility that is concerned	4240
with the rehabilitation or correction of criminal offenders;	4241
(e) Any public or private agency whose purposes include the	4242
prevention of crime or the diversion, adjudication, detention, or	4243

rehabilitation of criminal offenders; 4244

(f) Any public or private agency, the purposes of which 4245
include assistance to crime victims or witnesses. 4246

(2) The inclusion of any public or private agency, the 4247
purposes of which include assistance to crime victims or 4248
witnesses, as part of the criminal justice system pursuant to 4249
division (B)(1) of this section does not limit, and shall not be 4250
construed as limiting, the discretion or authority of the attorney 4251
general with respect to crime victim assistance and criminal 4252
justice programs. 4253

(C) "Juvenile justice system" includes all of the functions 4254
of the juvenile courts, the department of youth services, any 4255
public or private agency whose purposes include the prevention of 4256
delinquency or the diversion, adjudication, detention, or 4257
rehabilitation of delinquent children, and any of the functions of 4258
the criminal justice system that are applicable to children. 4259

(D) "Comprehensive plan" means a document that coordinates, 4260
evaluates, and otherwise assists, on an annual or multi-year 4261
basis, ~~all~~ any of the functions of the criminal and juvenile 4262
justice systems of the state or a specified area of the state, 4263
that conforms to the priorities of the state with respect to 4264
criminal and juvenile justice systems, and that conforms with the 4265
requirements of all federal criminal justice acts. These functions 4266
may include, but are not limited to, ~~all~~ any of the following: 4267

(1) Crime and delinquency prevention; 4268
4269

(2) Identification, detection, apprehension, and detention of 4270
persons charged with criminal offenses or delinquent acts; 4271

(3) Assistance to crime victims or witnesses, except that the 4272
comprehensive plan does not include the functions of the attorney 4273
general pursuant to sections 109.91 and 109.92 of the Revised 4274

Code;	4275
(4) Adjudication or diversion of persons charged with criminal offenses or delinquent acts;	4276 4277
(5) Custodial treatment of criminal offenders and , delinquent children, <u>or both</u> ;	4278 4279
(6) Institutional and noninstitutional rehabilitation of criminal offenders and , delinquent children, <u>or both</u> .	4280 4281
(E) "Metropolitan county criminal justice services agency" means an agency that is established pursuant to division (A) of section 181.54 of the Revised Code.	4282 4283 4284
(F) "Administrative planning district" means a district that is established pursuant to division (A) <u>or (B)</u> of section 181.56 of the Revised Code.	4285 4286 4287
(G) "Criminal justice coordinating council" means a criminal justice services agency that is established pursuant to division (B) <u>(D)</u> of section 181.56 of the Revised Code.	4288 4289 4290
(H) "Local elected official" means any person who is a member of a board of county commissioners or township trustees or of a city or village council, judge of the court of common pleas, a municipal court, or a county court, sheriff, county coroner, prosecuting attorney, city director of law, village solicitor, or mayor.	4291 4292 4293 4294 4295 4296
<u>(I) "Juvenile justice coordinating council" means a juvenile justice services agency that is established pursuant to division (D) of section 181.56 of the Revised Code.</u>	4297 4298 4299
Sec. 181.52. (A) There is hereby created an office of criminal justice services. The governor shall appoint a director of the office, and the director may appoint, within the office, any professional and technical personnel and other employees that	4300 4301 4302 4303

are necessary to enable the office to comply with sections 181.51 4304
to 181.56 of the Revised Code. The director and the assistant 4305
director of the office, and all professional and technical 4306
personnel employed within the office who are not public employees 4307
as defined in section 4117.01 of the Revised Code, shall be in the 4308
unclassified civil service, and all other persons employed within 4309
the office shall be in the classified civil service. The director 4310
may enter into any contracts, except contracts governed by Chapter 4311
4117. of the Revised Code, that are necessary for the operation of 4312
the office. 4313

(B) Subject to division ~~(D)~~(E) of this section and subject to 4314
divisions (D) to (F) of section 5120.09 of the Revised Code 4315
insofar as those divisions relate to federal criminal justice acts 4316
that the governor requires the department of rehabilitation and 4317
correction to administer, the office of criminal justice services 4318
shall do all of the following: 4319

(1) Serve as the state criminal justice services agency and 4320
perform criminal ~~and juvenile~~ justice system planning in the 4321
state, including any planning that is required by any federal law; 4322

(2) Collect, analyze, and correlate information and data 4323
concerning the criminal ~~and juvenile~~ justice ~~systems~~ system in the 4324
state; 4325

(3) Cooperate with and provide technical assistance to state 4326
departments, administrative planning districts, metropolitan 4327
county criminal justice services agencies, criminal justice 4328
coordinating councils, agencies, offices, and departments of the 4329
criminal ~~and juvenile~~ justice ~~systems~~ system in the state, and 4330
other appropriate organizations and persons; 4331

(4) Encourage and assist agencies, offices, and departments 4332
of the criminal ~~and juvenile~~ justice ~~systems~~ system in the state 4333
and other appropriate organizations and persons to solve problems 4334
that relate to the duties of the office; 4335

(5) Administer within the state any federal criminal justice acts or juvenile justice acts that the governor requires it to administer;	4336 4337 4338
(6) <u>Administer funds received under the "Family Violence Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as amended, with all powers necessary for the adequate administration of those funds, including the authority to establish a family violence prevention and services program.</u>	4339 4340 4341 4342 4343
(7) Implement the state comprehensive plans;	4344
(7) (8) Audit grant activities of agencies, offices, organizations, and persons that are financed in whole or in part by funds granted through the office;	4345 4346 4347
(8) (9) Monitor or evaluate the performance of criminal and juvenile justice systems <u>system</u> projects and programs in the state that are financed in whole or in part by funds granted through the office;	4348 4349 4350 4351
(9) (10) Apply for, allocate, disburse, and account for grants that are made available pursuant to federal criminal justice acts or juvenile justice acts , or made available from other federal, state, or private sources, to improve the criminal and juvenile justice systems <u>system</u> in the state. All money from such federal grants shall, if the terms under which the money is received require that the money be deposited into an interest-bearing fund or account, be deposited in the state treasury to the credit of the federal program purposes fund, which is hereby created. All investment earnings of the fund shall be credited to the fund.	4352 4353 4354 4355 4356 4357 4358 4359 4360 4361 4362
(10) (11) Contract with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the office;	4363 4364 4365
(11) (12) Oversee the activities of metropolitan county	4366

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criminal justice services agencies, administrative planning	4367
districts, and criminal justice coordinating councils in the	4368
state;	4369
(12) (13) Advise the general assembly and governor on	4370
legislation and other significant matters that pertain to the	4371
improvement and reform of criminal and juvenile justice systems in	4372
the state;	4373
(13) (14) Prepare and recommend legislation to the general	4374
assembly and governor for the improvement of the criminal and	4375
juvenile justice systems in the state;	4376
(14) (15) Assist, advise, and make any reports that are	4377
requested or required by the governor, attorney general, or	4378
general assembly;	4379
(15) (16) Adopt rules pursuant to Chapter 119. of the Revised	4380
Code.	4381
(C) <u>Division Upon the request of the governor, the office of</u>	4382
<u>criminal justice services may do any of the following:</u>	4383
<u>(1) Collect, analyze, or correlate information and data</u>	4384
<u>concerning the juvenile justice system in the state;</u>	4385
<u>(2) Cooperate with and provide technical assistance to state</u>	4386
<u>departments, administrative planning districts, metropolitan</u>	4387
<u>county criminal justice service agencies, criminal justice</u>	4388
<u>coordinating councils, agency offices, and the departments of the</u>	4389
<u>juvenile justice system in the state and other appropriate</u>	4390
<u>organizations and persons;</u>	4391
<u>(3) Encourage and assist agencies, offices, and departments</u>	4392
<u>of the juvenile justice system in the state and other appropriate</u>	4393
<u>organizations and persons to solve problems that relate to the</u>	4394
<u>duties of the office.</u>	4395
(D) <u>Divisions (B) and (C) of this section does do not limit</u>	4396

the discretion or authority of the attorney general with respect 4397
to crime victim assistance and criminal justice programs. 4398

~~(D)~~(E) Nothing in this section is intended to diminish or 4399
alter the status of the office of the attorney general as a 4400
criminal justice services agency. 4401

Sec. 181.54. (A) A county may enter into an agreement with 4402
the largest city within the county to establish a metropolitan 4403
county criminal justice services agency, if the population of the 4404
county exceeds five hundred thousand or the population of the city 4405
exceeds two hundred fifty thousand. 4406

(B) A metropolitan county criminal justice services agency 4407
shall do all of the following: 4408

(1) Accomplish criminal and juvenile justice systems planning 4409
within its services area; 4410

(2) Collect, analyze, and correlate information and data 4411
concerning the criminal and juvenile justice systems within its 4412
services area; 4413

(3) Cooperate with and provide technical assistance to all 4414
criminal and juvenile justice agencies and systems and other 4415
appropriate organizations and persons within its services area; 4416

(4) Encourage and assist agencies of the criminal and 4417
juvenile justice systems and other appropriate organizations and 4418
persons to solve problems that relate to its duties; 4419

(5) Administer within its services area any federal criminal 4420
justice acts or juvenile justice acts that the office of criminal 4421
justice services or the department of youth services administers 4422
within the state; 4423

(6) Implement the comprehensive plans for its services area; 4424

(7) Monitor or evaluate, within its services area, the 4425

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performance of the criminal and juvenile justice systems projects 4426
and programs that are financed in whole or in part by funds 4427
granted through it; 4428

(8) Apply for, allocate, and disburse grants that are made 4429
available pursuant to any federal criminal justice acts, or 4430
pursuant to any other federal, state, or private sources for the 4431
purpose of improving the criminal and juvenile justice systems; 4432

(9) Contract with federal, state, and local agencies, 4433
foundations, corporations, and other businesses or persons to 4434
carry out the duties of the agency. 4435

Sec. 181.56. (A) In counties in which a metropolitan county 4436
criminal justice services agency does not exist, the office of 4437
criminal justice services shall discharge the office's duties that 4438
the governor requires it to administer by establishing 4439
administrative planning districts for criminal justice programs. 4440
An administrative planning district shall contain a group of 4441
contiguous counties in which no county has a metropolitan county 4442
criminal justice services agency. 4443

(B) In counties in which a metropolitan county criminal 4444
justice services agency does not exist, the department of youth 4445
services shall discharge the department's duty by establishing 4446
administrative planning districts for juvenile justice programs. 4447

(C) All administrative planning districts shall contain a 4448
group of contiguous counties in which no county has a metropolitan 4449
county criminal justice services agency. 4450

(D) Any county or any combination of contiguous counties 4451
within an administrative planning district may form a criminal 4452
justice coordinating council or a juvenile justice coordinating 4453
council for its respective programs, if the county or the group of 4454
counties has a total population in excess of two hundred fifty 4455

thousand. The council shall comply with the conditions set forth 4456
in divisions (B) and (C) of section 181.55 of the Revised Code, 4457
and exercise within its jurisdiction the powers and duties set 4458
forth in division (B) of section 181.54 of the Revised Code. 4459

Sec. 183.09. The fiscal year of the tobacco use prevention 4460
and control foundation shall be the same as the fiscal year of the 4461
state. 4462

Within ninety days after the end of each fiscal year, the 4463
foundation shall submit to the governor and the general assembly 4464
both of the following: 4465

(A) A report of the activities of the foundation during the 4466
preceding fiscal year and an independent and objective evaluation 4467
of the progress being made by the foundation in reducing tobacco 4468
use by Ohioans; 4469

(B) A financial report of the foundation for the preceding 4470
fiscal year, which shall include both: 4471

(1) Information on the amount and percentage of overhead and 4472
administrative expenditures compared to programmatic expenditures; 4473

(2) An independent auditor's report on the ~~general purpose~~ 4474
basic financial statements and required supplementary information 4475
of the foundation. Such financial statements shall be prepared in 4476
conformity with generally accepted accounting principles 4477
prescribed for governmental entities. 4478

Sec. 183.10. The law enforcement improvements trust fund is 4479
hereby created in the state treasury. Money credited to the fund 4480
shall be used by the attorney general to maintain, upgrade, and 4481
modernize the law enforcement training, law enforcement 4482
technology, and laboratory ~~facilities~~ equipment of the office of 4483
the attorney general. All investment earnings of the fund shall be 4484
credited to the fund. 4485

Sec. 183.17. The fiscal year of the southern Ohio 4486
agricultural and community development foundation shall be the 4487
same as the fiscal year of the state. 4488

Within ninety days after the end of each fiscal year, the 4489
foundation shall submit to the governor and the general assembly 4490
both of the following: 4491

(A) A report of the activities of the foundation during the 4492
preceding fiscal year. The report shall also contain an 4493
independent evaluation of the progress being made by the 4494
foundation in carrying out its duties. 4495

(B) A financial report of the foundation for the preceding 4496
year, which shall include both: 4497

(1) Information on the amount and percentage of overhead and 4498
administrative expenditures compared to programmatic expenditures; 4499

(2) An independent auditor's report on the ~~general purpose~~ 4500
basic financial statements and required supplementary information 4501
of the foundation. Such financial statements shall be prepared in 4502
conformity with generally accepted accounting principles 4503
prescribed for governmental entities. 4504

On or before July 1, 2010, the foundation shall report to the 4505
governor and the general assembly on the progress that the 4506
foundation has made in replacing the production of tobacco in 4507
southern Ohio with the production of other agricultural products 4508
and in mitigating the adverse economic impact of reduced tobacco 4509
production in the region. ~~It~~ If the foundation concludes that a 4510
need for additional funding still exists, the foundation may 4511
request that provision be made for a portion of the payments 4512
credited to the tobacco master settlement agreement fund to 4513
continue to be transferred to the southern Ohio agricultural and 4514
community development trust fund. 4515

Sec. 301.27. (A) As used in this section:	4516
(1) "Credit card" includes a gasoline credit card and a telephone credit card.	4517 4518
(2) "Officer" includes an individual who also is an appointing authority.	4519 4520
(3) "Gasoline and oil expenses," "minor motor vehicle maintenance expenses," and "emergency motor vehicle repair expenses" refer to only those expenses incurred for motor vehicles owned or leased by the county.	4521 4522 4523 4524
(B) A credit card held by a board of county commissioners or the office of any other county appointing authority shall be used only to pay work-related <u>food, transportation, gasoline expenses, limited to the following:</u>	4525 4526 4527 4528
(1) <u>Food expenses;</u>	4529
(2) <u>Transportation expenses;</u>	4530
(3) <u>Gasoline and oil, minor expenses;</u>	4531
(4) <u>Minor motor vehicle maintenance, emergency;</u>	4532
(5) <u>Emergency motor vehicle repair, telephone, lodging, and internet expenses;</u>	4533 4534
(6) <u>Telephone expenses;</u>	4535
(7) <u>Lodging expenses;</u>	4536
(8) <u>Internet service provider expenses;</u>	4537
(9) <u>In the case of a public children services agency, expenses for purchases for children for whom the agency is providing temporary emergency care pursuant to section 5153.16 of the Revised Code, children in the temporary or permanent custody of the agency, and children in a planned permanent living arrangement.</u>	4538 4539 4540 4541 4542 4543

(C) A county appointing authority may apply to the board of county commissioners for authorization to have an officer or employee of the appointing authority use a credit card held by that appointing authority. The authorization request shall state whether the card is to be issued only in the name of the office of the appointing authority itself or whether the issued card shall also include the name of a specified officer or employee.

(D) The debt incurred as a result of the use of a credit card pursuant to this section shall be paid from moneys appropriated to the appointing authority for work-related ~~food, transportation, gasoline and oil, minor motor vehicle maintenance, emergency motor vehicle repair, telephone, lodging, and internet service provider~~ expenses listed in division (B) of this section.

(E)(1) Except as otherwise provided in division (E)(2) of this section, every officer or employee authorized to use a credit card held by the board or appointing authority shall submit to the board by the first day of each month an estimate of the officer's or employee's work-related ~~food, transportation, gasoline and oil, minor motor vehicle maintenance, emergency motor vehicle repair, telephone, lodging, and internet service provider~~ expenses listed in division (B) of this section for that month, unless the board authorizes, by resolution, the officer or employee to submit to the board such an estimate for a period longer than one month. The board may revise the estimate and determine the amount it approves, if any, not to exceed the estimated amount. The board shall certify the amount of its determination to the county auditor along with the necessary information for the auditor to determine the appropriate appropriation line item from which such expenditures are to be made. After receiving certification from the county auditor that the determined sum of money is in the treasury or in the process of collection to the credit of the appropriate appropriation line item for which the credit card is

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approved for use, and is free from previous and then-outstanding 4576
obligations or certifications, the board shall authorize the 4577
officer or employee to incur debt for such expenses against the 4578
county's credit up to the authorized amount. 4579

(2) In lieu of following the procedure set forth in division 4580
(E)(1) of this section, a board of county commissioners may adopt 4581
a resolution authorizing an officer or employee of an appointing 4582
authority to use a county credit card to pay for specific classes 4583
of the work-related expenses listed in division (B) of this 4584
section, or use a specific credit card for any of those 4585
work-related expenses listed in division (B) of this section, 4586
without submitting an estimate of those expenses to the board as 4587
required by division (E)(1) of this section. Prior to adopting the 4588
resolution, the board shall notify the county auditor. The 4589
resolution shall specify whether the officer's or employee's 4590
exemption extends to the use of a specific card, which card shall 4591
be identified by its number, or to one or more specific 4592
work-related uses from the classes of uses permitted under 4593
division (B) of this section. Before any credit card exempted for 4594
specific uses may be used to make purchases for uses other than 4595
those specific uses listed in the resolution, the procedures 4596
outlined in division (E)(1) of this section must be followed or 4597
the use shall be considered an unauthorized use. Use of any credit 4598
card under division (E)(2) of this section shall be limited to the 4599
amount appropriated and encumbered in a specific appropriation 4600
line item for the permitted use or uses designated in the 4601
authorizing resolution, or, in the case of a resolution that 4602
authorizes use of a specific credit card, for each of the 4603
permitted uses listed in division (B) of this section, but only to 4604
the extent the moneys in such appropriations are not otherwise 4605
encumbered. 4606

(F)(1) Any time a county credit card approved for use for an 4607

authorized amount under division (E)(1) of this section is used
for more than that authorized amount, the appointing authority may
request the board of county commissioners to authorize after the
fact the expenditure of any amount charged beyond the originally
authorized amount if, upon the board's request, the county auditor
certifies that sum of money is in the treasury or in the process
of collection to the credit of the appropriate appropriation line
item for which the credit card was used and is free from previous
and then-outstanding obligations or certifications. If the card is
used for more than the amount originally authorized and if for any
reason that amount is not authorized after the fact, then the
county treasury shall be reimbursed for any amount spent beyond
the originally authorized amount in the following manner:

(a) If the card is issued in the name of a specific officer
or employee, then that officer or employee is liable in person and
upon any official bond the officer or employee has given to the
county to reimburse the county treasury for the amount charged to
the county beyond the originally authorized amount.

(b) If the card was issued to the office of the appointing
authority, then the appointing authority is liable in person and
upon any official bond the appointing authority has given to the
county for the amount charged to the county beyond the originally
authorized amount.

(2) Any time a county credit card authorized for use under
division (E)(2) of this section is used for more than the amount
appropriated under that division, the appointing authority may
request the board of county commissioners to issue a supplemental
appropriation or make a transfer to the proper line item account
as permitted in section 5705.40 of the Revised Code, to cover the
amount charged beyond the originally appropriated amount. If the
card is used for more than the amount originally appropriated and
if for any reason that amount is not appropriated or transferred

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as permitted by this section, then the county treasury shall be
reimbursed for any amount spent beyond the originally appropriated
amount in the following manner:

(a) If the card is issued in the name of a specific officer
or employee, then that officer or employee is liable in person and
upon any official bond the officer or employee has given to the
county for reimbursing the county treasury for any amount charged
on the card beyond the originally appropriated amount.

(b) If the card is issued in the name of the office of the
appointing authority, then the appointing authority is liable in
person and upon any official bond the appointing authority has
given to the county for reimbursement for any amount charged on
the card beyond the originally appropriated amount.

(3) Whenever any officer or employee authorized to use a
credit card held by the board or the office of any other county
appointing authority suspects the loss, theft, or possibility of
unauthorized use of the county credit card the officer or employee
is authorized to use, the officer or employee shall so notify the
officer's or employee's appointing authority or the board
immediately and in writing.

(4) If the county auditor determines there has been a credit
card expenditure beyond the appropriated or authorized amount as
provided in division (E) of this section, the auditor immediately
shall notify the board of county commissioners of this fact. When
the board of county commissioners determines on its own or after
notification from the county auditor that the county treasury
should be reimbursed for credit card expenditures beyond the
appropriated or authorized amount as provided in divisions (F)(1)
and (2) of this section, it shall give written notice to the
officer or employee or appointing authority liable to the treasury
as provided in divisions (F)(1) and (2) of this section. If,
within thirty days after issuance of this written notice the

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county treasury is not reimbursed for the amount shown on the
written notice, the prosecuting attorney of the county shall
recover that amount from the officer or employee or appointing
authority who is liable under this section by civil action in any
court of appropriate jurisdiction.

(G) Use of a county credit card for any use other than those
permitted under division (B) of this section is a violation of law
for the purposes of section 2913.21 of the Revised Code.

Sec. 325.071. There shall be allowed annually to the sheriff,
in addition to all salary and allowances otherwise provided by
law, an amount equal to one-half of the official salary allowed
under ~~sections~~ division (A) of section 325.06 and section 325.18
of the Revised Code, to provide for expenses that the sheriff
incurs in the performance of the sheriff's official duties and in
the furtherance of justice. Upon the order of the sheriff, the
county auditor shall draw the auditor's warrant on the county
treasurer, payable to the sheriff or any other person as the order
designates, for the amount the order requires. The amounts the
order requires, not exceeding the amount provided by this section,
shall be paid out of the general fund of the county.

Nothing shall be paid under this section until the sheriff
gives bond to the state in an amount not less than the sheriff's
official salary, to be fixed by the court of common pleas or the
probate court, with sureties to be approved by either of those
courts. The bond shall be conditioned that the sheriff will
faithfully discharge all the duties enjoined upon the sheriff, and
pay over all moneys the sheriff receives in an official capacity.
The bond, with the approval of the court of common pleas or the
probate court of the amount of the bond and the sureties on the
bond, shall be deposited with the county treasurer.

The sheriff annually, before the first Monday of January,

shall file with the county auditor an itemized statement, verified 4703
by the sheriff, as to the manner in which the fund provided by 4704
this section has been expended during the current year, and, if 4705
any part of that fund remains in the sheriff's hands unexpended, 4706
forthwith shall pay the remainder into the county treasury. 4707

Sec. 329.042. The county department of job and family 4708
services shall certify public assistance and nonpublic assistance 4709
households eligible under the "Food Stamp Act of 1964," 78 Stat. 4710
703, 7 U.S.C.A. 2011, as amended, and federal and state 4711
regulations adopted pursuant to such act, to enable low-income 4712
households to participate in the food stamp program and thereby to 4713
purchase foods having a greater monetary value than is possible 4714
under public assistance standard allowances or other low-income 4715
budgets. 4716

The county department of job and family services shall 4717
administer the distribution of food stamp ~~coupons~~ benefits under 4718
the supervision of the department of job and family services. ~~Such~~ 4719
~~coupons~~ The benefits shall be distributed by ~~mail in accordance~~ 4720
~~with sections 5101.541, 5101.542, and 5101.543 of the Revised~~ 4721
~~Code, or by some alternative~~ a method approved by the department 4722
of job and family services in accordance with the "Food Stamp Act 4723
of 1964," 78 Stat. 703, 7 U.S.C.A. 2011, as amended, and 4724
regulations issued thereunder. 4725

The document referred to as the "authorization-to-participate 4726
card," which shows the face value of the ~~coupon allotment~~ benefits 4727
an eligible household is entitled to receive on presentment of the 4728
document, shall be issued, immediately upon certification, to a 4729
household determined under division (C) of section 5101.54 of the 4730
Revised Code to be in immediate need of food assistance by being 4731
personally handed by a member of the staff of the county 4732
department of job and family services to the member of the 4733

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household in whose name application was made for participation in 4734
 the program or the authorized representative of such member of the 4735
 household. 4736

~~Sec. 5101.19 329.19.~~ (A) Upon determining that a person or 4737
 persons are eligible for ~~aid payments~~ benefits or services under 4738
~~Chapter 5107. or 5115. of the Revised Code~~ any assistance program 4739
administered by the county department of job and family services, 4740
the county department may issue an identification card ~~shall be~~ 4741
~~issued to the individual designated to receive warrants for aid~~ 4742
~~payments~~ person or persons. Such ~~cards may be made up and issued~~ 4743
~~by the county department of job and family services, or the~~ 4744
~~department of job and family services may enter into a contract~~ 4745
~~with any person, corporation, or agency, public or private, to~~ 4746
~~furnish cards to individuals certified by the county department.~~ 4747
 The county department of job and family services shall determine 4748
 the card's material, design, and informational content, which 4749
~~shall~~ may include a photograph, social security number, name, and 4750
 signature, and shall prescribe the procedure by which it is 4751
 issued. 4752

~~(B) Any county department of job and family services which on~~ 4753
~~July 7, 1972 is furnishing identification cards to individuals~~ 4754
~~designated to receive warrants for aid payments under Chapter~~ 4755
~~5107. of the Revised Code, may continue to issue such cards and~~ 4756
~~may issue identification cards to individuals designated to~~ 4757
~~receive warrants for aid payments under Chapter 5115. of the~~ 4758
~~Revised Code under procedures developed by the county, in lieu of~~ 4759
~~those established under division (A) of this section, provided:~~ 4760

~~(1) The information borne on the card is substantially the~~ 4761
~~same as that required in division (A) of this section:~~ 4762

~~(2) The county complies with any regulations adopted by the~~ 4763
~~director of job and family services which are applicable to such a~~ 4764

~~procedure.~~

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~~(C) The individual designated to receive warrants for aid payments shall present the identification card issued under this section as a condition for the acceptance and payment of the warrants.~~

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In issuing identification cards under this section, the county department shall comply with any state or federal laws governing the issuance of the cards. All expenses incurred in issuing the issuance of identification cards under this section shall be paid from funds appropriated available to the county department of job and family services for administrative expenses.

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Sec. 340.16. Not later than ninety days after the effective date of this section, the department of mental health and the department of job and family services shall adopt rules that establish requirements and procedures for prior notification and service coordination between public children services agencies and boards of alcohol, drug addiction, and mental health services when a public children services agency refers a child in its custody to a board for services funded by the board. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

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The department of mental health and department of job and family services shall collaborate in formulating a plan that delineates the funding responsibilities of public children services agencies and boards of alcohol, drug addiction, and mental health services for services provided under section 5111.022 of the Revised Code to children in the custody of public children services agencies. The departments shall complete the plan not later than ninety days after the effective date of this section.

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Sec. 349.01. As used in this chapter:

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(A) "New community" means a community or an addition to an existing community planned pursuant to this chapter so that it includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities.

(B) "New community development program" means a program for the development of a new community characterized by well-balanced and diversified land use patterns and which includes land acquisition and land development, the acquisition, construction, operation, and maintenance of community facilities, and the provision of services authorized in ~~sections 349.01 to 349.16 of the Revised Code~~ this chapter.

(C) "New community district" means the area of land described by the developer in the petition as set forth in division (A) of section 349.03 of the Revised Code for development as a new community and any lands added to ~~such~~ the district by amendment of the resolution establishing the community authority.

(D) "New community authority" means a body corporate and politic in this state, established pursuant to section 349.03 of the Revised Code and governed by a board of trustees as provided in section 349.04 of the Revised Code.

(E) "Developer" means any person, organized for carrying out a new community development program who owns or controls, through leases of at least seventy-five years' duration, options, or contracts to purchase, the land within a new community district, or any ~~municipality~~ municipal corporation, county, or port authority that owns the land within a new community district, or has the ability to acquire such land, either by voluntary acquisition or condemnation in order to eliminate slum, blighted, and deteriorated or deteriorating areas and to prevent the recurrence thereof.

(F) "Organizational board of commissioners" means, if the new community district is located in only one county, the board of county commissioners of such county; if located in more than one county, a board consisting of the members of the board of county commissioners of each of the counties in which the district is located, provided that action of such board shall require a majority vote of the members of each separate board of county commissioners; or, if more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation.

(G) "Land acquisition" means the acquisition of real property and interests in real property as part of a new community development program.

(H) "Land development" means the process of clearing and grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and the construction of community facilities.

(I) "Community facilities" means all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained under this chapter, including public, community, village, neighborhood, or town buildings, centers and plazas, auditoriums, day care centers, recreation halls, educational facilities, hospital facilities as defined in section 140.01 of the Revised Code, recreational facilities, natural resource facilities, including parks and other open space land, lakes and streams, cultural facilities, community streets, pathway and bikeway systems, pedestrian underpasses and

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overpasses, lighting facilities, design amenities, or other 4859
community facilities, and buildings needed in connection with 4860
water supply or sewage disposal installations or steam, gas, or 4861
electric lines or installation. 4862

(J) "Cost" as applied to a new community development program 4863
means all costs related to land acquisition and land development, 4864
the acquisition, construction, maintenance, and operation of 4865
community facilities and offices of the community authority, and 4866
of providing furnishings and equipment therefor, financing charges 4867
including interest prior to and during construction and for the 4868
duration of the new community development program, planning 4869
expenses, engineering expenses, administrative expenses including 4870
working capital, and all other expenses necessary and incident to 4871
the carrying forward of the new community development program. 4872

(K) "Income source" means any and all sources of income to 4873
the community authority, including community development charges 4874
of which the new community authority is the beneficiary as 4875
provided in section 349.07 of the Revised Code, rentals, user fees 4876
and other charges received by the new community authority, any 4877
gift or grant received, any moneys received from any funds 4878
invested by or on behalf of the new community authority, and 4879
proceeds from the sale or lease of land and community facilities. 4880

(L) "Community development charge" means a dollar amount 4881
which shall be determined on the basis of the assessed valuation 4882
of real property or interests in real property in a new community 4883
district sold, leased, or otherwise conveyed by the developer or 4884
the new community authority, the income of the residents of such 4885
property subject to such charge under section 349.07 of the 4886
Revised Code, if such property is devoted to residential uses or 4887
to the profits of any business, a uniform fee on each parcel of 4888
such real property originally sold, leased, or otherwise conveyed 4889
by the developer or new community authority, or any combination of 4890

the foregoing bases.

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(M) "Proximate city" means any city that, as of the date of filing of the petition under section 349.03 of the Revised Code, is the most populous city of the county in which the proposed new community district is located, is the most populous city of an adjoining county if any portion of such city is within five miles of any part of the boundaries of such district, or exercises extraterritorial subdivision authority under section 711.09 of the Revised Code with respect to any part of such district.

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Sec. 503.162. (A) After certification of a resolution as provided in section 503.161 of the Revised Code, the board of elections shall submit the question of whether the township's name shall be changed to the electors of the unincorporated area of the township in accordance with division (C) of that section, and the ballot language shall be substantially as follows:

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"Shall the township of (name) change its name to (proposed name)?

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..... For name change

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..... Against name change"

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(B) At least forty-five days before the election on this question, the board of township trustees shall provide notice of the election and an explanation of the proposed name change in a newspaper of general circulation in the township for three consecutive weeks and shall post the notice and explanation in five conspicuous places in the unincorporated area of the township.

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(C) If a majority of the votes cast on the proposition of changing the township's name is in the affirmative, the name change is adopted and becomes effective ninety days after the board of elections certifies the election results to the clerk of

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the township. Upon receipt of the certification of the election 4921
results from the board of elections, the clerk of the township 4922
shall send a copy of that certification to the secretary of state 4923
and to the state and local government commission of Ohio. 4924

(D) A change in the name of a township shall not alter the 4925
rights or liabilities of the township as previously named. 4926

Sec. 504.03. (A)(1) If a limited home rule government is 4927
adopted pursuant to section 504.02 of the Revised Code, it shall 4928
remain in effect for at least three years except as otherwise 4929
provided in division (B) of this section. At the end of that 4930
period, if the board of township trustees determines that that 4931
government is not in the best interests of the township, it may 4932
adopt a resolution causing the board of elections to submit to the 4933
electors of the unincorporated area of the township the question 4934
of whether the township should continue the limited home rule 4935
government. The question shall be voted upon at the next general 4936
election occurring at least seventy-five days after the 4937
certification of the resolution to the board of elections. After 4938
certification of the resolution, the board of elections shall 4939
submit the question to the electors of the unincorporated area of 4940
the township, and the ballot language shall be substantially as 4941
follows: 4942

"Shall the township of (name) continue the 4943
limited home rule government under which it is operating? 4944
..... For continuation of the limited home rule government 4945
..... Against continuation of the limited home rule government" 4946

(2) At least forty-five days before the election on the 4947
question of continuing the limited home rule government, the board 4948
of township trustees shall have notice of the election published 4949
in a newspaper of general circulation in the township for three 4950
consecutive weeks and have the notice posted in five conspicuous 4951

places in the unincorporated area of the township.

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(B) The electors of a township that has adopted a limited home rule government may propose at any time by initiative petition, in accordance with section 504.14 of the Revised Code, a resolution submitting to the electors in the unincorporated area of the township, in an election, the question set forth in division (A)(1) of this section.

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(C) If a majority of the votes cast under division (A) or (B) of this section on the proposition of continuing the limited home rule government is in the negative, that government is terminated effective on the first day of January immediately following the election, and a limited home rule government shall not be adopted in the unincorporated area of the township pursuant to section 504.02 of the Revised Code for at least three years after that date.

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(D) If a limited home rule government is terminated ~~pursuant to~~ under this section, the board of township trustees immediately shall adopt a resolution repealing all resolutions adopted pursuant to this chapter that are not authorized by any other section of the Revised Code outside this chapter, effective on the first day of January immediately following the election described in division (A) or (B) of this section. However, no resolution adopted under this division shall affect or impair the obligations of the township under any security issued or contracts entered into by the township in connection with the financing of any water supply facility or sewer improvement under sections 504.18 to 504.20 of the Revised Code or the authority of the township to collect or enforce any assessments or other revenues constituting security for or source of payments of debt service charges of those securities.

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(E) Upon the termination of a limited home rule government under this section, if the township had converted its board of

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township trustees to a five-member board under section 504.21 of 4984
the Revised Code, the current board member who received the lowest 4985
number of votes of the current board members who were elected at 4986
the most recent election for township trustees, and the current 4987
board member who received the lowest number of votes of the 4988
current board members who were elected at the second most recent 4989
election for township trustees, shall cease to be township 4990
trustees on the date that the limited home rule government 4991
terminates. Their offices likewise shall cease to exist at that 4992
time, and the board shall continue as a three-member board as 4993
provided in section 505.01 of the Revised Code. 4994

Sec. 504.04. (A) A township that adopts a limited home rule 4995
government may do all of the following by resolution, provided 4996
that any of these resolutions, other than a resolution to supply 4997
water or sewer services in accordance with sections 504.18 to 4998
504.20 of the Revised Code, may be enforced only by the imposition 4999
of civil fines as authorized in this chapter: 5000

(1) Exercise all powers of local self-government within the 5001
unincorporated area of the township, other than powers that are in 5002
conflict with general laws, except that the township shall comply 5003
with the requirements and prohibitions of this chapter, and shall 5004
enact no taxes other than those authorized by general law, and 5005
except that no resolution adopted pursuant to this chapter shall 5006
encroach upon the powers, duties, and privileges of elected 5007
township officers or change, alter, combine, eliminate, or 5008
otherwise modify the form or structure of the township government 5009
unless the change is required or permitted by this chapter; 5010

(2) Adopt and enforce within the unincorporated area of the 5011
township local police, sanitary, and other similar regulations 5012
that are not in conflict with general laws or otherwise prohibited 5013
by division (B) of this section; 5014

(3) Supply water and sewer services to users within the unincorporated area of the township in accordance with sections 504.18 to 504.20 of the Revised Code. 5015
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(B) No resolution adopted pursuant to this chapter shall do any of the following: 5018
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(1) Create a criminal offense or impose criminal penalties, except as authorized by division (A) of this section; 5020
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(2) Impose civil fines other than as authorized by this chapter; 5022
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(3) Establish or revise subdivision regulations, road construction standards, urban sediment rules, or storm water and drainage regulations; 5024
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(4) Establish or revise building standards, building codes, and other standard codes except as provided in section 504.13 of the Revised Code; 5027
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(5) Increase, decrease, or otherwise alter the powers or duties of a township under any other chapter of the Revised Code pertaining to agriculture or the conservation or development of natural resources; 5030
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(6) Establish regulations affecting hunting, trapping, fishing, or the possession, use, or sale of firearms; 5034
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(7) Establish or revise water or sewer regulations, except in accordance with sections 504.18 and 504.19 of the Revised Code. 5036
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Nothing in this chapter shall be construed as affecting the powers of counties with regard to the subjects listed in divisions (B)(3) to (5) of this section. 5038
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(C) Under a limited home rule government, all officers shall have the qualifications, and be nominated, elected, or appointed, as provided in Chapter 505. of the Revised Code, except that the board of township trustees shall appoint a full-time or part-time 5041
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law director pursuant to section 504.15 of the Revised Code, and 5045
except that section 504.21 of the Revised Code also shall apply if 5046
a five-member board of township trustees is approved for the 5047
township. 5048

(D) In case of conflict between resolutions enacted by a 5049
board of township trustees and municipal ordinances or 5050
resolutions, the ordinance or resolution enacted by the municipal 5051
corporation prevails. In case of conflict between resolutions 5052
enacted by a board of township trustees and any county resolution, 5053
the resolution enacted by the board of township trustees prevails. 5054

Sec. 504.21. (A) By a unanimous vote, the board of township 5055
trustees of a limited home rule township may pass a resolution to 5056
place on the ballot at the next general election described in this 5057
division the question of whether the board should be converted to 5058
a five-member board. Upon passage of the resolution, the question 5059
shall be voted upon at the next general election occurring at 5060
least seventy-five days after the board certifies the resolution 5061
to the board of elections. 5062

(B) If a majority of the votes cast on the question of 5063
converting the board of township trustees to a five-member board 5064
is in the affirmative, at the next election at which any members 5065
of the board are elected, two additional board members shall be 5066
elected, one for a four-year term of office and the other for a 5067
two-year term of office. Their successors thereafter shall be 5068
elected for four-year terms of office. 5069

(C) If a board of township trustees is converted to a 5070
five-member board, the board members shall be elected by 5071
determining which individuals receive the highest number of votes 5072
from a slate of candidates running for the office of township 5073
trustee. If the first election after a township converts its board 5074
of township trustees to a five-member board is an election for 5075

three four-year term members and one two-year term member, the 5076
three candidates who receive the highest number of votes from the 5077
slate of candidates for township trustee shall serve a four-year 5078
term and the candidate who receives the fourth highest number of 5079
votes from that slate of candidates shall serve a two-year term. 5080

Sec. 505.24. Each township trustee is entitled to 5081
compensation as follows: 5082

(A) Except as otherwise provided in division (B) of this 5083
section, an amount for each day of service in the business of the 5084
township, to be paid from the township treasury as follows: 5085

(1) In townships having a budget of fifty thousand dollars or 5086
less, twenty dollars per day for not more than two hundred days; 5087
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(2) In townships having a budget of more than fifty thousand 5089
but not more than one hundred thousand dollars, twenty-four 5090
dollars per day for not more than two hundred days; 5091

(3) In townships having a budget of more than one hundred 5092
thousand but not more than two hundred fifty thousand dollars, 5093
twenty-eight dollars and fifty cents per day for not more than two 5094
hundred days; 5095

(4) In townships having a budget of more than two hundred 5096
fifty thousand but not more than five hundred thousand dollars, 5097
thirty-three dollars per day for not more than two hundred days; 5098

(5) In townships having a budget of more than five hundred 5099
thousand but not more than seven hundred fifty thousand dollars, 5100
thirty-five dollars per day for not more than two hundred days; 5101

(6) In townships having a budget of more than seven hundred 5102
fifty thousand but not more than one million five hundred thousand 5103
dollars, forty dollars per day for not more than two hundred days; 5104

(7) In townships having a budget of more than one million 5105
five hundred thousand but not more than three million five hundred 5106
thousand dollars, forty-four dollars per day for not more than two 5107
hundred days; 5108

(8) In townships having a budget of more than three million 5109
five hundred thousand dollars but not more than six million 5110
dollars, forty-eight dollars per day for not more than two hundred 5111
days; 5112

(9) In townships having a budget of more than six million 5113
dollars, fifty-two dollars per day for not more than two hundred 5114
days. 5115

(B) Beginning in calendar year 1999, the amounts paid as 5116
specified in division (A) of this section shall be replaced by the 5117
following amounts: 5118

(1) In calendar year 1999, the amounts specified in division 5119
(A) of this section increased by three per cent; 5120

(2) In calendar year 2000, the amounts determined under 5121
division (B)(1) of this section increased by three per cent; 5122

(3) In calendar year 2001, the amounts determined under 5123
division (B)(2) of this section increased by three per cent; 5124

(4) In calendar year 2002, except in townships having a 5125
budget of more than six million dollars, the amounts determined 5126
under division (B)(3) of this section increased by three per cent; 5127
in townships having a budget of more than six million but not more 5128
than ten million dollars, seventy dollars per day for not more 5129
than two hundred days; and in townships having a budget of more 5130
than ten million dollars, ninety dollars per day for not more than 5131
two hundred days; 5132

(5) In calendar years 2003 through 2008, the amounts 5133
determined under division (B) of this section for the immediately 5134

preceding calendar year increased by the lesser of the following: 5135

(a) Three per cent; 5136

(b) The percentage increase, if any, in the consumer price 5137
index over the twelve-month period that ends on the thirtieth day 5138
of September of the immediately preceding calendar year, rounded 5139
to the nearest one-tenth of one per cent; 5140

(6) In calendar year 2009 and thereafter, the amount 5141
determined under division (B) of this section for calendar year 5142
2008. 5143

As used in division (B) of this section, "consumer price 5144
index" has the same meaning as in section 325.18 of the Revised 5145
Code. 5146

(C) Whenever members of a board of township trustees are 5147
compensated per diem and not by annual salary, the board shall 5148
establish, by resolution, a method by which each member of the 5149
board shall periodically notify the township clerk of the number 5150
of days spent in the service of the township and the kinds of 5151
services rendered on those days. The per diem compensation shall 5152
be paid from the township general fund or from other township 5153
funds in such proportions as the kinds of services performed may 5154
require. The notice shall be filed with the township clerk and 5155
preserved for inspection by any persons interested. 5156

By unanimous vote, a board of township trustees may adopt a 5157
method of compensation consisting of an annual salary to be paid 5158
in equal monthly payments. If the office of trustee is held by 5159
more than one person during any calendar year, each person holding 5160
the office shall receive payments for only those months, and any 5161
fractions of those months, during which the person holds the 5162
office. The amount of the annual salary approved by the board 5163
shall be no more than the maximum amount that could be received 5164
annually by a trustee if the trustee were paid on a per diem basis 5165

as specified in this division, and shall be paid from the township
general fund or from other township funds in such proportions as
the board may specify by resolution. A board of township trustees
that has adopted a salary method of compensation may return to a
method of compensation on a per diem basis as specified in this
division by a majority vote. Any change in the method of
compensation shall be effective on the first day of January of the
year following the year during which the board has voted to change
the method of compensation.

Sec. 507.09. (A) Except as otherwise provided in division (D)
of this section, the township clerk shall be entitled to
compensation as follows:

(1) In townships having a budget of fifty thousand dollars or
less, three thousand five hundred dollars;

(2) In townships having a budget of more than fifty thousand
but not more than one hundred thousand dollars, five thousand five
hundred dollars;

(3) In townships having a budget of more than one hundred
thousand but not more than two hundred fifty thousand dollars,
seven thousand seven hundred dollars;

(4) In townships having a budget of more than two hundred
fifty thousand but not more than five hundred thousand dollars,
nine thousand nine hundred dollars;

(5) In townships having a budget of more than five hundred
thousand but not more than seven hundred fifty thousand dollars,
eleven thousand dollars;

(6) In townships having a budget of more than seven hundred
fifty thousand but not more than one million five hundred thousand
dollars, thirteen thousand two hundred dollars;

(7) In townships having a budget of more than one million

five hundred thousand but not more than three million five hundred
thousand dollars, fifteen thousand four hundred dollars; 5196
5197

(8) In townships having a budget of more than three million 5198
five hundred thousand dollars but not more than six million 5199
dollars, sixteen thousand five hundred dollars; 5200

(9) In townships having a budget of more than six million 5201
dollars, seventeen thousand six hundred dollars. 5202

(B) Any township clerk may elect to receive less than the 5203
compensation the clerk is entitled to under division (A) of this 5204
section. Any clerk electing to do this shall so notify the board 5205
of township trustees in writing, and the board shall include this 5206
notice in the minutes of its next board meeting. 5207

(C) The compensation of the township clerk shall be paid in 5208
equal monthly payments. If the office of clerk is held by more 5209
than one person during any calendar year, each person holding the 5210
office shall receive payments for only those months, and any 5211
fractions of those months, during which the person holds the 5212
office. 5213

(D) Beginning in calendar year 1999, the township clerk shall 5214
be entitled to compensation as follows: 5215

(1) In calendar year 1999, the compensation specified in 5216
division (A) of this section increased by three per cent; 5217

(2) In calendar year 2000, the compensation determined under 5218
division (D)(1) of this section increased by three per cent; 5219

(3) In calendar year 2001, the compensation determined under 5220
division (D)(2) of this section increased by three per cent; 5221

(4) In calendar year 2002, except in townships having a 5222
budget of more than six million dollars, the compensation 5223
determined under division (D)(3) of this section increased by 5224
three per cent; in townships having a budget of more than six 5225

million but not more than ten million dollars, nineteen thousand 5226
eight hundred ten dollars; and in townships having a budget of 5227
more than ten million dollars, twenty thousand nine hundred 5228
dollars; 5229

(5) In calendar years 2003 through 2008, the compensation 5230
determined under division (D) of this section for the immediately 5231
preceding calendar year increased by the lesser of the following: 5232

(a) Three per cent; 5233

(b) The percentage increase, if any, in the consumer price 5234
index over the twelve-month period that ends on the thirtieth day 5235
of September of the immediately preceding calendar year, rounded 5236
to the nearest one-tenth of one per cent; 5237

(6) In calendar year 2009 and thereafter, the amount 5238
determined under division (D) of this section for calendar year 5239
2008. 5240

As used in this division, "consumer price index" has the same 5241
meaning as in section 325.18 of the Revised Code. 5242

Sec. 901.43. (A) The director of agriculture may authorize 5243
any department of agriculture laboratory to perform a laboratory 5244
service for any person, organization, political subdivision, state 5245
agency, federal agency, or other entity, whether public or 5246
private. The director shall adopt and enforce rules to provide for 5247
the rendering of a laboratory service. 5248

(B) The director may charge a reasonable fee for the 5249
performance of a laboratory service, except when the service is 5250
performed on an official sample taken by the director acting 5251
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 5252
Revised Code; by a board of health acting as the licensor of 5253
retail food establishments or food service operations under 5254
Chapter 3717. of the Revised Code; or by the director of health 5255

acting as the licensor of food service operations under Chapter 5256
3717. of the Revised Code. The director of agriculture shall adopt 5257
rules specifying what constitutes an official sample. 5258

The director shall publish a list of laboratory services 5259
offered, together with the fee for each service. 5260

(C) The director may enter into a contract with any person, 5261
organization, political subdivision, state agency, federal agency, 5262
or other entity for the provision of a laboratory service. 5263

(D)(1) The director may adopt rules establishing standards 5264
for accreditation of laboratories and laboratory services and in 5265
doing so may adopt by reference existing or recognized standards 5266
or practices. 5267

(2) The director may inspect and accredit laboratories and 5268
laboratory services, and may charge a reasonable fee for the 5269
inspections and accreditation. 5270

(E)(1) All moneys collected by the director under this 5271
section that are from fees generated by a laboratory service 5272
performed by the department and related to the diseases of 5273
animals, and all moneys so collected that are from fees generated 5274
for the inspection and accreditation of laboratories and 5275
laboratory services related to the diseases of animals, shall be 5276
deposited in the animal industry laboratory fund, which is hereby 5277
created in the state treasury. The director shall use the moneys 5278
in the animal industry laboratory fund to pay the expenses 5279
necessary to operate the animal industry laboratory, including the 5280
purchase of supplies and equipment ~~for the laboratory that~~ 5281
~~provides laboratory services related to the diseases of animals.~~ 5282

(2) All moneys collected by the director under this section 5283
that are from fees generated by a laboratory service performed by 5284
the consumer analytical laboratory, and all moneys so collected 5285
that are from fees generated for the inspection and accreditation 5286

of laboratories and laboratory services not related to weights and 5287
measures or the diseases of animals, shall be deposited in the 5288
laboratory services fund, which is hereby created in the state 5289
treasury. The moneys held in the fund may be used to pay the 5290
expenses necessary to operate the consumer analytical laboratory, 5291
including the purchase of supplies and equipment. 5292

(3) All moneys collected by the director under this section 5293
that are from fees generated by a laboratory service performed by 5294
the weights and measures laboratory, and all moneys so collected 5295
that are from fees generated for the inspection and accreditation 5296
of laboratories and laboratory services related to weights and 5297
measures, shall be deposited in the weights and measures 5298
laboratory fund, which is hereby created in the state treasury. 5299
The moneys held in the fund may be used to pay the expenses 5300
necessary to operate the division of weights and measures, 5301
including the purchase of supplies and equipment. 5302

Sec. 901.63. (A) The agricultural financing commission shall 5303
do both of the following until July 1, ~~2001~~ 2003: 5304

(1) Make recommendations to the director of agriculture about 5305
financial assistance applications made pursuant to sections 901.80 5306
to 901.83 of the Revised Code. In making its recommendations, the 5307
commission shall utilize criteria established by rules adopted 5308
under division (A)(8)(b) of section 901.82 of the Revised Code. 5309

(2) Advise the director in the administration of sections 5311
901.80 to 901.83 of the Revised Code. 5312

With respect to sections 901.80 to 901.83 of the Revised 5313
Code, the role of the commission is solely advisory. No officer, 5314
member, or employee of the commission is liable for damages in a 5315
civil action for any injury, death, or loss to person or property 5316
that allegedly arises out of purchasing any loan or providing a 5317

loan guarantee, failure to purchase a loan or provide a loan
guarantee, or failure to take action under sections 901.80 to
901.83 of the Revised Code, or that allegedly arises out of any
act or omission of the department of agriculture that involves
those sections.

(B) The commission may:

(1) Adopt bylaws for the conduct of its business;

(2) Exercise all rights, powers, and duties conferred on the
commission as an issuer under Chapter 902. of the Revised Code;

(3) Contract with, retain, or designate financial
consultants, accountants, and such other consultants and
independent contractors as the commission may determine to be
necessary or appropriate to carry out the purposes of this chapter
and to fix the terms of those contracts;

(4) Undertake and carry out or authorize the completion of
studies and analyses of agricultural conditions and needs within
the state relevant to the purpose of this chapter to the extent
not otherwise undertaken by other departments or agencies of the
state satisfactory for ~~such~~ that purpose;

(5) Acquire by gift, purchase, foreclosure, or other means,
and hold, assign, pledge, lease, transfer, or otherwise dispose
of, real and personal property, or any interest in that real and
personal property, in the exercise of its powers and the
performance of its duties under this chapter and Chapter 902. of
the Revised Code;

(6) Receive and accept gifts, grants, loans, or any other
financial or other form of aid from any federal, state, local, or
private agency or fund and enter into any contract with any such
agency or fund in connection therewith, and receive and accept aid
or contributions from any other source of money, property, labor,
or things of value, to be held, used, and applied only for the

purposes for which ~~such~~ the grants and contributions are made, all 5349
within the purposes of this chapter and Chapter 902. of the 5350
Revised Code; 5351

(7) Sue and be sued in its own name with respect to its 5352
contracts or to enforce this chapter or its obligations or 5353
covenants made under this chapter and Chapter 902. of the Revised 5354
Code; 5355

(8) Make and enter into all contracts, commitments, and 5356
agreements, and execute all instruments necessary or incidental to 5357
the performance of its duties and the execution of its powers 5358
under this chapter and Chapter 902. of the Revised Code; 5359

(9) Adopt an official seal; 5360

(10) Do any and all things necessary or appropriate to carry 5361
out the public purposes and exercise the powers granted to the 5362
commission in this chapter and Chapter 902. of the Revised Code 5363
and the public purposes of Section 13 of Article VIII, Ohio 5364
Constitution. 5365

Any instrument by which real property is acquired pursuant to 5366
this section shall identify the agency of the state that has the 5367
use and benefit of the real property as specified in section 5368
5301.012 of the Revised Code. 5369

Sec. 901.81. (A) As used in this section and sections 901.82 5370
and 901.83 of the Revised Code: 5371

(1) "Financial institution" means any banking corporation; 5372
trust company; savings and loan association; building and loan 5373
association; or corporation, partnership, or other institution 5374
that is engaged in lending or investing funds for agricultural or 5375
other business purposes and that is eligible to become a 5376
depository for public moneys under section 135.03 of the Revised 5377
Code. 5378

(2) "Eligible applicant" means a person who has made all of the demonstrations enumerated in division (B) of section 901.82 of the Revised Code.

(B) A financial institution that wishes to participate in the program established under section 901.80 of the Revised Code shall accept and review applications for loans from eligible applicants. Forms and procedures involved in the application process shall comply with rules adopted under division (A)(8)(a) of section 901.82 of the Revised Code. The financial institution shall apply all usual lending standards to determine the creditworthiness of each eligible applicant, including whether the eligible applicant has the ability to repay the loan and whether adequate security exists for the loan.

The financial institution shall forward to the department of ~~development~~ agriculture the completed loan application of an eligible applicant whom the financial institution has determined to be creditworthy, along with the farm business plan and management strategy required by division (A)(5) of section 901.82 of the Revised Code, and any other information required by rules adopted under division (A)(8) of section 901.82 of the Revised Code. If a loan guarantee is involved, the financial institution also shall forward a request by the financial institution to enter into a contract of guarantee described in section 901.83 of the Revised Code.

The department of ~~development~~ shall proceed with the loan application in accordance with ~~division (A)(12) of section 122.011~~ 901.82 of the Revised Code.

Sec. 901.82. (A) In administering the program established under section 901.80 of the Revised Code, the director of agriculture shall do all of the following:

(1) Receive, review, analyze, and summarize applications for

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financial assistance forwarded to the director by ~~the department~~ 5410
~~of development~~, a financial institution under section 901.81 of 5411
the Revised Code and, after processing, forward them to the 5412
agricultural financing commission together with necessary 5413
supporting information; 5414

(2) Receive the recommendations of the commission made under 5415
division (A)(1) of section 901.63 of the Revised Code and make a 5416
final determination whether to approve ~~the~~ an application for 5417
financial assistance; 5418

(3) Transmit the director's determinations to approve 5419
assistance to the controlling board together with any information 5420
the controlling board requires for its review and its decision 5421
whether to approve the release of money for the financial 5422
assistance; 5423

(4) Work in conjunction with financial institutions and other 5424
private and public financing sources to purchase loans from 5425
financial institutions or provide loan guarantees to eligible 5426
applicants; 5427

(5) Require each applicant to provide a farm business plan, 5428
including an overview of the type of agricultural operation the 5429
applicant anticipates conducting, and a management strategy for 5430
the project; 5431

(6) Inform agricultural organizations and others in the state 5432
of the existence of the program established under section 901.80 5433
of the Revised Code and of the financial assistance available 5434
under the program; 5435

(7) Report to the governor, president of the senate, speaker 5436
of the house of representatives, and minority leaders of the 5437
senate and the house of representatives by the thirtieth day of 5438
June of each year on the activities carried out under the program 5439
during the preceding calendar year. The report shall include the 5440

number of loans purchased or loan guarantees made that year, the 5441
amount of each such loan or loan guarantee, the county in which 5442
the loan recipient's farm is located, and whatever other 5443
information the director determines is relevant to include. 5444

(8) Adopt rules in accordance with Chapter 119. of the 5445
Revised Code establishing all of the following with regard to the 5446
program: 5447

(a) Forms and procedures by which eligible applicants may 5448
apply for financial assistance; 5449

(b) Criteria for reviewing, evaluating, and ranking 5450
applications, and for approving applications that best serve the 5451
goals of the program; 5452

(c) Reporting requirements and monitoring procedures; 5453

(d) Interest rates, payment schedules, loan transfer 5454
provisions, penalties, including penalties for the conversion of 5455
land devoted exclusively to agricultural use as defined in section 5456
5713.30 of the Revised Code, and other terms and conditions for 5457
loans purchased and loan guarantees provided under the program; 5458

(e) Criteria for determining whether the location at which 5459
the applicant proposes to use financial assistance provided under 5460
the program is in an area in which agriculture is the primary land 5461
use at the time the application is made and whether the land at 5462
that location reasonably may not be expected to be converted to a 5463
nonagricultural use during the period of time that the applicant's 5464
obligation to repay the loan remains outstanding; 5465

(f) Any other rules necessary to implement and administer the 5466
program. 5467

(B) In order to be eligible for financial assistance under 5468
section 901.80 of the Revised Code, an applicant shall demonstrate 5469
all of the following: 5470

- (1) That the applicant is domiciled in this state; 5471
- (2) That the applicant is unable to obtain sufficient 5472
financing from commercial or agricultural lending sources; 5473
- (3) That the applicant has the ability to repay the loan, 5474
primarily from the cash flow of the proposed farming operation, 5475
and that there is adequate security for the loan; 5476
- (4) That the applicant has sufficient education, training, or 5477
experience in the type of farming for which the applicant requests 5478
the financial assistance; 5479
- (5) That there are no zoning restrictions, environmental 5480
regulations, or other impairments to the use of the land for the 5481
purpose intended; 5482
- (6) That the location at which the applicant proposes to use 5483
the financial assistance is in an area in which agriculture is the 5484
primary land use at the time the application is made and that the 5485
land at that location reasonably may not be expected to be 5486
converted to a nonagricultural use during the period of time that 5487
the applicant's obligation to repay the financial assistance 5488
remains outstanding. In demonstrating the information required 5489
under division (B)~~(5)~~(6) of this section, the applicant shall 5490
utilize criteria established in rules adopted under division 5491
(A)(8)(e) of this section. 5492
- Sec. 917.07.** The dairy industry fund is hereby created in the 5493
state treasury. All inspection fees and license fees collected 5494
under this chapter shall be deposited into the fund- 5495
- ~~The dairy fund is hereby created in the state treasury. All~~ 5496
~~together with all~~ fine moneys received by the treasurer of state 5497
pursuant to division ~~(E)~~(F) of section 917.99 of the Revised Code 5498
and any other moneys collected under this chapter, ~~except for~~ 5499
~~inspection fees and license fees, shall be deposited into the~~ 5500

fund. 5501

Moneys credited to the dairy industry fund ~~and the dairy fund~~ 5502
shall be used to operate and pay expenses of the division of dairy 5503
in the department of agriculture. 5504

Sec. 917.99. (A) Whoever violates division (C) of section 5505
917.09 of the Revised Code is guilty of a misdemeanor of the 5506
second degree on a first offense and a misdemeanor of the first 5507
degree on each subsequent offense. 5508

(B) Whoever violates section 917.13 or 917.14 of the Revised 5509
Code is guilty of a misdemeanor of the first degree on a first 5510
offense, a felony of the fifth degree on a second offense, and a 5511
felony of the fourth degree on each subsequent offense. 5512

(C) Whoever violates division (A), (B), (C), (D), or (G) of 5513
section 917.05 of the Revised Code is guilty of a misdemeanor of 5514
the fourth degree. 5515

(D) Whoever violates division (E) or (F) of section 917.05 of 5516
the Revised Code is guilty of a misdemeanor of the second degree 5517
on a first offense and a misdemeanor of the first degree on each 5518
subsequent offense. 5519

(E) Each day of violation of a provision described in 5520
divisions (A) to (D) of this section constitutes a separate 5521
offense. 5522

(F) The court imposing a fine under divisions (A) to (D) of 5523
this section shall order that not less than fifty per cent of the 5524
fine be disbursed to the treasurer of state for deposit into the 5525
dairy industry fund created in section 917.07 of the Revised Code. 5526
Subject to that minimum percentage, the court's order shall 5527
specify the percentage of the fine that the clerk of the court 5528
shall disburse to the treasurer of state. The clerk of the court 5529
shall disburse the remainder of the fine to the county treasurer. 5530

Sec. 991.20. The Ohio state fair shall not be held open to the public for more than fifteen days in a calendar year, beginning in the year 2002. The fifteen-day period shall not include any day on which livestock exhibits or other attractions or concessions are being set up or taken down, provided that the fair is not open to the public on any such day.

Sec. 1309.40. (A) Presentation for filing of a financing statement, tender of the filing fee, and acceptance of the statement by the filing officer constitute filing under sections 1309.01 to 1309.50 of the Revised Code.

(B)(1) Except as provided in divisions (B)(2) and (F) of this section, a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five-year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of sixty days or until expiration of the five-year period, whichever occurs later. Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(2) A filed financing statement that states that it relates to an obligation secured by both (a) a mortgage upon real estate filed for record within this state and (b) a security interest in collateral, whether or not such collateral includes or consists of goods which are or are to become fixtures situated upon such real estate, shall, if such financing statement states a maturity date

of such obligation, or the final installment thereof, of more than 5562
five years, be fully effective until the maturity date set forth 5563
therein. Such financing statement shall also contain a reference 5564
to the recorder's file number of the mortgage upon real estate or 5565
to the volume and page of the mortgage record in which such 5566
mortgage is recorded. 5567

(C) A continuation statement may be filed by the secured 5568
party within six months prior to the expiration of the five-year 5569
period specified in division (B)(1) of this section, or within six 5570
months prior to the stated maturity date referred to in division 5571
(B)(2) of this section. A continuation statement shall be filed on 5572
a form prescribed by the secretary of state. A continuation 5573
statement filed in the office of the county recorder shall also 5574
comply with Chapter 317. of the Revised Code. The continuation 5575
statement must be signed by the secured party, identify the 5576
original statement by file number, and state that the original 5577
statement is still effective. A continuation statement signed by a 5578
person other than the secured party of record must be accompanied 5579
by a separate written statement of assignment signed by the 5580
secured party of record and complying with division (B) of section 5581
1309.42 of the Revised Code, including payment of the required 5582
fee. Upon timely filing of the continuation statement, the 5583
effectiveness of the original statement is continued for five 5584
years after the last date to which the filing was effective 5585
whereupon it lapses in the same manner as provided in division (B) 5586
of this section unless another continuation statement is filed 5587
prior to such lapse. Succeeding continuation statements may be 5588
filed in the same manner to continue the effectiveness of the 5589
original statement. The filing officer may remove a lapsed 5590
statement from the files and destroy it immediately if the filing 5591
officer has retained a microfilm or other photographic record, or 5592
in other cases one year after the lapse. The filing officer shall 5593

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so arrange matters by physical annexation of financing statements 5594
to continuation statements or other related filings, or by other 5595
means, that if the filing officer physically destroys the 5596
financing statements of a period more than five years past, those 5597
which have been continued by a continuation statement or which are 5598
still effective under division (B)(2) or (F) of this section shall 5599
be retained. 5600

(D) Except as provided in division (G) of this section, a 5601
filing officer shall assign each statement a consecutive file 5602
number and shall hold the statement or a microfilm or other 5603
photographic or digitized copy thereof for public inspection. In 5604
addition, the filing officer shall index the statements according 5605
to the name of the debtor and shall note in the index the file 5606
number, the date and hour of filing, and the address of the debtor 5607
given in the statement. In addition to the indexing required in 5608
the previous sentence, statements covering crops growing or to be 5609
grown or timber to be cut or minerals or the like, including oil 5610
and gas, or accounts subject to division (E) of section 1309.03 of 5611
the Revised Code, or a financing statement filed as a fixture 5612
filing pursuant to section 1309.32 of the Revised Code shall also 5613
be indexed in the real estate mortgage records by the filing 5614
officer according to the name of the debtor or, if the financing 5615
statement shows the record owner or record lessee to be other than 5616
the debtor, then according to the name of the record owner or 5617
record lessee given in the statement. The fee to be charged for 5618
indexing financing statements in the real estate mortgage records 5619
shall be two dollars for each record owner or lessee listed in the 5620
statement, as provided in division (E) of section 317.32 of the 5621
Revised Code. 5622

(E) The fee for filing, indexing, and furnishing filing data 5623
for an original, amended, or a continuation statement on a form 5624
that is prescribed by the secretary of state shall be ~~nine~~ twelve 5625

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dollars. The fee for filing, indexing, and furnishing filing data 5626
 for an original, amended, or a continuation statement on a form 5627
that is not prescribed by the secretary of state and that is filed 5628
 in the office of the county recorder shall be eleven dollars. 5629

(F) If the debtor is a transmitting utility and a filed 5630
 financing statement so states, it is effective until a termination 5631
 statement is filed. A real estate mortgage that is effective as a 5632
 fixture filing under division (E) of section 1309.39 of the 5633
 Revised Code remains effective as a fixture filing until the 5634
 mortgage is released or satisfied of record or its effectiveness 5635
 otherwise terminates as to the real estate. 5636

(G) If the person filing any original or amended financing 5637
 statement, termination statement, statement of assignment, or 5638
 statement of release requests a copy thereof, the filing officer 5639
 shall note upon the copy the file number and date and hour of the 5640
 filing of the original and deliver or send the copy to such 5641
 person. 5642

(H)(1) Upon request of any person, the filing officer shall 5643
 issue a certificate showing whether there is on file on the date 5644
 and hour stated ~~therein in the certificate~~, any presently 5645
 effective financing statement naming a particular debtor, owner, 5646
~~or lessee~~, and any statement of assignment ~~thereof of the~~ 5647
~~financing statement~~, and, if there is, giving the date and hour of 5648
 filing of each such statement and the names and addresses of each 5649
 secured party ~~therein in each such statement~~. The fee for such a 5650
 certificate shall be ~~nine twenty~~ dollars ~~plus one dollar for each~~ 5651
~~financing statement and for each statement of assignment reported~~ 5652
~~therein. Upon~~ 5653

(2) Upon request, ~~the a county recorder who is a~~ filing 5654
 officer shall furnish to any person a copy of any filed financing 5655
 statement ~~or naming a particular debtor, owner, or lessee and any~~ 5656
filed statement of assignment of the financing statement. When 5657

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~~such a request for copies is made in the office of the county recorder, the county recorder shall charge a fee of one dollar per page. When a request for copies is made in the office of the secretary of state, the fee shall not exceed one dollar per page.~~

(3) Any person may request from the secretary of state a copy of any financing statement naming a particular debtor, owner, or lessee, and of any statement of assignment of the financing statement, that is on file with the secretary of state. The request shall be made in writing to the secretary of state, and the secretary of state shall charge and collect a fee of five dollars for each copy requested.

~~**Sec. 1309.401.** Through June 30, 2001, four dollars and fifty cents, and, on and after July 1, 2001, four dollars, of each fee collected by the secretary of state under sections 1309.42 and 1309.43 and divisions (E) and (H) of section 1309.40 of the Revised Code, and all of the fees collected by the secretary of state under section 1309.402 (A) All fees collected by the secretary of state for filings under Title XIII or XVII of the Revised Code, shall be deposited ~~in~~ into the state treasury to the credit of the corporate and uniform commercial code filing fund, which is hereby created. ~~The remainder of each such fee shall be deposited in the general revenue fund.~~ All moneys credited to the ~~corporate and uniform commercial code filing fund, subject to division (B) of this section,~~ shall be used only for the purpose of paying for the operations of the office of the secretary of state, other than the division of elections, and for the purpose of paying for expenses relating to the processing of filings under Title XIII or XVII and Chapter 1329. of the Revised Code ~~and the uniform commercial code.~~~~

(B) The secretary of state business technology fund is hereby created in the state treasury. One per cent of the money credited to the corporate and uniform commercial code filing fund shall be

transferred to the credit of this fund. All moneys credited to 5690
this fund shall be used only for the upkeep, improvement, or 5691
replacement of equipment, or for the purpose of training employees 5692
in the use of equipment, used to conduct business of the secretary 5693
of state's office under Title XIII or XVII of the Revised Code. 5694
5695

Sec. 1309.402. The fee for expedited filing service by the 5696
secretary of state for any filing under this chapter ~~is ten~~ 5697
~~dollars in addition to~~ shall be the fee set by rule under division 5698
(A) of section 111.23 of the Revised Code plus the fee the 5699
secretary of state is otherwise required to collect for the filing 5700
under this chapter. 5701

Sec. 1309.42. (A) A financing statement may disclose an 5702
assignment of a security interest in the collateral described in 5703
the financing statement by indication in the financing statement 5704
of the name and address of the assignee or by an assignment itself 5705
or a copy thereof on the face or back of the statement. On 5706
presentation to the filing officer of such a financing statement, 5707
the filing officer shall proceed as provided in division (D) of 5708
section 1309.40 of the Revised Code. The fee for filing, indexing, 5709
and furnishing filing data for a financing statement so indicating 5710
an assignment shall be ~~nine~~ twelve dollars. 5711

(B) A secured party may assign of record all or a part of the 5712
secured party's rights under a financing statement by the filing 5713
in the place where the original financing statement was filed of a 5714
separate written statement of assignment. The statement of 5715
assignment shall be on a form prescribed by the secretary of 5716
state, shall be signed by the secured party of record, shall set 5717
forth the name of the secured party of record and the debtor, the 5718
file number and the date of filing of the financing statement, and 5719
the name and address of the assignee, and shall contain a 5720

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description of the collateral assigned. A statement of assignment
filed in the office of the county recorder shall also comply with
Chapter 317. of the Revised Code. On presentation to the filing
officer of a separate statement of assignment, the filing officer
shall mark the separate statement with the date and hour of
filing. The filing officer shall note the assignment on the index
of the financing statement, or in the case of a fixture filing, or
a filing covering crops growing or to be grown or timber to be
cut, or covering minerals or the like, including oil and gas, or
accounts subject to division (E) of section 1309.03 of the Revised
Code, the filing officer shall index the assignment under the name
of the assignor as grantor and, to the extent that the law of this
state provides for indexing the assignment of a mortgage under the
name of the assignee, the filing officer shall index the
assignment of the financing statement under the name of the
assignee. The fee for filing, indexing, and furnishing filing data
about such a separate statement of assignment shall be ~~nine~~ twelve
dollars if on a form prescribed by the secretary of state. The fee
for filing, indexing, and furnishing filing data about such a
separate statement of assignment on a form that is not prescribed
by the secretary of state and that is filed in the office of the
county recorder shall be eleven dollars. Notwithstanding the
provisions of this division, an assignment of record of a security
interest in a fixture contained in a mortgage effective as a
fixture filing pursuant to division (E) of section 1309.39 of the
Revised Code may be made only by an assignment of the mortgage in
the manner provided by the law of this state other than sections
1309.01 to 1309.50 of the Revised Code.

(C) After the disclosure or filing of an assignment under
this section, the assignee is the secured party of record.

Sec. 1329.01. (A) As used in sections 1329.01 to 1329.10 of

the Revised Code: 5753

(1) "Trade name" means a name used in business or trade to 5754
designate the business of the user and to which the user asserts a 5755
right to exclusive use. 5756

(2) "Fictitious name" means a name used in business or trade 5757
that is fictitious and that the user has not registered or is not 5758
entitled to register as a trade name. It does not include the name 5759
of record of any domestic corporation that is formed under Chapter 5760
1701. or 1702. of the Revised Code, any foreign corporation that 5761
is registered pursuant to Chapter 1703. of the Revised Code, any 5762
domestic or foreign limited liability company that is formed under 5763
or registered pursuant to Chapter 1705. of the Revised Code, any 5764
domestic or foreign limited partnership that is formed under or 5765
registered pursuant to Chapter 1782. of the Revised Code, or any 5766
domestic or foreign limited liability partnership that is formed 5767
under or registered pursuant to Chapter 1775. of the Revised Code. 5768
5769

(3) "Person" includes any individual, general partnership, 5770
limited partnership, limited liability partnership, corporation, 5771
association, professional association, limited liability company, 5772
society, foundation, federation, or organization formed under the 5773
laws of this state or any other state. 5774

(B) Subject to sections 1329.01 to 1329.10 of the Revised 5775
Code, any person may register with the secretary of state, on a 5776
form prescribed by the secretary of state, any trade name under 5777
which the person is operating, setting forth all of the following: 5778

(1) The name and business address of the applicant for 5779
registration and any of the following that is applicable: 5780

(a) If the applicant is a general partnership, the names and 5781
residence addresses of all of the partners; 5782

(b) If the applicant is a limited partnership existing prior 5783

to July 1, 1994, that has not registered with the secretary of 5784
state pursuant to Chapter 1782. of the Revised Code, the name of 5785
the Ohio county in which its certificate of limited partnership or 5786
application for registration as a foreign limited partnership is 5787
filed; 5788

(c) If the applicant is a limited partnership to which 5789
division (B)(1)(b) of this section does not apply or is a 5790
corporation, professional association, limited liability company, 5791
or other entity, the form of the entity and the state under the 5792
laws of which it was formed. 5793

(2) The trade name to be registered; 5794

(3) The general nature of the business conducted by the 5795
applicant; 5796

(4) The length of time during which the trade name has been 5797
used by the applicant in business operations in this state. 5798

(C) The trade name application shall be signed by the 5799
applicant or by any authorized representative of the applicant. 5800

A single trade name may be registered upon each trade name 5801
application submitted under sections 1329.01 to 1329.10 of the 5802
Revised Code. 5803

The trade name application shall be accompanied by a filing 5804
fee of ~~twenty~~ fifty dollars, payable to the secretary of state. 5805

(D) Any person who does business under a fictitious name and 5806
who has not registered and does not wish to register the 5807
fictitious name as a trade name or who cannot do so because the 5808
name is not available for registration shall report the use of the 5809
fictitious name to the secretary of state, on a form prescribed by 5810
the secretary of state, setting forth all of the following: 5811

(1) The name and business address of the user and any of the 5812
following that is applicable: 5813

(a) If the user is a general partnership, the names and 5814
residence addresses of all the partners; 5815

(b) If the user is a limited partnership existing prior to 5816
July 1, 1994, that has not been registered with the secretary of 5817
state pursuant to Chapter 1782. of the Revised Code, the name of 5818
the Ohio county in which its certificate of limited partnership or 5819
application for registration as a foreign limited partnership is 5820
filed; 5821

(c) If the user is a limited partnership to which division 5822
(D)(1)(b) of this section does not apply or is a corporation, 5823
professional association, limited liability company, or other 5824
entity, the form of the entity and the state under whose laws it 5825
was formed. 5826

(2) The fictitious name being used; 5827

(3) The general nature of the business conducted by the user. 5828
5829

(E) The report of use of a fictitious name shall be signed by 5830
the user or by any authorized representative of the user. 5831

A single fictitious name may be registered upon each 5832
fictitious name report submitted under sections 1329.01 to 1329.10 5833
of the Revised Code. 5834

The fictitious name report shall be accompanied by a filing 5835
fee of ~~ten~~ fifty dollars, payable to the secretary of state. 5836

A report under this division shall be made within thirty days 5837
after the date of the first use of the fictitious name. 5838

Sec. 1329.04. Registration of a trade name or report of a 5839
fictitious name, under sections 1329.01 to 1329.10 of the Revised 5840
Code, shall be effective for a term of five years from the date of 5841
registration or report. Upon application filed within six months 5842

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prior to the expiration of such term, on a form furnished by the 5843
secretary of state, the registration or report may be renewed at 5844
the end of each five-year period for a like term, provided that a 5845
general partnership shall renew its registration or report 5846
whenever there has been a change in the listing of partners on its 5847
registration or report and a limited partnership shall renew its 5848
registration or report when a change occurs in the listing of its 5849
general partners on its registration or report. Such a renewal 5850
shall extend the registration or report for five years, unless 5851
further changes occur in the interim. A The renewal fee specified 5852
in division (S)(3) of ~~ten dollars~~ section 111.16 of the Revised 5853
Code, payable to the secretary of state, shall accompany the 5854
application for renewal of the registration or report. 5855

The secretary of state shall notify persons who have 5856
registered trade names or reported fictitious names, within the 5857
six months next preceding the expiration of the five years from 5858
the date of registration or report, of the necessity of renewal by 5859
writing to the last known address of such persons. 5860

Sec. 1329.06. Any trade name or fictitious name and its 5861
registration or report shall be assignable by an instrument in 5862
writing duly executed and may be recorded with the secretary of 5863
state upon the payment of a the fee specified in division (S)(4) 5864
of ~~ten dollars~~ section 111.16 of the Revised Code, payable to the 5865
secretary of state, who, recording the assignment, shall issue in 5866
the name of the assignee a new certificate for the remainder of 5867
the term of the registration or report or the last renewal 5868
thereof. The instrument shall be on a form prescribed by the 5869
secretary of state. 5870

Sec. 1329.07. The registrant of any trade name or a person 5871
who reports a fictitious name shall record all changes of the 5872
registrant's business address by filing with the secretary of 5873

state a statement in writing, on a form prescribed by the 5874
secretary of state, setting forth the name previously registered 5875
or reported, the date of the registration or report, and the new 5876
address of the applicant. A The filing fee specified in division 5877
(S)(4) of ~~three dollars~~ section 111.16 of the Revised Code shall 5878
accompany ~~such~~ the statement. 5879

Sec. 1329.42. A person who uses in this state a name, mark, 5880
or device to indicate ownership of articles or supplies may file 5881
in the office of the secretary of state, on a form to be 5882
prescribed by the secretary of state, a verified statement setting 5883
forth, but not limited to, the following information: 5884

(A) The name and business address of the person filing the 5885
statement; and, if a corporation, the state of incorporation; 5886

(B) The nature of the business of the applicant; 5887

(C) The type of articles or supplies in connection with which 5888
the name, mark, or device is used. 5889

The statement shall include or be accompanied by a specimen 5890
evidencing actual use of the name, mark, or device, together with 5891
a the filing fee specified in division (U)(1) of ~~twenty dollars~~ 5892
section 111.16 of the Revised Code. The registration of a name, 5893
mark, or device pursuant to this section is effective for a 5894
ten-year period beginning on the date of registration. If an 5895
application for renewal is filed within six months prior to the 5896
expiration of the ten-year period on a form prescribed by the 5897
secretary of state, the registration may be renewed at the end of 5898
each ten-year period for an additional ten-year period. A The 5899
renewal fee specified in division (U)(2) of ~~ten dollars~~ section 5900
111.16 of the Revised Code shall accompany the application for 5901
renewal. The secretary of state shall notify a registrant within 5902
the six months next preceding the expiration of ten years from the 5903
date of registration of the necessity of renewal by writing to the 5904

last known address of the registrant. 5905

Sec. 1329.421. The registrant of a name, mark, or device used 5906
to indicate ownership shall record all changes of the registrant's 5907
business address by filing with the secretary of state a written 5908
statement, on a form prescribed by the secretary of state, of the 5909
new address. A The filing fee of three dollars specified in 5910
division (U)(2) of section 111.16 of the Revised Code shall 5911
accompany the statement. 5912

Sec. 1329.45. The certificate of the filing of any name, 5913
mark, or device under sections 1329.41 to 1329.53 of the Revised 5914
Code and the benefits obtained ~~thereunder~~ under it shall be 5915
assignable with the sale of the articles or supplies on which the 5916
same are produced and used. Assignments shall be by instruments in 5917
writing duly executed and may be recorded upon the payment of a 5918
the fee specified in division (U)(2) of ten dollars section 111.16 5919
of the Revised Code, payable to the secretary of state, who, after 5920
recording the assignment, upon request of the assignee, may issue 5921
in the assignee's name a new certificate. The instrument shall be 5922
on a form prescribed by the secretary of state. 5923

Sec. 1329.56. (A) Subject to the limitations set forth in 5924
sections 1329.54 to 1329.67 of the Revised Code, any person who 5925
adopts and uses a trademark or service mark in this state may file 5926
in the office of the secretary of state, on a form to be 5927
prescribed by the secretary of state, an application for 5928
registration of that trademark or service mark that sets forth, 5929
but is not limited to, the following information: 5930

(1) The name and business address of the person applying for 5931
the registration; if the person is a corporation, the state of its 5932
incorporation; if the person is a partnership or limited liability 5933
partnership, the state in which the partnership is organized and 5934

the names of the general partners; and, if the person is a limited liability company, the state of its organization;

(2) The goods or services on or in connection with which the mark is used, the mode or manner in which the mark is used on or in connection with the goods or services, and the class in which the goods or services fall;

(3) The date when the mark was first used anywhere and the date when it was first used in this state by the applicant or the applicant's predecessor in interest;

(4) A statement that the applicant is the owner of the mark, that the mark is in use, and that, to the knowledge of the person verifying the application, no other person has the right to use the mark in the state either in the identical form of the mark, or in near resemblance to the mark, as to be likely, when used on or in connection with the goods or services of another person, to cause confusion or mistake or to deceive;

(5) A statement that, to the knowledge of the person verifying the application, no other person has a registration or a pending intent to use application of the same or a confusingly similar mark in the United States patent and trademark office for the same or similar goods or services or a statement that the applicant is the owner of a concurrent registration in the United States patent and trademark office of the applicant's mark covering an area including this state.

(B) The application shall be signed and verified by the applicant, by an authorized representative, or by an officer of the firm, limited liability company, limited liability partnership, general partnership, or limited partnership, corporation, union, association, or other organization that is the applicant.

(C) The application shall be accompanied by a specimen of the

mark as actually used and shall contain a brief description of the 5966
mark as it appears on the specimen. 5967

(D) The application shall be accompanied by ~~a~~ the filing fee 5968
specified in division (U)(1) of twenty dollars that is section 5969
111.16 of the Revised Code, payable to the secretary of state. 5970

Sec. 1329.58. Registration of a trademark or service mark 5971
under sections 1329.54 to 1329.67 of the Revised Code shall be 5972
effective for a term of ten years from the date of registration. 5973
Upon the filing of an application within six months prior to the 5974
expiration of that term on a form furnished by the secretary of 5975
state, the registrant may renew the registration at the end of 5976
each ten-year period for a similar term. ~~A~~ The renewal fee 5977
specified in division (U)(2) of ten dollars that is section 111.16 5978
of the Revised Code, payable to the secretary of state, shall 5979
accompany the renewal application. The renewal application shall 5980
require the applicant to state that the mark still is in use in 5981
this state. 5982

Sec. 1329.60. Any trademark or service mark and its 5983
registration shall be assignable with the good will of the 5984
business in which the trademark or service mark is used, or with 5985
that part of the good will of the business connected with the use 5986
of and symbolized by the trademark or service mark. Assignment 5987
shall be by instruments in writing duly executed and may be 5988
recorded with the secretary of state upon the payment of ~~a~~ the fee 5989
specified in division (U)(2) of ten dollars section 111.16 of the 5990
Revised Code, payable to the secretary of state, who, after 5991
recording the assignment, shall issue in the name of the assignee 5992
a new certificate for the remainder of the term of the 5993
registration or of the last renewal thereof. The instrument shall 5994
be on a form prescribed by the secretary of state. An assignment 5995
of any registration shall be void as against any subsequent 5996

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purchaser for valuable consideration without notice unless it is 5997
recorded with the secretary of state within three months after the 5998
date thereof or prior to such subsequent purchase. 5999

Sec. 1329.601. The registrant of a trademark or service mark 6000
shall record all changes of the registrant's business address by 6001
filing a written statement, on a form prescribed by the secretary 6002
of state, of the new address with the secretary of state. ~~A~~ The 6003
filing fee of three dollars specified in division (U)(2) of 6004
section 111.16 of the Revised Code shall accompany the statement. 6005

Sec. 1501.01. Except where otherwise expressly provided, the 6006
director of natural resources shall formulate and institute all 6007
the policies and programs of the department of natural resources. 6008
The chief of any division of the department shall not enter into 6009
any contract, agreement, or understanding unless it is approved by 6010
the director. No appointee or employee of the director, other than 6011
the assistant director, may bind the director in a contract except 6012
when given general or special authority to do so by the director. 6013

The director shall correlate and coordinate the work and 6014
activities of the divisions in the department to eliminate 6015
unnecessary duplications of effort and overlapping of functions. 6016
The chiefs of the various divisions of the department shall meet 6017
with the director at least once each month at a time and place 6018
designated by the director. 6019
6020

The director may create advisory boards to any of those 6021
divisions in conformity with section 121.13 of the Revised Code. 6022

The director may accept and expend gifts, devises, and 6023
bequests of money, lands, and other properties on behalf of the 6024
department or any division thereof under the terms set forth in 6025
section 9.20 of the Revised Code. Any political subdivision of 6026

this state may make contributions to the department for the use of 6027
the department or any division therein according to the terms of 6028
the contribution. 6029

The director may publish and sell or otherwise distribute 6030
data, reports, and information. 6031

The director shall adopt rules in accordance with Chapter 6032
119. of the Revised Code to permit the department to accept by 6033
means of a credit card the payment of fees, charges, and rentals 6034
at those facilities described in section 1501.07 of the Revised 6035
Code that are operated by the department, for any data, reports, 6036
or information sold by the department, and for any other goods or 6037
services provided by the department. 6038

Whenever authorized by the governor to do so, the director 6039
may appropriate property for the uses and purposes authorized to 6040
be performed by the department and on behalf of any division 6041
within the department. This authority shall be exercised in the 6042
manner provided in sections 163.01 to 163.22 of the Revised Code 6043
for the appropriation of property by the director of 6044
administrative services. This authority to appropriate property is 6045
in addition to the authority provided by law for the appropriation 6046
of property by divisions of the department. The director of 6047
natural resources also may acquire by purchase, lease, or 6048
otherwise such real and personal property rights or privileges in 6049
the name of the state as are necessary for the purposes of the 6050
department or any division therein. The director, with the 6051
approval of the governor and the attorney general, may sell, 6052
lease, or exchange portions of lands or property, real or 6053
personal, of any division of the department or grant easements or 6054
licenses for the use thereof, or enter into agreements for the 6055
sale of water from lands and waters under the administration or 6056
care of the department or any of its divisions, when the sale, 6057
lease, exchange, easement, agreement, or license for use is 6058

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advantageous to the state, provided that such approval is not 6059
required for leases and contracts made under ~~section 1507.12, if~~ 6060
~~any, or~~ section 1501.07, 1501.09, or 1520.03 or Chapter 1523. of 6061
the Revised Code. Water may be sold from a reservoir only to the 6062
extent that the reservoir was designed to yield a supply of water 6063
for a purpose other than recreation or wildlife, and the water 6064
sold is in excess of that needed to maintain the reservoir for 6065
purposes of recreation or wildlife. 6066

Money received from such sales, leases, easements, exchanges, 6067
agreements, or licenses for use, except revenues required to be 6068
set aside or paid into depositories or trust funds for the payment 6069
of bonds issued under sections 1501.12 to 1501.15 of the Revised 6070
Code, and to maintain the required reserves therefor as provided 6071
in the orders authorizing the issuance of such bonds or the trust 6072
agreements securing such bonds, revenues required to be paid and 6073
credited pursuant to the bond proceeding applicable to obligations 6074
issued pursuant to section 154.22, and revenues generated under 6075
section 1520.05 of the Revised Code, shall be deposited in the 6076
state treasury to the credit of the fund of the division of the 6077
department having prior jurisdiction over the lands or property. 6078
If no such fund exists, the money shall be credited to the general 6079
revenue fund. All such money received from lands or properties 6080
administered by the division of wildlife shall be credited to the 6081
wildlife fund. 6082

The director shall provide for the custody, safekeeping, and 6083
deposit of all moneys, checks, and drafts received by the 6084
department or its employees prior to paying them to the treasurer 6085
of state under section 113.08 of the Revised Code. 6086

The director shall cooperate with the nature conservancy, 6087
other nonprofit organizations, and the United States fish and 6088
wildlife service in order to secure protection of islands in the 6089
Ohio river and the wildlife and wildlife habitat of those islands. 6090

Any instrument by which real property is acquired pursuant to 6091
this section shall identify the agency of the state that has the 6092
use and benefit of the real property as specified in section 6093
5301.012 of the Revised Code. 6094

Sec. 1501.40. The department of natural resources is the 6095
designated state agency responsible for the coordination and 6096
administration of sections 120 to 136 of the "National and 6097
Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 6098
12401 to 12456, ~~and amendments thereto as amended~~. With the 6099
assistance of the ~~state Ohio~~ community service ~~advisory committee~~ 6100
council created in section 121.40 of the Revised Code, the 6101
director of natural resources shall coordinate with other state 6102
agencies to apply for funding under the act when appropriate and 6103
shall administer any federal funds the state receives under 6104
sections 120 to 136 of the act. 6105

Sec. 1502.12. There is hereby created in the state treasury 6106
the scrap tire recycling fund, consisting of moneys transferred to 6107
the fund under section 3734.82 of the Revised Code. The chief of 6108
the division of recycling and litter prevention, pursuant to 6109
division (B) of section 1502.04 of the Revised Code and with the 6110
approval of the director of natural resources, may make grants 6111
from the fund for the purpose of supporting market development 6112
activities for recycled scrap tires. The chief, with the approval 6113
of the director, shall require any eligible applicant for grants 6114
who is certified by the recycling and litter prevention advisory 6115
council under division (B) of section 1502.04 of the Revised Code 6116
to provide a matching contribution in the same manner specified 6117
for contributions made pursuant to division (C) of section 1502.05 6118
of the Revised Code. 6119

Sec. 1503.011. The chief of the division of forestry shall be 6121

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responsible for the conservation and development of forests within 6122
this state. ~~He~~ The chief shall be concerned with silvicultural 6123
practices, including the proper planting, growing, protecting, 6124
harvesting, and managing of trees for such purposes as watershed 6125
and soil protection, timber production and utilization, 6126
recreation, aesthetics, wildlife habitat development, and urban 6127
enhancement and for all benefits that forests provide. 6128

The chief may do any or all of the following: 6129

(A) Provide rural forestry assistance to nonindustrial 6130
private forest landowners, including advice in tree planting, 6131
forest improvement, harvesting, and all aspects of conservation; 6132

(B) Provide urban forestry assistance to individuals, 6133
nonprofit organizations, and political subdivisions to manage 6134
their urban forest resource and develop comprehensive tree care 6135
programs; 6136

(C) Provide wood utilization, marketing, and rural forestry 6137
development assistance to forest industries, political 6138
subdivisions and agencies thereof, and state and federal agencies 6139
for the purpose of establishing and maintaining a viable, 6140
economically sound wood-based industry while expanding the forest 6141
resource of this state; 6142

(D) Provide forest pest protection assistance to forest 6143
landowners, political subdivisions and agencies thereof, and state 6144
and federal agencies on assessing and evaluating the health and 6145
vigor of the forest resource; 6146

(E) Provide technical assistance to landowners in developing 6147
forest windbreaks, filter strips, and other forest management 6148
practices that provide conservation benefits; 6149

(F) Provide awareness of and education concerning the 6150
programs provided for under divisions (A) to (E) of this section; 6151

(G) Enter into agreements with political subdivisions and 6152

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agencies thereof, state and federal agencies, firefighting 6153
agencies and private fire companies, as those terms are defined in 6154
section 9.60 of the Revised Code, nonprofit organizations, and 6155
individuals to meet the needs of forestry assistance in this state 6156
and, in accordance with ~~sections~~ section 1503.01 and ~~1503.35~~ of 6157
the Revised Code, develop and administer grant programs for any of 6158
those entities requesting assistance. The chief shall adopt, and 6159
may amend and rescind, rules in accordance with Chapter 119. of 6160
the Revised Code establishing such requirements and procedures as 6161
are necessary to implement this division. 6162

As used in this section, "nonprofit organization" has the 6163
same meaning as in section 4141.01 of the Revised Code. 6164

Sec. 1507.01. There is hereby created in the department of 6165
natural resources the division of engineering to be administered 6166
by the chief engineer of the department, who shall be a 6167
professional engineer registered under Chapter 4733. of the 6168
Revised Code. The chief engineer shall do all of the following: 6169

(A) Administer this chapter; 6170

(B) Provide engineering, architectural, land surveying, and 6171
related administrative and maintenance support services to the 6172
other divisions in the department; 6173

(C) Upon request of the director of natural resources, 6174
implement the department's capital improvement program and 6175
facility maintenance projects, including all associated 6176
engineering, architectural, design, contracting, surveying, 6177
inspection, and management responsibilities and requirements; 6178

(D) With the approval of the director, act as contracting 6179
officer in departmental engineering, architectural, surveying, and 6180
construction matters regarding capital improvements except for 6181
those matters otherwise specifically provided for in law; 6182

~~(E) As long as the state retains ownership of the Burr Oak water system, administer, operate, and maintain the Burr Oak water system and, with the approval of the director, act as contracting agent in matters concerning that system;~~ 6183
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~~(F)~~ Provide engineering support for the coastal management program established under Chapter 1506. of the Revised Code; 6187
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~~(G)~~(F) Coordinate the department's roadway maintenance program with the department of transportation pursuant to section 5511.05 of the Revised Code and maintain the roadway inventory of the department of natural resources; 6189
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~~(H) Coordinate the department's emergency response activities with the emergency management agency created in section 5502.22 of the Revised Code;~~ 6193
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~~(I)~~(G) Coordinate the department's projects, programs, policies, procedures, and activities with the United States army corps of engineers; 6196
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~~(J)~~(H) Subject to the approval of the director, employ professional and technical assistants and such other employees as are necessary for the performance of the activities required or authorized under this chapter, other work of the division, and any other work agreed to under working agreements or contractual arrangements; prescribe their duties; and fix their compensation in accordance with such schedules as are provided by law for the compensation of state employees. 6199
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Sec. 1509.071. (A) When the chief of the division of mineral resources management finds that an owner has failed to comply with the restoration requirements of section 1509.072, plugging requirements of section 1509.12, or permit provisions of section 1509.13 of the Revised Code, or rules and orders relating thereto, the chief shall make a finding of that fact and declare any surety 6207
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bond filed to ensure compliance with those sections and rules 6213
forfeited in the amount set by rule of the chief. The chief 6214
thereupon shall certify the total forfeiture to the attorney 6215
general, who shall proceed to collect the amount of the 6216
forfeiture. 6217

In lieu of total forfeiture, the surety, at its option, may 6218
cause the well to be properly plugged and abandoned and the area 6219
properly restored or pay to the treasurer of state the cost of 6220
plugging and abandonment. 6221

(B) All moneys collected because of forfeitures of bonds as 6222
provided in this section shall be deposited in the state treasury 6223
to the credit of the oil and gas well fund created in section 6224
1509.02 of the Revised Code. The fund shall be expended by the 6225
chief for the following purposes in addition to the other purposes 6226
specified in that section: 6227

(1) In accordance with division (D) of this section, to plug 6228
wells or to restore the land surface properly as required in 6229
section 1509.072 of the Revised Code for which the bonds have been 6230
forfeited, for abandoned wells for which no funds are available to 6231
plug the wells in accordance with this chapter, or to use 6232
abandoned wells for the injection of oil or gas production wastes; 6233

(2) In accordance with division (E) of this section, to 6234
correct conditions that the chief reasonably has determined are 6235
causing imminent health or safety risks. 6236

Expenditures from the fund shall be made only for lawful 6237
purposes. 6238

(C)(1) Upon determining that the owner of a well has failed 6239
to properly plug and abandon it or to properly restore the land 6240
surface at the well site in compliance with the applicable 6241
requirements of this chapter and applicable rules adopted and 6242
orders issued under it or that a well is an abandoned well for 6243

which no funds are available to plug the well in accordance with 6244
this chapter, the chief shall do all of the following: 6245

(a) Determine from the records in the office of the county 6246
recorder of the county in which the well is located the identity 6247
of the owner of the land on which the well is located, the 6248
identity of the owner of the oil or gas lease under which the well 6249
was drilled or the identity of each person owning an interest in 6250
the lease, and the identities of the persons having legal title 6251
to, or a lien upon, any of the equipment appurtenant to the well; 6252

(b) Mail notice to the owner of the land on which the well is 6253
located informing the landowner that the well is to be plugged. If 6254
the owner of the oil or gas lease under which the well was drilled 6255
is different from the owner of the well or if any persons other 6256
than the owner of the well own interests in the lease, the chief 6257
also shall mail notice that the well is to be plugged to the owner 6258
of the lease or to each person owning an interest in the lease, as 6259
appropriate. 6260

(c) Mail notice to each person having legal title to, or a 6261
lien upon, any equipment appurtenant to the well, informing the 6262
person that the well is to be plugged and offering the person the 6263
opportunity to plug the well and restore the land surface at the 6264
well site at the person's own expense in order to avoid forfeiture 6265
of the equipment to this state. 6266

(2) If none of the persons described in division (C)(1)(c) of 6267
this section plugs the well within sixty days after the mailing of 6268
the notice required by that division, all equipment appurtenant to 6269
the well is hereby declared to be forfeited to this state without 6270
compensation and without the necessity for any action by the state 6271
for use to defray the cost of plugging and abandoning the well and 6272
restoring the land surface at the well site. 6273

(D) Expenditures from the fund for the purpose of division 6274

(B)(1) of this section shall be made in accordance with either of
the following:

(1) The expenditures may be made pursuant to contracts entered into by the chief with persons who agree to furnish all of the materials, equipment, work, and labor as specified and provided in such a contract. Agents or employees of persons contracting with the chief for the restoration, plugging, and injection projects may enter upon any land, public or private, for which a project has been approved by the controlling board and on which the well is located, for the purpose of performing the work. Prior to such entry, the chief shall give to the following persons written notice of the existence of a contract for a project to restore, plug, or inject oil or gas production wastes into a well, the names of the persons with whom the contract is made, and the date that the project will commence: the owner of the well, the owner of the land upon which the well is located, the owner or agents of adjoining land, and, if the well is located in the same township as or in a township adjacent to the excavations and workings of a mine and the owner or lessee of that mine has provided written notice identifying those townships to the chief at any time during the immediately preceding three years, the owner or lessee of the mine.

~~The chief periodically shall submit project proposals under division (D)(1) of this section to the controlling board, together with benefit and cost data and other pertinent information. Expenditures from the fund for the purpose of division (D)(1) of this section may be made only for restoration, plugging, or injection projects that are approved by the controlling board, and expenditures for a particular project may not exceed any limits set by the board.~~

(2)(a) The owner of the land on which a well is located who has received notice under division (C)(1)(b) of this section may

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plug the well and be reimbursed by the division for the reasonable
cost of plugging the well. In order to plug the well, the
landowner shall submit an application to the chief on a form
prescribed by the chief and approved by the technical advisory
council on oil and gas created in section 1509.38 of the Revised
Code. The application, at a minimum, shall require the landowner
to provide the same information as is required to be included in
the application for a permit to plug and abandon under section
1509.13 of the Revised Code. The application shall be accompanied
by a copy of a proposed contract to plug the well prepared by a
contractor regularly engaged in the business of plugging oil and
gas wells. The proposed contract shall require the contractor to
furnish all of the materials, equipment, work, and labor necessary
to plug the well properly and shall specify the price for doing
the work, including a credit for the equipment appurtenant to the
well that was forfeited to the state through the operation of
division (C)(2) of this section. The application also shall be
accompanied by the permit fee required by section 1509.13 of the
Revised Code unless the chief, in the chief's discretion, waives
payment of the permit fee. The application constitutes an
application for a permit to plug and abandon the well for the
purposes of section 1509.13 of the Revised Code.

(b) Within thirty days after receiving an application and
accompanying proposed contract under division (D)(2)(a) of this
section, the chief shall determine whether the plugging would
comply with the applicable requirements of this chapter and
applicable rules adopted and orders issued under it and whether
the cost of the plugging under the proposed contract is
reasonable. If the chief determines that the proposed plugging
would comply with those requirements and that the proposed cost of
the plugging is reasonable, the chief shall notify the landowner
of that determination and issue to the landowner a permit to plug

and abandon the well under section 1509.13 of the Revised Code. 6339
Upon approval of the application and proposed contract, the chief 6340
shall transfer ownership of the equipment appurtenant to the well 6341
to the landowner. The chief may disapprove an application 6342
submitted under division (D)(2)(a) of this section if the chief 6343
determines that the proposed plugging would not comply with the 6344
applicable requirements of this chapter and applicable rules 6345
adopted and orders issued under it, that the cost of the plugging 6346
under the proposed contract is unreasonable, or that the proposed 6347
contract is not a bona fide, arms length contract. 6348

(c) After receiving the chief's notice of the approval of the 6349
application and permit to plug and abandon a well under division 6350
(D)(2)(b) of this section, the landowner shall enter into the 6351
proposed contract to plug the well. The plugging shall be 6352
completed within one hundred eight days after the landowner 6353
receives the notice of approval and permit. 6354

(d) Upon determining that the plugging has been completed 6355
within the time required by division (D)(2)(c) of this section and 6356
has been completed in compliance with the applicable requirements 6357
of this chapter and applicable rules adopted and orders issued 6358
under it, the chief shall reimburse the landowner for the cost of 6359
the plugging as set forth in the proposed contract approved by the 6360
chief. The reimbursement shall be paid from the oil and gas well 6361
fund. If the chief determines that the plugging was not completed 6362
within the required time or was not completed in accordance with 6363
the applicable requirements, the chief shall not reimburse the 6364
landowner for the cost of the plugging, and the landowner or the 6365
contractor, as applicable, promptly shall transfer back to this 6366
state title to and possession of the equipment appurtenant to the 6367
well that previously was transferred to the landowner under 6368
division (D)(2)(b) of this section. If any such equipment was 6369
removed from the well during the plugging and sold, the landowner 6370

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shall pay to the chief the proceeds from the sale of the 6371
equipment, and the chief promptly shall pay the moneys so received 6372
to the treasurer of state for deposit into the oil and gas well 6373
fund. 6374

The chief may establish an annual limit on the number of 6375
wells that may be plugged under division (D)(2) of this section or 6376
an annual limit on the expenditures to be made under that 6377
division. 6378

As used in division (D)(2) of this section, "plug" and 6379
"plugging" include the plugging of the well and the restoration of 6380
the land surface disturbed by the plugging. 6381

(E) Expenditures from the oil and gas well fund for the 6382
purpose of division (B)(2) of this section may be made pursuant to 6383
contracts entered into by the chief with persons who agree to 6384
furnish all of the materials, equipment, work, and labor as 6385
specified and provided in such a contract. The competitive bidding 6386
requirements of Chapter 153. of the Revised Code do not apply if 6387
the chief reasonably determines that correction of the applicable 6388
health or safety risk requires immediate action. The chief, 6389
designated representatives of the chief, and agents or employees 6390
of persons contracting with the chief under this division may 6391
enter upon any land, public or private, for the purpose of 6392
performing the work. 6393

(F) Contracts entered into by the chief under this section 6394
are not subject to either of the following: 6395

(1) Chapter 4115. of the Revised Code; 6396

(2) Section 153.54 of the Revised Code, except that the 6397
contractor shall obtain and provide to the chief as a bid guaranty 6398
a surety bond or letter of credit in an amount equal to ten per 6399
cent of the amount of the contract. 6400

(G) The owner of land on which a well is located who has 6401

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received notice under division (C)(1)(b) of this section, in lieu
of plugging the well in accordance with division (D)(2) of this
section, may cause ownership of the well to be transferred to an
owner who is lawfully doing business in this state and who has met
the financial responsibility requirements established under
section 1509.07 of the Revised Code, subject to the approval of
the chief. The transfer of ownership also shall be subject to the
landowner's filing the appropriate forms required under this
chapter and providing to the chief sufficient information to
demonstrate the landowner's or owner's right to produce a
formation or formations. That information may include a deed, a
lease, or other documentation of ownership or property rights.

The chief shall approve or disapprove the transfer of
ownership of the well. If the chief approves the transfer, the
owner is responsible for operating the well in accordance with
this chapter and rules adopted under it, including, without
limitation, all of the following:

(1) Filing an application with the chief under section
1509.06 of the Revised Code if the owner intends to drill deeper
or produce a formation that is not listed in the records of the
division for that well;

(2) Taking title to and possession of the equipment
appurtenant to the well that has been identified by the chief as
having been abandoned by the former owner;

(3) Complying with all applicable requirements that are
necessary to drill deeper, plug the well, or plug back the well.

Sec. 1513.10. If, at the end of a coal mining operation's
permit or renewal period, the number of acres of land affected by
the operation proves to be smaller than the number of acres of
land for which the operator paid a permit fee for the operation
under section 1513.07 of the Revised Code, the operator is

entitled to a refund of the excess permit fee. The refund shall be
in an amount equal to the amount paid per acre as a permit fee
multiplied by the difference between the number of acres in the
area of land affected as verified by the division of mineral
resources management and the number of acres of land for which the
operator paid a permit fee.

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Refunds shall be paid out of the reclamation fee fund, which
is hereby created in the state treasury. The treasurer of state
shall place forty thousand dollars from the fees collected under
section 1513.07 of the Revised Code in the fund. As moneys are
spent from the fund, the treasurer of state shall credit to the
fund the amount that is needed to keep the balance of the fund at
forty thousand dollars. The remainder of the fees collected under
section 1513.07 of the Revised Code shall be deposited with the
treasurer of state to the credit of the coal mining administration
and reclamation reserve fund created in section 1513.181 of the
Revised Code.

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Sec. 1514.11. In addition to the purposes authorized in
section 1514.06 of the Revised Code, the chief of the division of
mineral resources management may use moneys in the surface mining
fund created under that section for the administration and
enforcement of this chapter, for the reclamation of land affected
by surface mining under a permit issued under this chapter that
the operator failed to reclaim and for which the performance bond
filed by the operator is insufficient to complete the reclamation,
~~and~~ for the reclamation of land affected by surface mining that
was abandoned and left unreclaimed and for which no permit was
issued or bond filed under this chapter, and for the mine safety
and first aid classes provided under division (C) of section
1561.26 of the Revised Code. The chief, with the approval of the
director of natural resources, annually shall determine the
amounts to be expended for the mine safety and first aid classes.

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For purposes of this section, the chief shall expend moneys in the 6465
fund in accordance with the procedures and requirements 6466
established in section 1514.06 of the Revised Code and may enter 6467
into contracts and perform work in accordance with that section. 6468

Fees collected under sections 1514.02 and 1514.03 of the 6469
Revised Code, one-half of the moneys collected from the severance 6470
taxes levied under divisions (A)(3) and (4) of section 5749.02 of 6471
the Revised Code, and all of the moneys collected from the 6472
severance tax levied under division (A)(7) of section 5749.02 of 6473
the Revised Code shall be credited to the fund in accordance with 6474
those sections. Notwithstanding any section of the Revised Code 6475
relating to the distribution or crediting of fines for violations 6476
of the Revised Code, all fines imposed under section 1514.99 of 6477
the Revised Code shall be credited to the fund. 6478

Sec. 1521.04. The chief of the division of water, with the 6479
approval of the director of natural resources, may make loans and 6480
grants from the water management fund created in section 1501.32 6481
of the Revised Code to governmental agencies for water management, 6482
water supply improvements, and planning and may administer grants 6483
from the federal government and from other public or private 6484
sources for carrying out those functions and for the performance 6485
of any acts that may be required by the United States or by any 6486
agency or department thereof as a condition for the participation 6487
by any governmental agency in any federal financial or technical 6488
assistance program. Direct and indirect costs of administration 6489
may be paid from the water management fund. 6490

The chief may use the water management fund to acquire, 6491
construct, reconstruct, improve, equip, maintain, operate, and 6492
dispose of water management improvements. The chief may fix, 6493
alter, charge, and collect rates, fees, rentals, and other charges 6494
to be paid into the water management fund by governmental agencies 6495
and persons who are supplied with water by facilities constructed 6496

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or operated by the department of natural resources in order to
 amortize and defray the cost of the construction, maintenance, and
 operation of those facilities. ~~This section does not apply to the
 Burr Oak water system administered by the chief engineer of the
 department of natural resources under sections 1507.01 and 1507.12
 of the Revised Code.~~

Sec. 1521.19. (A) There is hereby created the Ohio water
 resources council consisting of the directors of agriculture,
 development, environmental protection, health, natural resources,
 transportation, and the Ohio public works commission, the
 chairperson of the public utilities commission of Ohio, the
 executive directors of the state and local government commission
 of Ohio and the Ohio water development authority, and an executive
 assistant in the office of the governor appointed by the governor.
 The governor shall appoint one of the members of the council to
 serve as its chairperson. The council may adopt bylaws that are
 necessary for the implementation of this section. The council
 shall provide a forum for policy development, collaboration and
 coordination among state agencies, and strategic direction with
 respect to state water resource programs. The council shall be
 assisted in its functions by a state agency coordinating group and
 an advisory group as provided in this section.

(B) The state agency coordinating group shall consist of the
 executive director of the Ohio Lake Erie commission and a member
 or members from each state agency, commission, and authority
 represented on the council, to be appointed by the applicable
 director, chairperson, or executive director. However, the
 environmental protection agency shall be represented on the group
 by the chiefs of the divisions within that agency having
 responsibility for surface water programs and drinking and ground
 water programs, and the department of natural resources shall be
 represented on the group by the chief of the division of water and

the chief of the division of soil and water conservation. The 6529
chairperson of the council shall appoint a leader of the state 6530
agency coordinating group. The group shall provide assistance to 6531
and perform duties on behalf of the council as directed by the 6532
council. 6533

(C) The advisory group shall consist of not more than twenty 6534
members, each representing an organization or entity with an 6535
interest in water resource issues. The council shall appoint the 6536
members of the advisory group. Of the initial appointments, not 6537
more than ten members shall be appointed for one-year terms, and 6538
not more than ten members shall be appointed for two-year terms. 6539
Thereafter, all advisory group members shall serve two-year terms. 6540
Members may be reappointed. Each member shall hold office from the 6541
date of the member's appointment until the end of the member's 6542
term. A member shall continue in office subsequent to the 6543
expiration date of the member's term until the member's successor 6544
takes office or until a period of sixty days has elapsed, 6545
whichever occurs first. The council may remove a member for 6546
misfeasance, nonfeasance, or malfeasance in office. The council 6547
shall appoint members to fill any vacancies on the group. A member 6548
appointed to fill a vacancy shall hold office for the remainder of 6549
the term for which that member was appointed. 6550

The chairperson of the council shall appoint a chairperson of 6551
the advisory group. The advisory group shall advise the council on 6552
water resources issues addressed by the council. 6553

(D) There is hereby created in the state treasury the Ohio 6554
water resources council fund. The department of natural resources 6555
shall serve as the fiscal agent for the fund. The departments of 6556
agriculture, development, environmental protection, health, 6557
natural resources, and transportation shall transfer moneys to the 6558
fund in equal amounts via intrastate transfer voucher. The public 6559
utilities commission of Ohio, Ohio public works commission, state 6560

and local government commission of Ohio, and Ohio water 6561
development authority may transfer moneys to the fund. If a 6562
voluntary transfer of moneys is made to the fund, the portion that 6563
is required to be transferred by the departments of agriculture, 6564
development, environmental protection, health, natural resources, 6565
and transportation may be equally reduced. Moneys in the fund 6566
shall be used to pay the operating expenses of the Ohio water 6567
resources council, including those specified in division (E) of 6568
this section. 6569

(E) The Ohio water resources council may hire staff to 6570
support its activities. The council may enter into contracts and 6571
agreements with state agencies, political subdivisions, and 6572
private entities to assist in accomplishing its objectives. 6573
Advisory group members shall be reimbursed for expenses 6574
necessarily incurred in the performance of their duties pursuant 6575
to section 126.31 of the Revised Code and any applicable rules 6576
pertaining to travel reimbursement adopted by the office of budget 6577
and management. 6578

Sec. 1531.35. The wildlife boater angler fund is hereby 6579
created in the state treasury. The fund shall consist of money 6580
credited to the fund pursuant to section 5735.051 of the Revised 6581
Code and other money contributed to the division of wildlife for 6582
the purposes of the fund. The fund ~~may~~ shall be used for boating 6583
access construction, capital improvements, grant programs for 6584
boating and fishing access, maintenance, and development on lakes 6585
on which the operation of gasoline-powered watercraft is 6586
permissible. 6587

Sec. 1533.13. Hunting and fishing licenses, wetlands habitat 6588
stamps, deer and wild turkey permits, and fur taker permits shall 6589
be issued by the clerk of the court of common pleas, village and 6590
township clerks, and other authorized agents designated by the 6591

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chief of the division of wildlife. When required by the chief, a 6592
clerk or agent shall give bond in the manner provided by the 6593
chief. All bonds, reports, except records prescribed by the 6594
auditor of state, and moneys received by those persons shall be 6595
handled under rules adopted by the director of natural resources. 6596

~~The premium of any fidelity bond prescribed under section 6597~~
~~9.832 of the Revised Code or of any bond prescribed by the chief 6598~~
under this section may be paid by the chief. Any person who is 6599
designated and authorized by the chief to issue licenses, stamps, 6600
and permits as provided in this section, except the clerk of the 6601
court of common pleas and the village and township clerks, shall 6602
pay to the chief a premium in an amount that represents the 6603
person's portion of the premium paid by the chief under this 6604
section, which amount shall be established by the chief and 6605
approved by the wildlife council created under section 1531.03 of 6606
the Revised Code. The chief shall pay all moneys that the chief 6607
receives as premiums under this section into the state treasury to 6608
the credit of the wildlife fund created under section 1531.17 of 6609
the Revised Code. 6610

Every authorized agent, for the purpose of issuing hunting 6611
and fishing licenses, deer and wild turkey permits, and fur taker 6612
permits, may administer oaths to and take affidavits from 6613
applicants for the licenses or permits when required. An 6614
authorized agent may appoint deputies to perform any acts that the 6615
agent is authorized to perform, consistent with division rules. 6616

Every applicant for a hunting or fishing license, deer or 6617
wild turkey permit, or fur taker permit, unless otherwise provided 6618
by division rule, shall make and subscribe an affidavit setting 6619
forth the applicant's name, age, weight, height, occupation, place 6620
of residence, personal description, and citizenship. The clerk or 6621
other agent authorized to issue licenses and permits shall charge 6622
each applicant a fee of one dollar for taking the affidavit and 6623

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issuing the license or permit. The application, license, permit,
and other blanks required by this section shall be prepared and
furnished by the chief, in such form as the chief provides, to the
clerk or other agent authorized to issue them. The licenses and
permits shall be issued to applicants by the clerk or other agent.
The record of licenses and permits kept by the clerk and other
authorized agents shall be uniform throughout the state and in
such form or manner as the auditor of state prescribes and shall
be open at all reasonable hours to the inspection of any person.
Unless otherwise provided by division rule, each hunting license,
deer or wild turkey permit, and fur taker permit issued shall
remain in force until midnight of the thirty-first day of August
next ensuing. Application for any such license or permit may be
made and a license or permit issued prior to the date upon which
it becomes effective.

The chief may require an applicant who wishes to purchase a
license, stamp, or permit by mail or telephone to pay a nominal
fee for postage and handling.

The court before whom a violator of any laws or division
rules for the protection of wild animals is tried, as a part of
the punishment, shall revoke the license, stamp, or permit of any
person convicted. The license, stamp, or permit fee paid by that
person shall not be returned to the person. The person shall not
procure or use any other license, stamp, or permit or engage in
hunting wild animals or trapping fur-bearing animals during the
period of revocation as ordered by the court.

No person under sixteen years of age shall engage in hunting
unless accompanied by the person's parent or another adult person.

Sec. 1547.67. The division of watercraft, with the approval
of the director of natural resources, may expend, for the purpose
of assisting political subdivisions, conservancy districts, and

state departments to establish or maintain and operate a marine 6655
patrol for the purpose of enforcing this chapter and Chapter 1548. 6656
of the Revised Code and rules adopted under them and to provide 6657
emergency response to boating accidents on the water, such funds 6658
as are appropriated by the general assembly for that purpose and, 6659
in addition, such moneys from the waterways safety fund 6660
established in section 1547.75 of the Revised Code as determined 6661
to be necessary by the division not to exceed ten per cent of all 6662
moneys accruing to the fund. In no case shall the grant to a 6663
political subdivision, conservancy district, or state department, 6664
not including the department of natural resources, total more than 6665
thirty thirty-five thousand dollars in a calendar year. Moneys so 6666
allocated may be used for the purchase, maintenance, and operation 6667
of vessels and marine equipment, educational materials, and 6668
personnel salaries that are necessary for enforcement of this 6669
chapter and Chapter 1548. of the Revised Code and rules adopted 6670
under them and to provide emergency response to boating accidents 6671
on the water. 6672

The division shall disburse the moneys as provided in this 6673
section in accordance with its determination of need in the 6674
enforcement of this chapter and Chapter 1548. of the Revised Code 6675
and rules adopted under them and shall disburse those moneys only 6676
on a cost share basis to supplement funds allocated by a political 6677
subdivision, conservancy district, or state department for that 6678
purpose. A grantee shall provide at least twenty-five per cent of 6679
the total program cost. 6680

Sec. 1561.26. (A) As used in this section, "EMT-basic," 6681
"EMT-I," and "paramedic" have the same meanings as in section 6682
4765.01 of the Revised Code. 6683

(B) The superintendent of rescue stations, with the approval 6684
of the chief of the division of mineral resources management, 6685
shall, at each rescue station provided for in section 1561.25 of 6686

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the Revised Code, train and employ rescue crews of six members 6687
each, one of whom shall hold a mine foreperson or fire boss 6688
certificate and be designated captain, and train and employ any 6689
number of such rescue crews as the superintendent believes 6690
necessary. One member of a rescue crew shall be certified as an 6691
EMT-basic, EMT-I, or paramedic. Each member of a rescue crew shall 6692
devote the time specified by the chief each month for training 6693
purposes and shall be available at all times to assist in rescue 6694
work at explosions, mine fires, and other emergencies. 6695

A captain of mine rescue crews shall receive for service as 6696
captain the sum of twenty-four dollars per month, and each member 6697
shall receive the sum of twenty dollars per month, all payable on 6698
requisition approved by the chief. When engaged in rescue work at 6699
explosions, mine fires, or other emergencies away from their 6700
station, the members of the rescue crews and captains of the same 6701
shall be paid the sum of six dollars per hour for work on the 6702
surface, which includes the time consumed by ~~such~~ those members in 6703
traveling to and from the scene of ~~such~~ the emergency when ~~such~~ 6704
the scene is away from the station of ~~such~~ the members, and the 6705
sum of seven dollars per hour for all work underground at ~~such~~ the 6706
emergency, and in addition thereto, the necessary living expenses 6707
of ~~such~~ the members when ~~such~~ the emergency is away from their 6708
home station, all payable on requisition approved by the chief. 6709

Each member of a mine rescue crew shall undergo an annual 6710
medical examination by a doctor designated by the chief. In 6711
designating ~~such~~ the doctor, the chief shall choose one near the 6712
station of the member of ~~such~~ the rescue crews. ~~Such~~ The doctor 6713
shall report the doctor's findings to the chief and if, in the 6714
opinion of the chief, ~~such~~ the report indicates that ~~such~~ the 6715
member is physically unfit for further services, the chief shall 6716
relieve the member from further duty. The fee charged by ~~such~~ the 6717
doctor for ~~such~~ the examination shall be paid in the same manner 6718

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as fees are paid to doctors employed by the industrial commission 6719
for special medical examinations. 6720

The chief may remove any member of a rescue crew for any 6721
reason. Such crews shall be subject to the orders of the chief, 6722
the superintendent, and the deputy mine inspectors when engaged in 6723
actual mine rescue work. Mine rescue crews shall, in case of death 6724
or injury when engaged in rescue work, wherever the same may 6725
occur, be paid compensation, or their dependents shall be paid 6726
death benefits, from the workers' compensation fund, in the same 6727
manner as other employees of the state. 6728

(C) In addition to the training of rescue crews, each 6729
assistant superintendent of rescue stations, with the approval of 6730
the superintendent, shall provide for and conduct safety, first 6731
aid, and rescue classes at any mine or for any group of miners who 6732
make application for the conducting of such classes. The chief may 6733
assess a fee for safety and first aid classes for the purpose of 6734
covering the costs associated with providing those classes. The 6735
chief shall establish a fee schedule for safety and first aid 6736
classes by rule adopted in accordance with Chapter 119. of the 6737
Revised Code. Fees collected under this section shall be deposited 6738
in the surface mining fund created in section 1514.06 of the 6739
Revised Code. 6740

The superintendent shall prescribe and provide for a uniform 6741
schedule of conducting such safety and rescue classes as will 6742
provide a competent knowledge of modern safety and rescue methods 6743
in, at, and about mines. 6744

Sec. 1701.05. (A) Except as provided in this section, and in 6745
sections 1701.75, 1701.78, and 1701.82 of the Revised Code, which 6746
sections relate to the reorganization, merger, and consolidation 6747
of corporations, the corporate name of a domestic corporation 6748
shall comply with all of the following: 6749

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- (1) It shall end with or include the word or abbreviation 6750
"company," "co.," "corporation," "corp.," "incorporated," or 6751
"inc." 6752
- (2) It shall be distinguishable upon the records in the 6753
office of the secretary of state from all of the following: 6754
- (a) The name of any other corporation, whether nonprofit or 6755
for profit and whether that of a domestic or of a foreign 6756
corporation authorized to do business in this state; 6757
- (b) The name of any limited liability company registered in 6758
the office of the secretary of state pursuant to Chapter 1705. of 6759
the Revised Code, whether domestic or foreign; 6760
- (c) The name of any limited liability partnership registered 6761
in the office of the secretary of state pursuant to Chapter 1775. 6762
of the Revised Code, whether domestic or foreign; 6763
- (d) The name of any limited partnership registered in the 6764
office of the secretary of state pursuant to Chapter 1782. of the 6765
Revised Code, whether domestic or foreign; 6766
- (e) Any trade name the exclusive right to which is at the 6767
time in question registered in the office of the secretary of 6768
state pursuant to Chapter 1329. of the Revised Code. 6769
- (3) It shall not contain any language that indicates or 6770
implies that the corporation is connected with a government agency 6771
of this state, another state, or the United States. 6772
- (B) The secretary of state shall determine for purposes of 6773
this section whether a name is "distinguishable" from another name 6774
upon the secretary of state's records. Without excluding other 6775
names that may not constitute distinguishable names in this state, 6776
a name is not considered distinguishable from another name for 6777
purposes of this section solely because it differs from the other 6778
name in only one or more of the following manners: 6779

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- (1) The use of the word "corporation," "company," 6780
"incorporated," "limited," or any abbreviation of any of those 6781
words; 6782
- (2) The use of any article, conjunction, contraction, 6783
abbreviation, or punctuation; 6784
- (3) The use of a different tense or number of the same word. 6785
- (C) A corporation may apply to the secretary of state for 6786
authorization to use a name that is not distinguishable upon the 6787
secretary of state's records from the name of any other 6788
corporation, limited liability company, limited liability 6789
partnership, or limited partnership, or from a registered trade 6790
name, if there also is filed in the office of the secretary of 6791
state, on a form prescribed by the secretary of state, the consent 6792
of the other entity or, in the case of a registered trade name, 6793
the person in whose name is registered the exclusive right to use 6794
the name, which consent is evidenced in a writing signed by any 6795
authorized officer or any authorized representative of the other 6796
entity or person. 6797
- (D) In case of judicial sale or judicial transfer, by sale or 6798
transfer of good will or otherwise, of the right to use the name 6799
of a corporation, whether nonprofit or for profit, and whether 6800
that of a domestic corporation or of a foreign corporation 6801
authorized to exercise its corporate privileges in this state or 6802
to do business in this state, the secretary of state, at the 6803
instance of the purchaser or transferee of such right, shall 6804
accept for filing articles of a corporation with a name the same 6805
as or similar to the name of such other corporation, if there also 6806
is filed in the office of the secretary of state a certified copy 6807
of the decree or order of court confirming or otherwise evidencing 6808
the purchase or transfer. 6809
- (E) Any person who wishes to reserve a name for a proposed 6810

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new corporation, or any corporation intending to change its name, 6811
may submit to the secretary of state a written application, on a 6812
form prescribed by the secretary of state, for the exclusive right 6813
to use a specified name as the name of a corporation. If the 6814
secretary of state finds that, under this section, the specified 6815
name is available for such use, the secretary of state shall file 6816
the application and, from the date of the filing, the applicant 6817
shall have the exclusive right for ~~sixty~~ one hundred eighty days 6818
to use the specified name as the name of a corporation, counting 6819
the date of such filing as the first of ~~sixty~~ one hundred eighty 6820
days. The right so obtained may be transferred by the applicant or 6821
other holder thereof by the filing in the office of the secretary 6822
of state of a written transfer, on a form prescribed by the 6823
secretary of state, stating the name and address of the 6824
transferee. 6825

~~(F) For filing under this section any application or other 6826
document, other than articles or a consent to the use of a name, 6827
the secretary of state shall charge and collect a fee of five 6828
dollars. 6829~~

Sec. 1701.07. (A) Every corporation shall have and maintain 6830
an agent, sometimes referred to as the "statutory agent," upon 6831
whom any process, notice, or demand required or permitted by 6832
statute to be served upon a corporation may be served. The agent 6833
may be a natural person who is a resident of this state or may be 6834
a domestic corporation or a foreign corporation holding a license 6835
as such under the laws of this state, that is authorized by its 6836
articles of incorporation to act as such agent and that has a 6837
business address in this state. 6838

(B) The secretary of state shall not accept original articles 6839
for filing unless there is filed with the articles a written 6840
appointment of an agent that is signed by the incorporators of the 6841

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corporation or a majority of them and a written acceptance of the
appointment that is signed by the agent. In all other cases, the
corporation shall appoint the agent and shall file in the office
of the secretary of state a written appointment of the agent that
is signed by any authorized officer of the corporation and a
written acceptance of the appointment that is either the original
acceptance signed by the agent or a photocopy, facsimile, or
similar reproduction of the original acceptance signed by the
agent.

(C) The written appointment of an agent shall set forth the
name and address in this state of the agent, including the street
and number or other particular description, and shall otherwise be
in such form as the secretary of state prescribes. The secretary
of state shall keep a record of the names of corporations, and the
names and addresses of their respective agents.

(D) If any agent dies, removes from the state, or resigns,
the corporation shall forthwith appoint another agent and file
with the secretary of state, on a form prescribed by the secretary
of state, a written appointment of the agent.

(E) Unless the change is reported on the annual report filed
with the department of taxation, if the agent changes the agent's
address from that appearing upon the record in the office of the
secretary of state, the corporation or the agent shall forthwith
file with the secretary of state, on a form prescribed by the
secretary of state, a written statement setting forth the new
address.

(F) An agent may resign by filing with the secretary of
state, on a form prescribed by the secretary of state, a written
notice to that effect that is signed by the agent and by sending a
copy of the notice to the corporation at the current or last known
address of its principal office on or prior to the date the notice
is filed with the secretary of state. The notice shall set forth

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the name of the corporation, the name and current address of the agent, the current or last known address, including the street and number or other particular description, of the corporation's principal office, the resignation of the agent, and a statement that a copy of the notice has been sent to the corporation within the time and in the manner prescribed by this division. Upon the expiration of thirty days after the filing, the authority of the agent shall terminate.

(G) A corporation may revoke the appointment of an agent by filing with the secretary of state, on a form prescribed by the secretary of state, a written appointment of another agent and a statement that the appointment of the former agent is revoked.

(H) Any process, notice, or demand required or permitted by statute to be served upon a corporation may be served upon the corporation by delivering a copy of it to its agent, if a natural person, or by delivering a copy of it at the address of its agent in this state, as the address appears upon the record in the office of the secretary of state. If (1) the agent cannot be found, or (2) the agent no longer has that address, or (3) the corporation has failed to maintain an agent as required by this section, and if in any such case the party desiring that the process, notice, or demand be served, or the agent or representative of the party, shall have filed with the secretary of state an affidavit stating that one of the foregoing conditions exists and stating the most recent address of the corporation that the party after diligent search has been able to ascertain, then service of process, notice, or demand upon the secretary of state, as the agent of the corporation, may be initiated by delivering to the secretary of state or at the secretary of state's office quadruplicate copies of such process, notice, or demand and by paying to the secretary of state a fee of five dollars. The secretary of state shall forthwith give notice of the delivery to

the corporation at its principal office as shown upon the record 6906
in the secretary of state's office and at any different address 6907
shown on its last franchise tax report filed in this state, or to 6908
the corporation at any different address set forth in the above 6909
mentioned affidavit, and shall forward to the corporation at said 6910
addresses, by certified mail, with request for return receipt, a 6911
copy of the process, notice, or demand; and thereupon service upon 6912
the corporation shall be deemed to have been made. 6913

(I) The secretary of state shall keep a record of each 6914
process, notice, and demand delivered to the secretary of state or 6915
at the secretary of state's office under this section or any other 6916
law of this state that authorizes service upon the secretary of 6917
state, and shall record the time of the delivery and the action 6918
thereafter with respect thereto. 6919

(J) This section does not limit or affect the right to serve 6920
any process, notice, or demand upon a corporation in any other 6921
manner permitted by law. 6922

(K) Every corporation shall state in each annual report filed 6923
by it with the department of taxation the name and address of its 6924
statutory agent. 6925

(L) Except when an original appointment of an agent is filed 6926
with the original articles, a written appointment of an agent or a 6927
written statement filed by a corporation with the secretary of 6928
state shall be signed by any authorized officer of the corporation 6929
or by the incorporators of the corporation or a majority of them 6930
if no directors have been elected. 6931

(M) For filing a written appointment of an agent other than 6932
one filed with original articles, and for filing a statement of 6933
change of address of an agent, the secretary of state shall charge 6934
and collect a the fee specified in division (R) of three dollars 6935
section 111.16 of the Revised Code. 6936

(N) Upon the failure of a corporation to appoint another agent or to file a statement of change of address of an agent, the secretary of state shall give notice thereof by certified mail to the corporation at the address set forth in the notice of resignation or on the last franchise tax return filed in this state by the corporation. Unless the default is cured within thirty days after the mailing by the secretary of state of the notice or within any further period of time that the secretary of state grants, upon the expiration of that period of time from the date of the mailing, the articles of the corporation shall be canceled without further notice or action by the secretary of state. The secretary of state shall make a notation of the cancellation on the secretary of state's records.

A corporation whose articles have been canceled may be reinstated by filing, on a form prescribed by the secretary of state, an application for reinstatement and the required appointment of agent or required statement, and by paying a the filing fee specified in division (O) of ~~ten dollars~~ section 111.16 of the Revised Code. The rights, privileges, and franchises of a corporation whose articles have been reinstated are subject to section 1701.922 of the Revised Code. The secretary of state shall furnish the tax commissioner a monthly list of all corporations canceled and reinstated under this division.

(O) This section does not apply to banks, trust companies, insurance companies, or any corporation defined under the laws of this state as a public utility for taxation purposes.

Sec. 1701.81. (A) Upon adoption by each constituent entity of an agreement of merger or consolidation pursuant to section 1701.78, 1701.781, 1701.79, 1701.791, 1701.80, or 1701.801 of the Revised Code, a certificate of merger or consolidation shall be filed with the secretary of state that is signed by any authorized

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representative of each constituent corporation, partnership, or 6968
other entity. The certificate shall be on a form prescribed by the 6969
secretary of state and shall set forth only the information 6970
required by this section. 6971

(B)(1) The certificate of merger or consolidation shall set 6972
forth all of the following: 6973

(a) The name and the form of entity of each constituent 6974
entity and the state under the laws of which each constituent 6975
entity exists; 6976

(b) A statement that each constituent entity has complied 6977
with all of the laws under which it exists and that the laws 6978
permit the merger or consolidation; 6979

(c) The name and mailing address of the person or entity that 6980
is to provide, in response to any written request made by a 6981
shareholder, partner, or other equity holder of a constituent 6982
entity, a copy of the agreement of merger or consolidation; 6983

(d) The effective date of the merger or consolidation, which 6984
date may be on or after the date of the filing of the certificate; 6985

(e) The signature of each representative authorized to sign 6986
the certificate on behalf of each constituent entity and the 6987
office held or the capacity in which the representative is acting; 6988

(f) A statement that the agreement of merger or consolidation 6989
is authorized on behalf of each constituent entity and that each 6990
person who signed the certificate on behalf of each entity is 6991
authorized to do so; 6992

(g) In the case of a merger, a statement that one or more 6993
specified constituent entities will be merged into a specified 6994
surviving entity or, in the case of a consolidation, a statement 6995
that the constituent entities will be consolidated into a new 6996
entity; 6997

(h) In the case of a merger, if the surviving entity is a foreign entity not licensed to transact business in this state, the name and address of the statutory agent upon whom any process, notice, or demand against any constituent entity may be served;

(i) In the case of a consolidation, the name and address of the statutory agent upon whom any process, notice, or demand against any constituent entity or the new entity may be served.

(2) In the case of a consolidation into a new domestic corporation, limited liability company, or limited partnership, the articles of incorporation, the articles of organization, or the certificate of limited partnership of the new domestic entity shall be filed with the certificate of merger or consolidation.

(3) In the case of a merger into a domestic corporation, limited liability company, or limited partnership, any amendments to the articles of incorporation, articles of organization, or certificate of limited partnership of the surviving domestic entity shall be filed with the certificate of merger or consolidation.

(4) If the surviving or new entity is a foreign entity that desires to transact business in this state as a foreign corporation, limited liability company, or limited partnership, the certificate of merger or consolidation shall be accompanied by the information required by division (B)(8), (9), or (10) of section 1701.791 of the Revised Code.

(5) If a foreign or domestic corporation licensed to transact business in this state is a constituent entity and the surviving or new entity resulting from the merger or consolidation is not a foreign or domestic corporation that is to be licensed to transact business in this state, the certificate of merger or consolidation shall be accompanied by the affidavits, receipts, certificates, or other evidence required by division (H) of section 1701.86 of the

Revised Code, with respect to each domestic constituent 7029
corporation, and by the affidavits, receipts, certificates, or 7030
other evidence required by division (C) or (D) of section 1703.17 7031
of the Revised Code, with respect to each foreign constituent 7032
corporation licensed to transact business in this state. 7033
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(C) If any constituent entity in a merger or consolidation is 7035
organized or formed under the laws of a state other than this 7036
state or under any chapter of the Revised Code other than this 7037
chapter, there also shall be filed in the proper office all 7038
documents that are required to be filed in connection with the 7039
merger or consolidation by the laws of that state or by that 7040
chapter. 7041

(D) Upon the filing of a certificate of merger or 7042
consolidation and other filings as described in division (C) of 7043
this section or at such later date as the certificate of merger or 7044
consolidation specifies, the merger or consolidation is effective. 7045

(E) The secretary of state shall furnish, upon request and 7046
payment of ~~a~~ the fee specified in division (D) of ten dollars 7047
section 111.16 of the Revised Code, the secretary of state's 7048
certificate setting forth the name and the form of entity of each 7049
constituent entity and the states under the laws of which each 7050
constituent entity existed prior to the merger or consolidation, 7051
the name and the form of entity of the surviving or new entity and 7052
the state under the laws of which the surviving entity exists or 7053
the new entity is to exist, the date of filing of the certificate 7054
of merger or consolidation with the secretary of state, and the 7055
effective date of the merger or consolidation. The certificate of 7056
the secretary of state, or a copy of the certificate of merger or 7057
consolidation certified by the secretary of state, may be filed 7058
for record in the office of the recorder of any county in this 7059
state and, if filed, shall be recorded in the records of deeds for 7060

that county. For that recording, the county recorder shall charge 7061
and collect the same fee as in the case of deeds. 7062

Sec. 1702.05. (A) Except as provided in this section and in 7063
sections 1702.41 and 1702.45 of the Revised Code, the secretary of 7064
state shall not accept for filing in the secretary of state's 7065
office any articles if the corporate name set forth in the 7066
articles is not distinguishable upon the secretary of state's 7067
records from any of the following: 7068

(1) The name of any other corporation, whether a nonprofit 7069
corporation or a business corporation and whether that of a 7070
domestic or of a foreign corporation authorized to do business in 7071
this state; 7072

(2) The name of any limited liability company registered in 7073
the office of the secretary of state pursuant to Chapter 1705. of 7074
the Revised Code, whether domestic or foreign; 7075

(3) The name of any limited liability partnership registered 7076
in the office of the secretary of state pursuant to Chapter 1775. 7077
of the Revised Code, whether domestic or foreign; 7078

(4) The name of any limited partnership registered in the 7079
office of the secretary of state pursuant to Chapter 1782. of the 7080
Revised Code, whether domestic or foreign; 7081

(5) Any trade name, the exclusive right to which is at the 7082
time in question registered in the office of the secretary of 7083
state pursuant to Chapter 1329. of the Revised Code. 7084

(B) The secretary of state shall determine for purposes of 7085
this section whether a name is "distinguishable" from another name 7086
upon the secretary of state's records. Without excluding other 7087
names that may not constitute distinguishable names in this state, 7088
a name is not considered distinguishable from another name for 7089
purposes of this section solely because it differs from the other 7090

name in only one or more of the following manners: 7091

(1) The use of the word "corporation," "company," 7092
"incorporated," "limited," or any abbreviation of any of those 7093
words; 7094

(2) The use of any article, conjunction, contraction, 7095
abbreviation, or punctuation; 7096

(3) The use of a different tense or number of the same word. 7097

(C) A corporation may apply to the secretary of state for 7098
authorization to use a name that is not distinguishable upon the 7099
secretary of state's records from the name of any other 7100
corporation, any limited liability company, limited liability 7101
partnership, or limited partnership, or from a registered trade 7102
name, if there also is filed in the office of the secretary of 7103
state, on a form prescribed by the secretary of state, the consent 7104
of the other entity, or, in the case of a registered trade name, 7105
the person in whose name is registered the exclusive right to use 7106
the name, which consent is evidenced in a writing signed by any 7107
authorized officer or authorized representative of the other 7108
entity or person. 7109

(D) In case of judicial sale or judicial transfer, by sale or 7110
transfer of good will or otherwise, of the right to use the name 7111
of a nonprofit corporation or business corporation, whether that 7112
of a domestic corporation or of a foreign corporation authorized 7113
to exercise its corporate privileges in this state or to do 7114
business in this state, the secretary of state, at the instance of 7115
the purchaser or transferee of such right, shall accept for filing 7116
articles of a corporation with a name the same as or similar to 7117
the name of such other corporation, if there also is filed in the 7118
office of the secretary of state a certified copy of the decree or 7119
order of court confirming or otherwise evidencing the purchase or 7120
transfer. 7121

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(E) Any person who wishes to reserve a name for a proposed new corporation, or any corporation intending to change its name, may submit to the secretary of state a written application, on a form prescribed by the secretary of state, for the exclusive right to use a specified name as the name of a corporation. If the secretary of state finds that, under this section, the specified name is available for such use, the secretary of state shall file such application, and, from the date of such filing, such applicant shall have the exclusive right for ~~sixty~~ one hundred eighty days to use the specified name as the name of a corporation, counting the date of such filing as the first of the ~~sixty~~ one hundred eighty days. The right so obtained may be transferred by the applicant or other holder of the right by the filing in the office of the secretary of state of a written transfer, on a form prescribed by the secretary of state, stating the name and address of the transferee.

~~(F) For filing under this section any application or other document, other than articles or a consent to the use of a name, the secretary of state shall charge and collect a fee of five dollars.~~

Sec. 1702.06. (A) Every corporation shall have and maintain an agent, sometimes referred to as the "statutory agent," upon whom any process, notice, or demand required or permitted by statute to be served upon a corporation may be served. The agent may be a natural person who is a resident of this state, or may be a domestic or foreign business corporation holding a license as such under the laws of this state that is authorized by its articles of incorporation to act as such agent, and that has a business address in this state.

(B) The secretary of state shall not accept original articles for filing unless there is filed with the articles a written

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appointment of an agent signed by the incorporators of the corporation or a majority of them and a written acceptance of the appointment signed by the agent. In all other cases, the corporation shall appoint the agent and shall file in the office of the secretary of state a written appointment of the agent that is signed by any authorized officer of the corporation and a written acceptance of the appointment that is either the original acceptance signed by the agent or a photocopy, facsimile, or similar reproduction of the original acceptance signed by the agent.

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(C) The written appointment of an agent shall set forth the name and address in this state of the agent, including the street and number or other particular description, and shall otherwise be in such form as the secretary of state prescribes. The secretary of state shall keep a record of the names of corporations and the names and addresses of their respective agents.

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(D) If any agent dies, removes from the state, or resigns, the corporation shall forthwith appoint another agent and file with the secretary of state, on a form prescribed by the secretary of state, a written appointment of that agent.

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(E) If the agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the corporation or the agent shall forthwith file with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the new address.

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(F) An agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a written notice to that effect that is signed by the agent and by sending a copy of the notice to the corporation at the current or last known address of its principal office on or prior to the date that notice is filed with the secretary of state. The notice shall set forth the name of the corporation, the name and current address of

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the agent, the current or last known address, including the street
and number or other particular description, of the corporation's
principal office, the resignation of the agent, and a statement
that a copy of the notice has been sent to the corporation within
the time and in the manner prescribed by this division. Upon the
expiration of sixty days after such filing, the authority of the
agent shall terminate.

(G) A corporation may revoke the appointment of an agent by
filing with the secretary of state, on a form prescribed by the
secretary of state, a written appointment of another agent and a
statement that the appointment of the former agent is revoked.

(H) Any process, notice, or demand required or permitted by
statute to be served upon a corporation may be served upon the
corporation by delivering a copy of it to its agent, if a natural
person, or by delivering a copy of it at the address of its agent
in this state, as such address appears upon the record in the
office of the secretary of state. If (1) the agent cannot be
found, or (2) the agent no longer has that address, or (3) the
corporation has failed to maintain an agent as required by this
section, and if in any such case the party desiring that such
process, notice, or demand be served, or the agent or
representative of the party, shall have filed with the secretary
of state an affidavit stating that one of the foregoing conditions
exists and stating the most recent address of the corporation that
the party after diligent search has been able to ascertain, then
service of process, notice, or demand upon the secretary of state,
as the agent of the corporation, may be initiated by delivering to
the secretary of state or at the secretary of state's office
triplicate copies of such process, notice, or demand and by paying
to the secretary of state a fee of five dollars. The secretary of
state shall forthwith give notice of such delivery to the
corporation at its principal office as shown upon the record in

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the secretary of state's office and also to the corporation at any
different address set forth in the above mentioned affidavit, and
shall forward to the corporation at each of those addresses, by
certified mail, with request for return receipt, a copy of such
process, notice, or demand; and thereupon service upon the
corporation shall be deemed to have been made.

(I) The secretary of state shall keep a record of each
process, notice, and demand delivered to the secretary of state or
at the secretary of state's office under this section or any other
law of this state that authorizes service upon the secretary of
state, and shall record the time of such delivery and the
secretary of state's action thereafter with respect thereto.

(J) This section does not limit or affect the right to serve
any process, notice, or demand upon a corporation in any other
manner permitted by law.

(K) Except when an original appointment of an agent is filed
with the original articles, a written appointment of an agent or a
written statement filed by a corporation with the secretary of
state shall be signed by any authorized officer of the corporation
or by the incorporators of the corporation or a majority of them
if no directors have been elected.

(L) For filing a written appointment of an agent other than
one filed with original articles, and for filing a statement of
change of address of an agent, the secretary of state shall charge
and collect a the fee specified in division (R) of three-dollars
section 111.16 of the Revised Code.

(M) Upon the failure of any corporation to appoint another
agent or to file a statement of change of address of an agent, the
secretary of state shall give notice thereof by certified mail to
the corporation at the address set forth in the notice of
resignation or on the most recent statement of continued existence

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filed in this state by the corporation. Unless the failure is
cured within thirty days after the mailing by the secretary of
state of the notice or within any further period the secretary of
state grants, upon the expiration of that period, the articles of
the corporation shall be canceled without further notice or action
by the secretary of state. The secretary of state shall make a
notation of the cancellation on the secretary of state's records.
A corporation whose articles have been canceled may be reinstated
by filing, on a form prescribed by the secretary of state, an
application for reinstatement and the required appointment of
agent or required statement, and by paying ~~a~~ the filing fee
specified in division (Q) of ~~ten dollars~~ section 111.16 of the
Revised Code. The rights, privileges, and franchises of a
corporation whose articles have been reinstated are subject to
section 1702.60 of the Revised Code. The secretary of state shall
furnish the tax commissioner a monthly list of all corporations
canceled and reinstated under this division.

(N) This section does not apply to banks, trust companies,
insurance companies, or any corporation defined under the laws of
this state as a public utility for taxation purposes.

Sec. 1702.43. (A) Upon adoption by each constituent
corporation of an agreement of merger or consolidation pursuant to
section 1702.42 or 1702.45 of the Revised Code, a certificate of
merger or consolidation, signed by any authorized representative
of each constituent corporation, shall be filed with the secretary
of state. The certificate shall be on a form prescribed by the
secretary of state and shall set forth only the information
required by this section.

(1) The certificate of merger or consolidation shall set
forth all of the following:

(a) The name of each constituent entity and the state under

whose laws each constituent entity exists;	7279
(b) A statement that each constituent entity has complied with all of the laws under which it exists and that the laws permit the merger or consolidation;	7280 7281 7282
(c) The name and mailing address of the person or entity that is to provide, in response to any written request made by a member or other person, a copy of the agreement of merger or consolidation;	7283 7284 7285 7286
(d) The effective date of the merger or consolidation, which date may be on or after the date of the filing of the certificate;	7287 7288
(e) The signature of each representative authorized to sign the certificate on behalf of each constituent entity and the office each representative authorized to sign holds or the capacity in which the representative is acting;	7289 7290 7291 7292
(f) A statement that the agreement of merger or consolidation is authorized on behalf of each constituent entity and that each person who signed the certificate on behalf of each entity is authorized to do so;	7293 7294 7295 7296
(g) In the case of a merger, a statement that one or more specified constituent entities will be merged into a specified surviving entity or, in the case of a consolidation, a statement that the constituent entities will be consolidated into a new entity;	7297 7298 7299 7300 7301
(h) In the case of a merger, if the surviving entity is a foreign entity not licensed to transact business in this state, the name and address of the statutory agent upon whom any process, notice, or demand may be served;	7302 7303 7304 7305
(i) In the case of a consolidation, the name and address of the statutory agent upon whom any process, notice, or demand against any constituent entity or the new entity may be served.	7306 7307 7308

(2) In the case of a consolidation into a new domestic corporation, the certificate of consolidation shall be accompanied by a copy of the articles of incorporation of the new domestic corporation.

(3) In the case of a merger into a domestic corporation, the certificate of merger shall be accompanied by a copy of any amendments to the articles of incorporation of the surviving domestic corporation.

(4) If the surviving or new entity is a foreign entity that desires to transact business in this state as a foreign corporation, the certificate of merger or consolidation shall contain a statement to that effect and a statement with respect to the appointment of the statutory agent and with respect to the consent to service of any process, notice, or demand upon that statutory agent or the secretary of state, as required when a foreign corporation applies for a certificate authorizing it to transact business in this state.

(5) If a domestic or foreign corporation licensed to transact business in this state is a constituent entity and the surviving or new entity resulting from the merger or consolidation is not a domestic or foreign corporation that is to be licensed to transact business in this state, the certificate of merger or consolidation shall be accompanied by the affidavits, receipts, certificates, or other evidence required by division (G) of section 1702.47 of the Revised Code, with respect to each domestic corporation, and by the affidavits, receipts, certificates, or other evidence required by division (C) or (D) of section 1703.17 of the Revised Code, with respect to each foreign constituent corporation licensed to transact business in this state.

(B) If any constituent entity in a merger or consolidation is organized or formed under the laws of a state other than this state or under any chapter of the Revised Code other than this

chapter, there also shall be filed in the proper office all 7341
documents that are required to be filed in connection with the 7342
merger or consolidation by the laws of that state or by that 7343
chapter. 7344

(C) Upon the filing of a certificate of merger or 7345
consolidation and other filings as described in division (B) of 7346
this section, or at such later date as the certificate of merger 7347
or consolidation specifies, the merger or consolidation shall 7348
become effective. 7349

(D) The secretary of state shall furnish, upon request and 7350
payment of ~~a~~ the fee specified in division (D) of ten dollars 7351
section 111.16 of the Revised Code, a certificate setting forth 7352
the name of each constituent entity and the state under whose laws 7353
each constituent entity existed prior to the merger or 7354
consolidation, the name of the surviving or new entity and the 7355
state under whose laws the surviving entity exists or the new 7356
entity is to exist, the date of filing of the certificate of 7357
merger or consolidation with the secretary of state, and the 7358
effective date of the merger or consolidation. The certificate of 7359
the secretary of state or a copy of the merger or consolidation 7360
certified by the secretary of state may be filed for record in the 7361
office of the recorder of any county in this state and, if filed, 7362
shall be recorded in the records of deeds for that county. For 7363
that recording, the county recorder shall charge and collect the 7364
same fee as in the case of deeds. 7365

Sec. 1702.59. (A) Every nonprofit corporation, incorporated 7366
under the general corporation laws of this state, or previous 7367
laws, or under special provisions of the Revised Code, or created 7368
before September 1, 1851, which corporation has expressly or 7369
impliedly elected to be governed by the laws passed since that 7370
date, and whose articles or other documents are filed with the 7371

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secretary of state, shall file with the secretary of state a 7372
verified statement of continued existence, signed by a director, 7373
officer, or three members in good standing, setting forth the 7374
corporate name, the place where the principal office of the 7375
corporation is located, the date of incorporation, the fact that 7376
the corporation is still actively engaged in exercising its 7377
corporate privileges, and the name and address of its agent 7378
appointed pursuant to section 1702.06 of the Revised Code. 7379

(B) Each corporation required to file a statement of 7380
continued existence shall file it with the secretary of state 7381
within each five years after the date of incorporation or of the 7382
last corporate filing. ~~For filing such statements of continued 7383
existence, the secretary of state shall charge and collect a fee 7384
of five dollars.~~ 7385

(C) Corporations specifically exempted by division (N) of 7386
section 1702.06 of the Revised Code, or whose activities are 7387
regulated or supervised by another state official, agency, bureau, 7388
department, or commission are exempted from this section. 7389

(D) The secretary of state shall give notice in writing and 7390
provide a form for compliance with this section to each 7391
corporation required by this section to file the statement of 7392
continued existence, such notice and form to be mailed to the last 7393
known address of the corporation as it appears on the records of 7394
the secretary of state or which the secretary of state may 7395
ascertain upon a reasonable search. 7396

(E) ~~In the event~~ If any nonprofit corporation required by 7397
this section to file a statement of continued existence fails to 7398
file the statement required every fifth year, then the secretary 7399
of state shall cancel the articles of such corporation, make a 7400
notation of the cancellation on the records, and mail to the 7401
corporation a certificate of the action so taken. 7402

(F) A corporation whose articles have been canceled may be 7403

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reinstated by filing an application for reinstatement and paying 7404
to the secretary of state a the fee specified in division (Q) of 7405
ten dollars section 111.16 of the Revised Code. The name of a 7406
corporation whose articles have been canceled shall be reserved 7407
for a period of one year after the date of cancellation. If the 7408
reinstatement is not made within one year from the date of the 7409
cancellation of its articles of incorporation and it appears that 7410
a corporate name, limited liability company name, limited 7411
liability partnership name, limited partnership name, or trade 7412
name has been filed, the name of which is not distinguishable upon 7413
the record as provided in section 1702.06 of the Revised Code, the 7414
applicant for reinstatement shall be required by the secretary of 7415
state, as a condition prerequisite to such reinstatement, to amend 7416
its articles by changing its name. A certificate of reinstatement 7417
may be filed in the recorder's office of any county in the state, 7418
for which the recorder shall charge and collect a fee of one 7419
dollar. The rights, privileges, and franchises of a corporation 7420
whose articles have been reinstated are subject to section 1702.60 7421
of the Revised Code. 7422

(G) The secretary of state shall furnish the tax commissioner 7423
a list of all corporations failing to file the required statement 7424
of continued existence. 7425

Sec. 1703.04. (A) To procure a license to transact business 7426
in this state, a foreign corporation for profit shall file with 7427
the secretary of state a certificate of good standing or 7428
subsistence, dated not earlier than ninety days prior to the 7429
filing of the application, under the seal of the secretary of 7430
state, or other proper official, of the state under the laws of 7431
which said corporation was incorporated, setting forth: 7432

(1) The exact corporate title; 7433

(2) The date of incorporation; 7434

(3) The fact that the corporation is in good standing or is a subsisting corporation. 7435
7436

(B) To procure such a license, such corporation also shall file with the secretary of state an application in such form as the secretary of state prescribes, verified by the oath of any authorized officer of such corporation, setting forth, but not limited to: 7437
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(1) The name of the corporation and, if its corporate name is not available, the trade name under which it will do business in this state; 7442
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7444

(2) The name of the state under the laws of which it was incorporated; 7445
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(3) The location and complete address of its principal office; 7447
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(4) The name of the county and the municipal corporation or township in which its principal office within this state, if any, is to be located; 7449
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7451

(5) The appointment of a designated agent and the complete address of such agent; 7452
7453

(6) The irrevocable consent of such corporation to service of process on such agent so long as the authority of such agent continues and to service of process upon the secretary of state in the events provided for in section 1703.19 of the Revised Code; 7454
7455
7456
7457

(7) A brief summary of the corporate purposes to be exercised within this state. 7458
7459

~~(C) Upon the filing by a foreign corporation for profit of an application for a license to transact business in this state, the corporation shall pay a filing fee of one hundred dollars to the secretary of state.~~ 7460
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~~(D)~~(1) No such application for a license shall be accepted 7464

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for filing if it appears that the name of the foreign corporation 7465
is prohibited by law or is not distinguishable upon the records in 7466
the office of the secretary of state from the name of any other 7467
corporation, whether nonprofit or for profit and whether that of a 7468
domestic corporation or of a foreign corporation authorized to 7469
transact business in this state, the name of a limited liability 7470
company registered in the office of the secretary of state 7471
pursuant to Chapter 1705. of the Revised Code, whether domestic or 7472
foreign, the name of any limited liability partnership registered 7473
in the office of the secretary of state pursuant to Chapter 1775. 7474
of the Revised Code, whether domestic or foreign, the name of any 7475
limited partnership registered in the office of the secretary of 7476
state pursuant to Chapter 1782. of the Revised Code, whether 7477
domestic or foreign, or a trade name to which the exclusive right 7478
at the time in question is registered in the manner provided in 7479
Chapter 1329. of the Revised Code, unless there also is filed with 7480
the secretary of state, on a form prescribed by the secretary of 7481
state, the consent of the other entity or person to the use of the 7482
name, evidenced in a writing signed by any authorized officer of 7483
the other entity or authorized representative of the other person 7484
owning the exclusive right to the registered trade name. 7485

(2) Notwithstanding division ~~(D)~~(C)(1) of this section, if an 7486
application for a license is not acceptable for filing solely 7487
because the name of the foreign corporation is not distinguishable 7488
from the name of another entity or registered trade name, the 7489
foreign corporation may be authorized to transact business in this 7490
state by filing with the secretary of state, in addition to those 7491
items otherwise prescribed by this section, a statement signed by 7492
an authorized officer directing the foreign corporation to make 7493
application for a license to transact business in this state under 7494
an assumed business name or names that comply with the 7495
requirements of this division and stating that the foreign 7496
corporation will transact business in this state only under the 7497

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assumed name or names. The application for a license shall be on a form prescribed by the secretary of state.

Sec. 1703.041. (A) Every foreign corporation for profit that is licensed to transact business in this state, and every foreign nonprofit corporation that is licensed to exercise its corporate privileges in this state, shall have and maintain an agent, sometimes referred to as the "designated agent," upon whom process against the corporation may be served within this state. The agent may be a natural person who is a resident of this state, or may be a domestic corporation for profit or a foreign corporation for profit holding a license under the laws of this state that is authorized by its articles of incorporation to act as an agent and that has a business address in this state.

(B) The written appointment of a designated agent shall set forth the name and address of the agent, including the street and number or other particular description, and shall otherwise be in such form as the secretary of state prescribes. The secretary of state shall keep a record of the names of such foreign corporations and the names and addresses of their respective agents.

(C) If the designated agent dies, removes from the state, or resigns, the foreign corporation shall forthwith appoint another agent and file in the office of the secretary of state ~~an amendment to the corporation's application for a foreign license indicating the name and address, on a form prescribed by the secretary of state, a written appointment~~ of the new agent.

(D) If the designated agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the foreign corporation or the designated agent in its behalf shall forthwith file with the secretary of state ~~an amendment to the corporation's application for a foreign license~~

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~~setting forth the new address unless the change is reported on the~~ 7529
~~annual report filed with the department of taxation, on a form~~ 7530
~~prescribed by the secretary of state, a written statement setting~~ 7531
~~forth the agent's new address.~~ 7532

(E) A designated agent may resign by filing with the 7533
secretary of state, on a form prescribed by the secretary of 7534
state, a signed statement to that effect. The secretary of state 7535
shall forthwith mail a copy of ~~such~~ the statement to the foreign 7536
corporation at its principal office as shown by the record in the 7537
secretary of state's office. Upon the expiration of sixty days 7538
after the filing, the authority of the agent shall terminate. 7539

(F) A foreign corporation may revoke the appointment of a 7540
designated agent by filing with the secretary of state ~~an~~ 7541
~~amendment to its application for a foreign license appointing~~ 7542
~~another agent that includes, on a form prescribed by the secretary~~ 7543
~~of state, a written appointment of another agent and~~ a statement 7544
that the appointment of the former agent is revoked. 7545

(G) Process may be served upon a foreign corporation by 7546
delivering a copy of it to its designated agent, if a natural 7547
person, or by delivering a copy of it at the address of its agent 7548
in this state, as the address appears upon the record in the 7549
office of the secretary of state. 7550

(H) This section does not limit or affect the right to serve 7551
process upon a foreign corporation in any other manner permitted 7552
by law. 7553

(I) Every foreign corporation for profit shall state in each 7554
annual report filed by it with the department of taxation the name 7555
and address of its designated agent in this state. 7556

Sec. 1703.15. No foreign corporation shall transact in this 7557
state any business that could not be lawfully transacted by a 7558
domestic corporation. Whenever the secretary of state finds that a 7559

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foreign corporation licensed to transact business in this state is 7560
transacting in this state a business that a domestic corporation 7561
could not lawfully transact, is transacting business in this state 7562
in a corporate name that is not readily distinguishable from the 7563
name of every other corporation, limited liability company, 7564
limited liability partnership, or limited partnership, domestic or 7565
foreign, or every trade name, registered in the office of the 7566
secretary of state, theretofore authorized to transact business in 7567
this state, without the consent of the other corporation, limited 7568
liability company, limited liability partnership, limited 7569
partnership, or trade name registrant, evidenced in writing filed 7570
with the secretary of state pursuant to section 1703.04 of the 7571
Revised Code, or has failed, after the death or resignation of its 7572
designated agent or the designated agent's removal from this 7573
state, to designate another agent as required by section 1703.041 7574
of the Revised Code, the secretary of state shall give notice 7575
thereof by certified mail to the corporation. Unless that failure 7576
is cured within thirty days after the mailing by the secretary of 7577
state of the notice or within such further period as the secretary 7578
of state grants, the secretary of state, upon the expiration of 7579
such period, shall cancel the license of the foreign corporation 7580
to transact business in this state, give notice of the 7581
cancellation to the corporation by mail, and make a notation of 7582
the cancellation on the secretary of state's records. 7583

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A foreign corporation whose license has been canceled may be 7585
reinstated upon its filing with the secretary of state, on a form 7586
prescribed by the secretary of state, an application for 7587
reinstatement accompanied by ~~a~~ the fee specified in division (O) 7588
of ten dollars section 111.16 of the Revised Code. If the 7589
application for reinstatement is submitted in a tax year or 7590
calendar year other than that in which the cancellation occurred, 7591
the application also shall be accompanied by a certificate of 7592

reinstatement issued by the department of taxation. The name of a 7593
corporation whose license has been canceled pursuant to this 7594
section shall be reserved for a period of one year after the date 7595
of cancellation. If the reinstatement is not made within one year 7596
after the date of cancellation of the foreign license and it 7597
appears that a corporate name, limited liability company name, 7598
limited liability partnership name, limited partnership name, or 7599
trade name has been filed, the name of which is not 7600
distinguishable upon the record as provided in division (D) of 7601
section 1703.04 of the Revised Code, the secretary of state shall 7602
require the applicant for the reinstatement, as a condition 7603
prerequisite to such reinstatement, to apply for authorization to 7604
transact business in this state under an assumed name. 7605

Sec. 1703.17. (A) A foreign corporation may surrender its 7606
license to transact business in this state in the manner provided 7607
in this section. 7608

(B) A certificate of surrender signed by any authorized 7609
officer, or by the receiver, trustee in bankruptcy, or other 7610
liquidator of such corporation, shall be filed with the secretary 7611
of state, on a form prescribed by the secretary of state, setting 7612
forth: 7613

(1) The name of the corporation and of the state under the 7614
laws of which it is incorporated; 7615

(2) That it surrenders its license; 7616

(3) The address to which the secretary of state may mail any 7617
process against such corporation that may be served upon the 7618
secretary of state, and may mail any other notices, certificates, 7619
or statements. 7620

(C) A certificate of surrender, filed with the secretary of 7621
state, on a form prescribed by the secretary of state, shall be 7622
accompanied by: 7623

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(1) A receipt, certificate, or other evidence showing the 7624
payment of all franchise, sales, use, and highway use taxes 7625
accruing up to the date of such filing, or that such payment has 7626
been adequately guaranteed; 7627

(2) A receipt, certificate, or other evidence showing the 7628
payment of all personal property taxes accruing up to the date of 7629
such filing; 7630

(3) A receipt, certificate, or other evidence from the 7631
director of job and family services showing that all contributions 7632
due from the corporation as an employer have been paid, or that 7633
such payment has been adequately guaranteed, or that the 7634
corporation is not subject to such contributions; 7635

(4) An affidavit of the officer, or other person permitted by 7636
law, executing the certificate of surrender, containing a 7637
statement of the counties, if any, in this state in which the 7638
corporation has personal property or a statement that the 7639
corporation is of a type required to pay personal property taxes 7640
to state authorities only. 7641

(D) In lieu of the receipt, certificate, or other evidence 7642
described in divisions (C)(1), (2), and (3) of this section, a 7643
certificate of surrender may be accompanied by an affidavit of the 7644
person executing the certificate of surrender, or of an officer of 7645
the corporation, that contains a statement of the date upon which 7646
the particular department, agency, or authority was advised in 7647
writing of the scheduled date of filing the certificate of 7648
surrender and was advised in writing of the acknowledgement by the 7649
corporation that the surrender of its license does not relieve it 7650
of liability, if any, for payment of the taxes and contributions 7651
described in divisions (C)(1), (2), and (3) of this section. 7652

(E) In lieu of filing such certificate of surrender there may 7653
be filed a certificate of the secretary of state, or other proper 7654

official, of the state under the laws of which the corporation is
incorporated, certifying that said corporation has been dissolved
or its corporate existence otherwise terminated, or a certified
copy of an order of court terminating the existence of such
corporation; but such certificate or certified copy shall be
accompanied by the information required by division (B)(3) of this
section.

(F) ~~For~~ After the payment of the fee specified in division
(N)(2) of section 111.16 of the Revised Code and the filing of any
such certificate or certified copy under this section, ~~there shall~~
~~be paid to the secretary of state a filing fee of twenty-five~~
~~dollars.~~ The secretary of state shall ~~thereupon~~ cancel the
license of such corporation, make a notation of such cancellation
upon the secretary of state's records, and mail to the corporation
a certificate of the action so taken.

(G) The mere retirement from business of a foreign
corporation without filing a certificate of surrender shall not
exempt such corporation from the requirements of filing the
reports and paying the fees required by sections 1703.01 to
1703.31 of the Revised Code, or from making reports and paying
excise or franchise fees or taxes.

Sec. 1703.27. No foreign nonprofit corporation shall exercise
its corporate privileges in this state in a continual course of
transactions until it has first procured from the secretary of
state a certificate authorizing it to do so.

Before issuing such certificate, the secretary of state shall
require such foreign corporation to file in the secretary of
state's office a certificate of good standing or subsistence,
setting forth the exact corporate title, the date of
incorporation, and the fact that the corporation is in good
standing or is a subsisting corporation, certified by the

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secretary of state, or other proper official, of the state under 7686
the laws of which the corporation was incorporated, and a 7687
statement, on a form prescribed by the secretary of state, 7688
verified by the oath of one of its officers, setting forth, but 7689
not limited to, the following: 7690

(A) The name of the corporation; 7691

(B) The state under the laws of which it is incorporated; 7692

(C) The location of its principal office; 7693

(D) The corporate privileges it proposes to exercise in this 7694
state; 7695

(E) The location of its principal office in this state; 7696

(F) The appointment of a designated agent and the complete 7697
address of such agent; 7698

(G) Its irrevocable consent to service of process on such 7699
agent so long as the authority of the agent continues and to 7700
service of process upon the secretary of state in the events 7701
provided for in section 1703.19 of the Revised Code. 7702

For the filing of ~~such that~~ statement, the secretary of state 7703
shall charge and collect ~~a~~ the fee specified in division (I)(1) of 7704
~~thirty-five dollars~~ section 111.16 of the Revised Code. 7705

A foreign nonprofit corporation shall file an amendment with 7706
the secretary of state if there is a modification of any of the 7707
information required to be included in its statement, except for 7708
changes in information required by division (F) of this section, 7709
which shall be corrected in the same manner as described in 7710
section 1702.06 of the Revised Code. For the filing of ~~such~~ 7711
~~amendment~~ those amendments and corrections, the secretary of state 7712
shall charge and collect ~~a~~ the fee specified in division (B) or 7713
(R) of fifty dollars section 111.16 of the Revised Code. 7714

Sections 1703.01 to 1703.31 of the Revised Code, governing 7715

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foreign corporations for profit in respect to exemption from 7716
attachment, change of location of principal office, change of its 7717
designated agent or of the designated agent's address, service on 7718
the secretary of state, license certificate as prima-facie 7719
evidence, proof of due incorporation, filing of amendments 7720
evidencing changes of corporate name, merger, or consolidation, 7721
filing of certificate of surrender, service on retired 7722
corporation, and penalties or forfeitures for transacting business 7723
without license, for false reports, and for failure to comply with 7724
other applicable provisions of such sections, shall also apply to 7725
foreign nonprofit corporations. 7726

The secretary of state may require further reports, 7727
certificates, or information from a foreign nonprofit corporation, 7728
including verification of the continued existence of the 7729
corporation. Upon the failure of any corporation to provide the 7730
information, the secretary of state shall give notice of the 7731
failure by certified mail and, if the report is not filed within 7732
thirty days after the mailing of the notice, the license of the 7733
corporation to exercise its corporate privileges in this state 7734
shall expire and the secretary of state shall make a notation to 7735
that effect on the secretary of state's records. 7736

Sec. 1703.31. (A) Any foreign corporation may register its 7737
corporate name, if its corporate name is available for use under 7738
division (D) of section 1703.04 of the Revised Code, by filing in 7739
the office of the secretary of state an application, on a form 7740
prescribed by the secretary of state, that contains the following 7741
information: 7742

(1) The exact corporate name to be registered; 7743

(2) The complete address of the principal office of the 7744
corporation; 7745

(3) The jurisdiction of its incorporation; 7746

(4) The date of its incorporation;	7747
(5) A statement that it is carrying on or doing business;	7748
(6) The general nature of the business in which it is engaged;	7749 7750
(7) Any other information required by the secretary of state.	7751 7752
The application shall be signed and verified by an officer of the applicant.	7753 7754
The application shall be accompanied by a certificate stating that the corporation is in good standing under the laws of the jurisdiction of its incorporation, which certificate shall be executed by the official of the jurisdiction having custody of the records pertaining to corporations and dated not earlier than sixty days prior to the filing of the application.	7755 7756 7757 7758 7759 7760
A <u>The filing fee specified in division (S)(1) of twenty-five dollars, payable to the secretary of state, section 111.16 of the Revised Code</u> shall accompany the application.	7761 7762 7763
(B) Registration of a corporate name under this section is effective for a term of one year from the date of registration. Upon application, on a form prescribed by the secretary of state, filed with the secretary of state prior to the expiration of each one-year term, the registration may be renewed for an additional term. The renewal application shall set forth the facts required to be set forth in the original application for registration, together with a certificate of good standing as required for the initial registration.	7764 7765 7766 7767 7768 7769 7770 7771 7772
The secretary of state shall notify registrants within the three months before the expiration of one year from the date of registration of the necessity of renewal by writing to the principal office address of the registrants as shown upon the	7773 7774 7775 7776

current registration in effect. 7777

A The renewal fee specified in division (S)(3) of ~~twenty-five~~ dollars section 111.16 of the Revised Code, payable to the secretary of state, shall accompany the application for renewal of the registration. 7778
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Sec. 1705.05. (A) The name of a limited liability company shall include the words, "limited liability company," without abbreviation or shall include one of the following abbreviations: "LLC," "L.L.C.," "limited," "ltd.," or "ltd". 7782
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(B)(1) Except as provided in this section and in sections 1701.75, 1701.78, 1701.82, 1705.36, and 1705.37 of the Revised Code, the secretary of state shall not accept for filing in the secretary of state's office the articles of organization of a limited liability company if the company name set forth in the articles is not distinguishable on the records of the secretary of state from the name of any of the following: 7786
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(a) Any other limited liability company, whether the name is of a domestic limited liability company or of a foreign limited liability company registered as a foreign limited liability company under this chapter; 7793
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(b) Any corporation, whether the name is of a domestic corporation or of a foreign corporation holding a license as a foreign corporation under the laws of this state pursuant to Chapter 1701., 1702., or 1703. of the Revised Code; 7797
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7800

(c) Any limited liability partnership, whether the name is of a domestic limited liability partnership or a foreign limited liability partnership registered pursuant to Chapter 1775. of the Revised Code; 7801
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7803
7804

(d) Any limited partnership, whether the name is of a domestic limited partnership or a foreign limited partnership 7805
7806

registered pursuant to Chapter 1782. of the Revised Code; 7807

(e) Any trade name to which the exclusive right, at the time 7808
in question, is registered in the office of the secretary of state 7809
pursuant to Chapter 1329. of the Revised Code. 7810

(2) The secretary of state may accept for filing in the 7811
secretary of state's office the articles of organization of a 7812
limited liability company whose name set forth in the articles is 7813
not distinguishable on the records of the secretary of state from 7814
any trade name or the name of another limited liability company, 7815
corporation, limited liability partnership, or limited partnership 7816
if there also is filed in the secretary of state's office the 7817
consent of the other entity or, in the case of a registered trade 7818
name, the person in whose name is registered the exclusive right 7819
to the use of the particular name. 7820

(C) A consent given by an entity or person in whose name is 7821
registered the exclusive right to use a trade name, to the use of 7822
a name by a limited liability company, shall be in the form of an 7823
instrument, prescribed by the secretary of state, that is signed 7824
by an authorized officer or other authorized representative of the 7825
consenting entity or person in whose name the trade name is 7826
registered. 7827

(D) If a judicial sale or a judicial transfer by sale, 7828
transfer of good will, or otherwise involves the right to use the 7829
name of a domestic limited liability company or of a foreign 7830
limited liability company registered as a foreign limited 7831
liability company under this chapter, then, at the request of the 7832
purchaser or transferee of that right, the secretary of state 7833
shall accept for filing articles of organization of a limited 7834
liability company with a name that is the same as or similar to 7835
the name of the other limited liability company if there also is 7836
filed in the secretary of state's office a certified copy of the 7837
court order or decree that confirms or otherwise evidences the 7838

purchase or transfer. 7839

(E) Any person that wishes to reserve a name for a proposed 7840
new limited liability company or any limited liability company 7841
that intends to change its name may submit to the secretary of 7842
state, on a form prescribed by the secretary of state, a written 7843
application for the exclusive right to use a specified name as the 7844
name of the company. If the secretary of state finds, consistent 7845
with this section, that the specified name is available for use, 7846
the secretary of state shall file the application. From the date 7847
of the filing, the applicant has the exclusive right for ~~sixty one~~ 7848
hundred eighty days to use the specified name as the name of the 7849
limited liability company, counting the date of the filing as the 7850
first of the ~~sixty one hundred eighty~~ days. The right so obtained 7851
may be transferred by the applicant or other holder of the right 7852
by filing in the office of the secretary of state a written 7853
transfer, on a form prescribed by the secretary of state, that 7854
states the name and address of the transferee. 7855

~~(F) The secretary of state shall charge and collect a fee of 7856
five dollars for filing under this section any application or 7857
document other than articles of organization or a consent to the 7858
use of a name. 7859~~

Sec. 1705.06. (A) Each limited liability company shall 7860
maintain continuously in this state an agent for service of 7861
process on the company. The agent shall be an individual who is a 7862
resident of this state, a domestic corporation, or a foreign 7863
corporation holding a license as a foreign corporation under the 7864
laws of this state. 7865

(B)(1) The secretary of state shall not accept original 7866
articles of organization of a limited liability company for filing 7867
unless the articles are accompanied by both of the following: 7868

(a) A written appointment of an agent as described in 7869

division (A) of this section that is signed by an authorized 7870
member, manager, or other representative of the limited liability 7871
company; 7872

(b) A written acceptance of the appointment that is signed by 7873
the designated agent on a form prescribed by the secretary of 7874
state. 7875

(2) In cases not covered by division (B)(1) of this section, 7876
the limited liability company shall appoint the agent described in 7877
division (A) of this section and shall file with the secretary of 7878
state, on a form prescribed by the secretary of state, a written 7879
appointment of that agent that is signed as described in division 7880
(K) of this section and a written acceptance of the appointment 7881
that is signed by the designated agent. 7882

(3) For purposes of divisions (B)(1) and (2) of this section, 7883
the filed written acceptance of an agent's appointment shall be a 7884
signed original document or a photocopy, facsimile, or similar 7885
reproduction of a signed original document. 7886

(C) The written appointment of an agent described in division 7887
(A) of this section shall set forth the name of the agent and the 7888
agent's address in this state, including the street and number or 7889
other particular description of that address. It otherwise shall 7890
be in the form that the secretary of state prescribes. The 7891
secretary of state shall keep a record of the names of limited 7892
liability companies and the names and addresses of their agents. 7893
7894

(D) If any agent described in division (A) of this section 7895
dies, resigns, or moves outside of this state, the limited 7896
liability company shall appoint forthwith another agent and file 7897
with the secretary of state, on a form prescribed by the secretary 7898
of state, a written appointment of the agent and acceptance of 7899
appointment as described in division (B)(2) of this section. 7900

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(E) If the agent described in division (A) of this section changes the agent's address from the address stated in the records of the secretary of state, the agent or the limited liability company shall file forthwith with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the new address.

(F) An agent described in division (A) of this section may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a written notice of resignation that is signed by the agent and by mailing a copy of that notice to the limited liability company at the current or last known address of its principal office. The notice shall be mailed to the company on or prior to the date that the notice is filed with the secretary of state and shall set forth the name of the company, the name and current address of the agent, the current or last known address, including the street and number or other particular description, of the company's principal office, a statement of the resignation of the agent, and a statement that a copy of the notice has been sent to the company within the time and in the manner specified in this division. The authority of the resigning agent terminates thirty days after the filing of the notice with the secretary of state.

(G) A limited liability company may revoke the appointment of its agent described in division (A) of this section by filing with the secretary of state, on a form prescribed by the secretary of state, a written appointment of another agent and an acceptance of appointment in the manner described in division (B)(2) of this section and a statement indicating that the appointment of the former agent is revoked.

(H)(1) Any legal process, notice, or demand required or permitted by law to be served upon a limited liability company may be served upon the company as follows:

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(a) If the agent described in division (A) of this section is an individual, by delivering a copy of the process, notice, or demand to the agent;

(b) If the agent is a corporation, by delivering a copy of the process, notice, or demand to the address of the agent in this state as contained in the records of the secretary of state.

(2) If the agent described in division (A) of this section cannot be found or no longer has the address that is stated in the records of the secretary of state or the limited liability company has failed to maintain an agent as required by this section and if the party or the agent or representative of the party that desires service of the process, notice, or demand files with the secretary of state an affidavit that states that one of those circumstances exists and states the most recent address of the company that the party who desires service has been able to ascertain after a diligent search, then the service of the process, notice, or demand upon the secretary of state as the agent of the company may be initiated by delivering to the secretary of state four copies of the process, notice, or demand accompanied by a fee of five dollars. The secretary of state shall give forthwith notice of that delivery to the company at either its principal office as shown upon the secretary of state's records or at any different address specified in the affidavit of the party desiring service and shall forward to the company at either address by certified mail, return receipt requested, a copy of the process, notice, or demand. Service upon the company is made when the secretary of state gives the notice and forwards the process, notice, or demand as set forth in division (H)(2) of this section.

(I) The secretary of state shall keep a record of each process, notice, and demand that pertains to a limited liability company and that is delivered to the secretary of state's office under this section or another law of this state that authorizes

service upon the secretary of state in connection with a limited
liability company. In that record, the secretary of state shall
record the time of each delivery of that type and the secretary of
state's subsequent action with respect to the process, notice, or
demand.

(J) This section does not limit or affect the right to serve
any process, notice, or demand upon a limited liability company in
any other manner permitted by law.

(K) The written appointment of an agent or a written
statement filed by the company with the secretary of state shall
be signed by an authorized member, manager, or other
representative of the company.

~~(L) For filing a written appointment of an agent described in
division (A) of this section that is not filed with the original
articles of organization of a limited liability company and for
filing a statement of change of address of an agent, the secretary
of state shall charge and collect a fee of three dollars.~~

Sec. 1705.38. (A) Upon the adoption by each constituent
entity of an agreement of merger or consolidation pursuant to
section 1705.36 or 1705.37 of the Revised Code, a certificate of
merger or consolidation shall be filed with the secretary of state
that is signed by a manager of each constituent limited liability
company in which the management is not reserved to its members, by
at least one member of each other constituent limited liability
company, by at least one general partner of each constituent
partnership, and by an authorized representative of each other
constituent entity. The certificate shall be on a form prescribed
by the secretary of state and shall set forth only the information
required by this section.

(B)(1) The certificate of merger or consolidation shall set

forth all of the following:	7996
(a) The name and the form of entity of each constituent	7997
entity and the state under the laws of which each constituent	7998
entity exists;	7999
(b) A statement that each constituent entity has complied	8000
with all of the laws under which it exists and that the laws	8001
permit the merger or consolidation;	8002
(c) The name and mailing address of the person or entity that	8003
is to provide, in response to any written request made by a	8004
shareholder, partner, or other equity holder of a constituent	8005
entity, a copy of the agreement of merger or consolidation;	8006
(d) The effective date of the merger or consolidation, which	8007
date may be on or after the date of the filing of the certificate;	8008
(e) The signature of the representative or representatives	8009
authorized to sign the certificate on behalf of each constituent	8010
entity and the office held or the capacity in which the	8011
representative is acting;	8012
(f) A statement that the agreement of merger or consolidation	8013
is authorized on behalf of each constituent entity and that the	8014
persons who signed the certificate on behalf of each entity are	8015
authorized to do so;	8016
(g) In the case of a merger, a statement that one or more	8017
specified constituent entities will be merged into a specified	8018
surviving entity or, in the case of a consolidation, a statement	8019
that the constituent entities will be consolidated into a new	8020
entity;	8021
(h) In the case of a merger, if the surviving entity is a	8022
foreign entity not licensed to transact business in this state,	8023
the name and address of the statutory agent upon whom any process,	8024
notice, or demand may be served;	8025

(i) In the case of a consolidation, the name and address of 8026
the statutory agent upon whom any process, notice, or demand 8027
against any constituent entity or the new entity may be served. 8028

(2) In the case of a consolidation into a new domestic 8029
corporation, limited liability company, or limited partnership, 8030
the articles of incorporation, the articles of organization, or 8031
the certificate of limited partnership of the new domestic entity 8032
shall be filed with the certificate of merger or consolidation. 8033

(3) In the case of a merger into a domestic corporation, 8034
limited liability company, or limited partnership, any amendments 8035
to the articles of incorporation, articles of organization, or 8036
certificate of limited partnership of the surviving domestic 8037
entity shall be filed with the certificate of merger or 8038
consolidation. 8039

(4) If the surviving or new entity is a foreign entity that 8040
desires to transact business in this state as a foreign 8041
corporation, limited liability company, or limited partnership, 8042
the certificate of merger or consolidation shall be accompanied by 8043
the information required by division (B)(8), (9), or (10) of 8044
section 1705.37 of the Revised Code. 8045

(5) If a foreign or domestic corporation licensed to transact 8046
business in this state is a constituent entity and the surviving 8047
or new entity resulting from the merger or consolidation is not a 8048
foreign or domestic corporation that is to be licensed to transact 8049
business in this state, the certificate of merger or consolidation 8050
shall be accompanied by the affidavits, receipts, certificates, or 8051
other evidence required by division (H) of section 1701.86 of the 8052
Revised Code, with respect to each domestic constituent 8053
corporation, and by the affidavits, receipts, certificates, or 8054
other evidence required by division (C) or (D) of section 1703.17 8055
of the Revised Code, with respect to each foreign constituent 8056
corporation licensed to transact business in this state. 8057

8058

(C) If any constituent entity in a merger or consolidation is 8059
organized or formed under the laws of a state other than this 8060
state or under any chapter of the Revised Code other than this 8061
chapter, there also shall be filed in the proper office all 8062
documents that are required to be filed in connection with the 8063
merger or consolidation by the laws of that state or by that 8064
chapter. 8065

(D) Upon the filing of a certificate of merger or 8066
consolidation and other filings as described in division (C) of 8067
this section or at any later date that the certificate of merger 8068
or consolidation specifies, the merger or consolidation is 8069
effective. 8070

(E)(1) Upon request and payment of a the fee specified in 8071
division (D) of ~~ten dollars~~ section 111.16 of the Revised Code, 8072
the secretary of state shall furnish the secretary of state's 8073
certificate setting forth all of the following: 8074

(a) The name and form of entity of each constituent entity 8075
and the states under the laws of which each constituent entity 8076
existed prior to a merger or consolidation; 8077

(b) The name and the form of entity of the surviving or new 8078
entity and the state under the laws of which the surviving entity 8079
exists or the new entity is to exist; 8080

(c) The date of the filing of the certificate of merger or 8081
consolidation in the secretary of state's office; 8082

(d) The effective date of the merger or consolidation. 8083

(2) The certificate of the secretary of state or a copy of a 8084
certificate of merger or consolidation that has been certified by 8085
the secretary of state may be filed for record in the office of 8086
the recorder of any county in this state and, if filed, shall be 8087
recorded in the record of deeds for that county. For that 8088

recording, the county recorder shall charge and collect the same 8089
fees as for recording a deed. 8090

Sec. 1705.55. (A) If any statement in an application for 8091
registration as a foreign limited liability company is materially 8092
false when made or if any facts described in the application have 8093
changed making it inaccurate in any material respect, the foreign 8094
limited liability company shall file promptly with the secretary 8095
of state a certificate correcting the application that shall be on 8096
a form that is prescribed by the secretary of state and be signed 8097
by an authorized representative of the company. ~~If~~ 8098

(B) ~~If~~ the application for registration or a subsequent 8099
certificate of correction becomes inaccurate because the 8100
designated agent resigns or changes the agent's address from that 8101
appearing in the registration application or any subsequent 8102
certificate of correction of the registration application, the 8103
foreign limited liability company, or the designated agent on its 8104
behalf, shall file a notice of that resignation or change promptly 8105
with the secretary of state ~~a new certificate of correction~~ 8106
~~setting forth the new address.~~ 8107

(C) A foreign limited liability company may revoke the 8108
appointment of its designated agent described in division (A) of 8109
section 1705.54 of the Revised Code by filing with the secretary 8110
of state, on a form prescribed by the secretary of state, a 8111
written appointment of another agent and an acceptance of 8112
appointment in the manner described in division (B)(2) of section 8113
1705.06 of the Revised Code and a statement indicating that the 8114
appointment of the former agent is revoked. 8115

(D) The fee specified in division (R) of section 111.16 of 8116
the Revised Code shall accompany a filing under division (B) or 8117
(C) of this section. 8118

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Sec. 1746.04. (A) Except as set forth in section 1746.03 of 8119
the Revised Code, before transacting business in this state, a 8120
business trust shall file ~~a report~~ in the office of the secretary 8121
of state, on forms prescribed by the secretary of state, a report 8122
containing the following information: 8123

(1) A list of the names and addresses of its trustees; 8124

(2) The address of its principal office; 8125

(3) In the case of a foreign business trust, the address of 8126
its principal office within this state, if any; 8127

(4) The business names of the business trust, including any 8128
fictitious or assumed names; 8129

(5) The name and address within this state of a designated 8130
agent upon whom process against the business trust may be served; 8131

(6) The irrevocable consent of the business trust to service 8132
of process upon its designated agent and to service of process 8133
upon the secretary of state if, without the registration of 8134
another agent with the secretary of state, its designated agent 8135
has died, resigned, lost authority, dissolved, become 8136
disqualified, or has removed from this state, or if its designated 8137
agent cannot, with due diligence, be found. 8138

Such report shall have attached as an exhibit an executed 8139
copy of the trust instrument or a true and correct copy of it, 8140
certified to be such by a trustee before an official authorized to 8141
administer oaths or by a public official in another state in whose 8142
office an executed copy is on file. 8143

(B) Not more than ninety days after the occurrence of any 8144
event causing any filing, including exhibits, made pursuant to 8145
division (A) of this section, or any previous filing made pursuant 8146
to this division, to be inaccurate or incomplete, there shall be 8147
filed in the office of the secretary of state all information 8148

necessary to maintain the accuracy and completeness of such 8149
filing. 8150

(C) The secretary of state shall charge and collect ~~a fee~~ the 8151
fees specified in division (T) of ~~seventy-five dollars~~ section 8152
111.16 of the Revised Code for each filing made under division (A) 8153
~~of this section and fifteen dollars for each filing under division~~ 8154
or (B) of this section, except for filings under division (B) of 8155
this section pertaining solely to division (A)(5) of this section, 8156
for which the secretary of state shall charge and collect the fee 8157
specified in division (R) of section 111.16 of the Revised Code. 8158

(D) The trust instrument and other information filed in the 8159
office of the secretary of state are matters of public record, and 8160
persons dealing with a business trust are charged with 8161
constructive notice of the contents of any such instrument or 8162
information by reason of such filing. 8163

(E) A copy of a trust instrument or other information filed 8164
in the office of the secretary of state shall be accepted as 8165
prima-facie evidence of the existence of the instrument or other 8166
information and of its contents, and conclusive evidence of the 8167
existence of such record. 8168

Sec. 1746.06. (A) No business trust that has made a filing 8169
pursuant to section 1746.04 of the Revised Code may use the words 8170
"Incorporated," "Corporation," "Inc.," "Co.," "Partnership," 8171
"Ltd.," or derivatives thereof in its name. 8172

(B) No business trust formed after the effective date of this 8173
chapter that has made a filing pursuant to section 1746.04 of the 8174
Revised Code shall assume the name of any corporation established 8175
under the laws of this state, or of a corporation, firm, or 8176
association, or trust whether or not as defined in section 1746.01 8177
of the Revised Code, or of an individual, carrying on business in 8178
this state at the time when the business trust is created, or 8179

assume a name so similar thereto as to be likely to be mistaken 8180
for it, except with the written consent of such existing 8181
corporation, firm, association, or trust, or of such individual, 8182
previously or concurrently filed with the secretary of state. 8183

(C) The secretary of state shall refuse to receive for filing 8184
the trust instrument of a business trust if it appears to ~~him~~ the 8185
secretary of state to have violated any provision of this section. 8186
The courts of common pleas of this state shall have jurisdiction, 8187
upon the application of any person interested or affected, to 8188
enjoin a business trust from transacting business under any name 8189
in violation of any provision of this section, notwithstanding 8190
that the trust instrument of such business trust has been received 8191
for filing under section 1746.04 of the Revised Code. 8192

(D) Any person who wishes to reserve a name for a proposed 8194
new business trust, or any business trust intending to change its 8195
name, may submit to the secretary of state a written application 8196
for the exclusive right to use a specified name as the name of a 8197
business trust. If the secretary of state finds that, under this 8198
section, the specified name is available for such use, ~~he~~ the 8199
secretary of state shall indorse ~~his~~ the secretary of state's 8200
approval upon and file such application and, from the date of such 8201
indorsement, such applicant shall have the exclusive right for 8202
sixty one hundred eighty days to use the specified name as the 8203
name of a business trust, counting the date of such indorsement as 8204
the first of the sixty one hundred eighty days. The right so 8205
obtained may be transferred by the applicant or other holder 8206
thereof by the filing in the office of the secretary of state of a 8207
written transfer stating the name and address of the transferee. 8208
For filing any application for the exclusive right to use a 8209
specified name under this division, the secretary of state shall 8210
charge and collect a the fee specified in division (S)(1) of ~~five~~ 8211

~~dollars~~ section 111.16 of the Revised Code. For each filing of a 8212
transfer of the right to an exclusive name under this division, 8213
the secretary of state shall charge and collect the fee specified 8214
in division (S)(4) of section 111.16 of the Revised Code. 8215

(E) Any business trust that has not made the filings 8216
described under section 1746.04 of the Revised Code may submit to 8217
the secretary of state a written application for the exclusive 8218
right to use a specified name as the name of such business trust. 8219
If the secretary of state finds that, under this section, the 8220
specified name is available for such use, ~~he~~ the secretary of 8221
state shall indorse ~~his~~ the secretary of state's approval upon and 8222
file such application and, from the date of such indorsement, such 8223
applicant has the exclusive right to use the specified name for 8224
the period that it transacts business. The right so obtained may 8225
be transferred by the applicant or other holder thereof by the 8226
filing in the office of the secretary of state of a written 8227
transfer stating the name and address of the transferee. For 8228
filing ~~any~~ an application for the exclusive right to use a 8229
specified name under this division, the secretary of state shall 8230
charge and collect ~~a~~ the fee specified in division (S)(1) of five 8231
~~dollars~~ section 111.16 of the Revised Code. 8232

Sec. 1746.15. Any business trust that has made the filings 8233
described in section 1746.04 of the Revised Code may withdraw from 8234
this state at any time by filing in the office of the secretary of 8235
state a verified copy of a resolution duly adopted by its trustees 8236
declaring its intention to withdraw and surrender its authority, 8237
accompanied by ~~a~~ the fee of fifteen dollars specified in division 8238
(T) of section 111.16 of the Revised Code. 8239

Sec. 1747.03. (A) Before transacting real estate business in 8240
this state, a real estate investment trust shall file the 8241
following report in the office of the secretary of state, on forms 8242

prescribed by the secretary of state:	8243
(1) An executed copy of the trust instrument or a true and correct copy of it, certified to be such by a trustee before an official authorized to administer oaths or by a public official in another state in whose office an executed copy is on file;	8244 8245 8246 8247
(2) A list of the names and addresses of its trustees;	8248
(3) The address of its principal office;	8249
(4) In the case of a foreign real estate investment trust, the address of its principal office within this state, if any;	8250 8251
(5) The business name of the trust;	8252
(6) The name and address within this state of a designated agent upon whom process against the trust may be served;	8253 8254
(7) The irrevocable consent of the trust to service of process on its designated agent and to service of process upon the secretary of state if, without the registration of another agent with the secretary of state, its designated agent has died, resigned, lost authority, dissolved, become disqualified, or has removed from this state, or if its designated agent cannot, with due diligence, be found;	8255 8256 8257 8258 8259 8260 8261
(8) Not more than ninety days after the occurrence of any event causing any filing made pursuant to divisions (A)(2) to (6) of this section, or any previous filing made pursuant to this division, to be inaccurate or incomplete, all information necessary to maintain the accuracy and completeness of such filing.	8262 8263 8264 8265 8266 8267
(B) For filing <u>filings</u> under this section, the secretary of state shall charge and collect a <u>the fee specified in division (T)</u> of fifty dollars, except that for filing under division (A)(8) of this section, the secretary of state shall charge and collect a fee of ten dollars <u>section 111.16 of the Revised Code, except for</u>	8268 8269 8270 8271 8272

filings under division (A)(8) of this section pertaining solely to 8273
division (A)(6) of this section, for which the secretary of state 8274
shall charge and collect the fee specified in division (R) of 8275
section 111.16 of the Revised Code. 8276

(C) All persons shall be given the opportunity to acquire 8277
knowledge of the contents of the trust instrument and other 8278
information filed in the office of the secretary of state, but no 8279
person dealing with a real estate investment trust shall be 8280
charged with constructive notice of the contents of any such 8281
instrument or information by reason of such filing. 8282

(D) A copy of a trust instrument or other information filed 8283
in the office of the secretary of state ~~shall be~~ is prima-facie 8284
evidence of the existence of the instrument or other information 8285
and of its contents, and ~~as~~ is conclusive evidence of the 8286
existence of such record. 8287

Sec. 1747.04. A trust instrument may be amended in the manner 8288
specified in it or in any manner that is valid under the common or 8289
statutory law applicable to the trust created ~~thereunder~~ under it. 8290
However, no amendment adopted subsequent to the initial filings 8291
required by section 1747.03 of the Revised Code is legally 8292
effective in this state until an executed or certified true and 8293
correct copy of the amendment has been filed in the office of the 8294
secretary of state accompanied by ~~a~~ the fee specified in division 8295
(T) of ~~twenty-five dollars~~ section 111.16 of the Revised Code. 8296

Sec. 1747.10. Any domestic or foreign real estate investment 8297
trust authorized to transact real estate business in this state 8298
may surrender its authority at any time by filing in the office of 8299
the secretary of state a verified copy of a resolution duly 8300
adopted by its trustees declaring its intention to withdraw, 8301
accompanied by ~~a~~ the fee specified in division (T) of ~~ten dollars~~ 8302
section 111.16 of the Revised Code. Such real estate investment 8303

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trust then ceases and is without authority to transact real estate 8304
business in this state, except as necessary for ~~the concluding~~ 8305
~~thereof~~ its conclusion. 8306

Sec. 1775.63. (A) A domestic limited liability partnership or 8307
foreign registered limited liability partnership shall, ~~annually~~ 8308
biennially during the month of July in odd-numbered years, file a 8309
report with the office of the secretary of state verifying and, if 8310
necessary, updating, as of the thirtieth day of June of that year, 8311
the information contained in the registration application required 8312
by division (A) of sections 1775.61 and 1775.64 of the Revised 8313
Code. The ~~annual~~ report shall be made on a form prescribed and 8314
furnished by the secretary of state and shall be signed by a 8315
majority in interest of the partners or by one or more partners 8316
authorized by the partnership to execute the report. 8317

(B) If a domestic limited liability partnership or foreign 8318
registered limited liability partnership fails to file the ~~annual~~ 8319
report in accordance with division (A) of this section, the 8320
secretary of state shall give notice of the failure by certified 8321
mail to the last known address of the partnership or its statutory 8322
agent. If the report is not filed within thirty days after the 8323
mailing of the notice, the secretary of state shall, upon the 8324
expiration of that period, cancel the registration of the 8325
partnership, give notice of the cancellation to the partnership by 8326
regular mail to the last known address of the partnership or its 8327
statutory agent, and make a notation of the cancellation on the 8328
secretary of state's records. 8329

(C) A domestic limited liability partnership or foreign 8330
registered limited liability partnership whose registration has 8331
been canceled pursuant to division (B) of this section may be 8332
reinstated by filing an application for reinstatement, together 8333
with the required ~~annual~~ report or reports, and by paying a ~~the~~ 8334
reinstatement fee specified in division (O) of ~~ten dollars~~ section 8335

111.16 of the Revised Code. The secretary of state shall inform 8336
the tax commissioner of all cancellations and reinstatements under 8337
this section. 8338

Sec. 1775.64. (A) Before transacting business in this state, 8339
a foreign limited liability partnership shall file a registration 8340
application with the secretary of state. The application shall be 8341
on a form prescribed by the secretary of state and shall set forth 8342
only the following information: 8343

(1) The name of the partnership; 8344

(2) The jurisdiction pursuant to the laws of which it was 8345
organized as a limited liability partnership; 8346

(3) The address of its principal office or, if the 8347
partnership's principal office is not located in this state, the 8348
address of a registered office; 8349

(4) The name and address of its agent for service of process 8350
in this state; 8351

(5) A brief statement of the business in which the 8352
partnership engages. 8353

(B) A registration application shall be accompanied by the 8354
application fee specified in division (F) of section 111.16 of the 8355
Revised Code. 8356

(C) A foreign limited liability partnership transacting 8357
business in this state shall comply with the name, correction, and 8358
annual reporting requirements set forth in division (G) of section 8359
1775.61, divisions (B) and (C) of section 1775.62, and section 8360
1775.63 of the Revised Code and shall comply with any statutory or 8361
administrative registration or filing requirements governing the 8362
specific type of business in which the partnership engages. 8363

(D) The secretary of state shall register as a foreign 8364
limited liability partnership, any foreign limited liability 8365

partnership that submits a completed registration application with the required fee. 8366
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(E) Registration as a foreign limited liability partnership ceases if ~~either of the following occurs:~~ 8368
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~~(1) The registration is voluntarily withdrawn by filing with the secretary of state, on a form prescribed by the secretary of state, a written withdrawal notice signed by one or more partners authorized by the partnership to execute a withdrawal notice.~~ 8370
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~~(2) The registration is canceled by the secretary of state pursuant to section 1775.63 of the Revised Code.~~ 8374
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Sec. 1782.04. (A) Each limited partnership shall maintain continuously in this state an agent for service of process on the limited partnership. The agent shall be a natural person who is a resident of this state, a domestic corporation, or a foreign corporation holding a license as such under the laws of this state. 8376
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(B) The secretary of state shall not accept a certificate of limited partnership for filing unless there is filed with the certificate a written appointment of an agent that is signed by the general partners of the limited partnership and a written acceptance of the appointment that is signed by the agent, or unless there is filed a written appointment of an agent that is signed by any authorized officer of the limited partnership and a written acceptance of the appointment that is either the original acceptance signed by the agent or a photocopy, facsimile, or similar reproduction of the original acceptance signed by the agent. 8382
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In the discretion of the secretary of state, an original appointment of statutory agent may be submitted on the same form as the certificate of limited partnership but shall not be 8393
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considered a part of the certificate. 8396

(C) The written appointment of an agent shall set forth the name and address in this state of the agent, including the street and number or other particular description, and shall otherwise be in the form the secretary of state prescribes. The secretary of state shall keep a record of the names of limited partnerships, and the names and addresses of their respective agents. 8397
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(D) If any agent dies, removes from the state, or resigns, the limited partnership shall forthwith appoint another agent and file with the secretary of state, on a form prescribed by the secretary of state, a written appointment of the new agent. 8403
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(E) If the agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the limited partnership or the agent forthwith shall file with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the new address. 8407
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(F) An agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a written notice to that effect that is signed by the agent and by sending a copy of the notice to the limited partnership at its current or last known address or its principal office on or prior to the date the notice is filed with the secretary of state. The notice shall set forth the name of the limited partnership, the name and current address of the agent, the current or last known address, including the street and number or other particular description, of the limited partnership's principal office, the resignation of the agent, and a statement that a copy of the notice has been sent to the limited partnership within the time and in the manner prescribed by this division. Upon the expiration of thirty days after the filing, the authority of the agent shall terminate. 8412
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(G) A limited partnership may revoke the appointment of an 8426

agent by filing with the secretary of state, on a form prescribed 8427
by the secretary of state, a written appointment of another agent 8428
and a statement that the appointment of the former agent is 8429
revoked. 8430

(H) Except when an original appointment of an agent is filed 8431
with the certificate of limited partnership, a written appointment 8432
of an agent or a written statement filed by a limited partnership 8433
with the secretary of state shall be signed by any authorized 8434
officer of the limited partnership, or the general partners of the 8435
limited partnership, or a majority of them. 8436

Sec. 1782.08. (A) To form a limited partnership, a 8437
certificate of limited partnership shall be executed and filed 8438
with the secretary of state, as provided in section 1782.13 of the 8439
Revised Code. The certificate shall be on a form prescribed by the 8440
secretary of state and shall set forth all of the following: 8441

(1) The name of the limited partnership; 8442

(2) The address of the principal place of business of the 8443
limited partnership ~~and the name and address, including the street~~ 8444
~~and number or other particular description, of the agent for~~ 8445
~~service of process maintained pursuant to section 1782.04 of the~~ 8446
~~Revised Code;~~ 8447

(3) The name and business or residence address of each 8448
general partner; 8449

(4) Any other matters that the general partners determine to 8450
include in the certificate. 8451

(B) A written appointment of a statutory agent for the 8452
purpose set forth in section 1782.04 of the Revised Code shall be 8453
filed with the certificate of limited partnership. 8454

(C) A limited partnership is an entity formed at the time of 8455
filing the certificate of limited partnership pursuant to section 8456

1782.13 of the Revised Code or at any later time specified in the 8457
certificate if, in either case, there has been substantial 8458
compliance with the requirements of ~~division~~ divisions (A) and (B) 8459
of this section. 8460

Sec. 1782.09. (A) A certificate of limited partnership shall 8461
be amended by filing a certificate of amendment with the secretary 8462
of state. The certificate of amendment shall be on a form 8463
prescribed by the secretary of state and shall state all of the 8464
following: 8465

(1) The name of the limited partnership and the file number 8466
assigned to it by the secretary of state; 8467

(2) The date of the first filing of the certificate of 8468
limited partnership and, if different, the date of the first 8469
filing by the partnership with the secretary of state pursuant to 8470
section 1782.63 of the Revised Code; 8471

(3) The amendment to the certificate of limited partnership. 8472

(B) Within thirty days after the occurrence of any of the 8473
following events, an amendment to a certificate of limited 8474
partnership reflecting the occurrence of the event shall be filed 8475
pursuant to division (A) of this section: 8476

(1) A new general partner is admitted; 8477

(2) A general partner withdraws; 8478

(3) The business is continued pursuant to section 1782.44 of 8479
the Revised Code after an event of withdrawal of a general 8480
partner; 8481

(4) The address of the principal place of business of the 8482
limited partnership changes; 8483

~~(5) The name or identity of the statutory agent changes;~~ 8484

~~(6) The address of the statutory agent changes;~~ 8485

~~(7) The name of the limited partnership is changes.~~ 8486

(C) A general partner who becomes aware that any statement in 8487
the certificate of limited partnership was materially false when 8488
made or that any arrangements or other facts described have 8489
changed, thereby making the certificate materially inaccurate, 8490
promptly shall amend the certificate. 8491

~~If the certificate becomes inaccurate because the designated 8492
agent changes the agent's address from that appearing in the 8493
certificate of limited partnership or any subsequent amendment 8494
thereto, the limited partnership, or the designated agent on its 8495
behalf, shall file promptly with the secretary of state, on a form 8496
prescribed by the secretary of state, an amendment setting forth 8497
the new address.~~ 8498

(D) A certificate of limited partnership may be amended at 8499
any time for any other proper purpose the general partners 8500
determine. 8501

(E) A person is not liable because an amendment to a 8502
certificate of limited partnership has not been filed to reflect 8503
the occurrence of an event referred to in division (B) of this 8504
section if the amendment is filed within the thirty-day period 8505
specified in that division. 8506

(F) A certificate of limited partnership may be restated at 8507
any time by filing a restatement of the certificate of limited 8508
partnership with the secretary of state. 8509

Sec. 1782.433. (A) Upon the adoption by each constituent 8510
entity of an agreement of merger or consolidation pursuant to 8511
section 1782.431 or 1782.432 of the Revised Code, a certificate of 8512
merger or consolidation shall be filed with the secretary of state 8513
that is signed by an authorized representative of each constituent 8514
entity. The certificate shall be on a form prescribed by the 8515

secretary of state and shall set forth only the information 8516
required by this section. 8517

(B)(1) The certificate of merger or consolidation shall set 8518
forth all of the following: 8519

(a) The name and the form of entity of each constituent 8520
entity and the state under the laws of which each constituent 8521
entity exists; 8522

(b) A statement that each constituent entity has complied 8523
with all of the laws under which it exists and that the laws 8524
permit the merger or consolidation; 8525

(c) The name and mailing address of the person or entity that 8526
is to provide, in response to any written request made by a 8527
shareholder, partner, or other equity holder of a constituent 8528
entity, a copy of the agreement of merger or consolidation; 8529

(d) The effective date of the merger or consolidation, which 8530
date may be on or after the date of the filing of the certificate; 8531

(e) The signature of the representative or representatives 8532
authorized to sign the certificate on behalf of each constituent 8533
entity and the office held or the capacity in which the 8534
representative is acting; 8535

(f) A statement that the agreement of merger or consolidation 8536
is authorized on behalf of each constituent entity and that the 8537
persons who signed the certificate on behalf of each entity are 8538
authorized to do so; 8539

(g) In the case of a merger, a statement that one or more 8540
specified constituent entities will be merged into a specified 8541
surviving entity or, in the case of a consolidation, a statement 8542
that the constituent entities will be consolidated into a new 8543
entity; 8544

(h) In the case of a merger, if the surviving entity is a 8545

foreign entity not licensed to transact business in this state, 8546
the name and address of the statutory agent upon whom any process, 8547
notice, or demand may be served; 8548

(i) In the case of a consolidation, the name and address of 8549
the statutory agent upon whom any process, notice, or demand 8550
against any constituent entity or the new entity may be served. 8551

(2) In the case of a consolidation into a new domestic 8552
corporation, limited liability company, or limited partnership, 8553
the articles of incorporation, the articles of organization, or 8554
the certificate of limited partnership of the new domestic entity 8555
shall be filed with the certificate of merger or consolidation. 8556

(3) In the case of a merger into a domestic corporation, 8557
limited liability company, or limited partnership, any amendments 8558
to the articles of incorporation, articles of organization, or 8559
certificate of limited partnership of the surviving domestic 8560
entity shall be filed with the certificate of merger or 8561
consolidation. 8562

(4) If the surviving or new entity is a foreign entity that 8563
desires to transact business in this state as a foreign 8564
corporation, limited liability company, or limited partnership, 8565
the certificate of merger or consolidation shall be accompanied by 8566
the information required by division (B)(7), (8), or (9) of 8567
section 1782.432 of the Revised Code. 8568

(5) If a foreign or domestic corporation licensed to transact 8569
business in this state is a constituent entity and the surviving 8570
or new entity resulting from the merger or consolidation is not a 8571
foreign or domestic corporation that is to be licensed to transact 8572
business in this state, the certificate of merger or consolidation 8573
shall be accompanied by the affidavits, receipts, certificates, or 8574
other evidence required by division (H) of section 1701.86 of the 8575
Revised Code, with respect to each domestic constituent 8576

corporation, and by the affidavits, receipts, certificates, or
other evidence required by division (C) or (D) of section 1703.17
of the Revised Code, with respect to each foreign constituent
corporation licensed to transact business in this state.

(C) If any constituent entity in a merger or consolidation is
organized or formed under the laws of a state other than this
state or under any chapter of the Revised Code other than this
chapter, there also shall be filed in the proper office all
documents that are required to be filed in connection with the
merger or consolidation by the laws of that state or by that
chapter.

(D) Upon the filing of a certificate of merger or
consolidation and other filings as described in division (C) of
this section or at any later date that the certificate of merger
or consolidation specifies, the merger or consolidation is
effective.

(E) The secretary of state shall furnish, upon request and
payment of ~~a~~ the fee specified in division (D) of ten dollars
section 111.16 of the Revised Code, the secretary of state's
certificate setting forth: the name and form of entity of each
constituent entity and the states under the laws of which each
constituent entity existed prior to the merger or consolidation;
the name and the form of entity of the surviving or new entity and
the state under the laws of which the surviving entity exists or
the new entity is to exist; the date of filing of the certificate
of merger or consolidation with the secretary of state; and the
effective date of the merger or consolidation. The certificate of
the secretary of state, or a copy of the certificate of merger or
consolidation certified by the secretary of state, may be filed
for record in the office of the recorder of any county in this
state and, if filed, shall be recorded in the records of deeds for

that county. For that recording, the county recorder shall charge 8609
and collect the same fee as in the case of deeds. 8610

Sec. 1785.06. A professional association, within thirty days 8611
after the thirtieth day of June in each year, shall furnish a 8612
statement to the secretary of state showing the names and 8613
post-office addresses of all of the shareholders in the 8614
association and certifying that all of the shareholders are duly 8615
licensed, certificated, or otherwise legally authorized to render 8616
within this state the same professional service for which the 8617
association was organized or, in the case of a combination of 8618
professional services described in division (B) of section 1785.01 8619
of the Revised Code, to render within this state any of the 8620
applicable types of professional services for which the 8621
association was organized. This statement shall be made on a form 8622
that the secretary of state shall prescribe, shall be signed by an 8623
officer of the association, and shall be filed in the office of 8624
the secretary of state. 8625

If any professional association fails to file the annual 8626
statement within the time required by this section, the secretary 8627
of state shall give notice of the failure by certified mail, 8628
return receipt requested, to the last known address of the 8629
association or its agent. If the annual statement is not filed 8630
within thirty days after the mailing of the notice, the secretary 8631
of state, upon the expiration of that period, shall cancel the 8632
association's articles of incorporation, give notice of the 8633
cancellation to the association by mail sent to the last known 8634
address of the association or its agent, and make a notation of 8635
the cancellation on the records of the secretary of state. 8636

A professional association whose articles have been canceled 8637
pursuant to this section may be reinstated by filing an 8638
application for reinstatement and the required annual statement or 8639
statements and by paying a the reinstatement fee specified in 8640

division (Q) of ~~ten dollars~~ section 111.16 of the Revised Code. 8641
The rights, privileges, and franchises of a professional 8642
association whose articles have been reinstated are subject to 8643
section 1701.922 of the Revised Code. The secretary of state shall 8644
inform the tax commissioner of all cancellations and 8645
reinstatements under this section. 8646

Sec. 1901.26. (A) Subject to division (E) of this section, 8647
costs in a municipal court shall be fixed and taxed as follows: 8648

(1) The municipal court shall require an advance deposit for 8649
the filing of any new civil action or proceeding when required by 8650
division (A)(9) of this section, and in all other cases, by rule, 8651
shall establish a schedule of fees and costs to be taxed in any 8652
civil or criminal action or proceeding. 8653

(2) The municipal court, by rule, may require an advance 8654
deposit for the filing of any civil action or proceeding and 8655
publication fees as provided in section 2701.09 of the Revised 8656
Code. The court may waive the requirement for advance deposit upon 8657
affidavit or other evidence that a party is unable to make the 8658
required deposit. 8659

(3) When a jury trial is demanded in any civil action or 8660
proceeding, the party making the demand may be required to make an 8661
advance deposit as fixed by rule of court, unless, upon affidavit 8662
or other evidence, the court concludes that the party is unable to 8663
make the required deposit. If a jury is called, the fees of a jury 8664
shall be taxed as costs. 8665

(4) In any civil or criminal action or proceeding, witnesses' 8666
fees shall be fixed in accordance with sections 2335.06 and 8667
2335.08 of the Revised Code. 8668

(5) A reasonable charge for driving, towing, carting, 8669
storing, keeping, and preserving motor vehicles and other personal 8670
property recovered or seized in any proceeding may be taxed as 8671

part of the costs in a trial of the cause, in an amount that shall
be fixed by rule of court.

(6) Chattel property seized under any writ or process issued
by the court shall be preserved pending final disposition for the
benefit of all persons interested and may be placed in storage
when necessary or proper for that preservation. The custodian of
any chattel property so stored shall not be required to part with
the possession of the property until a reasonable charge, to be
fixed by the court, is paid.

(7) The municipal court, as it determines, may refund all
deposits and advance payments of fees and costs, including those
for jurors and summoning jurors, when they have been paid by the
losing party.

(8) Charges for the publication of legal notices required by
statute or order of court may be taxed as part of the costs, as
provided by section 7.13 of the Revised Code.

(B)(1) The municipal court may determine that, for the
efficient operation of the court, additional funds are necessary
to acquire and pay for special projects of the court including,
but not limited to, the acquisition of additional facilities or
the rehabilitation of existing facilities, the acquisition of
equipment, the hiring and training of staff, community service
programs, mediation or dispute resolution services, the employment
of magistrates, the training and education of judges, acting
judges, and magistrates, and other related services. Upon that
determination, the court by rule may charge a fee, in addition to
all other court costs, on the filing of each criminal cause, civil
action or proceeding, or judgment by confession.

If the municipal court offers a special program or service in
cases of a specific type, the municipal court by rule may assess
an additional charge in a case of that type, over and above court

costs, to cover the special program or service. The municipal 8703
court shall adjust the special assessment periodically, but not 8704
retroactively, so that the amount assessed in those cases does not 8705
exceed the actual cost of providing the service or program. 8706

All moneys collected under division (B) of this section shall 8707
be paid to the county treasurer if the court is a county-operated 8708
municipal court or to the city treasurer if the court is not a 8709
county-operated municipal court for deposit into either a general 8710
special projects fund or a fund established for a specific special 8711
project. Moneys from a fund of that nature shall be disbursed upon 8712
an order of the court in an amount no greater than the actual cost 8713
to the court of a project. If a specific fund is terminated 8714
because of the discontinuance of a program or service established 8715
under division (B) of this section, the municipal court may order 8716
that moneys remaining in the fund be transferred to an account 8717
established under this division for a similar purpose. 8718

(2) As used in division (B) of this section: 8719

(a) "Criminal cause" means a charge alleging the violation of 8720
a statute or ordinance, or subsection of a statute or ordinance, 8721
that requires a separate finding of fact or a separate plea before 8722
disposition and of which the defendant may be found guilty, 8723
whether filed as part of a multiple charge on a single summons, 8724
citation, or complaint or as a separate charge on a single 8725
summons, citation, or complaint. "Criminal cause" does not include 8726
separate violations of the same statute or ordinance, or 8727
subsection of the same statute or ordinance, unless each charge is 8728
filed on a separate summons, citation, or complaint. 8729

(b) "Civil action or proceeding" means any civil litigation 8730
that must be determined by judgment entry. 8731

(C) ~~Prior to January 1, 1993, and on and after January 1,~~ 8732
~~2003, the municipal court shall collect the sum of four dollars as~~ 8733

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~~additional filing fees in each new civil action or proceeding for~~ 8734
~~the charitable public purpose of providing financial assistance to~~ 8735
~~legal aid societies that operate within the state. From January 1,~~ 8736
~~1993, through December 31, 2002, the~~ The municipal court shall 8737
collect in all its divisions except the small claims division the 8738
sum of fifteen dollars as additional filing fees in each new civil 8739
action or proceeding for the charitable public purpose of 8740
providing financial assistance to legal aid societies that operate 8741
within the state. ~~From January 1, 1993, through December 31, 2002,~~ 8742
~~the~~ The municipal court shall collect in its small claims division 8743
the sum of seven dollars as additional filing fees in each new 8744
civil action or proceeding for the charitable public purpose of 8745
providing financial assistance to legal aid societies that operate 8746
within the state. This division does not apply to any execution on 8747
a judgment, proceeding in aid of execution, or other post-judgment 8748
proceeding arising out of a civil action. The filing fees required 8749
to be collected under this division shall be in addition to any 8750
other court costs imposed in the action or proceeding and shall be 8751
collected at the time of the filing of the action or proceeding. 8752
The court shall not waive the payment of the additional filing 8753
fees in a new civil action or proceeding unless the court waives 8754
the advanced payment of all filing fees in the action or 8755
proceeding. All such moneys shall be transmitted on the first 8756
business day of each month by the clerk of the court to the 8757
treasurer of state. The moneys then shall be deposited by the 8758
treasurer of state to the credit of the legal aid fund established 8759
under section 120.52 of the Revised Code. 8760

The court may retain up to one per cent of the moneys it 8761
collects under this division to cover administrative costs, 8762
including the hiring of any additional personnel necessary to 8763
implement this division. 8764

(D) In the Cleveland municipal court, reasonable charges for 8765

investigating titles of real estate to be sold or disposed of 8766
under any writ or process of the court may be taxed as part of the 8767
costs. 8768

(E) Under the circumstances described in sections 2969.21 to 8769
2969.27 of the Revised Code, the clerk of the municipal court 8770
shall charge the fees and perform the other duties specified in 8771
those sections. 8772

Sec. 1907.24. (A) Subject to division (C) of this section, a 8773
county court shall fix and tax fees and costs as follows: 8774

(1) The county court shall require an advance deposit for the 8775
filing of any new civil action or proceeding when required by 8776
division (C) of this section and, in all other cases, shall 8777
establish a schedule of fees and costs to be taxed in any civil or 8778
criminal action or proceeding. 8779

(2) The county court by rule may require an advance deposit 8780
for the filing of a civil action or proceeding and publication 8781
fees as provided in section 2701.09 of the Revised Code. The court 8782
may waive an advance deposit requirement upon the presentation of 8783
an affidavit or other evidence that establishes that a party is 8784
unable to make the requisite deposit. 8785

(3) When a party demands a jury trial in a civil action or 8786
proceeding, the county court may require the party to make an 8787
advance deposit as fixed by rule of court, unless the court 8788
concludes, on the basis of an affidavit or other evidence 8789
presented by the party, that the party is unable to make the 8790
requisite deposit. If a jury is called, the county court shall tax 8791
the fees of a jury as costs. 8792

(4) In a civil or criminal action or proceeding, the county 8793
court shall fix the fees of witnesses in accordance with sections 8794
2335.06 and 2335.08 of the Revised Code. 8795

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(5) A county court may tax as part of the costs in a trial of the cause, in an amount fixed by rule of court, a reasonable charge for driving, towing, carting, storing, keeping, and preserving motor vehicles and other personal property recovered or seized in a proceeding.

(6) The court shall preserve chattel property seized under a writ or process issued by the court pending final disposition for the benefit of all interested persons. The court may place the chattel property in storage when necessary or proper for its preservation. The custodian of chattel property so stored shall not be required to part with the possession of the property until a reasonable charge, to be fixed by the court, is paid.

(7) The county court, as it determines, may refund all deposits and advance payments of fees and costs, including those for jurors and summoning jurors, when they have been paid by the losing party.

(8) The court may tax as part of costs charges for the publication of legal notices required by statute or order of court, as provided by section 7.13 of the Revised Code.

(B)(1) The county court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

If the county court offers a special program or service in cases of a specific type, the county court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The county court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the actual cost of providing the service or program.

All moneys collected under division (B) of this section shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (B) of this section, the county court may order that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

(2) As used in division (B) of this section:

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

(C) Subject to division (E) of this section, ~~prior to January~~

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~~1, 1993, and on and after January 1, 2003, the county court shall~~ 8858
~~collect the sum of four dollars as additional filing fees in each~~ 8859
~~new civil action or proceeding for the charitable public purpose~~ 8860
~~of providing financial assistance to legal aid societies that~~ 8861
~~operate within the state. Subject to division (E) of this section,~~ 8862
~~from January 1, 1993, through December 31, 2002, the county court~~ 8863
shall collect in all its divisions except the small claims 8864
division the sum of fifteen dollars as additional filing fees in 8865
each new civil action or proceeding for the charitable public 8866
purpose of providing financial assistance to legal aid societies 8867
that operate within the state. Subject to division (E) of this 8868
section, ~~from January 1, 1993, through December 31, 2002, the~~ 8869
county court shall collect in its small claims division the sum of 8870
seven dollars as additional filing fees in each new civil action 8871
or proceeding for the charitable public purpose of providing 8872
financial assistance to legal aid societies that operate within 8873
the state. This division does not apply to any execution on a 8874
judgment, proceeding in aid of execution, or other post-judgment 8875
proceeding arising out of a civil action. The filing fees required 8876
to be collected under this division shall be in addition to any 8877
other court costs imposed in the action or proceeding and shall be 8878
collected at the time of the filing of the action or proceeding. 8879
The court shall not waive the payment of the additional filing 8880
fees in a new civil action or proceeding unless the court waives 8881
the advanced payment of all filing fees in the action or 8882
proceeding. All such moneys collected during a month shall be 8883
transmitted on or before the twentieth day of the following month 8884
by the clerk of the court to the treasurer of state. The moneys 8885
then shall be deposited by the treasurer of state to the credit of 8886
the legal aid fund established under section 120.52 of the Revised 8887
Code. 8888

The court may retain up to one per cent of the moneys it 8889
collects under this division to cover administrative costs, 8890

including the hiring of any additional personnel necessary to 8891
implement this division. 8892

(D) The county court shall establish by rule a schedule of 8893
fees for miscellaneous services performed by the county court or 8894
any of its judges in accordance with law. If judges of the court 8895
of common pleas perform similar services, the fees prescribed in 8896
the schedule shall not exceed the fees for those services 8897
prescribed by the court of common pleas. 8898

(E) Under the circumstances described in sections 2969.21 to 8899
2969.27 of the Revised Code, the clerk of the county court shall 8900
charge the fees and perform the other duties specified in those 8901
sections. 8902

Sec. 2151.34. A child who is alleged to be or adjudicated a 8903
delinquent child may be confined in a place of juvenile detention 8904
for a period not to exceed ninety days, during which time a social 8905
history may be prepared to include court record, family history, 8906
personal history, school and attendance records, and any other 8907
pertinent studies and material that will be of assistance to the 8908
juvenile court in its disposition of the charges against that 8909
juvenile offender. 8910

Upon the advice and recommendation of the judge, the board of 8911
county commissioners shall provide, by purchase, lease, 8912
construction, or otherwise, a place to be known as a detention 8913
home that shall be within a convenient distance of the juvenile 8914
court and shall not be used for the confinement of adults charged 8915
with criminal offenses and in which delinquent children may be 8916
detained until final disposition. Upon the joint advice and 8917
recommendation of the juvenile judges of two or more adjoining or 8918
neighboring counties, the boards of county commissioners of the 8919
counties shall form themselves into a joint board and proceed to 8920
organize a district for the establishment and support of a 8921

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detention home for the use of the juvenile courts of those 8922
counties, in which delinquent children may be detained until final 8923
disposition, by using a site or buildings already established in 8924
one of the counties or by providing for the purchase of a site and 8925
the erection of the necessary buildings on the site. 8926

A child who is adjudicated to be a juvenile traffic offender 8927
for having committed a violation of division (A) of section 8928
4511.19 of the Revised Code or of a municipal ordinance that is 8929
substantially comparable to that division may be confined in a 8930
detention home or district detention home pursuant to division 8931
(A)(6) of section 2151.356 of the Revised Code, provided the child 8932
is kept separate and apart from alleged delinquent children. 8933

The county or district detention home shall be maintained as 8934
provided in sections 2151.01 to 2151.54 of the Revised Code. In 8935
any county in which there is no detention home or that is not 8936
served by a district detention home, the board of county 8937
commissioners shall provide funds for the boarding of such 8938
children temporarily in private homes. Children who are alleged to 8939
be or have been adjudicated delinquent children may be detained 8940
after a complaint is filed in the detention home until final 8941
disposition of their cases or in certified foster homes or in any 8942
other home approved by the court, if any are available, for a 8943
period not exceeding sixty days or until final disposition of 8944
their cases, whichever comes first. The court also may arrange 8945
with any public children services agency or private child placing 8946
agency to receive, or private noncustodial agency for temporary 8947
care of, the children within the jurisdiction of the court. A 8948
~~district detention home approved for such purpose by the~~ 8949
~~department of youth services under section 5139.281 of the Revised~~ 8950
~~Code may receive children committed to its temporary custody under~~ 8951
~~section 2151.355 of the Revised Code and provide the care,~~ 8952
~~treatment, and training required.~~ 8953

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If a detention home is established as an agency of the court 8954
or a district detention home is established by the courts of 8955
several counties as provided in this section, it shall be 8956
furnished and carried on, as far as possible, as a family home in 8957
charge of a superintendent or matron in a nonpunitive neutral 8958
atmosphere. The judge, or the directing board of a district 8959
detention home, may appoint a superintendent, a matron, and other 8960
necessary employees for the home and fix their salaries. During 8961
the school year, when possible, a comparable educational program 8962
with competent and trained staff shall be provided for those 8963
children of school age. A sufficient number of trained 8964
recreational personnel shall be included among the staff to assure 8965
wholesome and profitable leisure-time activities. Medical and 8966
mental health services shall be made available to ensure the 8967
courts all possible treatment facilities shall be given to those 8968
children placed under their care. In the case of a county 8969
detention home, the salaries shall be paid in the same manner as 8970
is provided by section 2151.13 of the Revised Code for other 8971
employees of the court, and the necessary expenses incurred in 8972
maintaining the detention home shall be paid by the county. In the 8973
case of a district detention home, the salaries and the necessary 8974
expenses incurred in maintaining the district detention home shall 8975
be paid as provided in sections 2151.341 to 2151.3415 of the 8976
Revised Code. 8977

If the court arranges for the board of children temporarily 8978
detained in certified foster homes or arranges for the board of 8979
those children through any private child placing agency, a 8980
reasonable sum to be fixed by the court for the board of those 8981
children shall be paid by the county. In order to have certified 8982
foster homes available for service, an agreed monthly subsidy may 8983
be paid and a fixed rate per day for care of children actually 8984
residing in the certified foster home. 8985

Sec. 2303.201. (A)(1) The court of common pleas of any county 8986
may determine that for the efficient operation of the court 8987
additional funds are required to computerize the court, to make 8988
available computerized legal research services, or to do both. 8989
Upon making a determination that additional funds are required for 8990
either or both of those purposes, the court shall authorize and 8991
direct the clerk of the court of common pleas to charge one 8992
additional fee, not to exceed three dollars, on the filing of each 8993
cause of action or appeal under divisions (A), (Q), and (U) of 8994
section 2303.20 of the Revised Code. 8995

(2) All fees collected under division (A)(1) of this section 8996
shall be paid to the county treasurer. The treasurer shall place 8997
the funds from the fees in a separate fund to be disbursed, upon 8998
an order of the court, in an amount not greater than the actual 8999
cost to the court of procuring and maintaining computerization of 9000
the court, computerized legal research services, or both. 9001

(3) If the court determines that the funds in the fund 9002
described in division (A)(2) of this section are more than 9003
sufficient to satisfy the purpose for which the additional fee 9004
described in division (A)(1) of this section was imposed, the 9005
court may declare a surplus in the fund and expend those surplus 9006
funds for other appropriate technological expenses of the court. 9007

(B)(1) The court of common pleas of any county may determine 9008
that, for the efficient operation of the court, additional funds 9009
are required to computerize the office of the clerk of the court 9010
of common pleas and, upon that determination, authorize and direct 9011
the clerk of the court of common pleas to charge an additional 9012
fee, not to exceed ten dollars, on the filing of each cause of 9013
action or appeal, on the filing, docketing, and endorsing of each 9014
certificate of judgment, or on the docketing and indexing of each 9015
aid in execution or petition to vacate, revive, or modify a 9016

judgment under divisions (A), (P), (Q), (T), and (U) of section 9017
2303.20 of the Revised Code. Subject to division (B)(2) of this 9018
section, all moneys collected under division (B)(1) of this 9019
section shall be paid to the county treasurer to be disbursed, 9020
upon an order of the court of common pleas and subject to 9021
appropriation by the board of county commissioners, in an amount 9022
no greater than the actual cost to the court of procuring and 9023
maintaining computer systems for the office of the clerk of the 9024
court of common pleas. 9025

(2) If the court of common pleas of a county makes the 9026
determination described in division (B)(1) of this section, the 9027
board of county commissioners of that county may issue one or more 9028
general obligation bonds for the purpose of procuring and 9029
maintaining the computer systems for the office of the clerk of 9030
the court of common pleas. In addition to the purposes stated in 9031
division (B)(1) of this section for which the moneys collected 9032
under that division may be expended, the moneys additionally may 9033
be expended to pay debt charges on and financing costs related to 9034
any general obligation bonds issued pursuant to division (B)(2) of 9035
this section as they become due. General obligation bonds issued 9036
pursuant to division (B)(2) of this section are Chapter 133. 9037
securities. 9038

~~(C) Prior to January 1, 1993, and on and after January 1,~~ 9039
~~2003, the court of common pleas shall collect the sum of four~~ 9040
~~dollars as additional filing fees in each new civil action or~~ 9041
~~proceeding for the charitable public purpose of providing~~ 9042
~~financial assistance to legal aid societies that operate within~~ 9043
~~the state. From January 1, 1993, through December 31, 2002, the~~ 9044
The court of common pleas shall collect the sum of fifteen dollars 9045
as additional filing fees in each new civil action or proceeding 9046
for the charitable public purpose of providing financial 9047
assistance to legal aid societies that operate within the state. 9048

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This division does not apply to proceedings concerning annulments, 9049
dissolutions of marriage, divorces, legal separation, spousal 9050
support, marital property or separate property distribution, 9051
support, or other domestic relations matters; to a juvenile 9052
division of a court of common pleas; to a probate division of a 9053
court of common pleas, except that the additional filing fees 9054
shall apply to name change, guardianship, and adoption 9055
proceedings; or to an execution on a judgment, proceeding in aid 9056
of execution, or other post-judgment proceeding arising out of a 9057
civil action. The filing fees required to be collected under this 9058
division shall be in addition to any other filing fees imposed in 9059
the action or proceeding and shall be collected at the time of the 9060
filing of the action or proceeding. The court shall not waive the 9061
payment of the additional filing fees in a new civil action or 9062
proceeding unless the court waives the advanced payment of all 9063
filing fees in the action or proceeding. All such moneys collected 9064
during a month shall be transmitted on or before the twentieth day 9065
of the following month by the clerk of the court to the treasurer 9066
of state. The moneys then shall be deposited by the treasurer of 9067
state to the credit of the legal aid fund established under 9068
section 120.52 of the Revised Code. 9069

The court may retain up to one per cent of the moneys it 9070
collects under this division to cover administrative costs, 9071
including the hiring of any additional personnel necessary to 9072
implement this division. 9073

(D) On and after the thirtieth day after December 9, 1994, 9074
the court of common pleas shall collect the sum of thirty-two 9075
dollars as additional filing fees in each new action or proceeding 9076
for annulment, divorce, or dissolution of marriage for the purpose 9077
of funding shelters for victims of domestic violence pursuant to 9078
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 9079
required to be collected under this division shall be in addition 9080

to any other filing fees imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new action or proceeding for annulment, divorce, or dissolution of marriage unless the court waives the advanced payment of all filing fees in the action or proceeding. On or before the twentieth day of each month, all moneys collected during the immediately preceding month pursuant to this division shall be deposited by the clerk of the court into the county treasury in the special fund used for deposit of additional marriage license fees as described in section 3113.34 of the Revised Code. Upon their deposit into the fund, the moneys shall be retained in the fund and expended only as described in section 3113.34 of the Revised Code.

(E)(1) The court of common pleas may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court, including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

If the court of common pleas offers a special program or service in cases of a specific type, the court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the

actual cost of providing the service or program. 9113

All moneys collected under division (E) of this section shall 9114
be paid to the county treasurer for deposit into either a general 9115
special projects fund or a fund established for a specific special 9116
project. Moneys from a fund of that nature shall be disbursed upon 9117
an order of the court in an amount no greater than the actual cost 9118
to the court of a project. If a specific fund is terminated 9119
because of the discontinuance of a program or service established 9120
under division (E) of this section, the court may order that 9121
moneys remaining in the fund be transferred to an account 9122
established under this division for a similar purpose. 9123

(2) As used in division (E) of this section: 9124

(a) "Criminal cause" means a charge alleging the violation of 9125
a statute or ordinance, or subsection of a statute or ordinance, 9126
that requires a separate finding of fact or a separate plea before 9127
disposition and of which the defendant may be found guilty, 9128
whether filed as part of a multiple charge on a single summons, 9129
citation, or complaint or as a separate charge on a single 9130
summons, citation, or complaint. "Criminal cause" does not include 9131
separate violations of the same statute or ordinance, or 9132
subsection of the same statute or ordinance, unless each charge is 9133
filed on a separate summons, citation, or complaint. 9134

(b) "Civil action or proceeding" means any civil litigation 9135
that must be determined by judgment entry. 9136

Sec. 2317.02. The following persons shall not testify in 9137
certain respects: 9138

(A) An attorney, concerning a communication made to the 9139
attorney by a client in that relation or the attorney's advice to 9140
a client, except that the attorney may testify by express consent 9141
of the client or, if the client is deceased, by the express 9142

consent of the surviving spouse or the executor or administrator 9143
of the estate of the deceased client and except that, if the 9144
client voluntarily testifies or is deemed by section 2151.421 of 9145
the Revised Code to have waived any testimonial privilege under 9146
this division, the attorney may be compelled to testify on the 9147
same subject; 9148

(B)(1) A physician or a dentist concerning a communication 9149
made to the physician or dentist by a patient in that relation or 9150
the physician's or dentist's advice to a patient, except as 9151
otherwise provided in this division, division (B)(2), and division 9152
(B)(3) of this section, and except that, if the patient is deemed 9153
by section 2151.421 of the Revised Code to have waived any 9154
testimonial privilege under this division, the physician may be 9155
compelled to testify on the same subject. 9156

The testimonial privilege established under this division 9157
does not apply, and a physician or dentist may testify or may be 9158
compelled to testify, in any of the following circumstances: 9159

(a) In any civil action, in accordance with the discovery 9160
provisions of the Rules of Civil Procedure in connection with a 9161
civil action, or in connection with a claim under Chapter 4123. of 9162
the Revised Code, under any of the following circumstances: 9163

(i) If the patient or the guardian or other legal 9164
representative of the patient gives express consent; 9165

(ii) If the patient is deceased, the spouse of the patient or 9166
the executor or administrator of the patient's estate gives 9167
express consent; 9168

(iii) If a medical claim, dental claim, chiropractic claim, 9169
or optometric claim, as defined in section 2305.11 of the Revised 9170
Code, an action for wrongful death, any other type of civil 9171
action, or a claim under Chapter 4123. of the Revised Code is 9172
filed by the patient, the personal representative of the estate of 9173

the patient if deceased, or the patient's guardian or other legal representative. 9174
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(b) In any civil action concerning court-ordered treatment or services received by a patient, if the court-ordered treatment or services were ordered as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code. 9176
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(c) In any criminal action concerning any test or the results of any test that determines the presence or concentration of alcohol, a drug of abuse, or alcohol and a drug of abuse in the patient's blood, breath, urine, or other bodily substance at any time relevant to the criminal offense in question. 9183
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(d) In any criminal action against a physician or dentist. In such an action, the testimonial privilege established under this division does not prohibit the admission into evidence, in accordance with the Rules of Evidence, of a patient's medical or dental records or other communications between a patient and the physician or dentist that are related to the action and obtained by subpoena, search warrant, or other lawful means. A court that permits or compels a physician or dentist to testify in such an action or permits the introduction into evidence of patient records or other communications in such an action shall require that appropriate measures be taken to ensure that the confidentiality of any patient named or otherwise identified in the records is maintained. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records. 9188
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(2)(a) If any law enforcement officer submits a written statement to a health care provider that states that an official criminal investigation has begun regarding a specified person or 9203
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that a criminal action or proceeding has been commenced against a
specified person, that requests the provider to supply to the
officer copies of any records the provider possesses that pertain
to any test or the results of any test administered to the
specified person to determine the presence or concentration of
alcohol, a drug of abuse, or alcohol and a drug of abuse in the
person's blood, breath, or urine at any time relevant to the
criminal offense in question, and that conforms to section
2317.022 of the Revised Code, the provider, except to the extent
specifically prohibited by any law of this state or of the United
States, shall supply to the officer a copy of any of the requested
records the provider possesses. If the health care provider does
not possess any of the requested records, the provider shall give
the officer a written statement that indicates that the provider
does not possess any of the requested records.

(b) If a health care provider possesses any records of the
type described in division (B)(2)(a) of this section regarding the
person in question at any time relevant to the criminal offense in
question, in lieu of personally testifying as to the results of
the test in question, the custodian of the records may submit a
certified copy of the records, and, upon its submission, the
certified copy is qualified as authentic evidence and may be
admitted as evidence in accordance with the Rules of Evidence.
Division (A) of section 2317.422 of the Revised Code does not
apply to any certified copy of records submitted in accordance
with this division. Nothing in this division shall be construed to
limit the right of any party to call as a witness the person who
administered the test to which the records pertain, the person
under whose supervision the test was administered, the custodian
of the records, the person who made the records, or the person
under whose supervision the records were made.

(3)(a) If the testimonial privilege described in division 9237

(B)(1) of this section does not apply as provided in division 9238
(B)(1)(a)(iii) of this section, a physician or dentist may be 9239
compelled to testify or to submit to discovery under the Rules of 9240
Civil Procedure only as to a communication made to the physician 9241
or dentist by the patient in question in that relation, or the 9242
physician's or dentist's advice to the patient in question, that 9243
related causally or historically to physical or mental injuries 9244
that are relevant to issues in the medical claim, dental claim, 9245
chiropractic claim, or optometric claim, action for wrongful 9246
death, other civil action, or claim under Chapter 4123. of the 9247
Revised Code. 9248

(b) If the testimonial privilege described in division (B)(1) 9249
of this section does not apply to a physician or dentist as 9250
provided in division (B)(1)(c) of this section, the physician or 9251
dentist, in lieu of personally testifying as to the results of the 9252
test in question, may submit a certified copy of those results, 9253
and, upon its submission, the certified copy is qualified as 9254
authentic evidence and may be admitted as evidence in accordance 9255
with the Rules of Evidence. Division (A) of section 2317.422 of 9256
the Revised Code does not apply to any certified copy of results 9257
submitted in accordance with this division. Nothing in this 9258
division shall be construed to limit the right of any party to 9259
call as a witness the person who administered the test in 9260
question, the person under whose supervision the test was 9261
administered, the custodian of the results of the test, the person 9262
who compiled the results, or the person under whose supervision 9263
the results were compiled. 9264

(4) The testimonial privilege described in division (B)(1) of 9265
this section is not waived when a communication is made by a 9266
physician to a pharmacist or when there is communication between a 9267
patient and a pharmacist in furtherance of the physician-patient 9268
relation. 9269

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(5)(a) As used in divisions (B)(1) to (4) of this section, 9270
"communication" means acquiring, recording, or transmitting any 9271
information, in any manner, concerning any facts, opinions, or 9272
statements necessary to enable a physician or dentist to diagnose, 9273
treat, prescribe, or act for a patient. A "communication" may 9274
include, but is not limited to, any medical or dental, office, or 9275
hospital communication such as a record, chart, letter, 9276
memorandum, laboratory test and results, x-ray, photograph, 9277
financial statement, diagnosis, or prognosis. 9278

(b) As used in division (B)(2) of this section, "health care 9279
provider" ~~has the same meaning as in section 3729.01 of the~~ 9280
~~Revised Code means a hospital, ambulatory care facility, long-term~~ 9281
~~care facility, pharmacy, emergency facility, or health care~~ 9282
~~practitioner.~~ 9283

(c) As used in division (B)(5)(b) of this section: 9284

(i) "Ambulatory care facility" means a facility that provides 9285
medical, diagnostic, or surgical treatment to patients who do not 9286
require hospitalization, including a dialysis center, ambulatory 9287
surgical facility, cardiac catheterization facility, diagnostic 9288
imaging center, extracorporeal shock wave lithotripsy center, home 9289
health agency, inpatient hospice, birthing center, radiation 9290
therapy center, emergency facility, and an urgent care center. 9291
"Ambulatory health care facility" does not include the private 9292
office of a physician or dentist, whether the office is for an 9293
individual or group practice. 9294

(ii) "Emergency facility" means a hospital emergency 9295
department or any other facility that provides emergency medical 9296
services. 9297

(iii) "Health care practitioner" has the same meaning as in 9298
section 4769.01 of the Revised Code. 9299

(iv) "Hospital" has the same meaning as in section 3727.01 of 9300

the Revised Code. 9301

(v) "Long-term care facility" means a nursing home, 9302
residential care facility, or home for the aging, as those terms 9303
are defined in section 3721.01 of the Revised Code; an adult care 9304
facility, as defined in section 3722.01 of the Revised Code; a 9305
nursing facility or intermediate care facility for the mentally 9306
retarded, as those terms are defined in section 5111.20 of the 9307
Revised Code; a facility or portion of a facility certified as a 9308
skilled nursing facility under Title XVIII of the "Social Security 9309
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 9310

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 9311
the Revised Code. 9312

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 9313
apply to doctors of medicine, doctors of osteopathic medicine, 9314
doctors of podiatry, and dentists. 9315

(7) Nothing in divisions (B)(1) to (6) of this section 9316
affects, or shall be construed as affecting, the immunity from 9317
civil liability conferred by section 307.628 or 2305.33 of the 9318
Revised Code upon physicians who report an employee's use of a 9319
drug of abuse, or a condition of an employee other than one 9320
involving the use of a drug of abuse, to the employer of the 9321
employee in accordance with division (B) of that section. As used 9322
in division (B)(7) of this section, "employee," "employer," and 9323
"physician" have the same meanings as in section 2305.33 of the 9324
Revised Code. 9325

(C) A member of the clergy, rabbi, priest, or regularly 9326
ordained, accredited, or licensed minister of an established and 9327
legally cognizable church, denomination, or sect, when the member 9328
of the clergy, rabbi, priest, or minister remains accountable to 9329
the authority of that church, denomination, or sect, concerning a 9330
confession made, or any information confidentially communicated, 9331

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to the member of the clergy, rabbi, priest, or minister for a 9332
religious counseling purpose in the member of the clergy's, 9333
rabbi's, priest's, or minister's professional character; however, 9334
the member of the clergy, rabbi, priest, or minister may testify 9335
by express consent of the person making the communication, except 9336
when the disclosure of the information is in violation of a sacred 9337
trust; 9338

(D) Husband or wife, concerning any communication made by one 9339
to the other, or an act done by either in the presence of the 9340
other, during coverture, unless the communication was made, or act 9341
done, in the known presence or hearing of a third person competent 9342
to be a witness; and such rule is the same if the marital relation 9343
has ceased to exist; 9344

(E) A person who assigns a claim or interest, concerning any 9345
matter in respect to which the person would not, if a party, be 9346
permitted to testify; 9347

(F) A person who, if a party, would be restricted under 9348
section 2317.03 of the Revised Code, when the property or thing is 9349
sold or transferred by an executor, administrator, guardian, 9350
trustee, heir, devisee, or legatee, shall be restricted in the 9351
same manner in any action or proceeding concerning the property or 9352
thing. 9353

(G)(1) A school guidance counselor who holds a valid educator 9354
license from the state board of education as provided for in 9355
section 3319.22 of the Revised Code, a person licensed under 9356
Chapter 4757. of the Revised Code as a professional clinical 9357
counselor, professional counselor, social worker, or independent 9358
social worker, or registered under Chapter 4757. of the Revised 9359
Code as a social work assistant concerning a confidential 9360
communication received from a client in that relation or the 9361
person's advice to a client unless any of the following applies: 9362

(a) The communication or advice indicates clear and present danger to the client or other persons. For the purposes of this division, cases in which there are indications of present or past child abuse or neglect of the client constitute a clear and present danger.

(b) The client gives express consent to the testimony.

(c) If the client is deceased, the surviving spouse or the executor or administrator of the estate of the deceased client gives express consent.

(d) The client voluntarily testifies, in which case the school guidance counselor or person licensed or registered under Chapter 4757. of the Revised Code may be compelled to testify on the same subject.

(e) The court in camera determines that the information communicated by the client is not germane to the counselor-client or social worker-client relationship.

(f) A court, in an action brought against a school, its administration, or any of its personnel by the client, rules after an in-camera inspection that the testimony of the school guidance counselor is relevant to that action.

(g) The testimony is sought in a civil action and concerns court-ordered treatment or services received by a patient as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under ~~chapter~~ Chapter 2151. of the Revised Code.

(2) Nothing in division (G)(1) of this section shall relieve a school guidance counselor or a person licensed or registered under Chapter 4757. of the Revised Code from the requirement to report information concerning child abuse or neglect under section

2151.421 of the Revised Code. 9394

(H) A mediator acting under a mediation order issued under 9395
division (A) of section 3109.052 of the Revised Code or otherwise 9396
issued in any proceeding for divorce, dissolution, legal 9397
separation, annulment, or the allocation of parental rights and 9398
responsibilities for the care of children, in any action or 9399
proceeding, other than a criminal, delinquency, child abuse, child 9400
neglect, or dependent child action or proceeding, that is brought 9401
by or against either parent who takes part in mediation in 9402
accordance with the order and that pertains to the mediation 9403
process, to any information discussed or presented in the 9404
mediation process, to the allocation of parental rights and 9405
responsibilities for the care of the parents' children, or to the 9406
awarding of parenting time rights in relation to their children; 9407

(I) A communications assistant, acting within the scope of 9408
the communication assistant's authority, when providing 9409
telecommunications relay service pursuant to section 4931.35 of 9410
the Revised Code or Title II of the "Communications Act of 1934," 9411
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 9412
made through a telecommunications relay service. Nothing in this 9413
section shall limit the obligation of a communications assistant 9414
to divulge information or testify when mandated by federal law or 9415
regulation or pursuant to subpoena in a criminal proceeding. 9416

Nothing in this section shall limit any immunity or privilege 9417
granted under federal law or regulation. 9418

(J)(1) A chiropractor in a civil proceeding concerning a 9419
communication made to the chiropractor by a patient in that 9420
relation or the chiropractor's advice to a patient, except as 9421
otherwise provided in this division. The testimonial privilege 9422
established under this division does not apply, and a chiropractor 9423
may testify or may be compelled to testify, in any civil action, 9424
in accordance with the discovery provisions of the Rules of Civil 9425

Procedure in connection with a civil action, or in connection with
a claim under Chapter 4123. of the Revised Code, under any of the
following circumstances:

(a) If the patient or the guardian or other legal
representative of the patient gives express consent.

(b) If the patient is deceased, the spouse of the patient or
the executor or administrator of the patient's estate gives
express consent.

(c) If a medical claim, dental claim, chiropractic claim, or
optometric claim, as defined in section 2305.11 of the Revised
Code, an action for wrongful death, any other type of civil
action, or a claim under Chapter 4123. of the Revised Code is
filed by the patient, the personal representative of the estate of
the patient if deceased, or the patient's guardian or other legal
representative.

(2) If the testimonial privilege described in division (J)(1)
of this section does not apply as provided in division (J)(1)(c)
of this section, a chiropractor may be compelled to testify or to
submit to discovery under the Rules of Civil Procedure only as to
a communication made to the chiropractor by the patient in
question in that relation, or the chiropractor's advice to the
patient in question, that related causally or historically to
physical or mental injuries that are relevant to issues in the
medical claim, dental claim, chiropractic claim, or optometric
claim, action for wrongful death, other civil action, or claim
under Chapter 4123. of the Revised Code.

(3) The testimonial privilege established under this division
does not apply, and a chiropractor may testify or be compelled to
testify, in any criminal action or administrative proceeding.

(4) As used in this division, "communication" means

acquiring, recording, or transmitting any information, in any 9457
manner, concerning any facts, opinions, or statements necessary to 9458
enable a chiropractor to diagnosis, treat, or act for a patient. A 9459
communication may include, but is not limited to, any 9460
chiropractic, office, or hospital communication such as a record, 9461
chart, letter, memorandum, laboratory test and results, x-ray, 9462
photograph, financial statement, diagnosis, or prognosis. 9463

Sec. 2317.022. (A) As used in this section, "health care 9464
provider" has the same meaning as in section ~~3729.01~~ 2317.02 of 9465
the Revised Code. 9466

(B) If an official criminal investigation has begun regarding 9467
a person or if a criminal action or proceeding is commenced 9468
against a person, any law enforcement officer who wishes to obtain 9469
from any health care provider a copy of any records the provider 9470
possesses that pertain to any test or the result of any test 9471
administered to the person to determine the presence or 9472
concentration of alcohol, a drug of abuse, or alcohol and a drug 9473
of abuse in the person's blood, breath, or urine at any time 9474
relevant to the criminal offense in question shall submit to the 9475
health care facility a written statement in the following form: 9476

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 9477

To: (insert name of the health care 9478
provider in question). 9479

I hereby state that an official criminal investigation has 9480
begun regarding, or a criminal action or proceeding has been 9481
commenced against, (insert the name of the 9482
person in question), and that I believe that one or more tests has 9483
been administered to ~~him~~ that person by this health care provider 9484
to determine the presence or concentration of alcohol, a drug of 9485
abuse, or alcohol and a drug of abuse in ~~his~~ that person's blood, 9486
breath, or urine at a time relevant to the criminal offense in 9487

question. Therefore, I hereby request that, pursuant to division 9488
(B)(2) of section 2317.02 of the Revised Code, this health care 9489
provider supply me with copies of any records the provider 9490
possesses that pertain to any test or the results of any test 9491
administered to the person specified above to determine the 9492
presence or concentration of alcohol, a drug of abuse, or alcohol 9493
and a drug of abuse in ~~his~~ that person's blood, breath, or urine 9494
at any time relevant to the criminal offense in question. 9495

..... 9496

(Name of officer) 9497

..... 9498

(Officer's title) 9499

..... 9500

(Officer's employing agency) 9501

..... 9502

(Officer's telephone number) 9503

..... 9504

..... 9505

..... 9506

(Agency's address) 9507

..... 9508

(Date written statement submitted)" 9509

(C) A health care provider that receives a written statement 9510
of the type described in division (B) of this section shall comply 9511
with division (B)(2) of section 2317.02 of the Revised Code 9512
relative to the written statement. 9513

Sec. 2329.66. (A) Every person who is domiciled in this state 9514
may hold property exempt from execution, garnishment, attachment, 9515

or sale to satisfy a judgment or order, as follows: 9516

(1)(a) In the case of a judgment or order regarding money 9517
owed for health care services rendered or health care supplies 9518
provided to the person or a dependent of the person, one parcel or 9519
item of real or personal property that the person or a dependent 9520
of the person uses as a residence. Division (A)(1)(a) of this 9521
section does not preclude, affect, or invalidate the creation 9522
under this chapter of a judgment lien upon the exempted property 9523
but only delays the enforcement of the lien until the property is 9524
sold or otherwise transferred by the owner or in accordance with 9525
other applicable laws to a person or entity other than the 9526
surviving spouse or surviving minor children of the judgment 9527
debtor. Every person who is domiciled in this state may hold 9528
exempt from a judgment lien created pursuant to division (A)(1)(a) 9529
of this section the person's interest, not to exceed five thousand 9530
dollars, in the exempted property. 9531

(b) In the case of all other judgments and orders, the 9532
person's interest, not to exceed five thousand dollars, in one 9533
parcel or item of real or personal property that the person or a 9534
dependent of the person uses as a residence. 9535

(2) The person's interest, not to exceed one thousand 9536
dollars, in one motor vehicle; 9537

(3) The person's interest, not to exceed two hundred dollars 9538
in any particular item, in wearing apparel, beds, and bedding, and 9539
the person's interest, not to exceed three hundred dollars in each 9540
item, in one cooking unit and one refrigerator or other food 9541
preservation unit; 9542

(4)(a) The person's interest, not to exceed four hundred 9543
dollars, in cash on hand, money due and payable, money to become 9544
due within ninety days, tax refunds, and money on deposit with a 9545
bank, savings and loan association, credit union, public utility, 9546
landlord, or other person. Division (A)(4)(a) of this section 9547

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applies only in bankruptcy proceedings. This exemption may include 9548
the portion of personal earnings that is not exempt under division 9549
(A)(13) of this section. 9550

(b) Subject to division (A)(4)(d) of this section, the 9551
person's interest, not to exceed two hundred dollars in any 9552
particular item, in household furnishings, household goods, 9553
appliances, books, animals, crops, musical instruments, firearms, 9554
and hunting and fishing equipment, that are held primarily for the 9555
personal, family, or household use of the person; 9556

(c) Subject to division (A)(4)(d) of this section, the 9557
person's interest in one or more items of jewelry, not to exceed 9558
four hundred dollars in one item of jewelry and not to exceed two 9559
hundred dollars in every other item of jewelry; 9560

(d) Divisions (A)(4)(b) and (c) of this section do not 9561
include items of personal property listed in division (A)(3) of 9562
this section. 9563

If the person does not claim an exemption under division 9564
(A)(1) of this section, the total exemption claimed under division 9565
(A)(4)(b) of this section shall be added to the total exemption 9566
claimed under division (A)(4)(c) of this section, and the total 9567
shall not exceed two thousand dollars. If the person claims an 9568
exemption under division (A)(1) of this section, the total 9569
exemption claimed under division (A)(4)(b) of this section shall 9570
be added to the total exemption claimed under division (A)(4)(c) 9571
of this section, and the total shall not exceed one thousand five 9572
hundred dollars. 9573

(5) The person's interest, not to exceed an aggregate of 9574
seven hundred fifty dollars, in all implements, professional 9575
books, or tools of the person's profession, trade, or business, 9576
including agriculture; 9577

(6)(a) The person's interest in a beneficiary fund set apart, 9578

appropriated, or paid by a benevolent association or society, as	9579
exempted by section 2329.63 of the Revised Code;	9580
(b) The person's interest in contracts of life or endowment	9581
insurance or annuities, as exempted by section 3911.10 of the	9582
Revised Code;	9583
(c) The person's interest in a policy of group insurance or	9584
the proceeds of a policy of group insurance, as exempted by	9585
section 3917.05 of the Revised Code;	9586
(d) The person's interest in money, benefits, charity,	9587
relief, or aid to be paid, provided, or rendered by a fraternal	9588
benefit society, as exempted by section 3921.18 of the Revised	9589
Code;	9590
(e) The person's interest in the portion of benefits under	9591
policies of sickness and accident insurance and in lump-sum <u>lump</u>	9592
<u>sum</u> payments for dismemberment and other losses insured under	9593
those policies, as exempted by section 3923.19 of the Revised	9594
Code.	9595
(7) The person's professionally prescribed or medically	9596
necessary health aids;	9597
(8) The person's interest in a burial lot, including, but not	9598
limited to, exemptions under section 517.09 or 1721.07 of the	9599
Revised Code;	9600
(9) The person's interest in the following:	9601
(a) Moneys paid or payable for living maintenance or rights,	9602
as exempted by section 3304.19 of the Revised Code;	9603
(b) Workers' compensation, as exempted by section 4123.67 of	9604
the Revised Code;	9605
(c) Unemployment compensation benefits, as exempted by	9606
section 4141.32 of the Revised Code;	9607

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(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code; 9608
9609

(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code; 9610
9611
9612

(f) Disability assistance payments, as exempted by section 5115.07 of the Revised Code. 9613
9614

(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section or in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's right to a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights, as exempted by section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's right to benefits from the Ohio public safety officers death benefit fund; 9615
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(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to receive a payment under any pension, annuity, or similar plan or contract, not including a payment from a stock bonus or profit-sharing plan or a payment included in division (A)(6)(b) or (10)(a) of this section, on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the person and any of the person's dependents, 9632
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except if all the following apply: 9640

(i) The plan or contract was established by or under the 9641
auspices of an insider that employed the person at the time the 9642
person's rights under the plan or contract arose. 9643

(ii) The payment is on account of age or length of service. 9644

(iii) The plan or contract is not qualified under the 9645
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 9646
amended. 9647

(c) Except for any portion of the assets that were deposited 9648
for the purpose of evading the payment of any debt and except as 9649
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 9650
3123.06 of the Revised Code, the person's right in the assets held 9651
in, or to receive any payment under, any individual retirement 9652
account, individual retirement annuity, "Roth IRA," or education 9653
individual retirement account that provides benefits by reason of 9654
illness, disability, death, or age, to the extent that the assets, 9655
payments, or benefits described in division (A)(10)(c) of this 9656
section are attributable to any of the following: 9657

(i) Contributions of the person that were less than or equal 9658
to the applicable limits on deductible contributions to an 9659
individual retirement account or individual retirement annuity in 9660
the year that the contributions were made, whether or not the 9661
person was eligible to deduct the contributions on the person's 9662
federal tax return for the year in which the contributions were 9663
made; 9664

(ii) Contributions of the person that were less than or equal 9665
to the applicable limits on contributions to a Roth IRA or 9666
education individual retirement account in the year that the 9667
contributions were made; 9668

(iii) Contributions of the person that are within the 9669
applicable limits on rollover contributions under subsections 219, 9670

402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 9671
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 9672
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 9673

(d) Except for any portion of the assets that were deposited 9674
for the purpose of evading the payment of any debt and except as 9675
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 9676
3123.06 of the Revised Code, the person's right in the assets held 9677
in, or to receive any payment under, any Keogh or "H.R. 10" plan 9678
that provides benefits by reason of illness, disability, death, or 9679
age, to the extent reasonably necessary for the support of the 9680
person and any of the person's dependents. 9681

(11) The person's right to receive spousal support, child 9682
support, an allowance, or other maintenance to the extent 9683
reasonably necessary for the support of the person and any of the 9684
person's dependents; 9685

(12) The person's right to receive, or moneys received during 9686
the preceding twelve calendar months from, any of the following: 9687
9688

(a) An award of reparations under sections 2743.51 to 2743.72 9689
of the Revised Code, to the extent exempted by division (D) of 9690
section 2743.66 of the Revised Code; 9691

(b) A payment on account of the wrongful death of an 9692
individual of whom the person was a dependent on the date of the 9693
individual's death, to the extent reasonably necessary for the 9694
support of the person and any of the person's dependents; 9695

(c) Except in cases in which the person who receives the 9696
payment is an inmate, as defined in section 2969.21 of the Revised 9697
Code, and in which the payment resulted from a civil action or 9698
appeal against a government entity or employee, as defined in 9699
section 2969.21 of the Revised Code, a payment, not to exceed five 9700
thousand dollars, on account of personal bodily injury, not 9701

including pain and suffering or compensation for actual pecuniary 9702
loss, of the person or an individual for whom the person is a 9703
dependent; 9704

(d) A payment in compensation for loss of future earnings of 9705
the person or an individual of whom the person is or was a 9706
dependent, to the extent reasonably necessary for the support of 9707
the debtor and any of the debtor's dependents. 9708

(13) Except as provided in sections 3119.80, 3119.81, 9709
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 9710
earnings of the person owed to the person for services in an 9711
amount equal to the greater of the following amounts: 9712

(a) If paid weekly, thirty times the current federal minimum 9713
hourly wage; if paid biweekly, sixty times the current federal 9714
minimum hourly wage; if paid semimonthly, sixty-five times the 9715
current federal minimum hourly wage; or if paid monthly, one 9716
hundred thirty times the current federal minimum hourly wage that 9717
is in effect at the time the earnings are payable, as prescribed 9718
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 9719
U.S.C. 206(a)(1), as amended; 9720

(b) Seventy-five per cent of the disposable earnings owed to 9721
the person. 9722

(14) The person's right in specific partnership property, as 9723
exempted by division (B)(3) of section 1775.24 of the Revised 9724
Code; 9725

(15) A seal and official register of a notary public, as 9726
exempted by section 147.04 of the Revised Code; 9727

(16) The person's interest in a tuition credit or a payment 9728
under section 3334.09 of the Revised Code pursuant to a tuition 9729
credit contract, as exempted by section 3334.15 of the Revised 9730
Code; 9731

(17) Any other property that is specifically exempted from 9732
execution, attachment, garnishment, or sale by federal statutes 9733
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 9734
U.S.C.A. 101, as amended; 9735

(18) The person's interest, not to exceed four hundred 9736
dollars, in any property, except that division (A)(18) of this 9737
section applies only in bankruptcy proceedings. 9738

(B) As used in this section: 9739

(1) "Disposable earnings" means net earnings after the 9740
garnishee has made deductions required by law, excluding the 9741
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 9742
3121.03, or 3123.06 of the Revised Code. 9743

(2) "Insider" means: 9744

(a) If the person who claims an exemption is an individual, a 9745
relative of the individual, a relative of a general partner of the 9746
individual, a partnership in which the individual is a general 9747
partner, a general partner of the individual, or a corporation of 9748
which the individual is a director, officer, or in control; 9749

(b) If the person who claims an exemption is a corporation, a 9750
director or officer of the corporation; a person in control of the 9751
corporation; a partnership in which the corporation is a general 9752
partner; a general partner of the corporation; or a relative of a 9753
general partner, director, officer, or person in control of the 9754
corporation; 9755

(c) If the person who claims an exemption is a partnership, a 9756
general partner in the partnership; a general partner of the 9757
partnership; a person in control of the partnership; a partnership 9758
in which the partnership is a general partner; or a relative in, a 9759
general partner of, or a person in control of the partnership; 9760

(d) An entity or person to which or whom any of the following 9761

applies:	9762
(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.	9763 9764 9765 9766 9767 9768 9769
(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (B)(2)(d)(i) of this section applies.	9770 9771 9772 9773 9774
(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.	9775 9776 9777 9778
(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.	9779 9780 9781
(e) An insider, as otherwise defined in this section, of a person or entity to which division (B)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;	9782 9783 9784 9785
(f) A managing agent of the person who claims an exemption.	9786
(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.	9787 9788
(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.	9789 9790
(C) For purposes of this section, "interest" shall be	9791

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(1) Workers' compensation benefits;	9822
(2) Unemployment compensation payments;	9823
(3) Cash assistance payments under the Ohio works first program;	9824 9825
(4) <u>Benefits and services under the prevention, retention, and contingency program;</u>	9826 9827
<u>(5)</u> Disability assistance administered by the Ohio department of job and family services;	9828 9829
(5) <u>(6)</u> Social security benefits;	9830
(6) <u>(7)</u> Supplemental security income (S.S.I.);	9831
(7) <u>(8)</u> Veteran's benefits;	9832
(8) <u>(9)</u> Black lung benefits;	9833
(9) <u>(10)</u> Certain pensions.	9834
Additionally, your wages never can be taken to pay a debt	9835
until a judgment has been obtained against you. There may be other	9836
benefits not included in this list that apply in your case.	9837
If you dispute the plaintiff's claim and believe that you are	9838
entitled to retain possession of the property because it is exempt	9839
or for any other reason, you may request a hearing before this	9840
court by disputing the claim in the request for hearing form	9841
appearing below, or in a substantially similar form, and	9842
delivering the request for the hearing to this court, at the	9843
office of the clerk of this court, not later than the end of the	9844
fifth business day after you receive this notice. You may state	9845
your reasons for disputing the claim in the space provided on the	9846
form, but you are not required to do so. If you do state your	9847
reasons for disputing the claim in the space provided on the form,	9848
you are not prohibited from stating any other reasons at the	9849
hearing, and if you do not state your reasons, it will not be held	9850

against you by the court and you can state your reasons at the hearing. 9851
9852

If you request a hearing, it will be conducted in 9853
..... courtroom, (address of court), at 9854
.....m. on, 9855

You may avoid having a hearing but retain possession of the 9856
property until the entry of final judgment in the action by filing 9857
with the court, at the office of the clerk of this court, not 9858
later than the end of the fifth business day after you receive 9859
this notice, a bond executed by an acceptable surety in the amount 9860
of \$..... 9861

If you do not request a hearing or file a bond on or before 9862
the end of the fifth business day after you receive this notice, 9863
the court, without further notice to you, may order a law 9864
enforcement officer or bailiff to take possession of the property. 9865
Notice of the dates, times, places, and purposes of any subsequent 9866
hearings and of the date, time, and place of the trial of the 9867
action will be sent to you. 9868

..... 9869
Clerk of Court 9870
Date: " 9871

(B) Along with the notice required by division (A) of this 9872
section, the clerk of the court also shall deliver to the 9873
defendant, in accordance with division (C) of this section, a 9874
request for hearing form together with a postage-paid, 9875
self-addressed envelope or a request for hearing form on a 9876
postage-paid, self-addressed postcard. The request for hearing 9877
shall be in substantially the following form: 9878

"(Name and Address of Court) 9879
Case Number Date 9880

REQUEST FOR HEARING 9881

I dispute the claim for the attachment of property in the 9882
above case and request that a hearing in this matter be held at 9883
the time and place set forth in the notice that I previously 9884
received. 9885

I dispute the claim for the following reasons: 9886

..... 9887

(Optional) 9888

..... 9889

..... 9890

..... 9891

(Name of Defendant) 9892

..... 9893

(Signature) 9894

..... 9895

(Date) 9896

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 9897
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 9898
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 9899
YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE 9900
REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING." 9901

(C) The notice required by division (A) of this section shall 9902
be served on the defendant in duplicate not less than seven 9903
business days prior to the date on which the hearing is scheduled, 9904
together with a copy of the complaint and summons, if not 9905
previously served, and a copy of the motion for the attachment of 9906
property and the affidavit attached to the motion, in the same 9907
manner as provided in the Rules of Civil Procedure for the service 9908
of process. Service may be effected by publication as provided in 9909
the Rules of Civil Procedure except that the number of weeks for 9910
publication may be reduced by the court to the extent appropriate. 9911

Sec. 2715.045. (A) Upon the filing of a motion for 9912
attachment, a court may issue an order of attachment without 9913
issuing notice to the defendant against whom the motion was filed 9914
and without conducting a hearing if the court finds that there is 9915
probable cause to support the motion and that the plaintiff that 9916
filed the motion for attachment will suffer irreparable injury if 9917
the order is delayed until the defendant against whom the motion 9918
has been filed has been given the opportunity for a hearing. The 9919
court's findings shall be based upon the motion and affidavit 9920
filed pursuant to section 2715.03 of the Revised Code and any 9921
other relevant evidence that it may wish to consider. 9922

(B) A finding by the court that the plaintiff will suffer 9923
irreparable injury may be made only if the court finds the 9924
existence of either of the following circumstances: 9925

(1) There is present danger that the property will be 9926
immediately disposed of, concealed, or placed beyond the 9927
jurisdiction of the court. 9928

(2) The value of the property will be impaired substantially 9929
if the issuance of an order of attachment is delayed. 9930

(C)(1) Upon the issuance by a court of an order of attachment 9931
without notice and hearing pursuant to this section, the plaintiff 9932
shall file the order with the clerk of the court, together with a 9933
praecipe instructing the clerk to issue to the defendant against 9934
whom the order was issued a copy of the motion, affidavit, and 9935
order of attachment, and a notice that an order of attachment was 9936
issued and that the defendant has a right to a hearing on the 9937
matter. The clerk then immediately shall serve upon the defendant, 9938
in the manner provided by the Rules of Civil Procedure for service 9939
of process, a copy of the complaint and summons, if not previously 9940
served, a copy of the motion, affidavit, and order of attachment, 9941
and the following notice: 9942

"(Name and Address of the Court)	9943
(Case Caption) Case No.	9944
NOTICE	9945
You are hereby notified that this court has issued an order	9946
in the above case in favor of (name and address of plaintiff), the	9947
plaintiff in this proceeding, directing that property now in your	9948
possession, be taken from you. This order was issued on the basis	9949
of the plaintiff's claim against you as indicated in the documents	9950
that are enclosed with this notice.	9951
The law of Ohio and the United States provides that certain	9952
benefit payments cannot be taken from you to pay a debt. Typical	9953
among the benefits that cannot be attached or executed on by a	9954
creditor are:	9955
(1) Workers' compensation benefits;	9956
(2) Unemployment compensation payments;	9957
(3) Cash assistance payments under the Ohio works first	9958
program;	9959
(4) <u>Benefits and services under the prevention, retention,</u>	9960
<u>and contingency program;</u>	9961
(5) Disability assistance administered by the Ohio department	9962
of job and family services;	9963
(5) (6) Social security benefits;	9964
(6) (7) Supplemental security income (S.S.I.);	9965
(7) (8) Veteran's benefits;	9966
(8) (9) Black lung benefits;	9967
(9) (10) Certain pensions.	9968
Additionally, your wages never can be taken to pay a debt	9969
until a judgment has been obtained against you. There may be other	9970
benefits not included in this list that apply in your case.	9971

If you dispute the plaintiff's claim and believe that you are 9972
entitled to possession of the property because it is exempt or for 9973
any other reason, you may request a hearing before this court by 9974
disputing the claim in the request for hearing form, appearing 9975
below, or in a substantially similar form, and delivering the 9976
request for hearing to this court at the above address, at the 9977
office of the clerk of this court, no later than the end of the 9978
fifth business day after you receive this notice. You may state 9979
your reasons for disputing the claim in the space provided on the 9980
form; however, you are not required to do so. If you do state your 9981
reasons for disputing the claim, you are not prohibited from 9982
stating any other reasons at the hearing, and if you do not state 9983
your reasons, it will not be held against you by the court and you 9984
can state your reasons at the hearing. If you request a hearing, 9985
it will be held within three business days after delivery of your 9986
request for hearing and notice of the date, time, and place of the 9987
hearing will be sent to you. 9988

You may avoid a hearing but recover and retain possession of 9989
the property until the entry of final judgment in the action by 9990
filing with the court, at the office of the clerk of this court, 9991
not later than the end of the fifth business day after you receive 9992
this notice, a bond executed by an acceptable surety in the amount 9993
of \$..... 9994

If you do not request a hearing or file a bond before the end 9995
of the fifth business day after you receive this notice, 9996
possession of the property will be withheld from you during the 9997
pendency of the action. Notice of the dates, times, places, and 9998
purposes of any subsequent hearings and of the date, time, and 9999
place of the trial of the action will be sent to you. 10000

..... 10001
Clerk of the Court 10002
..... 10003

Date" 10004

(2) Along with the notice required by division (C)(1) of this section, the clerk of the court also shall deliver to the defendant a request for hearing form together with a postage-paid, self-addressed envelope or a request for hearing form on a postage-paid, self-addressed postcard. The request for hearing shall be in substantially the following form: 10005
10006
10007
10008
10009
10010

"(Name and Address of Court) 10011

Case Number Date 10012

REQUEST FOR HEARING 10013

I dispute the claim for possession of property in the above case and request that a hearing in this matter be held within three business days after delivery of this request to the court. 10014
10015
10016

I dispute the claim for the following reasons: 10017

..... 10018

(Optional) 10019

..... 10020

..... 10021

..... 10022

(Name of Defendant) 10023

..... 10024

(Signature) 10025

..... 10026

(Date) 10027

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING AND POSSESSION OF THE PROPERTY WILL BE WITHHELD FROM YOU DURING THE PENDENCY OF THE ACTION." 10028
10029
10030
10031
10032

(D) The defendant may receive a hearing in accordance with 10033

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section 2715.043 of the Revised Code by delivering a written
request for hearing to the court within five business days after
receipt of the notice provided pursuant to division (C) of this
section. The request may set forth the defendant's reasons for
disputing the plaintiff's claim for possession of property.
However, neither the defendant's inclusion of nor failure to
include such reasons upon the request constitutes a waiver of any
defense of the defendant or affects the defendant's right to
produce evidence at any hearing or at the trial of the action. If
the request is made by the defendant, the court shall schedule a
hearing within three business days after the request is made, send
notice to the parties of the date, time, and place of the hearing,
and hold the hearing accordingly.

(E) If, after hearing, the court finds that there is not
probable cause to support the motion, it shall order that the
property be redelivered to the defendant without the condition of
bond.

Sec. 2716.13. (A) Upon the filing of a proceeding in
garnishment of property, other than personal earnings, under
section 2716.11 of the Revised Code, the court shall cause the
matter to be set for hearing within twelve days after that filing.

(B) Upon the scheduling of a hearing relative to a proceeding
in garnishment of property, other than personal earnings, under
division (A) of this section, the clerk of the court immediately
shall issue to the garnishee three copies of the order of
garnishment of property, other than personal earnings, and of a
written notice that the garnishee answer as provided in section
2716.21 of the Revised Code and the garnishee's fee required by
section 2716.12 of the Revised Code. The copies of the order and
of the notice shall be served upon the garnishee in the same
manner as a summons is served. The copies of the order and of the

notice shall not be served later than seven days prior to the date 10065
on which the hearing is scheduled. The order shall bind the 10066
property, other than personal earnings, of the judgment debtor in 10067
the possession of the garnishee at the time of service. 10068

The order of garnishment of property, other than personal 10069
earnings, and notice to answer shall be in substantially the 10070
following form: 10071

"ORDER AND NOTICE OF GARNISHMENT 10072
OF PROPERTY OTHER THAN PERSONAL EARNINGS 10073
AND ANSWER OF GARNISHEE 10074

Docket No. 10075
Case No. 10076
In the Court 10077
....., Ohio 10078

The State of Ohio 10079

County of, ss 10080

....., Judgment Creditor 10081

vs. 10082

....., Judgment Debtor 10083

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT 10084

To:, Garnishee 10085

The judgment creditor in the above case has filed an 10086
affidavit, satisfactory to the undersigned, in this Court stating 10087
that you have money, property, or credits, other than personal 10088
earnings, in your hands or under your control that belong to the 10089
judgment debtor, and that some of the money, property, or credits 10090
may not be exempt from garnishment under the laws of the State of 10091
Ohio or the laws of the United States. 10092

You are therefore ordered to complete the "ANSWER OF 10093
GARNISHEE" in section (B) of this form. Return one completed and 10094

signed copy of this form to the clerk of this court together with 10095
the amount determined in accordance with the "ANSWER OF GARNISHEE" 10096
by the following date on which a hearing is tentatively scheduled 10097
relative to this order of garnishment: Deliver one 10098
completed and signed copy of this form to the judgment debtor 10099
prior to that date. Keep the other completed and signed copy of 10100
this form for your files. 10101

The total probable amount now due on this judgment is 10102
\$..... The total probable amount now due includes the unpaid 10103
portion of the judgment in favor of the judgment creditor, which 10104
is \$.....; interest on that judgment and, if applicable, 10105
prejudgment interest relative to that judgment at the rate of 10106
.....% per annum payable until that judgment is satisfied in full; 10107
and court costs in the amount of \$..... 10108

You also are ordered to hold safely anything of value that 10109
belongs to the judgment debtor and that has to be paid to the 10110
court, as determined under the "ANSWER OF GARNISHEE" in section 10111
(B) of this form, but that is of such a nature that it cannot be 10112
so delivered, until further order of the court. 10113

Witness my hand and the seal of this court this 10114
day of, 10115

..... 10116

Judge 10117

SECTION B. ANSWER OF GARNISHEE 10118

Now comes the garnishee, who says: 10119

1. That the garnishee has money, property, or credits, other 10120
than personal earnings, of the judgment debtor under the 10121
garnishee's control and in the garnishee's possession. 10122

..... 10123

yes no if yes, amount 10124

2. That property is described as: 10125

3. If the answer to line 1 is "yes" and the amount is less than the probable amount now due on the judgment, as indicated in section (A) of this form, sign and return this form and pay the amount of line 1 to the clerk of this court.

4. If the answer to line 1 is "yes" and the amount is greater than that probable amount now due on the judgment, as indicated in section (A) of this form, sign and return this form and pay that probable amount now due to the clerk of this court.

5. If the answer to line 1 is "yes" but the money, property, or credits are of such a nature that they cannot be delivered to the clerk of the court, indicate that by placing an "X" in this space: Do not dispose of that money, property, or credits or give them to anyone else until further order of the court.

6. If the answer to line 1 is "no," sign and return this form to the clerk of this court.

I certify that the statements above are true.

.....

(Print Name of Garnishee)

.....

(Print Name and Title of

Person Who Completed Form)

Signed

(Signature of Person Completing Form)

Dated this day of,"

Section A of the form described in this division shall be completed before service. Section B of the form shall be completed by the garnishee, and the garnishee shall file one completed and signed copy of the form with the clerk of the court as the garnishee's answer. The garnishee may keep one completed and signed copy of the form and shall deliver the other completed and signed copy of the form to the judgment debtor.

If several affidavits seeking orders of garnishment of property, other than personal earnings, are filed against the same judgment debtor in accordance with section 2716.11 of the Revised Code, the court involved shall issue the requested orders in the same order in which the clerk received the associated affidavits.

(C)(1) At the time of the filing of a proceeding in garnishment of property, other than personal earnings, under section 2716.11 of the Revised Code, the judgment creditor also shall file with the clerk of the court a praecipe instructing the clerk to issue to the judgment debtor a notice to the judgment debtor form and a request for hearing form. Upon receipt of the praecipe and the scheduling of a hearing relative to an action in garnishment of property, other than personal earnings, under division (A) of this section, the clerk of the court immediately shall serve upon the judgment debtor, in accordance with division (D) of this section, two copies of the notice to the judgment debtor form and of the request for hearing form. The copies of the notice to the judgment debtor form and of the request for hearing form shall not be served later than seven days prior to the date on which the hearing is scheduled.

(a) The notice to the judgment debtor that must be served upon the judgment debtor shall be in substantially the following form:

"(Name and Address of the Court)

(Case Caption) Case No.

NOTICE TO THE JUDGMENT DEBTOR

You are hereby notified that this court has issued an order in the above case in favor of (name and address of judgment creditor), the judgment creditor in this proceeding, directing that some of your money, property, or credits, other than personal earnings, now in the possession of (name and address of garnishee), the garnishee in this proceeding, be used to satisfy

your debt to the judgment creditor. This order was issued on the
basis of the judgment creditor's judgment against you that was
obtained in (name of court) in (case number) on (date). Upon your
receipt of this notice, you are prohibited from removing or
attempting to remove the money, property, or credits until
expressly permitted by the court. Any violation of this
prohibition subjects you to punishment for contempt of court.

The law of Ohio and the United States provides that certain
benefit payments cannot be taken from you to pay a debt. Typical
among the benefits that cannot be attached or executed upon by a
creditor are the following:

- (1) Workers' compensation benefits;
- (2) Unemployment compensation payments;
- (3) Cash assistance payments under the Ohio works first
program;
- (4) Benefits and services under the prevention, retention,
and contingency program;
- (5) Disability assistance administered by the Ohio department
of job and family services;
- ~~(5)~~(6) Social security benefits;
- ~~(6)~~(7) Supplemental security income (S.S.I.);
- ~~(7)~~(8) Veteran's benefits;
- ~~(8)~~(9) Black lung benefits;
- ~~(9)~~(10) Certain pensions.

There may be other benefits not included in the above list
that apply in your case.

If you dispute the judgment creditor's right to garnish your
property and believe that the judgment creditor should not be
given your money, property, or credits, other than personal

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earnings, now in the possession of the garnishee because they are 10218
 exempt or if you feel that this order is improper for any other 10219
 reason, you may request a hearing before this court by disputing 10220
 the claim in the request for hearing form, appearing below, or in 10221
 a substantially similar form, and delivering the request for 10222
 hearing to this court at the above address, at the office of the 10223
 clerk of this court no later than the end of the fifth business 10224
 day after you receive this notice. You may state your reasons for 10225
 disputing the judgment creditor's right to garnish your property 10226
 in the space provided on the form; however, you are not required 10227
 to do so. If you do state your reasons for disputing the judgment 10228
 creditor's right, you are not prohibited from stating any other 10229
 reason at the hearing. If you do not state your reasons, it will 10230
 not be held against you by the court, and you can state your 10231
 reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 10232
 BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing, 10233
 the hearing will be limited to a consideration of the amount of 10234
 your money, property, or credits, other than personal earnings, in 10235
 the possession or control of the garnishee, if any, that can be 10236
 used to satisfy all or part of the judgment you owe to the 10237
 judgment creditor. 10238

If you request a hearing by delivering your request for 10239
 hearing no later than the end of the fifth business day after you 10240
 receive this notice, it will be conducted in courtroom 10241
, (address of court), at m. on, 10242
 You may request the court to conduct the hearing before 10243
 this date by indicating your request in the space provided on the 10244
 form; the court then will send you notice of any change in the 10245
 date, time, or place of the hearing. If you do not request a 10246
 hearing by delivering your request for a hearing no later than the 10247
 end of the fifth business day after you receive this notice, some 10248
 of your money, property, or credits, other than personal earnings, 10249

will be paid to the judgment creditor. 10250

If you have any questions concerning this matter, you may 10251
contact the office of the clerk of this court. If you want legal 10252
representation, you should contact your lawyer immediately. If you 10253
need the name of a lawyer, contact the local bar association. 10254
..... 10255
Clerk of the Court 10256
..... 10257
Date" 10258

(b) The request for hearing form that must be served upon the 10259
judgment debtor shall have attached to it a postage-paid, 10260
self-addressed envelope or shall be on a postage-paid 10261
self-addressed postcard, and shall be in substantially the 10262
following form: 10263
"(Name and Address of Court) 10264

Case Number Date 10265
10266

REQUEST FOR HEARING 10267

I dispute the judgment creditor's right to garnish my money, 10268
property, or credits, other than personal earnings, in the above 10269
case and request that a hearing in this matter be held 10270
..... 10271
(Insert "on" or "earlier than") 10272

the date and time set forth in the document entitled "NOTICE TO 10273
THE JUDGMENT DEBTOR" that I received with this request form. 10274

I dispute the judgment creditor's right to garnish my 10275
property for the following reasons: 10276
..... 10277
(Optional) 10278
..... 10279

.....	10280
I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL	10281
BE HEARD OR CONSIDERED AT THE HEARING.	10282
.....	10283
(Name of Judgment Debtor)	10284
.....	10285
(Signature)	10286
.....	10287
(Date)	10288
WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A	10289
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK	10290
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT,	10291
YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY,	10292
PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE	10293
POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT	10294
CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT	10295
CREDITOR'S NAME)."	10296
(2) The judgment debtor may receive a hearing in accordance	10297
with this division by delivering a written request for hearing to	10298
the court within five business days after receipt of the notice	10299
provided pursuant to division (C)(1) of this section. The request	10300
may set forth the judgment debtor's reasons for disputing the	10301
judgment creditor's right to garnish the money, property, or	10302
credits, other than personal earnings; however, neither the	10303
judgment debtor's inclusion of nor failure to include those	10304
reasons upon the request constitutes a waiver of any defense of	10305
the judgment debtor or affects the judgment debtor's right to	10306
produce evidence at the hearing. If the request is made by the	10307
judgment debtor within the prescribed time, the hearing shall be	10308
limited to a consideration of the amount of money, property, or	10309
credits, other than personal earnings, of the judgment debtor in	10310
the hands of the garnishee, if any, that can be used to satisfy	10311

all or part of the debt owed by the judgment debtor to the
judgment creditor. If a request for a hearing is not received by
the court within the prescribed time, the hearing scheduled
pursuant to division (A) of this section shall be canceled unless
the court grants the judgment debtor a continuance in accordance
with division (C)(3) of this section.

(3) If the judgment debtor does not request a hearing in the
action within the prescribed time pursuant to division (C)(2) of
this section, the court nevertheless may grant a continuance of
the scheduled hearing if the judgment debtor, prior to the time at
which the hearing was scheduled, as indicated on the notice to the
judgment debtor required by division (C)(1) of this section,
establishes a reasonable justification for failure to request the
hearing within the prescribed time. If the court grants a
continuance of the hearing, it shall cause the matter to be set
for hearing as soon as practicable thereafter. The continued
hearing shall be conducted in accordance with division (C)(2) of
this section.

(4) The court may conduct the hearing on the matter prior to
the time at which the hearing was scheduled, as indicated on the
notice to the judgment debtor required by division (C)(1) of this
section, upon the request of the judgment debtor. The parties
shall be sent notice, by the clerk of the court, by regular mail,
of any change in the date, time, or place of the hearing.

(5) If the scheduled hearing is canceled and no continuance
is granted, the court shall issue an order to the garnishee to pay
all or some of the money, property, or credits, other than
personal earnings, of the judgment debtor in the possession of the
garnishee at the time of service of the notice and order into
court if they have not already been paid to the court. This order
shall be based on the answer of the garnishee filed pursuant to
this section. If the scheduled hearing is conducted or if it is

continued and conducted, the court shall determine at the hearing 10344
the amount of the money, property, or credits, other than personal 10345
earnings, of the judgment debtor in the possession of the 10346
garnishee at the time of service of the notice and order, if any, 10347
that can be used to satisfy all or part of the debt owed by the 10348
judgment debtor to the judgment creditor, and issue an order, 10349
accordingly, to the garnishee to pay that amount into court if it 10350
has not already been paid to the court. 10351

(D) The notice to the judgment debtor form and the request 10352
for hearing form described in division (C) of this section shall 10353
be sent by the clerk by ordinary or regular mail service unless 10354
the judgment creditor requests that service be made in accordance 10355
with the Rules of Civil Procedure, in which case the forms shall 10356
be served in accordance with the Rules of Civil Procedure. Any 10357
court of common pleas that issues an order of garnishment of 10358
property, other than personal earnings, under this section has 10359
jurisdiction to serve process pursuant to this section upon a 10360
garnishee who does not reside within the jurisdiction of the 10361
court. Any county court or municipal court that issues an order of 10362
garnishment of property, other than personal earnings, under this 10363
section has jurisdiction to serve process pursuant to this section 10364
upon a garnishee who does not reside within the jurisdiction of 10365
the court. 10366

Sec. 2921.13. (A) No person shall knowingly make a false 10367
statement, or knowingly swear or affirm the truth of a false 10368
statement previously made, when any of the following applies: 10369

(1) The statement is made in any official proceeding. 10370

(2) The statement is made with purpose to incriminate 10371
another. 10372

(3) The statement is made with purpose to mislead a public 10373
official in performing the public official's official function. 10374

- (4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency ~~assistance~~ benefits and services; disability assistance; retirement benefits; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury. 10375
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- (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement. 10382
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- (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths. 10386
10387
- (7) The statement is in writing on or in connection with a report or return that is required or authorized by law. 10388
10389
- (8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment. 10390
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- (9) The statement is made with purpose to commit or facilitate the commission of a theft offense. 10397
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- (10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report. 10399
10400
10401
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- (11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law. 10404
10405

(12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record.

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(C) It is no defense to a charge under division (A)(4) of this section that the oath or affirmation was administered or taken in an irregular manner.

(D) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false but only that one or the other was false.

(E)(1) Whoever violates division (A)(1), (2), (3), (4), (5), (6), (7), (8), (10), (11), or (13) of this section is guilty of falsification, a misdemeanor of the first degree.

(2) Whoever violates division (A)(9) of this section is guilty of falsification in a theft offense. Except as otherwise provided in this division, falsification in a theft offense is a

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misdemeanor of the first degree. If the value of the property or
services stolen is five hundred dollars or more and is less than
five thousand dollars, falsification in a theft offense is a
felony of the fifth degree. If the value of the property or
services stolen is five thousand dollars or more and is less than
one hundred thousand dollars, falsification in a theft offense is
a felony of the fourth degree. If the value of the property or
services stolen is one hundred thousand dollars or more,
falsification in a theft offense is a felony of the third degree.

(3) Whoever violates division (A)(12) or (B) of this section
is guilty of falsification to purchase a firearm, a felony of the
fifth degree.

(F) A person who violates this section is liable in a civil
action to any person harmed by the violation for injury, death, or
loss to person or property incurred as a result of the commission
of the offense and for reasonable attorney's fees, court costs,
and other expenses incurred as a result of prosecuting the civil
action commenced under this division. A civil action under this
division is not the exclusive remedy of a person who incurs
injury, death, or loss to person or property as a result of a
violation of this section.

Sec. 2949.091. (A)(1) The court, in which any person is
convicted of or pleads guilty to any offense other than a traffic
offense that is not a moving violation, shall impose the sum of
~~eleven~~ thirteen dollars as costs in the case in addition to any
other court costs that the court is required by law to impose upon
the offender. All such moneys collected during a month shall be
transmitted on or before the twentieth day of the following month
by the clerk of the court to the treasurer of state ~~and deposited~~
~~by the.~~ The treasurer of state shall deposit eleven-thirteenths of
the moneys transmitted into the general revenue fund. The

treasurer of state shall deposit two-thirteenths of the moneys 10468
transmitted into the state treasury to the credit of the county 10469
public defender reimbursement fund, which is hereby created. All 10470
moneys credited to the fund shall be used by the state public 10471
defender to reimburse counties for the operation of county public 10472
defender offices, joint county public defender offices, and county 10473
appointed counsel systems pursuant to sections 120.18, 120.28, and 10474
120.33 of the Revised Code. 10475

The court shall not waive the payment of the additional 10476
~~eleven~~ thirteen dollars court costs, unless the court determines 10477
that the offender is indigent and waives the payment of all court 10478
costs imposed upon the indigent offender. 10479

(2) The juvenile court, in which a child is found to be a 10480
delinquent child or a juvenile traffic offender for an act which, 10481
if committed by an adult, would be an offense other than a traffic 10482
offense that is not a moving violation, shall impose the sum of 10483
~~eleven~~ thirteen dollars as costs in the case in addition to any 10484
other court costs that the court is required or permitted by law 10485
to impose upon the delinquent child or juvenile traffic offender. 10486
All such moneys collected during a month shall be transmitted on 10487
or before the twentieth day of the following month by the clerk of 10488
the court to the treasurer of state ~~and deposited by the~~. The 10489
treasurer of state shall deposit eleven-thirteenths of the moneys 10490
transmitted into the general revenue fund. ~~The~~ eleven treasurer of 10491
state shall deposit two-thirteenths of the moneys transmitted into 10492
the county public defender reimbursement fund. 10493

The thirteen dollars court costs shall be collected in all 10494
cases unless the court determines the juvenile is indigent and 10495
waives the payment of all court costs, or enters an order on its 10496
journal stating that it has determined that the juvenile is 10497
indigent, that no other court costs are to be taxed in the case, 10498
and that the payment of the ~~eleven~~ thirteen dollars court costs is 10499

waived. 10500

(B) Whenever a person is charged with any offense other than 10501
a traffic offense that is not a moving violation and posts bail, 10502
the court shall add to the amount of the bail the ~~eleven~~ thirteen 10503
dollars required to be paid by division (A)(1) of this section. 10504
The ~~eleven~~ thirteen dollars shall be retained by the clerk of the 10505
court until the person is convicted, pleads guilty, forfeits bail, 10506
is found not guilty, or has the charges dismissed. If the person 10507
is convicted, pleads guilty, or forfeits bail, the clerk shall 10508
transmit the ~~eleven~~ thirteen dollars on or before the twentieth 10509
day of the month following the month in which the person was 10510
convicted, pleaded guilty, or forfeited bail to the treasurer of 10511
state, ~~who~~. The treasurer of state shall deposit it eleven of the 10512
thirteen dollars into the general revenue fund and two of the 10513
thirteen dollars into the county public defender reimbursement 10514
fund. If the person is found not guilty or the charges are 10515
dismissed, the clerk shall return the ~~eleven~~ thirteen dollars to 10516
the person. 10517

(C) No person shall be placed or held in a detention facility 10518
for failing to pay the additional ~~eleven~~ thirteen dollars court 10519
costs or bail that are required to be paid by this section. 10520

(D) As used in this section: 10521

(1) "Moving violation" and "bail" have the same meanings as 10522
in section 2743.70 of the Revised Code. 10523

(2) "Detention facility" has the same meaning as in section 10524
2921.01 of the Revised Code. 10525

Sec. 2953.21. (A)(1) Any person who has been convicted of a 10526
criminal offense or adjudicated a delinquent child and who claims 10527
that there was such a denial or infringement of the person's 10528
rights as to render the judgment void or voidable under the Ohio 10529
Constitution or the Constitution of the United States may file a 10530

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petition in the court that imposed sentence, stating the grounds 10531
for relief relied upon, and asking the court to vacate or set 10532
aside the judgment or sentence or to grant other appropriate 10533
relief. The petitioner may file a supporting affidavit and other 10534
documentary evidence in support of the claim for relief. 10535

(2) A petition under division (A)(1) of this section shall be 10536
filed no later than one hundred eighty days after the date on 10537
which the trial transcript is filed in the court of appeals in the 10538
direct appeal of the judgment of conviction or adjudication or, if 10539
the direct appeal involves a sentence of death, the date on which 10540
the trial transcript is filed in the supreme court. If no appeal 10541
is taken, the petition shall be filed no later than one hundred 10542
eighty days after the expiration of the time for filing the 10543
appeal. 10544

(3) In a petition filed under division (A) of this section, a 10545
person upon whom a sentence of death has been imposed may ask the 10546
court to render void or voidable the judgment with respect to the 10547
conviction of aggravated murder or the specification of an 10548
aggravating circumstance. 10549

(4) A petitioner shall state in the original or amended 10550
petition filed under division (A) of this section all grounds for 10551
relief claimed by the petitioner. Except as provided in section 10552
2953.23 of the Revised Code, any ground for relief that is not so 10553
stated in the petition is waived. 10554

(5) If the petitioner in a petition filed under division (A) 10555
of this section was convicted of or pleaded guilty to a felony, 10556
the petition may include a claim that the petitioner was denied 10557
the equal protection of the laws in violation of the Ohio 10558
Constitution or the United States Constitution because the 10559
sentence imposed upon the petitioner for the felony was part of a 10560
consistent pattern of disparity in sentencing by the judge who 10561
imposed the sentence, with regard to the petitioner's race, 10562

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gender, ethnic background, or religion. If the supreme court
adopts a rule requiring a court of common pleas to maintain
information with regard to an offender's race, gender, ethnic
background, or religion, the supporting evidence for the petition
shall include, but shall not be limited to, a copy of that type of
information relative to the petitioner's sentence and copies of
that type of information relative to sentences that the same judge
imposed upon other persons.

(B) The clerk of the court in which the petition is filed
shall docket the petition and bring it promptly to the attention
of the court. The petitioner need not serve a copy of the petition
on the prosecuting attorney. The clerk of the court in which the
petition is filed immediately shall forward a copy of the petition
to the prosecuting attorney of that county.

(C) The court shall consider a petition that is timely filed
under division (A)(2) of this section even if a direct appeal of
the judgment is pending. Before granting a hearing on a petition
filed under division (A) of this section, the court shall
determine whether there are substantive grounds for relief. In
making such a determination, the court shall consider, in addition
to the petition, the supporting affidavits, and the documentary
evidence, all the files and records pertaining to the proceedings
against the petitioner, including, but not limited to, the
indictment, the court's journal entries, the journalized records
of the clerk of the court, and the court reporter's transcript.
The court reporter's transcript, if ordered and certified by the
court, shall be taxed as court costs. If the court dismisses the
petition, it shall make and file findings of fact and conclusions
of law with respect to such dismissal.

(D) Within ten days after the docketing of the petition, or
within any further time that the court may fix for good cause
shown, the prosecuting attorney shall respond by answer or motion.

Within twenty days from the date the issues are made up, either
party may move for summary judgment. The right to summary judgment
shall appear on the face of the record.

(E) Unless the petition and the files and records of the case
show the petitioner is not entitled to relief, the court shall
proceed to a prompt hearing on the issues even if a direct appeal
of the case is pending. If the court notifies the parties that it
has found grounds for granting relief, either party may request an
appellate court in which a direct appeal of the judgment is
pending to remand the pending case to the court.

(F) At any time before the answer or motion is filed, the
petitioner may amend the petition with or without leave or
prejudice to the proceedings. The petitioner may amend the
petition with leave of court at any time thereafter.

(G) If the court does not find grounds for granting relief,
it shall make and file findings of fact and conclusions of law and
shall enter judgment denying relief on the petition. If no direct
appeal of the case is pending and the court finds grounds for
relief or if a pending direct appeal of the case has been remanded
to the court pursuant to a request made pursuant to division (E)
of this section and the court finds grounds for granting relief,
it shall make and file findings of fact and conclusions of law and
shall enter a judgment that vacates and sets aside the judgment in
question, and, in the case of a petitioner who is a prisoner in
custody, shall discharge or resentence the petitioner or grant a
new trial as the court determines appropriate. The court also may
make supplementary orders to the relief granted, concerning such
matters as arraignment, retrial, custody, and bail. If the trial
court's order granting the petition is reversed on appeal and if
the direct appeal of the case has been remanded from an appellate
court pursuant to a request under division (E) of this section,
the appellate court reversing the order granting the petition

shall notify the appellate court in which the direct appeal of the case was pending at the time of the remand of the reversal and remand of the trial court's order. Upon the reversal and remand of the trial court's order granting the petition, regardless of whether notice is sent or received, the direct appeal of the case that was remanded is reinstated.

(H) Upon the filing of a petition pursuant to division (A) of this section by a prisoner in a state correctional institution who has received the death penalty, the court may stay execution of the judgment challenged by the petition.

(I)(1) If a person who has received the death penalty intends to file a petition under this section, the court shall appoint counsel to represent the person upon a finding that the person is indigent and that the person either accepts the appointment of counsel or is unable to make a competent decision whether to accept or reject the appointment of counsel. The court may decline to appoint counsel for the person only upon a finding, after a hearing if necessary, that the person rejects the appointment of counsel and understands the legal consequences of that decision or upon a finding that the person is not indigent.

(2) The court shall not appoint as counsel under division (I)(1) of this section an attorney who represented the petitioner at trial in the case to which the petition relates unless the person and the attorney expressly request the appointment. The court shall appoint as counsel under division (I)(1) of this section only an attorney who is certified under Rule 65 20 of the Rules of Superintendence for the Courts of ~~Common Pleas~~ Ohio to represent indigent defendants charged with or convicted of an offense for which the death penalty can be or has been imposed. The ineffectiveness or incompetence of counsel during proceedings under this section does not constitute grounds for relief in a proceeding under this section, in an appeal of any action under

this section, or in an application to reopen a direct appeal. 10659

(3) Division (I) of this section does not preclude attorneys 10660
who represent the state of Ohio from invoking the provisions of 28 10661
U.S.C. 154 with respect to capital cases that were pending in 10662
federal habeas corpus proceedings prior to the effective date of 10663
this amendment insofar as the petitioners in those cases were 10664
represented in proceedings under this section by one or more 10665
counsel appointed by the court under this section or section 10666
120.06, 120.16, 120.26, or 120.33 of the Revised Code and those 10667
appointed counsel meet the requirements of division (I)(2) of this 10668
section. 10669

(J) Subject to the appeal of a sentence for a felony that is 10670
authorized by section 2953.08 of the Revised Code, the remedy set 10671
forth in this section is the exclusive remedy by which a person 10672
may bring a collateral challenge to the validity of a conviction 10673
or sentence in a criminal case or to the validity of an 10674
adjudication of a child as a delinquent child for the commission 10675
of an act that would be a criminal offense if committed by an 10676
adult or the validity of a related order of disposition. 10677

Sec. 3109.14. (A) As used in this section, "birth record" and 10678
"certification of birth" have the meanings given in section 10679
3705.01 of the Revised Code. 10680

(B)(1) The director of health, a person authorized by the 10681
director, a local commissioner of health, or a local registrar of 10682
vital statistics shall charge and collect a fee for each certified 10683
copy of a birth record ~~and~~, for each certification of birth ~~a fee~~ 10684
~~of two dollars~~, and for each copy of a death record ~~a fee of two~~ 10685
~~dollars~~, Until October 1, 2001, the fee shall be two dollars. On 10686
and after October 1, 2001, the fee shall be three dollars. The fee 10687
is in addition to the fee imposed by section 3705.24 or any other 10688
section of the Revised Code. A local commissioner of health or a 10689

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local registrar of vital statistics may retain an amount of each 10690
additional fee collected, not to exceed three per cent of the 10691
amount of the additional fee, to be used for costs directly 10692
related to the collection of the fee and the forwarding of the fee 10693
to the treasurer of state. 10694

(2) Upon the filing for a divorce decree under section 10695
3105.10 or a decree of dissolution under section 3105.65 of the 10696
Revised Code, a court of common pleas shall charge and collect a 10697
fee of ten dollars. Until October 1, 2001, the fee shall be ten 10698
dollars. On and after October 1, 2001, the fee shall be eleven 10699
dollars. The fee is in addition to any other court costs or fees. 10700
The county clerk of courts may retain an amount of each additional 10701
fee collected, not to exceed three per cent of the amount of the 10702
additional fee, to be used for costs directly related to the 10703
collection of the fee and the forwarding of the fee to the 10704
treasurer of state. 10705

(C) The additional fees collected, but not retained, under 10706
this section during each month shall be forwarded not later than 10707
the tenth day of the immediately following month to the treasurer 10708
of state, who shall deposit the fees in the state treasury to the 10709
credit of the children's trust fund, which is hereby created. A 10710
person or government entity that fails to forward the fees in a 10711
timely manner, as determined by the treasurer of state, shall 10712
forward to the treasurer of state, in addition to the fees, a 10713
penalty equal to ten per cent of the fees. 10714

The treasurer of state shall invest the moneys in the fund, 10715
and all earnings resulting from investment of the fund shall be 10716
credited to the fund, except that actual administrative costs 10717
incurred by the treasurer of state in administering the fund may 10718
be deducted from the earnings resulting from investments. The 10719
amount that may be deducted shall not exceed three per cent of the 10720
total amount of fees credited to the fund in each fiscal year, 10721

except that the children's trust fund board may approve an amount 10722
for actual administrative costs exceeding three per cent but not 10723
exceeding four per cent of such amount. The balance of the 10724
investment earnings shall be credited to the fund. Moneys credited 10725
to the fund shall be used only for the purposes described in 10726
sections 3109.13 to 3109.18 of the Revised Code. 10727

Sec. 3301.075. The state board of education shall adopt rules 10728
governing the purchasing and leasing of data processing services 10729
and equipment for all local, exempted village, city, and joint 10730
vocational school districts and all educational service centers. 10731
Such rules shall include provisions for the establishment of an 10732
Ohio education computer network under procedures, guidelines, and 10733
specifications of the department of education. 10734
10735

The department shall administer funds appropriated for the 10736
Ohio education computer network to ensure its efficient and 10737
economical operation and shall approve no more than twenty-seven 10738
data acquisition sites to operate concurrently. Such sites shall 10739
be approved for funding in accordance with rules of the state 10740
board adopted under this section that shall provide for the 10741
superintendent of public instruction to require the membership of 10742
each data acquisition site to be composed of combinations of 10743
school districts and educational service centers ~~from contiguous~~ 10744
~~counties~~ having sufficient students to support an efficient, 10745
economical comprehensive program of computer services to member 10746
districts and educational service centers. Each data acquisition 10747
site, ~~other than sites organized under Chapter 167. of the Revised~~ 10748
~~Code prior to the effective date of this section,~~ shall be 10749
organized in accordance with section 3313.92 or Chapter 167. of 10750
the Revised Code. 10751

The department of education may contract with an independent 10752

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for profit or nonprofit entity to provide current and historical 10753
 information on Ohio government through the Ohio education computer 10754
 network to school district libraries operating in accordance with 10755
 section 3375.14 of the Revised Code in order to assist school 10756
 teachers in social studies course instruction and support student 10757
 research projects. Any such contract shall be awarded in 10758
 accordance with Chapter 125. of the Revised Code. 10759

Sec. 3301.70. (A) The state board of education is the 10760
 designated state agency responsible for the coordination and 10761
 administration of sections 110 to 118 of the "National and 10762
 Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 10763
 12401 to 12431, ~~and amendments thereto as amended~~. With the 10764
 assistance of the ~~state Ohio~~ community service ~~advisory committee~~ 10765
~~council~~ created in section 121.40 of the Revised Code, the state 10766
 board shall coordinate with other state agencies to apply for 10767
 funding under the act when appropriate. 10768

(B) With the assistance of the ~~state Ohio~~ community service 10769
~~advisory committee~~ ~~council~~, the state board of education shall 10770
 develop a plan to assist school districts in the implementation of 10771
 section 3313.605 of the Revised Code and other community service 10772
 activities of school districts. The state board shall encourage 10773
 the development of school district programs meeting the 10774
 requirements for funding under the "National and Community Service 10775
 Act of 1990." The plan shall include the investigation of funding 10776
 from all available sources for school community service education 10777
 programs, including funds available under the "National and 10778
 Community Service Act of 1990," and the provision of technical 10779
 assistance to school districts for the implementation of community 10780
 service education programs. The plan shall also provide for 10781
 technical assistance to be given to school boards to assist in 10782
 obtaining funds for community service education programs from any 10783
 source. 10784

(C) With the assistance of the ~~state~~ Ohio community service advisory ~~committee~~ council, the state board of education shall do all of the following:

(1) Disseminate information about school district community service education programs to other school districts and to statewide organizations involved with or promoting volunteerism;

(2) Recruit additional school districts to develop community service education programs;

(3) Identify or develop model community service programs, teacher training courses, and community service curricula and teaching materials for possible use by school districts in their programs.

Sec. 3301.80. (A) There is hereby created the Ohio SchoolNet commission as an independent agency. The commission shall administer programs to provide financial and other assistance to school districts and other educational institutions for the acquisition and utilization of educational technology.

The commission is a body corporate and politic, an agency of the state performing essential governmental functions of the state.

(B)(1) The commission shall consist of eleven members, seven of whom are voting members. Of the voting members, one shall be appointed by the speaker of the house of representatives and one shall be appointed by the president of the senate. The members appointed by the speaker of the house and the president of the senate shall not be members of the general assembly. The state superintendent of public instruction or a designee of the superintendent, the director of budget and management or a designee of the director, the director of administrative services or a designee of the director, the chairperson of the public

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utilities commission or a designee of the chairperson, and the
director of the Ohio educational telecommunications network
commission or a designee of the director shall serve on the
commission as ex officio voting members. Of the nonvoting members,
two shall be members of the house of representatives appointed by
the speaker of the house and two shall be members of the senate
appointed by the president of the senate. The members appointed
from each house shall not be members of the same political party.
The superintendent of public instruction or the superintendent's
designee shall be the chairperson of the commission.

(2) The members shall serve without compensation. The voting
members appointed by the speaker of the house of representatives
and the president of the senate shall be reimbursed, pursuant to
office of budget and management guidelines, for necessary expenses
incurred in the performance of official duties.

(3) The terms of office for the members appointed by the
speaker of the house and the president of the senate shall be for
two years, with each term ending on the same day of the same month
as did the term that it succeeds. The members appointed by the
speaker of the house and the president of the senate may be
reappointed. Any member appointed from the house of
representatives or senate who ceases to be a member of the
legislative house from which the member was appointed shall cease
to be a member of the commission. Vacancies among appointed
members shall be filled in the manner provided for original
appointments. Any member appointed to fill a vacancy occurring
prior to the expiration date of the term for which a predecessor
was appointed shall hold office as a member for the remainder of
that term. The members appointed by the speaker of the house and
the president of the senate shall continue in office subsequent to

the expiration date of that member's term until a successor takes
office or until a period of sixty days has elapsed, whichever
occurs first.

(C)(1) The commission shall be under the supervision of an
executive director who shall be appointed by the commission. The
executive director shall serve at the pleasure of the commission
and shall direct commission employees in the administration of all
programs for the provision of financial and other assistance to
school districts and other educational institutions for the
acquisition and utilization of educational technology.

(2) The employees of the Ohio SchoolNet commission shall be
placed in the unclassified service. The commission shall fix the
compensation of the executive director. The executive director
shall employ and fix the compensation for such employees as
necessary to facilitate the activities and purposes of the
commission. The employees shall serve at the pleasure of the
executive director.

(3) The employees of the Ohio SchoolNet commission shall be
exempt from Chapter 4117. of the Revised Code and shall not be
public employees as defined in section 4117.01 of the Revised
Code.

(D) The Ohio SchoolNet commission shall do all of the
following:

(1) Make grants to institutions and other organizations as
prescribed by the general assembly for the provision of technical
assistance, professional development, and other support services
to enable school districts, community schools established under
Chapter 3314. of the Revised Code, and other educational
institutions to utilize educational technology;

(2) Contract with the department of education, state
institutions of higher education, private nonprofit institutions

of higher education holding certificates of authorization under 10878
section 1713.02 of the Revised Code, and such other public or 10879
private entities as the executive director deems necessary for the 10880
administration and implementation of the programs under the 10881
commission's jurisdiction; 10882

(3) Establish a reporting system to which school districts, 10883
community schools established under Chapter 3314. of the Revised 10884
Code, and other educational institutions receiving financial 10885
assistance pursuant to this section for the acquisition of 10886
educational technology report information as to the manner in 10887
which such assistance was expended, the manner in which the 10888
equipment or services purchased with the assistance is being 10889
utilized, the results or outcome of this utilization, and other 10890
information as may be required by the commission; 10891

(4) Establish necessary guidelines governing purchasing and 10892
procurement by participants in programs administered by the 10893
commission that facilitate the timely and effective implementation 10894
of such programs; 10895

(5) Take into consideration the efficiency and cost savings 10896
of statewide procurement prior to allocating and releasing funds 10897
for any programs under its administration. 10898

(E)(1) The executive director shall implement policies and 10899
directives issued by the Ohio SchoolNet commission. 10900

(2) The Ohio SchoolNet commission may establish a systems 10901
support network to facilitate the timely implementation of the 10902
programs, projects, or activities for which it provides 10903
assistance. 10904

(3) Chapters 123., 124., 125., and 153., and sections 9.331, 10905
9.332, and 9.333 of the Revised Code do not apply to contracts, 10906
programs, projects, or activities of the Ohio SchoolNet 10907
commission. 10908

Sec. 3302.041. (A) Each school district that in 1999 was 10909
declared to be in a state of academic emergency, under an academic 10910
watch, or in need of continuous improvement under section 3302.03 10911
of the Revised Code and that is projected to receive any parity 10912
aid payments under section 3317.0217 of the Revised Code for 10913
either of the two fiscal years beginning July 1, 2001, or July 1, 10914
2002, shall amend its continuous improvement plan required under 10915
section 3302.04 of the Revised Code to include a budget for 10916
expending the parity aid for either of those two fiscal years that 10917
the district is projected to receive such aid. For each year 10918
included in the budget, the district shall allocate the full 10919
amount of projected parity aid among one or more of the following: 10920

(1) Upgrading, or purchasing additional classroom equipment, 10921
materials, textbooks, or technology; 10922

(2) Lowering the teacher/student ratios in additional 10923
classrooms; 10924

(3) Providing additional advanced curriculum opportunities; 10925

(4) Providing additional electives or required courses for 10926
graduation; 10927

(5) Increasing the number of days of professional 10928
development; 10929

(6) Providing all-day kindergarten to more students; 10930

(7) Providing preschool to more students; 10931

(8) Providing additional programming and services for special 10932
student populations such as gifted, disadvantaged, or disabled 10933
students; 10934

(9) Providing new programs or increasing the number of 10935
students served by existing programs to prevent academic failure 10936
or to intervene in the case of students in danger of academic 10937

failure, such as tutoring or summer school programs. 10938

(B) For each expenditure of parity aid allocated in the 10939
budget under division (A) of this section, the district's amended 10940
continuous improvement plan shall describe: 10941

(1) How the expenditure will result in new programs or 10942
opportunities, or an expanded availability of programs or 10943
opportunities to more students, and will not simply fund existing 10944
programs with parity aid instead of general revenue fund moneys or 10945
other district income. 10946

(2) How the proposed expenditure is expected to enhance the 10947
district's continuous improvement plan, improve the district's 10948
academic success, and promote the district's achievement of the 10949
standard unit of improvement required by the department of 10950
education under rules adopted pursuant to section 3302.04 of the 10951
Revised Code. 10952

(C) A copy of each amended continuous improvement plan 10953
required to contain a budget under this section shall be submitted 10954
to the department by September 1, 2001. The department shall 10955
randomly divide all school districts required to comply with this 10956
section into two groups and, beginning July 1, 2002, shall assess 10957
one half of the districts in each of fiscal years 2003 and 2004 to 10958
determine whether the district did in fact make the expenditures 10959
included in its proposed parity aid budget during the preceding 10960
fiscal year. 10961

(D) If in either year, the department finds that a district 10962
did not spend its preceding year's parity aid funds in the manner 10963
specified in the budget for that year, it shall notify the state 10964
board of education of its findings and shall subtract the amount 10965
of any parity aid funds not spent in the manner specified in the 10966
budget from any parity aid otherwise due to the district under 10967
section 3317.0217 of the Revised Code in the current fiscal year. 10968

If payments are reduced to any district under this division, the department shall continue to assess the expenditures of such district in each ensuing year and shall continue to make deductions in accordance with this section until such year as the district is found to be in compliance with this section. 10969
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(E) Whenever the department reexamines the status of school districts under division (A) of section 3302.03 of the Revised Code, it shall require all districts expected to receive parity aid payments and determined either to need continuous improvement, be under an academic watch, or be in a state of academic emergency to submit their three-year continuous improvement plans to the department and to include as an integral part of such plans, budgets meeting the requirements of divisions (A) and (B) of this section. The department shall annually assess one third of all such districts and withhold parity aid payments from noncomplying districts in the same manner as required under divisions (C) and (D) of this section. 10974
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(F) At any time, for good cause and with the approval of the department, a school district may amend a budget adopted under this section. Any such amendment, however, shall provide that any parity aid payments the district proposes not to spend on one of the items listed in division (A) of this section are instead reallocated to other items listed in such division. 10986
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(G) The department may authorize a school district to spend parity aid payments for a purpose not listed in division (A) of this section if the district provides clear and convincing evidence that the payments are needed for emergency purposes directly related to eliminating risks to the health and safety of the students. 10992
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Sec. 3303.01. Except when utilized in Chapter 3311. of the Revised Code, whenever the term vocational education occurs 10998
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anywhere in the Revised Code, it shall be deemed to refer to 11000
career-technical education, except that joint vocational school 11001
districts shall continue to be styled as and shall maintain their 11002
legal existence as either joint vocational school districts or 11003
vocational school districts pursuant to section 3311.01. 11004

Sec. 3305.061. Notwithstanding section 171.07 and division 11005
(D) of section 3305.06 of the Revised Code, the percentage of an 11006
electing employee's compensation contributed by a public 11007
institution of higher education under division (D) of section 11008
3305.06 of the Revised Code shall not exceed the percentage of 11009
compensation transferred under section 145.87, 3307.84, or 3309.88 11010
of the Revised Code, as appropriate, by the state retirement 11011
system that otherwise applies to the electing employee's position. 11012
A change in the percentage of compensation contributed under 11013
division (D) of section 3305.06 of the Revised Code, as required 11014
by this section, shall take effect on the same day a change in the 11015
percentage of compensation takes effect under section 145.87, 11016
3307.84, or 3309.88 of the Revised Code, as appropriate. 11017

Sec. 3311.057. (A) Any educational service center that is 11018
formed by merging two or more educational service centers or 11019
former county school districts after July 1, 1995, but prior to 11020
July 1, ~~1999~~ 2003, may determine the number of members of its 11021
governing board of education and whether the members are to be 11022
elected at large or by subdistrict, provided each board shall have 11023
an odd number of members. 11024

(B) If an educational service center described in division 11025
(A) of this section is formed on or after the effective date of 11026
this section, the governing board of education of each service 11027
center that is merging to form the new service center shall 11028
include identical provisions for electing the new service center's 11029

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governing board in its resolution adopted pursuant to division (A) 11030
of section 3311.053 of the Revised Code. If there is any 11031
transition period between the effective date of the merger of the 11032
service centers and the assumption of control of the new service 11033
center by the new board, the resolutions shall include provisions 11034
for an interim governing board which shall be appointed to govern 11035
the service center until the time the new board is elected and 11036
assumes control of the service center. 11037

(C) If an educational service center described in division 11038
(A) of this section was formed prior to the effective date of this 11039
section, the governing board of the service center may adopt at 11040
any time prior to July 1, ~~1999~~ 2003, a resolution setting forth 11041
provisions for changing the number of members and the manner of 11042
electing its board and provisions for any transitional period 11043
between the abolition of the existing board and the assumption of 11044
control by the new board. 11045

(D) Any provisions for electing a governing board adopted 11046
pursuant to division (B) or (C) of this section may provide for 11047
the election of members at large, may provide for the 11048
establishment of subdistricts within the district, or may require 11049
some members to be elected at large and some to be elected from 11050
subdistricts. If subdistricts are included, the resolutions shall 11051
specify the manner in which their boundaries are to be drawn. The 11052
provisions shall attempt to ensure that each elected member of the 11053
board represents an equal number of residents of the service 11054
center. To accomplish this, any subdistrict containing a multiple 11055
of the number of electors in another subdistrict, may elect 11056
at-large within that subdistrict, a number of board members equal 11057
to the multiple that its population is of the population of the 11058
other subdistrict. 11059

(E) The provisions for selecting board members set forth in 11060
the latest resolution adopted pursuant to division (B) or (C) of 11061

this section prior to July 1, ~~1999~~ 2003, shall remain the method
of electing ~~school~~ board members within that educational service
center. 11062
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Sec. 3311.058. Notwithstanding anything to the contrary in 11065
Section 45.32 of Am. Sub. H.B. 117 of the 121st General Assembly, 11066
146 Ohio Laws 900, 1805, as subsequently amended, or in Chapter 11067
3311. of the Revised Code, no educational service center shall be 11068
required to merge in order to achieve any prescribed minimum 11069
average daily membership if such a merger will cause the territory 11070
of the resultant joint educational service center to comprise more 11071
than eight hundred square miles. 11072

Sec. 3313.37. (A)(1) The board of education of any city, 11073
local, or exempted village school district may build, enlarge, 11074
repair, and furnish the necessary schoolhouses, purchase or lease 11075
sites therefor, or rights-of-way thereto, or purchase or lease 11076
real estate to be used as playgrounds for children or rent 11077
suitable schoolrooms, either within or without the district, and 11078
provide the necessary apparatus and make all other necessary 11079
provisions for the schools under its control. ~~The governing board~~ 11080
~~of any educational service center may build, enlarge, repair, and~~ 11081
~~furnish the necessary facilities for conducting special education~~ 11082
~~programs and driver education courses, purchase or lease sites~~ 11083
~~therefor, or rights-of-way thereto, or purchase or lease real~~ 11084
~~estate or rent suitable facilities to be used for such purposes~~ 11085
~~and provide the necessary apparatus and make all other necessary~~ 11086
~~provisions for such facilities as are under its control.~~ 11087

(2) A governing board of an educational service center may 11088
acquire, lease, or enter into a contract to purchase, lease, or 11089
sell real and personal property and may construct, enlarge, 11090
repair, renovate, furnish, or equip facilities, buildings, or 11091
structures for the educational service center's purposes. The 11092

board may enter into loan agreements, including mortgages, for the 11093
acquisition of such property. If a governing board exercises any 11094
of these powers to acquire office or classroom space, the board of 11095
county commissioners has no obligation to provide and equip 11096
offices and to provide heat, light, water, and janitorial services 11097
for the use of the service center pursuant to section 3319.19 of 11098
the Revised Code, unless there is a contract as provided by 11099
division (D) of that section. 11100

(3) A board of county commissioners may issue securities of 11101
the county pursuant to Chapter 133. of the Revised Code for the 11102
acquisition of real and personal property or for the construction, 11103
enlargement, repair, or renovation of facilities, buildings, or 11104
structures by an educational service center, but only if the 11105
county has a contract under division (D) of section 3319.19 of the 11106
Revised Code with the educational service center whereby the 11107
educational service center agrees to pay the county an amount 11108
equal to the debt charges on the issued securities on or before 11109
the date those charges fall due. For the purposes of this section, 11110
"debt charges" and "securities" have the same meanings as in 11111
section 133.01 of the Revised Code. 11112

(B)(1) Boards of education of city, local, and exempted 11113
village school districts may acquire land by gift or devise, by 11114
purchase, or by appropriation. Lands purchased may be purchased 11115
for cash, by installment payments, with or without a mortgage, by 11116
entering into lease-purchase agreements, or by lease with an 11117
option to purchase, provided that if the purchase price is to be 11118
paid over a period of time, such payments shall not extend for a 11119
period of more than five years. A special tax levy may be 11120
authorized by the voters of the school district in accordance with 11121
section 5705.21 of the Revised Code to provide a special fund to 11122
meet the future time payments. 11123

(2) For the purposes of section 5705.21 of the Revised Code, 11124

acquisition of land under the provisions of this division shall be 11125
considered a necessary requirement of the school district. 11126

(3) Boards of education of city, local, and exempted village 11127
school districts may acquire federal land at a discount by a 11128
lease-purchase agreement for use as a site for the construction of 11129
educational facilities or for other related purposes. External 11130
administrative and other costs pertaining to the acquisition of 11131
federal land at a discount may be paid from funds available to the 11132
school district for operating purposes. Such boards of education 11133
may also acquire federal land by lease-purchase agreements, by 11134
negotiation, or otherwise. 11135

(4) As used in this division: 11136

(a) "Office equipment" includes but is not limited to 11137
typewriters, copying and duplicating equipment, and computer and 11138
data processing equipment. 11139

(b) "Software for instructional purposes" includes computer 11140
programs usable for computer assisted instruction, computer 11141
managed instruction, drill and practice, and problem simulations. 11142

A board of education or governing board of an educational 11143
service center may acquire the necessary office equipment, and 11144
computer hardware and software for instructional purposes, for the 11145
schools under its control by purchase, by lease, by installment 11146
payments, by entering into lease-purchase agreements, or by lease 11147
with an option to purchase. In the case of a city, exempted 11148
village, or local school district, if the purchase price is to be 11149
paid over a period of time, the contract setting forth the terms 11150
of such purchase shall be considered a continuing contract 11151
pursuant to section 5705.41 of the Revised Code. Payments shall 11152
not extend for a period of more than five years. Costs relating to 11153
the acquisition of necessary apparatus may be paid from funds 11154
available to the school district or educational service center for 11155

operating purposes. 11156

(5) A board of education or governing board of an educational 11157
service center may acquire the necessary equipment for the 11158
maintenance or physical upkeep of facilities and land under its 11159
control by entering into lease-purchase agreements. If payments 11160
under the lease-purchase agreement are to be made over a period of 11161
time, the agreement shall be considered a continuing contract 11162
pursuant to section 5705.41 of the Revised Code, and such payments 11163
shall not extend for a period of more than five years. 11164

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 11165
~~and (F)~~, and (G) of this section, when a board of education 11166
decides to dispose of real or personal property that it owns in 11167
its corporate capacity, and that exceeds in value ten thousand 11168
dollars, it shall sell the property at public auction, after 11169
giving at least thirty days' notice of the auction by publication 11170
in a newspaper of general circulation or by posting notices in 11171
five of the most public places in the school district in which the 11172
property, if it is real property, is situated, or, if it is 11173
personal property, in the school district of the board of 11174
education that owns the property. The board may offer real 11175
property for sale as an entire tract or in parcels. 11176

(B) When the board of education has offered real or personal 11177
property for sale at public auction at least once pursuant to 11178
division (A) of this section, and the property has not been sold, 11179
the board may sell it at a private sale. Regardless of how it was 11180
offered at public auction, at a private sale, the board shall, as 11181
it considers best, sell real property as an entire tract or in 11182
parcels, and personal property in a single lot or in several lots. 11183

(C) If a board of education decides to dispose of real or 11184
personal property that it owns in its corporate capacity and that 11185
exceeds in value ten thousand dollars, it may sell the property to 11186

the adjutant general; to any subdivision or taxing authority as 11187
respectively defined in divisions (A) and (C) of section 5705.01 11188
of the Revised Code, township park district, board of park 11189
commissioners established under Chapter 755. of the Revised Code, 11190
or park district established under Chapter 1545. of the Revised 11191
Code; to a wholly or partially tax-supported university, 11192
university branch, or college; or to the board of trustees of a 11193
school district library, upon such terms as are agreed upon. The 11194
sale of real or personal property to the board of trustees of a 11195
school district library is limited, in the case of real property, 11196
to a school district library within whose boundaries the real 11197
property is situated, or, in the case of personal property, to a 11198
school district library whose boundaries lie in whole or in part 11199
within the school district of the selling board of education. 11200

(D) When a board of education decides to trade as a part or 11201
an entire consideration, an item of personal property on the 11202
purchase price of an item of similar personal property, it may 11203
trade the same upon such terms as are agreed upon by the parties 11204
to the trade. 11205

(E) The president and the treasurer of the board of education 11206
shall execute and deliver deeds or other necessary instruments of 11207
conveyance to complete any sale or trade under this section. 11208

(F) When a board of education has identified a parcel of real 11210
property that it determines is needed for school purposes, the 11211
board may, upon a majority vote of the members of the board, 11212
acquire that property by exchanging real property that the board 11213
owns in its corporate capacity for the identified real property or 11214
by using real property that the board owns in its corporate 11215
capacity as part or an entire consideration for the purchase price 11216
of the identified real property. Any exchange or acquisition made 11217
pursuant to this division shall be made by a conveyance executed 11218

by the president and the treasurer of the board. 11219

(G) When a school district board of education decides to 11220
dispose of real property suitable for use as classroom space, 11221
prior to disposing of such property under division (A) through (F) 11222
of this section, it shall first offer that property for sale to 11223
the governing authorities of the start-up community schools, 11224
established under Chapter 3314. of the Revised Code and located 11225
within the territory of the school district, at a price that is 11226
not higher than the appraised fair market value of that property. 11227
If more than one community school governing authority accepts the 11228
offer made by the school district board, the board shall sell the 11229
property to the governing authority that accepted the offer first 11230
in time. If no community school governing authority accepts the 11231
offer within sixty days after the offer is made by the school 11232
district board, the board may dispose of the property in the 11233
applicable manner prescribed under divisions (A) to (F) of this 11234
section. 11235

Sec. 3313.603. (A) As used in this section: 11236

(1) "One unit" means a minimum of one hundred twenty hours of 11237
course instruction, except that for a laboratory course, "one 11238
unit" means a minimum of one hundred fifty hours of course 11239
instruction. 11240

(2) "One-half unit" means a minimum of sixty hours of course 11241
instruction, except that for physical education courses, "one-half 11242
unit" means a minimum of one hundred twenty hours of course 11243
instruction. 11244

(B) Beginning September 15, 2001, the requirements for 11245
graduation from every high school shall include ~~twenty-one~~ twenty 11246
units earned in grades nine through twelve and shall be 11247
distributed as follows: 11248

(1) English language arts, four units;	11249
(2) Health, one-half unit;	11250
(3) Mathematics, three units;	11251
(4) Physical education, one-half unit;	11252
(5) Science, two units until September 15, 2003, and three	11253
units thereafter, which at all times shall include both of the	11254
following:	11255
(a) Biological sciences, one unit;	11256
(b) Physical sciences, one unit.	11257
(6) Social studies, three units, which shall include both of	11258
the following:	11259
(a) American history, one-half unit;	11260
(b) American government, one-half unit.	11261
(7) Elective units, eight <u>seven</u> units until September 15,	11262
2003, and seven <u>six</u> units thereafter.	11263
Each student's electives shall include at least one unit, or	11264
two half units, chosen from among the areas of	11265
business/technology, fine arts, and/or foreign language.	11266
(C) Every high school may permit students below the ninth	11267
grade to take advanced work for credit. A high school shall count	11268
such advanced work toward the graduation requirements of division	11269
(B) of this section if the advanced work was both:	11270
(1) Taught by a person who possesses a license or certificate	11271
issued under section 3301.071, 3319.22, or 3319.222 of the Revised	11272
Code that is valid for teaching high school;	11273
(2) Designated by the board of education of the city, local,	11274
or exempted village school district, the board of the cooperative	11275
education school district, or the governing authority of the	11276

chartered nonpublic school as meeting the high school curriculum requirements. 11277
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(D) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and technical instruction are eligible to meet the graduation requirements of division (B) of this section. 11279
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Sec. 3313.608. (A) Beginning with students who enter fourth grade in the school year that starts July 1, 2001, no city, exempted village, or local school district shall promote to fifth grade any student who fails to attain the score designated under division (A)(1) of section 3301.0710 of the Revised Code on the test prescribed under that division to measure skill in reading, unless either of the following applies: 11283
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(1) The pupil was excused from taking the test under division (C)(1) of section 3301.0711 of the Revised Code; 11290
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(2) The pupil's principal and reading teacher agree that the pupil is academically prepared, as determined pursuant to the district policy adopted under section 3313.609 of the Revised Code, to be promoted to fifth grade. 11292
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(B)(1) To assist students in meeting this fourth grade guarantee established by this section, each city, exempted village, and local school district shall adopt policies and procedures with which it shall, beginning in the school year that starts July 1, 1998, annually assess the reading skills of each student at the end of kindergarten, first, second, and third grade and identify students who are reading below their grade level. ~~The~~ 11296
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(2) ~~The~~ policy and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. The district shall notify the parent or guardian of each student whose reading 11303
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skills are below grade level and, in accordance with division (C) 11307
of this section, provide intervention services to each student 11308
reading below grade level. 11309

~~(2) For each student identified as reading below grade level 11310
at the end of third grade, the district shall offer intense 11311
remediation services during the summer following third grade. 11312~~

(3) For each student entering fourth grade after July 1, 11313
2001, who does not attain by the end of the fourth grade the score 11314
designated under division (A)(1) of section 3301.0710 of the 11315
Revised Code on the test prescribed under that division to measure 11316
skill in reading, the district also shall offer ~~intense~~ 11317
remediation intervention services, and another opportunity to take 11318
that test, during the summer following fourth grade. 11319

(C) For each student required to be offered ~~remediation~~ 11320
intervention services under this section, the district shall 11321
involve the student's parent or guardian and classroom teacher in 11322
developing the intervention strategy, and shall offer to the 11323
parent or guardian the opportunity to be involved in the 11324
intervention services. 11325

(D) Beginning in the summer of 1999, in addition to the 11326
~~remediation~~ intervention requirements of divisions (B) and (C) of 11327
this section, every city, exempted village, or local school 11328
district shall offer intervention services during the summer 11329
~~remediation~~ and, if needed, during the following school year to 11330
any student who has failed to attain the designated scores on 11331
three or more of the five tests described by division (A)(1) or 11332
(2) of section 3301.0710 of the Revised Code. 11333

(E) Any ~~summer remediation~~ intervention services funded in 11334
whole or in part by the state and offered by school districts to 11335
students under this section shall meet the following conditions: 11336

(1) The ~~remediation~~ intervention methods are based on 11337

reliable educational research. 11338

(2) The school districts ~~conduct testing before and after~~ 11339
~~assess~~ students ~~participate in the program to facilitate~~ 11340
~~monitoring results of the remediation who receive the intervention~~ 11341
services. 11342

(3) The parents of participating students are involved in 11343
programming decisions. 11344

(4) The services are conducted in a school building or 11345
community center and not on an at-home basis. 11346

Sec. 3313.64. (A) As used in this section and in section 11347
3313.65 of the Revised Code: 11348

(1) "Parent" means either parent, unless the parents are 11349
separated or divorced or their marriage has been dissolved or 11350
annulled, in which case "parent" means the parent who is the 11351
residential parent and legal custodian of the child. When a child 11352
is in the legal custody of a government agency or a person other 11353
than the child's natural or adoptive parent, "parent" means the 11354
parent with residual parental rights, privileges, and 11355
responsibilities. When a child is in the permanent custody of a 11356
government agency or a person other than the child's natural or 11357
adoptive parent, "parent" means the parent who was divested of 11358
parental rights and responsibilities for the care of the child and 11359
the right to have the child live with the parent and be the legal 11360
custodian of the child and all residual parental rights, 11361
privileges, and responsibilities. 11362

(2) "Legal custody," "permanent custody," and "residual 11363
parental rights, privileges, and responsibilities" have the same 11364
meanings as in section 2151.011 of the Revised Code. 11365

(3) "School district" or "district" means a city, local, or 11366
exempted village school district and excludes any school operated 11367

in an institution maintained by the department of youth services. 11368

(4) Except as used in division (C)(2) of this section, "home" 11369
means a home, institution, foster home, group home, or other 11370
residential facility in this state that receives and cares for 11371
children, to which any of the following applies: 11372

(a) The home is licensed, certified, or approved for such 11373
purpose by the state or is maintained by the department of youth 11374
services. 11375

(b) The home is operated by a person who is licensed, 11376
certified, or approved by the state to operate the home for such 11377
purpose. 11378

(c) The home accepted the child through a placement by a 11379
person licensed, certified, or approved to place a child in such a 11380
home by the state. 11381

(d) The home is a children's home created under section 11382
5153.21 or 5153.36 of the Revised Code. 11383

(5) "Agency" means all of the following: 11384

(a) A public children services agency; 11385

(b) An organization that holds a certificate issued by the 11386
Ohio department of job and family services in accordance with the 11387
requirements of section 5103.03 of the Revised Code and assumes 11388
temporary or permanent custody of children through commitment, 11389
agreement, or surrender, and places children in family homes for 11390
the purpose of adoption; 11391

(c) Comparable agencies of other states or countries that 11392
have complied with applicable requirements of section 2151.39, or 11393
sections 5103.20 to 5103.28 of the Revised Code. 11394

(6) A child is placed for adoption if either of the following 11395
occurs: 11396

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.

(7) "Handicapped preschool child" means a handicapped child, as defined by division (A) of section 3323.01 of the Revised Code, who is at least three years of age but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(8) "Child," unless otherwise indicated, includes handicapped preschool children.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any handicapped preschool child shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides.

(2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.

(b) The child resides in a home.

(c) The child requires special education.

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B)(1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a handicapped child who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.

(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as follows:

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, tuition shall be paid in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) Except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person

or government agency, whichever occurred first; 11458

(b) If the parent's residence at the time the court removed 11459
the child from home or placed the child in the legal or permanent 11460
custody of the person or government agency is unknown, tuition 11461
shall be paid by the district in which the child resided at the 11462
time the child was removed from home or placed in legal or 11463
permanent custody, whichever occurred first; 11464

(c) If a school district cannot be established under division 11465
(C)(2)(a) or (b) of this section, tuition shall be paid by the 11466
district determined as required by section 2151.357 of the Revised 11467
Code by the court at the time it vests custody of the child in the 11468
person or government agency; 11469

(d) If at the time the court removed the child from home or 11470
vested legal or permanent custody of the child in the person or 11471
government agency, whichever occurred first, one parent was in a 11472
residential or correctional facility or a juvenile residential 11473
placement and the other parent, if living and not in such a 11474
facility or placement, was not known to reside in this state, 11475
tuition shall be paid by the district determined under division 11476
(D) of section 3313.65 of the Revised Code as the district 11477
required to pay any tuition while the parent was in such facility 11478
or placement. 11479

(3) If the child is not in the permanent or legal custody of 11480
a government agency or person other than the child's parent and 11481
the child resides in a home, tuition shall be paid by one of the 11482
following: 11483

(a) The school district in which the child's parent resides; 11484

(b) If the child's parent is not a resident of this state, 11485
the home in which the child resides. 11486

(D) Tuition required to be paid under divisions (C)(2) and 11487
(3)(a) of this section shall be computed in accordance with 11488

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section 3317.08 of the Revised Code. Tuition required to be paid 11489
under division (C)(3)(b) of this section shall be computed in 11490
accordance with section 3317.081 of the Revised Code. If a home 11491
fails to pay the tuition required by division (C)(3)(b) of this 11492
section, the board of education providing the education may 11493
recover in a civil action the tuition and the expenses incurred in 11494
prosecuting the action, including court costs and reasonable 11495
attorney's fees. If the prosecuting attorney or city director of 11496
law represents the board in such action, costs and reasonable 11497
attorney's fees awarded by the court, based upon the prosecuting 11498
attorney's, director's, or one of their designee's time spent 11499
preparing and presenting the case, shall be deposited in the 11500
county or city general fund. 11501

(E) A board of education may enroll a child free of any 11502
tuition obligation for a period not to exceed sixty days, on the 11503
sworn statement of an adult resident of the district that the 11504
resident has initiated legal proceedings for custody of the child. 11505

(F) In the case of any individual entitled to attend school 11506
under this division, no tuition shall be charged by the school 11507
district of attendance and no other school district shall be 11508
required to pay tuition for the individual's attendance. 11509
Notwithstanding division (B), (C), or (E) of this section: 11510

(1) All persons at least eighteen but under twenty-two years 11511
of age who live apart from their parents, support themselves by 11512
their own labor, and have not successfully completed the high 11513
school curriculum or the individualized education program 11514
developed for the person by the high school pursuant to section 11515
3323.08 of the Revised Code, are entitled to attend school in the 11516
district in which they reside. 11517

(2) Any child under eighteen years of age who is married is 11518
entitled to attend school in the child's district of residence. 11519

(3) A child is entitled to attend school in the district in 11520
which either of the child's parents is employed if the child has a 11521
medical condition that may require emergency medical attention. 11522
The parent of a child entitled to attend school under division 11523
(F)(3) of this section shall submit to the board of education of 11524
the district in which the parent is employed a statement from the 11525
child's physician certifying that the child's medical condition 11526
may require emergency medical attention. The statement shall be 11527
supported by such other evidence as the board may require. 11528

(4) Any child residing with a person other than the child's 11529
parent is entitled, for a period not to exceed twelve months, to 11530
attend school in the district in which that person resides if the 11531
child's parent files an affidavit with the superintendent of the 11532
district in which the person with whom the child is living resides 11533
stating all of the following: 11534

(a) That the parent is serving outside of the state in the 11535
armed services of the United States; 11536

(b) That the parent intends to reside in the district upon 11537
returning to this state; 11538

(c) The name and address of the person with whom the child is 11539
living while the parent is outside the state. 11540

(5) Any child under the age of twenty-two years who, after 11541
the death of a parent, resides in a school district other than the 11542
district in which the child attended school at the time of the 11543
parent's death is entitled to continue to attend school in the 11544
district in which the child attended school at the time of the 11545
parent's death for the remainder of the school year, subject to 11546
approval of that district board. 11547

(6) A child under the age of twenty-two years who resides 11548
with a parent who is having a new house built in a school district 11549
outside the district where the parent is residing is entitled to 11550

attend school for a period of time in the district where the new
house is being built. In order to be entitled to such attendance,
the parent shall provide the district superintendent with the
following:

(a) A sworn statement explaining the situation, revealing the
location of the house being built, and stating the parent's
intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house
is being built for the parent and that the house is at the
location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a
parent who has a contract to purchase a house in a school district
outside the district where the parent is residing and who is
waiting upon the date of closing of the mortgage loan for the
purchase of such house is entitled to attend school for a period
of time in the district where the house is being purchased. In
order to be entitled to such attendance, the parent shall provide
the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the
location of the house being purchased, and stating the parent's
intent to reside there;

(b) A statement from a real estate broker or bank officer
confirming that the parent has a contract to purchase the house,
that the parent is waiting upon the date of closing of the
mortgage loan, and that the house is at the location indicated in
the parent's statement.

The district superintendent shall establish a period of time
not to exceed ninety days during which the child entitled to
attend school under division (F)(6) or (7) of this section may
attend without tuition obligation. A student attending a school
under division (F)(6) or (7) of this section shall be eligible to

participate in interscholastic athletics under the auspices of 11582
that school, provided the board of education of the school 11583
district where the student's parent resides, by a formal action, 11584
releases the student to participate in interscholastic athletics 11585
at the school where the student is attending, and provided the 11586
student receives any authorization required by a public agency or 11587
private organization of which the school district is a member 11588
exercising authority over interscholastic sports. 11589

(8) A child whose parent is a full-time employee of a city, 11590
local, or exempted village school district, or of an educational 11591
service center, may be admitted to the schools of the district 11592
where the child's parent is employed, or in the case of a child 11593
whose parent is employed by an educational service center, in the 11594
district that serves the location where the parent's job is 11595
primarily located, provided the district board of education 11596
establishes such an admission policy by resolution adopted by a 11597
majority of its members. Any such policy shall take effect on the 11598
first day of the school year and the effective date of any 11599
amendment or repeal may not be prior to the first day of the 11600
subsequent school year. The policy shall be uniformly applied to 11601
all such children and shall provide for the admission of any such 11602
child upon request of the parent. No child may be admitted under 11603
this policy after the first day of classes of any school year. 11604

(9) A child who is with the child's parent under the care of 11605
a shelter for victims of domestic violence, as defined in section 11606
3113.33 of the Revised Code, is entitled to attend school free in 11607
the district in which the child is with the child's parent, and no 11608
other school district shall be required to pay tuition for the 11609
child's attendance in that school district. 11610

The enrollment of a child in a school district under this 11611
division shall not be denied due to a delay in the school 11612
district's receipt of any records required under section 3313.672 11613

of the Revised Code or any other records required for enrollment. 11614
Any days of attendance and any credits earned by a child while 11615
enrolled in a school district under this division shall be 11616
transferred to and accepted by any school district in which the 11617
child subsequently enrolls. The state board of education shall 11618
adopt rules to ensure compliance with this division. 11619

(10) Any child under the age of twenty-two years whose parent 11620
has moved out of the school district after the commencement of 11621
classes in the child's senior year of high school is entitled, 11622
subject to the approval of that district board, to attend school 11623
in the district in which the child attended school at the time of 11624
the parental move for the remainder of the school year and for one 11625
additional semester or equivalent term. A district board may also 11626
adopt a policy specifying extenuating circumstances under which a 11627
student may continue to attend school under division (F)(10) of 11628
this section for an additional period of time in order to 11629
successfully complete the high school curriculum for the 11630
individualized education program developed for the student by the 11631
high school pursuant to section 3323.08 of the Revised Code. 11632

(11) As used in this division, "grandparent" means a parent 11633
of a parent of a child. A child under the age of twenty-two years 11634
who is in the custody of the child's parent, resides with a 11635
grandparent, and does not require special education is entitled to 11636
attend the schools of the district in which the child's 11637
grandparent resides, provided that, prior to such attendance in 11638
any school year, the board of education of the school district in 11639
which the child's grandparent resides and the board of education 11640
of the school district in which the child's parent resides enter 11641
into a written agreement specifying that good cause exists for 11642
such attendance, describing the nature of this good cause, and 11643
consenting to such attendance. 11644

In lieu of a consent form signed by a parent, a board of 11645

education may request the grandparent of a child attending school 11646
in the district in which the grandparent resides pursuant to 11647
division (F)(11) of this section to complete any consent form 11648
required by the district, including any authorization required by 11649
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 11650
Upon request, the grandparent shall complete any consent form 11651
required by the district. A school district shall not incur any 11652
liability solely because of its receipt of a consent form from a 11653
grandparent in lieu of a parent. 11654

Division (F)(11) of this section does not create, and shall 11655
not be construed as creating, a new cause of action or substantive 11656
legal right against a school district, a member of a board of 11657
education, or an employee of a school district. This section does 11658
not affect, and shall not be construed as affecting, any 11659
immunities from defenses to tort liability created or recognized 11660
by Chapter 2744. of the Revised Code for a school district, 11661
member, or employee. 11662

(12) A child under the age of twenty-two years is entitled to 11663
attend school in a school district other than the district in 11664
which the child is entitled to attend school under division (B), 11665
(C), or (E) of this section provided that, prior to such 11666
attendance in any school year, both of the following occur: 11667

(a) The superintendent of the district in which the child is 11668
entitled to attend school under division (B), (C), or (E) of this 11669
section contacts the superintendent of another district for 11670
purposes of this division; 11671

(b) The superintendents of both districts enter into a 11672
written agreement that consents to the attendance and specifies 11673
that the purpose of such attendance is to protect the student's 11674
physical or mental well-being or to deal with other extenuating 11675
circumstances deemed appropriate by the superintendents. 11676

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

(13) A child who is with the child's parent under the care of a shelter for homeless persons is entitled to attend school free in one of the following, as selected by the child's parent:

(a) The child's school of origin, as defined in section 722 of the "Stewart B. McKinney Homeless Assistance Act" (1994), 108 Stat. 3957, 42 U.S.C.A 11432;

(b) The school that is operated by the school district in which the shelter is located and that serves the geographic area in which the shelter is located.

(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:

(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04,

3327.04, and 3327.06 of the Revised Code, a child may attend 11707
school or participate in a special education program in a school 11708
district other than in the district where the child is entitled to 11709
attend school under division (B) of this section. 11710

(I) This division does not apply to a child receiving special 11711
education. 11712

A school district required to pay tuition pursuant to 11713
division (C)(2) or (3) of this section or section 3313.65 of the 11714
Revised Code shall have an amount deducted under division (F) of 11715
section 3317.023 of the Revised Code equal to its own tuition rate 11716
for the same period of attendance. A school district entitled to 11717
receive tuition pursuant to division (C)(2) or (3) of this section 11718
or section 3313.65 of the Revised Code shall have an amount 11719
credited under division (F) of section 3317.023 of the Revised 11720
Code equal to its own tuition rate for the same period of 11721
attendance. If the tuition rate credited to the district of 11722
attendance exceeds the rate deducted from the district required to 11723
pay tuition, the department of education shall pay the district of 11724
attendance the difference from amounts deducted from all 11725
districts' payments under division (F) of section 3317.023 of the 11726
Revised Code but not credited to other school districts under such 11727
division and from appropriations made for such purpose. The 11728
treasurer of each school district shall, by the fifteenth day of 11729
January and July, furnish the superintendent of public instruction 11730
a report of the names of each child who attended the district's 11731
schools under divisions (C)(2) and (3) of this section or section 11732
3313.65 of the Revised Code during the preceding six calendar 11733
months, the duration of the attendance of those children, the 11734
school district responsible for tuition on behalf of the child, 11735
and any other information that the superintendent requires. 11736

Upon receipt of the report the superintendent, pursuant to 11737
division (F) of section 3317.023 of the Revised Code, shall deduct 11738

each district's tuition obligations under divisions (C)(2) and (3) 11739
of this section or section 3313.65 of the Revised Code and pay to 11740
the district of attendance that amount plus any amount required to 11741
be paid by the state. 11742

(J) In the event of a disagreement, the superintendent of 11743
public instruction shall determine the school district in which 11744
the parent resides. 11745

(K) Nothing in this section requires or authorizes, or shall 11746
be construed to require or authorize, the admission to a public 11747
school in this state of a pupil who has been permanently excluded 11748
from public school attendance by the superintendent of public 11749
instruction pursuant to sections 3301.121 and 3313.662 of the 11750
Revised Code. 11751

Sec. 3314.07. (A) The expiration of the contract for a 11752
community school between a sponsor and a school shall be the date 11753
provided in the contract. A successor contract may be entered into 11754
unless the contract is terminated or not renewed pursuant to this 11755
section. 11756

(B)(1) A sponsor may choose not to renew a contract at its 11757
expiration or may choose to terminate a contract prior to its 11758
expiration for any of the following reasons: 11759

(a) Failure to meet student performance requirements stated 11760
in the contract; 11761

(b) Failure to meet generally accepted standards of fiscal 11762
management; 11763

(c) Violation of any provision of the contract or applicable 11764
state or federal law; 11765

(d) Other good cause. 11766

~~A termination shall be effective only at the conclusion of a 11767~~

school year. 11768

(2) A sponsor may choose to terminate a contract prior to its expiration if the sponsor has suspended the operation of the contract under section 3314.072 of the Revised Code. 11769
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(3) At least one hundred eighty ninety days prior to the termination or nonrenewal of a contract, the sponsor shall notify the school of the proposed action in writing. The notice shall include the reasons for the proposed action in detail, the effective date of the termination or nonrenewal, and a statement that the school may, within fourteen days of receiving the notice, request an informal hearing before the sponsor. Such request must be in writing. The informal hearing shall be held within seventy days of the receipt of a request for the hearing. Promptly following the informal hearing, the sponsor shall issue a written decision either affirming or rescinding the decision to terminate or not renew the contract. 11772
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~~(3)~~(4) A decision by the sponsor to terminate a contract may be appealed to the state board of education. The decision by the state board pertaining to an appeal under this division is final. If the sponsor is the state board, its decision to terminate a contract under division (B)(4) of this section shall be final. 11784
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(5) The termination of a contract under this section shall be effective upon the occurrence of the later of the following events: 11789
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(a) Ninety days following the date the sponsor notifies the school of its decision to terminate the contract as prescribed in division (B)(3) of this section; 11792
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(b) If an informal hearing is requested under division (B)(3) of this section and as a result of that hearing the sponsor affirms its decision to terminate the contract, the effective date of the termination specified in the notice issued under division 11795
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(B)(3) of this section, or if that decision is appealed to the 11799
state board under division (B)(4) of this section and the state 11800
board affirms that decision, the date established in the 11801
resolution of the state board affirming the sponsor's decision. 11802

(C) A child attending a community school whose contract has 11803
been terminated ~~or~~, nonrenewed, or suspended or that closes for 11804
any reason shall be admitted to the schools of the district in 11805
which the child is entitled to attend under section 3313.64 or 11806
3313.65 of the Revised Code. Any deadlines established for the 11807
purpose of admitting students under section 3313.97 or 3313.98 11808
shall be waived for students to whom this division pertains. 11809

(D) A sponsor of a community school and the officers, 11810
directors, or employees of such a sponsor are not liable in 11811
damages in a tort or other civil action for harm allegedly arising 11812
from either of the following: 11813

(1) A failure of the community school or any of its officers, 11814
directors, or employees to perform any statutory or common law 11815
duty or responsibility or any other legal obligation; 11816

(2) An action or omission of the community school or any of 11817
its officers, directors, or employees that results in harm. 11818

(E) As used in this section: 11819

(1) "Harm" means injury, death, or loss to person or 11820
property. 11821

(2) "Tort action" means a civil action for damages for 11822
injury, death, or loss to person or property other than a civil 11823
action for damages for a breach of contract or another agreement 11824
between persons. 11825

Sec. 3314.072. The provisions of this section are enacted to 11826
promote the public health, safety, and welfare by establishing 11827
procedures under which the governing authorities of community 11828

schools established under this chapter will be held accountable 11829
for their compliance with the terms of the contracts they enter 11830
into with their school's sponsors and the law relating to the 11831
school's operation. Suspension of the operation of a school 11832
imposed under this section is intended to encourage the governing 11833
authority's compliance with the terms of the school's contract and 11834
the law and is not intended to be an alteration of the terms of 11835
that contract. 11836

(A) If a sponsor of a community school established under this 11837
chapter suspends the operation of that school pursuant to 11838
procedures set forth in this section, the governing authority 11839
shall not operate that school while the suspension is in effect. 11840
Any such suspension shall remain in effect until the sponsor 11841
notifies the governing authority that it is no longer in effect. 11842
The contract of a school of which operation is suspended under 11843
this section also may be subject to termination or nonrenewal 11844
under section 3314.07 of the Revised Code. 11845

(B) If at any time the sponsor of a community school 11846
established under this chapter determines that conditions at the 11847
school do not comply with a health and safety standard established 11848
by law for school buildings, the sponsor shall immediately suspend 11849
the operation of the school pursuant to procedures set forth in 11850
division (D) of this section. 11851

(C)(1) For any of the reasons prescribed in division 11852
(B)(1)(a) to (d) of section 3314.07 of the Revised Code, the 11853
sponsor of a community school established under this chapter may 11854
suspend the operation of the school only if it first issues to the 11855
governing authority notice of the sponsor's intent to suspend the 11856
operation of the contract. Such notice shall explain the reasons 11857
for the sponsor's intent to suspend operation of the contract and 11858
shall provide the school's governing authority with five business 11859
days to submit to the sponsor a proposal to remedy the conditions 11860

cited as reasons for the suspension. 11861

(2) The sponsor shall promptly review any proposed remedy 11862
timely submitted by the governing authority and either approve or 11863
disapprove the remedy. If the sponsor disapproves the remedy 11864
proposed by the governing authority, if the governing authority 11865
fails to submit a proposed remedy in the manner prescribed by the 11866
sponsor, or if the governing authority fails to implement the 11867
remedy as approved by the sponsor, the sponsor may suspend 11868
operation of the school pursuant to procedures set forth in 11869
division (D) of this section. 11870

(D)(1) If division (B) of this section applies or if the 11871
sponsor of a community school established under this chapter 11872
decides to suspend the operation of a school as permitted in 11873
division (C)(2) of this section, the sponsor shall promptly send 11874
written notice to the governing authority stating that the 11875
operation of the school is immediately suspended, and explaining 11876
the specific reasons for the suspension. The notice shall state 11877
that the governing authority has five business days to submit a 11878
proposed remedy to the conditions cited as reasons for the 11879
suspension or face potential contract termination. 11880

(2) Upon receipt of the notice of suspension prescribed under 11881
division (D)(1) of this section, the governing authority shall 11882
immediately notify the employees of the school and the parents of 11883
the students enrolled in the school of the suspension and the 11884
reasons therefore, and shall cease all school operations on the 11885
next business day. 11886

Sec. 3314.08. (A) As used in this section: 11887

(1) "Base formula amount" means the amount specified as such 11888
in a community school's financial plan for a school year pursuant 11889
to division (A)(15) of section 3314.03 of the Revised Code. 11890

- (2) "Cost-of-doing-business factor" has the same meaning as in section 3317.02 of the Revised Code. 11891
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- (3) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code. 11893
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- (4) "Applicable special education weight" means: 11895
- ~~(a) For a student receiving special education and related services pursuant to an IEP for a handicap described in division (A) of section 3317.013 of the Revised Code, the multiple specified in that division;~~ 11896
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- ~~(b) For a student receiving special education and related services pursuant to an IEP for a handicap described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, the multiple specified in division (B) of for a handicap described in that section 3317.013 of the Revised Code.~~ 11900
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- (5) "Total special education weight" means the sum of the following: 11905
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- ~~(a) The number of students reported under division (B)(2)(c) of this section who are entitled to attend school in the district, are enrolled in grades one through twelve in a community school, and are receiving from their community school special education and related services pursuant to an IEP for a handicap described in division (A) of section 3317.013 of the Revised Code, multiplied by the multiple specified in division (A) of section 3317.013 of the Revised Code;~~ 11907
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- ~~(b) One-half the number of students reported under division (B)(2)(c) of this section who are entitled to attend school in the district, are enrolled in kindergarten in a community school, and are receiving from their community school special education and related services pursuant to an IEP for a handicap described in division (A) of section 3317.013 of the Revised Code, multiplied by the multiple specified in division (A) of section 3317.013 of~~ 11915
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the Revised Code;	11922
(c) The number of students reported under division (B)(2)(c)	11923
of this section who are entitled to attend school in the district,	11924
are enrolled in grades one through twelve in a community school,	11925
and are receiving from their community school special education	11926
and related services pursuant to an IEP for a handicap described	11927
in division (B) of section 3317.013 or division (F)(3) of section	11928
3317.02 of the Revised Code, multiplied by the multiple specified	11929
in division (B) of section 3317.013 of the Revised Code;	11930
(d) One-half the number of students reported under division	11931
(B)(2)(c) of this section who are entitled to attend school in the	11932
district, are enrolled in kindergarten in a community school, and	11933
are receiving from their community school special education and	11934
related services pursuant to an IEP for a handicap described in	11935
division (B) of section 3317.013 or division (F)(3) of section	11936
3317.02 of the Revised Code, multiplied by the multiple specified	11937
in division (B) of section 3317.013 of the Revised Code	11938
<u>"Applicable vocational education weight" means:</u>	11939
<u>(a) For a student enrolled in vocational education programs</u>	11940
<u>or classes described in division (A) of section 3317.014 of the</u>	11941
<u>Revised Code, the multiple specified in that division;</u>	11942
<u>(b) For a student enrolled in vocational education programs</u>	11943
<u>or classes described in division (B) of section 3317.014 of the</u>	11944
<u>Revised Code, the multiple specified in that division.</u>	11945
(6) "Entitled to attend school" means entitled to attend	11946
school in a district under section 3313.64 or 3313.65 of the	11947
Revised Code.	11948
(7) "DPIA reduction factor" means the percentage figure, if	11949
any, for reducing the per pupil amount of disadvantaged pupil	11950
impact aid a community school is entitled to receive pursuant to	11951
divisions (D)(4)(5) and (5)(6) of this section in any year, as	11952

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specified in the school's financial plan for the year pursuant to 11953
division (A)(15) of section 3314.03 of the Revised Code. 11954

(8) "All-day kindergarten" has the same meaning as in section 11955
3317.029 of the Revised Code. 11956

(B) The state board of education shall adopt rules requiring 11957
both of the following: 11958

(1) The board of education of each city, exempted village, 11959
and local school district to annually report the number of 11960
students entitled to attend school in the district who are 11961
enrolled in grades one through twelve in a community school 11962
established under this chapter, the number of students entitled to 11963
attend school in the district who are enrolled in kindergarten in 11964
a community school, the number of those kindergartners who are 11965
enrolled in all-day kindergarten in their community school, and 11966
for each child, the community school in which the child is 11967
enrolled. 11968

(2) The governing authority of each community school 11969
established under this chapter to annually report all of the 11970
following: 11971

(a) The number of students enrolled in grades one through 11972
twelve and the number of students enrolled in kindergarten in the 11973
school who are not receiving special education and related 11974
services pursuant to an IEP; 11975

(b) The number of enrolled students in grades one through 11976
twelve and the number of enrolled students in kindergarten, who 11977
are receiving special education and related services pursuant to 11978
an IEP; 11979

(c) The number of students reported under division (B)(2)(b) 11980
of this section receiving special education and related services 11981
pursuant to an IEP for a handicap described in each of divisions 11982
(A) ~~and (B)~~ to (F) of section 3317.013 ~~and division (F)(3) of~~ 11983

section 3317.02 of the Revised Code;	11984
<u>(d) The full-time equivalent number of students reported</u>	11985
<u>under divisions (B)(2)(a) and (b) of this section who are enrolled</u>	11986
<u>in vocational education programs or classes described in each of</u>	11987
<u>divisions (A) and (B) of section 3317.014 of the Revised Code that</u>	11988
<u>are provided by the community school;</u>	11989
<u>(e) The number of enrolled preschool handicapped students</u>	11990
receiving special education services in a state-funded unit;	11991
(e) <u>(f)</u> The community school's base formula amount;	11992
(f) <u>(g)</u> For each student, the city, exempted village, or local	11993
school district in which the student is entitled to attend school;	11994
	11995
(g) <u>(h)</u> Any DPIA reduction factor that applies to a school	11996
year.	11997
(C) From the payments made to a city, exempted village, or	11998
local school district under Chapter 3317. of the Revised Code and,	11999
if necessary, sections 321.14 and 323.156 of the Revised Code, the	12000
department of education shall annually subtract all of the	12001
following:	12002
(1) An amount equal to the sum of the amounts obtained when,	12003
for each community school where the district's students are	12004
enrolled, the number of the district's students reported under	12005
divisions (B)(2)(a) and (b) of this section who are enrolled in	12006
grades one through twelve, and one-half the number of students	12007
reported under those divisions who are enrolled in kindergarten,	12008
in that community school is multiplied by the base formula amount	12009
of that community school as adjusted by the school district's	12010
cost-of-doing-business factor.	12011
(2) The product of the number of district students reported	12012
under division (B)(2)(c) of this section as enrolled in grades one	12013
through twelve, and one-half of the number of district students	12014

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~~reported under that division as enrolled in kindergarten, who are receiving special education and related services pursuant to an IEP in their respective community schools for a handicap described in division (A) or (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, multiplied by the total special education weight times the community school's base formula amount; sum of the amounts calculated under divisions (C)(2)(a) and (b) of this section:~~

(a) For each of the district's students reported under division (B)(2)(c) of this section as enrolled in a community school in grades one through twelve and receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code, the product of the applicable weight times the community school's base formula amount;

(b) For each of the district's students reported under division (B)(2)(c) of this section as enrolled in kindergarten in a community school and receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code, one-half of the amount calculated as prescribed in division (C)(2)(a) of this section.

(3) For each of the district's students reported under division (B)(2)(d) of this section for whom payment is made under division (D)(4) of this section, the amount of that payment;

(4) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students enrolled in that community school and residing in the district in a family participating in Ohio works first under Chapter 5107. of the Revised Code is multiplied by the per pupil amount of disadvantaged pupil impact aid the school district receives that year pursuant to division (B) or (C) of section 3317.029 of the

Revised Code, as adjusted by any DPIA reduction factor of that 12047
community school. If the district receives disadvantaged pupil 12048
impact aid under division (B) of that section, the per pupil 12049
amount of that aid is the quotient of the amount the district 12050
received under that division divided by the number of children 12051
ages five through seventeen residing in the district and living in 12052
a family participating in Ohio works first, as most recently 12053
reported under section 3317.10 of the Revised Code. If the 12054
district receives disadvantaged pupil impact aid under division 12055
(C) of section 3317.029 of the Revised Code, the per pupil amount 12056
of that aid is the per pupil dollar amount prescribed for the 12057
district in division (C)(1) or (2) of that section. 12058

~~(4)~~(5) An amount equal to the sum of the amounts obtained 12059
when, for each community school where the district's students are 12060
enrolled, the district's per pupil amount of aid received under 12061
division (E) of section 3317.029 of the Revised Code, as adjusted 12062
by any DPIA reduction factor of the community school, is 12063
multiplied by the sum of the following: 12064

(a) The number of the district's students reported under 12065
division (B)(2)(a) of this section who are enrolled in grades one 12066
to three in that community school and who are not receiving 12067
special education and related services pursuant to an IEP; 12068

(b) One-half of the district's students who are enrolled in 12069
all-day or any other kindergarten class in that community school 12070
and who are not receiving special education and related services 12071
pursuant to an IEP; 12072

(c) One-half of the district's students who are enrolled in 12073
all-day kindergarten in that community school and who are not 12074
receiving special education and related services pursuant to an 12075
IEP. 12076

The district's per pupil amount of aid under division (E) of 12077
section 3317.029 of the Revised Code is the quotient of the amount 12078

the district received under that division divided by the 12079
district's kindergarten through third grade ADM, as defined in 12080
that section. 12081

(D) The department shall annually pay to a community school 12082
established under this chapter all of the following: 12083

(1) An amount equal to the sum of the amounts obtained when 12084
the number of students enrolled in grades one through twelve, plus 12085
one-half of the kindergarten students in the school, reported 12086
under divisions (B)(2)(a) and (b) of this section who are not 12087
receiving special education and related services pursuant to an 12088
IEP for a handicap described in ~~division (A) or (B)~~ of section 12089
3317.013 ~~or division (F)(3) of section 3317.02~~ of the Revised Code 12090
is multiplied by the community school's base formula amount, as 12091
adjusted by the cost-of-doing-business factor of the school 12092
district in which the student is entitled to attend school; 12093

(2) The greater of the following: 12094

(a) The aggregate amount that the department paid to the 12095
community school in fiscal year 1999 for students receiving 12096
special education and related services pursuant to IEPs, excluding 12097
federal funds and state disadvantaged pupil impact aid funds; 12098

(b) The sum of the amounts calculated under divisions 12099
(D)(2)(b)(i) and (ii) of this section: 12100

(i) For each student reported under division (B)(2)(c) of 12101
this section as enrolled in the school in grades one through 12102
twelve and receiving special education and related services 12103
pursuant to an IEP for a handicap described in ~~division (A) or (B)~~ 12104
~~of section 3317.013 or division (F)(3) of section 3317.02~~ of the 12105
Revised Code, the following amount: 12106

(the community school's base formula amount X the 12107
cost-of-doing-business factor of the district where the student 12108
is entitled to attend school) + (the applicable special education 12109

weight	12110
X the community school's base formula amount);	12111
(ii) For each student reported under division (B)(2)(c) of this section as enrolled in kindergarten and receiving special education and related services pursuant to an IEP for a handicap described in division (A) or (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, one-half of the amount calculated under the formula prescribed in division (D)(2)(b)(i) of this section.	12112 12113 12114 12115 12116 12117 12118
(3) An amount received from federal funds to provide special education and related services to students in the community school, as determined by the superintendent of public instruction.	12119 12120 12121
<u>(4) For each student reported under division (B)(2)(d) of this section as enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the community school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, an amount equal to the applicable vocational education weight times the community school's base formula amount times the percentage of time the student spends in the vocational education programs or classes.</u>	12122 12123 12124 12125 12126 12127 12128 12129 12130 12131 12132
<u>(5) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the number of that district's students enrolled in the community school and participating in Ohio works first is multiplied by the per pupil amount of disadvantaged pupil impact aid that school district receives that year pursuant to division (B) or (C) of section 3317.029 of the Revised Code, as adjusted by any DPIA reduction factor of the community school. The per pupil amount of aid shall be determined as described in</u>	12133 12134 12135 12136 12137 12138 12139 12140 12141

division (C)(3) of this section. 12142

~~(5)(6)~~ An amount equal to the sum of the amounts obtained 12143
when, for each school district where the community school's 12144
students are entitled to attend school, the district's per pupil 12145
amount of aid received under division (E) of section 3317.029 of 12146
the Revised Code, as adjusted by any DPIA reduction factor of the 12147
community school, is multiplied by the sum of the following: 12148

(a) The number of the district's students reported under 12149
division (B)(2)(a) of this section who are enrolled in grades one 12150
to three in that community school and who are not receiving 12151
special education and related services pursuant to an IEP; 12152

(b) One-half of the district's students who are enrolled in 12153
all-day or any other kindergarten class in that community school 12154
and who are not receiving special education and related services 12155
pursuant to an IEP; 12156

(c) One-half of the district's students who are enrolled in 12157
all-day kindergarten in that community school and who are not 12158
receiving special education and related services pursuant to an 12159
IEP. 12160

The district's per pupil amount of aid under division (E) of 12161
section 3317.029 of the Revised Code shall be determined as 12162
described in division (C)~~(4)~~(5) of this section. 12163

(E) If a community school's costs for a fiscal year for a 12164
student receiving special education and related services pursuant 12165
to an IEP for a handicap described in ~~division (F)(3)~~ divisions 12166
(B) to (F) of section ~~3317.02~~ 3317.013 of the Revised Code are 12167
twenty-five thousand dollars or more, the school may submit to the 12168
superintendent of public instruction documentation, as prescribed 12169
by the superintendent, of all its costs for that student. Upon 12170
submission of documentation for a student of the type and in the 12171
manner prescribed, the department shall pay to the community 12172

school an amount equal to the school's costs for the student in 12173
excess of twenty-five thousand dollars. 12174

The community school shall only report, and the department 12175
shall only pay for, the costs of educational expenses and the 12176
related services provided to the student in accordance with the 12177
student's individualized education program. Any legal fees, court 12178
costs, or other costs associated with any cause of action relating 12179
to the student may not be included in the amount. 12180

(F) A community school may apply to the department of 12181
education for preschool handicapped or gifted unit funding the 12182
school would receive if it were a school district. Upon request of 12183
its governing authority, a community school that received unit 12184
funding as a school district-operated school before it became a 12185
community school shall retain any units awarded to it as a school 12186
district-operated school provided the school continues to meet 12187
eligibility standards for the unit. 12188

A community school shall be considered a school district and 12189
its governing authority shall be considered a board of education 12190
for the purpose of applying to any state or federal agency for 12191
grants that a school district may receive under federal or state 12192
law or any appropriations act of the general assembly. The 12193
governing authority of a community school may apply to any private 12194
entity for additional funds. 12195

(G) A board of education sponsoring a community school may 12196
utilize local funds to make enhancement grants to the school or 12197
may agree, either as part of the contract or separately, to 12198
provide any specific services to the community school at no cost 12199
to the school. 12200

(H) A community school may not levy taxes or issue bonds 12201
secured by tax revenues. 12202

(I) No community school shall charge tuition for the 12203

enrollment of any student. 12204

(J) A community school may borrow money to pay any necessary 12205
and actual expenses of the school in anticipation of the receipt 12206
of any portion of the payments to be received by the school 12207
pursuant to division (D) of this section. The school may issue 12208
notes to evidence such borrowing to mature no later than the end 12209
of the fiscal year in which such money was borrowed. The proceeds 12210
of the notes shall be used only for the purposes for which the 12211
anticipated receipts may be lawfully expended by the school. 12212

(K) For purposes of determining the number of students for 12213
which divisions (D)~~(4)~~(5) and ~~(5)~~(6) of this section applies in 12214
any school year, a community school may submit to the department 12215
of job and family services, no later than the first day of March, 12216
a list of the students enrolled in the school. For each student on 12217
the list, the community school shall indicate the student's name, 12218
address, and date of birth and the school district where the 12219
student is entitled to attend school. Upon receipt of a list under 12220
this division, the department of job and family services shall 12221
determine, for each school district where one or more students on 12222
the list is entitled to attend school, the number of students 12223
residing in that school district who were included in the 12224
department's report under section 3317.10 of the Revised Code. The 12225
department shall make this determination on the basis of 12226
information readily available to it. Upon making this 12227
determination and no later than ninety days after submission of 12228
the list by the community school, the department shall report to 12229
the state department of education the number of students on the 12230
list who reside in each school district who were included in the 12231
department's report under section 3317.10 of the Revised Code. In 12232
complying with this division, the department of job and family 12233
services shall not report to the state department of education any 12234
personally identifiable information on any student. 12235

(L) The department of education shall adjust the amounts 12236
subtracted and paid under divisions (C) and (D) of this section to 12237
reflect any enrollment of students in community schools for less 12238
than the equivalent of a full school year. For purposes of this 12239
section, a student shall be considered enrolled in the community 12240
school for any portion of the school year the student is 12241
participating at a college under Chapter 3365. of the Revised 12242
Code. 12243

(M) The department of education shall reduce the amounts paid 12244
under division (D) of this section to reflect payments made to 12245
colleges under division (B) of section 3365.07 of the Revised 12246
Code. 12247

Sec. 3314.09. (A) As used in this section and section 12248
3314.091 of the Revised Code, "native student" means a student 12249
entitled to attend school in the school district under section 12250
3313.64 or 3313.65 of the Revised Code. 12251

The (B) Except as provided in section 3314.091 of the Revised 12252
Code, the board of education of each city, local, and exempted 12253
village school district shall provide transportation to and from 12254
school for its district's native students enrolled in a community 12255
school located in that district or another district on the same 12256
basis that it provides transportation for its native students 12257
enrolled in schools to which they are assigned by the board of 12258
education at the same grade level and who live the same distance 12259
from school except when, in the judgment of the board, confirmed 12260
by the state board of education, the transportation is unnecessary 12261
or unreasonable. A board shall not be required to transport 12262
nonhandicapped students to and from a community school located in 12263
another school district if the transportation would require more 12264
than thirty minutes of direct travel time as measured by school 12265
bus from the collection point designated by the district's 12266

coordinator of school transportation. 12267

(C) Where it is impractical to transport a pupil to and from 12268
a community school by school conveyance, a board may, in lieu of 12269
providing the transportation, pay a parent, guardian, or other 12270
person in charge of the child. The amount paid per pupil shall in 12271
no event exceed the average transportation cost per pupil, which 12272
shall be based on the cost of transportation of children by all 12273
boards of education in this state during the next preceding year. 12274

(D) The daily and annual instructional schedules of a 12275
community school are the sole responsibility of the community 12276
school's governing authority, and are subject only to the 12277
requirements of this chapter and the governing authority's 12278
contract with its sponsor. Each school district board of education 12279
that is required to provide transportation for community school 12280
students under this section shall provide the transportation in 12281
accordance with those schedules so that students may be present on 12282
time and at all times that the community school is open for 12283
instruction. 12284

Sec. 3314.091. (A) A school district is not required to 12285
provide transportation for any native student enrolled in a 12286
community school if the district board of education has entered 12287
into an agreement with the community school's governing authority 12288
that designates the community school as responsible for providing 12289
or arranging for the transportation of the district's native 12290
students to and from the community school. For any such agreement 12291
to be effective, it must be certified by the superintendent of 12292
public instruction as having met both of the following 12293
requirements: 12294

(1) It is submitted to the department of education by a 12295
deadline which shall be established by the department. 12296

(2) It specifies qualifications, such as residing a minimum 12297

distance from the school, for students to have their 12298
transportation provided or arranged. 12299

(B)(1) A community school governing board that enters into an 12300
agreement to provide transportation under this section shall 12301
provide or arrange transportation free of any charge for each of 12302
its enrolled students in grades kindergarten through eight who 12303
live more than two miles from the school, except that the 12304
governing board may make a payment in lieu of providing 12305
transportation to the parent, guardian, or person in charge of the 12306
student at the same rate as specified for a school district board 12307
in division (C) of section 3314.09 of the Revised Code if the 12308
drive time measured by the vehicle specified by the school for 12309
transporting the students from the student's residence to the 12310
school is more than thirty minutes. The governing board may 12311
provide or arrange transportation for any other enrolled student 12312
and may charge a fee for such service. The governing board may 12313
request the payment specified under division (C) of this section 12314
for any student it transports, for whom it arranges 12315
transportation, or for whom it makes a payment in lieu of 12316
providing transportation if the student lives more than one mile 12317
from the community school. 12318

(2) Notwithstanding anything to the contrary in division 12319
(B)(1) of this section, a community school governing board shall 12320
provide or arrange transportation free of any charge for any 12321
disabled student enrolled in the school for whom the student's 12322
individualized education program developed under Chapter 3323. of 12323
the Revised Code specifies transportation. 12324

(C)(1) If a school district board and a community school 12325
governing authority elect to enter into an agreement under this 12326
section, the department of education annually shall pay the 12327
community school the amount specified in division (C)(2) of this 12328
section for each of the enrolled students for whom the school's 12329

governing authority provides or arranges transportation to and from school. The department shall deduct the payment from the state payment under Chapter 3317. and, if necessary, sections 321.14 and 323.156 of the Revised Code that is otherwise paid to the school district in which the student enrolled in the community school resides. The department shall include the number of the district's native students for whom payment is made to a community school under this division in the calculation of the district's transportation payment under division (D) of section 3317.022 of the Revised Code.

A community school shall be paid under this division only for students who live more than one mile from the school and whose transportation to and from school is actually provided or arranged or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department.

A community school shall use payments received under this division solely to pay the costs of providing or arranging for the transportation of students who live more than one mile from the school, which may include payments to a parent, guardian, or other person in charge of a child in lieu of transportation.

(2) The payment to a community school governing authority under this section for each student who lives more than one mile from the school or who is disabled and whose individualized education program requires transportation and for whom the school actually provides or arranges transportation or makes a payment in lieu of providing transportation, shall be made according to the following schedule:

(a) In fiscal year 2002, four-hundred fifty dollars per student; 12362
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(b) In fiscal year 2003 and every fiscal year thereafter, the amount specified in division (C)(2)(a) of this section multiplied by the negative or positive percentage of change reported in the consumer price index (all urban consumers, transportation) by the bureau of labor statistics of the United States department of labor from the beginning of the calendar year that ended just prior to the beginning of the fiscal year to the end of that calendar year. 12364
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(D) Except when arranged through payment to a parent, guardian, or person in charge of a child, transportation provided or arranged for by a community school pursuant to an agreement under this section is subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to the construction, design, equipment, and operation of school buses and other vehicles transporting students to and from school. The drivers and mechanics of the vehicles are subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to drivers and mechanics of such vehicles. The community school also shall comply with sections 3313.201, 3327.09, and 3327.10 and division (B) of section 3327.16 of the Revised Code as if it were a school district. For purposes of complying with section 3327.10 of the Revised Code, the educational service center that serves the county in which the community school is located shall be the certifying agency, unless the agreement designates the school district as the certifying agency. 12372
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Sec. 3317.01. As used in this section and section 3317.011 of the Revised Code, "school district," unless otherwise specified, means any city, local, exempted village, joint vocational, or 12390
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cooperative education school district and any educational service center. 12393
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This chapter shall be administered by the state board of education. The superintendent of public instruction shall calculate the amounts payable to each school district and shall certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board. 12395
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The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter. 12402
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Annually, the department of education shall calculate and report to each school district the district's total state and local funds for providing an adequate basic education to the district's nonhandicapped students, utilizing the determination in section 3317.012 of the Revised Code. In addition, the department shall calculate and report separately for each school district the district's total state and local funds for providing an adequate education for its handicapped students, utilizing the determinations in both sections 3317.012 and 3317.013 of the Revised Code. 12405
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Not later than the thirty-first day of August of each fiscal year, the department of education shall provide to each school district and county MR/DD board a preliminary estimate of the amount of funding that the department calculates the district will receive under each of divisions (C)(1) and ~~(5)~~(4) of section 3317.022 of the Revised Code. No later than the first day of December of each fiscal year, the department shall update that preliminary estimate. 12415
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Moneys distributed pursuant to this chapter shall be calculated and paid on a fiscal year basis, beginning with the 12423
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first day of July and extending through the thirtieth day of June. 12425
The moneys appropriated for each fiscal year shall be distributed 12426
at least monthly to each school district unless otherwise provided 12427
for. The state board shall submit a yearly distribution plan to 12428
the controlling board at its first meeting in July. The state 12429
board shall submit any proposed midyear revision of the plan to 12430
the controlling board in January. Any year-end revision of the 12431
plan shall be submitted to the controlling board in June. If 12432
moneys appropriated for each fiscal year are distributed other 12433
than monthly, such distribution shall be on the same basis for 12434
each school district. 12435

The total amounts paid each month shall constitute, as nearly 12436
as possible, one-twelfth of the total amount payable for the 12437
entire year. Payments made during the first six months of the 12438
fiscal year may be based on an estimate of the amounts payable for 12439
the entire year. Payments made in the last six months shall be 12440
based on the final calculation of the amounts payable to each 12441
school district for that fiscal year. Payments made in the last 12442
six months may be adjusted, if necessary, to correct the amounts 12443
distributed in the first six months, and to reflect enrollment 12444
increases when such are at least three per cent. Except as 12445
otherwise provided, payments under this chapter shall be made only 12446
to those school districts in which: 12447

(A) The school district, except for any educational service 12448
center and any joint vocational or cooperative education school 12449
district, levies for current operating expenses at least twenty 12450
mills. Levies for joint vocational or cooperative education school 12451
districts or county school financing districts, limited to or to 12452
the extent apportioned to current expenses, shall be included in 12453
this qualification requirement. School district income tax levies 12454
under Chapter 5748. of the Revised Code, limited to or to the 12455
extent apportioned to current operating expenses, shall be 12456

As Reported by the House Finance and Appropriations Committee

included in this qualification requirement to the extent 12457
determined by the tax commissioner under division (D) of section 12458
3317.021 of the Revised Code. 12459

(B) The school year next preceding the fiscal year for which 12460
such payments are authorized meets the requirement of section 12461
3313.48 or 3313.481 of the Revised Code, with regard to the 12462
minimum number of days or hours school must be open for 12463
instruction with pupils in attendance, for individualized 12464
parent-teacher conference and reporting periods, and for 12465
professional meetings of teachers. This requirement shall be 12466
waived by the superintendent of public instruction if it had been 12467
necessary for a school to be closed because of disease epidemic, 12468
hazardous weather conditions, inoperability of school buses or 12469
other equipment necessary to the school's operation, damage to a 12470
school building, or other temporary circumstances due to utility 12471
failure rendering the school building unfit for school use, 12472
provided that for those school districts operating pursuant to 12473
section 3313.48 of the Revised Code the number of days the school 12474
was actually open for instruction with pupils in attendance and 12475
for individualized parent-teacher conference and reporting periods 12476
is not less than one hundred seventy-five, or for those school 12477
districts operating on a trimester plan the number of days the 12478
school was actually open for instruction with pupils in attendance 12479
not less than seventy-nine days in any trimester, for those school 12480
districts operating on a quarterly plan the number of days the 12481
school was actually open for instruction with pupils in attendance 12482
not less than fifty-nine days in any quarter, or for those school 12483
districts operating on a pentamester plan the number of days the 12484
school was actually open for instruction with pupils in attendance 12485
not less than forty-four days in any pentamester. 12486

A school district shall not be considered to have failed to 12487
comply with this division or section 3313.481 of the Revised Code 12488

because schools were open for instruction but either twelfth grade 12489
students were excused from attendance for up to three days or only 12490
a portion of the kindergarten students were in attendance for up 12491
to three days in order to allow for the gradual orientation to 12492
school of such students. 12493

The superintendent of public instruction shall waive the 12494
requirements of this section with reference to the minimum number 12495
of days or hours school must be in session with pupils in 12496
attendance for the school year succeeding the school year in which 12497
a board of education initiates a plan of operation pursuant to 12498
section 3313.481 of the Revised Code. The minimum requirements of 12499
this section shall again be applicable to such a district 12500
beginning with the school year commencing the second July 12501
succeeding the initiation of one such plan, and for each school 12502
year thereafter. 12503

A school district shall not be considered to have failed to 12504
comply with this division or section 3313.48 or 3313.481 of the 12505
Revised Code because schools were open for instruction but the 12506
length of the regularly scheduled school day, for any number of 12507
days during the school year, was reduced by not more than two 12508
hours due to hazardous weather conditions. 12509

(C) The school district has on file, and is paying in 12510
accordance with, a teachers' salary schedule which complies with 12511
section 3317.13 of the Revised Code. 12512

A board of education or governing board of an educational 12513
service center which has not conformed with other law and the 12514
rules pursuant thereto, shall not participate in the distribution 12515
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 12516
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 12517
and sufficient reason established to the satisfaction of the state 12518
board of education and the state controlling board. 12519

All funds allocated to school districts under this chapter, 12520
except those specifically allocated for other purposes, shall be 12521
used to pay current operating expenses only. 12522

Sec. 3317.012. (A)(1) The general assembly, having analyzed 12523
school district expenditure and cost data for fiscal year ~~1996~~ 12524
1999, performed the calculation described in division (B) of this 12525
section, ~~and~~ adjusted the results for inflation, and added the 12526
amounts described in division (A)(2) of this section, hereby 12527
determines that the base cost of an adequate education per pupil 12528
for the fiscal year beginning July 1, ~~1998~~ 2001, is ~~\$4,063~~ \$4,814. 12529
For the five following fiscal years, the base cost per pupil for 12530
each of those years, reflecting an annual rate of inflation of two 12531
and eight-tenths per cent, is ~~\$4,177~~ \$4,949 for fiscal year ~~2000~~ 12532
2003, ~~\$4,294~~ \$5,088 for fiscal year ~~2001~~ 2004, ~~\$4,414~~ \$5,230 for 12533
fiscal year ~~2002~~ 2005, ~~\$4,538~~ \$5,376 for fiscal year ~~2003~~ 2006, 12534
and ~~\$4,665~~ \$5,527 for fiscal year ~~2004~~ 2007. 12535

(2) The base cost per pupil amounts specified in division 12536
(A)(1) of this section include amounts to reflect the cost to 12537
school districts of increasing the minimum number of high school 12538
academic units required for graduation beginning September 15, 12539
2001, under section 3313.603 of the Revised Code. Analysis of 12540
fiscal year 1999 data revealed that the school districts meeting 12541
the requirements of division (B) of this section on average 12542
required high school students to complete a minimum of nineteen 12543
and eight-tenths units to graduate. The general assembly 12544
determines that the cost of funding the additional two-tenths unit 12545
required by section 3313.603 of the Revised Code is \$12 per pupil 12546
in fiscal year 2002. This amount was added after the calculation 12547
described in division (B) of this section and the adjustment for 12548
inflation from fiscal year 1999 to fiscal year 2002. It is this 12549
total amount, the calculated base cost plus the supplement to pay 12550
for the additional partial unit, that constitutes the base cost 12551

amount specified in division (A)(1) of this section for fiscal 12552
year 2002 and that is inflated to produce the base cost amounts 12553
for fiscal years 2003 through 2007. 12554

(B) In determining the base cost stated in division (A) of 12555
this section, capital and debt costs, costs paid for by federal 12556
funds, and costs covered by funds provided ~~pursuant to sections~~ 12557
~~3317.023 and 3317.024 of the Revised Code as they existed prior to~~ 12558
~~July 1, 1998,~~ for disadvantaged pupil impact aid and 12559
transportation were excluded, as were the effects on the 12560
districts' state funds of the application of the 12561
cost-of-doing-business factors, assuming ~~an eighteen~~ a seven and 12562
one-half per cent variance. 12563

The base cost for fiscal year ~~1996~~ 1999 was calculated as the 12564
unweighted average cost per student, on a school district basis, 12565
of educating students who were not receiving vocational education 12566
or services pursuant to Chapter 3323. of the Revised Code and who 12567
were enrolled in a city, exempted village, or local school 12568
district that in fiscal year ~~1994~~ 1999 met all of the following 12569
criteria: 12570

(1) The district met at least ~~all but one~~ twenty of the 12571
following twenty-seven performance standards: 12572

(a) A ~~three ninety~~ per cent or lower dropout higher 12573
graduation rate; 12574

(b) At least seventy-five per cent of fourth graders 12575
proficient on the mathematics test prescribed under division 12576
(A)(1) of section 3301.0710 of the Revised Code; 12577

(c) At least seventy-five per cent of fourth graders 12578
proficient on the reading test prescribed under division (A)(1) of 12579
section 3301.0710 of the Revised Code; 12580

(d) At least seventy-five per cent of fourth graders 12581
proficient on the writing test prescribed under division (A)(1) of 12582

section 3301.0710 of the Revised Code;	12583
(e) At least seventy-five per cent of fourth graders	12584
proficient on the citizenship test prescribed under division	12585
(A)(1) of section 3301.0710 of the Revised Code;	12586
(f) <u>At least seventy-five per cent of fourth graders</u>	12587
<u>proficient on the science test prescribed under division (A)(1) of</u>	12588
<u>section 3301.0710 of the Revised Code;</u>	12589
(g) <u>At least seventy-five per cent of sixth graders</u>	12590
<u>proficient on the mathematics test prescribed under division</u>	12591
<u>(A)(2) of section 3301.0710 of the Revised Code;</u>	12592
(h) <u>At least seventy-five per cent of sixth graders</u>	12593
<u>proficient on the reading test prescribed under division (A)(2) of</u>	12594
<u>section 3301.0710 of the Revised Code;</u>	12595
(i) <u>At least seventy-five per cent of sixth graders</u>	12596
<u>proficient on the writing test prescribed under division (A)(2) of</u>	12597
<u>section 3301.0710 of the Revised Code;</u>	12598
(j) <u>At least seventy-five per cent of sixth graders</u>	12599
<u>proficient on the citizenship test prescribed under division</u>	12600
<u>(A)(2) of section 3301.0710 of the Revised Code;</u>	12601
(k) <u>At least seventy-five per cent of sixth graders</u>	12602
<u>proficient on the science test prescribed under division (A)(2) of</u>	12603
<u>section 3301.0710 of the Revised Code;</u>	12604
(l) At least seventy-five per cent of ninth graders	12605
proficient on the mathematics test prescribed under former	12606
division (B) of section 3301.0710 of the Revised Code <u>Section 4 of</u>	12607
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	12608
(g)(m) At least seventy-five per cent of ninth graders	12609
proficient on the reading test prescribed under former division	12610
(B) of section 3301.0710 of the Revised Code <u>Section 4 of Am. Sub.</u>	12611
<u>S.B. 55 of the 122nd general assembly;</u>	12612

(h) (n) At least seventy-five per cent of ninth graders	12613
proficient on the writing test prescribed under former division	12614
(B) of section 3301.0710 of the Revised Code <u>Section 4 of Am. Sub.</u>	12615
<u>S.B. 55 of the 122nd general assembly;</u>	12616
(i) (o) At least seventy-five per cent of ninth graders	12617
proficient on the citizenship test prescribed under former	12618
division (B) of section 3301.0710 of the Revised Code <u>Section 4 of</u>	12619
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	12620
(j) (p) At least seventy-five per cent of ninth graders	12621
<u>proficient on the science test prescribed under Section 4 of Am.</u>	12622
<u>Sub. S.B. 55 of the 122nd general assembly;</u>	12623
(q) At least eighty-five per cent of tenth graders proficient	12624
on the mathematics test prescribed under former division (B) of	12625
section 3301.0710 of the Revised Code <u>Section 4 of Am. Sub. S.B.</u>	12626
<u>55 of the 122nd general assembly;</u>	12627
(k) (r) At least eighty-five per cent of tenth graders	12628
proficient on the reading test prescribed under former division	12629
(B) of section 3301.0710 of the Revised Code <u>Section 4 of Am. Sub.</u>	12630
<u>S.B. 55 of the 122nd general assembly;</u>	12631
(l) (s) At least eighty-five per cent of tenth graders	12632
proficient on the writing test prescribed under former division	12633
(B) of section 3301.0710 of the Revised Code <u>Section 4 of Am. Sub.</u>	12634
<u>S.B. 55 of the 122nd general assembly;</u>	12635
(m) (t) At least eighty-five per cent of tenth graders	12636
proficient on the citizenship test prescribed under former	12637
division (B) of section 3301.0710 of the Revised Code <u>Section 4 of</u>	12638
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	12639
(n) (u) At least eighty-five per cent of tenth graders	12640
<u>proficient on the science test prescribed under Section 4 of Am.</u>	12641
<u>Sub. S.B. 55 of the 122nd general assembly;</u>	12642

(v) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed under division (A)(3) of section 3301.0710 of the Revised Code;	12643 12644 12645
(o) (w) At least sixty per cent of twelfth graders proficient on the reading test prescribed under division (A)(3) of section 3301.0710 of the Revised Code;	12646 12647 12648
(p) (x) At least sixty per cent of twelfth graders proficient on the writing test prescribed under division (A)(3) of section 3301.0710 of the Revised Code;	12649 12650 12651
(q) (y) At least sixty per cent of twelfth graders proficient on the citizenship test prescribed under division (A)(3) of section 3301.0710 of the Revised Code;	12652 12653 12654
(r) (z) <u>At least sixty per cent of twelfth graders proficient on the science test prescribed under division (A)(3) of section 3301.0710 of the Revised Code;</u>	12655 12656 12657
(aa) An attendance rate for the year of at least ninety-three per cent as defined in section 3302.01 of the Revised Code.	12658 12659 12660
(2) The district was not among the ten <u>five</u> per cent of all districts with the highest income factors, as defined in section 3317.02 of the Revised Code , nor among the ten <u>five</u> per cent of all districts with the lowest income factors.	12661 12662 12663 12664
(3) The district was not among the five per cent of all districts with the highest valuation per pupil in ADM, as reported under division (A) of section 3317.03 of the Revised Code as it existed prior to July 1, 1998 , nor among the five per cent of all districts with the lowest valuation per pupil.	12665 12666 12667 12668 12669
<u>This model for calculating the base cost of an adequate education is expenditure-based. The general assembly recognizes that increases in state funding to school districts since fiscal</u>	12670 12671 12672

As Reported by the House Finance and Appropriations Committee

year 1996, the fiscal year upon which the general assembly based its model for calculating state funding to school districts for fiscal years 1999 through 2001, has increased school district base cost expenditures for fiscal year 1999, the fiscal year upon which the general assembly based its model for calculating state funding for fiscal years 2002 through 2007. In the case of school districts included in both models as a result of meeting the performance criteria of both former and current division (B) of this section, the increased state funding may have driven the districts' expenditures beyond the expenditures that were actually needed to maintain their educational programs at the level necessary to maintain their status as model districts. The general assembly has determined to control for this effect by stipulating in the later model that the fiscal year 1999 base cost expenditures of the districts included in the earlier model equals their base cost expenditures per pupil for fiscal year 1996, inflated to fiscal year 1999 using an annual rate of inflation of two and eight-tenths per cent. For districts in the 1999 model that were not also included in the 1996 model, the actual 1999 base cost per pupil expenditures were used in the calculation of the average district per pupil costs of the model districts.

(C) In July of ~~2000~~ 2005, and in July of every six years thereafter, the speaker of the house of representatives and the president of the senate shall each appoint three members to a committee to reexamine the cost of an adequate education. No more than two members from any political party shall represent each house. The director of budget and management and the superintendent of public instruction shall serve as nonvoting ex officio members of the committee.

The committee shall select a rational methodology for calculating the costs of an adequate education system for the ensuing six-year period, and shall report the methodology and the

resulting costs to the general assembly. In performing its 12705
function, the committee is not bound by any method used by 12706
previous general assemblies to examine and calculate costs and 12707
instead may utilize any rational method it deems suitable and 12708
reasonable given the educational needs and requirements of the 12709
state at that time. 12710

The methodology for determining the cost of an adequate 12711
education system shall take into account the basic educational 12712
costs that all districts incur in educating regular students, the 12713
unique needs of special categories of students, and significant 12714
special conditions encountered by certain classifications of 12715
school districts. 12716

The committee also shall redetermine, for purposes of 12717
updating the parity aid calculation under section 3317.0217 of the 12718
Revised Code, the average number of effective operating mills that 12719
school districts in the seventieth to ninetieth percentiles of 12720
valuations per pupil collect above the revenues required to 12721
finance their attributed local shares of the calculated cost of an 12722
adequate education. 12723

Any committee appointed pursuant to this section shall make 12724
its report to the office of budget and management and the general 12725
assembly within ~~six months~~ one year of its appointment so that the 12726
information is available for use by the office and the general 12727
assembly in preparing the next biennial appropriations act. 12728

Sec. 3317.013. This section does not apply to handicapped 12729
preschool students. 12730

Analysis of special education cost data has resulted in a 12731
finding that the average special education additional cost per 12732
pupil, including the costs of related services, can be expressed 12733
as a multiple of the base cost per pupil calculated under section 12734
3317.012 of the Revised Code. The multiples for the following 12735

categories of special education programs, as these programs are 12736
defined for purposes of Chapter 3323. of the Revised Code, and 12737
adjusted as provided in this section for fiscal years 2002 and 12738
2003, are as follows: 12739

(A) A multiple of 0.2892 for students whose primary or only 12740
identified handicap is a speech and language handicap, as this 12741
term is defined pursuant to Chapter 3323. of the Revised Code; 12742

~~(B)~~ A multiple of 0.22 0.4240 for students identified as 12743
specific learning disabled, ~~other health handicapped, or~~ 12744
developmentally handicapped, ~~or severe behavior handicapped,~~ as 12745
these terms are defined pursuant to Chapter 3323. of the Revised 12746
Code; 12747

~~(B)~~(C) A multiple of 3.01 1.6736 for students identified as 12748
hearing handicapped, ~~orthopedically handicapped, or~~ vision 12749
impaired, ~~multihandicapped, and severe behavior handicapped,~~ as 12750
these terms are defined pursuant to Chapter 3323. of the Revised 12751
Code; 12752

(D) A multiple of 3.0022 for students identified as 12753
orthopedically handicapped or other health handicapped, as these 12754
terms are defined pursuant to Chapter 3323. of the Revised Code; 12755

(E) A multiple of 3.7507 for students identified as 12756
multihandicapped or as both visually and hearing disabled, as 12757
these terms are defined pursuant to Chapter 3323. of the Revised 12758
Code; 12759

(F) A multiple of 4.7693 for students identified as autistic 12760
or having traumatic brain injuries, as these terms are defined 12761
pursuant to Chapter 3323. of the Revised Code. 12762

~~Further analysis indicates that approximately one-eighth of~~ 12763
~~the total costs of serving special education students consists of~~ 12764
~~the furnishing of the related services specified in division~~ 12765
~~(B)(3) of section 3317.022 of the Revised Code.~~ 12766

In fiscal year 2002, the multiples specified in divisions (A) to (F) of this section shall be adjusted by multiplying them by 0.805. In fiscal year 2003, the multiples specified in those divisions shall be adjusted by multiplying them by 0.85.

Sec. 3317.014. The average vocational education additional cost per pupil can be expressed as a multiple of the base cost per pupil calculated under section 3317.012 of the Revised Code. the multiples for the following categories of vocational education programs are as follows:

(A) A multiple of ~~0.60~~ 0.57 for students enrolled in vocational education job-training and workforce development programs approved by the department of education in accordance with rules adopted under section 3313.90 of the Revised Code.

The rules adopted under this division may provide for programs that include instructional time beyond the normal periods of instruction, including summers, for areas of study such as agriculture. For any such program, the multiple of 0.57 may be apportioned so that the multiple for the normal school year is less than the multiple for the additional instructional time but that a school district may receive the entire value of the weight for the program if the program extends beyond the normal periods of instruction.

(B) A multiple of ~~0.30~~ 0.28 for students enrolled in vocational education classes other than job-training and workforce development programs.

Vocational education associated services costs can be expressed as a multiple of 0.05 of the base cost per pupil calculated under section 3317.012 of the Revised Code.

The general assembly has adjusted the multiples specified in this section for calculating payments beginning in fiscal year

2002 in recognition that its policy change regarding the 12797
application of the cost-of-doing-business factor produces a higher 12798
base cost amount than would exist if no change were made to its 12799
application. The adjustment maintains the same weighted costs as 12800
would exist if no change were made to the application of the 12801
cost-of-doing-business factor. 12802

Sec. 3317.02. As used in this chapter: 12803

(A) Unless otherwise specified, "school district" means city, 12804
local, and exempted village school districts. 12805

(B) "Formula amount" means the base cost for the fiscal year 12806
specified in section 3317.012 of the Revised Code, ~~except that to~~ 12807
~~allow for the orderly phase in of the increased funding specified~~ 12808
~~in that section, the formula amount for fiscal year 1999 shall be~~ 12809
~~\$3,851, and the formula amount for fiscal year 2000 shall be~~ 12810
~~\$4,052. Thereafter, the formula amount shall be as specified in~~ 12811
~~that section.~~ 12812

(C) "FTE basis" means a count of students based on full-time 12813
equivalency, in accordance with rules adopted by the department of 12814
education pursuant to section 3317.03 of the Revised Code. In 12815
adopting its rules under this division, the department shall 12816
provide for counting any student in category one, two, ~~or three,~~ 12817
four, five, or six special education ADM or in category one or two 12818
vocational education ADM in the same proportion the student is 12819
counted in formula ADM. 12820

(D)(1) "Formula ADM" means, for a city, local, or exempted 12821
village school district, the number reported pursuant to division 12822
(A) of section 3317.03 of the Revised Code, and for a joint 12823
vocational school district, the number reported pursuant to 12824
division (D) of that section. 12825

(2) "Three-year average formula ADM" means the average of 12826

formula ADMs for the current and preceding two fiscal years. 12827
However, as applicable in fiscal years 1999 and 2000, the 12828
three-year average for city, local, and exempted village school 12829
districts shall be determined utilizing the FY 1997 ADM or FY 1998 12830
ADM in lieu of formula ADM for fiscal year 1997 or 1998. In fiscal 12831
years 2000 and 2001, the three-year average for joint vocational 12832
school districts shall be determined utilizing the average daily 12833
membership reported in fiscal years 1998 and 1999 under division 12834
(D) of section 3317.03 of the Revised Code in lieu of formula ADM 12835
for fiscal years 1998 and 1999. 12836

(E) "FY 1997 ADM" or "FY 1998 ADM" means the school 12837
district's average daily membership reported for the applicable 12838
fiscal year under the version of division (A) of section 3317.03 12839
of the Revised Code in effect during that fiscal year, adjusted as 12840
follows: 12841

(1) Minus the average daily membership of handicapped 12842
preschool children; 12843

(2) Minus one-half of the average daily membership attending 12844
kindergarten; 12845

(3) Minus three-fourths of the average daily membership 12846
attending a joint vocational school district; 12847

(4) Plus the average daily membership entitled under section 12848
3313.64 or 3313.65 of the Revised Code to attend school in the 12849
district but receiving educational services in approved units from 12850
an educational service center or another school district under a 12851
compact or a cooperative education agreement, as determined by the 12852
department; 12853

(5) Minus the average daily membership receiving educational 12854
services from the district in approved units but entitled under 12855
section 3313.64 or 3313.65 of the Revised Code to attend school in 12856
another school district, as determined by the department. 12857

(F)(1) "Category one special education ADM" means the average daily membership of handicapped children receiving special education services for ~~those handicaps~~ the handicap specified in division (A) of section 3317.013 of the Revised Code and reported under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code.

(2) "Category two special education ADM" means the average daily membership of handicapped children receiving special education services for those handicaps specified in division (B) of section 3317.013 of the Revised Code and reported under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code.

(3) "Category three special education ADM" means the average daily membership of students receiving special education services for ~~students identified as autistic, having traumatic brain injuries, or as both visually and hearing disabled as these terms are defined pursuant to Chapter 3323.~~ those handicaps specified in division (C) of section 3317.013 of the Revised Code, and reported under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code.

(4) "Category four special education ADM" means the average daily membership of students receiving special education services for those handicaps specified in division (D) of section 3317.013 of the Revised Code and reported under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code.

(5) "Category five special education ADM" means the average daily membership of students receiving special education services for those handicaps specified in division (E) of section 3317.013 of the Revised Code and reported under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code.

(6) "Category six special education ADM" means the average

daily membership of students receiving special education services 12889
for those handicaps specified in division (F) of section 3317.013 12890
of the Revised Code and reported under division (B)(10) or 12891
(D)(2)(g) of section 3317.03 of the Revised Code. 12892

(7) "Category one vocational education ADM" means the average 12893
daily membership of students receiving vocational education 12894
services described in division (A) of section 3317.014 of the 12895
Revised Code and reported under division (B)~~(8)~~(11) or 12896
(D)(2)~~(e)~~(h) of section 3317.03 of the Revised Code. 12897

~~(5)~~(8) "Category two vocational education ADM" means the 12898
average daily membership of students receiving vocational 12899
education services described in division (B) of section 3317.014 12900
of the Revised Code and reported under division (B)~~(9)~~(12) or 12901
(D)(2)~~(f)~~(i) of section 3317.03 of the Revised Code. 12902

(G) "Handicapped preschool child" means a handicapped child, 12903
as defined in section 3323.01 of the Revised Code, who is at least 12904
age three but is not of compulsory school age, as defined in 12905
section 3321.01 of the Revised Code, and who is not currently 12906
enrolled in kindergarten. 12907

(H) "County MR/DD board" means a county board of mental 12908
retardation and developmental disabilities. 12909

(I) "Recognized valuation" means the amount calculated for a 12910
school district pursuant to section 3317.015 of the Revised Code. 12911

(J) "Transportation ADM" means the number of children 12912
reported under division (B)~~(10)~~(13) of section 3317.03 of the 12913
Revised Code. 12914

(K) "Average efficient transportation use cost per student" 12915
means a statistical representation of transportation costs as 12916
calculated under division (D)(2) of section 3317.022 of the 12917
Revised Code. 12918

(L) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.

(M) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(N)~~(1)~~ "Cost-of-doing-business factor" means the amount indicated in this division for the county in which a city, local, exempted village, or joint vocational school district is located, ~~adjusted in accordance with division (N)(2) of this section.~~ If a city, local, or exempted village school district is located in more than one county, the factor is the amount indicated for the county to which the district is assigned by the state department of education. If a joint vocational school district is located in more than one county, the factor is the amount indicated for the county in which the joint vocational school with the greatest formula ADM operated by the district is located.

COST-OF-DOING-BUSINESS

COUNTY	FACTOR	AMOUNT	
Adams	1.0074	<u>1.0061</u>	12940
Allen	1.0217	<u>1.0236</u>	12941
Ashland	1.0322	<u>1.0331</u>	12942
Ashtabula	1.0480	<u>1.0431</u>	12943
Athens	1.0046	<u>1.0038</u>	12944
Auglaize	1.0255	<u>1.0272</u>	12945
Belmont	1.0078	<u>1.0043</u>	12946
Brown	1.0194	<u>1.0207</u>	12947
Butler	1.0650	<u>1.0663</u>	12948
Carroll	1.0166	<u>1.0148</u>	12949
Champaign	1.0292	<u>1.0413</u>	12950

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Clark	1.0462 <u>1.0443</u>	12951
Clermont	1.0510 <u>1.0532</u>	12952
Clinton	1.0293 <u>1.0296</u>	12953
Columbiana	1.0300 <u>1.0262</u>	12954
Coshocton	1.0205 <u>1.0200</u>	12955
Crawford	1.0152 <u>1.0140</u>	12956
Cuyahoga	1.0697 <u>1.0672</u>	12957
Darke	1.0340 <u>1.0343</u>	12958
Defiance	1.0177 <u>1.0165</u>	12959
Delaware	1.0339 <u>1.0479</u>	12960
Erie	1.0391 <u>1.0372</u>	12961
Fairfield	1.0358 <u>1.0354</u>	12962
Fayette	1.0266 <u>1.0258</u>	12963
Franklin	1.0389 <u>1.0519</u>	12964
Fulton	1.0355 <u>1.0361</u>	12965
Gallia	1.0000	12966
Geauga	1.0568 <u>1.0528</u>	12967
Greene	1.0406 <u>1.0407</u>	12968
Guernsey	1.0072 <u>1.0064</u>	12969
Hamilton	1.0750	12970
Hancock	1.0224 <u>1.0215</u>	12971
Hardin	1.0219 <u>1.0348</u>	12972
Harrison	1.0098 <u>1.0081</u>	12973
Henry	1.0347 <u>1.0338</u>	12974
Highland	1.0139 <u>1.0129</u>	12975
Hocking	1.0149 <u>1.0151</u>	12976
Holmes	1.0237 <u>1.0238</u>	12977
Huron	1.0317 <u>1.0305</u>	12978
Jackson	1.0132 <u>1.0118</u>	12979
Jefferson	1.0084 <u>1.0067</u>	12980
Knox	1.0251 <u>1.0258</u>	12981
Lake	1.0596 <u>1.0556</u>	12982
Lawrence	1.0128 <u>1.0122</u>	12983

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Licking	1.0381 <u>1.0375</u>	12984
Logan	1.0188 <u>1.0362</u>	12985
Lorain	1.0535 <u>1.0521</u>	12986
Lucas	1.0413 <u>1.0406</u>	12987
Madison	1.0342 <u>1.0437</u>	12988
Mahoning	1.0426 <u>1.0384</u>	12989
Marion	1.0121 <u>1.0263</u>	12990
Medina	1.0608 <u>1.0595</u>	12991
Meigs	1.0031 <u>1.0018</u>	12992
Mercer	1.0177 <u>1.0199</u>	12993
Miami	1.0425 <u>1.0415</u>	12994
Monroe	1.0118 <u>1.0097</u>	12995
Montgomery	1.0482 <u>1.0476</u>	12996
Morgan	1.0140 <u>1.0128</u>	12997
Morrow	1.0268 <u>1.0276</u>	12998
Muskingum	1.0167 <u>1.0145</u>	12999
Noble	1.0129 <u>1.0103</u>	13000
Ottawa	1.0510 <u>1.0468</u>	13001
Paulding	1.0156 <u>1.0140</u>	13002
Perry	1.0175 <u>1.0154</u>	13003
Pickaway	1.0338 <u>1.0326</u>	13004
Pike	1.0103 <u>1.0094</u>	13005
Portage	1.0556 <u>1.0516</u>	13006
Preble	1.0486 <u>1.0476</u>	13007
Putnam	1.0253 <u>1.0243</u>	13008
Richland	1.0205 <u>1.0213</u>	13009
Ross	1.0089 <u>1.0085</u>	13010
Sandusky	1.0336 <u>1.0307</u>	13011
Scioto	1.0044 <u>1.0029</u>	13012
Seneca	1.0240 <u>1.0223</u>	13013
Shelby	1.0257 <u>1.0263</u>	13014
Stark	1.0313 <u>1.0300</u>	13015
Summit	1.0616 <u>1.0598</u>	13016

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Trumbull	1.0425 <u>1.0381</u>	13017
Tuscarawas	1.0099 <u>1.0097</u>	13018
Union	1.0330 <u>1.0446</u>	13019
Van Wert	1.0126 <u>1.0133</u>	13020
Vinton	1.0068 <u>1.0070</u>	13021
Warren	1.0651 <u>1.0659</u>	13022
Washington	1.0110 <u>1.0075</u>	13023
Wayne	1.0406 <u>1.0404</u>	13024
Williams	1.0268 <u>1.0284</u>	13025
Wood	1.0405 <u>1.0382</u>	13026
Wyandot	1.0191 <u>1.0188</u>	13027

~~(2) As used in this division, "multiplier" means the number for the corresponding fiscal year as follows:~~ 13028
13029

FISCAL YEAR OF THE		13030
COMPUTATION	MULTIPLIER	13031
1998	9.6/7.5	13032
1999	11.0/7.5	13033
2000	12.4/7.5	13034
2001	13.8/7.5	13035
2002	15.2/7.5	13036
2003	16.6/7.5	13037
2004 and thereafter	18.0/7.5	13038

~~Beginning in fiscal year 1998, the department shall annually adjust the cost-of-doing-business factor for each county in accordance with the following formula:~~ 13039
13040
13041

~~{(The cost-of-doing-business factor specified under division (N)(1) of this section - 1) X (the multiplier for the fiscal year of the calculation)} + 1~~ 13042
13043
13044

~~The result of such formula shall be the adjusted cost-of-doing-business factor for that fiscal year.~~ 13045
13046

~~(O) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section~~ 13047
13048

3317.021 of the Revised Code. 13049

(P) "Potential value" of a school district means the ~~adjusted~~ 13050
~~total taxable value~~ recognized valuation of a school district plus 13051
the tax exempt value of the district. 13052

(Q) "District median income" means the median Ohio adjusted 13053
gross income certified for a school district. On or before the 13054
first day of July of each year, the tax commissioner shall certify 13055
to the department of education for each city, exempted village, 13056
and local school district the median Ohio adjusted gross income of 13057
the residents of the school district determined on the basis of 13058
tax returns filed for the second preceding tax year by the 13059
residents of the district. 13060

(R) "Statewide median income" means the median district 13061
median income of all city, exempted village, and local school 13062
districts in the state. 13063

(S) "Income factor" for a city, exempted village, or local 13064
school district means the quotient obtained by dividing that 13065
district's median income by the statewide median income. 13066

~~(T) Except as provided in division (B)(3) of section 3317.012~~ 13067
~~of the Revised Code, "valuation per pupil" for a city, exempted~~ 13068
~~village, or local school district means the district's recognized~~ 13069
~~valuation divided by the greater of the district's formula ADM or~~ 13070
~~three-year average formula ADM.~~ 13071

~~(U) Except as provided in section 3317.0213 of the Revised~~ 13072
~~Code, "adjusted valuation per pupil" means the amount calculated~~ 13073
~~in accordance with the following formula:~~ 13074

~~District valuation per pupil = [\$60,000 X~~ 13075
~~(1 - district income factor)]~~ 13076

~~If the result of such formula is negative, the adjusted~~ 13077
~~valuation per pupil shall be zero.~~ 13078

~~(V) "Income adjusted valuation" means the product obtained by multiplying the school district's adjusted valuation per pupil by the greater of the district's formula ADM or three-year average formula ADM.~~ 13079
13080
13081
13082

~~(W) Except as provided in division (A)(2) of section 3317.022 of the Revised Code, "adjusted total taxable value" means one of the following:~~ 13083
13084
13085

~~(1) In any fiscal year that a school district's income factor is less than or equal to one, the amount calculated under the following formula:~~ 13086
13087
13088

$$\begin{aligned} & \text{(~~Income adjusted valuation X multiple~~) +} & 13089 \\ & \text{[~~recognized valuation X (1 multiple)~~$$

~~Where "multiple" means the number for the corresponding fiscal year as follows:~~ 13091
13092

FISCAL YEAR OF THE			13093
COMPUTATION		MULTIPLE	13094
2000		1/5	13095
2001 and thereafter		4/15	13096

~~(2) In fiscal year 1999, if a school district's income factor is greater than one, the amount calculated under the following formula:~~ 13097
13098
13099

$$\begin{aligned} & \text{(~~Income adjusted valuation X 1/15~~)} & 13100 \\ & \text{+ (~~recognized valuation X 14/15~~)} & 13101 \end{aligned}$$

~~Thereafter, the adjusted total taxable value of a district with an income factor greater than one shall be its recognized valuation.~~ 13102
13103
13104

Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education the following information for each city, exempted village, and local school district, and the information required 13105
13106
13107
13108

As Reported by the House Finance and Appropriations Committee

by divisions (A)(1) and (2) of this section for each joint	13109
vocational school district, and it shall be used, along with the	13110
information certified under division (B) of this section, in	13111
making the computations for the district under section <u>sections</u>	13112
3317.022 <u>and 3317.0217</u> or <u>section</u> 3317.16 of the Revised Code:	13113
(1) The taxable value of real and public utility real	13114
property in the school district subject to taxation in the	13115
preceding tax year, by class and by county of location;	13116
(2) The taxable value of tangible personal property,	13117
including public utility personal property, subject to taxation by	13118
the district for the preceding tax year;	13119
(3)(a) The total property tax rate and total taxes charged	13120
and payable for the current expenses for the preceding tax year	13121
and the total property tax rate and the total taxes charged and	13122
payable to a joint vocational district for the preceding tax year	13123
that are limited to or to the extent apportioned to current	13124
expenses;	13125
(b) The portion of the amount of taxes charged and payable	13126
reported for each city, local, and exempted village school	13127
district under division (A)(3)(a) of this section attributable to	13128
a joint vocational school district.	13129
(4) The value of all real and public utility real property in	13130
the school district exempted from taxation minus both of the	13131
following:	13132
(a) The value of real and public utility real property in the	13133
district owned by the United States government and used	13134
exclusively for a public purpose;	13135
(b) The value of real and public utility real property in the	13136
district exempted from taxation under Chapter 725. or 1728. or	13137
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632,	13138
5709.73, or 5709.78 of the Revised Code.	13139

(5) ~~The total effective operating tax rate for the district~~ 13140
~~in the tax year for which the most recent data are available~~ 13141
federal adjusted gross income of the residents of the school 13142
district, based on tax returns filed by the residents of the 13143
district, for the most recent year for which this information is 13144
available. 13145

(B) On or before the first day of May each year, the tax 13146
commissioner shall certify to the department of education the 13147
total taxable real property value of railroads and, separately, 13148
the total taxable tangible personal property value of all public 13149
utilities for the preceding tax year, by school district and by 13150
county of location. 13151

(C) If a public utility has properly and timely filed a 13152
petition for reassessment under section 5727.47 of the Revised 13153
Code with respect to an assessment issued under section 5727.23 of 13154
the Revised Code affecting taxable property apportioned by the tax 13155
commissioner to a school district, the taxable value of public 13156
utility tangible personal property included in the certification 13157
under divisions (A)(2) and (B) of this section for the school 13158
district shall include only the amount of taxable value on the 13159
basis of which the public utility paid tax for the preceding year 13160
as provided in division (B)(1) or (2) of section 5727.47 of the 13161
Revised Code. 13162

(D) If on the basis of the information certified under 13163
division (A) of this section, the department determines that any 13164
district fails in any year to meet the qualification requirement 13165
specified in division (A) of section 3317.01 of the Revised Code, 13166
the department shall immediately request the tax commissioner to 13167
determine the extent to which any school district income tax 13168
levied by the district under Chapter 5748. of the Revised Code 13169
shall be included in meeting that requirement. Within five days of 13170
receiving such a request from the department, the tax commissioner 13171

shall make the determination required by this division and report 13172
the quotient obtained under division (D)(3) of this section to the 13173
department. This quotient represents the number of mills that the 13174
department shall include in determining whether the district meets 13175
the qualification requirement of division (A) of section 3317.01 13176
of the Revised Code. 13177

The tax commissioner shall make the determination required by 13178
this division as follows: 13179

(1) Multiply one mill times the total taxable value of the 13180
district as determined in divisions (A)(1) and (2) of this 13181
section; 13182

(2) Estimate the total amount of tax liability for the 13183
current tax year under taxes levied by Chapter 5748. of the 13184
Revised Code that are apportioned to current operating expenses of 13185
the district; 13186

(3) Divide the amount estimated under division (D)(2) of this 13187
section by the product obtained under division (D)(1) of this 13188
section. 13189

~~(E) As used in this section:~~ 13190

~~(1) "Class I taxes charged and payable for current expenses" 13191
means taxes charged and payable for current expenses on land and 13192
improvements classified as residential/agricultural real property 13193
under section 5713.041 of the Revised Code. 13194~~

~~(2) "Class I taxable value" means the taxable value of land 13195
and improvements classified as residential/agricultural real 13196
property under section 5713.041 of the Revised Code. 13197~~

~~(3) "Class I effective operating tax rate" of a school 13198
district means the quotient obtained by dividing the school 13199
district's Class I taxes charged and payable for current expenses 13200
by the district's Class I taxable value. 13201~~

~~(4) "Income tax equivalent tax rate" of a school district means the quotient obtained by dividing the income tax revenue disbursed during the current fiscal year under any tax levied pursuant to Chapter 5748. of the Revised Code by total taxable value of the district to the extent the revenue from the tax is allocated or apportioned to current expenses.~~

~~(5) "Total effective operating tax rate" means the sum of the Class I effective operating tax rate and the income tax equivalent tax rate.~~

Sec. 3317.022. (A)(1) The department of education shall compute and distribute state base cost funding to each school district for the fiscal year in accordance with the following formula, ~~using adjusted total taxable value as defined in section 3317.02 of the Revised Code or making any adjustment required by~~ division (A)(2) of this section and using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins.

Compute the following for each eligible district:

[cost-of-doing-business factor X

the formula amount X (the greater of formula ADM

or three-year average formula ADM)] -

(.023 X ~~adjusted total taxable value~~ recognized valuation)

If the difference obtained is a negative number, the district's computation shall be zero.

(2)(a) For each school district for which the tax exempt value of the district equals or exceeds twenty-five per cent of the potential value of the district, the department of education shall calculate the difference between the district's tax exempt value and twenty-five per cent of the district's potential value.

(b) For each school district to which division (A)(2)(a) of

this section applies, the ~~adjusted total taxable value~~ department 13232
shall adjust the recognized valuation used in the calculation 13233
under division (A)(1) of this section ~~shall be the adjusted total~~ 13234
~~taxable value~~ modified by subtracting from it the amount 13235
calculated under division (A)(2)(a) of this section. 13236

(B) As used in this section: 13237

(1) The "total special education weight" for a district means 13238
the sum of the following amounts: 13239

(a) The district's category one special education ADM 13240
multiplied by the multiple specified ~~under~~ in division (A) of 13241
section 3317.013 of the Revised Code; 13242

(b) The ~~sum of the~~ district's category two ~~and category three~~ 13243
special education ~~ADMs~~ ADM multiplied by the multiple specified 13244
~~under~~ in division (B) of section 3317.013 of the Revised Code; 13245
13246

(c) The district's category three special education ADM 13247
multiplied by the multiple specified in division (C) of section 13248
3317.013 of the Revised Code; 13249

(d) The district's category four special education ADM 13250
multiplied by the multiple specified in division (D) of section 13251
3317.013 of the Revised Code; 13252

(e) The district's category five special education ADM 13253
multiplied by the multiple specified in division (E) of section 13254
3317.013 of the Revised Code; 13255

(f) The district's category six special education ADM 13256
multiplied by the multiple specified in division (F) of section 13257
3317.013 of the Revised Code. 13258

(2) "State share percentage" means the percentage calculated 13259
for a district as follows: 13260

(a) Calculate the state base cost funding amount for the 13261

district for the fiscal year under division (A) of this section. 13262
If the district would not receive any state base cost funding for 13263
that year under that division, the district's state share 13264
percentage is zero. 13265

(b) If the district would receive state base cost funding 13266
under that division, divide that amount by an amount equal to the 13267
following: 13268

Cost-of-doing-business factor X 13269
the formula amount X (the greater of formula 13270
ADM or three-year average formula ADM) 13271

The resultant number is the district's state share 13272
percentage. 13273

(3) ~~"Related services" includes:~~ 13274

~~(a) Child study, special education supervisors and 13275
coordinators, speech and hearing services, adaptive physical 13276
development services, occupational or physical therapy, teacher 13277
assistants for handicapped children whose handicaps are described 13278
in division (B) of section 3317.013 or division (F)(3) of section 13279
3317.02 of the Revised Code, behavioral intervention, interpreter 13280
services, work study, nursing services, and specialized 13281
integrative services as those terms are defined by the department;~~ 13282

~~(b) Speech and language services provided to any student with 13283
a handicap, including any student whose primary or only handicap 13284
is a speech and language handicap;~~ 13285

~~(c) Any related service not specifically covered by other 13286
state funds but specified in federal law, including but not 13287
limited to, audiology and school psychological services;~~ 13288

~~(d) Any service included in units funded under former 13289
division (O)(1) of section 3317.023 of the Revised Code;~~ 13290

~~(e) Any other related service needed by handicapped children 13291~~

in accordance with their individualized education plans.	13292
(4) The "total vocational education weight" for a district means the sum of the following amounts:	13293
(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;	13294
(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;	13295
(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;	13296
(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;	13297
(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.	13298
(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.	13299
(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.	13300
(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following formula:	13301
(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following formula:	13302
(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following formula:	13303
(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following formula:	13304
The district's state share percentage	13305
X the formula amount for the year	13306
for which the aid is calculated	13307
X the district's total special education weight	13308
(2) In any fiscal year, a school district receiving funds under division (C)(1) of this section shall spend on related services the lesser of the following:	13309
(2) In any fiscal year, a school district receiving funds under division (C)(1) of this section shall spend on related services the lesser of the following:	13310
(2) In any fiscal year, a school district receiving funds under division (C)(1) of this section shall spend on related services the lesser of the following:	13311
(a) The amount the district spent on related services in the preceding fiscal year;	13312
(a) The amount the district spent on related services in the preceding fiscal year;	13313
(b) 1/8 X {[cost-of-doing-business factor X the formula amount X (the category one special education ADM + category two special education ADM + category three special education ADM)] + the amount calculated for the fiscal year under division (C)(1) of this section + the local share of special education and related services additional weighted costs}.	13314
(b) 1/8 X {[cost-of-doing-business factor X the formula amount X (the category one special education ADM + category two special education ADM + category three special education ADM)] + the amount calculated for the fiscal year under division (C)(1) of this section + the local share of special education and related services additional weighted costs}.	13315
(b) 1/8 X {[cost-of-doing-business factor X the formula amount X (the category one special education ADM + category two special education ADM + category three special education ADM)] + the amount calculated for the fiscal year under division (C)(1) of this section + the local share of special education and related services additional weighted costs}.	13316
(b) 1/8 X {[cost-of-doing-business factor X the formula amount X (the category one special education ADM + category two special education ADM + category three special education ADM)] + the amount calculated for the fiscal year under division (C)(1) of this section + the local share of special education and related services additional weighted costs}.	13317
(b) 1/8 X {[cost-of-doing-business factor X the formula amount X (the category one special education ADM + category two special education ADM + category three special education ADM)] + the amount calculated for the fiscal year under division (C)(1) of this section + the local share of special education and related services additional weighted costs}.	13318
(b) 1/8 X {[cost-of-doing-business factor X the formula amount X (the category one special education ADM + category two special education ADM + category three special education ADM)] + the amount calculated for the fiscal year under division (C)(1) of this section + the local share of special education and related services additional weighted costs}.	13319
(3) The <u>attributed</u> local share of special education and related services additional weighted costs equals:	13320
(3) The <u>attributed</u> local share of special education and related services additional weighted costs equals:	13321

(1 - the district's state share percentage) X 13322
the district's total special education weight X 13323
the formula amount 13324

~~(4)~~(3) The department shall compute and pay in accordance 13325
with this division additional state aid to school districts for 13326
students in ~~category three~~ categories two through six special 13327
education ADM. If a district's costs for the fiscal year for a 13328
student in its ~~category three~~ categories two through six special 13329
education ADM are twenty-five thousand dollars or more, the 13330
district may submit to the superintendent of public instruction 13331
documentation, as prescribed by the superintendent, of all its 13332
costs for that student. Upon submission of documentation for a 13333
student of the type and in the manner prescribed, the department 13334
shall pay to the district an amount equal to the sum of the 13335
following: 13336

(a) One-half of the district's costs for the student in 13337
excess of twenty-five thousand dollars; 13338

(b) The product of one-half of the district's costs for the 13339
student in excess of twenty-five thousand dollars multiplied by 13340
the district's state share percentage. 13341

The district shall only report, and the department shall only 13342
pay for, the costs of educational expenses and the related 13343
services provided to the student in accordance with the student's 13344
individualized education program. Any legal fees, court costs, or 13345
other costs associated with any cause of action relating to the 13346
student may not be included in the amount. 13347

~~(5)~~(4)(a) As used in this division, the "personnel allowance" 13348
means ~~twenty-five thousand dollars in fiscal year 2000 and thirty~~ 13349
~~thousand dollars in fiscal year 2001~~ years 2002 and 2003. 13350
13351

(b) For the provision of speech services to students, 13352

including students who do not have individualized education 13353
programs prepared for them under Chapter 3323. of the Revised 13354
Code, and for no other purpose, the department of education shall 13355
pay each school district an amount calculated under the following 13356
formula: 13357

(formula ADM divided by 2000) X 13358

the personnel allowance X the state share percentage 13359

~~(6)(5) In any fiscal year, a school district receiving funds~~ 13360
~~under division (C)(1) of this section shall spend those funds only~~ 13361
~~for the purposes that the department designates as approved for~~ 13362
~~special education and related services expenses at least the~~ 13363
~~amount calculated as follows:~~ 13364

(cost-of-doing-business factor X 13365

formula amount X the sum of categories 13366

one through six special education ADM) + 13367

(total special education weight X formula amount) 13368

The purposes approved by the department for special education 13369
expenses shall include, but shall not be limited to, 13370
identification of handicapped children, compliance with state 13371
rules governing the education of handicapped children and 13372
prescribing the continuum of program options for handicapped 13373
children, and the portion of the school district's overall 13374
administrative and overhead costs that are attributable to the 13375
district's special education student population. 13376

The department shall require school districts to report data 13377
annually to allow for monitoring compliance with division (C)(5) 13378
of this section. The department shall annually report to the 13379
governor and the general assembly the amount of money spent by 13380
each school district for special education and related services. 13381

(D)(1) As used in this division: 13382

(a) "Daily bus miles per student" equals the number of bus 13383
miles traveled per day, divided by transportation base. 13384

(b) "Transportation base" equals total student count as 13385
defined in section 3301.011 of the Revised Code, minus the number 13386
of students enrolled in preschool handicapped units, plus the 13387
number of nonpublic school students included in transportation 13388
ADM. 13389

(c) "Transported student percentage" equals transportation 13390
ADM divided by transportation base. 13391

(d) "Transportation cost per student" equals total operating 13392
costs for board-owned or contractor-operated school buses divided 13393
by transportation base. 13394

(2) Analysis of student transportation cost data has resulted 13395
in a finding that an average efficient transportation use cost per 13396
student can be calculated by means of a regression formula that 13397
has as its two independent variables the number of daily bus miles 13398
per student and the transported student percentage. For fiscal 13399
year 1998 transportation cost data, the average efficient 13400
transportation use cost per student is expressed as follows: 13401

$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + 13403$$
$$(116.25573 \times \text{transported student percentage}) 13404$$

The department of education shall annually determine the 13405
average efficient transportation use cost per student in 13406
accordance with the principles stated in division (D)(2) of this 13407
section, updating the intercept and regression coefficients of the 13408
regression formula modeled in this division, based on an annual 13409
statewide analysis of each school district's daily bus miles per 13410
student, transported student percentage, and transportation cost 13411
per student data. The department shall conduct the annual update 13412
using data, including daily bus miles per student, transported 13413
student percentage, and transportation cost per student data, from 13414
the prior fiscal year. The department shall notify the office of 13415
budget and management of such update by the fifteenth day of 13416

February of each year. 13417

(3) In addition to funds paid under divisions (A), (C), and 13418
(E) of this section, each district with a transported student 13419
percentage greater than zero shall receive a payment equal to a 13420
percentage of the product of the district's transportation base 13421
from the prior fiscal year times the annually updated average 13422
efficient transportation use cost per student, times an inflation 13423
factor of two and eight tenths per cent to account for the 13424
one-year difference between the data used in updating the formula 13425
and calculating the payment and the year in which the payment is 13426
made. The percentage shall be the following percentage of that 13427
product specified for the corresponding fiscal year: 13428

FISCAL YEAR	PERCENTAGE	
2000	52.5%	13429
2001	55%	13430
2002	57.5%	13431
2003 and thereafter	<u>The greater</u> <u>of 60% or</u> <u>the</u> <u>district's</u> <u>state share</u> <u>percentage</u>	13432 13433

The payments made under division (D)(3) of this section each 13434
year shall be calculated based on all of the same prior year's 13435
data used to update the formula. 13436

(4) In addition to funds paid under divisions (D)(2) and (3) 13437
of this section, a school district shall receive a rough road 13438
subsidy if both of the following apply: 13439

(a) Its county rough road percentage is higher than the 13440
statewide rough road percentage, as those terms are defined in 13441
division (D)(5) of this section; 13442

(b) Its district student density is lower than the statewide student density, as those terms are defined in that division. 13443
13444

(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula: 13445
13446
13447

(per rough mile subsidy X total rough road miles) X
density multiplier 13448
13449

where: 13450

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula: 13451
13452

$$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$$
 13453
13454
13455
13456

(i) "Maximum rough road percentage" means the highest county rough road percentage in the state. 13457
13458

(ii) "County rough road percentage" equals the percentage of the mileage of state, municipal, county, and township roads that is rated by the department of transportation as type A, B, C, E2, or F in the county in which the school district is located or, if the district is located in more than one county, the county to which it is assigned for purposes of determining its cost-of-doing-business factor. 13459
13460
13461
13462
13463
13464
13465

(iii) "Statewide rough road percentage" means the percentage of the statewide total mileage of state, municipal, county, and township roads that is rated as type A, B, C, E2, or F by the department of transportation. 13466
13467
13468
13469

(b) "Total rough road miles" means a school district's total bus miles traveled in one year times its county rough road percentage. 13470
13471
13472

(c) "Density multiplier" means a figure calculated in accordance with the following formula:

$$1 - \left[\frac{\text{minimum student density} - \text{district student density}}{\text{minimum student density} - \text{statewide student density}} \right]$$

(i) "Minimum student density" means the lowest district student density in the state.

(ii) "District student density" means a school district's transportation base divided by the number of square miles in the district.

(iii) "Statewide student density" means the sum of the transportation bases for all school districts divided by the sum of the square miles in all school districts.

(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board-owned or contractor-operated buses and whose transportation is not funded under division (J) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

~~(7) Notwithstanding divisions (D)(1) to (6) of this section, in fiscal year 2000 only, each school district shall receive the greater of the total amount calculated for it under those divisions and division (J) of section 3317.024 of the Revised Code or the total amount calculated for it for types one through six student transportation operating funds in fiscal year 1999. For purposes of division (D)(7) of this section, the fiscal year 1999 guaranteed total amount does not include subsidies for school bus purchases.~~

(E)(1) The department shall compute and distribute state

vocational education additional weighted costs funds to each 13504
school district in accordance with the following formula: 13505
state share percentage X 13506
the formula amount X 13507
total vocational education weight 13508

In any fiscal year, a school district receiving funds under 13509
division (E)(1) of this section shall spend those funds only for 13510
the purposes that the department designates as approved for 13511
vocational education expenses. 13512

(2) The department shall compute for each school district 13513
state funds for vocational education associated services in 13514
accordance with the following formula: 13515

state share percentage X .05 X 13516
the formula amount X the sum of categories one and two 13517
vocational education ADM 13518

In any fiscal year, a school district receiving funds under 13519
division (E)(2) of this section, or through a transfer of funds 13520
pursuant to division (L) of section 3317.023 of the Revised Code, 13521
shall spend those funds only for the purposes that the department 13522
designates as approved for vocational education associated 13523
services expenses, which may include such purposes as 13524
apprenticeship coordinators, coordinators for other vocational 13525
education services, vocational evaluation, and other purposes 13526
designated by the department. The department may deny payment 13527
under division (E)(2) of this section to any district that the 13528
department determines is not operating those services or is using 13529
funds paid under division (E)(2) of this section, or through a 13530
transfer of funds pursuant to division (L) of section 3317.023 of 13531
the Revised Code, for other purposes. 13532

~~In fiscal years 2000 and 2001, each school district shall 13533
continue to offer the same number of the vocational education 13534
programs that the district offered in fiscal year 1999, unless the 13535~~

~~department of education expressly agrees that the district may
offer fewer programs in either fiscal year 2000 or 2001 or both.~~

(F) Beginning in fiscal year 2003, the actual local share in
any fiscal year for the combination of special education and
related services additional weighted costs funding calculated
under division (C)(1) of this section, transportation funding
calculated under divisions (D)(2) and (3) of this section, and
vocational education and associated services additional weighted
costs funding calculated under divisions (E)(1) and (2) of this
section shall not exceed for any school district the product of
three mills times the district's recognized valuation. Beginning
in fiscal year 2003, the department annually shall pay each school
district as an excess cost supplement any amount by which the sum
of the district's attributed local shares for that funding exceeds
that product. For purposes of calculating the excess cost
supplement:

(1) The attributed local share for special education and
related services additional weighted costs funding is the amount
specified in division (C)(2) of this section.

(2) The attributed local share of transportation funding
equals the difference of the total amount calculated for the
district using the formula developed under division (D)(2) of this
section minus the actual amount paid to the district after
applying the percentage specified in division (D)(3) of this
section.

(3) The attributed local share of vocational education and
associated services additional weighted costs funding is the
amount determined as follows:

(1 - state share percentage) X
[(total vocational education weight X the formula amount) +
the payment under division (E)(2) of this section]

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 13567
Revised Code, the amounts required to be paid to a district under 13568
this chapter shall be adjusted by the amount of the computations 13569
made under divisions (B) to ~~(K)~~(L) of this section. 13570

As used in this section: 13571

(1) "Classroom teacher" means a licensed employee who 13572
provides direct instruction to pupils, excluding teachers funded 13573
from money paid to the district from federal sources; educational 13574
service personnel; and vocational and special education teachers. 13575

(2) "Educational service personnel" shall not include such 13576
specialists funded from money paid to the district from federal 13577
sources or assigned full-time to vocational or special education 13578
students and classes and may only include those persons employed 13579
in the eight specialist areas in a pattern approved by the 13580
department of education under guidelines established by the state 13581
board of education. 13582

(3) "Annual salary" means the annual base salary stated in 13583
the state minimum salary schedule for the performance of the 13584
teacher's regular teaching duties that the teacher earns for 13585
services rendered for the first full week of October of the fiscal 13586
year for which the adjustment is made under division (C) of this 13587
section. It shall not include any salary payments for supplemental 13588
teachers contracts. 13589

(4) "Regular student population" means the formula ADM plus 13590
the number of students reported as enrolled in the district 13591
pursuant to division (A)(1) of section 3313.981 of the Revised 13592
Code; minus the number of students reported under division (A)(2) 13593
of section 3317.03 of the Revised Code; minus the FTE of students 13594
reported under division (B)(5), (6), (7), (8), ~~or~~ (9), (10), (11), 13595
or (12) of that section who are enrolled in a vocational education 13596
class or receiving special education; and minus one-fourth of the 13597

students enrolled concurrently in a joint vocational school 13598
district. 13599

(5) "State share percentage" has the same meaning as in 13600
section 3317.022 of the Revised Code. 13601

(6) "VEPD" means a school district or group of school 13602
districts designated by the department of education as being 13603
responsible for the planning for and provision of vocational 13604
education services to students within the district or group. 13605

(7) "Lead district" means a school district, including a 13606
joint vocational school district, designated by the department as 13607
a VEPD, or designated to provide primary vocational education 13608
leadership within a VEPD composed of a group of districts. 13609

(B) If the district employs less than one full-time 13610
equivalent classroom teacher for each twenty-five pupils in the 13611
regular student population in any school district, deduct the sum 13612
of the amounts obtained from the following computations: 13613

(1) Divide the number of the district's full-time equivalent 13614
classroom teachers employed by one twenty-fifth; 13615

(2) Subtract the quotient in (1) from the district's regular 13616
student population; 13617

(3) Multiply the difference in (2) by seven hundred fifty-two 13618
dollars. 13619

(C) If a positive amount, add one-half of the amount obtained 13620
by multiplying the number of full-time equivalent classroom 13621
teachers by: 13622

(1) The mean annual salary of all full-time equivalent 13623
classroom teachers employed by the district at their respective 13624
training and experience levels minus; 13625

(2) The mean annual salary of all such teachers at their 13626
respective levels in all school districts receiving payments under 13627

this section. 13628

The number of full-time equivalent classroom teachers used in 13629
this computation shall not exceed one twenty-fifth of the 13630
district's regular student population. In calculating the 13631
district's mean salary under this division, those full-time 13632
equivalent classroom teachers with the highest training level 13633
shall be counted first, those with the next highest training level 13634
second, and so on, in descending order. Within the respective 13635
training levels, teachers with the highest years of service shall 13636
be counted first, the next highest years of service second, and so 13637
on, in descending order. 13638

(D) This division does not apply to a school district that 13639
has entered into an agreement under division (A) of section 13640
3313.42 of the Revised Code. Deduct the amount obtained from the 13641
following computations if the district employs fewer than five 13642
full-time equivalent educational service personnel, including 13643
elementary school art, music, and physical education teachers, 13644
counselors, librarians, visiting teachers, school social workers, 13645
and school nurses for each one thousand pupils in the regular 13646
student population: 13647

(1) Divide the number of full-time equivalent educational 13648
service personnel employed by the district by five 13649
one-thousandths; 13650

(2) Subtract the quotient in (1) from the district's regular 13651
student population; 13652

(3) Multiply the difference in (2) by ninety-four dollars. 13653

(E) If a local school district, or a city or exempted village 13654
school district to which a governing board of an educational 13655
service center provides services pursuant to section 3313.843 of 13656
the Revised Code, deduct the amount of the payment required for 13657
the reimbursement of the governing board under section 3317.11 of 13658

the Revised Code. 13659

(F)(1) If the district is required to pay to or entitled to 13660
receive tuition from another school district under division (C)(2) 13661
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 13662
or if the superintendent of public instruction is required to 13663
determine the correct amount of tuition and make a deduction or 13664
credit under section 3317.08 of the Revised Code, deduct and 13665
credit such amounts as provided in division (I) of section 3313.64 13666
or section 3317.08 of the Revised Code. 13667

(2) For each child for whom the district is responsible for 13668
tuition or payment under division (A)(1) of section 3317.082 or 13669
section 3323.091 of the Revised Code, deduct the amount of tuition 13670
or payment for which the district is responsible. 13671

(G) If the district has been certified by the superintendent 13672
of public instruction under section 3313.90 of the Revised Code as 13673
not in compliance with the requirements of that section, deduct an 13674
amount equal to ten per cent of the amount computed for the 13675
district under section 3317.022 of the Revised Code. 13676

(H) If the district has received a loan from a commercial 13677
lending institution for which payments are made by the 13678
superintendent of public instruction pursuant to division (E)(3) 13679
of section 3313.483 of the Revised Code, deduct an amount equal to 13680
such payments. 13681

(I)(1) If the district is a party to an agreement entered 13682
into under division (D), (E), or (F) of section 3311.06 or 13683
division (B) of section 3311.24 of the Revised Code and is 13684
obligated to make payments to another district under such an 13685
agreement, deduct an amount equal to such payments if the district 13686
school board notifies the department in writing that it wishes to 13687
have such payments deducted. 13688

(2) If the district is entitled to receive payments from 13689

another district that has notified the department to deduct such 13690
payments under division (I)(1) of this section, add the amount of 13691
such payments. 13692

(J) If the district is required to pay an amount of funds to 13693
a cooperative education district pursuant to a provision described 13694
by division (B)(4) of section 3311.52 or division (B)(8) of 13695
section 3311.521 of the Revised Code, deduct such amounts as 13696
provided under that provision and credit those amounts to the 13697
cooperative education district for payment to the district under 13698
division (B)(1) of section 3317.19 of the Revised Code. 13699

(K)(1) If a district is educating a student entitled to 13700
attend school in another district pursuant to a shared education 13701
contract, compact, or cooperative education agreement other than 13702
an agreement entered into pursuant to section 3313.842 of the 13703
Revised Code, credit to that educating district on an FTE basis 13704
both of the following: 13705

(a) An amount equal to the formula amount times the cost of 13706
doing business factor of the school district where the student is 13707
entitled to attend school pursuant to section 3313.64 or 3313.65 13708
of the Revised Code; 13709

(b) An amount equal to the formula amount times the state 13710
share percentage times any multiple applicable to the student 13711
pursuant to section 3317.013 or 3317.014 of the Revised Code. 13712

(2) Deduct any amount credited pursuant to division (K)(1) of 13713
this section from amounts paid to the school district in which the 13714
student is entitled to attend school pursuant to section 3313.64 13715
or 3313.65 of the Revised Code. 13716

(3) If the district is required by a shared education 13717
contract, compact, or cooperative education agreement to make 13718
payments to an educational service center, deduct the amounts from 13719
payments to the district and add them to the amounts paid to the 13720

service center pursuant to section 3317.11 of the Revised Code. 13721

(L)(1) If a district, including a joint vocational school 13722
district, is a lead district of a VEPD, credit to that district 13723
the amounts calculated for all the school districts within that 13724
VEPD pursuant to division (E)(2) of section 3317.022 of the 13725
Revised Code. 13726

(2) Deduct from each appropriate district that is not a lead 13727
district, the amount attributable to that district that is 13728
credited to a lead district under division (L)(1) of this section. 13729

Sec. 3317.024. In addition to the moneys paid to eligible 13730
school districts pursuant to section 3317.022 of the Revised Code, 13731
moneys appropriated for the education programs in divisions (A) to 13732
(H), (J) to (L), (O), (P), and (R) of this section shall be 13733
distributed to school districts meeting the requirements of 13734
section 3317.01 of the Revised Code; in the case of divisions (J) 13735
and (P) of this section, to educational service centers as 13736
provided in section 3317.11 of the Revised Code; in the case of 13737
divisions (E), (M), and (N) of this section, to county MR/DD 13738
boards; in the case of division (R) of this section, to joint 13739
vocational school districts; in the case of division (K) of this 13740
section, to cooperative education school districts; and in the 13741
case of division (Q) of this section, to the institutions defined 13742
under section 3317.082 of the Revised Code providing elementary or 13743
secondary education programs to children other than children 13744
receiving special education under section 3323.091 of the Revised 13745
Code. The following shall be distributed monthly, quarterly, or 13746
annually as may be determined by the state board of education: 13747

(A) A per pupil amount to each school district that 13748
establishes a summer school remediation program that complies with 13749
rules of the state board of education. 13750

(B) An amount for each island school district and each joint 13751

state school district for the operation of each high school and 13752
each elementary school maintained within such district and for 13753
capital improvements for such schools. Such amounts shall be 13754
determined on the basis of standards adopted by the state board of 13755
education. 13756

(C) An amount for each school district operating classes for 13757
children of migrant workers who are unable to be in attendance in 13758
an Ohio school during the entire regular school year. The amounts 13759
shall be determined on the basis of standards adopted by the state 13760
board of education, except that payment shall be made only for 13761
subjects regularly offered by the school district providing the 13762
classes. 13763

(D) An amount for each school district with guidance, 13764
testing, and counseling programs approved by the state board of 13765
education. The amount shall be determined on the basis of 13766
standards adopted by the state board of education. 13767

(E) An amount for the emergency purchase of school buses as 13768
provided for in section 3317.07 of the Revised Code; 13769

(F) An amount for each school district required to pay 13770
tuition for a child in an institution maintained by the department 13771
of youth services pursuant to section 3317.082 of the Revised 13772
Code, provided the child was not included in the calculation of 13773
the district's average daily membership for the preceding school 13774
year. 13775

(G) In fiscal year 2000 only, an amount to each school 13776
district for supplemental salary allowances for each licensed 13777
employee except those licensees serving as superintendents, 13778
assistant superintendents, principals, or assistant principals, 13779
whose term of service in any year is extended beyond the term of 13780
service of regular classroom teachers, as described in section 13781
3301.0725 of the Revised Code; 13782

(H) An amount for adult basic literacy education for each 13783
district participating in programs approved by the state board of 13784
education. The amount shall be determined on the basis of 13785
standards adopted by the state board of education. 13786

(I) Notwithstanding section 3317.01 of the Revised Code, but 13787
only until June 30, 1999, to each city, local, and exempted 13788
village school district, an amount for conducting driver education 13789
courses at high schools for which the state board of education 13790
prescribes minimum standards and to joint vocational and 13791
cooperative education school districts and educational service 13792
centers, an amount for conducting driver education courses to 13793
pupils enrolled in a high school for which the state board 13794
prescribes minimum standards. No payments shall be made under this 13795
division after June 30, 1999. 13796

(J) An amount for the approved cost of transporting 13797
developmentally handicapped pupils whom it is impossible or 13798
impractical to transport by regular school bus in the course of 13799
regular route transportation provided by the district or service 13800
center. No district or service center is eligible to receive a 13801
payment under this division for the cost of transporting any pupil 13802
whom it transports by regular school bus and who is included in 13803
the district's transportation ADM. The state board of education 13804
shall establish standards and guidelines for use by the department 13805
of education in determining the approved cost of such 13806
transportation for each district or service center. 13807

(K) An amount to each school district, including each 13808
cooperative education school district, pursuant to section 3313.81 13809
of the Revised Code to assist in providing free lunches to needy 13810
children and an amount to assist needy school districts in 13811
purchasing necessary equipment for food preparation. The amounts 13812
shall be determined on the basis of rules adopted by the state 13813
board of education. 13814

As Reported by the House Finance and Appropriations Committee

(L) An amount to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district. The amount shall equal the amount appropriated for the implementation of section 3317.06 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in nonpublic elementary and high schools within the state as determined during the first full week in October of each school year. 13815
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(M) An amount for each county MR/DD board, distributed on the basis of standards adopted by the state board of education, for the approved cost of transportation required for children attending special education programs operated by the county MR/DD board under section 3323.09 of the Revised Code; 13823
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(N) An amount for each county MR/DD board, distributed on the basis of standards adopted by the state board of education, for supportive home services for preschool children; 13828
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(O) An amount for each school district that establishes a mentor teacher program that complies with rules of the state board of education. No school district shall be required to establish or maintain such a program in any year unless sufficient funds are appropriated to cover the district's total costs for the program. 13831
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(P) An amount to each school district or educational service center for the total number of gifted units approved pursuant to section 3317.05 of the Revised Code. The amount for each such unit shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to the effective date of this amendment, plus fifteen per cent of that minimum salary amount, plus two thousand six hundred seventy-eight dollars. 13836
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(Q) An amount to each institution defined under section 13846
3317.082 of the Revised Code providing elementary or secondary 13847
education to children other than children receiving special 13848
education under section 3323.091 of the Revised Code. This amount 13849
for any institution in any fiscal year shall equal the total of 13850
all tuition amounts required to be paid to the institution under 13851
division (A)(1) of section 3317.082 of the Revised Code. 13852

(R) A grant to each school district and joint vocational 13853
school district that operates a "graduation, reality, and 13854
dual-role skills" (GRADS) program for pregnant and parenting 13855
students that is approved by the department. The amount of the 13856
payment shall be the district's state share percentage, as defined 13857
in section 3317.022 or 3317.16 of the Revised Code, times the 13858
GRADS personnel allowance times the full-time-equivalent number of 13859
GRADS teachers approved by the department. The GRADS personnel 13860
allowance is ~~\$45,000 in fiscal year 2000 and \$46,260 in fiscal~~ 13861
~~year 2001~~ years 2002 and 2003. 13862

The state board of education or any other board of education 13863
or governing board may provide for any resident of a district or 13864
educational service center territory any educational service for 13865
which funds are made available to the board by the United States 13866
under the authority of public law, whether such funds come 13867
directly or indirectly from the United States or any agency or 13868
department thereof or through the state or any agency, department, 13869
or political subdivision thereof. 13870

Sec. 3317.029. (A) As used in this section: 13871

(1) "DPIA percentage" means the quotient obtained by dividing 13872
the five-year average number of children ages five to seventeen 13873
residing in the school district and living in a family receiving 13874
family assistance, as certified or adjusted under section 3317.10 13875
of the Revised Code, by the district's three-year average formula 13876

ADM.	13877
(2) "Family assistance" means assistance received under the Ohio works first program or, for the purpose of determining the five-year average number of recipients of family assistance in fiscal years 1999 through 2002, assistance received under an antecedent program known as TANF or ADC.	13878 13879 13880 13881 13882
(3) "Statewide DPIA percentage" means the five-year average of the total number of children ages five to seventeen years residing in the state and receiving family assistance, divided by the sum of the three-year average formula ADMs for all school districts in the state.	13883 13884 13885 13886 13887
(4) "DPIA index" means the quotient obtained by dividing the school district's DPIA percentage by the statewide DPIA percentage.	13888 13889 13890
(5) "Kindergarten ADM" means the number of students reported under section 3317.03 of the Revised Code as enrolled in kindergarten.	13891 13892 13893
(6) "Kindergarten through third grade ADM" means the amount calculated as follows:	13894 13895
(a) Multiply the kindergarten ADM by the sum of one plus the all-day kindergarten percentage;	13896 13897
(b) Add the number of students in grades one through three;	13898
(c) Subtract from the sum calculated under division (A)(6)(b) of this section the number of special education students in grades kindergarten through three.	13899 13900 13901
(7) "Statewide average teacher salary" means forty <u>forty-two</u> thousand one <u>four</u> hundred eighty-seven <u>sixty-nine</u> dollars in fiscal year 2000 <u>2002</u> , and forty-one <u>forty-three</u> thousand three <u>six</u> hundred twelve <u>fifty-eight</u> dollars in fiscal year 2001 <u>2003</u> , which includes an amount for the value of fringe benefits.	13902 13903 13904 13905 13906

(8) "All-day kindergarten" means a kindergarten class that is 13907
in session five days per week for not less than the same number of 13908
clock hours each day as for pupils in grades one through six. 13909

(9) "All-day kindergarten percentage" means the percentage of 13910
a district's actual total number of students enrolled in 13911
kindergarten who are enrolled in all-day kindergarten. 13912

(10) "Buildings with the highest concentration of need" means 13913
the school buildings in a district with percentages of students 13914
receiving family assistance in grades kindergarten through three 13915
at least as high as the district-wide percentage of students 13916
receiving family assistance. If, however, the information provided 13917
by the department of job and family services under section 3317.10 13918
of the Revised Code is insufficient to determine the family 13919
assistance percentage in each building, "buildings with the 13920
highest concentration of need" has the meaning given in rules that 13921
the department of education shall adopt. The rules shall base the 13922
definition of "buildings with the highest concentration of need" 13923
on family income of students in grades kindergarten through three 13924
in a manner that, to the extent possible with available data, 13925
approximates the intent of this division and division (G) of this 13926
section to designate buildings where the family assistance 13927
percentage in those grades equals or exceeds the district-wide 13928
family assistance percentage. 13929

(B) In addition to the amounts required to be paid to a 13930
school district under section 3317.022 of the Revised Code, a 13931
school district shall receive the greater of the amount the 13932
district received in fiscal year 1998 pursuant to division (B) of 13933
section 3317.023 of the Revised Code as it existed at that time or 13934
the sum of the computations made under divisions (C) to (E) of 13935
this section. 13936

(C) A supplemental payment that may be utilized for measures 13937
related to safety and security and for remediation or similar 13938

programs, calculated as follows:

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(1) If the DPIA index of the school district is greater than or equal to thirty-five-hundredths, but less than one, an amount obtained by multiplying the five-year average number of pupils in a district receiving family assistance by two hundred thirty dollars;

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(2) If the DPIA index of the school district is greater than or equal to one, an amount obtained by multiplying the DPIA index by two hundred thirty dollars and multiplying that product by the five-year average number of pupils in a district receiving family assistance.

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Except as otherwise provided in division (F) of this section, beginning with the school year that starts July 1, 2002, each school district annually shall use at least twenty per cent of the funds calculated for the district under this division for intervention services required by section 3313.608 of the Revised Code.

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(D) A payment for all-day kindergarten if the DPIA index of the school district is greater than or equal to one or if the district's three-year average formula ADM exceeded seventeen thousand five hundred, calculated by multiplying the all-day kindergarten percentage by the kindergarten ADM and multiplying that product by the formula amount.

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(E) A class-size reduction payment based on calculating the number of new teachers necessary to achieve a lower student-teacher ratio, as follows:

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(1) Determine or calculate a formula number of teachers per one thousand students based on the DPIA index of the school district as follows:

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(a) If the DPIA index of the school district is less than six-tenths, the formula number of teachers is 43.478, which is the

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number of teachers per one thousand students at a student-teacher ratio of twenty-three to one; 13970
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(b) If the DPIA index of the school district is greater than 13972
or equal to six-tenths, but less than two and one-half, the 13973
formula number of teachers is calculated as follows: 13974

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\} \quad 13975$$

Where 43.478 is the number of teachers per one thousand 13976
students at a student-teacher ratio of twenty-three to one; 1.9 is 13977
the interval from a DPIA index of six-tenths to a DPIA index of 13978
two and one-half; and 23.188 is the difference in the number of 13979
teachers per one thousand students at a student-teacher ratio of 13980
fifteen to one and the number of teachers per one thousand 13981
students at a student-teacher ratio of twenty-three to one. 13982

(c) If the DPIA index of the school district is greater than 13983
or equal to two and one-half, the formula number of teachers is 13984
66.667, which is the number of teachers per one thousand students 13985
at a student-teacher ratio of fifteen to one. 13986

(2) Multiply the formula number of teachers determined or 13987
calculated in division (E)(1) of this section by the kindergarten 13988
through third grade ADM for the district and divide that product 13989
by one thousand; 13990

(3) Calculate the number of new teachers as follows: 13991

(a) Multiply the kindergarten through third grade ADM by 13992
43.478, which is the number of teachers per one thousand students 13993
at a student-teacher ratio of twenty-three to one, and divide that 13994
product by one thousand; 13995

(b) Subtract the quotient obtained in division (E)(3)(a) of 13996
this section from the product in division (E)(2) of this section. 13997

(4) Multiply the greater of the difference obtained under 13998
division (E)(3) of this section or zero by the statewide average 13999

teachers salary. 14000

(F) This division applies only to school districts whose DPIA index is one or greater. 14001
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(1) Each school district subject to this division shall first utilize funds received under this section so that, when combined with other funds of the district, sufficient funds exist to provide all-day kindergarten to at least the number of children in the district's all-day kindergarten percentage. 14003
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(2) Up to an amount equal to the district's DPIA index multiplied by the five-year average number of pupils in a district receiving family assistance multiplied by two hundred thirty dollars of the money distributed under this section may be utilized for one or both of the following: 14008
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(a) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning; 14013
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(b) Remediation for students who have failed or are in danger of failing any of the proficiency tests administered pursuant to section 3301.0710 of the Revised Code. 14016
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Beginning with the school year that starts on July 1, 2002, each school district shall use at least twenty per cent of the funds set aside for the purposes of divisions (F)(2)(a) and (b) of this section to provide intervention services required by section 3313.608 of the Revised Code. 14019
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(3) Except as otherwise required by division (G) or permitted under division (K) of this section, all other funds distributed under this section to districts subject to this division shall be utilized for the purpose of the third grade guarantee. The third grade guarantee consists of increasing the amount of instructional attention received per pupil in kindergarten through third grade, either by reducing the ratio of students to instructional 14024
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personnel or by increasing the amount of instruction and 14031
curriculum-related activities by extending the length of the 14032
school day or the school year. 14033

School districts may implement a reduction of the ratio of 14034
students to instructional personnel through any or all of the 14035
following methods: 14036

(a) Reducing the number of students in a classroom taught by 14037
a single teacher; 14038

(b) Employing full-time educational aides or educational 14039
paraprofessionals issued a permit or license under section 14040
3319.088 of the Revised Code; 14041

(c) Instituting a team-teaching method that will result in a 14042
lower student-teacher ratio in a classroom. 14043

Districts may extend the school day either by increasing the 14044
amount of time allocated for each class, increasing the number of 14045
classes provided per day, offering optional academic-related 14046
after-school programs, providing curriculum-related extra 14047
curricular activities, or establishing tutoring or remedial 14048
services for students who have demonstrated an educational need. 14049
In accordance with section 3319.089 of the Revised Code, a 14050
district extending the school day pursuant to this division may 14051
utilize a participant of the work experience program who has a 14052
child enrolled in a public school in that district and who is 14053
fulfilling the work requirements of that program by volunteering 14054
or working in that public school. If the work experience program 14055
participant is compensated, the school district may use the funds 14056
distributed under this section for all or part of the 14057
compensation. 14058

Districts may extend the school year either through adding 14059
regular days of instruction to the school calendar or by providing 14060
summer programs. 14061

(G) Each district subject to division (F) of this section 14062
shall not expend any funds received under division (E) of this 14063
section in any school buildings that are not buildings with the 14064
highest concentration of need, unless there is a ratio of 14065
instructional personnel to students of no more than fifteen to one 14066
in each kindergarten and first grade class in all buildings with 14067
the highest concentration of need. This division does not require 14068
that the funds used in buildings with the highest concentration of 14069
need be spent solely to reduce the ratio of instructional 14070
personnel to students in kindergarten and first grade. A school 14071
district may spend the funds in those buildings in any manner 14072
permitted by division (F)(3) of this section, but may not spend 14073
the money in other buildings unless the fifteen-to-one ratio 14074
required by this division is attained. 14075

(H)(1) By the first day of August of each fiscal year, each 14076
school district wishing to receive any funds under division (D) of 14077
this section shall submit to the department of education an 14078
estimate of its all-day kindergarten percentage. Each district 14079
shall update its estimate throughout the fiscal year in the form 14080
and manner required by the department, and the department shall 14081
adjust payments under this section to reflect the updates. 14082

(2) Annually by the end of December, the department of 14083
education, utilizing data from the information system established 14084
under section 3301.0714 of the Revised Code and after consultation 14085
with the legislative office of education oversight, shall 14086
determine for each school district subject to division (F) of this 14087
section whether in the preceding fiscal year the district's ratio 14088
of instructional personnel to students and its number of 14089
kindergarten students receiving all-day kindergarten appear 14090
reasonable, given the amounts of money the district received for 14091
that fiscal year pursuant to divisions (D) and (E) of this 14092
section. If the department is unable to verify from the data 14093

available that students are receiving reasonable amounts of 14094
instructional attention and all-day kindergarten, given the funds 14095
the district has received under this section and that class-size 14096
reduction funds are being used in school buildings with the 14097
highest concentration of need as required by division (G) of this 14098
section, the department shall conduct a more intensive 14099
investigation to ensure that funds have been expended as required 14100
by this section. The department shall file an annual report of its 14101
findings under this division with the chairpersons of the 14102
committees in each house of the general assembly dealing with 14103
finance and education. 14104

(I) Any school district with a DPIA index less than one and a 14105
three-year average formula ADM exceeding seventeen thousand five 14106
hundred shall first utilize funds received under this section so 14107
that, when combined with other funds of the district, sufficient 14108
funds exist to provide all-day kindergarten to at least the number 14109
of children in the district's all-day kindergarten percentage. 14110
Such a district shall expend at least seventy per cent of the 14111
remaining funds received under this section, and any other 14112
district with a DPIA index less than one shall expend at least 14113
seventy per cent of all funds received under this section, for any 14114
of the following purposes: 14115

- (1) The purchase of technology for instructional purposes; 14116
- (2) All-day kindergarten; 14117
- (3) Reduction of class sizes; 14118
- (4) Summer school remediation; 14119
- (5) Dropout prevention programs; 14120
- (6) Guaranteeing that all third graders are ready to progress 14121
to more advanced work; 14122
- (7) Summer education and work programs; 14123

(8) Adolescent pregnancy programs;	14124
(9) Head start or preschool programs;	14125
(10) Reading improvement programs described by the department of education;	14126 14127
(11) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;	14128 14129 14130
(12) Furnishing, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code, to pupils living in families participating in Ohio works first in accordance with section 3313.642 of the Revised Code;	14131 14132 14133 14134 14135 14136
(13) School breakfasts provided pursuant to section 3313.813 of the Revised Code.	14137 14138
Each district shall submit to the department, in such format and at such time as the department shall specify, a report on the programs for which it expended funds under this division.	14139 14140 14141
(J) If at any time the superintendent of public instruction determines that a school district receiving funds under division (D) of this section has enrolled less than the all-day kindergarten percentage reported for that fiscal year, the superintendent shall withhold from the funds otherwise due the district under this section a proportional amount as determined by the difference in the certified all-day kindergarten percentage and the percentage actually enrolled in all-day kindergarten.	14142 14143 14144 14145 14146 14147 14148 14149
The superintendent shall also withhold an appropriate amount of funds otherwise due a district for any other misuse of funds not in accordance with this section.	14150 14151 14152
(K)(1) A district may use a portion of the funds calculated	14153

for it under division (D) of this section to modify or purchase 14154
classroom space to provide all-day kindergarten, if both of the 14155
following conditions are met: 14156

(a) The district certifies to the department, in a manner 14157
acceptable to the department, that it has a shortage of space for 14158
providing all-day kindergarten. 14159

(b) The district provides all-day kindergarten to the number 14160
of children in the all-day kindergarten percentage it certified 14161
under this section. 14162

(2) A district may use a portion of the funds described in 14163
division (F)(3) of this section to modify or purchase classroom 14164
space to enable it to further reduce class size in grades 14165
kindergarten through two with a goal of attaining class sizes of 14166
fifteen students per licensed teacher. To do so, the district must 14167
certify its need for additional space to the department, in a 14168
manner satisfactory to the department. 14169

Sec. 3317.0212. ~~Divisions~~ Division (B) ~~and (C)~~ of this 14170
section ~~do~~ does not apply to a school district with a formula ADM 14171
of one hundred fifty or less. 14172

(A) As used in this section: 14173

(1) "Fundamental FY 1997 state aid" or "fundamental FY 1998 14174
state aid" for a district means the total amount of state money 14175
received by the district for the applicable fiscal year as 14176
reported on the department of education's form "SF-12," adjusted 14177
as follows: 14178

(a) Minus the amount for transportation; 14179

(b) Minus any amounts for approved preschool handicapped 14180
units; 14181

(c) Minus any additional amount attributable to the 14182

reappraisal guarantee of division (C) of section 3317.04 of the Revised Code;	14183 14184
(d) Plus the amount deducted for payments to an educational service center;	14185 14186
(e) Plus an estimated portion of the state money distributed in the applicable fiscal year to other school districts or educational service centers for approved units, other than preschool handicapped or gifted education units, attributable to the costs of providing services in those units to students entitled to attend school in the district;	14187 14188 14189 14190 14191 14192
(f) Minus an estimated portion of the state money distributed to the school district in the applicable fiscal year for approved units, other than preschool handicapped units or gifted education units, attributable to the costs of providing services in those units to students entitled to attend school in another school district;	14193 14194 14195 14196 14197 14198
(g) Plus any additional amount paid in the applicable fiscal year pursuant to the vocational education recomputation required by Section 45.12 of Amended Substitute House Bill No. 117 of the 121st general assembly or former Section 50.22 of Amended Substitute House Bill No. 215 of the 122nd general assembly;	14199 14200 14201 14202 14203
(h) Plus any additional amount paid in the applicable fiscal year pursuant to the special education recomputation required by former division (I) of section 3317.023 of the Revised Code;	14204 14205 14206
(i) Plus any amount paid for equity aid in the applicable fiscal year under section 3317.0213 of the Revised Code;	14207 14208
(j) Plus any amount received for the applicable fiscal year pursuant to section 3317.027 of the Revised Code;	14209 14210
(k) Plus any amount received for the applicable fiscal year resulting from a recomputation made under division (B) of section	14211 14212

3317.022 of the Revised Code, as that section existed in the applicable fiscal year. 14213
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(2) "State basic aid" for a district for any fiscal year after fiscal year 1999 means the sum of the following: 14215
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(a) The amount computed for the district for base cost funding, special education funding, and vocational education funding under divisions (A), (C)(1) and ~~(5)~~(4), and (E) of section 3317.022 and sections 3317.025 and 3317.027 of the Revised Code and DPIA aid under section 3317.029 of the Revised Code in the current fiscal year before any deduction or credit required by division (B), (D), (E), (F), (G), (H), (I), (J), (K), or (L) of section 3317.023 or division (J) of section 3317.029 of the Revised Code; 14217
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(b) Any amounts for which the district is eligible pursuant to division (C) of section 3317.023, divisions (G), (P), and (R) of section 3317.024, and the supplemental unit allowance paid for gifted units under division (B) of section ~~3317.162~~ 3317.053 of the Revised Code; 14226
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(c) Any equity aid for which the district is eligible under section 3317.0213 of the Revised Code. 14231
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~~(3) "Adjusted FY 1999 actual aid" has the same meaning as in Section 18 of Am. Sub. H.B. 650 of the 122nd general assembly, as amended.~~ 14233
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~~(4) "Vocational education set-aside" means the up to \$24,193,118 earmarked for additional school district vocational education grants under appropriation item 200-545, vocational education enhancements, in Am. Sub. H.B. 770 of the 122nd general assembly.~~ 14236
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(B) Upon request of the department of education, the treasurer of any school district or educational service center shall furnish data needed to calculate the amounts specified in 14241
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divisions (A)(1)(e) and (f) of this section. The department shall 14244
compute and pay the state basic aid guarantee for each school 14245
district for the fiscal year as follows: 14246

(1) Subtract the amount of state basic aid from the amount of 14247
fundamental FY 1998 state aid. If a negative number, this 14248
computation shall be deemed to be zero. 14249

(2) Pay the district any positive amount calculated under 14250
division (B)(1) of this section. 14251

~~(C) In fiscal year 2000, the department shall calculate for 14252
each district the sum of the district's state basic aid for that 14253
fiscal year, plus any amount calculated under division (B)(1) of 14254
this section, plus the transportation portion of state aid 14255
computed for the district for that fiscal year under division (D) 14256
of the version of section 3317.022 of the Revised Code in effect 14257
that fiscal year. If a district's adjusted FY 1999 actual aid is 14258
greater than that sum, then the department shall pay the district 14259
in that fiscal year one hundred per cent of the difference. 14260~~

~~(D)~~(1) The state basic aid guarantee in any fiscal year for a 14261
school district with a formula ADM of one hundred fifty or less 14262
shall be the greatest of the following amounts: 14263

(a) The district's state basic aid for the fiscal year; 14264

(b) The district's fundamental FY 1998 state aid; 14265

(c) The district's fundamental FY 1997 state aid. 14266

(2) If in any fiscal year the state basic aid for a school 14267
district with a formula ADM of one hundred fifty or less is less 14268
than the guarantee amount determined for the district under 14269
division ~~(D)~~(C)(1) of this section, the department of education 14270
shall pay the district the amount of the difference. 14271

Sec. 3317.0213. No money shall be distributed under this 14272

section after fiscal year 2002 <u>2005</u> .	14273
(A) As used in this section:	14274
(1) "ADM" for any school district means:	14275
(a) In fiscal year 1999, the FY 1998 ADM;	14276
(b) In fiscal years 2000 through 2002 <u>2005</u> , the formula ADM reported for the previous fiscal year.	14277 14278
(2) "Average taxable value" means the average of the amounts certified for a district in the second, third, and fourth preceding fiscal years under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.	14279 14280 14281 14282
(3) "Valuation per pupil" for a district means:	14283
(a) In fiscal year 1999, the district's average taxable value, divided by the district's FY 1998 ADM;	14284 14285
(b) In a fiscal year that occurs after fiscal year 1999, the district's average taxable value, divided by the district's formula ADM for the preceding fiscal year.	14286 14287 14288
(4) "Threshold valuation" means:	14289
(a) In fiscal year 1999, the adjusted valuation per pupil of the school district with the two hundred twenty-ninth lowest adjusted valuation per pupil in the state, according to data available at the time of the computation under division (B) of this section;	14290 14291 14292 14293 14294
(b) In fiscal year 2000, the adjusted valuation per pupil of the district with the one hundred ninety-sixth lowest such valuation in the state;	14295 14296 14297
(c) In fiscal year 2001, the adjusted valuation per pupil of the district with the one hundred sixty-third lowest such valuation in the state;	14298 14299 14300
(d) In fiscal year <u>years</u> 2002 <u>through</u> <u>2005</u> , the adjusted	14301

valuation per pupil of the district with the 14302
one-hundred-eighteenth lowest such valuation in the state. 14303

(5) "Adjusted valuation per pupil" for a district means an 14304
amount calculated in accordance with the following formula: 14305

The district's valuation per pupil - 14306
(\$30,000 X (one minus the 14307
district's income factor)) 14308

(6) "Millage rate" means .012 in fiscal year 1999, .011 in 14309
fiscal year 2000, .010 in fiscal year 2001, and .009 in fiscal 14310
year years 2002 through 2005. 14311

(7) "Payment percentage" equals 100% prior to fiscal year 14312
2003, 75% in fiscal year 2003, 50% in fiscal year 2004, 25% in 14313
fiscal year 2005, and zero after fiscal year 2005. 14314

(B) Beginning in fiscal year 1993, during August of each 14315
fiscal year, the department of education shall distribute to each 14316
school district meeting the requirements of section 3317.01 of the 14317
Revised Code whose adjusted valuation per pupil is less than the 14318
threshold valuation, an amount calculated in accordance with the 14319
following formula: 14320

(The threshold valuation - 14321
the district's adjusted valuation per pupil) X 14322
millage rate X ADM X the payment percentage 14323

Sec. 3317.0216. (A) As used in this section: 14324

(1) "Total taxes charged and payable for current expenses" 14325
means the sum of the taxes charged and payable as certified under 14326
division (A)(3)(a) of section 3317.021 of the Revised Code less 14327
any amounts reported under division (A)(3)(b) of that section, and 14328
the tax distribution for the preceding year under any school 14329
district income tax levied by the district pursuant to Chapter 14330
5748. of the Revised Code to the extent the revenue from the 14331
income tax is allocated or apportioned to current expenses. 14332

(2) "State equalization enhancement payments" means any	14333
payment made to a school district pursuant to section 3317.0215 of	14334
the Revised Code for the preceding fiscal year.	14335
(3) "Charge-off amount" means the product obtained by	14336
multiplying two and three-tenths per cent by adjusted total	14337
taxable value <u>recognized valuation.</u>	14338
(4) "Total receipts available for current expenses" of a	14339
school district means the sum of total taxes charged and payable	14340
for current expenses and the district's state equalization	14341
enhancement payments.	14342
(5) "Local share of special education and related services	14343
additional weighted costs" has the same meaning as in division	14344
(C)(3) of section 3317.022 of the Revised Code.	14345
(6) "Local share of vocational education and associated	14346
services additional weighted costs" for each school district means	14347
the amount determined as follows:	14348
(1) state share percentage as defined in section	14349
3317.022 of the Revised Code) X [(total vocational	14350
education weight as defined in that section X	14351
the formula amount) + the district's payment under division (E)(2)	14352
of section 3317.022 of the Revised Code]	14353
(3) <u>Until fiscal year 2003, the "actual local share of</u>	14354
<u>special education, transportation, and vocational education</u>	14355
<u>funding" for any school district means the sum of the district's</u>	14356
<u>attributed local shares described in divisions (F)(1) to (3) of</u>	14357
<u>section 3317.022 of the Revised Code. Beginning in fiscal year</u>	14358
<u>2003, the "actual local share of special education,</u>	14359
<u>transportation, and vocational education funding" means that sum</u>	14360
<u>minus the amount of any excess cost supplement payment calculated</u>	14361
<u>for the district under division (F) of section 3317.022 of the</u>	14362
<u>Revised Code.</u>	14363

(B) Upon receiving the certifications under section 3317.021 14364
of the Revised Code, the department of education shall determine 14365
for each city, local, and exempted village school district whether 14366
the district's charge-off amount is greater than the district's 14367
total ~~receipts available~~ taxes charged and payable for current 14368
expenses, and if it is, shall pay the district the amount of the 14369
difference. A payment shall not be made to any school district for 14370
which the computation under division (A) of section 3317.022 of 14371
the Revised Code equals zero. 14372

(C)(1) If a district's charge-off amount is equal to or 14373
greater than its total ~~receipts available~~ taxes charged and 14374
payable for current expenses, the department shall, in addition to 14375
the payment required under division (B) of this section, pay the 14376
district the amount of ~~the~~ its actual local share of special 14377
education ~~and related services additional weighted costs,~~ 14378
transportation, and ~~the amount of the local share of vocational~~ 14379
~~education and associated services additional weighted costs~~ 14380
funding. 14381

(2) If a district's charge-off amount is less than its total 14382
~~receipts available~~ taxes charged and payable for current expenses, 14383
the department shall pay the district any amount by which ~~the sum~~ 14384
~~of its actual~~ local share of special education ~~and related~~ 14385
~~services additional weighted costs plus its local share of,~~ 14386
transportation, and vocational education ~~and associated services~~ 14387
~~additional weighted costs~~ funding exceeds its total ~~receipts~~ 14388
~~available~~ taxes charged and payable for current expenses minus its 14389
charge-off amount. 14390

Sec. 3317.0217. The department of education shall annually 14391
compute and pay state parity aid to school districts, as follows: 14392

(A) Calculate the local wealth per pupil of each school 14393
district, which equals the following sum: 14394

<u>(1) Two-thirds times the quotient of (a) the district's</u>	14395
<u>recognized valuation divided by (b) its formula ADM; plus</u>	14396
<u>(2) One-third times the quotient of (a) the average of the</u>	14397
<u>total federal adjusted gross income of the school district's</u>	14398
<u>residents for the three years most recently reported under section</u>	14399
<u>3317.021 of the Revised Code divided by (b) its formula ADM.</u>	14400
<u>(B) Rank all school districts in order of local wealth per</u>	14401
<u>pupil, from the district with the lowest local wealth per pupil to</u>	14402
<u>the district with the highest local wealth per pupil.</u>	14403
<u>(C) Compute and pay state parity aid funding to each school</u>	14404
<u>district in accordance with the following formula:</u>	14405
<u>Payment percentage X (threshold local wealth</u>	14406
<u>per pupil - the district's local</u>	14407
<u>wealth per pupil) X 0.0095 X formula ADM</u>	14408
<u>Where:</u>	14409
<u>(1) "Payment percentage" equals 20% in fiscal year 2002, 40%</u>	14410
<u>in fiscal year 2003, 60% in fiscal year 2004, 80% in fiscal year</u>	14411
<u>2005, and 100% after fiscal year 2005.</u>	14412
<u>(2) Nine and one-half mills (0.0095) is the general</u>	14413
<u>assembly's determination of the average number of effective</u>	14414
<u>operating mills that districts in the seventieth to ninetieth</u>	14415
<u>percentiles of valuations per pupil collected in fiscal year 2001</u>	14416
<u>above the revenues required to finance their attributed local</u>	14417
<u>shares of the calculated cost of an adequate education. This was</u>	14418
<u>determined by (a) adding the district revenues from operating</u>	14419
<u>property tax levies and income tax levies, (b) subtracting from</u>	14420
<u>that total the sum of (i) twenty-three mills times adjusted</u>	14421
<u>recognized valuation plus (ii) the attributed local shares of</u>	14422
<u>special education, transportation, and vocational education</u>	14423
<u>funding as described in divisions (F)(1) to (3) of section</u>	14424
<u>3317.022 of the Revised Code, and (c) converting the result to an</u>	14425

<u>effective operating property tax rate.</u>	14426
<u>(3) The "threshold local wealth per pupil" is the local</u>	14427
<u>wealth per pupil of the school district with the</u>	14428
<u>four-hundred-ninetieth lowest local wealth per pupil.</u>	14429
<u>If the result of the calculation for a school district under</u>	14430
<u>division (C) of this section is less than zero, the district's</u>	14431
<u>payment shall be zero.</u>	14432
<u>Every six years, the general assembly shall redetermine,</u>	14433
<u>after considering the report of the committee appointed under</u>	14434
<u>section 3317.012 of the Revised Code, the average number of</u>	14435
<u>effective operating mills that districts in the seventieth to</u>	14436
<u>ninetieth percentiles of valuations per pupil collect above the</u>	14437
<u>revenues required to finance their attributed local shares of the</u>	14438
<u>cost of an adequate education.</u>	14439
Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and	14440
(C) of this section, any student enrolled in kindergarten more	14441
than half time shall be reported as one-half student under this	14442
section.	14443
(A) The superintendent of each city and exempted village	14444
school district and of each educational service center shall, for	14445
the schools under the superintendent's supervision, certify to the	14446
state board of education on or before the fifteenth day of October	14447
in each year for the first full school week in October the formula	14448
ADM, which shall consist of the average daily membership during	14449
such week of the sum of the following:	14450
(1) On an FTE basis, the number of students in grades	14451
kindergarten through twelve receiving any educational services	14452
from the district, except that the following categories of	14453
students shall not be included in the determination:	14454
(a) Students enrolled in adult education classes;	14455

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;	14456 14457 14458
(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;	14459 14460 14461 14462
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	14463 14464
(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:	14465 14466 14467 14468 14469
(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	14470 14471 14472 14473
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	14474 14475 14476
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;	14477 14478 14479 14480
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	14481 14482 14483
(e) An educational service center or cooperative education district;	14484 14485

(f) Another school district under a cooperative education agreement, compact, or contract.	14486 14487
(3) One-fourth of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact;	14488 14489 14490 14491 14492 14493 14494 14495
(4) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.	14496 14497 14498 14499 14500 14501 14502
(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the following student counts:	14503 14504 14505 14506
(1) The total average daily membership in regular day classes included in the report under division (A)(1) or (2) of this section for kindergarten, and each of grades one through twelve in schools under the superintendent's supervision;	14507 14508 14509 14510
(2) The number of all handicapped preschool children enrolled as of the first day of December in classes in the district that are eligible for approval by the state board of education under division (B) of section 3317.05 of the Revised Code and the number of those classes, which shall be reported not later than the fifteenth day of December, in accordance with rules adopted under	14511 14512 14513 14514 14515 14516

that section; 14517

(3) The number of children entitled to attend school in the 14518
district pursuant to section 3313.64 or 3313.65 of the Revised 14519
Code who are participating in a pilot project scholarship program 14520
established under sections 3313.974 to 3313.979 of the Revised 14521
Code as described in division (I)(2)(a) or (b) of this section, 14522
are enrolled in a college under Chapter 3365. of the Revised Code, 14523
except when the student is enrolled in the college while also 14524
enrolled in a community school pursuant to Chapter 3314. of the 14525
Revised Code, are enrolled in an adjacent or other school district 14526
under section 3313.98 of the Revised Code, are enrolled in a 14527
community school established under Chapter 3314. of the Revised 14528
Code, including any participation in a college pursuant to Chapter 14529
3365. of the Revised Code while enrolled in such community school, 14530
or are participating in a program operated by a county MR/DD board 14531
or a state institution; 14532

(4) The number of pupils enrolled in joint vocational 14533
schools; 14534

(5) The average daily membership of handicapped children 14535
reported under division (A)(1) or (2) of this section receiving 14536
~~category one~~ special education services, for the category one 14537
handicap described in division (A) of section 3317.013 of the 14538
Revised Code; 14539

(6) The average daily membership of handicapped children 14540
reported under division (A)(1) or (2) of this section receiving 14541
~~category two~~ special education services, for category two 14542
handicaps described in division (B) of section 3317.013 of the 14543
Revised Code; 14544

(7) The average daily membership of handicapped children 14545
reported under division (A)(1) or (2) of this section ~~identified~~ 14546
~~as having any of the~~ receiving special education services for 14547

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<u>category three handicaps specified described in division (F)(3)(C)</u>	14548
of section 3317.02 <u>3317.013</u> of the Revised Code;	14549
<u>(8) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category four handicaps specified in division (D) of section 3317.013 of the Revised Code;</u>	14550
	14551
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<u>(9) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category five handicaps specified in division (E) of section 3317.013 of the Revised Code;</u>	14554
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	14557
<u>(10) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category six handicaps specified in division (F) of section 3317.013 of the Revised Code;</u>	14558
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	14560
	14561
<u>(11) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category one vocational education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district, other than a joint vocational school district, or by an educational service center;</u>	14562
	14563
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	14567
<u>(9)(12) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category two vocational education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district, other than a joint vocational school district, or by an educational service center;</u>	14568
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<u>(10)(13) The average number of children transported by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;</u>	14574
	14575
	14576
	14577
<u>(11)(14)(a) The number of children, other than handicapped</u>	14578

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preschool children, the district placed with a county MR/DD board	14579
in fiscal year 1998;	14580
(b) The number of handicapped children, other than	14581
handicapped preschool children, placed with a county MR/DD board	14582
in the current fiscal year to receive category one special	14583
education services, <u>for the category one handicap</u> described in	14584
division (A) of section 3317.013 of the Revised Code;	14585
(c) The number of handicapped children, other than	14586
handicapped preschool children, placed with a county MR/DD board	14587
in the current fiscal year to receive category two special	14588
education services, <u>for category two handicaps</u> described in	14589
division (B) of section 3317.013 of the Revised Code;	14590
(d) The number of handicapped children, other than	14591
handicapped preschool children, placed with a county MR/DD board	14592
in the current fiscal year to receive category three special	14593
education services, <u>for category three handicaps</u> described in	14594
division (F) (3) <u>(C)</u> of section 3317.02 <u>3317.013</u> of the Revised	14595
Code;	14596
<u>(e) The number of handicapped children, other than</u>	14597
<u>handicapped preschool children, placed with a county MR/DD board</u>	14598
<u>in the current fiscal year to receive special education services</u>	14599
<u>for category four handicaps described in division (D) of section</u>	14600
<u>3317.013 of the Revised Code;</u>	14601
<u>(f) The number of handicapped children, other than</u>	14602
<u>handicapped preschool children, placed with a county MR/DD board</u>	14603
<u>in the current fiscal year to receive special education services</u>	14604
<u>for category five handicaps described in division (E) of section</u>	14605
<u>3317.013 of the Revised Code;</u>	14606
<u>(g) The number of handicapped children, other than</u>	14607
<u>handicapped preschool children, placed with a county MR/DD board</u>	14608
<u>in the current fiscal year to receive special education services</u>	14609

for category six handicaps described in division (F) of section 3317.013 of the Revised Code. 14610
14611

(C) Except as otherwise provided in this section for 14612
kindergarten students, the average daily membership in divisions 14613
(B)(1) to ~~(9)~~(12) of this section shall be based upon the number 14614
of full-time equivalent students. The state board of education 14615
shall adopt rules defining full-time equivalent students and for 14616
determining the average daily membership therefrom for the 14617
purposes of divisions (A), (B), and (D) of this section. No child 14618
shall be counted as more than a total of one child in the sum of 14619
the average daily memberships of a school district under division 14620
(A), divisions (B)(1) to ~~(9)~~(12), or division (D) of this section, 14621
except as follows: 14622

(1) A child with a handicap described in section 3317.013 ~~or~~ 14623
~~division (F)(3) of section 3317.02~~ of the Revised Code may be 14624
counted both in formula ADM and in category one, two, ~~or~~ three, 14625
four, five, or six special education ADM and, if applicable, in 14626
category one or two vocational education ADM. As provided in 14627
division (C) of section 3317.02 of the Revised Code, such a child 14628
shall be counted in category one, two, ~~or~~ three, four, five, or 14629
six special education ADM in the same proportion that the child is 14630
counted in formula ADM. 14631

(2) A child enrolled in vocational education programs or 14632
classes described in section 3314.014 of the Revised Code may be 14633
counted both in formula ADM and category one or two vocational 14634
education ADM and, if applicable, in category one, two, ~~or~~ three, 14635
four, five, or six special education ADM. Such a child shall be 14636
counted in category one or two vocational education ADM in the 14637
same proportion as the percentage of time that the child spends in 14638
the vocational education programs or classes. 14639

Based on the information reported under this section, the 14640
department of education shall determine the total student count, 14641

as defined in section 3301.011 of the Revised Code, for each 14642
school district. 14643

(D)(1) The superintendent of each joint vocational school 14644
district shall certify to the superintendent of public instruction 14645
on or before the fifteenth day of October in each year for the 14646
first full school week in October the formula ADM, which shall 14647
consist of the average daily membership during such week, on an 14648
FTE basis, of the number of students receiving any educational 14649
services from the district, except that the following categories 14650
of students shall not be included in the determination: 14651

(a) Students enrolled in adult education classes; 14652

(b) Adjacent or other district joint vocational students 14653
enrolled in the district under an open enrollment policy pursuant 14654
to section 3313.98 of the Revised Code; 14655

(c) Students receiving services in the district pursuant to a 14656
compact, cooperative education agreement, or a contract, but who 14657
are entitled to attend school in a city, local, or exempted 14658
village school district whose territory is not part of the 14659
territory of the joint vocational district; 14660

(d) Students for whom tuition is payable pursuant to sections 14661
3317.081 and 3323.141 of the Revised Code. 14662

(2) To enable the department of education to obtain the data 14663
needed to complete the calculation of payments pursuant to this 14664
chapter, in addition to the formula ADM, each superintendent shall 14665
report separately the average daily membership included in the 14666
report under division (D)(1) of this section for each of the 14667
following categories of students: 14668

(a) Students enrolled in each grade included in the joint 14669
vocational district schools; 14670

(b) Handicapped children receiving ~~category one~~ special 14671

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education services, <u>for the category one handicap</u> described in	14672
division (A) of section 3317.013 of the Revised Code;	14673
(c) Handicapped children receiving category two special	14674
education services, <u>for category two handicaps</u> described in	14675
division (B) of section 3317.013 of the Revised Code;	14676
(d) Handicapped children identified as having any of the	14677
<u>receiving special education services for category three</u> handicaps	14678
specified in division (F)(3)(C) of section 3317.02 <u>3317.013</u> of the	14679
Revised Code;	14680
(e) <u>Handicapped children receiving special education services</u>	14681
<u>for category four handicaps described in division (D) of section</u>	14682
<u>3317.013 of the Revised Code;</u>	14683
(f) <u>Handicapped children receiving special education services</u>	14684
<u>for category five handicaps described in division (E) of section</u>	14685
<u>3317.013 of the Revised Code;</u>	14686
(g) <u>Handicapped children receiving special education services</u>	14687
<u>for category six handicaps described in division (F) of section</u>	14688
<u>3317.013 of the Revised Code;</u>	14689
(h) <u>Students receiving category one vocational education</u>	14690
services, described in division (A) of section 3317.014 of the	14691
Revised Code;	14692
(f) (i) <u>Students receiving category two vocational education</u>	14693
services, described in division (B) of section 3317.014 of the	14694
Revised Code.	14695
The superintendent of each joint vocational school district	14696
shall also indicate the city, local, or exempted village school	14697
district in which each joint vocational district pupil is entitled	14698
to attend school pursuant to section 3313.64 or 3313.65 of the	14699
Revised Code.	14700
(E) In each school of each city, local, exempted village,	14701

joint vocational, and cooperative education school district there 14702
shall be maintained a record of school membership, which record 14703
shall accurately show, for each day the school is in session, the 14704
actual membership enrolled in regular day classes. For the purpose 14705
of determining average daily membership, the membership figure of 14706
any school shall not include any pupils except those pupils 14707
described by division (A) of this section. The record of 14708
membership for each school shall be maintained in such manner that 14709
no pupil shall be counted as in membership prior to the actual 14710
date of entry in the school and also in such manner that where for 14711
any cause a pupil permanently withdraws from the school that pupil 14712
shall not be counted as in membership from and after the date of 14713
such withdrawal. There shall not be included in the membership of 14714
any school any of the following: 14715

(1) Any pupil who has graduated from the twelfth grade of a 14716
public high school; 14717

(2) Any pupil who is not a resident of the state; 14718

(3) Any pupil who was enrolled in the schools of the district 14719
during the previous school year when tests were administered under 14720
section 3301.0711 of the Revised Code but did not take one or more 14721
of the tests required by that section and was not excused pursuant 14722
to division (C)(1) of that section; 14723

(4) Any pupil who has attained the age of twenty-two years, 14724
except for veterans of the armed services whose attendance was 14725
interrupted before completing the recognized twelve-year course of 14726
the public schools by reason of induction or enlistment in the 14727
armed forces and who apply for reenrollment in the public school 14728
system of their residence not later than four years after 14729
termination of war or their honorable discharge. 14730

If, however, any veteran described by division (E)(4)~~(b)~~ of 14731
this section elects to enroll in special courses organized for 14732

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veterans for whom tuition is paid under the provisions of federal 14733
laws, or otherwise, that veteran shall not be included in average 14734
daily membership. 14735

Notwithstanding division (E)(3) of this section, the 14736
membership of any school may include a pupil who did not take a 14737
test required by section 3301.0711 of the Revised Code if the 14738
superintendent of public instruction grants a waiver from the 14739
requirement to take the test to the specific pupil. The 14740
superintendent may grant such a waiver only for good cause in 14741
accordance with rules adopted by the state board of education. 14742

Except as provided in division (B)(2) of this section, the 14743
average daily membership figure of any local, city, exempted 14744
village, or joint vocational school district shall be determined 14745
by dividing the figure representing the sum of the number of 14746
pupils enrolled during each day the school of attendance is 14747
actually open for instruction during the first full school week in 14748
October by the total number of days the school was actually open 14749
for instruction during that week. For purposes of state funding, 14750
"enrolled" persons are only those pupils who are attending school, 14751
those who have attended school during the current school year and 14752
are absent for authorized reasons, and those handicapped children 14753
currently receiving home instruction. 14754

The average daily membership figure of any cooperative 14755
education school district shall be determined in accordance with 14756
rules adopted by the state board of education. 14757

(F)(1) If the formula ADM for the first full school week in 14758
February is at least three per cent greater than that certified 14759
for the first full school week in the preceding October, the 14760
superintendent of schools of any city, exempted village, or joint 14761
vocational school district or educational service center shall 14762
certify such increase to the superintendent of public instruction. 14763
Such certification shall be submitted no later than the fifteenth 14764

day of February. For the balance of the fiscal year, beginning 14765
with the February payments, the superintendent of public 14766
instruction shall use the increased formula ADM in calculating or 14767
recalculating the amounts to be allocated in accordance with 14768
section 3317.022 or 3317.16 of the Revised Code. In no event shall 14769
the superintendent use an increased membership certified to the 14770
superintendent after the fifteenth day of February. 14771

(2) If on the first school day of April the total number of 14772
classes or units for handicapped preschool children that are 14773
eligible for approval under division (B) of section 3317.05 of the 14774
Revised Code exceeds the number of units that have been approved 14775
for the year under that division, the superintendent of schools of 14776
any city, exempted village, or cooperative education school 14777
district or educational service center shall make the 14778
certifications required by this section for that day. If the state 14779
board of education determines additional units can be approved for 14780
the fiscal year within any limitations set forth in the acts 14781
appropriating moneys for the funding of such units, the board 14782
shall approve additional units for the fiscal year on the basis of 14783
such average daily membership. For each unit so approved, the 14784
department of education shall pay an amount computed in the manner 14785
prescribed in section ~~3317.161~~ 3317.052 or 3317.19 and section 14786
~~3317.162~~ 3317.053 of the Revised Code. 14787

(G)(1)(a) The superintendent of an institution operating a 14788
special education program pursuant to section 3323.091 of the 14789
Revised Code shall, for the programs under such superintendent's 14790
supervision, certify to the state board of education the average 14791
daily membership of all handicapped children in classes or 14792
programs approved annually by the state board of education, in the 14793
manner prescribed by the superintendent of public instruction. 14794

(b) The superintendent of an institution with vocational 14795
education units approved under division (A) of section 3317.05 of 14796

the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved by the state board of education pursuant to section 3317.05 of the Revised Code shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes ~~and units~~ approved ~~under division (D)(1) of~~ under section 3317.05 3317.20 of the Revised Code for each school district that has placed children in the classes ~~or units~~;

(b) Certify to the state board, in the manner prescribed by the board, the number of all handicapped preschool children enrolled as of the first day of December in classes eligible for approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes.

~~(3)(a) If during the first full school week in February the average daily membership of the classes or units maintained by the county MR/DD board that are eligible for approval under division (D)(1) of section 3317.05 of the Revised Code is greater than the average daily membership for the preceding October, the superintendent of the board shall make the certifications required by this section for such week.~~

~~(b) If on the first school day of April the number of classes or units maintained for handicapped preschool children by the county MR/DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the number of units approved for the year under that division, the~~

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superintendent shall make the certification required by this 14828
section for that day. 14829

~~(c)~~(b) If the state board determines that additional classes 14830
or units can be approved for the fiscal year within any 14831
limitations set forth in the acts appropriating moneys for the 14832
funding of the classes and units described in division (G)(3)(a) 14833
~~or (b)~~ of this section, the board shall approve and fund 14834
additional units for the fiscal year on the basis of such average 14835
daily membership. For each unit so approved, the department of 14836
education shall pay an amount computed in the manner prescribed in 14837
sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised 14838
Code. 14839

(H) Except as provided in division (I) of this section, when 14840
any city, local, or exempted village school district provides 14841
instruction for a nonresident pupil whose attendance is 14842
unauthorized attendance as defined in section 3327.06 of the 14843
Revised Code, that pupil's membership shall not be included in 14844
that district's membership figure used in the calculation of that 14845
district's formula ADM or included in the determination of any 14846
unit approved for the district under section 3317.05 of the 14847
Revised Code. The reporting official shall report separately the 14848
average daily membership of all pupils whose attendance in the 14849
district is unauthorized attendance, and the membership of each 14850
such pupil shall be credited to the school district in which the 14851
pupil is entitled to attend school under division (B) of section 14852
3313.64 or section 3313.65 of the Revised Code as determined by 14853
the department of education. 14854

(I)(1) A city, local, exempted village, or joint vocational 14855
school district admitting a scholarship student of a pilot project 14856
district pursuant to division (C) of section 3313.976 of the 14857
Revised Code may count such student in its average daily 14858
membership. 14859

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(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 through 3313.979 of the Revised Code may count in average daily membership:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

Sec. 3317.05. (A) For the purpose of calculating payments under sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised Code, the state board of education shall determine for each institution, by the last day of January of each year and based on information certified under section 3317.03 of the Revised Code, the number of vocational education units or fractions of units approved by the state board on the basis of standards and rules adopted by the state board. As used in this division, "institution" means an institution operated by a department specified in section 3323.091 of the Revised Code and that provides vocational education programs under the supervision of the division of vocational education of the department of

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education that meet the standards and rules for these programs, 14891
including licensure of professional staff involved in the 14892
programs, as established by the state board of education. 14893

(B) For the purpose of calculating payments under sections 14894
3317.052, 3317.053, 3317.11, ~~3317.161, 3317.162,~~ and 3317.19 of 14895
the Revised Code, the state board shall determine, based on 14896
information certified under section 3317.03 of the Revised Code, 14897
the following by the last day of January of each year for each 14898
educational service center, for each school district, including 14899
each cooperative education school district, for each institution 14900
eligible for payment under section 3323.091 of the Revised Code, 14901
and for each county MR/DD board: the number of classes operated by 14902
the school district, service center, institution, or county MR/DD 14903
board for handicapped preschool children, or fraction thereof, 14904
including in the case of a district or service center that is a 14905
funding agent, classes taught by a licensed teacher employed by 14906
that district or service center under section 3313.841 of the 14907
Revised Code, approved annually by the state board on the basis of 14908
standards and rules adopted by the state board. 14909

(C) For the purpose of calculating payments under sections 14910
3317.052, 3317.053, 3317.11, ~~3317.161, 3317.162,~~ and 3317.19 of 14911
the Revised Code, the state board shall determine, based on 14912
information certified under section 3317.03 of the Revised Code, 14913
the following by the last day of January of each year for each 14914
school district, including each cooperative education school 14915
district, for each institution eligible for payment under section 14916
3323.091 of the Revised Code, and for each county MR/DD board: the 14917
number of preschool handicapped related services units for child 14918
study, occupational, physical, or speech and hearing therapy, 14919
special education supervisors, and special education coordinators 14920
approved annually by the state board on the basis of standards and 14921
rules adopted by the state board. 14922

(D) For the purpose of calculating payments under sections 14923
~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised Code, the 14924
state board shall determine, based on information certified under 14925
section 3317.03 of the Revised Code, the following by the last day 14926
of January of each year for each institution eligible for payment 14927
under section 3323.091 of the Revised Code, ~~and for each county~~ 14928
~~MR/DD board:~~ 14929

(1) The number of classes operated by an institution ~~or~~ 14930
~~county MR/DD board~~ for handicapped children other than handicapped 14931
preschool children, or fraction thereof, approved annually by the 14932
state board on the basis of standards and rules adopted by the 14933
state board; 14934

(2) The number of related services units for children other 14935
than handicapped preschool children for child study, occupational, 14936
physical, or speech and hearing therapy, special education 14937
supervisors, and special education coordinators approved annually 14938
by the state board on the basis of standards and rules adopted by 14939
the state board. 14940

(E) All of the arithmetical calculations made under this 14941
section shall be carried to the second decimal place. The total 14942
number of units for school districts, service centers, and 14943
institutions approved annually by the state board under this 14944
section shall not exceed the number of units included in the state 14945
board's estimate of cost for these units and appropriations made 14946
for them by the general assembly. 14947

In the case of units described in division (D)(1) of this 14948
section operated by ~~county MR/DD boards~~ and institutions eligible 14949
for payment under section 3323.091 of the Revised Code, the state 14950
board shall approve only units for persons who are under age 14951
twenty-two on the first day of the academic year, but not less 14952
than six years of age on the thirtieth day of September of that 14953
year, except that such a unit may include one or more children who 14954

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are under six years of age on the thirtieth day of September if 14955
such children have been admitted to the unit pursuant to rules of 14956
the state board. In the case of handicapped preschool units 14957
described in division (B) of this section operated by county MR/DD 14958
boards and institutions eligible for payment under section 14959
3323.091 of the Revised Code, the state board shall approve only 14960
preschool units for children who are under age six but not less 14961
than age three on the thirtieth day of September of the academic 14962
year, except that such a unit may include one or more children who 14963
are under age three or are age six or over on the thirtieth day of 14964
September if such children have been admitted to the unit pursuant 14965
to rules of the state board of education. The number of units for 14966
county MR/DD boards and institutions eligible for payment under 14967
section 3323.091 of the Revised Code approved by the state board 14968
under this section shall not exceed the number that can be funded 14969
with appropriations made for such purposes by the general 14970
assembly. 14971

No unit shall be approved under divisions (B) to (D) of this 14972
section unless a plan has been submitted and approved under 14973
Chapter 3323. of the Revised Code. 14974

(F) The department shall approve units or fractions thereof 14975
for gifted children on the basis of standards and rules adopted by 14976
the board. 14977

Sec. 3317.051. (A)(1) Notwithstanding sections 3317.05 and 14978
3317.11 of the Revised Code, a unit funded pursuant to division 14979
(P) of section 3317.024 or division (A)(2) of section ~~3317.161~~ 14980
3317.052 of the Revised Code shall not be approved for state 14981
funding in one school district, including any cooperative 14982
education school district or any educational service center, to 14983
the extent that such unit provides programs in or services to 14984
another district which receives payment pursuant to section 14985
3317.04 of the Revised Code. 14986

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(2) Any city, local, exempted village, or cooperative education school district or any educational service center may combine partial unit eligibility for handicapped preschool programs pursuant to section 3317.05 of the Revised Code, and such combined partial units may be approved for state funding in one school district or service center.

(B) After units have been initially approved for any fiscal year under section 3317.05 of the Revised Code, no unit shall be subsequently transferred from a school district or educational service center to another city, exempted village, local, or cooperative education school district or educational service center or to an institution or county MR/DD board solely for the purpose of reducing the financial obligations of the school district in a fiscal year it receives payment pursuant to section 3317.04 of the Revised Code.

Sec. ~~3317.161~~ 3317.052. As used in this section, "institution" means an institution operated by a department specified in section 3323.091 of the Revised Code.

(A)(1) The department of education shall pay each school district, educational service center, institution eligible for payment under section 3323.091 of the Revised Code, or county MR/DD board an amount for the total of all classroom units for handicapped preschool children approved under division (B) of section 3317.05 of the Revised Code. For each unit, the amount shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to the effective date of this amendment, plus fifteen per cent of that minimum salary amount, and eight thousand twenty-three dollars.

(2) The department shall pay each school district, 15018
educational service center, institution eligible for payment under 15019
section 3323.091 of the Revised Code, or county MR/DD board an 15020
amount for the total of all related services units for handicapped 15021
preschool children approved under division (C) of section 3317.05 15022
of the Revised Code. For each such unit, the amount shall be the 15023
sum of the minimum salary for the teacher of the unit calculated 15024
on the basis of the teacher's training level and years of 15025
experience pursuant to the salary schedule prescribed in the 15026
version of section 3317.13 of the Revised Code in effect prior to 15027
the effective date of this amendment, fifteen per cent of that 15028
minimum salary amount, and two thousand one hundred thirty-two 15029
dollars. 15030

(B) If a school district ~~or~~, educational service center ~~has~~ 15031
~~had additional handicapped preschool units approved for the year~~ 15032
~~under division (F)(2) of section 3317.03 of the Revised Code, or~~ 15033
~~if a~~ county MR/DD board has had additional handicapped preschool 15034
units approved for the year under division (F)(2) or (G)(3) of 15035
section 3317.03 of the Revised Code, the district, educational 15036
service center, or board shall receive an additional amount during 15037
the last half of the fiscal year. For each district, center, or 15038
board, the additional amount for each unit shall equal fifty per 15039
cent of the amounts computed for the unit in the manner prescribed 15040
by division (A) of this section and division (C) of section 15041
~~3317.162~~ 3317.053 of the Revised Code. 15042

(C)(1) The department shall pay each institution eligible for 15043
payment under section 3323.091 of the Revised Code or county MR/DD 15044
board an amount for the total of all special education units 15045
approved under division (D)(1) of section 3317.05 of the Revised 15046
Code. The amount for each unit shall be the sum of the minimum 15047
salary for the teacher of the unit, calculated on the basis of the 15048
teacher's training level and years of experience pursuant to the 15049

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salary schedule prescribed in the version of section 3317.13 of 15050
the Revised Code in effect prior to the effective date of this 15051
amendment, plus fifteen per cent of that minimum salary amount, 15052
and eight thousand twenty-three dollars. 15053

(2) The department shall pay each institution eligible for 15054
payment under section 3323.091 of the Revised Code ~~or county MR/DD~~ 15055
~~board~~ an amount for the total of all related services units 15056
approved under division (D)(2) of section 3317.05 of the Revised 15057
Code. The amount for each unit shall be the sum of the minimum 15058
salary for the teacher of the unit, calculated on the basis of the 15059
teacher's training level and years of experience pursuant to the 15060
salary schedule prescribed in the version of section 3317.13 of 15061
the Revised Code in effect prior to the effective date of this 15062
amendment, plus fifteen per cent of that minimum salary amount, 15063
and two thousand one hundred thirty-two dollars. 15064

~~(3) If a county MR/DD board has had additional units for~~ 15065
~~handicapped children other than handicapped preschool children~~ 15066
~~approved under division (G)(3) of section 3317.03 of the Revised~~ 15067
~~Code, the board shall receive an additional amount during the last~~ 15068
~~half of the fiscal year. For each board, the additional amount for~~ 15069
~~each unit shall equal fifty per cent of the amount computed for~~ 15070
~~the unit in the manner prescribed by division (C)(1) of this~~ 15071
~~section and division (C) of section 3317.162 of the Revised Code.~~ 15072

(D) The department shall pay each institution approved for 15073
vocational education units under division (A) of section 3317.05 15074
of the Revised Code an amount for the total of all the units 15075
approved under that division. The amount for each unit shall be 15076
the sum of the minimum salary for the teacher of the unit, 15077
calculated on the basis of the teacher's training level and years 15078
of experience pursuant to the salary schedule prescribed in the 15079
version of section 3317.13 of the Revised Code in effect prior to 15080
the effective date of this amendment, plus fifteen per cent of 15081

that minimum salary amount, and nine thousand five hundred ten 15082
dollars. 15083

Sec. ~~3317.162~~ 3317.053. (A) As used in this section: 15084

(1) "State share percentage" has the same meaning as in 15085
section 3317.022 of the Revised Code. 15086

(2) "Dollar amount" means the amount shown in the following 15087
table for the corresponding type of unit ~~and the appropriate~~ 15088
~~fiscal year:~~ 15089

	DOLLAR AMOUNT		
TYPE OF UNIT	FY 2000	FY 2001	
Division (B) of section 3317.05 of the Revised Code	\$8,334	\$8,334	15091 15092
Division (C) of that section	\$3,234	\$3,234	15093
Division (F) of that section	\$4,550	\$5,550	15094

(3) "Average unit amount" means the amount shown in the 15095
following table for the corresponding type of unit: 15096

	AVERAGE UNIT AMOUNT		
TYPE OF UNIT	FY 2000	FY 2001	
Division (B) of section 3317.05 of the Revised Code	\$7,799	\$7,799	15097 15098 15099
Division (C) of that section	\$2,966	\$2,966	15100
Division (F) of that section	\$4,251	\$5,251	15101

(B) In the case of each unit described in division (B), (C), 15102
or (F) of section 3317.05 of the Revised Code and allocated to a 15103
city, local, or exempted village school district, the department 15104
of education, in addition to the amounts specified in division (P) 15105
of section 3317.024 and sections ~~3317.161~~ 3317.052 and 3317.19 of 15106
the Revised Code, shall pay a supplemental unit allowance equal to 15107
the sum of the following amounts: 15108

(1) An amount equal to 50% of the average unit amount for the 15109
unit; 15110

(2) An amount equal to the percentage of the dollar amount 15111
for the unit that equals the district's state share percentage. 15112

If, prior to the fifteenth day of May of a fiscal year, a 15113
school district's aid computed under section 3317.022 of the 15114
Revised Code is recomputed pursuant to section 3317.027 or 15115
3317.028 of the Revised Code, the department shall also recompute 15116
the district's entitlement to payment under this section utilizing 15117
a new state share percentage. Such new state share percentage 15118
shall be determined using the district's recomputed basic aid 15119
amount pursuant to section 3317.027 or 3317.028 of the Revised 15120
Code. During the last six months of the fiscal year, the 15121
department shall pay the district a sum equal to one-half of the 15122
recomputed payment in lieu of one-half the payment otherwise 15123
calculated under this section. 15124

(C)(1) In the case of each unit allocated to an institution 15125
pursuant to division (A) of section 3317.05 of the Revised Code, 15126
the department, in addition to the amount specified in section 15127
~~3317.161~~ 3317.052 of the Revised Code, shall pay a supplemental 15128
unit allowance of \$7,227. 15129

(2) In the case of each unit described in division (B) or 15130
(D)(1) of section 3317.05 of the Revised Code that is allocated to 15131
any entity other than a city, exempted village, or local school 15132
district, the department, in addition to the amount specified in 15133
section ~~3317.161~~ 3317.052 of the Revised Code, shall pay a 15134
supplemental unit allowance of \$7,799. 15135

(3) In the case of each unit described in division (C) or 15136
(D)(2) of section 3317.05 of the Revised Code and allocated to any 15137
entity other than a city, exempted village, or local school 15138
district, the department, in addition to the amounts specified in 15139
section ~~3317.161~~ 3317.052 of the Revised Code, shall pay a 15140
supplemental unit allowance of \$2,966. 15141

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(4) In the case of each unit described in division (F) of section 3317.05 of the Revised Code and allocated to an educational service center, the department, in addition to the amounts specified in division (P) of section 3317.024 of the Revised Code, shall pay a supplemental unit allowance of ~~\$4,251 in fiscal year 2000~~ and \$5,251 in ~~fiscal year 2001~~.

Sec. 3317.064. (A) There is hereby established in the state treasury the auxiliary services mobile unit replacement and repair fund. By the thirtieth day of January of each odd-numbered year, the director of job and family services and the superintendent of public instruction shall determine the amount of any excess moneys in the auxiliary services personnel unemployment compensation fund not reasonably necessary for the purposes of section 4141.47 of the Revised Code, and shall certify such amount to the director of budget and management for transfer to the auxiliary services mobile unit replacement and repair fund. If the director of ~~jobs~~ job and family services and the superintendent disagree on such amount, the director of budget and management shall determine the amount to be transferred.

(B) Moneys in the auxiliary services mobile unit replacement and repair fund shall be used for the relocation or for the replacement and repair of mobile units used to provide the services specified in division (E), (F), (G), or (I) of section 3317.06 of the Revised Code ~~and for no other purposes~~. The state board of education shall adopt guidelines and procedures for replacement, repair, and relocation of mobile units and the procedures under which a school district may apply to receive moneys with which to repair or replace or relocate such units.

(C) School districts may apply to the department for moneys from the auxiliary services mobile unit replacement and repair fund for payment of incentives for early retirement and severance

for school district personnel assigned to provide services 15173
authorized by section 3317.06 of the Revised Code at chartered 15174
nonpublic schools. 15175

Sec. 3317.11. (A) Annually, on or before a date designated by 15176
the state board of education, each educational service center 15177
governing board shall prepare a budget of operating expenses for 15178
the ensuing year for the service center on forms prepared and 15179
furnished by the state board of education and shall certify the 15180
budget to the state board of education, together with such other 15181
information as the board may require. Such budget shall consist of 15182
two parts. Part (A) shall include the cost of the salaries, 15183
employers retirement contributions, and travel expenses of 15184
supervisory teachers approved by the state board of education. The 15185
amount derived from the calculation for such units in part (A) of 15186
the governing board budget shall be the sum of: 15187

(1) The sum of the minimum salaries calculated, pursuant to 15188
section 3317.13 of the Revised Code, for each approved licensed 15189
employee of the governing board; 15190

(2) An additional salary allowance proportional to the length 15191
of the extended term of service not to exceed three months for 15192
each supervisory and child study teacher whose term of service in 15193
any year is extended beyond the terms of service of regular 15194
classroom teachers; 15195

(3) An allowance equal to fifteen per cent of the amount 15196
computed under division (A)(1) of this section; 15197

(4) An allowance for necessary travel expenses, for each of 15198
the personnel approved in part (A) of the budget, limited to two 15199
hundred twenty-three dollars and sixteen cents per month, or two 15200
thousand six hundred seventy-eight dollars per year per person 15201
employed, whichever is the lesser. 15202

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Part (B) shall include the cost of all other lawful 15203
expenditures of the governing board. The state board of education 15204
shall review such budget and may approve, increase, or decrease 15205
such budget. 15206

The governing board shall be reimbursed by the state board of 15207
education from state funds for the cost of part (A) of the budget. 15208
The governing board shall be reimbursed by the state board of 15209
education, from state funds for the cost of part (B) of the 15210
approved budget that is in excess of six dollars and fifty cents 15211
times the service center ADM. If the governing board provides 15212
services to city or exempted village school districts pursuant to 15213
section 3313.843 of the Revised Code, the governing board shall be 15214
reimbursed from state funds for the cost of part (B) of the budget 15215
that is in excess of six dollars and fifty cents times the sum of 15216
the service center ADM and the client ADMs of the city or exempted 15217
village districts to which such services are provided. The cost of 15218
part (B) not in excess of six dollars and fifty cents times the 15219
number of such ADM shall be apportioned by the state board of 15220
education among the local school districts in the territory of the 15221
service center, or among all districts to which the governing 15222
board provides services, on the basis of the total number of 15223
pupils in each school district. 15224

If part (B) of the budget is in excess of that approved by 15225
the state board of education, the excess cost shall be apportioned 15226
by the state board of education among the local school districts 15227
in the territory of the service center on the basis of the total 15228
number of such pupils in each such school district, provided that 15229
a majority of the boards of education of such local school 15230
districts approve such apportionment. The state board of education 15231
shall initiate and supervise the procedure by which the local 15232
boards shall approve or disapprove such apportionment. 15233

The amounts so apportioned shall be certified to the 15234

treasurers of the various school districts. In the case of each 15235
district such amount shall be deducted by the state board of 15236
education from funds allocated to the district pursuant to 15237
division (E) of section 3317.023 of the Revised Code. 15238

The state board of education shall certify to the director of 15239
budget and management for payment the total of the deductions, 15240
whereupon the amount shall be paid to the governing board of each 15241
service center, to be deposited to the credit of a separate fund, 15242
hereby created, to be known as the educational service center 15243
governing board fund. 15244

An educational service center may provide special education 15245
to students in its local districts or in client districts. A 15246
service center is eligible for funding under division (J) of 15247
section 3317.024 of the Revised Code and eligible for state 15248
subsidies for the purchase of school buses under section 3317.07 15249
of the Revised Code. Special education units for gifted children 15250
may be operated by a governing board. Vocational education may be 15251
provided by a governing board. A governing board may conduct 15252
driver education for pupils enrolled in a high school for which 15253
the state board of education prescribes minimum standards. 15254

Every local school district shall be provided supervisory 15255
services by its governing board as approved by the state board of 15256
education. A city or exempted village school district shall be 15257
considered to be provided supervisory services by a governing 15258
board if it has entered into an agreement for the governing board 15259
to provide any services under section 3313.843 of the Revised 15260
Code. Supervisory services shall not exceed one supervisory 15261
teacher for the first fifty classroom teachers employed in all 15262
districts that are provided supervisory services calculated under 15263
section 3317.023 of the Revised Code and one supervisory teacher 15264
for every additional one hundred such classroom teachers so 15265
calculated. Reimbursement for such supervisory services shall be a 15266

deduction by the state board of education from the payment to the 15267
school district pursuant to division (E) of section 3317.023 of 15268
the Revised Code. Deductions for all supervisory services and 15269
extended services for supervisory and child study shall be 15270
apportioned among local school districts within the territory of 15271
the service center and any city or exempted village districts that 15272
have entered into agreements with a service center pursuant to 15273
section 3313.843 of the Revised Code by the state board of 15274
education on the basis of the total number of pupils in each 15275
school district, except that where such services are provided to 15276
districts other than local school districts within the service 15277
center territory and city or exempted village districts having 15278
agreements with the service center, such charges shall be 15279
apportioned among all participating districts on the basis of the 15280
total number of pupils in each school district. All deductions 15281
from state funding to school districts required for reimbursement 15282
of governing boards by division (E) of section 3317.023 of the 15283
Revised Code shall be made from the total of the payment computed 15284
for the district under this chapter, after making any other 15285
adjustments in that payment required by law. 15286

(B)(1) In addition to the payments made under division (A) of 15287
this section, except as otherwise provided in division (C) of this 15288
section, the department of education shall pay each governing 15289
board ~~the amount in the following schedule for the specified~~ 15290
~~fiscal year, thirty-seven dollars~~ times the sum of the service 15291
center ADM and the sum of the client ADMs of all its client 15292
districts. 15293

~~(a) In fiscal year 2000, thirty-six dollars;~~ 15294

~~(b) In in fiscal year 2001, thirty-seven dollars years 2002~~ 15295
~~and 2003.~~ 15296

(2) In addition to other payments under this section, the 15297
department shall pay each educational service center the amounts 15298

due to it from school districts pursuant to contracts, compacts,
or agreements under which the service center furnishes services to
the districts or their students. In order to receive payment under
this division, an educational service center shall furnish either
a copy of the applicable contract, compact, or agreement clearly
indicating the amounts of the payments, or a written statement of
the payments owed signed by the superintendent or treasurer of the
responsible school district.

The amounts paid to service centers under division (B)(2) of
this section shall be deducted from payments to school districts
pursuant to division (K)(2) of section 3317.023 of the Revised
Code.

(C) Each multicounty service center shall receive a payment
each fiscal year equal to forty dollars and fifty-two cents times
the sum of the service center ADM and the client ADMs of all its
client districts.

(D) Each city, exempted village, local, joint vocational, or
cooperative education school district shall pay to the governing
board of an educational service center any amounts agreed to for
each child enrolled in the district who receives special education
and related services or vocational education from the educational
service center.

(E) As used in this section:

(1) "Service center ADM" means the total of each of the
following for all local school districts within the limits of an
educational service center's territory:

(a) The formula ADM;

(b) The kindergarten average daily membership included in the
formula ADM;

(c) Three-quarters of the number of students reported under

division (B)(4) of section 3317.03 of the Revised Code;	15329
(d) The average daily membership of handicapped preschool children reported under division (B)(2) of section 3317.03 of the Revised Code;	15330 15331 15332
(e) The number of preschool students certified under division (B) of section 3317.032 of the Revised Code.	15333 15334
(2) "Client ADM" means the total of each number described under divisions (E)(1)(a) to (e) of this section for a client district.	15335 15336 15337
(3) "Client district" means a city or exempted village school district that has entered into an agreement to receive services from a service center pursuant to section 3313.843 of the Revised Code.	15338 15339 15340 15341
(4) "Multicounty service center" means a service center that includes territory that formerly was included in the territory of at least three former service centers or county school districts, which former centers or districts engaged in one or more mergers pursuant to section 3311.053 of the Revised Code to form the present center.	15342 15343 15344 15345 15346 15347
Sec. 3317.13. (A) As used in this section and section 3317.14 of the Revised Code:	15348 15349
(1) "Years of service" includes the following:	15350
(a) All years of teaching service in the same school district or educational service center, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;	15351 15352 15353 15354
(b) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school,	15355 15356 15357

regardless of training level, with each year consisting of at 15358
least one hundred twenty days under a teacher's contract; 15359

(c) All years of teaching service in a chartered school or 15360
institution or a school or institution that subsequently became 15361
chartered or a chartered special education program or a special 15362
education program that subsequently became chartered operated by 15363
the state or by a subdivision or other local governmental unit of 15364
this state as a teacher licensed pursuant to section 3319.22 of 15365
the Revised Code, regardless of training level, with each year 15366
consisting of at least one hundred twenty days; and 15367

(d) All years of active military service in the armed forces 15368
of the United States, as defined in section 3307.75 of the Revised 15369
Code, to a maximum of five years. For purposes of this 15370
calculation, a partial year of active military service of eight 15371
continuous months or more in the armed forces shall be counted as 15372
a full year. 15373

(2) "Teacher" means all teachers employed by the board of 15374
education of any school district, including any cooperative 15375
education or joint vocational school district and all teachers 15376
employed by any educational service center governing board. 15377

(B) No teacher shall be paid a salary less than that provided 15378
in the schedule set forth in division (C) of this section. In 15379
calculating the minimum salary any teacher shall be paid pursuant 15380
to this section, years of service shall include the sum of all 15381
years of the teacher's teaching service included in divisions 15382
(A)(1)(a), (b), (c), and (d) of this section; except that any 15383
school district or educational service center employing a teacher 15384
new to the district or educational service center shall grant such 15385
teacher a total of not more than ten years of service pursuant to 15386
divisions (A)(1)(b), (c), and (d) of this section. 15387

Upon written complaint to the superintendent of public 15388

instruction that the board of education of a district or the 15389
governing board of an educational service center governing board 15390
has failed or refused to annually adopt a salary schedule or to 15391
pay salaries in accordance with the salary schedule set forth in 15392
division (C) of this section, the superintendent of public 15393
instruction shall cause to be made an immediate investigation of 15394
such complaint. If the superintendent finds that the conditions 15395
complained of exist, the superintendent shall order the board to 15396
correct such conditions within ten days from the date of the 15397
finding. No moneys shall be distributed to the district or 15398
educational service center under this chapter until the 15399
superintendent has satisfactory evidence of the board of 15400
education's full compliance with such order. 15401

Each teacher shall be fully credited with placement in the 15402
appropriate academic training level column in the district's or 15403
educational service center's salary schedule with years of service 15404
properly credited pursuant to this section or section 3317.14 of 15405
the Revised Code. No rule shall be adopted or exercised by any 15406
board of education or educational service center governing board 15407
which restricts the placement or the crediting of annual salary 15408
increments for any teacher according to the appropriate academic 15409
training level column. 15410

(C) Minimum salaries exclusive of retirement and sick leave 15411
for teachers shall be as follows: 15412

	Teachers		Teachers with		Teachers			
Years	with Less	Teachers with	Five Years of	with				
of	than	a Bachelor's	Training, but	a Master's				
Service	Bachelor's	Degree	no Master's	Degree or				
	Degree		Degree	Higher				
	Per	Dollar	Per	Dollar	Per	Dollar	Per	Dollar
	Cent*	Amount	Cent*	Amount	Cent*	Amount	Cent*	Amount
0	86.5	\$14,705	100.0	\$17,000	103.8	\$17,646	109.5	\$18,615

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		<u>17,300</u>		<u>20,000</u>		<u>20,760</u>		<u>21,900</u>	15421
1	90.0	15,300	103.8	17,646	108.1	18,377	114.3	19,431	15422
		<u>18,000</u>		<u>20,760</u>		<u>21,620</u>		<u>22,860</u>	15423
2	93.5	15,895	107.6	18,292	112.4	19,108	119.1	20,247	15424
		<u>18,700</u>		<u>21,520</u>		<u>22,480</u>		<u>23,820</u>	15425
3	97.0	16,490	111.4	18,938	116.7	19,839	123.9	21,063	15426
		<u>19,400</u>		<u>22,280</u>		<u>23,340</u>		<u>24,780</u>	15427
4	100.5	17,085	115.2	19,584	121.0	20,570	128.7	21,879	15428
		<u>20,100</u>		<u>23,040</u>		<u>24,200</u>		<u>25,740</u>	15429
5	104.0	17,680	119.0	20,230	125.3	21,301	133.5	22,695	15430
		<u>20,800</u>		<u>23,800</u>		<u>25,060</u>		<u>26,700</u>	15431
6	104.0	17,680	122.8	20,876	129.6	22,032	138.3	23,511	15432
		<u>20,800</u>		<u>24,560</u>		<u>25,920</u>		<u>27,660</u>	15433
7	104.0	17,680	126.6	21,522	133.9	22,763	143.1	24,327	15434
		<u>20,800</u>		<u>25,320</u>		<u>26,780</u>		<u>28,620</u>	15435
8	104.0	17,680	130.4	22,168	138.2	23,494	147.9	25,143	15436
		<u>20,800</u>		<u>26,080</u>		<u>27,640</u>		<u>29,580</u>	15437
9	104.0	17,680	134.2	22,814	142.5	24,225	152.7	25,959	15438
		<u>20,800</u>		<u>26,840</u>		<u>28,500</u>		<u>30,540</u>	15439
10	104.0	17,680	138.0	23,460	146.8	24,956	157.5	26,775	15440
		<u>20,800</u>		<u>27,600</u>		<u>29,360</u>		<u>31,500</u>	15441
11	104.0	17,680	141.8	24,106	151.1	25,687	162.3	27,591	15442
		<u>20,800</u>		<u>28,360</u>		<u>30,220</u>		<u>32,460</u>	15443

* Percentages represent the percentage which each salary is of the base amount. 15444
15445

For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set 15446
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forth in this section for corresponding levels of training and	15453
experience.	15454
As used in this division:	15455
(1) "Base amount" means seventeen <u>twenty</u> thousand dollars.	15456
(2) "Five years of training" means at least one hundred fifty	15457
semester hours, or the equivalent, and a bachelor's degree from a	15458
recognized college or university.	15459
(D) For purposes of this section, all credited training shall	15460
be from a recognized college or university.	15461
Sec. 3317.16. (A) As used in this section:	15462
(1) "State share percentage" means the percentage calculated	15463
for a joint vocational school district as follows:	15464
(a) Calculate the state base cost funding amount for the	15465
district under division (B) of this section. If the district would	15466
not receive any base cost funding for that year under that	15467
division, the district's state share percentage is zero.	15468
(b) If the district would receive base cost funding under	15469
that division, divide that base cost amount by an amount equal to	15470
the following:	15471
cost-of-doing-business factor X	15472
the formula amount X	15473
the greater of formula ADM or	15474
three-year average formula ADM	15475
The resultant number is the district's state share	15476
percentage.	15477
(2) The "total special education weight" for a joint	15478
vocational school district shall be calculated in the same manner	15479
as prescribed in division (B)(1) of section 3317.022 of the	15480
Revised Code.	15481

(3) The "total vocational education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)~~(4)~~(3) of section 3317.022 of the Revised Code.

(4) The "~~adjusted total taxable value~~ recognized valuation" of a joint vocational school district shall be determined by adding the ~~adjusted total taxable values~~ recognized valuations of all its constituent school districts for the applicable fiscal year.

(B) The department of education shall compute and distribute state base cost funding to each joint vocational school district for the fiscal year in accordance with the following formula:

(cost-of-doing-business factor X
formula amount X the greater of formula
ADM or three-year average formula ADM) -
(.0005 X ~~adjusted total taxable value~~ recognized valuation)

If the difference obtained under this division is a negative number, the district's computation shall be zero.

(C)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each joint vocational school district in accordance with the following formula:

state share percentage X formula amount X
total vocational education weight

(2) The department shall compute for each joint vocational school district state funds for vocational education associated services costs in accordance with the following formula:

state share percentage X .05 X
the formula amount X the sum of
categories one and two vocational
education ADM

In any fiscal year, a joint vocational school district receiving funds under division (C)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for vocational education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other vocational education services, vocational evaluation, and other purposes designated by the department. The department may deny payment under division (C)(2) of this section to any district that the department determines is not operating those services or is using funds paid under division (C)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, for other purposes.

(D)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each joint vocational school district in accordance with the following formula:

$$\frac{\text{state share percentage} \times \text{formula amount}}{\text{total special education weight}}$$

(2)(a) As used in this division, the "personnel allowance" means ~~twenty-five thousand dollars in fiscal year 2000 and thirty thousand dollars in fiscal year 2001~~ years 2002 and 2003.

(b) For the provision of speech services to students, including students who do not have individualized education programs prepared for them under Chapter 3323. of the Revised Code, and for no other purpose, the department shall pay each joint vocational school district an amount calculated under the following formula:

$$(\text{formula ADM divided by 2000}) \times \text{the personnel allowance} \times \text{state share percentage}$$

(E) If a joint vocational school district's costs for a

fiscal year for a student in its ~~category three~~ categories two 15545
through six special education ADM are twenty-five thousand dollars 15546
or more, the district may submit to the superintendent of public 15547
instruction documentation, as prescribed by the superintendent, of 15548
all of its costs for that student. Upon submission of 15549
documentation for a student of the type and in the manner 15550
prescribed, the department shall pay to the district an amount 15551
equal to the sum of the following: 15552

(1) One-half of the district's costs for the student in 15553
excess of twenty-five thousand dollars; 15554

(2) The product of one-half of the district's costs for the 15555
student in excess of twenty-five thousand dollars multiplied by 15556
the district's state share percentage. 15557

The district shall only report, and the department shall only 15558
pay for, the costs of educational expenses and the related 15559
services provided to the student in accordance with the student's 15560
individualized education program. Any legal fees, court costs, or 15561
other costs associated with any cause of action relating to the 15562
student may not be included in the amount. 15563

(F) Each fiscal year, the department shall pay each joint 15564
vocational school district an amount for adult technical and 15565
vocational education and specialized consultants. 15566

~~(G)(1) In any fiscal year, a joint vocational school district~~ 15567
~~receiving funds under division (D) of this section shall spend on~~ 15568
~~the related services specified in division (B)(3) of section~~ 15569
~~3317.022 of the Revised Code at least the lesser of the following:~~ 15570

~~(a) The amount the district spent on those related services~~ 15572
~~in the preceding fiscal year;~~ 15573

~~(b) $1/8 \times \{[\text{cost of doing business factor} \times \text{the formula}$~~ 15574
~~amount $\times (\text{the category one special education ADM} + \text{category two}$~~ 15575

~~special education ADM + category three special education ADM)] + 15576
the amount calculated for the fiscal year under division (D)(1) of 15577
this section + the local share of special education and related 15578
services additional weighted costs}-. 15579~~

~~(2) A joint vocational school district's local share of 15580
special education and related services additional weighted costs 15581
equals: 15582~~

~~(1 - state share percentage) X 15583~~

~~Total special education weight X 15584~~

~~the formula amount 15585~~

~~(H) In any fiscal year, if the total of all payments made to 15586
a joint vocational school district under divisions (B) to (D) of 15587
this section and division (R) of section 3317.024 of the Revised 15588
Code is less than the amount that district received in fiscal year 15589
1999 under the version of this section in effect that year, plus 15590
the amount that district received under the version of section 15591
3317.162 of the Revised Code in effect that year and minus the 15592
amounts received that year for driver education and adult 15593
education, the department shall pay the district an additional 15594
amount equal to the difference between those two amounts. 15595~~

~~(I) In fiscal years 2000 and 2001, each joint vocational 15596
school district shall continue to offer the same number of the 15597
vocational education programs that the district offered in fiscal 15598
year 1999, unless the department of education expressly agrees 15599
that the district may offer fewer programs in either or both 15600
fiscal year 2000 or 2001. 15601~~

Sec. 3317.19. (A) As used in this section, "total unit 15602
allowance" means an amount equal to the sum of the following: 15603

(1) The total of the salary allowances for the teachers 15604
employed in the cooperative education school district for all 15605
units approved under division (B) or (C) of section 3317.05 of the 15606

Revised Code. The salary allowance for each unit shall equal the
minimum salary for the teacher of the unit calculated on the basis
of the teacher's training level and years of experience pursuant
to the salary schedule prescribed in the version of section
3317.13 of the Revised Code in effect prior to the effective date
of this amendment.

(2) Fifteen per cent of the total computed under division
(A)(1) of this section;

(3) The total of the unit operating allowances for all
approved units. The amount of each allowance shall equal one of
the following:

(a) Eight thousand twenty-three dollars times the number of
preschool handicapped units or fraction thereof approved for the
year under division (B) of section 3317.05 of the Revised Code;

(b) Two thousand one hundred thirty-two dollars times the
number of units or fraction thereof approved for the year under
division (C) of section 3317.05 of the Revised Code.

(B) The state board of education shall compute and distribute
to each cooperative education school district for each fiscal year
an amount equal to the sum of the following:

(1) An amount equal to the total of the amounts credited to
the cooperative education school district pursuant to division (K)
of section 3317.023 of the Revised Code;

(2) The total unit allowance;

(3) An amount for assisting in providing free lunches to
needy children and an amount for assisting needy school districts
in purchasing necessary equipment for food preparation pursuant to
division (K) of section 3317.024 of the Revised Code.

(C) If a cooperative education school district has had
additional special education units approved for the year under

division (F)(2) of section 3317.03 of the Revised Code, the 15637
district shall receive an additional amount during the last half 15638
of the fiscal year. For each unit, the additional amount shall 15639
equal fifty per cent of the amount computed under division (A) of 15640
this section for a unit approved under division (B) of section 15641
3317.05 of the Revised Code. 15642

Sec. 3317.20. This section does not apply to handicapped 15643
preschool children. 15644

(A) As used in this section: 15645

(1) "Applicable weight" means+ 15646

~~(a) For a handicapped child receiving special education 15647
services for a handicap specified in division (A) of section 15648
3317.013 of the Revised Code, the multiple specified in that 15649
division;~~ 15650

~~(b) For a handicapped child receiving special education 15651
services for a handicap specified in division (B) of section 15652
3317.013 or division (F)(3) of section 3317.02 of the Revised 15653
Code, the multiple specified in division (B) of for a handicap 15654
described in that section 3317.013 of the Revised Code. 15655~~

(2) "Child's school district" means the school district in 15656
which a child is entitled to attend school pursuant to section 15657
3313.64 or 3313.65 of the Revised Code. 15658

(3) "State share percentage" means the state share percentage 15659
of the child's school district as defined in section 3317.022 of 15660
the Revised Code. 15661

(B) ~~Notwithstanding sections 3317.03, 3317.05, 3317.161, and 15662
3317.162 of the Revised Code, the department of education shall 15663
not approve special education and related services units, other 15664
than for handicapped preschool children, in county MR/DD boards in 15665
fiscal years 1999, 2000, and 2001. During those fiscal years, 15666~~

~~state funding for special education and related services provided~~ 15667
~~to school-age children by county MR/DD boards shall be provided~~ 15668
~~under divisions (C) to (E) of this section.~~ 15669

~~(C)~~ Except as provided in division ~~(D)~~(C) of this section, 15670
the department shall annually pay each county MR/DD board an 15671
amount calculated under the following formula for each handicapped 15672
child, other than a handicapped preschool child, for whom the 15673
county MR/DD board provides special education and related 15674
services: 15675

(formula amount X the cost-of-doing-business factor 15676
for the child's school district) + 15677
(state share percentage X formula amount X 15678
the applicable weight) 15679

~~(D)~~(C) If any school district places with a county MR/DD 15680
board more handicapped children than it had placed with a county 15681
MR/DD board in fiscal year 1998, the department shall not make a 15682
payment under division ~~(C)~~(B) of this section for the number of 15683
children exceeding the number placed in fiscal year 1998. The 15684
department instead shall deduct from the district's payments under 15685
this chapter, and pay to the county MR/DD board, an amount 15686
calculated in accordance with the formula prescribed in division 15687
~~(C)~~(B) of this section for each child over the number of children 15688
placed in fiscal year 1998. 15689

~~(E)~~(D) The department shall calculate for each county MR/DD 15690
board receiving payments under divisions ~~(C)~~(B) and ~~(D)~~(C) of this 15691
section the following amounts: 15692

(1) The amount received by the county MR/DD board for 15693
approved special education and related services units, other than 15694
preschool handicapped units, in fiscal year 1998, divided by the 15695
total number of children served in the units that year; 15696

(2) The product of the quotient calculated under division 15697
~~(E)~~(D)(1) of this section times the number of children for whom 15698

payments are made under divisions ~~(C)~~(B) and ~~(D)~~(C) of this 15699
section. 15700

If the amount calculated under division ~~(E)~~(D)(2) of this 15701
section is greater than the total amount calculated under 15702
divisions ~~(C)~~(B) and ~~(D)~~(C) of this section, the department shall 15703
pay the county MR/DD board one hundred per cent of the difference 15704
in addition to the payments under divisions ~~(C)~~(B) and ~~(D)~~(C) of 15705
this section. 15706

Sec. 3318.04. (A) If the Ohio school facilities commission 15707
makes a determination under section 3318.03 of the Revised Code in 15708
favor of constructing, acquiring, reconstructing, or making 15709
additions to a classroom facility, the project shall be 15710
conditionally approved. Such conditional approval shall be 15711
submitted to the controlling board for approval thereof. The 15712
controlling board shall forthwith approve or reject the 15713
commission's determination, conditional approval, the amount of 15714
the state's portion of the basic project cost, and, if the state's 15715
portion exceeds twenty-five million dollars, the amount of the 15716
state's portion to be encumbered in the current fiscal biennium. 15717
In the event of approval thereof by the controlling board, the 15718
commission shall certify such conditional approval to the school 15719
district board and shall encumber from the total funds 15720
appropriated for the purpose of sections 3318.01 to 3318.20 of the 15721
Revised Code the amount of the state's portion of the basic 15722
project cost or, if the state's portion exceeds twenty-five 15723
million dollars, the amount approved under this section to be 15724
encumbered in the current fiscal biennium. 15725

The basic project cost for a project approved under this 15726
section shall not exceed the cost that would otherwise have to be 15727
incurred if the classroom facilities to be constructed, acquired, 15728
or reconstructed, or the additions to be made to classroom 15729
facilities, under such project meet, but do not exceed, the 15730

specifications for plans and materials for classroom facilities 15731
adopted by the commission. 15732

(B)(1) No school district shall have a project conditionally 15733
approved pursuant to this section if the school district has 15734
already received any assistance for a project funded under any 15735
version of sections 3318.01 to 3318.20 of the Revised Code, and 15736
the prior project was one for which the electors of such district 15737
approved a levy within the last twenty years pursuant to any 15738
version of section 3318.06 of the Revised Code for purposes of 15739
qualifying for the funding of that project, unless the district 15740
demonstrates to the satisfaction of the commission that the 15741
district has experienced since approval of its prior project an 15742
exceptional increase in enrollment significantly above the 15743
district's design capacity under that prior project as determined 15744
by rule of the commission. 15745

(2) Notwithstanding division (B)(1) of this section, any 15746
school district that received assistance under sections 3318.01 to 15747
3318.20 of the Revised Code, as those sections existed prior to 15748
May 20, 1997, may receive additional assistance under those 15749
sections, as they exist on and after May 20, 1997, prior to the 15750
expiration of the period of time required under division (B)(1) of 15751
this section, if the percentile in which the school district is 15752
located, as determined under section 3318.011 of the Revised Code, 15753
is eligible for assistance as prescribed in section 3318.02 of the 15754
Revised Code. 15755

The commission may provide assistance under sections 3318.01 15756
to 3318.20 of the Revised Code pursuant to this division to no 15757
more than five school districts per fiscal year until all eligible 15758
school districts have received the additional assistance 15759
authorized under this division. The commission shall establish 15760
application procedures, deadlines, and priorities for funding 15761
projects under this division. 15762

The commission at its discretion may waive current design specifications it has adopted for projects under sections 3318.01 to 3318.20 of the Revised Code when assessing an application for additional assistance under this division for the renovation of classroom facilities constructed or renovated under a school district's previous project. If the commission finds that a school district's existing classroom facilities are adequate to meet all of the school district's needs, the commission may determine that no additional state assistance be awarded to a school district under this division.

~~In order for a school district to be eligible to receive any additional assistance under this division, the school district electors shall extend the school district's existing levy dedicated for maintenance of classroom facilities under Chapter 3318. of the Revised Code, pursuant to section 3318.061 of the Revised Code or shall provide equivalent alternative maintenance funds as specified in division (B) of section 3318.06 of the Revised Code.~~

(3) Notwithstanding division (B)(1) of this section, any school district that has received assistance under sections 3318.01 to 3318.20 of the Revised Code after May 20, 1997, may receive additional assistance if the commission decides in favor of providing such assistance pursuant to section 3318.042 of the Revised Code.

Sec. 3318.042. (A) The board of education of any school district that is receiving assistance under sections 3318.01 to 3318.20 of the Revised Code after May 20, 1997, and whose project is still under construction, may request that the Ohio school facilities commission examine whether the circumstances prescribed in either division (B)(1) or (2) of this section exist in the school district. If the commission so finds, the commission shall

As Reported by the House Finance and Appropriations Committee

review the school district's original assessment and approved 15794
project under sections 3318.01 to 3318.20 of the Revised Code, and 15795
consider providing additional assistance to the school district to 15796
correct the prescribed conditions found to exist in the district. 15797
Additional assistance under this section shall be limited to 15798
additions to one or more buildings, remodeling of one or more 15799
buildings, or changes to the infrastructure of one or more 15800
buildings. 15801

(B) Consideration of additional assistance to a school 15802
district under this section is warranted in either of the 15803
following circumstances: 15804

(1) Additional work is needed to correct an oversight or 15805
deficiency not identified or included in the district's initial 15806
assessment. 15807

(2) Other conditions exist that, in the opinion of the 15808
commission, warrant additions or remodeling of the project 15809
facilities or changes to infrastructure associated with the 15810
district's project that were not identified in the initial 15811
assessment and plan. 15812

(C) If the commission decides in favor of providing 15813
additional assistance to any school district under this section, 15814
the school district shall be responsible for paying for its 15815
portion of the cost the additions, remodeling, or infrastructure 15816
changes pursuant to section 3318.083 of the Revised Code. If after 15817
making a financial evaluation of the school district, the 15818
commission determines that the school district is unable without 15819
undue hardship, according to the guidelines adopted by the 15820
commission, to fund the school district portion of the increase, 15821
then the state and the school district shall enter into an 15822
agreement whereby the state shall pay the portion of the cost 15823
increase attributable to the school district which is determined 15824
to be in excess of any local resources available to the district 15825

and the district shall thereafter reimburse the state. The 15826
commission shall establish the district's schedule for reimbursing 15827
the state, which shall not extend beyond five years. Debt incurred 15828
under this section shall not be included in the calculation of the 15829
net indebtedness of the school district under section 133.06 of 15830
the Revised Code. 15831

Sec. 3318.05. The conditional approval of the Ohio school 15832
facilities commission for a project shall lapse and the amount 15833
reserved and encumbered for such project shall be released unless 15834
the school district board accepts such conditional approval within 15835
one hundred twenty days following the date of certification of the 15836
conditional approval to the school district board and the electors 15837
of the school district vote favorably on ~~both of the propositions~~ 15838
proposition described in ~~divisions (A) and (B)~~ of this section 15839
within one year of the date of such certification, ~~except that a~~ 15840
~~school district described in division (C) of this section does not~~ 15841
~~need to submit the proposition described in division (B) of this~~ 15842
~~section. The propositions described in divisions (A) and (B) of~~ 15843
~~this section shall be combined in a single proposal.~~ If the 15844
district board or the district's electors fail to meet such 15845
requirements and the amount reserved and encumbered for the 15846
district's project is released, the district shall be given first 15847
priority for project funding as such funds become available. 15848

~~(A) On~~ The proposition shall be on the question of issuing 15849
bonds of the school district board, for the school district's 15850
portion of the basic project cost, in an amount equal to the 15851
school district's portion of the basic project cost less any 15852
deduction made under section 3318.033 of the Revised Code; ~~and~~ 15853

~~(B) On the question of levying a tax the proceeds of which~~ 15854
~~shall be used to pay the cost of maintaining the classroom~~ 15855
~~facilities included in the project. Such tax shall be at the rate~~ 15856

~~of not less than one-half mill for each dollar of valuation for a 15857
period of twenty-three years, subject to any extension approved 15858
under section 3318.061 of the Revised Code. 15859~~

~~(C) If a school district has in place a tax levied under 15860
section 5705.21 of the Revised Code for general ongoing permanent 15861
improvements of at least two mills for each dollar of valuation 15862
and the proceeds of such tax can be used for maintenance, the 15863
school district need not levy the additional tax required under 15864
division (B) of this section, provided the school district board 15865
includes in the agreement entered into under section 3318.08 of 15866
the Revised Code provisions earmarking an amount from the proceeds 15867
of that permanent improvement tax for maintenance of classroom 15868
facilities equivalent to the amount of the additional tax and for 15869
the equivalent number of years otherwise required under this 15870
section. 15871~~

~~(D) Proceeds of the tax to be used for maintenance of the 15872
classroom facilities under either division (B) or (C) of this 15873
section shall be deposited into a separate fund established by the 15874
school district for such purpose. 15875~~

Sec. 3318.051. The proceeds of any tax dedicated for the 15876
maintenance of the classroom facilities specifically acquired by a 15877
school district under any project under Chapter 3318. of the 15878
Revised Code approved by the electors of the school district prior 15879
to the effective date of this section as required under former 15880
section 3318.05 of the Revised Code as it existed prior to the 15881
effective date this section, or any existing taxes or other school 15882
district revenues earmarked for maintenance by the school district 15883
board under agreement with the school facilities commission as 15884
permitted under former section 3318.05 or under section 3318.052 15885
of the Revised Code, as those sections existed prior to the 15886
effective date of this section, shall not be required to be used 15887

for such purpose after the effective date of this section and may 15888
instead be used by the school district board to pay the cost of 15889
maintaining any classroom facilities owned or controlled by the 15890
school district board. 15891

Sec. 3318.052. Notwithstanding any provision of ~~divisions~~ 15892
~~(A), (B), and (C)~~ of section 3318.05 of the Revised Code to the 15893
contrary, by resolution adopted by a majority of all its members, 15894
a school district board may opt to apply the proceeds of tax 15895
levied under section 5705.21 of the Revised Code for general 15896
ongoing permanent improvements or the proceeds of school district 15897
income tax levied under Chapter 5748. of the Revised Code, or 15898
proceeds from a combination of those two taxes, if the proceeds of 15899
such levies may lawfully be used for general construction, 15900
renovation, or repair, ~~or maintenance~~ of classroom facilities, in 15901
lieu of all or part of the ~~bonds and tax levies~~ bond issue 15902
otherwise required under ~~divisions (A), (B), and (C)~~ of section 15903
3318.05 of the Revised Code, to leverage bonds adequate to pay all 15904
or part of the school district portion of a project under sections 15905
3318.01 to 3318.20 of the Revised Code ~~or to generate an amount~~ 15906
~~equivalent to all or part of the proceeds of the tax required~~ 15907
~~under division (B) of section 3318.05 of the Revised Code to be~~ 15908
~~used for maintenance of classroom facilities constructed,~~ 15909
~~renovated, or repaired under such project. A school district~~ 15910
~~undertaking a project under sections 3318.01 to 3318.20 of the~~ 15911
~~Revised Code and opting to apply the proceeds of the tax levies~~ 15912
~~pursuant to this section shall be subject to all other provisions~~ 15913
~~of divisions (A), (B), and (C) of section 3318.05 of the Revised~~ 15914
~~Code and the requirement for a separate maintenance fund under~~ 15915
~~division (D) of section 3318.05 of the Revised Code. Bonds issued~~ 15916
under this section shall be Chapter 133. securities, but the 15917
issuance of the bonds shall not be subject to a vote of the 15918

electors of the school district as long as the tax levies 15919
earmarked for payment of the service charges on the bonds may 15920
lawfully be used for that purpose. 15921

No state moneys shall be released for a project to which this 15922
section applies until the proceeds of any bonds issued under this 15923
section that are dedicated for the payment of the school district 15924
portion of a project are first deposited into the school 15925
district's project construction fund. 15926

Sec. 3318.06. (A) After receipt of the conditional approval 15927
of the Ohio school facilities commission, the school district 15928
board by a majority of all of its members shall, if it desires to 15929
proceed with the project, declare ~~all of the following~~ by 15930
resolution~~+~~ 15931

~~(A) That~~ that by issuing bonds in an amount equal to the 15932
school district's portion of the basic project cost, including 15933
bonds previously authorized by the district's electors as 15934
described in section 3318.033 of the Revised Code, the district is 15935
unable to provide adequate classroom facilities without assistance 15936
from the state~~+~~ 15937

~~(B) Unless the school district board has resolved to apply 15938
the proceeds of a property tax or the proceeds of an income tax,
or a combination of proceeds from such taxes, as authorized under 15939
section 3318.052 of the Revised Code, that to qualify for such 15940
state assistance it is necessary to do either of the following:~~ 15941
~~15942~~

~~(1) Levy a tax outside the ten-mill limitation the proceeds 15943
of which shall be used to pay the cost of maintaining the 15944
classroom facilities included in the project;~~ 15945

~~(2) Earmark for maintenance of classroom facilities from the 15946
proceeds of an existing permanent improvement tax levied under 15947
section 5705.21 of the Revised Code, if such tax is of at least 15948
two mills for each dollar of valuation and can be used for 15949~~

~~maintenance, an amount equivalent to the amount of the additional
tax otherwise required under this section and sections 3318.05 and
3318.08 of the Revised Code.~~ 15950
15951
15952

~~(C) That the question of any tax levy specified in a
resolution described in division (B)(1) of this section, if
required, shall be submitted to the electors of the school
district at the next general or primary election, if there be a
general or primary election not less than seventy-five and not
more than ninety-five days after the day of the adoption of such
resolution or, if not, at a special election to be held at a time
specified in the resolution which shall be not less than
seventy-five days after the day of the adoption of the resolution
and which shall be in accordance with the requirements of section
3501.01 of the Revised Code.~~ 15953
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~~Such resolution shall also state that the question of issuing
bonds of the board shall be combined in a single proposal with the
question of such tax levy. More than one election under this
section may be held in any one calendar year. Such resolution
shall specify both of the following:~~ 15964
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~~(1) That the rate which it is necessary to levy shall be at
the rate of not less than one-half mill for each one dollar of
valuation, and that such tax shall be levied for a period of
twenty-three years;~~ 15969
15970
15971
15972

~~(2) That the proceeds of the tax shall be used to pay the
cost of maintaining the classroom facilities included in the
project.~~ 15973
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A copy of such resolution shall after its passage and not
less than seventy-five days prior to the date set therein for the
election be certified to the county board of elections. 15976
15977
15978

The resolution of the school district board, in addition to
meeting other applicable requirements of section 133.18 of the 15979
15980

Revised Code, shall state that the amount of bonds to be issued 15981
will be an amount equal to the school district's portion of the 15982
basic project cost, and state the maximum maturity of the bonds 15983
which, notwithstanding section 133.20 of the Revised Code, may be 15984
any number of years not exceeding twenty-three as determined by 15985
the board. In estimating the amount of bonds to be issued, the 15986
board shall take into consideration the amount of moneys then in 15987
the bond retirement fund and the amount of moneys to be collected 15988
for and disbursed from the bond retirement fund during the 15989
remainder of the year in which the resolution of necessity is 15990
adopted. 15991

~~Notice of the election shall include the fact that the tax 15992
levy shall be at the rate of not less than one-half mill for each 15993
one dollar of valuation for a period of twenty-three years, and 15994
that the proceeds of the tax shall be used to pay the cost of 15995
maintaining the classroom facilities included in the project. 15996~~

The form of the ballot to be used at such election shall be: 15997

"A majority affirmative vote is necessary for passage. 15998

Shall bonds be issued by the (here insert name 15999
of school district) school district to pay the local share of 16000
school construction under the State of Ohio Classroom Facilities 16001
Assistance Program in the principal amount of (here 16002
insert principal amount of the bond issue), to be repaid annually 16003
over a maximum period of (here insert the maximum 16004
number of years over which the principal of the bonds may be paid) 16005
years, and an annual levy of property taxes be made outside the 16006
ten-mill limitation, estimated by the county auditor to average 16007
over the repayment period of the bond issue (here 16008
insert the number of mills estimated) mills for each one dollar of 16009
tax valuation, which amounts to (rate expressed in 16010
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 16011
for each one hundred dollars of tax valuation to pay the annual 16012

debt charges on the bonds and to pay debt charges on any notes 16013
issued in anticipation of the bonds?^ 16014
and, unless the additional levy 16015
of taxes is not required pursuant 16016
to division (C) of section 16017
3318.05 of the Revised Code, 16018
"Shall an additional levy of taxes be made for a period of 16019
twenty-three years to benefit the (here insert name 16020
of school district) school district, the proceeds of which shall 16021
be used to pay the cost of maintaining the classroom facilities 16022
included in the project at the rate of (here insert the 16023
number of mills, which shall not be less than one-half mill) mills 16024
for each one dollar of valuation? 16025
16026
FOR THE BOND ISSUE AND TAX LEVY 16027
16028
AGAINST THE BOND ISSUE AND TAX LEVY 16029
" 16030
~~(D)~~(B) If it is necessary for the school district to acquire 16031
a site for the classroom facilities to be acquired pursuant to 16032
sections 3318.01 to 3318.20 of the Revised Code, the district 16033
board may propose either to issue bonds of the board or to levy a 16034
tax to pay for the acquisition of such site, and may combine the 16035
question of doing so with the ~~questions~~ question specified in 16036
division ~~(C)~~(A) of this section. Bonds issued under this division 16037
for the purpose of acquiring a site are a general obligation of 16038
the school district and are Chapter 133. securities. 16039
The form of that portion of the ballot to include the 16040
question of either issuing bonds or levying a tax for site 16041
acquisition purposes shall be one of the following: 16042
(1) "Shall bonds be issued by the (here insert 16043
name of the school district) school district to pay costs of 16044

acquiring a site for classroom facilities under the State of Ohio 16045
Classroom Facilities Assistance Program in the principal amount of 16046
..... (here insert principal amount of the bond issue), to be 16047
repaid annually over a maximum period of (here insert 16048
maximum number of years over which the principal of the bonds may 16049
be paid) years, and an annual levy of property taxes be made 16050
outside the ten-mill limitation, estimated by the county auditor 16051
to average over the repayment period of the bond issue 16052
(here insert number of mills) mills for each one dollar of tax 16053
valuation, which amount to (here insert rate expressed 16054
in cents or dollars and cents, such as "thirty-six cents" or 16055
"\$0.36") for each one hundred dollars of valuation to pay the 16056
annual debt charges on the bonds and to pay debt charges on any 16057
notes issued in anticipation of the bonds?" 16058

(2) "Shall an additional levy of taxes outside the ten-mill 16059
limitation be made for the benefit of the (here insert 16060
name of the school district) school district for the 16061
purpose of acquiring a site for classroom facilities in the sum of 16062
..... (here insert annual amount the levy is to produce) 16063
estimated by the county auditor to average (here insert 16064
number of mills) mills for each one hundred dollars of valuation, 16065
for a period of (here insert number of years the millage 16066
is to be imposed) years?" 16067

Where it is necessary to combine the question of issuing 16068
bonds of the school district ~~and levying a tax~~ as described in 16069
division ~~(C)~~(A) of this section with the question of issuing bonds 16070
of the school district for acquisition of a site, the question 16071
specified in division ~~(C)~~(A) of this section to be voted on shall 16072
be "For the Bond Issues ~~and the Tax Levy~~" and "Against the Bond 16073
Issues ~~and the Tax Levy~~." 16074

Where it is necessary to combine the question of issuing 16075
bonds of the school district ~~and levying a tax~~ as described in 16076

division ~~(C)~~(A) of this section with the question of levying a tax 16077
for the acquisition of a site, the question specified in division 16078
~~(C)~~(A) of this section to be voted on shall be "For the Bond Issue 16079
and the Tax ~~Levies~~ Levy" and "Against the Bond Issue and the Tax 16080
~~Levies~~ Levy." 16081

If a majority of those voting upon a proposition hereunder 16082
which includes the question of issuing bonds vote in favor 16083
thereof, and if the agreement provided for by section 3318.08 of 16084
the Revised Code has been entered into, the school district board 16085
may proceed under Chapter 133. of the Revised Code, with the 16086
issuance of bonds or bond anticipation notes in accordance with 16087
the terms of the agreement. 16088

Sec. 3318.08. If the requisite favorable vote on the election 16089
is obtained, or if the school district board has resolved to apply 16090
the proceeds of a property tax levy or the proceeds of an income 16091
tax, or a combination of proceeds from such taxes, as authorized 16092
in section 3318.052 of the Revised Code, the Ohio school 16093
facilities commission, upon certification to it of either the 16094
results of the election or the resolution under section 3318.052 16095
of the Revised Code, shall enter into a written agreement with the 16096
school district board for the construction and sale of the 16097
project, which agreement shall include, but need not be limited 16098
to, the following provisions: 16099

(A) The sale and issuance of bonds or notes in anticipation 16100
thereof, as soon as practicable after the execution of the 16101
agreement, in an amount equal to the school district's portion of 16102
the basic project cost, including any bonds previously authorized 16103
by the district's electors as described in section 3318.033 of the 16104
Revised Code; provided, that if at that time the county treasurer 16105
of each county in which the school district is located has not 16106
commenced the collection of taxes on the general duplicate of real 16107
and public utility property for the year in which the controlling 16108

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board approved the project, the school district board shall 16109
authorize the issuance of a first installment of bond anticipation 16110
notes in an amount specified by the agreement, which amount shall 16111
not exceed an amount necessary to raise the net bonded 16112
indebtedness of the school district as of the date of the 16113
controlling board's approval to within five thousand dollars of 16114
the required level of indebtedness for the preceding year. In the 16115
event that a first installment of bond anticipation notes is 16116
issued, the school district board shall, as soon as practicable 16117
after the county treasurer of each county in which the school 16118
district is located has commenced the collection of taxes on the 16119
general duplicate of real and public utility property for the year 16120
in which the controlling board approved the project, authorize the 16121
issuance of a second and final installment of bond anticipation 16122
notes or a first and final issue of bonds. 16123

The combined value of the first and second installment of 16124
bond anticipation notes or the value of the first and final issue 16125
of bonds shall be equal to the school district's portion of the 16126
basic project cost. The proceeds of any such bonds shall be used 16127
first to retire any bond anticipation notes. Otherwise, the 16128
proceeds of such bonds and of any bond anticipation notes, except 16129
the premium and accrued interest thereon, shall be deposited in 16130
the school district's project construction fund. In determining 16131
the amount of net bonded indebtedness for the purpose of fixing 16132
the amount of an issue of either bonds or bond anticipation notes, 16133
gross indebtedness shall be reduced by moneys in the bond 16134
retirement fund only to the extent of the moneys therein on the 16135
first day of the year preceding the year in which the controlling 16136
board approved the project. Should there be a decrease in the tax 16137
valuation of the school district so that the amount of 16138
indebtedness that can be incurred on the tax duplicates for the 16139
year in which the controlling board approved the project is less 16140

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than the amount of the first installment of bond anticipation notes, there shall be paid from the school district's project construction fund to the school district's bond retirement fund to be applied against such notes an amount sufficient to cause the net bonded indebtedness of the school district, as of the first day of the year following the year in which the controlling board approved the project, to be within five thousand dollars of the required level of indebtedness for the year in which the controlling board approved the project. The maximum amount of indebtedness to be incurred by any school district board as its share of the cost of the project is either an amount that will cause its net bonded indebtedness, as of the first day of the year following the year in which the controlling board approved the project, to be within five thousand dollars of the required level of indebtedness, or an amount equal to the required percentage of the basic project costs, whichever is greater. All bonds and bond anticipation notes shall be issued in accordance with Chapter 133. of the Revised Code, and notes may be renewed as provided in section 133.22 of the Revised Code.

(B)~~(1)~~ The transfer of such funds of the school district board available for the project, together with the proceeds of the sale of the bonds or notes, except premium, accrued interest, and interest included in the amount of the issue, to the school district's project construction fund;

~~(2)~~(C) If section 3318.052 of the Revised Code applies, the earmarking of the proceeds of a tax levied under section 5705.21 of the Revised Code for general ongoing permanent improvements or the proceeds of a school district income tax levied under Chapter 5748. of the Revised Code, or the proceeds from a combination of those two taxes, in an amount to pay all or part of the service charges on bonds issued to pay the school district portion of the project ~~and an amount equivalent to all or part of the tax~~

required under division (B) of section 3318.05 of the Revised Code.	16173
	16174
(C) If section 3318.052 of the Revised Code does not apply, either of the following:	16175
	16176
(1) The levy of the tax authorized at the election for the payment of maintenance costs, as specified in division (B) of section 3318.05 of the Revised Code;	16177
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	16179
(2) If the school district electors have approved a continuing tax of at least two mills for each dollar of valuation for general ongoing permanent improvements under section 5705.21 of the Revised Code and that tax can be used for maintenance, the earmarking of an amount of the proceeds from such tax for maintenance of classroom facilities as specified in division (B) of section 3318.05 of the Revised Code.	16180
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	16186
(D) Ownership of or interest in the project during the period of construction, which shall be divided between the commission and the school district board in proportion to their respective contributions to the school district's project construction fund;	16187
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(E) Maintenance of the state's interest in the project until any obligations issued for the project under section 3318.26 of the Revised Code are no longer outstanding;	16192
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	16194
(F) The insurance of the project by the school district from the time there is an insurable interest therein and so long as the state retains any ownership or interest in the project pursuant to division (D) of this section, in such amounts and against such risks as the commission shall require; provided, that the cost of any required insurance until the project is completed shall be a part of the basic project cost;	16195
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	16201
(G) The certification by the director of budget and management that funds are available and have been set aside to	16202
	16203

meet the state's share of the basic project cost as approved by 16204
the controlling board pursuant to section 3318.04 of the Revised 16205
Code; 16206

(H) Authorization of the school district board to advertise 16207
for and receive construction bids for the project, for and on 16208
behalf of the commission, and to award contracts in the name of 16209
the state subject to approval by the commission; 16210

(I) Provisions for the disbursement of moneys from the school 16211
district's project account upon issuance by the commission or the 16212
commission's designated representative of vouchers for work done 16213
to be certified to the commission by the treasurer of the school 16214
district board; 16215

(J) Disposal of any balance left in the school district's 16216
project construction fund upon completion of the project; 16217

(K) Limitations upon use of the project or any part of it so 16218
long as any obligations issued to finance the project under 16219
section 3318.26 of the Revised Code are outstanding; 16220

(L) Provision for vesting the state's interest in the project 16221
to the school district board when the obligations issued to 16222
finance the project under section 3318.26 of the Revised Code are 16223
outstanding; 16224

(M) Provision for deposit of an executed copy of the 16225
agreement in the office of the commission; 16226

(N) Provision for termination of the contract and release of 16227
the funds encumbered at the time of the conditional approval, if 16228
the proceeds of the sale of the bonds of the school district board 16229
are not paid into the school district's project construction fund 16230
and if bids for the construction of the project have not been 16231
taken within such period after the execution of the agreement as 16232
may be fixed by the commission; 16233

(O) Provision for the school district to maintain the project 16234
in accordance with a plan approved by the commission; 16235

(P) Provision that all state funds reserved and encumbered to 16236
pay the state share of the cost of the project pursuant to section 16237
3318.03 of the Revised Code be spent on the construction or 16238
acquisition of the project prior to the expenditure of any funds 16239
provided by the school district to pay for its share of the 16240
project cost, unless the school district certifies to the 16241
commission that expenditure by the school district is necessary to 16242
maintain the tax-exempt status of notes or bonds issued by the 16243
school district to pay for its share of the project cost in which 16244
case, the school district may commit to spend, or spend, a portion 16245
of the funds it provides; 16246

(Q) A provision stipulating that the commission may prohibit 16247
the district from proceeding with any project if the commission 16248
determines that the site is not suitable for construction 16249
purposes. The commission may perform soil tests in its 16250
determination of whether a site is appropriate for construction 16251
purposes. 16252

Sec. 3318.12. The Ohio school facilities commission shall 16253
cause to be transferred to the school district's project 16254
construction fund the necessary amounts from amounts appropriated 16255
by the general assembly and set aside for such purpose, from time 16256
to time as may be necessary to pay obligations chargeable to such 16257
fund when due. All investment earnings of a school district's 16258
project construction fund shall be credited to the fund. 16259

The treasurer of the school district board shall disburse 16260
funds from the school district's project construction fund, 16261
including investment earnings credited to the fund, only upon the 16262
approval of the commission or the commission's designated 16263
representative. The commission or the commission's designated 16264

representative shall issue vouchers against such fund, in such amounts, and at such times as required by the contracts for construction of the project.

After the project has been completed:

(A) Any investment earnings remaining in the project construction fund that are attributable to the school district's contribution to the fund shall be transferred to the district's capital and maintenance fund required by division (B) of section 3318.05 3315.18 of the Revised Code, and the money shall be used solely for maintaining the classroom facilities included in the project any purpose permitted under that section.

(B) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 of the Revised Code.

(C) Any other surplus remaining in the school district's project construction fund after the project has been completed shall be transferred to the commission and the school district board in proportion to their respective contributions to the fund. The commission shall use the money transferred to it under this division for expenditure pursuant to sections 3318.01 to 3318.20 of the Revised Code.

Sec. 3318.31. (A) The Ohio school facilities commission may perform any act and ensure the performance of any function necessary or appropriate to carry out the purposes of, and exercise the powers granted under, Chapter 3318. of the Revised Code, including any of the following:

(1) ~~Employ and fix the compensation of such employees as will facilitate the activities and purposes of the commission, and who~~

~~shall serve at the pleasure of the commission.~~ 16295

(2) Adopt, amend, and rescind, pursuant to section 111.15 of 16296
the Revised Code, rules for the administration of programs 16297
authorized under Chapter 3318. of the Revised Code. 16298

(3)(2) Contract with, retain the services of, or designate, 16299
and fix the compensation of, such agents, accountants, 16300
consultants, advisers, and other independent contractors as may be 16301
necessary or desirable to carry out the programs authorized under 16302
Chapter 3318. of the Revised Code. 16303

(4)(3) Receive and accept any gifts, grants, donations, and 16304
pledges, and receipts therefrom, to be used for the programs 16305
authorized under Chapter 3318. of the Revised Code. 16306

(5)(4) Make and enter into all contracts, commitments, and 16307
agreements, and execute all instruments, necessary or incidental 16308
to the performance of its duties and the execution of its rights 16309
and powers under Chapter 3318. of the Revised Code. 16310

(B) The commission shall appoint and fix the compensation of 16311
an executive director who shall serve at the pleasure of the 16312
commission. The executive director shall supervise the operations 16313
of the commission. The executive director also shall employ and 16314
fix the compensation of such employees as will facilitate the 16315
activities and purposes of the commission, who shall serve at the 16316
pleasure of the executive director. 16317

(C) The attorney general shall serve as the legal 16318
representative for the commission and may appoint other counsel as 16319
necessary for that purpose in accordance with section 109.07 of 16320
the Revised Code. 16321

Sec. 3318.36. (A) As used in this section: 16322

(1) "Ohio school facilities commission," "classroom 16323
facilities," "school district," "school district board," "net 16324

bonded indebtedness," "required percentage of the basic project costs," "basic project cost," "valuation," and "percentile" have the same meanings as in section 3318.01 of the Revised Code. 16325
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(2) "Required level of indebtedness" means five per cent of the school district's valuation for the year preceding the year in which the commission and school district enter into an agreement under division (B) of this section, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks in the fiscal year the commission and the school district enter into such agreement minus one)]. 16328
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(3) "Local resources" means any moneys generated in any manner permitted for a school district board to raise the school district portion of a project undertaken with assistance under sections 3318.01 to 3318.20 of the Revised Code. 16335
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(B)(1) There is hereby established the school building assistance expedited local partnership program. Under the program, the Ohio school facilities commission may enter into an agreement with the school district board of any school district under which the school district board may proceed with the new construction or major repairs of a part of the school district's classroom facilities needs, as determined under sections 3318.01 to 3318.20 of the Revised Code, through the expenditure of local resources prior to the school district's eligibility for state assistance under sections 3318.01 to 3318.20 of the Revised Code and may apply that expenditure toward meeting the school district's portion of the basic project cost of the total of the school district's classroom facilities needs, as determined under sections 3318.01 to 3318.20 of the Revised Code and as recalculated under division (E) of this section, that are eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code when the school district becomes eligible for such state assistance. Any school district that is reasonably expected 16339
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to receive assistance under sections 3318.01 to 3318.20 of the Revised Code within two fiscal years from the date the school district adopts its resolution under division (B) of this section shall not be eligible to participate in the program. 16357
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(2) To participate in the program, a school district board shall first adopt a resolution certifying to the commission the board's intent to participate in the program. 16361
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The resolution shall specify the approximate date that the board intends to seek elector approval of any bond or tax measures or to apply other local resources to use to pay the cost of classroom facilities to be constructed under this section. The resolution shall not specify an election sooner than twelve months after the date the resolution is adopted by the board. The board shall submit its resolution to the commission not later than ten days after the date the resolution is adopted by the board. 16364
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The commission shall not consider any resolution that is submitted pursuant to division (B)(2) of this section, as amended by this amendment, sooner than ~~the effective date of this amendment~~ September 14, 2000. 16372
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(3) Any project under this section shall comply with section 3318.03 of the Revised Code and with any specifications for plans and materials for classroom facilities adopted by the commission under section 3318.04 of the Revised Code. 16376
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(C) Based on the results of the on-site visits and assessment conducted under division (B)(2) of this section, the commission shall determine the basic project cost of the school district's classroom facilities needs. The commission shall determine the school district's portion of such basic project cost, which shall be the greater of: 16380
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(1) The required percentage of the basic project costs, determined based on the school district's percentile ranking in 16386
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the fiscal year the commission and the school district enter into 16388
the agreement under division (B) of this section; 16389

(2) An amount necessary to raise the school district's net 16390
bonded indebtedness, as of the fiscal year the commission and the 16391
school district enter into the agreement under division (B) of 16392
this section, to within five thousand dollars of the required 16393
level of indebtedness. 16394

~~(D)(1)~~ When the commission determines the basic project cost 16395
of the classroom facilities needs of a school district and the 16396
school district's portion of that basic project cost under 16397
division (C) of this section, the project shall be conditionally 16398
approved. Such conditional approval shall be submitted to the 16399
controlling board for approval thereof. The controlling board 16400
shall forthwith approve or reject the commission's determination, 16401
conditional approval, and the amount of the state's portion of the 16402
basic project cost; however, no state funds shall be encumbered 16403
under this section. Upon approval by the controlling board, the 16404
school district board may identify a discrete part of its 16405
classroom facilities needs, which shall include only new 16406
construction of or additions or major repairs to a particular 16407
building, to address with local resources. Upon identifying a part 16408
of the school district's basic project cost to address with local 16409
resources, the school district board may allocate any available 16410
school district moneys to pay the cost of that identified part, 16411
including the proceeds of an issuance of bonds if approved by the 16412
electors of the school district. 16413

All local resources utilized under this division shall first 16414
be deposited in the project construction account required under 16415
section 3318.08 of the Revised Code. 16416

~~(2) Unless the school district board exercises its option 16417
under division (D)(3) of this section, for a school district to 16418
qualify for participation in the program authorized under this 16419~~

section, either: 16420

~~(a) The electors of the school district by a majority vote shall approve the levy of taxes outside the ten-mill limitation for a period of twenty-three years at the rate of not less than one-half mill for each dollar of valuation to be used to pay the cost of maintaining the classroom facilities included in the basic project cost as determined by the commission. The form of the ballot to be used to submit the question whether to approve the tax required under this division to the electors of the school district shall be the form for an additional levy of taxes prescribed in section 3318.361 of the Revised Code.~~ 16421
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~~(b) As authorized under division (C) of section 3318.05 of the Revised Code, the school district board shall earmark from the proceeds of a permanent improvement tax levied under section 5705.21 of the Revised Code, an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.~~ 16431
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~~(3) A school district board may opt to delay levying the additional tax required under division (D)(2)(a) of this section or earmarking of the proceeds of a permanent improvement tax alternatively required under division (D)(2)(b) of this section until such time as the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code. In order to exercise its option under this division, the board shall certify to the commission a resolution indicating the board's intent to do so prior to entering into an agreement under division (B) of this section.~~ 16438
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~~(4) If pursuant to division (D)(3) of this section a district board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows:~~ 16448
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~~(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this section to submit a proposal for approval of a bond issue;~~

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~~(b) In accordance with section 3318.361 of the Revised Code if it is not necessary to also submit a proposal for approval of a bond issue pursuant to division (E) of this section.~~

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~~(5) No state assistance under sections 3318.01 to 3318.20 of the Revised Code shall be released until a school district board that adopts and certifies a resolution under this division either has levied the additional tax or has earmarked the proceeds of a tax as specified in division (D) of this section.~~

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~~Any amount required for maintenance under division (D)(2) of this section shall be deposited into a separate fund as specified in division (B) of section 3318.05 of the Revised Code.~~

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(E)(1) If the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code based on its percentile ranking as determined under division (B) of this section, the commission shall conduct a new assessment of the school district's classroom facilities needs and shall recalculate the basic project cost based on this new assessment. The basic project cost recalculated under this division shall include the amount of expenditures made by the school district board under division (D)(1) of this section. The commission shall then recalculate the school district's portion of the new basic project cost, which shall be the percentage of the original basic project cost assigned to the school district as its portion under division (C) of this section. The commission shall deduct the expenditure of school district moneys made under division (D)(1) of this section from the school district's portion of the basic project cost as recalculated under this division. If the amount of school district resources applied by the school district board to

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the school district's portion of the basic project cost under this 16484
section is less than the total amount of such portion as 16485
recalculated under this division, the school district board by a 16486
majority vote of all of its members shall, if it desires to seek 16487
state assistance under sections 3318.01 to 3318.20 of the Revised 16488
Code, adopt a resolution as specified in section 3318.06 of the 16489
Revised Code to submit to the electors of the school district the 16490
question of approval of a bond issue in order to pay any 16491
additional amount of school district portion required for state 16492
assistance. ~~Any tax levy approved under division (D) of this~~ 16493
~~section satisfies the requirements to levy the additional tax~~ 16494
~~under section 3318.06 of the Revised Code.~~ 16495

(2) If the amount of school district resources applied by the 16496
school district board to the school district's portion of the 16497
basic project cost under this section is more than the total 16498
amount of such portion as recalculated under this division, within 16499
one year after the school district's portion is recalculated under 16500
division (E)(1) of this section the commission may grant to the 16501
school district the difference between the two calculated 16502
portions, but at no time shall the commission expend any state 16503
funds on a project in an amount greater than the state's portion 16504
of the basic project cost as recalculated under this division. 16505

Any reimbursement under this division shall be only for local 16506
resources the school district has applied toward construction cost 16507
expenditures for the classroom facilities approved by the 16508
commission, which shall not include any financing costs associated 16509
with that construction. 16510

The school district board shall use any moneys reimbursed to 16511
the district under this division to pay off any debt service the 16512
district owes for classroom facilities constructed under its 16513
project under this section before such moneys are applied to any 16514
other purpose. 16515

Sec. 3318.362. This section applies only to a school district 16516
that participates in the school building assistance expedited 16517
local partnership program under section 3318.36 of the Revised 16518
Code. 16519

Notwithstanding the twenty-three year maximum maturity for 16520
bonds proposed to be issued by a school district board for a 16521
classroom facilities project pursuant to division ~~(C)~~(A) of 16522
section 3318.06 of the Revised Code, a school district board that 16523
enters into an agreement with the Ohio school facilities 16524
commission under division (B) of section 3318.36 of the Revised 16525
Code may propose for issuance any bonds necessary for its 16526
participation in the program under section 3318.36 of the Revised 16527
Code for a term longer than twenty-three years but not to exceed 16528
the term calculated pursuant to section 133.20 of the Revised 16529
Code. Any moneys received from the state under division (E)(2) of 16530
section 3318.36 of the Revised Code shall be applied, as agreed in 16531
writing by the school district board and the commission, to pay 16532
debt service on outstanding bonds or bond anticipation notes 16533
issued by the school district board for its participation in the 16534
expedited local partnership program, including by placing those 16535
moneys in an applicable escrow fund under division (D) of section 16536
133.34 of the Revised Code. 16537

Sec. 3318.363. (A) This section applies only to a school 16538
district participating in the school building assistance expedited 16539
local partnership program under section 3318.36 of the Revised 16540
Code. 16541

(B) If there is a decrease in the tax valuation of a school 16542
district to which this section applies by ten per cent or greater 16543
from one tax year to the next due to a decrease in the assessment 16544
rate of the taxable property of an electric company that owns 16545
property in the district, as provided for in section 5727.111 of 16546

the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd
General Assembly, the Ohio school facilities commission shall
calculate or recalculate the state and school district portions of
the basic project cost of the school district's project by
determining the percentile rank in which the district would be
located if such ranking were made using the current year adjusted
valuation per pupil, as calculated and reported to the commission
by the department of education under division (A) of section
3318.011 of the Revised Code, rather than the three-year average
adjusted valuation per pupil, calculated under division (B) of
that section. For such district, the required percentage of the
basic project cost used to determine the state and school district
shares of that cost under division (C) of section 3318.36 of the
Revised Code shall be based on the percentile rank as calculated
under this section rather than as otherwise provided in division
(C)(1) of section 3318.36 of the Revised Code. If the commission
has determined the state and school district portion of the basic
project cost of such a district's project under section 3318.36 of
the Revised Code prior to that decrease in tax valuation, the
commission shall adjust the state and school district shares of
the basic project cost of such project in accordance with this
section.

Sec. 3318.37. (A) As used in this section: 16569

(1) "Low wealth school district" means a school district in 16570
the first through fiftieth percentiles as determined under section 16571
3318.011 of the Revised Code. 16572

(2) A "school district with an exceptional need for immediate 16573
classroom facilities assistance" means a low wealth school 16574
district with an exceptional need for new facilities in order to 16575
protect the health and safety of all or a portion of its students. 16576
School districts reasonably expected to be eligible for state 16577

assistance under sections 3318.01 to 3318.20 of the Revised Code 16578
within three fiscal years after assistance under this section is 16579
being considered by the Ohio school facilities commission, and 16580
school districts that participate in the school building 16581
assistance expedited local partnership program under section 16582
3318.36 of the Revised Code shall not be eligible for assistance 16583
under this section. 16584

(B)(1) There is hereby established the exceptional needs 16585
school facilities assistance program. Under the program, the Ohio 16586
school facilities commission may set aside from the moneys 16587
annually appropriated to it for classroom facilities assistance 16588
projects up to twenty-five per cent for assistance to school 16589
districts with exceptional needs for immediate classroom 16590
facilities assistance. 16591

(2)(a) After consulting with education and construction 16592
experts, the commission shall adopt guidelines for identifying 16593
school districts with an exceptional need for immediate classroom 16594
facilities assistance. 16595

(b) The guidelines shall include application forms and 16596
instructions for school districts that believe they have an 16597
exceptional need for immediate classroom facilities assistance. 16598

(3) The commission shall evaluate the classroom facilities, 16599
and the need for replacement classroom facilities from the 16600
applications received under this section. The commission, 16601
utilizing the guidelines adopted under division (B)(2)(a) of this 16602
section, shall prioritize the school districts to be assessed. 16603

Notwithstanding section 3318.02 of the Revised Code, the 16604
commission may conduct on-site evaluation of the school districts 16605
prioritized under this section and approve and award funds until 16606
such time as all funds set aside under division (B)(1) of this 16607
section have been encumbered under section 3318.04 of the Revised 16608

Code. 16609

(4) Notwithstanding ~~division (A)~~ of section 3318.05 of the 16610
Revised Code, the school district's portion of the basic project 16611
cost under this section shall be the "required percentage of the 16612
basic project costs," as defined in division (K) of section 16613
3318.01 of the Revised Code. 16614

(5) Except as otherwise specified in this section, any 16615
project undertaken with assistance under this section shall comply 16616
with all provisions of sections 3318.01 to 3318.20 of the Revised 16617
Code. A school district may receive assistance under sections 16618
3318.01 to 3318.20 of the Revised Code for the remainder of the 16619
district's classroom facilities needs as assessed under this 16620
section when the district is eligible for such assistance pursuant 16621
to section 3318.02 of the Revised Code, but any classroom facility 16622
constructed with assistance under this section shall not be 16623
included in a district's project at that time unless the 16624
commission determines the district has experienced the increased 16625
enrollment specified in division (B)(1) of section 3318.04 of the 16626
Revised Code. 16627

Sec. 3318.38. (A) As used in this section, "big-eight school 16628
district" has the same meaning as in section 3314.02 of the 16629
Revised Code. 16630

(B) There is hereby established the accelerated urban school 16631
building assistance program. Under the program, notwithstanding 16632
section 3318.02 of the Revised Code, any big-eight school district 16633
that has not been approved to receive assistance under sections 16634
3318.01 to 3318.20 of the Revised Code by July 1, 2002, may 16635
beginning on that date apply for approval of and be approved for 16636
such assistance. Except as otherwise provided in this section, any 16637
project approved and undertaken pursuant to this section shall 16638
comply with all provisions of sections 3318.01 to 3318.20 of the 16639

Revised Code. 16640

The Ohio school facilities commission shall provide 16641
assistance to any big-eight school district eligible for 16642
assistance under this section in the following manner: 16643

(1) Notwithstanding section 3318.02 of the Revised Code: 16644

(a) Not later than June 30, 2002, the commission shall 16645
conduct an on-site visit and shall assess the classroom facilities 16646
needs of each big-eight school district eligible for assistance 16647
under this section; 16648

(b) Beginning July 1, 2002, any big-eight school district 16649
eligible for assistance under this section may apply to the 16650
commission for conditional approval of its project as determined 16651
by the assessment conducted under division (B)(1)(a) of this 16652
section. The commission may conditionally approve that project and 16653
submit it to the controlling board for approval pursuant to 16654
section 3318.04 of the Revised Code. 16655

(2) If the controlling board approves the project of a 16656
big-eight school district eligible for assistance under this 16657
section, the commission and the school district shall enter into 16658
an agreement as prescribed in section 3318.08 of the Revised Code. 16659
Any agreement executed pursuant to this division shall include any 16660
applicable segmentation provisions as approved by the commission 16661
under division (B)(3) of this section. 16662

(3) Notwithstanding any provision to the contrary in sections 16663
3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight 16664
school district eligible for assistance under this section may 16665
with the approval of the commission opt to divide the project as 16666
approved under division (B)(1)(b) of this section into discrete 16667
segments to be completed sequentially. Any project divided into 16668
segments shall comply with all other provisions of sections 16669
3318.05, 3318.06, and 3318.08 of the Revised Code except as 16670

otherwise specified in this division. 16671

If a project is divided into segments under this division: 16672

(a) The school district need raise only the amount equal to 16673
its proportionate share, as determined under section 3318.032 of 16674
the Revised Code, of each segment at any one time and may seek 16675
voter approval of each segment separately; 16676

(b) The state's proportionate share, as determined under 16677
section 3318.032 of the Revised Code, of only the segment which 16678
has been approved by the school district electors or for which the 16679
district has applied a local donated contribution under section 16680
3318.084 of the Revised Code shall be encumbered at any one time. 16681
Encumbrance of additional amounts to cover the state's 16682
proportionate share of later segments shall be approved separately 16683
as they are approved by the school district electors or as the 16684
district applies a local donated contribution to the segments 16685
under section 3318.084 of the Revised Code. If the state's share 16686
of any one segment exceeds twenty-five million dollars, 16687
encumbrance of that share is subject to the provisions of section 16688
3318.11 of the Revised Code. 16689

~~(c) If it is necessary to levy the additional tax for 16690
maintenance under division (B) of section 3318.05 of the Revised 16691
Code with respect to any segment of the project, the district may 16692
utilize the provisions of section 3318.061 of the Revised Code to 16693
ensure that the maintenance tax extends for twenty-three years 16694
after the last segment of the project is undertaken. 16695~~

Sec. 3318.50. (A) As used in this section and in section 16696
3318.52 of the Revised Code: 16697

(1) "Start-up community school" means a "new start-up school" 16698
as that term is defined in division (A) of section 3314.02 of the 16699
Revised Code. 16700

(2) "Classroom facilities" has the same meaning as in section 3318.01 of the Revised Code. 16701
16702

(B) There is hereby established the community school classroom facilities loan guarantee program. Under the program, the Ohio school facilities commission may guarantee for up to fifteen years any loan made to the governing authority of a start-up community school established under Chapter 3314. of the Revised Code for the sole purpose of assisting the governing board in acquiring classroom facilities for the community school by lease, purchase, remodeling of existing facilities, or any other means except by new construction. 16703
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The commission shall not make any loan guarantee under this section unless the commission has determined that the classroom facilities meet specifications established by the commission under section 3318.51 of the Revised Code. 16712
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(C) Any payment made to a lending institution as a result of default on a loan guaranteed under this section shall be made from moneys in the community school classroom facilities loan guarantee fund established under section 3318.52 of the Revised Code. 16716
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(D) The commission may assess a fee of up to five hundred dollars for each loan guaranteed under this section. 16721
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Sec. 3318.51. Not later than nine months after the effective date of this section, the Ohio school facilities commission in consultation with the office of community school options established under section 3314.11 of the Revised Code shall develop specifications for classroom facilities for start-up community schools established under Chapter 3314. of the Revised Code. 16723
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Sec. 3318.52. There is hereby established the community 16730

school classroom facilities loan guarantee fund. The fund shall 16731
consist of such moneys as the general assembly appropriates for 16732
the purpose of guaranteeing loans to community schools under 16733
section 3318.50 of the Revised Code. Investment earnings on moneys 16734
in the fund shall be credited to the fund. 16735

Sec. 3319.19. (A) Upon Except as provided in division (D) of 16736
this section or division (A)(2) of section 3313.37 of the Revised 16737
Code, upon request, the board of county commissioners shall 16738
provide and equip offices in the county for the use of the 16739
superintendent of an educational service center, and shall provide 16740
heat, light, water, and janitorial services for such offices. Such 16741
offices shall be the permanent headquarters of the superintendent 16742
and shall be used by the governing board of the service center 16743
when it is in session. Except as provided in division (B) of this 16744
section, such offices shall be located in the county seat or, upon 16745
the approval of the governing board, may be located outside of the 16746
county seat. 16747

(B) In the case of a service center formed under section 16748
3311.053 of the Revised Code, the governing board shall designate 16749
the site of its offices. ~~The~~ Except as provided in division (D) of 16750
this section or division (A)(2) of section 3313.37 of the Revised 16751
Code, the board of county commissioners of the county in which the 16752
designated site is located shall provide and equip the offices as 16753
under division (A) of this section, but the costs of such offices 16754
and equipment ~~not covered by funds received under section 307.031~~ 16755
~~of the Revised Code~~ shall be apportioned among the boards of 16756
county commissioners of all counties having any territory in the 16757
area under the control of the governing board, according to the 16758
proportion of local school district pupils under the supervision 16759
of such board residing in the respective counties. Where there is 16760
a dispute as to the amount any board of county commissioners is 16761

required to pay, the probate judge of the county in which the 16762
greatest number of pupils under the supervision of the governing 16763
board reside shall apportion such costs among the boards of county 16764
commissioners and notify each such board of its share of the 16765
costs. 16766

~~(C) By the first day of March of each year, the 16767
superintendent of public instruction shall certify to the tax 16768
commissioner the ADM and the number of full-time licensed 16769
employees of each educational service center for the purposes of 16770
the distribution of funds to boards of county commissioners 16771
required under division (B) of section 307.031 of the Revised 16772
Code. As used in this section, "ADM" means the formula ADMs of all 16773
the local districts having territory in the service center, as 16774
certified in October of the previous year by the service center 16775
superintendent to the state board of education under section 16776
3317.03 of the Revised Code. As used in this division, "licensed 16777
employee" has the same meaning as in section 307.031 of the 16778
Revised Code. 16779~~

~~(D) The superintendent of a service center may annually 16780
submit a proposal approved by the board of county commissioners to 16781
the state superintendent of public instruction, in such manner and 16782
by such date as specified by the state board of education, for a 16783
grant for the board of county commissioners to do one of the 16784
following: 16785~~

~~(1) To improve or enhance the offices and equipment provided 16786
under division (A) or (B) of this section or section 3301.0712 of 16787
the Revised Code; 16788~~

~~(2) If funds received under division (B) of section 307.031 16789
of the Revised Code are insufficient to provide for the actual 16790
cost of meeting the requirements of division (A) or (B) of section 16791
3319.19 and division (A)(2) of section 3301.0712 of the Revised 16792
Code, to provide funds to meet such costs. 16793~~

~~Any service center superintendent intending to submit a~~ 16794
~~proposal shall submit it to the board of county commissioners that~~ 16795
~~provides and equips the office of the superintendent for approval~~ 16796
~~at least twenty days before the date of submission to the~~ 16797
~~superintendent of public instruction. The superintendent of public~~ 16798
~~instruction shall evaluate the proposals and select those that~~ 16799
~~will most benefit the local districts supervised by the governing~~ 16800
~~boards under standards adopted by the state board. For each~~ 16801
~~proposal selected for a grant, the superintendent of public~~ 16802
~~instruction shall determine the grant amount and, with the~~ 16803
~~approval of the superintendent and the board of county~~ 16804
~~commissioners, may modify a grant proposal to reflect the amount~~ 16805
~~of money available for the grant. The superintendent of public~~ 16806
~~instruction shall notify the board of county commissioners and the~~ 16807
~~tax commissioner of the selection of the proposal as submitted or~~ 16808
~~modified and the amount of the grant. If, pursuant to division (C)~~ 16809
~~of section 307.031 of the Revised Code, the board of county~~ 16810
~~commissioners accepts the proposal and grant, it shall expend the~~ 16811
~~funds as specified in the grant proposal. If the board of county~~ 16812
~~commissioners rejects the proposal and grant, the superintendent~~ 16813
~~of public instruction may select another proposal from among the~~ 16814
~~district proposals that initially failed to be selected for a~~ 16815
~~grant.~~ 16816

~~The state board of education shall adopt rules to implement~~ 16817
~~the requirements of this section Not later than the thirty-first~~ 16818
~~day of March of 2002, 2003, 2004, and 2005 a board of county~~ 16819
~~commissioners required to provide or equip offices pursuant to~~ 16820
~~division (A) or (B) of this section shall make a written estimate~~ 16821
~~of the total cost it will incur for the ensuing fiscal year to~~ 16822
~~provide and equip the offices and to provide heat, light, water,~~ 16823
~~and janitorial services for such offices. The total estimate of~~ 16824
~~cost shall include:~~ 16825

<u>(1) The total square feet of space to be utilized by the educational service center;</u>	16826 16827
<u>(2) The total square feet of any common areas that should be reasonably allocated to the center and the methodology for making this allocation;</u>	16828 16829 16830
<u>(3) The actual cost per square foot for both the space utilized by and the common area allocated to the center;</u>	16831 16832
<u>(4) An explanation of the methodology used to determine the per square foot cost;</u>	16833 16834
<u>(5) The estimated cost of providing heat, light, and water, including an explanation of how these costs were determined;</u>	16835 16836 16837
<u>(6) The estimated cost of providing janitorial services including an explanation of the methodology used to determine this cost;</u>	16838 16839 16840
<u>(7) Any other estimated costs that the board anticipates it will occur and a detailed explanation of the costs and the rationale used to determine such costs.</u>	16841 16842 16843
<u>A copy of the total estimate of costs under this division shall be sent to the superintendent of the educational service center not later than the fifth day of April. The superintendent shall review the total estimate and shall notify the board of county commissioners not later than twenty days after receipt of the estimate of either agreement with the estimate or any specific objections to the estimates and the reasons for the objections. If the superintendent agrees with the estimate, it shall become the final total estimate of cost. Failure of the superintendent to make objections to the estimate by the twentieth day after receipt of it shall be deemed to mean that the superintendent is in agreement with the estimate.</u>	16844 16845 16846 16847 16848 16849 16850 16851 16852 16853 16854 16855

As Reported by the House Finance and Appropriations Committee

If the superintendent provides specific objections to the board of county commissioners, the board shall review the objections and may modify the original estimate and shall send a revised total estimate to the superintendent within ten days after the receipt of the superintendent's objections. The superintendent shall respond to the revised estimate within ten days after its receipt. If the superintendent agrees with it, it shall become the final total estimated cost. If the superintendent fails to respond within the required time, the superintendent shall be deemed to have agreed with the revised estimate. If the superintendent disagrees with the revised estimate, the superintendent shall send specific objections to the county commissioners.

If a superintendent has sent specific objections to the revised estimate within the required time, the probate judge of the county which has the greatest number of resident local school district pupils under the supervision of the educational service center shall determine the final estimated cost and certify this amount to the superintendent and the board of county commissioners prior to the first day of July.

(D)(1) A board of county commissioners shall be responsible for the following percentages of the final total estimated cost established by division (C) of this section:

(a) Eighty per cent for fiscal year 2003;

(b) Sixty per cent for fiscal year 2004;

(c) Forty per cent for fiscal year 2005;

(d) Twenty per cent for fiscal year 2006.

In fiscal years 2003, 2004, 2005, and 2006 the educational service center shall be responsible for the remainder of any costs in excess of the amounts specified in division (D)(1)(a), (b), or (c) of this section, as applicable, associated with the provision

and equipment of offices for the educational service center and 16887
for provision of heat, light, water, and janitorial services for 16888
such offices, including any unanticipated or unexpected increases 16889
in the costs beyond the final estimated cost amount. 16890

Beginning in fiscal year 2007, no board of county 16891
commissioners shall have any obligation to provide and equip 16892
offices for an educational service center or to provide heat, 16893
light, water, or janitorial services for such offices. 16894

(2) Nothing in this section shall prohibit the board of 16895
county commissioners and the governing board of an educational 16896
service center from entering into a contract for providing and 16897
equipping offices for the use of an educational service center and 16898
for providing heat, light, water, and janitorial services for such 16899
offices. The term of any such contract shall not exceed a period 16900
of four years and may be renewed for additional periods not to 16901
exceed four years. Any such contract shall supersede the 16902
provisions of division (D)(1) of this section. 16903

(3) No contract entered into under division (D)(2) of this 16904
section in any year prior to fiscal year 2007 between an 16905
educational service center formed under section 3311.053 of the 16906
Revised Code and the board of county commissioners required to 16907
provide and equip its office pursuant to division (B) of this 16908
section shall take effect unless the boards of county 16909
commissioners of all other counties required to participate in the 16910
funding for such offices pursuant to division (B) of this section 16911
adopt resolutions approving the contract. 16912

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 16913
"guardian," or "other person having charge or care of a child" 16914
means either parent unless the parents are separated or divorced 16915
or their marriage has been dissolved or annulled, in which case 16916
"parent" means the parent who is the residential parent and legal 16917

As Reported by the House Finance and Appropriations Committee

custodian of the child. If the child is in the legal or permanent 16918
custody of a person or government agency, "parent" means that 16919
person or government agency. When a child is a resident of a home, 16920
as defined in section 3313.64 of the Revised Code, and the child's 16921
parent is not a resident of this state, "parent," "guardian," or 16922
"other person having charge or care of a child" means the head of 16923
the home. 16924

A child between six and eighteen years of age is "of 16925
compulsory school age" for the purpose of sections 3321.01 to 16926
3321.13 of the Revised Code. A child under six years of age who 16927
has been enrolled in kindergarten also shall be considered "of 16928
compulsory school age" for the purpose of sections 3321.01 to 16929
3321.13 of the Revised Code unless at any time the child's parent 16930
or guardian, at the parent's or guardian's discretion and in 16931
consultation with the child's teacher and principal, formally 16932
withdraws the child from kindergarten. The compulsory school age 16933
of a child shall not commence until the beginning of the term of 16934
such schools, or other time in the school year fixed by the rules 16935
of the board of the district in which the child resides. 16936

(2) No child shall be admitted to a kindergarten or a first 16937
grade of a public school in a district in which all children are 16938
admitted to kindergarten and the first grade in August or 16939
September unless the child is five or six years of age, 16940
respectively, by the thirtieth day of September of the year of 16941
admittance, or by the first day of a term or semester other than 16942
one beginning in August or September in school districts granting 16943
admittance at the beginning of such term or semester, except that 16944
in those school districts using or obtaining educationally 16945
accepted standardized testing programs for determining entrance, 16946
as approved by the board of education of such districts, the board 16947
shall admit a child to kindergarten or the first grade who fails 16948
to meet the age requirement, provided the child meets necessary 16949

standards as determined by such standardized testing programs. If 16950
the board of education has not established a standardized testing 16951
program, the board shall designate the necessary standards and a 16952
testing program it will accept for the purpose of admitting a 16953
child to kindergarten or first grade who fails to meet the age 16954
requirement. Each child who will be the proper age for entrance to 16955
kindergarten or first grade by the first day of January of the 16956
school year for which admission is requested shall be so tested 16957
upon the request of the child's parent. 16958

(3) Notwithstanding divisions (A)(2) and (D) of this section, 16959
beginning with the school year that starts in 2001 and continuing 16960
thereafter the board of education of any district may adopt a 16961
resolution establishing the first day of August in lieu of the 16962
thirtieth day of September as the required date by which students 16963
must have attained the age specified in those divisions. 16964

(B) As used in divisions (C) and (D) of this section, 16965
"successfully completed kindergarten" and "successful completion 16966
of kindergarten" mean that the child has completed the 16967
kindergarten requirements at one of the following: 16968

(1) A public or chartered nonpublic school; 16969

(2) A kindergarten class that is both of the following: 16970

(a) Offered by a day-care provider licensed under Chapter 16971
5104. of the Revised Code; 16972

(b) If offered after July 1, 1991, is directly taught by a 16973
teacher who holds one of the following: 16974

(i) A valid educator license issued under section 3319.22 of 16975
the Revised Code; 16976

(ii) A Montessori preprimary credential or age-appropriate 16977
diploma granted by the American Montessori society or the 16978
association Montessori internationale; 16979

(iii) Certification determined under division (G) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;	16980 16981 16982
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	16983 16984
(C) Except as provided in division (D) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	16985 16986 16987
(D) Upon request of a parent, the requirement of division (C) of this section may be waived by the district's pupil personnel services committee in the case of a child who is at least six years of age by the thirtieth day of September of the year of admittance and who demonstrates to the satisfaction of the committee the possession of the social, emotional, and cognitive skills necessary for first grade.	16988 16989 16990 16991 16992 16993 16994
The board of education of each city, local, and exempted village school district shall establish a pupil personnel services committee. The committee shall be composed of all of the following to the extent such personnel are either employed by the district or employed by the governing board of the educational service center within whose territory the district is located and the educational service center generally furnishes the services of such personnel to the district:	16995 16996 16997 16998 16999 17000 17001 17002
(1) The director of pupil personnel services;	17003
(2) An elementary school counselor;	17004
(3) An elementary school principal;	17005
(4) A school psychologist;	17006
(5) A teacher assigned to teach first grade;	17007
<u>(6) A gifted coordinator.</u>	17008

The responsibilities of the pupil personnel services committee shall be limited to the issuing of waivers allowing admittance to the first grade without the successful completion of kindergarten. The committee shall have no other authority except as specified in this section.

(E) The scheduling of times for kindergarten classes and length of the school day for kindergarten shall be determined by the board of education of a city, exempted village, or local school district.

(F) Any kindergarten class offered by a day-care provider or school described by division (B)(1) or (B)(2)(a) of this section shall be developmentally appropriate.

(G) Upon written request of a day-care provider described by division (B)(2)(a) of this section, the department of education shall determine whether certification held by a teacher employed by the provider meets the requirement of division (B)(2)(b)(iii) of this section and, if so, shall furnish the provider a statement to that effect.

Sec. 3323.09. (A) As used in this section:

(1) "Home" has the meaning given in section 3313.64 of the Revised Code;

(2) "Preschool child" means a child who is at least age three but under age six on the thirtieth day of September of an academic year.

(B) Each county MR/DD board shall establish special education programs for all handicapped children who in accordance with section 3323.04 of the Revised Code have been placed in special education programs operated by the county board and for preschool children who are developmentally delayed or at risk of being developmentally delayed. The board annually shall submit to the

department of education a plan for the provision of these programs 17039
and, if applicable, a request for approval of units under section 17040
3317.05 of the Revised Code. The superintendent of public 17041
instruction shall review the plan and approve or modify it in 17042
accordance with rules adopted by the state board of education 17043
under section 3301.07 of the Revised Code. The superintendent of 17044
public instruction shall compile the plans submitted by county 17045
boards and shall submit a comprehensive plan to the state board of 17046
education. 17047

A county MR/DD board may combine transportation for children 17048
enrolled in classes funded under section 3317.20 or units approved 17049
under section 3317.05 with transportation for children and adults 17050
enrolled in programs and services offered by the board under 17051
section 5126.12 of the Revised Code. 17052

(C) A county MR/DD board that during the school year provided 17053
special education pursuant to this section for any mentally 17054
handicapped child under twenty-two years of age shall prepare and 17055
submit the following reports and statements: 17056

(1) The board shall prepare a statement for each child who at 17057
the time of receiving such special education was a resident of a 17058
home and was not in the legal or permanent custody of an Ohio 17059
resident or a government agency in this state, and whose parents 17060
are not known to have been residents of this state subsequent to 17061
the child's birth. The statement shall contain the child's name, 17062
the name of ~~his~~ the child's school district of residence, the name 17063
of the county board providing the special education, and the 17064
number of months, including any fraction of a month, it was 17065
provided. Not later than the thirtieth day of June, the board 17066
shall forward a certified copy of such statement to both the 17067
director of mental retardation and developmental disabilities and 17068
to the home. 17069

Within thirty days after its receipt of a statement, the home 17070

shall pay tuition to the county board computed in the manner 17071
prescribed by section 3323.141 of the Revised Code. 17072

(2) The board shall prepare a report for each school district 17073
that is the school district of residence of one or more of such 17074
children for whom statements are not required by division (C)(1) 17075
of this section. The report shall contain the name of the county 17076
board providing special education, the name of each child 17077
receiving special education, the number of months, including 17078
fractions of a month, that ~~he~~ the child received it, and the name 17079
of the child's school district of residence. Not later than the 17080
thirtieth day of June, the board shall forward certified copies of 17081
each report to the school district named in the report, the 17082
superintendent of public instruction, and the director of mental 17083
retardation and developmental disabilities. 17084

Sec. 3323.091. (A) The department of mental health, the 17085
department of mental retardation and developmental disabilities, 17086
the department of youth services, and the department of 17087
rehabilitation and correction shall establish and maintain special 17088
education programs for handicapped children in institutions under 17089
their jurisdiction according to standards adopted by the state 17090
board of education. The superintendent of each institution 17091
providing special education under this chapter may apply to the 17092
state department of education for unit funding, which shall be 17093
paid in accordance with sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 17094
3317.053 of the Revised Code. 17095

(B) On or before the thirtieth day of June of each year, the 17096
superintendent of each institution that during the school year 17097
provided special education pursuant to this section shall prepare 17098
a statement for each handicapped child under twenty-two years of 17099
age who has received special education. The statement shall 17100
contain the child's name and the name of the child's school 17101

district of residence. Within sixty days after receipt of such
statement, the department of education shall perform one of the
following:

(1) For any child except a handicapped preschool child
described in division (B)(2) of this section, pay to the
institution submitting the statement an amount equal to the
tuition calculated under division (A) of section 3317.08 of the
Revised Code for the period covered by the statement, and deduct
the same from the amount of state funds, if any, payable under
sections 3317.022 and 3317.023 of the Revised Code, to the child's
school district of residence or, if the amount of such state funds
is insufficient, require the child's school district of residence
to pay the institution submitting the statement an amount equal to
the amount determined under this division.

(2) For any handicapped preschool child not included in a
unit approved under division (B) of section 3317.05 of the Revised
Code, perform the following:

(a) Pay to the institution submitting the statement an amount
equal to the tuition calculated under division (B) of section
3317.08 of the Revised Code for the period covered by the
statement, except that in calculating the tuition under that
section the operating expenses of the institution submitting the
statement under this section shall be used instead of the
operating expenses of the school district of residence;

(b) Deduct from the amount of state funds, if any, payable
under sections 3317.022 and 3317.023 of the Revised Code to the
child's school district of residence an amount equal to the amount
paid under division (B)(2)(a) of this section.

Sec. 3333.02. The Ohio board of regents shall hold its first
meeting at the call of the governor, within three months after all
members have been appointed and qualified. Meetings thereafter

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shall be called in such manner and at such times as prescribed by 17133
 rules adopted by the board, but the board shall meet at least four 17134
 times annually. A majority of the board constitutes a quorum. At 17135
 its first meeting, the board shall organize by selecting a 17136
~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, and a 17137
 secretary, and such other officers as it deems necessary. The 17138
 board shall adopt rules for the conduct of its business, and to 17139
 provide for the term and election of officers, and shall establish 17140
 an office in Columbus. The rules shall permit the formation of a 17141
quorum and the taking of votes at meetings conducted by 17142
interactive video teleconference if provisions are made for public 17143
attendance at any location involved in such a teleconference. 17144

A record shall be kept of board proceedings, which shall be 17145
 open for public inspection. The board shall adopt a seal to be 17146
 affixed to official documents. Each member of the board, before 17147
 entering on ~~his~~ official duties and after qualifying for office, 17148
 shall take and subscribe to an oath of office, to uphold the 17149
 constitution and laws of the United States and this state, and to 17150
 perform the duties of ~~his~~ office honestly, faithfully, and 17151
 impartially. 17152

Sec. 3333.03. (A) The Ohio board of regents shall appoint a 17153
 chancellor to serve at its pleasure and shall prescribe ~~his~~ the 17154
chancellor's duties. The board shall fix the compensation for the 17155
 chancellor ~~and for all other professional, administrative, and~~ 17156
~~clerical employees necessary to assist the board and the~~ 17157
~~chancellor in the performance of their duties.~~ 17158

(B) The chancellor is the administrative officer of the 17159
 board, and is responsible for appointing and fixing the 17160
compensation of all professional, administrative, and clerical 17161
 employees and staff members, ~~subject to board approval, who~~ 17162
necessary to assist the board and the chancellor in the 17163
performance of their duties. All employees and staff shall serve 17164

under ~~his~~ the chancellor's direction and control. The chancellor 17165
shall be a person qualified by training and experience to 17166
understand the problems and needs of the state in the field of 17167
higher education and to devise programs, plans, and methods of 17168
solving the problems and meeting the needs. 17169

(C) Neither the chancellor nor any staff member or employee 17170
of the board shall be a trustee, officer, or employee of any 17171
public or private college or university while serving on the 17172
board. 17173

Sec. 3333.043. (A) As used in this section: 17174

(1) "Institution of higher education" means the state 17175
universities listed in section 3345.011 of the Revised Code, 17176
municipal educational institutions established under Chapter 3349. 17177
of the Revised Code, community colleges established under Chapter 17178
3354. of the Revised Code, university branches established under 17179
Chapter 3355. of the Revised Code, technical colleges established 17180
under Chapter 3357. of the Revised Code, state community colleges 17181
established under Chapter 3358. of the Revised Code, any 17182
institution of higher education with a certificate of registration 17183
from the state board of proprietary school registration, and any 17184
institution for which the Ohio board of regents receives a notice 17185
pursuant to division (C) of this section. 17186

(2) "Community service" has the same meaning as in section 17187
3313.605 of the Revised Code. 17188

(B)(1) The board of trustees or other governing entity of 17189
each institution of higher education shall encourage and promote 17190
participation of students in community service through a program 17191
appropriate to the mission, student population, and environment of 17192
each institution. The program may include, but not be limited to, 17193
providing information about community service opportunities during 17194
student orientation or in student publications; providing awards 17195

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for exemplary community service; encouraging faculty members to 17196
incorporate community service into students' academic experiences 17197
wherever appropriate to the curriculum; encouraging recognized 17198
student organizations to undertake community service projects as 17199
part of their purposes; and establishing advisory committees of 17200
students, faculty members, and community and business leaders to 17201
develop cooperative programs that benefit the community and 17202
enhance student experience. The program shall be flexible in 17203
design so as to permit participation by the greatest possible 17204
number of students, including part-time students and students for 17205
whom participation may be difficult due to financial, academic, 17206
personal, or other considerations. The program shall emphasize 17207
community service opportunities that can most effectively use the 17208
skills of students, such as tutoring or literacy programs. The 17209
programs shall encourage students to perform services that will 17210
not supplant the hiring of, result in the displacement of, or 17211
impair any existing employment contracts of any particular 17212
employee of any private or governmental entity for which services 17213
are performed. 17214

(2) The Ohio board of regents shall encourage all 17215
institutions of higher education in the development of community 17216
service programs. With the assistance of the ~~state~~ Ohio community 17217
service ~~advisory committee~~ council created in section 121.40 of 17218
the Revised Code, the board of regents shall make available 17219
information about higher education community service programs to 17220
institutions of higher education and to statewide organizations 17221
involved with or promoting volunteerism, including information 17222
about model community service programs, teacher training courses, 17223
and community service curricula and teaching materials for 17224
possible use by institutions of higher education in their 17225
programs. The board shall encourage institutions of higher 17226
education to jointly coordinate higher education community service 17227

programs through consortia of institutions or other appropriate 17228
means of coordination. 17229

(C) The board of trustees of any nonprofit institution with a 17230
certificate of authorization issued by the Ohio board of regents 17231
pursuant to Chapter 1713. of the Revised Code may notify the board 17232
of regents that it is making itself subject to divisions (A) and 17233
(B) of this section. Upon receipt of such a notice, these 17234
divisions shall apply to that institution. 17235

Sec. 3333.12. (A) As used in this section: 17236

(1) "Eligible student" means an undergraduate student who is: 17237

(a) An Ohio resident; 17238

(b) Enrolled in either of the following: 17239

(i) An accredited institution of higher education in this 17240
state that meets the requirements of Title VI of the Civil Rights 17241
Act of 1964 and is state-assisted, is nonprofit and has a 17242
certificate of authorization from the Ohio board of regents 17243
pursuant to Chapter 1713. of the Revised Code, or has a 17244
certificate of registration from the state board of proprietary 17245
school registration and program authorization to award an 17246
associate or bachelor's degree. Students who attend an institution 17247
that holds a certificate of registration shall be enrolled in a 17248
program leading to an associate or bachelor's degree for which 17249
associate or bachelor's degree program the institution has program 17250
authorization issued under section 3332.05 of the Revised Code. 17251

17252

(ii) A technical education program of at least two years 17253
duration sponsored by a private institution of higher education in 17254
this state that meets the requirements of Title VI of the Civil 17255
Rights Act of 1964. 17256

(c) Enrolled as a full-time student or enrolled as a less 17257

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than full-time student for the term expected to be the student's 17258
final term of enrollment and is enrolled for the number of credit 17259
hours necessary to complete the requirements of the program in 17260
which the student is enrolled. 17261

(2) "Gross income" includes all taxable and nontaxable income 17262
of the parents, the student, and the student's spouse, except 17263
income derived from an Ohio academic scholarship, income earned by 17264
the student between the last day of the spring term and the first 17265
day of the fall term, and other income exclusions designated by 17266
the board. Gross income may be verified to the board by the 17267
institution in which the student is enrolled using the federal 17268
financial aid eligibility verification process or by other means 17269
satisfactory to the board. 17270

(3) "Resident," "full-time student," "dependent," 17271
"financially independent," and "accredited" shall be defined by 17272
rules adopted by the board. 17273

(B) The Ohio board of regents shall establish and administer 17274
an instructional grant program and may adopt rules to carry out 17275
this section. The general assembly shall support the instructional 17276
grant program by such sums and in such manner as it may provide, 17277
but the board may also receive funds from other sources to support 17278
the program. If the amounts available for support of the program 17279
are inadequate to provide grants to all eligible students, 17280
preference in the payment of grants shall be given in terms of 17281
income, beginning with the lowest income category of gross income 17282
and proceeding upward by category to the highest gross income 17283
category. 17284

An instructional grant shall be paid to an eligible student 17285
through the institution in which the student is enrolled, except 17286
that no instructional grant shall be paid to any person serving a 17287
term of imprisonment. Applications for such grants shall be made 17288
as prescribed by the board, and such applications may be made in 17289

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conjunction with and upon the basis of information provided in 17290
 conjunction with student assistance programs funded by agencies of 17291
 the United States government or from financial resources of the 17292
 institution of higher education. The institution shall certify 17293
 that the student applicant meets the requirements set forth in 17294
 divisions (A)(1)(b) and (c) of this section. Instructional grants 17295
 shall be provided to an eligible student only as long as the 17296
 student is making appropriate progress toward a nursing diploma or 17297
 an associate or bachelor's degree. No student shall be eligible to 17298
 receive a grant for more than ten semesters, fifteen quarters, or 17299
 the equivalent of five academic years. A grant made to an eligible 17300
 student on the basis of less than full-time enrollment shall be 17301
 based on the number of credit hours for which the student is 17302
 enrolled and shall be computed in accordance with a formula 17303
 adopted by the board. No student shall receive more than one grant 17304
 on the basis of less than full-time enrollment. 17305

An instructional grant shall not exceed the total 17306
 instructional and general charges of the institution. 17307

(C) The tables in this division prescribe the maximum grant 17308
 amounts covering two semesters, three quarters, or a comparable 17309
 portion of one academic year. Grant amounts for additional terms 17310
 in the same academic year shall be determined under division (D) 17311
 of this section. 17312

For a full-time student who is a dependent and enrolled in a 17313
 nonprofit educational institution that is not a state-assisted 17314
 institution and that has a certificate of authorization issued 17315
 pursuant to Chapter 1713. of the Revised Code, the amount of the 17316
 instructional grant for two semesters, three quarters, or a 17317
 comparable portion of the academic year shall be determined in 17318
 accordance with the following table: 17319

~~Table of Grants~~ 17320

~~Maximum Grant \$4,872~~ 17321

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Gross Income	Number of Dependents					17322
	1	2	3	4	5 or more	17323
Under \$13,001	\$4,872	\$4,872	\$4,872	\$4,872	\$4,872	17324
\$13,001 — \$14,000	4,386	4,872	4,872	4,872	4,872	17325
\$14,001 — \$15,000	3,888	4,386	4,872	4,872	4,872	17326
\$15,001 — \$16,000	3,408	3,888	4,386	4,872	4,872	17327
\$16,001 — \$17,000	2,928	3,408	3,888	4,386	4,872	17328
\$17,001 — \$20,000	2,442	2,928	3,408	3,888	4,386	17329
\$20,001 — \$23,000	1,944	2,442	2,928	3,408	3,888	17330
\$23,001 — \$26,000	1,452	1,944	2,442	2,928	3,408	17331
\$26,001 — \$29,000	1,200	1,452	1,944	2,442	2,928	17332
\$29,001 — \$30,000	966	1,200	1,452	1,944	2,442	17333
\$30,001 — \$31,000	882	966	1,200	1,452	1,944	17334
\$31,001 — \$32,000	792	882	966	1,200	1,452	17335
\$32,001 — \$33,000	396	792	882	966	1,200	17336
\$33,001 — \$34,000	—	396	792	882	966	17337
\$34,001 — \$35,000	—	—	396	792	882	17338
\$35,001 — \$36,000	—	—	—	396	792	17339
\$36,001 — \$37,000	—	—	—	—	396	17340
Over \$37,000	—	—	—	—	—	17341

Private Institution 17342

Table of Grants 17343

Maximum Grant \$5,466 17344

Gross Income	Number of Dependents					17345
	1	2	3	4	5 or more	17346
<u>\$0 - \$15,000</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	17347
<u>\$15,001 - \$16,000</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	17348
<u>\$16,001 - \$17,000</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	17349
<u>\$17,001 - \$18,000</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	17350
<u>\$18,001 - \$19,000</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	17351
<u>\$19,001 - \$22,000</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	17352

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<u>\$22,001 - \$25,000</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	17353
<u>\$25,001 - \$28,000</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	17354
<u>\$28,001 - \$31,000</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	17355
<u>\$31,001 - \$32,000</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	17356
<u>\$32,001 - \$33,000</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	17357
<u>\$33,001 - \$34,000</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	17358
<u>\$34,001 - \$35,000</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	17359
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	17360
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	17361
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	17362
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	17363

For a full-time student who is financially independent and
 enrolled in a nonprofit educational institution that is not a
 state-assisted institution and that has a certificate of
 authorization issued pursuant to Chapter 1713. of the Revised
 Code, the amount of the instructional grant for two semesters,
 three quarters, or a comparable portion of the academic year shall
 be determined in accordance with the following table:

~~Table of Grants~~

Gross Income	Maximum Grant \$4,872						5 or more
	Number of Dependents						
	0	1	2	3	4		
Under \$4,201	\$4,872	\$4,872	\$4,872	\$4,872	\$4,872	\$4,872	17374
\$4,201 - \$4,800	4,386	4,872	4,872	4,872	4,872	4,872	17375
\$4,801 - \$5,300	3,888	4,386	4,872	4,872	4,872	4,872	17376
\$5,301 - \$5,800	3,408	3,888	4,386	4,872	4,872	4,872	17377
\$5,801 - \$6,300	2,928	3,408	3,888	4,386	4,872	4,872	17378
\$6,301 - \$6,800	2,442	2,928	3,408	3,888	4,386	4,872	17379
\$6,801 - \$7,800	1,944	2,442	2,928	3,408	3,888	4,386	17380
\$7,801 - \$8,800	1,452	1,944	2,442	2,928	3,408	3,888	17381
\$8,801 - \$9,800	1,200	1,452	1,944	2,442	2,928	3,408	17382
\$9,801 - \$11,300	966	1,200	1,452	1,944	2,442	2,928	17383

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\$11,301 - \$12,800	882	966	1,200	1,452	1,944	2,442	17385
\$12,801 - \$14,300	792	882	966	1,200	1,452	1,944	17386
\$14,301 - \$15,800	396	792	882	966	1,200	1,452	17387
\$15,801 - \$18,800	0	396	792	882	966	1,200	17388
\$18,801 - \$21,800	0	0	396	792	882	966	17389
\$21,801 - \$24,800	0	0	0	396	792	882	17390
\$24,801 - \$29,500	0	0	0	0	396	792	17391
\$29,501 - \$34,500	0	0	0	0	0	396	17392
Over \$34,500	0	0	0	0	0	0	17393

Private Institution 17394

Table of Grants 17395

Maximum Grant \$5,466 17396

Gross Income Number of Dependents 17397

	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>	
<u>\$0 - \$4,800</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	17398
<u>\$4,801 - \$5,300</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	17400
<u>\$5,301 - \$5,800</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	17401
<u>\$5,801 - \$6,300</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	17402
<u>\$6,301 - \$6,800</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	17403
<u>\$6,801 - \$7,300</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	17404
<u>\$7,301 - \$8,300</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	17405
<u>\$8,301 - \$9,300</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	17406
<u>\$9,301 - \$10,300</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	17407
<u>\$10,301 - \$11,800</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	17408
<u>\$11,801 - \$13,300</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	17409
<u>\$13,301 - \$14,800</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	17410
<u>\$14,801 - \$16,300</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	17411
<u>\$16,301 - \$19,300</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	17412
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	17413
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	17414
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	17415
<u>\$30,301 - \$35,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	17416

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For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of proprietary school registration, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Table of Grants						17423
Maximum Grant \$4,128						17424
Gross Income	Number of Dependents					17425
	1	2	3	4	5 or more	17426
Under \$13,001	\$4,128	\$4,128	\$4,128	\$4,128	\$4,128	17427
\$13,001 — \$14,000	3,726	4,128	4,128	4,128	4,128	17428
\$14,001 — \$15,000	3,288	3,726	4,128	4,128	4,128	17429
\$15,001 — \$16,000	2,874	3,288	3,726	4,128	4,128	17430
\$16,001 — \$17,000	2,490	2,874	3,288	3,726	4,128	17431
\$17,001 — \$20,000	2,046	2,490	2,874	3,288	3,726	17432
\$20,001 — \$23,000	1,656	2,046	2,490	2,874	3,288	17433
\$23,001 — \$26,000	1,266	1,656	2,046	2,490	2,874	17434
\$26,001 — \$29,000	1,014	1,266	1,656	2,046	2,490	17435
\$29,001 — \$30,000	810	1,014	1,266	1,656	2,046	17436
\$30,001 — \$31,000	762	810	1,014	1,266	1,656	17437
\$31,001 — \$32,000	672	762	810	1,014	1,266	17438
\$32,001 — \$33,000	336	672	762	810	1,014	17439
\$33,001 — \$34,000	—	336	672	762	810	17440
\$34,001 — \$35,000	—	—	336	672	762	17441
\$35,001 — \$36,000	—	—	—	336	672	17442
\$36,001 — \$37,000	—	—	—	—	336	17443
Over \$37,000	—	—	—	—	—	17444

Proprietary Institution 17445

Table of Grants 17446

Maximum Grant \$4,632 17447

Gross Income Number of Dependents 17448

As Reported by the House Finance and Appropriations Committee

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u> <u>more</u>	
<u>\$0 - \$15,000</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	17449
<u>\$15,001 - \$16,000</u>	<u>4,182</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>	17451
<u>\$16,001 - \$17,000</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>	17452
<u>\$17,001 - \$18,000</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>	<u>4,632</u>	17453
<u>\$18,001 - \$19,000</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>	17454
<u>\$19,001 - \$22,000</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>	17455
<u>\$22,001 - \$25,000</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	17456
<u>\$25,001 - \$28,000</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	17457
<u>\$28,001 - \$31,000</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	17458
<u>\$31,001 - \$32,000</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>	17459
<u>\$32,001 - \$33,000</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	17460
<u>\$33,001 - \$34,000</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	17461
<u>\$34,001 - \$35,000</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	17462
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	17463
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	17464
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	17465
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	17466

For a full-time student who is financially independent and 17467
 enrolled in an educational institution that holds a certificate of 17468
 registration from the state board of proprietary school 17469
 registration, the amount of the instructional grant for two 17470
 semesters, three quarters, or a comparable portion of the academic 17471
 year shall be determined in accordance with the following table: 17472

~~Table of Grants~~ 17473

~~Maximum Grant \$4,128~~ 17474

~~Gross Income~~

~~Number of Dependents~~ 17475

	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u> <u>more</u>	
Under \$4,201	\$4,128	\$4,128	\$4,128	\$4,128	\$4,128	\$4,128	17477
\$4,201 -- \$4,800	3,726	4,128	4,128	4,128	4,128	4,128	17478
\$4,801 -- \$5,300	3,288	3,726	4,128	4,128	4,128	4,128	17479

As Reported by the House Finance and Appropriations Committee

\$5,301 -- \$5,800	2,874	3,288	3,726	4,128	4,128	4,128	17480
\$5,801 -- \$6,300	2,490	2,874	3,288	3,726	4,128	4,128	17481
\$6,301 -- \$6,800	2,046	2,490	2,874	3,288	3,726	4,128	17482
\$6,801 -- \$7,800	1,656	2,046	2,490	2,874	3,288	3,726	17483
\$7,801 -- \$8,800	1,266	1,656	2,046	2,490	2,874	3,288	17484
\$8,801 -- \$9,800	1,014	1,266	1,656	2,046	2,490	2,874	17485
\$9,801 -- \$11,300	810	1,014	1,266	1,656	2,046	2,490	17486
\$11,301 -- \$12,800	762	810	1,014	1,266	1,656	2,046	17487
\$12,801 -- \$14,300	672	762	810	1,014	1,266	1,656	17488
\$14,301 -- \$15,800	336	672	762	810	1,014	1,266	17489
\$15,801 -- \$18,800	-0-	336	672	762	810	1,014	17490
\$18,801 -- \$21,800	-0-	-0-	336	672	762	810	17491
\$21,801 -- \$24,800	-0-	-0-	-0-	336	672	762	17492
\$24,801 -- \$29,500	-0-	-0-	-0-	-0-	336	672	17493
\$29,501 -- \$34,500	-0-	-0-	-0-	-0-	-0-	336	17494
Over \$34,500	-0-	-0-	-0-	-0-	-0-	-0-	17495

Proprietary Institution 17496

Table of Grants 17497

Maximum Grant \$4,632 17498

Gross Income Number of Dependents 17499

	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u> <u>more</u>	
<u>\$0 - \$4,800</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	17500
<u>\$4,801 - \$5,300</u>	<u>4,182</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>	17501
<u>\$5,301 - \$5,800</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>	17502
<u>\$5,801 - \$6,300</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>	17503
<u>\$6,301 - \$6,800</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>	<u>4,632</u>	17504
<u>\$6,801 - \$7,300</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>	17505
<u>\$7,301 - \$8,300</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>	17506
<u>\$8,301 - \$9,300</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	17507
<u>\$9,301 - \$10,300</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	17508
<u>\$10,301 - \$11,800</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	17509
<u>\$11,801 - \$13,300</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>	17510

As Reported by the House Finance and Appropriations Committee

<u>\$13,301 - \$14,800</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	17512
<u>\$14,801 - \$16,300</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	17513
<u>\$16,301 - \$19,300</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	17514
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	17515
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	17516
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	17517
<u>\$30,301 - \$35,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	17518

For a full-time student who is a dependent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Gross Income	Number of Dependents					17527
	Table of Grants					
	1	2	3	4	5 or more	
Under \$13,001	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956	17528
\$13,001 - \$14,000	1,764	1,956	1,956	1,956	1,956	17529
\$14,001 - \$15,000	1,554	1,764	1,956	1,956	1,956	17530
\$15,001 - \$16,000	1,380	1,554	1,764	1,956	1,956	17531
\$16,001 - \$17,000	1,182	1,380	1,554	1,764	1,956	17532
\$17,001 - \$20,000	966	1,182	1,380	1,554	1,764	17533
\$20,001 - \$23,000	774	966	1,182	1,380	1,554	17534
\$23,001 - \$26,000	582	774	966	1,182	1,380	17535
\$26,001 - \$29,000	468	582	774	966	1,182	17536
\$29,001 - \$30,000	378	468	582	774	966	17537
\$30,001 - \$31,000	348	378	468	582	774	17538
\$31,001 - \$32,000	318	348	378	468	582	17539
\$32,001 - \$33,000	162	318	348	378	468	17540
\$33,001 - \$34,000	-0-	162	318	348	378	17541
\$34,001 - \$35,000	-0-	-0-	162	318	348	17542
\$35,001 - \$36,000	-0-	-0-	-0-	162	318	17543

As Reported by the House Finance and Appropriations Committee

\$36,001 - \$37,000	-0-	-0-	-0-	-0-	162	17544
Over \$37,000	-0-	-0-	-0-	-0-	-0-	17545
	<u>Public Institution</u>					17546
	<u>Table of Grants</u>					17547
	<u>Maximum Grant \$2,190</u>					17548
<u>Gross Income</u>	<u>Number of Dependents</u>					17549
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>	17550
<u>\$0 - \$15,000</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	17551
<u>\$15,001 - \$16,000</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	17552
<u>\$16,001 - \$17,000</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	17553
<u>\$17,001 - \$18,000</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	17554
<u>\$18,001 - \$19,000</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	17555
<u>\$19,001 - \$22,000</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	17556
<u>\$22,001 - \$25,000</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	17557
<u>\$25,001 - \$28,000</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	17558
<u>\$28,001 - \$31,000</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	17559
<u>\$31,001 - \$32,000</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	17560
<u>\$32,001 - \$33,000</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	17561
<u>\$33,001 - \$34,000</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	17562
<u>\$34,001 - \$35,000</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	17563
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	17564
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	17565
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	17566
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	17567

For a full-time student who is financially independent and 17568
 enrolled in a state-assisted educational institution, the amount 17569
 of the instructional grant for two semesters, three quarters, or a 17570
 comparable portion of the academic year shall be determined in 17571
 accordance with the following table: 17572

	Table of Grants					17573
	Maximum Grant \$1,956					17574
Gross Income	Number of Dependents					17575

As Reported by the House Finance and Appropriations Committee

	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u> <u>more</u>	
Under \$4,201	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956	17576
4,201 — \$4,800	1,764	1,956	1,956	1,956	1,956	1,956	17577
\$4,801 — \$5,300	1,554	1,764	1,956	1,956	1,956	1,956	17578
\$5,301 — \$5,800	1,380	1,554	1,764	1,956	1,956	1,956	17579
\$5,801 — \$6,300	1,182	1,380	1,554	1,764	1,956	1,956	17580
\$6,301 — \$6,800	966	1,182	1,380	1,554	1,764	1,956	17581
\$6,801 — \$7,800	774	966	1,182	1,380	1,554	1,764	17582
\$7,801 — \$8,800	582	774	966	1,182	1,380	1,554	17583
\$8,801 — \$9,800	468	582	774	966	1,182	1,380	17584
\$9,801 — \$11,300	378	468	582	774	966	1,182	17585
\$11,301 — \$12,800	348	378	468	582	774	966	17586
\$12,801 — \$14,300	318	348	378	468	582	774	17587
\$14,301 — \$15,800	162	318	348	378	468	582	17588
\$15,801 — \$18,800	0	162	318	348	378	468	17589
\$18,801 — \$21,800	0	0	162	318	348	378	17590
\$21,801 — \$24,800	0	0	0	162	318	348	17591
\$24,801 — \$29,500	0	0	0	0	162	318	17592
\$29,501 — \$34,500	0	0	0	0	0	162	17593
Over \$34,500	0	0	0	0	0	0	17594

Public Institution

17595

Table of Grants

17596

Maximum Grant \$2,190

17597

Gross Income

Number of Dependents

17598

	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u> <u>more</u>	
<u>\$0 - \$4,800</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	17600
<u>\$4,801 - \$5,300</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	17601
<u>\$5,301 - \$5,800</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	17602
<u>\$5,801 - \$6,300</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	17603
<u>\$6,301 - \$6,800</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	17604
<u>\$6,801 - \$7,300</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	17605

As Reported by the House Finance and Appropriations Committee

<u>\$7,301 - \$8,300</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	17607
<u>\$8,301 - \$9,300</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	17608
<u>\$9,301 - \$10,300</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	17609
<u>\$10,301 - \$11,800</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	17610
<u>\$11,801 - \$13,300</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	17611
<u>\$13,301 - \$14,800</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	17612
<u>\$14,801 - \$16,300</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	17613
<u>\$16,301 - \$19,300</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	17614
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	17615
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	17616
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	17617
<u>\$30,301 - \$35,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	17618

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June

preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years. 17639
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(2) Division (F)(1) of this section does not apply to the following: 17641
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(a) Any student enrolled in an institution that under the federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances the institution may continue to participate in federal financial aid programs. The board shall adopt rules requiring institutions to provide information regarding an appeal to the board. 17643
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(b) Any student who has previously received a grant under this section who meets all other requirements of this section. 17652
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(3) The board shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F)(1) of this section. 17654
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(4) A student's attendance at an institution whose students lose eligibility for grants under division (F)(1) of this section shall not affect that student's eligibility to receive a grant when enrolled in another institution. 17657
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(G) Institutions of higher education that enroll students receiving instructional grants under this section shall report to the board all students who have received instructional grants but are no longer eligible for all or part of such grants and shall refund any moneys due the state within thirty days after the beginning of the quarter or term immediately following the quarter or term in which the student was no longer eligible to receive all or part of the student's grant. There shall be an interest charge of one per cent per month on all moneys due and payable after such 17661
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thirty-day period. The board shall immediately notify the office
of budget and management and the legislative budget office of the
legislative service commission of all refunds so received.

Sec. 3333.13. (A) Money appropriated to ~~state supported and~~
~~state assisted institutions of higher education and~~ to the Ohio
board of regents for the purposes of this division shall be paid
at the times and in the amounts necessary to meet all payments
required to be made ~~by such institutions and~~ by the board to the
Ohio public facilities commission or treasurer of state pursuant
to leases or agreements made by them under division (B) of section
154.21 of the Revised Code, as certified under division (C) of
this section, including supplements to such certifications.

(B) ~~Each such institution of higher education and the~~ The
board shall include in its estimate of proposed expenses submitted
pursuant to section 126.02 of the Revised Code the estimated
amounts of all such payments to be made by it. The board shall
include the estimated amounts of all such payments to be made ~~by~~
~~each such institution and of such payments to be made~~ by it in
recommendations for appropriation required by division (J) of
section 3333.04 of the Revised Code. The director of budget and
management shall include in the state budget estimates provided
for in section 126.02 of the Revised Code the estimated amount of
all such payments to be made during the next biennium, and this
amount shall be included in the state budget to be submitted by
the governor to the general assembly pursuant to section 107.03 of
the Revised Code.

(C) On the first day of July of each year, or as soon
thereafter as is practicable, the chancellor or a vice-chancellor
of the board shall certify to the director the payments contracted
to be made, during the period of the then current appropriations
made for the purposes of division (A) of this section, to the

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commission or treasurer of state ~~by each state supported and state~~ 17701
~~assisted institution of higher education and~~ by the board pursuant 17702
to leases and agreements made under division (B) of section 154.21 17703
of the Revised Code. The certification shall state the amounts and 17704
dates of payment required therefor ~~as to each such institution of~~ 17705
~~higher education and the board,~~ and the amounts to be credited 17706
pursuant to such leases and agreements to the higher education 17707
bond service trust fund and other special funds established 17708
pursuant to section 151.04 or Chapter 154. of the Revised Code. If 17709
the director finds such certification to be correct, the director 17710
shall promptly add the director's certification thereto and submit 17711
it to the treasurer of state. Such annual certification shall be 17712
supplemented in similar manner upon the execution of each new 17713
lease or agreement, any supplement to an existing lease or 17714
agreement, or any amendment thereof, affecting the amounts of 17715
those payments. 17716

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of the 17717
Revised Code, "term" and "academic year" mean "term" and "academic 17718
year" as defined by the Ohio board of regents. 17719

The board shall establish and administer an academic 17720
scholarship program. Under the program, a total of one thousand 17721
new scholarships shall be awarded annually in the amount of not 17722
less than two thousand dollars per award. At least one such new 17723
scholarship shall be awarded annually to a student in each public 17724
high school and joint vocational school and each nonpublic high 17725
school for which the state board of education prescribes minimum 17726
standards in accordance with section 3301.07 of the Revised Code. 17727

To be eligible for the award of a scholarship, a student 17728
shall be a resident of Ohio and shall be enrolled as a full-time 17729
undergraduate student in an Ohio institution of higher education 17730
that meets the requirements of Title VI of the "Civil Rights Act 17731
of 1964" and is state-assisted, is nonprofit and holds a 17732

certificate of authorization issued under section 1713.02 of the Revised Code, or holds a certificate of registration and program authorization issued under section 3332.05 of the Revised Code and awards an associate or bachelor's degree. Students who attend an institution holding a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization to offer the program issued under section 3332.05 of the Revised Code.

"Resident" and "full-time student" shall be defined by board rule.

The board shall award the scholarships on the basis of a formula designed by it to identify students with the highest capability for successful college study. The formula shall weigh the factor of achievement, as measured by grade point average, and the factor of ability, as measured by performance on a competitive examination specified by the board. Students receiving scholarships shall be known as "Ohio academic scholars." Annually, not later than the thirty-first day of July, the board shall report to the governor and the general assembly on the performance of current Ohio academic scholars and the effectiveness of its formula.

Sec. 3333.22. Each Ohio academic scholarship shall be awarded for an academic year and may be renewed for each of three additional academic years. The scholarship amount awarded to a scholar for an academic year shall be not less than two thousand dollars. A scholarship shall be renewed if the scholar maintains an academic record satisfactory to the Ohio board of regents and meets any of the following conditions:

(A) The scholar is enrolled as a full-time undergraduate;

(B) The scholar was awarded an undergraduate degree in less

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than four academic years and is enrolled as a full-time graduate 17764
or professional student in an Ohio institution of higher education 17765
that meets the requirements of Title VI of the "Civil Rights Act 17766
of 1964" and is state-assisted or is nonprofit and holds a 17767
certificate of authorization issued under section 1713.02 of the 17768
Revised Code; 17769

(C) The scholar is a full-time student concurrently enrolled 17770
as an undergraduate student and as a graduate or professional 17771
student in an Ohio institution of higher education that meets the 17772
requirements of division (B) of this section. 17773

Each amount awarded shall be paid in equal installments to 17774
the scholar at the time of enrollment for each term of the 17775
academic year for which the scholarship is awarded or renewed. No 17776
scholar is eligible to receive an Ohio academic scholarship for 17777
more than the equivalent of four academic years. 17778

If an Ohio academic scholar is temporarily unable to attend 17779
school because of illness or other cause satisfactory to the 17780
board, the board may grant a leave of absence for a designated 17781
period of time. If a scholar discontinues full-time attendance at 17782
the scholar's school during a term because of illness or other 17783
cause satisfactory to the board, the scholar may either claim a 17784
prorated payment for the period of actual attendance or waive 17785
payment for that term. A term for which prorated payment is made 17786
shall be considered a full term for which a scholarship was 17787
received. A term for which payment is waived shall not be 17788
considered a term for which a scholarship was received. 17789

Receipt of an Ohio academic scholarship shall not affect a 17790
scholar's eligibility for the Ohio instructional grant program. 17791

Sec. 3383.01. As used in this chapter: 17792

(A) "Arts" means any of the following: 17793

(1) Visual, musical, dramatic, graphic, and other arts ~~and~~ 17794
~~includes, including,~~ but ~~is~~ not limited to, architecture, dance, 17795
literature, motion pictures, music, painting, photography, 17796
sculpture, and theater; 17797

(2) The presentation or making available, in museums or other 17798
indoor or outdoor facilities, of principles of science and their 17799
development, use, or application in business, industry, or 17800
commerce or of the history, heritage, development, presentation, 17801
and uses of the arts ~~as defined above~~ described in division (A)(1) 17802
of this section and of transportation; 17803

(3) The preservation, presentation, or making available of 17804
features of archaeological, architectural, environmental, or 17805
historical interest or significance in a state historical facility 17806
or a local historical facility. 17807

(B) "Arts organization" means either of the following: 17808

(1) A governmental agency or Ohio nonprofit corporation that 17809
provides programs or activities in areas directly concerned with 17810
the arts; 17811

(2) A regional arts and cultural district as defined in 17812
section 3381.01 of the Revised Code. 17813

(C) "Arts project" means all or any portion of an Ohio arts 17814
facility for which the general assembly has specifically 17815
authorized the spending of money, or made an appropriation, 17816
pursuant to division (D)(3) or (E) of section 3383.07 of the 17817
Revised Code. 17818

(D) "Cooperative contract" means a contract between the Ohio 17819
arts and sports facilities commission and an arts organization 17820
providing the terms and conditions of the cooperative use of an 17821
Ohio arts facility. 17822

(E) "Costs of operation" means amounts required to manage an 17823

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Ohio arts facility that are incurred following the completion of 17824
 construction of its arts project, provided that both of the 17825
 following apply: 17826

(1) Those amounts either: 17827

(a) Have been committed to a fund dedicated to that purpose; 17828

(b) Equal the principal of any endowment fund, the income 17829
 from which is dedicated to that purpose. 17830

(2) The commission and the arts organization have executed an 17831
 agreement with respect to either of those funds. 17832

~~(E)~~(F) "General building services" means general building 17833
 services for an Ohio arts facility or an Ohio sports facility, 17834
 including, but not limited to, general custodial care, security, 17835
 maintenance, repair, painting, decoration, cleaning, utilities, 17836
 fire safety, grounds and site maintenance and upkeep, and 17837
 plumbing. 17838

~~(F)~~(G) "Governmental agency" means a state agency, a 17839
 state-supported or state-assisted institution of higher education, 17840
 a municipal corporation, county, township, or school district, a 17841
 port authority created under Chapter 4582. of the Revised Code, 17842
 any other political subdivision or special district in this state 17843
 established by or pursuant to law, or any combination of these 17844
 entities; except where otherwise indicated, the United States or 17845
 any department, division, or agency of the United States, or any 17846
 agency, commission, or authority established pursuant to an 17847
 interstate compact or agreement. 17848

~~(G)~~(H) "Local contributions" means the value of an asset 17849
 provided by or on behalf of an arts organization from sources 17850
 other than the state, the value and nature of which shall be 17851
 approved by the Ohio arts and sports facilities commission, in its 17852
 sole discretion. "Local contributions" may include the value of 17853
 the site where an arts project is to be constructed. All "local 17854

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contributions," except a contribution attributable to such a site, 17855
shall be for the costs of construction of an arts project or the 17856
costs of operation of an arts facility. 17857

~~(H)~~(I) "Local historical facility" means a site or facility, 17858
other than a state historical facility, of archaeological, 17859
architectural, environmental, or historical interest or 17860
significance, or a facility, including a storage facility, 17861
appurtenant to the operations of such a site or facility, that is 17862
owned by an arts organization, provided the facility meets the 17863
requirements of division ~~(J)~~(K)(2)(b) of this section, is managed 17864
by or pursuant to a contract with the Ohio arts and sports 17865
facilities commission, and is used for or in connection with the 17866
activities of the commission, including the presentation or making 17867
available of arts to the public. 17868

~~(I)~~(J) "Manage," "operate," or "management" means the 17869
provision of, or the exercise of control over the provision of, 17870
activities: 17871

(1) Relating to the arts for an Ohio arts facility, including 17872
as applicable, but not limited to, providing for displays, 17873
exhibitions, specimens, and models; booking of artists, 17874
performances, or presentations; scheduling; and hiring or 17875
contracting for directors, curators, technical and scientific 17876
staff, ushers, stage managers, and others directly related to the 17877
arts activities in the facility; but not including general 17878
building services; 17879

(2) Relating to sports and athletic events for an Ohio sports 17880
facility, including as applicable, but not limited to, providing 17881
for booking of athletes, teams, and events; scheduling; and hiring 17882
or contracting for staff, ushers, managers, and others directly 17883
related to the sports and athletic events in the facility; but not 17884
including general building services. 17885

~~(J)~~(K) "Ohio arts facility" means any of the following: 17886

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(1) The three theaters located in the state office tower at	17887
77 South High street in Columbus;	17888
(2) Any capital facility in this state to which all of the	17889
following apply:	17890
(a) The construction of an arts project related to the	17891
facility was authorized or funded by the general assembly pursuant	17892
to division (D)(3) of section 3383.07 of the Revised Code.	17893
(b) The state owns or has sufficient real property interests	17894
in the facility or in the portion of the facility financed from	17895
the proceeds of obligations or in the site of the facility for a	17896
period of no less than the greater of the useful life of the	17897
portion of the facility financed from the proceeds of those	17898
obligations as determined by the director of budget and management	17899
using the guidelines for maximum maturities as provided under	17900
divisions (B), (C), and (E) of section 133.20 of the Revised Code,	17901
or the period of time remaining to the date of payment or	17902
provision for payment of outstanding obligations issued by the	17903
Ohio building authority allocable to costs of that portion of the	17904
facility, as determined by the director of budget and management,	17905
in either case as certified to the Ohio arts and sports facilities	17906
commission and the Ohio building authority.	17907
(c) <u>The facility is managed directly by, or by is subject to</u>	17908
<u>a cooperative or management contract with, the Ohio arts and</u>	17909
<u>sports facilities commission, and is used for or in connection</u>	17910
<u>with the activities of the commission, including the presentation</u>	17911
<u>or making available of arts to the public. A cooperative or</u>	17912
<u>management contract shall be for a term not less than the time</u>	17913
<u>remaining to the date of payment or provision for payment of any</u>	17914
<u>state bonds issued to pay the costs of the arts project, as</u>	17915
<u>determined by the director of budget and management and certified</u>	17916
<u>by the director to the Ohio arts and sports facilities commission</u>	17917
<u>and to the Ohio building authority.</u>	17918

(3) A state historical facility or a local historical facility. 17919
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~~(K)~~(L) "State agency" means the state or any of its branches, officers, boards, commissions, authorities, departments, divisions, or other units or agencies. 17921
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~~(I)~~(M) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing. 17924
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~~(M)~~(N) "State historical facility" means a site or facility of archaeological, architectural, environmental, or historical interest or significance, or a facility, including a storage facility, appurtenant to the operations of such a site or facility, that is owned by or is located on real property owned by the state or by an arts organization, so long as the ~~real property of the arts organization meets the requirements of division (J)(2)(b) of this section and is contiguous to state-owned real property that is in the care, custody, and control of an arts organization, and that~~ facility is managed directly by or ~~by is~~ subject to a cooperative or management contract with the Ohio arts and sports facilities commission, ~~and that~~ is used for or in connection with the activities of the commission, including the presentation or making available of arts to the public. 17928
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~~(N)~~(O) "Ohio sports facility" means all or a portion of a stadium, arena, or other capital facility in ~~Ohio~~ this state, a primary purpose of which is to provide a site or venue for the presentation to the public of events of one or more major or minor league professional athletic or sports teams that are associated with the state or with a city or region of the state, which facility is owned by or is located on real property owned by the state or a governmental agency, and including all parking facilities, walkways, and other auxiliary facilities, equipment, 17942
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furnishings, and real and personal property and interests and 17951
rights therein, that may be appropriate for or used for or in 17952
connection with the facility or its operation, for capital costs 17953
of which state funds are spent pursuant to this chapter. A 17954
facility constructed as an Ohio sports facility may be both an 17955
Ohio arts facility and an Ohio sports facility. 17956

Sec. 3383.02. (A) There is hereby created the Ohio arts and 17957
sports facilities commission. Notwithstanding any provision to the 17958
contrary contained in Chapter 152. of the Revised Code, the 17959
commission shall engage in and provide for the development, 17960
performance, and presentation or making available of the arts and 17961
professional sports and athletics to the public in this state by 17962
the exercise of its powers under this chapter, including the 17963
provision, operation, ~~and~~ management, and cooperative use of Ohio 17964
arts facilities and Ohio sports facilities. The commission is a 17965
body corporate and politic, an agency of state government and an 17966
instrumentality of the state, performing essential governmental 17967
functions of this state. The carrying out of the purposes and the 17968
exercise by the commission of its powers conferred by this chapter 17969
are essential public functions and public purposes of the state 17970
and of state government. The commission may, in its own name, sue 17971
and be sued, enter into contracts, and perform all the powers and 17972
duties given to it by this chapter but it does not have and shall 17973
not exercise the power of eminent domain. 17974

(B) The commission shall consist of ~~eight~~ ten members, ~~five~~ 17975
~~seven~~ of whom shall be voting members and three of whom shall be 17976
nonvoting members. The ~~five~~ seven voting members shall be 17977
appointed by the governor, with the advice and consent of the 17978
senate, from different geographical regions of the state. In 17979
addition, one of the voting members shall represent the state 17980
architect. Not more than ~~three~~ four of the members appointed by 17981
the governor shall be affiliated with the same political party. 17982

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The nonvoting members shall be the staff director of the Ohio arts council, a member of the senate appointed by the president of the senate, and a member of the house of representatives appointed by the speaker of the house.

(C) Of the five initial appointments made by the governor, one shall be for a term expiring December 31, 1989, two shall be for terms expiring December 31, 1990, and two shall be for terms expiring December 31, 1991. Of the initial appointments of the sixth and seventh voting members appointed by the governor as a result of this amendment, one shall be for a term expiring December 31, 2003, and one shall be for a term expiring December 31, 2004. Thereafter, each such term shall be for three years, commencing on the first day of January and ending on the thirty-first day of December. Each appointment by the president of the senate and by the speaker of the house of representatives shall be for the balance of the then legislative biennium. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(D) Members of the commission shall serve without compensation.

~~(E) After each initial member of the commission has been appointed, the commission shall meet and organize by electing one of its voting members as chairperson and other voting members as vice chairperson and secretary-treasurer, who shall hold their offices until the next organizational meeting of the commission. Organizational meetings of the commission shall be held at the~~

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first meeting of each calendar year. At each organizational 18015
meeting, the commission shall elect from among its voting members 18016
a chairperson, a vice-chairperson, and a secretary-treasurer, who 18017
shall serve until the next annual meeting. The commission shall 18018
adopt rules pursuant to section 111.15 of the Revised Code for the 18019
conduct of its internal business and shall keep a journal of its 18020
proceedings. 18021

(F) ~~Three~~ Four voting members of the commission constitute a 18022
quorum, and the affirmative vote of ~~three~~ four members is 18023
necessary for approval of any action taken by the commission. A 18024
vacancy in the membership of the commission does not impair a 18025
quorum from exercising all the rights and performing all the 18026
duties of the commission. Meetings of the commission may be held 18027
anywhere in the state, and shall be held in compliance with 18028
section 121.22 of the Revised Code. 18029

(G) All expenses incurred in carrying out this chapter are 18030
payable solely from money accrued under this chapter or 18031
appropriated for these purposes by the general assembly, and the 18032
commission shall incur no liability or obligation beyond such 18033
money. 18034

(H) The commission shall file an annual report of its 18035
activities and finances with the governor, director of budget and 18036
management, speaker of the house of representatives, president of 18037
the senate, and chairpersons of the house and senate finance 18038
committees. 18039

(I) There is hereby established in the state treasury the 18040
Ohio arts and sports facilities commission administration fund. 18041
All revenues of the commission shall be credited to that fund and 18042
to any accounts created in the fund with the commission's 18043
approval. All expenses of the commission, including reimbursement 18044
of, or payment to, any other fund or any governmental agency for 18045
advances made or services rendered to or on behalf of the 18046

commission, shall be paid from the Ohio arts and sports facilities 18047
commission administration fund as determined by or pursuant to 18048
directions of the commission. All investment earnings of the 18049
administration fund shall be credited to the fund and shall be 18050
allocated among any accounts created in the fund in the manner 18051
determined by the commission. 18052

(J) Title to all real property and lesser interests in real 18053
property acquired by the commission, including leasehold and other 18054
interests, pursuant to this chapter shall be taken in the name of 18055
the state and shall be held for the use and benefit of the 18056
commission. The commission shall not mortgage such real property 18057
and interests in real property. Title to other property and 18058
interests in it acquired by the commission pursuant to this 18059
chapter shall be taken in its name. 18060

Sec. 3383.04. The Ohio arts and sports facilities commission 18061
may: 18062

(A) Employ and fix the compensation of an executive director 18063
and such other employees as will facilitate the activities and 18064
purposes of the commission. Any executive director shall serve at 18065
the pleasure of the commission and may serve part-time. Other 18066
employees shall be employed by and serve at the pleasure of the 18067
commission or the executive director, as determined by the 18068
commission. 18069

(B) Adopt, amend, and rescind, pursuant to section 111.15 of 18070
the Revised Code, rules for the management and operation of Ohio 18071
arts facilities and Ohio sports facilities and for the exercise of 18072
all of the commission's rights with respect to those facilities; 18073

(C) Own, construct or provide for the construction of, lease, 18074
equip, furnish, administer, and manage or provide for the 18075
operation and management of, Ohio arts facilities and Ohio sports 18076
facilities; 18077

(D) Dispose of, whether by sale, lease, lease-purchase, 18078
sublease, re-lease, or otherwise, real and personal property, and 18079
lesser interests in it, held or owned by the state for the use and 18080
benefit of the commission or held or owned by the commission, if 18081
not needed for the commission's purposes, upon such terms as the 18082
commission determines, subject to approval by the governor in the 18083
case of real property and interests in it; 18084

(E) Grant such easements and other interests in real or 18085
personal property of the commission as will not interfere with the 18086
use of the property as an Ohio arts facility or an Ohio sports 18087
facility; 18088

(F) Fix, alter, and collect rentals and other charges for the 18089
use or availability for use of Ohio arts facilities or an Ohio 18090
sports facility, as determined solely by the commission, for the 18091
purpose of providing for all or a portion of the costs and 18092
expenses of the commission, and the costs to be paid by the 18093
commission of leasing, constructing, equipping, repairing, 18094
maintaining, administering, ~~and~~ managing, and cooperating in the 18095
use of Ohio arts facilities, including rentals to be paid by the 18096
commission for any Ohio arts facilities or for any Ohio sports 18097
facility; 18098

(G) Lease, sublease, or otherwise make available to an arts 18099
organization, Ohio arts facilities, and to any governmental agency 18100
or nonprofit corporation, Ohio sports facilities, including real 18101
and personal property, or any interests in it, to carry out the 18102
purposes of this chapter; 18103

(H) Contract with, retain the services of, or designate, and 18104
fix the compensation of, such agents, accountants, attorneys, 18105
consultants, advisers, and other independent contractors as may be 18106
necessary or desirable to carry out the purposes of this chapter; 18107

(I) Procure insurance against loss to the commission by 18108

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reason of damages to or nonusability of its property resulting 181109
from fire, theft, accident, or other casualties, or by reason of 181110
its liability for any damages to persons or property, including 181111
but not limited to, general liability insurance, business 181112
interruption insurance, liability insurance for members, officers, 181113
and employees, and copyright liability insurance; 181114

(J) Receive and accept gifts, grants, devises, bequests, 181115
loans, and any other financial or other form of aid or assistance 181116
from any governmental agency or other person and enter into any 181117
contract or agreement with any such agency or other person in 181118
connection therewith, and receive and accept aid or contributions 181119
from any other source of money, real or personal property, labor, 181120
or other things of value, to be held, used, and applied only for 181121
the purposes for which the aid and contributions are made and 181122
according to their terms and conditions, all within the purposes 181123
of this chapter; 181124

(K) Make and enter into all contracts, commitments, and 181125
agreements, and execute all instruments, necessary or incidental 181126
to the performance of its duties and the execution of its rights 181127
and powers under this chapter; 181128

(L) Do anything necessary or appropriate to carry out the 181129
purposes of and exercise the powers granted in this chapter; 181130

(M) Contract with any governmental agency or nonprofit 181131
corporation to provide or cause to be provided services, including 181132
general building services, in, to, or for an Ohio arts facility or 181133
any Ohio sports facility, or with an arts organization for the 181134
management of an Ohio arts facility, or with a governmental agency 181135
or nonprofit corporation for the management of an Ohio sports 181136
facility, all in furtherance of the state function, and make 181137
contracts pursuant to divisions (A) and (B) of section 3383.07 of 181138
the Revised Code, except that nothing in this chapter limits the 181139
exercise of the care, custody, control, and management of those 181140

state historical facilities specified in section 149.30 of the Revised Code. 18141
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Sec. 3383.07. (A) The department of administrative services shall provide for the construction of an arts project in conformity with Chapter 153. of the Revised Code, except as follows: 18143
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(1) For an arts project that has an estimated construction cost, excluding the cost of acquisition, of twenty-five million dollars or more, and that is financed by the Ohio building authority, construction services may be provided by the authority if the authority determines it should provide those services. 18147
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(2) For an arts project other than a state historical facility, construction services may be provided on behalf of the state by the Ohio arts and sports facilities commission, or by a governmental agency or an arts organization that occupies, will occupy, or is responsible for the Ohio arts facility, as determined by the ~~department of administrative services~~ commission. Construction services to be provided by a governmental agency or an arts organization shall be specified in an agreement between the commission and the governmental agency or arts organization. The agreement, or any actions taken under it, are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.151 and 153.011 of the Revised Code, and shall be subject to Chapter 4115. of the Revised Code. 18152
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(3) For an arts project that is a state historical facility, construction services may be provided by the Ohio arts and sports facilities commission or by an arts organization that occupies, will occupy, or is responsible for the facility, as determined by the commission. The construction services to be provided by the arts organization shall be specified in an agreement between the commission and the arts organization, ~~and the~~ That agreement, and 18165
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any actions taken under it, are not subject to Chapter 123., 153., 18172
or 4115. of the Revised Code. 18173

(B) For an Ohio sports facility that is financed in part by 18174
the Ohio building authority, construction services shall be 18175
provided on behalf of the state by or at the direction of the 18176
governmental agency or nonprofit corporation that will own or be 18177
responsible for the management of the facility, all as determined 18178
by the Ohio arts and sports facilities commission. Any 18179
construction services to be provided by a governmental agency or 18180
nonprofit corporation shall be specified in an agreement between 18181
the commission and the governmental agency or nonprofit 18182
corporation, ~~and the.~~ That agreement, and any actions taken under 18183
it, are not subject to Chapter 123. or 153. of the Revised Code, 18184
except for sections 123.151 and 153.011 of the Revised Code, and 18185
shall be subject to Chapter 4115. of the Revised Code. 18186

(C) General building services for an Ohio arts facility shall 18187
be provided by ~~the department of administrative services in~~ 18188
~~conformity with Chapter 123. of the Revised Code, except that the~~ 18189
~~Ohio building authority may elect to provide such services for~~ 18190
~~Ohio arts facilities it financed and such services may be provided~~ 18191
by the Ohio arts and sports facilities commission or by an arts 18192
organization that occupies, will occupy, or is responsible for the 18193
facility, as determined by the commission, except that the Ohio 18194
building authority may elect to provide those services for Ohio 18195
arts facilities financed with proceeds of state bonds issued by 18196
the authority. The costs of management and general building 18197
services shall be paid by the arts organization that occupies, 18198
will occupy, or is responsible for the facility as provided in an 18199
agreement between the commission and the arts organization, except 18200
that the state may pay for general building services for 18201
state-owned arts facilities constructed on state-owned land. 18202

General 18203

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General building services for an Ohio sports facility shall 18204
be provided by or at the direction of the governmental agency or 18205
nonprofit corporation that will be responsible for the management 18206
of the facility, all as determined by the commission. Any general 18207
building services to be provided by a governmental agency or 18208
nonprofit corporation for an Ohio sports facility shall be 18209
specified in an agreement between the commission and the 18210
governmental agency or nonprofit corporation, ~~and that. That~~ 18211
agreement, and any actions taken under it, are not subject to 18212
Chapter 123. or 153. of the Revised Code, except for sections 18213
123.151 and 153.011 of the Revised Code, and shall be subject to 18214
Chapter 4115. of the Revised Code. 18215

(D) This division does not apply to a state historical 18216
facility. No state funds, including any state bond proceeds, shall 18217
be spent on the construction of any arts project under this 18218
chapter unless, with respect to the arts project and to the Ohio 18219
arts facility related to the project, all of the following apply: 18220

(1) The Ohio arts and sports facilities commission has 18221
determined that there is a need for the arts project and the Ohio 18222
arts facility related to the project in the region of the state 18223
~~for~~ in which the Ohio arts facility is located or for which the 18224
facility is proposed to be located. 18225

(2) The commission has determined that, as an indication of 18226
substantial regional support for the arts project, the arts 18227
organization has made provision satisfactory to the commission, in 18228
its sole discretion, for local contributions amounting to not less 18229
than fifty per cent of the total state funding for the arts 18230
project. 18231

(3) The general assembly has specifically authorized the 18232
spending of money on, or made an appropriation for, the 18233
construction of the arts project, or for rental payments relating 18234
to the financing of the construction of the arts project. 18235

Authorization to spend money, or an appropriation, for planning 18236
the arts project does not constitute authorization to spend money 18237
on, or an appropriation for, construction of the arts project. 18238

(E) No state funds, including any state bond proceeds, shall 18239
be spent on the construction of any state historical facility 18240
under this chapter unless the general assembly has specifically 18241
authorized the spending of money on, or made an appropriation for, 18242
the construction of the arts project related to the facility, or 18243
for rental payments relating to the financing of the construction 18244
of the arts project. Authorization to spend money, or an 18245
appropriation, for planning the arts project does not constitute 18246
authorization to spend money on, or an appropriation for, the 18247
construction of the arts project. 18248

(F) State funds shall not be used to pay or reimburse more 18249
than fifteen per cent of the initial estimated construction cost 18250
of an Ohio sports facility, excluding any site acquisition cost, 18251
and no state funds, including any state bond proceeds, shall be 18252
spent on any Ohio sports facility under this chapter unless, with 18253
respect to that facility, all of the following apply: 18254

(1) The Ohio arts and sports facilities commission has 18255
determined that there is a need for the facility in the region of 18256
the state for which the facility is proposed to provide the 18257
function of an Ohio sports facility as provided for in this 18258
chapter. 18259

(2) As an indication of substantial local support for the 18260
facility, the commission has received a financial and development 18261
plan satisfactory to it, and provision has been made, by agreement 18262
or otherwise, satisfactory to the commission, for a contribution 18263
amounting to not less than eighty-five per cent of the total 18264
estimated construction cost of the facility, excluding any site 18265
acquisition cost, from sources other than the state. 18266

(3) The general assembly has specifically authorized the 18267
spending of money on, or made an appropriation for, the 18268
construction of the facility, or for rental payments relating to 18269
state financing of all or a portion of the costs of constructing 18270
the facility. Authorization to spend money, or an appropriation, 18271
for planning or determining the feasibility of or need for the 18272
facility does not constitute authorization to spend money on, or 18273
an appropriation for, costs of constructing the facility. 18274

(4) If state bond proceeds are being used for the Ohio sports 18275
facility, the state or a governmental agency owns or has 18276
sufficient property interests in the facility or in the site of 18277
the facility or in the portion or portions of the facility 18278
financed from proceeds of state bonds, which may include, but is 18279
not limited to, the right to use or to require the use of the 18280
facility for the presentation of sport and athletic events to the 18281
public at the facility, extending for a period of not less than 18282
the greater of the useful life of the portion of the facility 18283
financed from proceeds of those bonds as determined using the 18284
guidelines for maximum maturities as provided under divisions (B), 18285
(C), and (D) of section 133.20 of the Revised Code, or the period 18286
of time remaining to the date of payment or provision for payment 18287
of outstanding state bonds allocable to costs of the facility, all 18288
as determined by the director of budget and management and 18289
certified by the director to the Ohio arts and sports facilities 18290
commission and to the Ohio building authority. 18291

Sec. 3383.09. (A) There is hereby created in the state 18292
treasury the arts facilities building fund, which shall consist of 18293
proceeds of obligations authorized to pay costs of arts facilities 18294
projects for which appropriations are made by the general 18295
assembly. All investment earnings of the fund shall be credited to 18296
the fund. 18297

(B) There is hereby created in the state treasury the sports facilities building fund, which shall consist of proceeds of obligations authorized to pay costs of sports facilities projects for which appropriations are made by the general assembly. All investment earnings of the fund shall be credited to the fund. 18298
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(C) The director of budget and management may transfer, to the Ohio arts and sports facilities commission administration fund, investment earnings credited to the arts facilities building fund and the sports facilities building fund that exceed the amounts required to meet estimated federal arbitrage rebate requirements when requested of the director of budget and management by the chairperson or executive director of the commission. 18304
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Sec. 3701.142. (A) The director of health shall appoint the chief and the administrative assistant of the office of women's health initiatives. The director may appoint, to the extent of available funds, persons to other positions determined by ~~him~~ the director to be relevant and necessary. 18312
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(B) The chief shall have all of the following qualifications, plus any additional qualifications the director considers appropriate: 18317
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(1) The equivalent of a masters or higher degree in public health, medicine, health sciences, environmental science, law, public administration, or a related field; 18320
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(2) Familiarity with national maternal and child health objectives of the department; 18323
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(3) Knowledge of or experience in women's and infants' preventive health care; 18325
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(4) Understanding of health care delivery systems; 18327

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(5) A global public health perspective.	18328
(C)(1) The majority of the chief's time shall be spent in the performance of the following responsibilities:	18329
(a) Identifying issues that affect women's health;	18330
(b) Advocating for women's health concerns within the department, state government, and the community;	18331
(c) Serving as a liaison for the public, interest groups, the department, and other state agencies on issues that affect women's health;	18332
(d) Developing recommendations to the director regarding programs addressing women's health issues for inclusion in the biennial budget and departmental strategic planning;	18333
(e) Preparing materials for publication.	18334
(2) In addition, the chief shall do the following:	18335
(a) Develop and recommend research, funding, and program activities for the intervention, treatment, and education of the public on women's health initiatives including health needs throughout the life cycle, reproductive health, gender bias in research, chemical dependence, access to health care, health and safety in the workplace, poverty and women's health, causes of death in women, violence and women's health, and any other women's health issue the chief considers appropriate;	18336
(b) Supervise the administrative assistant and any other employees assigned to the office of women's health initiatives;	18337
(c) Oversee the administrative operations of the office of women's health initiatives;	18338
(d) Research, advise, and assist the director concerning governor's office correspondence referrals, legislative initiatives, rules, and similar executive decisions relating to	18339

the health of women; 18357

(e) Represent the director, as requested, before the general 18358
assembly ~~and the women's policy and research commission.~~ 18359

(D) The administrative assistant shall provide clerical and 18360
administrative support as needed to the chief. 18361

(E) To promote coordination of programs and of offices' 18362
initiatives, the director, assistant director, deputy directors, 18363
and chiefs selected by the director in the department shall attend 18364
quarterly meetings regarding the activities of the office of 18365
women's health initiatives. 18366

(F) After considering the report submitted pursuant to 18367
division (C) of section 3701.141 of the Revised Code, the director 18368
of health shall develop and implement biennial initiatives on 18369
women's health needs. 18370

Sec. 3701.92. (A) There is hereby created in the department 18371
of health the Ohio hepatitis C advisory commission. 18372

(B) The commission shall consist of the following members: 18373

(1) Eleven members appointed by the director of health; 18374

(2) Two members of the house of representatives, one from 18375
each political party, appointed by the speaker of the house of 18376
representatives; 18377

(3) Two members of the senate, one from each political party, 18378
appointed by the president of the senate. 18379

Each member shall serve without compensation for a term of 18380
one year. 18381

Sec. 3702.68. (A) Notwithstanding sections 3702.51 to 3702.62 18382
of the Revised Code, this section applies to the review of 18383
certificate of need applications during the period beginning July 18384

1, 1993, and ending ~~June 30, 2001~~ October 15, 2003. 18385

(B)(1) Except as provided in division (B)(2) of this section, 18386
the director of health shall neither grant nor deny any 18387
application for a certificate of need submitted prior to July 1, 18388
1993, if the application was for any of the following and the 18389
director had not issued a written decision concerning the 18390
application prior to that date: 18391

(a) Approval of beds in a new health care facility or an 18392
increase of beds in an existing health care facility, if the beds 18393
are proposed to be licensed as nursing home beds under Chapter 18394
3721. of the Revised Code; 18395

(b) Approval of beds in a new county home or new county 18396
nursing home as defined in section 5155.31 of the Revised Code, or 18397
an increase of beds in an existing county home or existing county 18398
nursing home, if the beds are proposed to be certified as skilled 18399
nursing facility beds under Title XVIII or nursing facility beds 18400
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 18401
42 U.S.C.A. 301, as amended; 18402

(c) Recategorization of hospital beds as described in section 18403
3702.522 of the Revised Code, an increase of hospital beds 18404
registered pursuant to section 3701.07 of the Revised Code as 18405
long-term care beds or skilled nursing facility beds, or a 18406
recategorization of hospital beds that would result in an increase 18407
of beds registered pursuant to that section as long-term care beds 18408
or skilled nursing facility beds. 18409

On July 1, 1993, the director shall return each such 18410
application to the applicant and, notwithstanding section 3702.52 18411
of the Revised Code regarding the uses of the certificate of need 18412
fund, shall refund to the applicant the application fee paid under 18413
that section. Applications returned under division (B)(1) of this 18414
section may be resubmitted in accordance with section 3702.52 of 18415
the Revised Code no sooner than ~~July 1, 2001~~ October 16, 2003. 18416

(2) The director shall continue to review and shall issue a decision regarding any application submitted prior to July 1, 1993, to increase beds for either of the purposes described in division (B)(1)(a) or (b) of this section if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds within the same county. The director shall authorize under such an application no additional beds beyond those being replaced or relocated.

(C)(1) Except as provided in division (C)(2) and (3) of this section, the director, during the period beginning July 1, 1993, and ending ~~June 30, 2001~~ October 15, 2003, shall not accept for review under section 3702.52 of the Revised Code any application for a certificate of need for any of the purposes described in divisions (B)(1)(a) to (c) of this section.

(2)(a) The director shall accept for review any application for either of the purposes described in division (B)(1)(a) or (b) of this section if either of the following apply:

(i) In case of an existing health care facility that is a nursing home described in section 5123.192 of the Revised Code, the proposed increase is attributable solely to the replacement of existing beds within the same county.

(ii) In the case of a health care facility or county home described in division (B)(1)(a) or (b) of this section, other than an existing health care facility described in division (C)(2)(a)(i) of this section, the proposed increase in beds is attributable solely to a replacement or relocation of existing beds within the same county. ~~The~~

(b) In the case of an existing health care facility described in division (C)(2)(a)(i) of this section, the director shall continue to review and shall issue a decision regarding any application submitted during the period beginning on July 1, 1993,

and ending on the effective date of this amendment to increase 18448
beds for either of the purposes described in division (B)(1)(a) or 18449
(b) of this section only if the proposed increase in beds is 18450
attributable solely to a relocation of existing beds within the 18451
same county. An existing health care facility described in 18452
division (C)(2)(a)(i) of this section that on or after the 18453
effective date of this amendment seeks to increase beds for either 18454
of the purposes described in division (B)(1)(a) or (b) of this 18455
section shall apply for a license under section 5123.19 of the 18456
Revised Code, as described in division (B) of section 5123.192 of 18457
the Revised Code, if the proposed increase is attributable to a 18458
relocation of existing beds within the same county. 18459

(c) The director shall authorize under such an application 18460
described in division (C)(2)(a) or (b) of this section no 18461
additional beds beyond those being replaced or relocated. ~~The~~ 18462

(3) The director also shall accept for review any application 18463
that seeks certificate of need approval for existing beds located 18464
in an infirmary that is operated exclusively by a religious order, 18465
provides care exclusively to members of religious orders who take 18466
vows of celibacy and live by virtue of their vows within the 18467
orders as if related, and was providing care exclusively to 18468
members of such a religious order on January 1, 1994. 18469

(D) The director shall issue a decision regarding any case 18471
remanded by a court as the result of a decision issued by the 18472
director prior to July 1, 1993, to grant, deny, or withdraw a 18473
certificate of need for any of the purposes described in divisions 18474
(B)(1)(a) to (c) of this section. 18475

(E) The director shall not project the need for beds listed 18476
in division (B)(1) of this section for the period beginning July 18477
1, 1993, and ending ~~June 30, 2001~~ October 15, 2003. 18478

This section is an interim section effective until ~~July 1,~~ 18479
~~2001~~ October 16, 2003. 18480

Sec. 3704.143. (A) As used in this section, "contract" means 18481
a contract entered into by the state under section 3704.14 of the 18482
Revised Code with a private contractor for the purpose of 18483
conducting emissions inspections under a motor vehicle inspection 18484
and maintenance program. 18485

(B) Notwithstanding division (D)(5) of section 3704.14 of the 18486
Revised Code, the director of administrative services or the 18487
director of environmental protection, as applicable, shall not 18488
renew any contract that is in existence on the effective date of 18489
this section. Further, the director of administrative services or 18490
the director of environmental protection, as applicable, shall not 18491
enter into a new contract upon the expiration or termination of 18492
any contract that is in existence on the effective date of this 18493
section. 18494

(C) Notwithstanding section 3704.14 of the Revised Code or 18495
any other section of the Revised Code that requires emissions 18496
inspections to be conducted or proof of such inspections to be 18497
provided, upon the expiration or termination of all contracts that 18498
are in existence on the effective date of this section, the 18499
director of environmental protection shall terminate all motor 18500
vehicle inspection and maintenance programs in this state and 18501
shall not implement a new motor vehicle inspection and maintenance 18502
program unless this section is repealed and such a program is 18503
authorized by the general assembly. 18504

Sec. 3721.07. (A) Every person desiring to operate a home and 18505
the superintendent or administrator of each county home or 18506
district home for which a license as a residential care facility 18507
is sought shall apply for a license to the director of health. The 18508

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director shall issue a license for the home, if after 18509
investigation of the applicant and, if required by section 3721.02 18510
of the Revised Code, inspection of the home, the following 18511
requirements or conditions are satisfied or complied with: 18512

~~(A)~~(1) The applicant has not been convicted of a felony or a 18513
crime involving moral turpitude; 18514

~~(B)~~(2) The applicant is not violating any of the rules made 18515
by the public health council or any order issued by the director 18516
of health; 18517

~~(C)~~(3) The buildings in which the home is housed have been 18518
approved by the state fire marshal or a township, municipal, or 18519
other legally constituted fire department approved by the marshal. 18520
In the approval of a home such agencies shall apply standards 18521
prescribed by the board of building standards, and by the state 18522
fire marshal, and by section 3721.071 of the Revised Code. 18523

~~(D)~~(4) The applicant, if it is an individual, or the 18524
principal participants, if it is an association or a corporation, 18525
is or are suitable financially and morally to operate a home; 18526

~~(E)~~(5) The applicant is equipped to furnish humane, kind, and 18527
adequate treatment and care; 18528

~~(F)~~(6) The home does not maintain or contain: 18529

~~(1)~~(a) Facilities for the performance of major surgical 18530
procedures; 18531

~~(2)~~(b) Facilities for providing therapeutic radiation; 18532

~~(3)~~(c) An emergency ward; 18533

~~(4)~~(d) A clinical laboratory unless it is under the 18534
supervision of a clinical pathologist who is a licensed physician 18535
in this state; 18536

~~(5)~~(e) Facilities for radiological examinations unless such 18537
examinations are performed only by a person licensed to practice 18538

medicine, surgery, or dentistry in this state. 18539

~~(G)~~(7) The home does not accept or treat outpatients, except 18540
upon the written orders of a physician licensed in this state, 18541
maternity cases, boarding children, and does not house transient 18542
guests, other than participants in an adult day-care program, for 18543
twenty-four hours or less; 18544

~~(H)~~(8) The home is in compliance with sections 3721.28 and 18545
3721.29 of the Revised Code. 18546

(B) When the director issues a license, the license shall 18547
remain in effect until revoked by the director ~~or~~, voided at the 18548
request of the applicant, or terminated as described in division 18549
(D) of this section; provided, there shall be an annual renewal 18550
fee payable during the month of January of each calendar year. Any 18551
licensed home that does not pay its renewal fee in January shall 18552
pay, beginning the first day of February, a late fee of one 18553
hundred dollars for each week or part thereof that the renewal fee 18554
is not paid. If either the renewal fee or the late fee is not paid 18555
by the fifteenth day of February, the director may, in accordance 18556
with Chapter 119. of the Revised Code, revoke the home's license. 18557
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(C) A person whose license is revoked, and a county home or 18559
district home that has its license as a residential care facility 18560
revoked, for any reason other than nonpayment of the license 18561
renewal fee or late fees may not apply for a new license under 18562
this chapter until a period of one year following the date of 18563
revocation has elapsed. 18564

(D) A license issued by the director to a nursing home 18565
described in section 5123.192 of the Revised Code shall terminate 18566
if the nursing home obtains a license under section 5123.19 of the 18567
Revised Code. 18568

(E) Any applicant who is denied a license may appeal in 18569

accordance with Chapter 119. of the Revised Code. 18570

Sec. 3721.12. (A) The administrator of a home shall: 18571

(1) With the advice of residents, their sponsors, or both, 18572
establish and review at least annually, written policies regarding 18573
the applicability and implementation of residents' rights under 18574
sections 3721.10 to 3721.17 of the Revised Code, the 18575
responsibilities of residents regarding the rights, and the home's 18576
grievance procedure established under division (A)(2) of this 18577
section. The administrator is responsible for the development of, 18578
and adherence to, procedures implementing the policies. 18579

(2) Establish a grievance committee for review of complaints 18580
by residents. The grievance committee shall be comprised of the 18581
home's staff and residents, sponsors, or outside representatives 18582
in a ratio of not more than one staff member to every two 18583
residents, sponsors, or outside representatives. 18584

(3) Furnish to each resident and sponsor prior to or at the 18585
time of admission, and to each member of the home's staff, at 18586
least one of each of the following: 18587

(a) A copy of the rights established under sections 3721.10 18588
to 3721.17 of the Revised Code; 18589

(b) A written explanation of the provisions of section 18590
3721.16 of the Revised Code or, for each resident described in 18591
section 5111.63 of the Revised Code, the provisions of sections 18592
5111.63 and 5111.64 of the Revised Code; 18593

(c) A copy of the home's policies and procedures established 18594
under this section; 18595

(d) A copy of the home's rules; 18596

(e) A copy of the addresses and telephone numbers of the 18597
board of health of the health district of the county in which the 18598
home is located, the county department of job and family services 18599

of the county in which the home is located, the state departments 18600
of health and job and family services, the state and local offices 18601
of the department of aging, and any Ohio nursing home ombudsperson 18602
program. 18603

(B) Written acknowledgment of the receipt of copies of the 18604
materials listed in this section shall be made part of the 18605
resident's record and the staff member's personnel record. 18606

(C) The administrator shall post all of the following 18607
prominently within the home: 18608

(1) A copy of the rights of residents as listed in division 18609
(A) of section 3721.13 of the Revised Code; 18610

(2) A copy of the home's rules and its policies and 18611
procedures regarding the rights and responsibilities of residents; 18612

(3) A notice that a copy of this chapter, rules of the 18613
department of health applicable to the home, and federal 18614
regulations adopted under Titles XVIII and XIX of the "Social 18615
Security Act," 49 79 Stat. 620 286 (~~1935~~ 1965), 42 U.S.C.A. 301 18616
1395 and 1396, as amended, and the materials required to be 18617
available in the home under section 3721.021 of the Revised Code, 18618
are available for inspection in the home at reasonable hours; 18619

(4) A list of residents' rights advocates; 18620

(5) A notice that the following are available in a place 18621
readily accessible to residents: 18622

(a) If the home is licensed under section 3721.02 of the 18623
Revised Code, a copy of the most recent licensure inspection 18624
report prepared for the home under that section; 18625

(b) If the home is a nursing facility as defined in section 18626
5111.20 of the Revised Code, a copy of the most recent statement 18627
of deficiencies issued to the home under section 5111.42 of the 18628
Revised Code. 18629

(D) The administrator of a home may, with the advice of residents, their sponsors, or both, establish written policies regarding the applicability and administration of any additional residents' rights beyond those set forth in sections 3721.10 to 3721.17 of the Revised Code, and the responsibilities of residents regarding the rights. Policies established under this division shall be reviewed, and procedures developed and adhered to as in division (A)(1) of this section.

Sec. 3721.16. (A)(1) For each resident of a home, other than a resident described in section 5111.63 of the Revised Code, notice of a proposed transfer or discharge and a request for hearing on the transfer or discharge shall be in accordance with this section.

(1) Except in an emergency or unless authorized by statute or by rules of the director of health, the administrator of a home shall notify a resident in writing, and the resident's sponsor in writing by certified mail, return receipt requested, in advance of any proposed transfer or discharge from the home. The notice shall be provided at least thirty days in advance of the proposed transfer or discharge, unless either of the following applies:

(a) The resident's health has improved sufficiently to allow a more immediate discharge or transfer to a less skilled level of care;

(b) The resident has resided in the home less than thirty days.

In the case of a resident described in division (A)(1)(a) or (b) of this section, the notice shall be provided as many days in advance of the proposed transfer or discharge as is practicable.

(2) The notice required under division (A)(1) of this section shall include all of the following:

(a) The reasons for the proposed transfer or discharge;	18660
(b) Notice of the right of the resident and his <u>the</u> <u>resident's</u> sponsor to an impartial hearing at the home on the proposed transfer or discharge, and of the manner in which and the time within which the resident or his sponsor may request a hearing under division (C) of this section;	18661 18662 18663 18664 18665
(c) The address of the legal services office of the department of health;	18666 18667
(d) The name, address, and telephone number of a representative of the state long-term care ombudsman <u>ombudsperson</u> program and, if the resident or patient has a developmental disability or mental illness, the name, address, and telephone number of the Ohio legal rights service.	18668 18669 18670 18671 18672
(B) Transfer or discharge actions shall be documented in the resident's medical record by the home if there is a medical basis for the action.	18673 18674 18675
(C) A resident or his <u>resident's</u> sponsor may challenge a transfer or discharge by requesting an impartial hearing at the home, unless the transfer or discharge is required because of an emergency or one of the following reasons:	18676 18677 18678 18679
(1) The home's license has been revoked under this chapter;	18680
(2) The home is being closed pursuant to sections 5111.35 to 5111.62 or section 5155.31 of the Revised Code;	18681 18682
(3) The resident is a recipient of medical assistance under section 5111.01 of the Revised Code and the home's participation in the medical assistance program has been terminated or denied;	18683 18684 18685
(4) The resident is a beneficiary under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended and the home's certification under Title XVIII has been terminated or denied.	18686 18687 18688 18689

A request for a hearing under this section shall be sent in writing to the legal services office of the department of health not later than ten days after the resident and ~~his~~ the resident's sponsor receive notice of the proposed transfer or discharge. A hearing shall be held within ten days by the department of health. A representative of the department shall preside over the hearing and issue a recommendation within five days as to any advisable action to the administrator, the resident, and any interested sponsor.

If a resident is transferred or discharged pursuant to this section, the home from which the resident is being transferred or discharged shall provide the resident with adequate preparation prior to the transfer or discharge to ensure a safe and orderly transfer or discharge from the home, and the home or alternative setting to which the resident is to be transferred or discharged shall have accepted the resident for transfer or discharge.

(D) An impartial hearing on resident transfer or discharge is not subject to section 121.22 of the Revised Code.

~~(E) At the time of a transfer or discharge of a resident who is a recipient of medical assistance under section 5111.01 of the Revised Code from a home to a hospital or for therapeutic leave, the home shall provide notice in writing to the resident and in writing by certified mail, return receipt requested, to the resident's sponsor, specifying the number of days, if any, during which the resident will be permitted under the medical assistance program to return and resume residence in the home and specifying the medical assistance program's coverage of the days during which the resident is absent from the home. An individual who is absent from a home for more than the number of days specified in the notice and continues to require the services provided by the facility shall be given priority for the first available bed in a semi-private room.~~

Sec. 3721.17. (A) Any resident who believes that the 18722
resident's rights under sections 3721.10 to 3721.17 of the Revised 18723
Code have been violated may file a grievance under procedures 18724
adopted pursuant to division (A)(2) of section 3721.12 of the 18725
Revised Code. 18726

When the grievance committee determines a violation of 18727
sections 3721.10 to 3721.17 of the Revised Code has occurred, it 18728
shall notify the administrator of the home. If the violation 18729
cannot be corrected within ten days, or if ten days have elapsed 18730
without correction of the violation, the grievance committee shall 18731
refer the matter to the department of health. 18732

(B) Any person who believes that a resident's rights under 18733
sections 3721.10 to 3721.17 of the Revised Code have been violated 18734
may report or cause reports to be made of the information directly 18735
to the department of health. No person who files a report is 18736
liable for civil damages resulting from the report. 18737

(C)(1) Within thirty days of receiving a complaint under this 18738
section, the department of health shall investigate any complaint 18739
referred to it by a home's grievance committee and any complaint 18740
from any source that alleges that the home provided substantially 18741
less than adequate care or treatment, or substantially unsafe 18742
conditions, or, within seven days of receiving a complaint, refer 18743
it to the attorney general, if the attorney general agrees to 18744
investigate within thirty days. 18745

(2) Within thirty days of receiving a complaint under this 18746
section, the department of health may investigate any alleged 18747
violation of sections 3721.10 to 3721.17 of the Revised Code, or 18748
of rules, policies, or procedures adopted pursuant to those 18749
sections, not covered by division (C)(1) of this section, or it 18750
may, within seven days of receiving a complaint, refer the 18751
complaint to the grievance committee at the home where the alleged 18752

violation occurred, or to the attorney general if the attorney
general agrees to investigate within thirty days. 18753
18754

(D) If, after an investigation, the department of health 18755
finds probable cause to believe that a violation of sections 18756
3721.10 to 3721.17 of the Revised Code, or of rules, policies, or 18757
procedures adopted pursuant to those sections, has occurred at a 18758
home that is certified under Title XVIII or XIX of the "Social 18759
Security Act," ~~49~~ 79 Stat. ~~620~~ 286 (~~1935~~ 1965), 42 U.S.C.A. ~~301~~ 18760
1395 and 1396, as amended, it shall cite one or more findings or 18761
deficiencies under sections 5111.35 to 5111.62 of the Revised 18762
Code. If the home is not so certified, the department shall hold 18763
an adjudicative hearing within thirty days under Chapter 119. of 18764
the Revised Code. 18765

(E) Upon a finding at an adjudicative hearing under division 18766
(D) of this section that a violation of sections 3721.10 to 18767
3721.17 of the Revised Code, or of rules, policies, or procedures 18768
adopted pursuant thereto, has occurred, the department of health 18769
shall make an order for compliance, set a reasonable time for 18770
compliance, and assess a fine pursuant to division (F) of this 18771
section. The fine shall be paid to the general revenue fund only 18772
if compliance with the order is not shown to have been made within 18773
the reasonable time set in the order. The department of health may 18774
issue an order prohibiting the continuation of any violation of 18775
sections 3721.10 to 3721.17 of the Revised Code. 18776

Findings at the hearings conducted under this section may be 18777
appealed pursuant to Chapter 119. of the Revised Code, except that 18778
an appeal may be made to the court of common pleas of the county 18779
in which the home is located. 18780

The department of health shall initiate proceedings in court 18781
to collect any fine assessed under this section which is unpaid 18782
thirty days after the violator's final appeal is exhausted. 18783

(F) Any home found, pursuant to an adjudication hearing under 18784
division (D) of this section, to have violated sections 3721.10 to 18785
3721.17 of the Revised Code, or rules, policies, or procedures 18786
adopted pursuant to those sections may be fined not less than one 18787
hundred nor more than five hundred dollars for a first offense. 18788
For each subsequent offense, the home may be fined not less than 18789
two hundred nor more than one thousand dollars. 18790

A violation of sections 3721.10 to 3721.17 of the Revised 18791
Code is a separate offense for each day of the violation and for 18792
each resident who claims the violation. 18793

(G) No home or employee of a home shall retaliate against any 18794
person who: 18795

(1) Exercises any right set forth in sections 3721.10 to 18796
3721.17 of the Revised Code, including, but not limited to, filing 18797
a complaint with the home's grievance committee or reporting an 18798
alleged violation to the department of health; 18799

(2) Appears as a witness in any hearing conducted under this 18800
section ~~and~~ or section 3721.16 or 5111.64 of the Revised Code; 18801

(3) Files a civil action alleging a violation of sections 18802
3721.10 to 3721.17 of the Revised Code, or notifies a county 18803
prosecuting attorney or the attorney general of a possible 18804
violation of sections 3721.10 to 3721.17 of the Revised Code. 18805

If, under the procedures outlined in this section, a home or 18806
its employee is found to have retaliated, the violator may be 18807
fined up to one thousand dollars. 18808

(H) When legal action is indicated, any evidence of criminal 18809
activity found in an investigation under division (C) of this 18810
section shall be given to the prosecuting attorney in the county 18811
in which the home is located for investigation. 18812

(I)(1) Any resident whose rights under sections 3721.10 to 18813

3721.17 of the Revised Code are violated has a cause of action 18814
against any person or home committing the violation. The action 18815
may be commenced by the resident or by the resident's sponsor on 18816
behalf of the resident. 18817

(2)(a) If compensatory damages are awarded for a violation of 18818
the resident's rights, section 2315.21 of the Revised Code, except 18819
divisions (E)(1) and (2) of that section, shall apply to an award 18820
of punitive or exemplary damages for the violation. 18821

(b) The court may award to the prevailing party reasonable 18822
attorney's fees limited to the work reasonably performed. 18823

(3) Division (I)(2)(a) of this section shall be considered to 18824
be purely remedial in operation and shall be applied in a remedial 18825
manner in any civil action in which this section is relevant, 18826
whether the action is pending in court or commenced on or after 18827
~~the effective date of this amendment July 9, 1998.~~ 18828

Sec. 3734.57. (A) For the purposes of paying the state's 18829
long-term operation costs or matching share for actions taken 18830
under the "Comprehensive Environmental Response, Compensation, and 18831
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 18832
amended; paying the costs of measures for proper clean-up of sites 18833
where polychlorinated biphenyls and substances, equipment, and 18834
devices containing or contaminated with polychlorinated biphenyls 18835
have been stored or disposed of; paying the costs of conducting 18836
surveys or investigations of solid waste facilities or other 18837
locations where it is believed that significant quantities of 18838
hazardous waste were disposed of and for conducting enforcement 18839
actions arising from the findings of such surveys or 18840
investigations; paying the costs of acquiring and cleaning up, or 18841
providing financial assistance for cleaning up, any hazardous 18842
waste facility or solid waste facility containing significant 18843
quantities of hazardous waste, that constitutes an imminent and 18844

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substantial threat to public health or safety or the environment; 18845
and, from July 1, ~~1999~~ 2001, through June 30, ~~2001~~ 2004, for the 18846
purposes of paying the costs of administering and enforcing the 18847
laws pertaining to solid wastes, infectious wastes, and 18848
construction and demolition debris, including, without limitation, 18849
ground water evaluations related to solid wastes, infectious 18850
wastes, and construction and demolition debris, under this chapter 18851
and Chapter 3714. of the Revised Code and any rules adopted under 18852
them, and paying a share of the administrative costs of the 18853
environmental protection agency pursuant to section 3745.014 of 18854
the Revised Code, the following fees are hereby levied on the 18855
disposal of solid wastes in this state: 18856

(1) One dollar per ton on and after July 1, 1993; 18857

(2) An additional seventy-five cents per ton on and after 18858
July 1, ~~1999~~ 2001, through June 30, ~~2001~~ 2004. 18859

The owner or operator of a solid waste disposal facility 18860
shall collect the fees levied under this division as a trustee for 18861
the state and shall prepare and file with the director of 18862
environmental protection monthly returns indicating the total 18863
tonnage of solid wastes received for disposal at the gate of the 18864
facility and the total amount of the fees collected under this 18865
division. Not later than thirty days after the last day of the 18866
month to which such a return applies, the owner or operator shall 18867
mail to the director the return for that month together with the 18868
fees collected during that month as indicated on the return. The 18869
owner or operator may request an extension of not more than thirty 18870
days for filing the return and remitting the fees, provided that 18871
the owner or operator has submitted such a request in writing to 18872
the director together with a detailed description of why the 18873
extension is requested, the director has received the request not 18874
later than the day on which the return is required to be filed, 18875
and the director has approved the request. If the fees are not 18876

remitted within sixty days after the last day of the month during 18877
which they were collected, the owner or operator shall pay an 18878
additional fifty per cent of the amount of the fees for each month 18879
that they are late. 18880

One-half of the moneys remitted to the director under 18881
division (A)(1) of this section shall be credited to the hazardous 18882
waste facility management fund created in section 3734.18 of the 18883
Revised Code, and one-half shall be credited to the hazardous 18884
waste clean-up fund created in section 3734.28 of the Revised 18885
Code. The moneys remitted to the director under division (A)(2) of 18886
this section shall be credited to the solid waste fund, which is 18887
hereby created in the state treasury. The environmental protection 18888
agency shall use moneys in the solid waste fund only to pay the 18889
costs of administering and enforcing the laws pertaining to solid 18890
wastes, infectious wastes, and construction and demolition debris, 18891
including, without limitation, ground water evaluations related to 18892
solid wastes, infectious wastes, and construction and demolition 18893
debris, under this chapter and Chapter 3714. of the Revised Code 18894
and rules adopted under them and to pay a share of the 18895
administrative costs of the environmental protection agency 18896
pursuant to section 3745.014 of the Revised Code. 18897

The fees levied under this division and divisions (B) and (C) 18899
of this section are in addition to all other applicable fees and 18900
taxes and shall be added to any other fee or amount specified in a 18901
contract that is charged by the owner or operator of a solid waste 18902
disposal facility or to any other fee or amount that is specified 18903
in a contract entered into on or after March 4, 1992, and that is 18904
charged by a transporter of solid wastes. 18905

(B) For the purpose of preparing, revising, and implementing 18906
the solid waste management plan of the county or joint solid waste 18907
management district, including, without limitation, the 18908

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development and implementation of solid waste recycling or 18909
reduction programs; providing financial assistance to boards of 18910
health within the district, if solid waste facilities are located 18911
within the district, for the enforcement of this chapter and rules 18912
adopted and orders and terms and conditions of permits, licenses, 18913
and variances issued under it, other than the hazardous waste 18914
provisions of this chapter and rules adopted and orders and terms 18915
and conditions of permits issued under those provisions; providing 18916
financial assistance to the county to defray the added costs of 18917
maintaining roads and other public facilities and of providing 18918
emergency and other public services resulting from the location 18919
and operation of a solid waste facility within the county under 18920
the district's approved solid waste management plan; paying the 18921
costs incurred by boards of health for collecting and analyzing 18922
water samples from public or private wells on lands adjacent to 18923
solid waste facilities that are contained in the approved or 18924
amended plan of the district; paying the costs of developing and 18925
implementing a program for the inspection of solid wastes 18926
generated outside the boundaries of this state that are disposed 18927
of at solid waste facilities included in the district's approved 18928
solid waste management plan or amended plan; providing financial 18929
assistance to boards of health within the district for enforcing 18930
laws prohibiting open dumping; providing financial assistance to 18931
local law enforcement agencies within the district for enforcing 18932
laws and ordinances prohibiting littering; providing financial 18933
assistance to boards of health of health districts within the 18934
district that are on the approved list under section 3734.08 of 18935
the Revised Code for the training and certification required for 18936
their employees responsible for solid waste enforcement by rules 18937
adopted under division (L) of section 3734.02 of the Revised Code; 18938
providing financial assistance to individual municipal 18939
corporations and townships within the district to defray their 18940
added costs of maintaining roads and other public facilities and 18941

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of providing emergency and other public services resulting from 18942
the location and operation within their boundaries of a 18943
composting, energy or resource recovery, incineration, or 18944
recycling facility that either is owned by the district or is 18945
furnishing solid waste management facility or recycling services 18946
to the district pursuant to a contract or agreement with the board 18947
of county commissioners or directors of the district; and payment 18948
of any expenses that are agreed to, awarded, or ordered to be paid 18949
under section 3734.35 of the Revised Code and of any 18950
administrative costs incurred pursuant to that section, the solid 18951
waste management policy committee of a county or joint solid waste 18952
management district may levy fees upon the following activities: 18953

(1) The disposal at a solid waste disposal facility located 18954
in the district of solid wastes generated within the district; 18955

(2) The disposal at a solid waste disposal facility within 18956
the district of solid wastes generated outside the boundaries of 18957
the district, but inside this state; 18958

(3) The disposal at a solid waste disposal facility within 18959
the district of solid wastes generated outside the boundaries of 18960
this state. 18961

If any such fees are levied prior to January 1, 1994, fees 18962
levied under division (B)(1) of this section always shall be equal 18963
to one-half of the fees levied under division (B)(2) of this 18964
section, and fees levied under division (B)(3) of this section, 18965
which shall be in addition to fees levied under division (B)(2) of 18966
this section, always shall be equal to fees levied under division 18967
(B)(1) of this section, except as otherwise provided in this 18968
division. The solid waste management plan of the county or joint 18969
district approved under section 3734.521 or 3734.55 of the Revised 18970
Code and any amendments to it, or the resolution adopted under 18971
this division, as appropriate, shall establish the rates of the 18972
fees levied under divisions (B)(1), (2), and (3) of this section, 18973

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if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. Although the fees under divisions (A)(1) and (2) of this section are levied on the basis of tons as the unit of measurement, the solid waste management plan of the district and any amendments to it or the solid waste management policy committee in its resolution levying fees under this division may direct that the fees levied under those divisions be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes if the fees under divisions (B)(1) to (3) of this section are being levied on the basis of cubic yards as the unit of measurement under the plan, amended plan, or resolution.

On and after January 1, 1994, the fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section, except as otherwise provided in this division and notwithstanding any schedule of those fees established in the solid waste management plan of a county or joint district approved under section 3734.55 of the Revised Code or a resolution adopted and ratified under this division that is in effect on that date. If the fee that a district is levying under division (B)(1) of this section on that date under its approved plan or such a resolution is less than one dollar per ton, the fee shall be one dollar per ton on and after January 1, 1994, and if the fee that a district is so levying under that division exceeds two dollars per ton, the fee shall be two dollars per ton on and after that date. If the fee that a district is so levying under division (B)(2) of this section is

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less than two dollars per ton, the fee shall be two dollars per
ton on and after that date, and if the fee that the district is so
levying under that division exceeds four dollars per ton, the fee
shall be four dollars per ton on and after that date. On that
date, the fee levied by a district under division (B)(3) of this
section shall be equal to the fee levied under division (B)(1) of
this section. Except as otherwise provided in this division, the
fees established by the operation of this amendment shall remain
in effect until the district's resolution levying fees under this
division is amended or repealed in accordance with this division
to amend or abolish the schedule of fees, the schedule of fees is
amended or abolished in an amended plan of the district approved
under section 3734.521 or division (A) or (D) of section 3734.56
of the Revised Code, or the schedule of fees is amended or
abolished through an amendment to the district's plan under
division (E) of section 3734.56 of the Revised Code; the
notification of the amendment or abolishment of the fees has been
given in accordance with this division; and collection of the
amended fees so established commences, or collection of the fees
ceases, in accordance with this division.

The solid waste management policy committee of a district
levying fees under divisions (B)(1) to (3) of this section on
October 29, 1993, under its solid waste management plan approved
under section 3734.55 of the Revised Code or a resolution adopted
and ratified under this division that are within the ranges of
rates prescribed by this amendment, by adoption of a resolution
not later than December 1, 1993, and without the necessity for
ratification of the resolution under this division, may amend
those fees within the prescribed ranges, provided that the
estimated revenues from the amended fees will not substantially
exceed the estimated revenues set forth in the district's budget
for calendar year 1994. Not later than seven days after the

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adoption of such a resolution, the committee shall notify by 19038
certified mail the owner or operator of each solid waste disposal 19039
facility that is required to collect the fees of the adoption of 19040
the resolution and of the amount of the amended fees. Collection 19041
of the amended fees shall take effect on the first day of the 19042
first month following the month in which the notification is sent 19043
to the owner or operator. The fees established in such a 19044
resolution shall remain in effect until the district's resolution 19045
levying fees that was adopted and ratified under this division is 19046
amended or repealed, and the amendment or repeal of the resolution 19047
is ratified, in accordance with this division, to amend or abolish 19048
the fees, the schedule of fees is amended or abolished in an 19049
amended plan of the district approved under section 3734.521 or 19050
division (A) or (D) of section 3734.56 of the Revised Code, or the 19051
schedule of fees is amended or abolished through an amendment to 19052
the district's plan under division (E) of section 3734.56 of the 19053
Revised Code; the notification of the amendment or abolishment of 19054
the fees has been given in accordance with this division; and 19055
collection of the amended fees so established commences, or 19056
collection of the fees ceases, in accordance with this division. 19057

Prior to the approval of the solid waste management plan of 19058
the district under section 3734.55 of the Revised Code, the solid 19059
waste management policy committee of a district may levy fees 19060
under this division by adopting a resolution establishing the 19061
proposed amount of the fees. Upon adopting the resolution, the 19062
committee shall deliver a copy of the resolution to the board of 19063
county commissioners of each county forming the district and to 19064
the legislative authority of each municipal corporation and 19065
township under the jurisdiction of the district and shall prepare 19066
and publish the resolution and a notice of the time and location 19067
where a public hearing on the fees will be held. Upon adopting the 19068
resolution, the committee shall deliver written notice of the 19069

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adoption of the resolution; of the amount of the proposed fees; 19070
and of the date, time, and location of the public hearing to the 19071
director and to the fifty industrial, commercial, or institutional 19072
generators of solid wastes within the district that generate the 19073
largest quantities of solid wastes, as determined by the 19074
committee, and to their local trade associations. The committee 19075
shall make good faith efforts to identify those generators within 19076
the district and their local trade associations, but the 19077
nonprovision of notice under this division to a particular 19078
generator or local trade association does not invalidate the 19079
proceedings under this division. The publication shall occur at 19080
least thirty days before the hearing. After the hearing, the 19081
committee may make such revisions to the proposed fees as it 19082
considers appropriate and thereafter, by resolution, shall adopt 19083
the revised fee schedule. Upon adopting the revised fee schedule, 19084
the committee shall deliver a copy of the resolution doing so to 19085
the board of county commissioners of each county forming the 19086
district and to the legislative authority of each municipal 19087
corporation and township under the jurisdiction of the district. 19088
Within sixty days after the delivery of a copy of the resolution 19089
adopting the proposed revised fees by the policy committee, each 19090
such board and legislative authority, by ordinance or resolution, 19091
shall approve or disapprove the revised fees and deliver a copy of 19092
the ordinance or resolution to the committee. If any such board or 19093
legislative authority fails to adopt and deliver to the policy 19094
committee an ordinance or resolution approving or disapproving the 19095
revised fees within sixty days after the policy committee 19096
delivered its resolution adopting the proposed revised fees, it 19097
shall be conclusively presumed that the board or legislative 19098
authority has approved the proposed revised fees. 19099

In the case of a county district or a joint district formed 19100
by two or three counties, the committee shall declare the proposed 19101

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revised fees to be ratified as the fee schedule of the district 19102
upon determining that the board of county commissioners of each 19103
county forming the district has approved the proposed revised fees 19104
and that the legislative authorities of a combination of municipal 19105
corporations and townships with a combined population within the 19106
district comprising at least sixty per cent of the total 19107
population of the district have approved the proposed revised 19108
fees, provided that in the case of a county district, that 19109
combination shall include the municipal corporation having the 19110
largest population within the boundaries of the district, and 19111
provided further that in the case of a joint district formed by 19112
two or three counties, that combination shall include for each 19113
county forming the joint district the municipal corporation having 19114
the largest population within the boundaries of both the county in 19115
which the municipal corporation is located and the joint district. 19116
In the case of a joint district formed by four or more counties, 19117
the committee shall declare the proposed revised fees to be 19118
ratified as the fee schedule of the joint district upon 19119
determining that the boards of county commissioners of a majority 19120
of the counties forming the district have approved the proposed 19121
revised fees; that, in each of a majority of the counties forming 19122
the joint district, the proposed revised fees have been approved 19123
by the municipal corporation having the largest population within 19124
the county and the joint district; and that the legislative 19125
authorities of a combination of municipal corporations and 19126
townships with a combined population within the joint district 19127
comprising at least sixty per cent of the total population of the 19128
joint district have approved the proposed revised fees. 19129

For the purposes of this division, only the population of the 19130
unincorporated area of a township shall be considered. For the 19131
purpose of determining the largest municipal corporation within 19132
each county under this division, a municipal corporation that is 19133

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located in more than one solid waste management district, but that 19134
is under the jurisdiction of one county or joint solid waste 19135
management district in accordance with division (A) of section 19136
3734.52 of the Revised Code shall be considered to be within the 19137
boundaries of the county in which a majority of the population of 19138
the municipal corporation resides. 19139

The committee may amend the schedule of fees levied pursuant 19140
to a resolution or amended resolution adopted and ratified under 19141
this division by adopting a resolution establishing the proposed 19142
amount of the amended fees. The committee may abolish the fees 19143
levied pursuant to such a resolution or amended resolution by 19144
adopting a resolution proposing to repeal them. Upon adopting such 19145
a resolution, the committee shall proceed to obtain ratification 19146
of the resolution in accordance with this division. 19147

Not later than fourteen days after declaring the fees or 19148
amended fees to be ratified under this division, the committee 19149
shall notify by certified mail the owner or operator of each solid 19150
waste disposal facility that is required to collect the fees of 19151
the ratification and the amount of the fees. Collection of any 19152
fees or amended fees ratified on or after March 24, 1992, shall 19153
commence on the first day of the second month following the month 19154
in which notification is sent to the owner or operator. 19155

Not later than fourteen days after declaring the repeal of 19156
the district's schedule of fees to be ratified under this 19157
division, the committee shall notify by certified mail the owner 19158
or operator of each facility that is collecting the fees of the 19159
repeal. Collection of the fees shall cease on the first day of the 19160
second month following the month in which notification is sent to 19161
the owner or operator. 19162

Not later than fourteen days after the director issues an 19163
order approving a district's solid waste management plan under 19164
section 3734.55 of the Revised Code or amended plan under division 19165

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(A) or (D) of section 3734.56 of the Revised Code that establishes 19166
or amends a schedule of fees levied by the district, or the 19167
ratification of an amendment to the district's approved plan or 19168
amended plan under division (E) of section 3734.56 of the Revised 19169
Code that establishes or amends a schedule of fees, as 19170
appropriate, the committee shall notify by certified mail the 19171
owner or operator of each solid waste disposal facility that is 19172
required to collect the fees of the approval of the plan or 19173
amended plan, or the amendment to the plan, as appropriate, and 19174
the amount of the fees or amended fees. In the case of an initial 19175
or amended plan approved under section 3734.521 of the Revised 19176
Code in connection with a change in district composition, other 19177
than one involving the withdrawal of a county from a joint 19178
district, that establishes or amends a schedule of fees levied 19179
under divisions (B)(1) to (3) of this section by a district 19180
resulting from the change, the committee, within fourteen days 19181
after the change takes effect pursuant to division (G) of that 19182
section, shall notify by certified mail the owner or operator of 19183
each solid waste disposal facility that is required to collect the 19184
fees that the change has taken effect and of the amount of the 19185
fees or amended fees. Collection of any fees set forth in a plan 19186
or amended plan approved by the director on or after April 16, 19187
1993, or an amendment of a plan or amended plan under division (E) 19188
of section 3734.56 of the Revised Code that is ratified on or 19189
after April 16, 1993, shall commence on the first day of the 19190
second month following the month in which notification is sent to 19191
the owner or operator. 19192

Not later than fourteen days after the director issues an 19193
order approving a district's plan under section 3734.55 of the 19194
Revised Code or amended plan under division (A) or (D) of section 19195
3734.56 of the Revised Code that abolishes the schedule of fees 19196
levied under divisions (B)(1) to (3) of this section, or an 19197

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amendment to the district's approved plan or amended plan 19198
abolishing the schedule of fees is ratified pursuant to division 19199
(E) of section 3734.56 of the Revised Code, as appropriate, the 19200
committee shall notify by certified mail the owner or operator of 19201
each facility that is collecting the fees of the approval of the 19202
plan or amended plan, or the amendment of the plan or amended 19203
plan, as appropriate, and the abolishment of the fees. In the case 19204
of an initial or amended plan approved under section 3734.521 of 19205
the Revised Code in connection with a change in district 19206
composition, other than one involving the withdrawal of a county 19207
from a joint district, that abolishes the schedule of fees levied 19208
under divisions (B)(1) to (3) of this section by a district 19209
resulting from the change, the committee, within fourteen days 19210
after the change takes effect pursuant to division (G) of that 19211
section, shall notify by certified mail the owner or operator of 19212
each solid waste disposal facility that is required to collect the 19213
fees that the change has taken effect and of the abolishment of 19214
the fees. Collection of the fees shall cease on the first day of 19215
the second month following the month in which notification is sent 19216
to the owner or operator. 19217

Except as otherwise provided in this division, if the 19218
schedule of fees that a district is levying under divisions (B)(1) 19219
to (3) of this section pursuant to a resolution or amended 19220
resolution adopted and ratified under this division, the solid 19221
waste management plan of the district approved under section 19222
3734.55 of the Revised Code, an amended plan approved under 19223
division (A) or (D) of section 3734.56 of the Revised Code, or an 19224
amendment to the district's approved plan or amended plan under 19225
division (E) of section 3734.56 of the Revised Code, is amended by 19226
the adoption and ratification of an amendment to the resolution or 19227
amended resolution or an amendment of the district's approved plan 19228
or amended plan, the fees in effect immediately prior to the 19229

approval of the plan or the amendment of the resolution, amended 19230
resolution, plan, or amended plan, as appropriate, shall continue 19231
to be collected until collection of the amended fees commences 19232
pursuant to this division. 19233

If, in the case of a change in district composition involving 19234
the withdrawal of a county from a joint district, the director 19235
completes the actions required under division (G)(1) or (3) of 19236
section 3734.521 of the Revised Code, as appropriate, forty-five 19237
days or more before the beginning of a calendar year, the policy 19238
committee of each of the districts resulting from the change that 19239
obtained the director's approval of an initial or amended plan in 19240
connection with the change, within fourteen days after the 19241
director's completion of the required actions, shall notify by 19242
certified mail the owner or operator of each solid waste disposal 19243
facility that is required to collect the district's fees that the 19244
change is to take effect on the first day of January immediately 19245
following the issuance of the notice and of the amount of the fees 19246
or amended fees levied under divisions (B)(1) to (3) of this 19247
section pursuant to the district's initial or amended plan as so 19248
approved or, if appropriate, the abolishment of the district's 19249
fees by that initial or amended plan. Collection of any fees set 19250
forth in such a plan or amended plan shall commence on the first 19251
day of January immediately following the issuance of the notice. 19252
If such an initial or amended plan abolishes a schedule of fees, 19253
collection of the fees shall cease on that first day of January. 19254

If, in the case of a change in district composition involving 19255
the withdrawal of a county from a joint district, the director 19256
completes the actions required under division (G)(1) or (3) of 19257
section 3734.521 of the Revised Code, as appropriate, less than 19258
forty-five days before the beginning of a calendar year, the 19259
director, on behalf of each of the districts resulting from the 19260
change that obtained the director's approval of an initial or 19261

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amended plan in connection with the change proceedings, shall 19262
notify by certified mail the owner or operator of each solid waste 19263
disposal facility that is required to collect the district's fees 19264
that the change is to take effect on the first day of January 19265
immediately following the mailing of the notice and of the amount 19266
of the fees or amended fees levied under divisions (B)(1) to (3) 19267
of this section pursuant to the district's initial or amended plan 19268
as so approved or, if appropriate, the abolishment of the 19269
district's fees by that initial or amended plan. Collection of any 19270
fees set forth in such a plan or amended plan shall commence on 19271
the first day of the second month following the month in which 19272
notification is sent to the owner or operator. If such an initial 19273
or amended plan abolishes a schedule of fees, collection of the 19274
fees shall cease on the first day of the second month following 19275
the month in which notification is sent to the owner or operator. 19276

In the case of a change in district composition, the schedule 19277
of fees that the former districts that existed prior to the change 19278
were levying under divisions (B)(1) to (3) of this section 19279
pursuant to a resolution or amended resolution adopted and 19280
ratified under this division, the solid waste management plan of a 19281
former district approved under section 3734.521 or 3734.55 of the 19282
Revised Code, an amended plan approved under section 3734.521 or 19283
division (A) or (D) of section 3734.56 of the Revised Code, or an 19284
amendment to a former district's approved plan or amended plan 19285
under division (E) of section 3734.56 of the Revised Code, and 19286
that were in effect on the date that the director completed the 19287
actions required under division (G)(1) or (3) of section 3734.521 19288
of the Revised Code shall continue to be collected until the 19289
collection of the fees or amended fees of the districts resulting 19290
from the change is required to commence, or if an initial or 19291
amended plan of a resulting district abolishes a schedule of fees, 19292
collection of the fees is required to cease, under this division. 19293

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Moneys so received from the collection of the fees of the former districts shall be divided among the resulting districts in accordance with division (B) of section 343.012 of the Revised Code and the agreements entered into under division (B) of section 343.01 of the Revised Code to establish the former and resulting districts and any amendments to those agreements.

For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or abolished is required to cease, "fees" or "schedule of fees" includes, in addition to fees levied under divisions (B)(1) to (3) of this section, those levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of where the wastes were generated.

The legislative authority of a municipal corporation or township may levy fees under this division by enacting an ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a certified copy of the ordinance or resolution to the board of county commissioners or directors of the county or joint solid

waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) Are disposed of at facilities that exclusively dispose of wastes that are generated from the combustion of coal, or from the combustion of primarily coal in combination with scrap tires, that is not combined in any way with garbage at one or more premises

owned by the generator. 19358

(2) Except as provided in section 3734.571 of the Revised 19359
Code, any fees levied under division (B)(1) of this section apply 19360
to solid wastes originating outside the boundaries of a county or 19361
joint district that are covered by an agreement for the joint use 19362
of solid waste facilities entered into under section 343.02 of the 19363
Revised Code by the board of county commissioners or board of 19364
directors of the county or joint district where the wastes are 19365
generated and disposed of. 19366

(3) When solid wastes, other than solid wastes that consist 19367
of scrap tires, are burned in a disposal facility that is an 19368
incinerator or energy recovery facility, the fees levied under 19369
divisions (A), (B), and (C) of this section shall be levied upon 19370
the disposal of the fly ash and bottom ash remaining after burning 19371
of the solid wastes and shall be collected by the owner or 19372
operator of the sanitary landfill where the ash is disposed of. 19373

(4) When solid wastes are delivered to a solid waste transfer 19374
facility, the fees levied under divisions (A), (B), and (C) of 19375
this section shall be levied upon the disposal of solid wastes 19376
transported off the premises of the transfer facility for disposal 19377
and shall be collected by the owner or operator of the solid waste 19378
disposal facility where the wastes are disposed of. 19379

(5) The fees levied under divisions (A), (B), and (C) of this 19380
section do not apply to sewage sludge that is generated by a waste 19381
water treatment facility holding a national pollutant discharge 19382
elimination system permit and that is disposed of through 19383
incineration, land application, or composting or at another 19384
resource recovery or disposal facility that is not a landfill. 19385
19386

(6) The fees levied under divisions (A), (B), and (C) of this 19387
section do not apply to solid wastes delivered to a solid waste 19388

composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the clerk of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or such other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the clerk of the township under that division shall be paid into the general fund of the township. The treasurer or such other officer of the municipal corporation or the clerk, as

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appropriate, shall maintain separate records of the moneys 19421
received from the fees levied under division (C) of this section. 19422
19423

(G) Moneys received by the board of county commissioners or 19424
board of directors under division (E) of this section or section 19425
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 19426
shall be paid to the county treasurer, or other official acting in 19427
a similar capacity under a county charter, in a county district or 19428
to the county treasurer or other official designated by the board 19429
of directors in a joint district and kept in a separate and 19430
distinct fund to the credit of the district. If a regional solid 19431
waste management authority has been formed under section 343.011 19432
of the Revised Code, moneys received by the board of trustees of 19433
that regional authority under division (E) of this section shall 19434
be kept by the board in a separate and distinct fund to the credit 19435
of the district. Moneys in the special fund of the county or joint 19436
district arising from the fees levied under division (B) of this 19437
section and the fee levied under division (A) of section 3734.573 19438
of the Revised Code shall be expended by the board of county 19439
commissioners or directors of the district in accordance with the 19440
district's solid waste management plan or amended plan approved 19441
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 19442
exclusively for the following purposes: 19443

(1) Preparation of the solid waste management plan of the 19444
district under section 3734.54 of the Revised Code, monitoring 19445
implementation of the plan, and conducting the periodic review and 19446
amendment of the plan required by section 3734.56 of the Revised 19447
Code by the solid waste management policy committee; 19448

(2) Implementation of the approved solid waste management 19449
plan or amended plan of the district, including, without 19450
limitation, the development and implementation of solid waste 19451
recycling or reduction programs; 19452

(3) Providing financial assistance to boards of health within 19453
the district, if solid waste facilities are located within the 19454
district, for enforcement of this chapter and rules, orders, and 19455
terms and conditions of permits, licenses, and variances adopted 19456
or issued under it, other than the hazardous waste provisions of 19457
this chapter and rules adopted and orders and terms and conditions 19458
of permits issued under those provisions; 19459

(4) Providing financial assistance to each county within the 19460
district to defray the added costs of maintaining roads and other 19461
public facilities and of providing emergency and other public 19462
services resulting from the location and operation of a solid 19463
waste facility within the county under the district's approved 19464
solid waste management plan or amended plan; 19465

(5) Pursuant to contracts entered into with boards of health 19466
within the district, if solid waste facilities contained in the 19467
district's approved plan or amended plan are located within the 19468
district, for paying the costs incurred by those boards of health 19469
for collecting and analyzing samples from public or private water 19470
wells on lands adjacent to those facilities; 19471

(6) Developing and implementing a program for the inspection 19472
of solid wastes generated outside the boundaries of this state 19473
that are disposed of at solid waste facilities included in the 19474
district's approved solid waste management plan or amended plan; 19475

(7) Providing financial assistance to boards of health within 19476
the district for the enforcement of section 3734.03 of the Revised 19477
Code or to local law enforcement agencies having jurisdiction 19478
within the district for enforcing anti-littering laws and 19479
ordinances; 19480

(8) Providing financial assistance to boards of health of 19481
health districts within the district that are on the approved list 19482
under section 3734.08 of the Revised Code to defray the costs to 19483

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the health districts for the participation of their employees 19484
responsible for enforcement of the solid waste provisions of this 19485
chapter and rules adopted and orders and terms and conditions of 19486
permits, licenses, and variances issued under those provisions in 19487
the training and certification program as required by rules 19488
adopted under division (L) of section 3734.02 of the Revised Code; 19489

(9) Providing financial assistance to individual municipal 19490
corporations and townships within the district to defray their 19491
added costs of maintaining roads and other public facilities and 19492
of providing emergency and other public services resulting from 19493
the location and operation within their boundaries of a 19494
composting, energy or resource recovery, incineration, or 19495
recycling facility that either is owned by the district or is 19496
furnishing solid waste management facility or recycling services 19497
to the district pursuant to a contract or agreement with the board 19498
of county commissioners or directors of the district; 19499

(10) Payment of any expenses that are agreed to, awarded, or 19500
ordered to be paid under section 3734.35 of the Revised Code and 19501
of any administrative costs incurred pursuant to that section. In 19502
the case of a joint solid waste management district, if the board 19503
of county commissioners of one of the counties in the district is 19504
negotiating on behalf of affected communities, as defined in that 19505
section, in that county, the board shall obtain the approval of 19506
the board of directors of the district in order to expend moneys 19507
for administrative costs incurred. 19508

Prior to the approval of the district's solid waste 19509
management plan under section 3734.55 of the Revised Code, moneys 19510
in the special fund of the district arising from the fees shall be 19511
expended for those purposes in the manner prescribed by the solid 19512
waste management policy committee by resolution. 19513

Notwithstanding division (G)(6) of this section as it existed 19514
prior to October 29, 1993, or any provision in a district's solid 19515

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waste management plan prepared in accordance with division 19516
 (B)(2)(e) of section 3734.53 of the Revised Code as it existed 19517
 prior to that date, any moneys arising from the fees levied under 19518
 division (B)(3) of this section prior to January 1, 1994, may be 19519
 expended for any of the purposes authorized in divisions (G)(1) to 19520
 (10) of this section. 19521

(H) The director shall adopt rules in accordance with Chapter 19522
 119. of the Revised Code prescribing procedures for collecting and 19523
 forwarding the fees levied under divisions (B) and (C) of this 19524
 section to the boards of county commissioners or directors of 19525
 county or joint solid waste management districts and to the 19526
 treasurers or other officers of municipal corporations or to the 19527
 clerks of townships. The rules also shall prescribe the dates for 19528
 forwarding the fees to the boards and officials and may prescribe 19529
 any other requirements the director considers necessary or 19530
 appropriate to implement and administer divisions (A), (B), and 19531
 (C) of this section. Collection of the fees levied under division 19532
 (A)(1) of this section shall commence on July 1, 1993. Collection 19533
 of the fees levied under division (A)(2) of this section shall 19534
 commence on January 1, 1994. 19535

Sec. 3734.82. (A) The annual fee for a scrap tire recovery 19536
 facility license issued under section 3734.81 of the Revised Code 19537
 shall be in accordance with the following schedule: 19538

Daily Design	Annual	19539
Input Capacity	License	19540
(Tons)	Fee	19541
1 or less	\$ 100	19542
2 to 25	500	19543
26 to 50	1,000	19544
51 to 100	1,500	19545
101 to 200	2,500	19546
201 to 500	3,500	19547

501 or more 5,500 19548

For the purpose of determining the applicable license fee 19549
under this division, the daily design input capacity shall be the 19550
quantity of scrap tires the facility is designed to process daily 19551
as set forth in the registration certificate or permit for the 19552
facility, and any modifications to the permit, if applicable, 19553
issued under section 3734.78 of the Revised Code. 19554

(B) The annual fee for a scrap tire monocell or monofill 19555
facility license shall be in accordance with the following 19556
schedule: 19557

Authorized Maximum	Annual	19558
Daily Waste Receipt	License	19559
(Tons)	Fee	19560
100 or less	\$ 5,000	19561
101 to 200	12,500	19562
201 to 500	30,000	19563
501 or more	60,000	19564

For the purpose of determining the applicable license fee 19565
under this division, the authorized maximum daily waste receipt 19566
shall be the maximum amount of scrap tires the facility is 19567
authorized to receive daily that is established in the permit for 19568
the facility, and any modification to that permit, issued under 19569
section 3734.77 of the Revised Code. 19570

(C)(1) Except as otherwise provided in division (C)(2) of 19571
this section, the annual fee for a scrap tire storage facility 19572
license shall equal one thousand dollars times the number of acres 19573
on which scrap tires are to be stored at the facility during the 19574
license year, as set forth on the application for the annual 19575
license, except that the total annual license fee for any such 19576
facility shall not exceed three thousand dollars. 19577

(2) The annual fee for a scrap tire storage facility license 19578
for a storage facility that is owned or operated by a motor 19579

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vehicle salvage dealer licensed under Chapter 4738. of the Revised Code is one hundred dollars. 19580
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(D)(1) Except as otherwise provided in division (D)(2) of this section, the annual fee for a scrap tire collection facility license is two hundred dollars. 19582
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(2) The annual fee for a scrap tire collection facility license for a collection facility that is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code is fifty dollars. 19585
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(E) Except as otherwise provided in divisions (C)(2) and (D)(2) of this section, the same fees apply to private operators and to the state and its political subdivisions and shall be paid within thirty days after the issuance of a license. The fees include the cost of licensing, all inspections, and other costs associated with the administration of the scrap tire provisions of this chapter and rules adopted under them. Each license shall specify that it is conditioned upon payment of the applicable fee to the board of health or the director of environmental protection, as appropriate, within thirty days after the issuance of the license. 19589
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(F) The board of health shall retain fifteen thousand dollars of each license fee collected by the board under division (B) of this section, or the entire amount of any such fee that is less than fifteen thousand dollars, and the entire amount of each license fee collected by the board under divisions (A), (C), and (D) of this section. The moneys retained shall be paid into a special fund, which is hereby created in each health district, and used solely to administer and enforce the scrap tire provisions of this chapter and rules adopted under them. The remainder, if any, of each license fee collected by the board under division (B) of this section shall be transmitted to the director within forty-five days after receipt of the fee. 19600
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(G) The director shall transmit the moneys received by the 19612
director from license fees collected under division (B) of this 19613
section to the treasurer of state to be credited to the scrap tire 19614
management fund, which is hereby created in the state treasury. 19615
The fund shall consist of all federal moneys received by the 19616
environmental protection agency for the scrap tire management 19617
program; all grants, gifts, and contributions made to the director 19618
for that program; and all other moneys that may be provided by law 19619
for that program. The director shall use moneys in the fund as 19620
follows: 19621

(1) Expend not more than seven hundred fifty thousand dollars 19622
during each fiscal year to implement, administer, and enforce the 19623
scrap tire provisions of this chapter and rules adopted under 19624
them; 19625

~~(2) For fiscal years 1998 and 1999, grant not more than one 19626
hundred fifty thousand dollars during each fiscal year to the 19627
polymer institute at the university of Akron for the purpose of 19628
expediting research concerning and evaluation of alternative 19629
methods of recycling scrap tires. The institute shall report to 19630
the director annually concerning research programs under review, 19631
and the results of scrap tire recycling experiments conducted, by 19632
or in conjunction with the institute. The university shall report 19633
to the director biennially concerning the expenditures of moneys 19634
received by the institute under division (G)(2) of this section. 19635~~

~~(3) During each fiscal year, request the director of budget 19636
and management to, and the director of budget and management 19637
shall, transfer one million dollars to the scrap tire loans and 19638
grants recycling fund created in section ~~166.032~~ 1502.12 of the 19639
Revised Code for the purposes specified in that section; 19640~~

~~(4) Annually transfer to the central support indirect fund 19641
created in section 3745.014 of the Revised Code an amount equal to 19642
not more than twelve per cent of each fiscal year's appropriation 19643~~

to the scrap tire management fund. 19644

~~(H)(1) If, during a fiscal year, more than three million five 19645
hundred thousand dollars are credited to the scrap tire management 19646
fund, the director, at the conclusion of the fiscal year, shall 19647
request the director of budget and management to, and the director 19648
of budget and management shall, transfer to the scrap tire loans 19649
and grants fund one half of the moneys credited to the scrap tire 19650
management fund in excess of that amount. 19651~~

~~(2) In each fiscal year, if more than three million five 19652
hundred thousand dollars are credited to the scrap tire management 19653
fund during the preceding fiscal year, the director shall expend 19654
during the current fiscal year one half of that excess amount to 19655
conduct removal operations under section 3734.85 of the Revised 19656
Code. 19657~~

(3) Expend not more than three million dollars per year 19658
during fiscal years 2002 and 2003 to conduct removal actions under 19659
section 3734.85 of the Revised Code and to make grants to boards 19660
of health under section 3734.042 of the Revised Code. However, 19661
more than three million dollars may be expended in fiscal years 19662
2002 and 2003 for the purposes of division (G)(3) of this section 19663
if more moneys are collected from the fee levied under division 19664
(A)(2) of section 3734.901 of the Revised Code. During each 19665
subsequent fiscal year the director shall expend not more than 19666
four million five hundred thousand dollars to conduct removal 19667
actions under section 3734.85 of the Revised Code and to make 19668
grants to boards of health under section 3734.042 of the Revised 19669
Code. However, more than four million five hundred thousand 19670
dollars may be expended in a fiscal year for the purposes of 19671
division (G)(3) of this section if more moneys are collected from 19672
the fee levied under division (A)(2) of section 3734.901 of the 19673
Revised Code. The director shall request the approval of the 19674
controlling board prior to the use of the moneys to conduct 19675

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removal actions under section 3734.85 of the Revised Code. The 19676
request shall be accompanied by a plan describing the removal 19677
actions to be conducted during the fiscal year and an estimate of 19678
the costs of conducting them. The controlling board shall approve 19679
the plan only if it finds that the proposed removal actions are in 19680
accordance with the priorities set forth in division (B) of 19681
section 3734.85 of the Revised Code and that the costs of 19682
conducting them are reasonable. Controlling board approval is not 19683
required for grants made to boards of health under section 19684
3734.042 of the Revised Code. 19685

(H) If, during a fiscal year, more than seven million dollars 19686
are credited to the scrap tire management fund, the director, at 19687
the conclusion of the fiscal year, shall request the director of 19688
budget and management to, and the director of budget and 19689
management shall, transfer one-half of those excess moneys to the 19690
scrap tire recycling fund. The director shall expend the remaining 19691
excess moneys in the scrap tire management fund to conduct removal 19692
actions under section 3734.85 of the Revised Code in accordance 19693
with the procedures established under division (I) of this 19694
section. 19695

(I) After the actions in divisions (G)(1) to ~~(4)~~(3) and (H) 19696
of this section are completed during each prior fiscal year, the 19697
director may expend up to the balance remaining from prior fiscal 19698
years in the scrap tire management fund to conduct removal actions 19699
under section 3734.85 of the Revised Code. Prior to using any 19700
moneys in the fund for that purpose in a fiscal year, the director 19701
shall request the approval of the controlling board for that use 19702
of the moneys. The request shall be accompanied by a plan 19703
describing the removal actions to be conducted during the fiscal 19704
year and an estimate of the costs of conducting them. The 19705
controlling board shall approve the plan only if the board finds 19706
that the proposed removal actions are in accordance with the 19707

priorities set forth in division (B) of section 3734.85 of the Revised Code and that the costs of conducting them are reasonable.

Sec. 3734.901. (A)(1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire provisions of this chapter, rules adopted under those provisions, and terms and conditions of orders, variances, and licenses issued under those provisions; to abate accumulations of scrap tires; to make grants to promote research regarding alternative methods of recycling scrap tires and loans to promote the recycling or recovery of energy from scrap tires; and to defray the costs of administering and enforcing sections 3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents per tire is hereby levied on the sale of tires. The fee is levied from the first day of the calendar month that begins next after thirty days from October 29, 1993, through June 30, 2006.

(2) There is hereby levied an additional fee of fifty cents per tire on the sale of tires the proceeds of which shall be deposited in the scrap tire management fund created in section 3734.82 of the Revised Code and be used exclusively for the purposes specified in division (G)(3) of that section.

(B) Only one sale of the same article shall be used in computing the amount of the fee due.

Sec. 3745.014. There is hereby created in the state treasury the central support indirect fund, which shall be administered by the director of environmental protection. Money credited to the fund shall be used for administrative costs of the environmental protection agency ~~that are related to expenditures by the agency from funds of the general services fund group and the state special revenue fund group.~~ The director may assess any operating funds of from which the agency ~~within the general services fund group or the state special revenue fund group~~ receives

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~~appropriations~~, except the central support indirect fund, for a 19739
 share of the administrative costs of the agency. The ~~assessments~~ 19740
~~shall be paid from the general services funds and state special~~ 19741
~~revenue funds designated by the director and amounts assessed~~ 19742
 shall be transferred to the central support indirect fund by means 19743
 of intrastate transfer vouchers. The director, with the approval 19744
of the director of budget and management, shall determine the rate 19745
 of assessments, ~~which shall not exceed twelve per cent of the~~ 19746
~~total fiscal year appropriation from any such fund for the fiscal~~ 19747
~~year unless the controlling board approves a request from the~~ 19748
~~director for a higher rate.~~ 19749

Sec. 3745.04. As used in this section, "any person" means any 19750
 individual, any partnership, corporation, association, or other 19751
 legal entity, or any political subdivision, instrumentality, or 19752
 agency of a state, whether or not the individual or legal entity 19753
 is an applicant for or holder of a license, permit, or variance 19754
 from the environmental protection agency, and includes any 19755
 department, agency, or instrumentality of the federal government 19756
 that is an applicant for or holder of a license, permit, or 19757
 variance from the environmental protection agency. 19758

As used in this section, "action" or "act" includes the 19759
 adoption, modification, or repeal of a rule or standard, the 19760
 issuance, modification, or revocation of any lawful order other 19761
 than an emergency order, and the issuance, denial, modification, 19762
 or revocation of a license, permit, lease, variance, or 19763
 certificate, or the approval or disapproval of plans and 19764
 specifications pursuant to law or rules adopted thereunder. 19765

Any person who was a party to a proceeding before the 19766
 director of environmental protection may participate in an appeal 19767
 to the environmental review appeals commission for an order 19768
 vacating or modifying the action of the director ~~of environmental~~ 19769
~~protection~~ or a local board of health, or ordering the director or 19770

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board of health to perform an act. The environmental review 19771
appeals commission has exclusive original jurisdiction over any 19772
matter that may, under this section, be brought before it. 19773

The person so appealing to the commission shall be known as 19774
appellant, and the director and any party to a proceeding 19775
substantially supporting the finding from which the appeal is 19776
taken shall be known as appellee, except that when an appeal 19777
involves a license to operate a disposal site or facility, the 19778
local board of health or the director of environmental protection, 19779
and any party to a proceeding substantially supporting the finding 19780
from which the appeal is taken, shall, as appropriate, be known as 19781
the appellee. Appellant and appellee shall be deemed to be parties 19782
to the appeal. 19783

The appeal shall be in writing and shall set forth the action 19784
complained of and the grounds upon which the appeal is based. 19785

The appeal shall be filed with the commission within thirty 19786
days after notice of the action. Notice of the filing of the 19787
appeal shall be filed with the appellee within three days after 19788
the appeal is filed with the commission. 19789

The appeal shall be accompanied by a filing fee of ~~forty~~ 19790
sixty dollars, which the commission, in its discretion, may waive 19791
in cases of extreme hardship. 19792

Within seven days after receipt of the notice of appeal, the 19793
director or local board of health shall prepare and certify to the 19794
commission a record of the proceedings out of which the appeal 19795
arises, including all documents and correspondence, and a 19796
transcript of all testimony. 19797

Upon the filing of the appeal, the commission shall fix the 19798
time and place at which the hearing on the appeal will be held. 19799
The commission shall give the appellant and the appellee at least 19800
ten days' written notice thereof by certified mail. The commission 19801

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shall hold the hearing within thirty days after the notice of
appeal is filed. The commission may postpone or continue any
hearing upon its own motion or upon application of the appellant
or of the appellee.

The filing of an appeal does not automatically suspend or
stay execution of the action appealed from. Upon application by
the appellant, the commission may suspend or stay ~~such~~ the
execution pending immediate determination of the appeal without
interruption by continuances, other than for unavoidable
circumstances.

As used in this section and sections 3745.05 and 3745.06 of
the Revised Code, "director of environmental protection" and
"director" are deemed to include the director of agriculture and
"environmental protection agency" is deemed to include the
department of agriculture with respect to actions that are
appealable to the commission under Chapter 903. of the Revised
Code.

Sec. 3745.10. Not later than ten days after receipt of an
application for a permit under Chapter 3704., 3734., 3746., or
6111. of the Revised Code, the director of environmental
protection shall send to the applicant written acknowledgement of
receipt of the application. The written acknowledgement shall
contain a statement indicating either that the application
contains all of the necessary information or the application is
incomplete. If the application is incomplete, the written
acknowledgement also shall provide a description of the
information that is missing from the application.

If the director fails to comply with this section, the
director shall waive the applicant's application fee.

Sec. 3745.11. (A) Applicants for and holders of permits,

licenses, variances, plan approvals, and certifications issued by 19832
the director of environmental protection pursuant to Chapters 19833
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 19834
to the environmental protection agency for each such issuance and 19835
each application for an issuance as provided by this section. No 19836
fee shall be charged for any issuance for which no application has 19837
been submitted to the director. 19838

(B) Prior to January 1, 1994, each person issued a permit to 19839
operate, variance, or permit to install under section 3704.03 of 19840
the Revised Code shall pay the fees specified in the following 19841
schedule: 19842

(1) Fuel-Burning Equipment 19843

Input capacity	Permit		Permit	
(million British	to		to	
thermal units per hour)	operate	Variance	install	
0 or more, but less than 10	\$ 75	\$225	\$ 100	19847
10 or more, but less than 100	210	450	390	19848
100 or more, but less than 300	270	675	585	19849
300 or more, but less than 500	330	900	780	19850
500 or more	500	975	1000	19851

Any fuel-burning equipment using only natural gas, propane, 19852
liquefied petroleum gas, or number two or lighter fuel oil shall 19853
be assessed a fee one-half of that shown. 19854

(2) Incinerators 19855

Input capacity	Permit		Permit	
(pounds per hour)	to		to	
	operate	Variance	install	
0 to 50	\$ 50	\$225	\$ 65	19859
51 to 500	210	450	390	19860
501 to 2000	270	675	585	19861
2001 to 30,000	330	900	780	19862
more than 30,000	500	975	1000	19863

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(3) Process				19864
	Permit		Permit	19865
Process weight rate	to		to	19866
(pounds per hour)	operate	Variance	install	19867
0 to 1000	\$100	\$225	\$ 200	19868
1001 to 5000	210	450	390	19869
5001 to 10,000	270	675	585	19870
10,001 to 50,000	330	900	780	19871
more than 50,000	500	975	1000	19872
In any process where process weight rate cannot be				19873
ascertained, the minimum fee shall be assessed.				19874
(4) Storage tanks				19875
	Permit		Permit	19876
Gallons	to	variance	to	19877
(capacity)	operate	<u>Variance</u>	install	19878
less <u>Less</u> than 40,000	\$150	\$225	\$ 195	19879
40,000 or more, but less				19880
than 100,000	210	450	390	19881
100,000 or more, but less				19882
than 400,000	270	675	585	19883
400,000 or more, but less				19884
than 1,000,000	330	900	780	19885
1,000,000 or more	500	975	1000	19886
(5) Gasoline				19887
	Permit		Permit	19888
Gasoline dispensing	to		to	19889
facilities	operate	Variance	install	19890
For each gasoline				19891
dispensing facility	\$20	\$100	\$50	19892
(6) Dry cleaning				19893
	Permit		Permit	19894
Dry cleaning	to		to	19895

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facilities	operate	Variance	install	19896
For each dry cleaning				19897
facility	\$50	\$200	\$100	19898
(7) Coal mining operations regulated under Chapter 1513. of				19899
the Revised Code shall be assessed a fee of two hundred fifty				19900
dollars per mine or location.				19901
(C)(1) Except as otherwise provided in division (C)(2) of				19902
this section, beginning July 1, 1994, each person who owns or				19903
operates an air contaminant source and who is required to apply				19904
for and obtain a Title V permit under section 3704.036 of the				19905
Revised Code shall pay the fees set forth in division (C)(1) of				19906
this section. For the purposes of that division, total emissions				19907
of air contaminants may be calculated using engineering				19908
calculations, emissions factors, material balance calculations, or				19909
performance testing procedures, as authorized by the director.				19910
The following fees shall be assessed on the total actual				19911
emissions from a source in tons per year of the regulated				19912
pollutants particulate matter, sulfur dioxide, nitrogen oxides,				19913
organic compounds, and lead:				19914
(a) Fifteen dollars per ton on the total actual emissions of				19915
each such regulated pollutant during the period July through				19916
December 1993, to be collected no sooner than July 1, 1994;				19917
(b) Twenty dollars per ton on the total actual emissions of				19918
each such regulated pollutant during calendar year 1994, to be				19919
collected no sooner than April 15, 1995;				19920
(c) Twenty-five dollars per ton on the total actual emissions				19921
of each such regulated pollutant in calendar year 1995, and each				19922
subsequent calendar year, to be collected no sooner than the				19923
fifteenth day of April of the year next succeeding the calendar				19924
year in which the emissions occurred.				19925
The fees levied under division (C)(1) of this section do not				19926

apply to that portion of the emissions of a regulated pollutant at a facility that exceed four thousand tons during a calendar year. 19927
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(2) The fees assessed under division (C)(1) of this section are for the purpose of providing funding for the Title V permit program. 19929
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(3) The fees assessed under division (C)(1) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year. 19932
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(4) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (C) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice. 19942
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(D)(1) Except as provided in division (D)(2) of this section, beginning January 1, 1994, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, 19950
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sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule: 19959
19960

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 50	\$ 75	19961 19962 19963 19964
50 or more, but less than 100	300	19965
100 or more	700	19966

(2)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code. 19967
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(b) Beginning January 1, 2000, through June 30, ~~2001~~ 2004, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule: 19974
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Combined total tons per year of all regulated pollutants emitted	Annual fee per facility	
Less than 10	\$ 170	19980 19981 19982 19983
10 or more, but less than 20	340	19984
20 or more, but less than 30	670	19985
30 or more, but less than 40	1,010	19986
40 or more, but less than 50	1,340	19987
50 or more, but less than 60	1,680	19988
60 or more, but less than 70	2,010	19989
70 or more, but less than 80	2,350	19990

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80 or more, but less than 90	2,680	19991
90 or more, but less than 100	3,020	19992
100 or more	3,350	19993

(3) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000, ~~and shall continue through June 30, 2001~~. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (C)(1) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (C)(1) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section: 20020

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the 20021
20022

United States department of labor as of the close of the 20023
twelve-month period ending on the thirty-first day of August of 20024
that year+. 20025

(b) If the 1989 consumer price index is revised, the director 20026
shall use the revision of the consumer price index that is most 20027
consistent with that for calendar year 1989. 20028

(F) Each person who is issued a permit to install pursuant to 20029
rules adopted under division (F) of section 3704.03 of the Revised 20030
Code on or after January 1, 1994, shall pay the fees specified in 20031
the following schedules: 20032

(1) Fuel-burning equipment (boilers) 20033
Input capacity (maximum) 20034
(million British thermal units per hour) Permit to install 20035
Greater than 0, but less than 10 \$ 200 20036
10 or more, but less than 100 400 20037
100 or more, but less than 300 800 20038
300 or more, but less than 500 1500 20039
500 or more, but less than 1000 2500 20040
1000 or more, but less than 5000 4000 20041
5000 or more 6000 20042

Units burning exclusively natural gas, number two fuel oil, 20043
or both shall be assessed a fee that is one-half the applicable 20044
amount shown in division (F)(1) of this section. 20045

(2) Incinerators 20046
Input capacity (pounds per hour) Permit to install 20047
0 to 100 \$ 100 20048
101 to 500 400 20049
501 to 2000 750 20050
2001 to 20,000 1000 20051
more than 20,000 2500 20052

(3)(a) Process 20053

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Process weight rate (pounds per hour)	Permit to install	20054
0 to 1000	\$ 200	20055
1001 to 5000	400	20056
5001 to 10,000	600	20057
10,001 to 50,000	800	20058
more than 50,000	1000	20059

In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. 20060
20061

(b) Notwithstanding division (F)(3)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(3)(c) of this section for a process used in any of the following industries, as identified by the applicable four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1972, as revised: 20062
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1211 Bituminous coal and lignite mining; 20071

1213 Bituminous coal and lignite mining services; 20072

1411 Dimension stone; 20073

1422 Crushed and broken limestone; 20074

1427 Crushed and broken stone, not elsewhere classified; 20075

1442 Construction sand and gravel; 20076

1446 Industrial sand; 20077

3281 Cut stone and stone products; 20078

3295 Minerals and earth, ground or otherwise treated. 20079

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process 20080
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identified in division (F)(3)(b) of this section:		20083
Gallons (maximum		20084
useful capacity)	Permit to install	20085
0 to 20,000	\$ 100	20086
20,001 to 40,000	150	20087
40,001 to 100,000	200	20088
100,001 to 250,000	250	20089
250,001 to 500,000	350	20090
500,001 to 1,000,000	500	20091
1,000,001 or greater	750	20092
(4) Storage tanks		20093
Gallons (maximum useful capacity)	Permit to install	20094
0 to 20,000	\$100	20095
20,001 to 40,000	150	20096
40,001 to 100,000	200	20097
100,001 to 250,000	250	20098
250,001 to 500,000	350	20099
500,001 to 1,000,000	500	20100
1,000,001 or greater	750	20101
(5) Gasoline/fuel dispensing facilities		20102
For each gasoline/fuel	Permit to install	20103
dispensing facility	\$ 100	20104
(6) Dry cleaning facilities		20105
For each dry cleaning		20106
facility (includes all units	Permit to install	20107
at the facility)	\$ 100	20108
(7) Registration status		20109
For each source covered	Permit to install	20110
by registration status	\$ 75	20111
(G) An owner or operator who is responsible for an asbestos		20112
demolition or renovation project pursuant to rules adopted under		20113

section 3704.03 of the Revised Code shall pay the fees set forth 20114
in the following schedule: 20115

Action	Fee	
Each notification	\$75	20117
Asbestos removal	\$3/unit	20118
Asbestos cleanup	\$4/cubic yard	20119

For purposes of this division, "unit" means any combination of 20120
linear feet or square feet equal to fifty. 20121

(H) A person who is issued an extension of time for a permit 20122
to install an air contaminant source pursuant to rules adopted 20123
under division (F) of section 3704.03 of the Revised Code shall 20124
pay a fee equal to one-half the fee originally assessed for the 20125
permit to install under this section, except that the fee for such 20126
an extension shall not exceed two hundred dollars. 20127

(I) A person who is issued a modification to a permit to 20128
install an air contaminant source pursuant to rules adopted under 20129
section 3704.03 of the Revised Code shall pay a fee equal to 20130
one-half of the fee that would be assessed under this section to 20131
obtain a permit to install the source. The fee assessed by this 20132
division only applies to modifications that are initiated by the 20133
owner or operator of the source and shall not exceed two thousand 20134
dollars. 20135

(J) Notwithstanding division (B) or (F) of this section, a 20136
person who applies for or obtains a permit to install pursuant to 20137
rules adopted under division (F) of section 3704.03 of the Revised 20138
Code after the date actual construction of the source began shall 20139
pay a fee for the permit to install that is equal to twice the fee 20140
that otherwise would be assessed under the applicable division 20141
unless the applicant received authorization to begin construction 20142
under division (W) of section 3704.03 of the Revised Code. This 20143
division only applies to sources for which actual construction of 20144
the source begins on or after July 1, 1993. The imposition or 20145

payment of the fee established in this division does not preclude 20146
the director from taking any administrative or judicial 20147
enforcement action under this chapter, Chapter 3704., 3714., 20148
3734., or 6111. of the Revised Code, or a rule adopted under any 20149
of them, in connection with a violation of rules adopted under 20150
division (F) of section 3704.03 of the Revised Code. 20151

As used in this division, "actual construction of the source" 20152
means the initiation of physical on-site construction activities 20153
in connection with improvements to the source that are permanent 20154
in nature, including, without limitation, the installation of 20155
building supports and foundations and the laying of underground 20156
pipework. 20157

(K) Fifty cents per ton of each fee assessed under division 20158
(C) of this section on actual emissions from a source and received 20159
by the environmental protection agency pursuant to that division 20160
shall be deposited into the state treasury to the credit of the 20161
small business assistance fund created in section 3706.19 of the 20162
Revised Code. The remainder of the moneys received by the division 20163
pursuant to that division and moneys received by the agency 20164
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 20165
section shall be deposited in the state treasury to the credit of 20166
the clean air fund created in section 3704.035 of the Revised 20167
Code. 20168

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 20169
or (c) of this section, a person issued a water discharge permit 20170
or renewal of a water discharge permit pursuant to Chapter 6111. 20171
of the Revised Code shall pay a fee based on each point source to 20172
which the issuance is applicable in accordance with the following 20173
schedule: 20174

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	20176
1,001 to 5000	100	20177

5,001 to 50,000	200	20178
50,001 to 100,000	300	20179
100,001 to 300,000	525	20180
over 300,000	750	20181

(b) Notwithstanding the fee schedule specified in division 20182
(L)(1)(a) of this section, the fee for a water discharge permit 20183
that is applicable to coal mining operations regulated under 20184
Chapter 1513. of the Revised Code shall be two hundred fifty 20185
dollars per mine. 20186

(c) Notwithstanding the fee schedule specified in division 20187
(L)(1)(a) of this section, the fee for a water discharge permit 20188
for a public discharger identified by I in the third character of 20189
the permittee's NPDES permit number shall not exceed seven hundred 20190
fifty dollars. 20191

(2) A person applying for a plan approval for a wastewater 20192
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 20193
of the Revised Code shall pay a fee of one hundred dollars plus 20194
sixty-five one-hundredths of one per cent of the estimated project 20195
cost through June 30, ~~2002~~ 2004, and one hundred dollars plus 20196
two-tenths of one per cent of the estimated project cost on and 20197
after July 1, ~~2002~~ 2004, except that the total fee shall not 20198
exceed fifteen thousand dollars through June 30, ~~2002~~ 2004, and 20199
five thousand dollars on and after July 1, ~~2002~~ 2004. The fee 20200
shall be paid at the time the application is submitted. 20201

(3) A person issued a modification of a water discharge 20202
permit shall pay a fee equal to one-half the fee that otherwise 20203
would be charged for a water discharge permit, except that the fee 20204
for the modification shall not exceed four hundred dollars. 20205

(4) A person who has entered into an agreement with the 20206
director under section 6111.14 of the Revised Code shall pay an 20207
administrative service fee for each plan submitted under that 20208
section for approval that shall not exceed the minimum amount 20209

necessary to pay administrative costs directly attributable to 20210
processing plan approvals. The director annually shall calculate 20211
the fee and shall notify all persons who have entered into 20212
agreements under that section, or who have applied for agreements, 20213
of the amount of the fee. 20214

(5)(a)(i) Not later than January 30, ~~2000~~ 2002, and January 20215
30, ~~2001~~ 2003, a person holding an NPDES discharge permit issued 20216
pursuant to Chapter 6111. of the Revised Code with an average 20217
daily discharge flow of five thousand gallons or more shall pay a 20218
nonrefundable annual discharge fee. Any person who fails to pay 20219
the fee at that time shall pay an additional amount that equals 20220
ten per cent of the required annual discharge fee. 20221

(ii) The billing year for the annual discharge fee 20222
established in division (L)(5)(a)(i) of this section shall consist 20223
of a twelve-month period beginning on the first day of January of 20224
the year preceding the date when the annual discharge fee is due. 20225
In the case of an existing source that permanently ceases to 20226
discharge during a billing year, the director shall reduce the 20227
annual discharge fee, including the surcharge applicable to 20228
certain industrial facilities pursuant to division (L)(5)(c) of 20229
this section, by one-twelfth for each full month during the 20230
billing year that the source was not discharging, but only if the 20231
person holding the NPDES discharge permit for the source notifies 20232
the director in writing, not later than the first day of October 20233
of the billing year, of the circumstances causing the cessation of 20234
discharge. 20235

(iii) The annual discharge fee established in division 20236
(L)(5)(a)(i) of this section, except for the surcharge applicable 20237
to certain industrial facilities pursuant to division (L)(5)(c) of 20238
this section, shall be based upon the average daily discharge flow 20239
in gallons per day calculated using first day of May through 20240
thirty-first day of October flow data for the period two years 20241

prior to the date on which the fee is due. In the case of NPDES
 discharge permits for new sources, the fee shall be calculated
 using the average daily design flow of the facility until actual
 average daily discharge flow values are available for the time
 period specified in division (L)(5)(a)(iii) of this section. The
 annual discharge fee may be prorated for a new source as described
 in division (L)(5)(a)(ii) of this section.

(b) An NPDES permit holder that is a public discharger shall
 pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, 2000	Fee due by January 30, 2001 <u>2002, and</u> <u>January 30, 2003</u>	
5,000 to 49,999	\$ 180	\$ 200	20251
50,000 to 100,000	450	500	20252
100,001 to 250,000	900	1,050	20253
250,001 to 1,000,000	2,250	2,600	20254
1,000,001 to 5,000,000	4,500	5,200	20255
5,000,001 to 10,000,000	9,000	10,350	20256
10,000,001 to 20,000,000	13,500	15,550	20257
20,000,001 to 50,000,000	22,500	25,900	20258
50,000,001 to 100,000,000	36,000	41,400	20259
100,000,001 or more	54,000	62,100	20260

Public dischargers owning or operating two or more publicly
 owned treatment works serving the same political subdivision, as
 "treatment works" is defined in section 6111.01 of the Revised
 Code, and that serve exclusively political subdivisions having a
 population of fewer than one hundred thousand shall pay an annual
 discharge fee under division (L)(5)(b) of this section that is
 based on the combined average daily discharge flow of the
 treatment works.

~~(c)~~(c) An NPDES permit holder that is an industrial

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discharger, other than a coal mining operator identified by P in 20274
 the third character of the permittee's NPDES permit number, shall 20275
 pay the fee specified in the following schedule: 20276

Average daily	Fee due by	Fee due by	
discharge flow	January 30, 2000	January 30, 2001	20278
		<u>2002, and</u>	20279
		<u>January 30, 2003</u>	20280
5,000 to 49,999	\$ 180	\$ 250	20281
50,000 to 250,000	900	1,200	20282
250,001 to 1,000,000	2,250	2,950	20283
1,000,001 to 5,000,000	4,500	5,850	20284
5,000,001 to 10,000,000	6,750	8,800	20285
10,000,001 to 20,000,000	9,000	11,700	20286
20,000,001 to 100,000,000	10,800	14,050	20287
100,000,001 to 250,000,000	12,600	16,400	20288
250,000,001 or more	14,400	18,700	20289

In addition to the fee specified in the above schedule, an 20290
 NPDES permit holder that is an industrial discharger classified as 20291
 a major discharger during all or part of the annual discharge fee 20292
 billing year specified in division (L)(5)(a)(ii) of this section 20293
 shall pay a nonrefundable annual surcharge of ~~six thousand seven~~ 20294
~~hundred fifty dollars not later than January 30, 2000, and a~~ 20295
~~nonrefundable annual surcharge of~~ seven thousand five hundred 20296
 dollars not later than January 30, ~~2001~~ 2002, and not later than 20297
January 30, 2003. Any person who fails to pay the surcharge at 20298
 that time shall pay an additional amount that equals ten per cent 20299
 of the amount of the surcharge. 20300

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 20301
 section, a public discharger identified by I in the third 20302
 character of the permittee's NPDES permit number and an industrial 20303
 discharger identified by I, J, L, V, W, X, Y, or Z in the third 20304
 character of the permittee's NPDES permit number shall pay a 20305

nonrefundable annual discharge fee of one hundred eighty dollars
not later than January 30, ~~2000~~ 2002, and not later than January
30, ~~2001~~ 2003. Any person who fails to pay the fee at that time
shall pay an additional amount that equals ten per cent of the
required fee.

(6) Each person obtaining a national pollutant discharge
elimination system general or individual permit for municipal
storm water discharge shall pay a nonrefundable storm water
discharge fee of one hundred dollars per square mile of area
permitted. The fee shall not exceed ten thousand dollars and shall
be payable on or before January 30, 2004, and the thirtieth day of
January of each year thereafter. Any person who fails to pay the
fee on the date specified in division (L)(6) of this section shall
pay an additional amount per year equal to ten per cent of the
annual fee that is unpaid.

(7) The director shall transmit all moneys collected under
division (L) of this section to the treasurer of state for deposit
into the state treasury to the credit of the surface water
protection fund created in section 6111.038 of the Revised Code.

~~(7)~~(8) As used in division (L) of this section:

(a) "NPDES" means the federally approved national pollutant
discharge elimination system program for issuing, modifying,
revoking, reissuing, terminating, monitoring, and enforcing
permits and imposing and enforcing pretreatment requirements under
Chapter 6111. of the Revised Code and rules adopted under it.

(b) "Public discharger" means any holder of an NPDES permit
identified by P in the second character of the NPDES permit number
assigned by the director.

(c) "Industrial discharger" means any holder of an NPDES
permit identified by I in the second character of the NPDES permit
number assigned by the director.

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director. 20337
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(M) Through June 30, ~~2002~~ 2004, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code. 20341
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Fees required under this division shall be calculated and paid in accordance with the following schedule: 20351
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(1) For the initial license required under division (A)(1) of section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2002~~ 2004, the fee is: 20353
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Number of service connections	Fee amount	
Not more than 49	\$56	20358
50 to 99	88	20359
Number of service connections	Average cost per connection	
100 to 2,499	\$.96	20360
2,500 to 4,999	.92	20361
5,000 to 7,499	.88	20362
7,500 to 9,999	.84	20363
10,000 to 14,999	.80	20364
15,000 to 24,999	.76	20365
25,000 to 49,999	.72	20366

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50,000 to 99,999	.68	20369
100,000 to 149,999	.64	20370
150,000 to 199,999	.60	20371
200,000 or more	.56	20372

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under division (A)(2) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2002~~ 2004, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 56	20386
150 to 299	88	20387
300 to 749	192	20388
750 to 1,499	392	20389
1,500 to 2,999	792	20390
3,000 to 7,499	1,760	20391
7,500 to 14,999	3,800	20392
15,000 to 22,499	6,240	20393
22,500 to 29,999	8,576	20394
30,000 or more	11,600	20395

As used in division (M)(2) of this section, "population served" means the total number of individuals receiving water from the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific

population count, that number shall be calculated at the rate of 20401
three individuals per service connection. 20402

(3) For the initial license required under division (A)(3) of 20403
section 6109.21 of the Revised Code for any public water system 20404
that is not a community water system and serves a transient 20405
population, and for each license renewal required for such a 20406
system prior to January 31, ~~2002~~ 2004, the fee is: 20407

Number of wells supplying system	Fee amount	
1	\$ 56	20408
2	56	20409
3	88	20410
4	192	20411
5	392	20412
System supplied by surface		20413
water, springs, or dug wells	792	20414

As used in division (M)(3) of this section, "number of wells 20415
supplying system" means those wells that are physically connected 20416
to the plumbing system serving the public water system. 20417
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(N)(1) A person applying for a plan approval for a public 20419
water supply system under section 6109.07 of the Revised Code 20420
shall pay a fee of one hundred dollars plus two-tenths of one per 20421
cent of the estimated project cost, except that the total fee 20422
shall not exceed fifteen thousand dollars through June 30, ~~2002~~ 20423
2004, and five thousand dollars on and after July 1, ~~2002~~ 2004. 20424
The fee shall be paid at the time the application is submitted. 20425

(2) A person who has entered into an agreement with the 20426
director under division (A)(2) of section 6109.07 of the Revised 20427
Code shall pay an administrative service fee for each plan 20428
submitted under that section for approval that shall not exceed 20429
the minimum amount necessary to pay administrative costs directly 20430
attributable to processing plan approvals. The director annually 20431
shall calculate the fee and shall notify all persons that have 20432

entered into agreements under that division, or who have applied 20433
for agreements, of the amount of the fee. 20434

(3) Through June 30, ~~2002~~ 2004, the following fee, on a per 20435
survey basis, shall be charged any person for services rendered by 20436
the state in the evaluation of laboratories and laboratory 20437
personnel for compliance with accepted analytical techniques and 20438
procedures established pursuant to Chapter 6109. of the Revised 20439
Code for determining the qualitative characteristics of water: 20440

microbiological	\$1,650	20441
organic chemical	3,500	20442
inorganic chemical	3,500	20443
standard chemistry	1,800	20444
limited chemistry	1,000	20445

On and after July 1, ~~2002~~ 2004, the following fee, on a per 20446
survey basis, shall be charged any such person: 20447

microbiological	\$250	20448
chemical/radiological	250	20449
nitrate/turbidity (only)	150	20450

The fee for those services shall be paid at the time the request 20451
for the survey is made. Through June 30, ~~2002~~ 2004, an individual 20452
laboratory shall not be assessed a fee under this division more 20453
than once in any three-year period. 20454

The director shall transmit all moneys collected under this 20455
division to the treasurer of state for deposit into the drinking 20456
water protection fund created in section 6109.30 of the Revised 20457
Code. 20458

(O) Any person applying to the director for examination for 20459
certification as an operator of a water supply system or 20460
wastewater system under Chapter 6109. or 6111. of the Revised 20461
Code, at the time the application is submitted, shall pay an 20462
application fee of twenty-five dollars through June 30, ~~2002~~ 2004, 20463

and ten dollars on and after July 1, ~~2002~~ 2004. Upon approval from the director that the applicant is eligible to take the examination therefor, the applicant shall pay a fee in accordance with the following schedule through June 30, ~~2002~~ 2004:

Class I operator	\$45	20468
Class II operator	55	20469
Class III operator	65	20470
Class IV operator	75	20471

On and after July 1, ~~2002~~ 2004, the applicant shall pay a fee in accordance with the following schedule:

Class I operator	\$25	20474
Class II operator	35	20475
Class III operator	45	20476
Class IV operator	55	20477

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Through June 30, ~~2002~~ 2004, any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an

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incineration facility, or a modification of such an existing 20496
facility that includes an increase in the total disposal or 20497
treatment capacity of the facility pursuant to Chapter 3734. of 20498
the Revised Code shall pay a fee of ten dollars per thousand cubic 20499
yards of disposal or treatment capacity, or one thousand dollars, 20500
whichever is greater, except that the total fee for any such 20501
permit shall not exceed eighty thousand dollars. A person issued a 20502
modification of a permit for a solid waste disposal facility or an 20503
infectious waste treatment facility that does not involve an 20504
increase in the total disposal or treatment capacity of the 20505
facility shall pay a fee of one thousand dollars. A person issued 20506
a permit to install a new, or modify an existing, solid waste 20507
transfer facility under that chapter shall pay a fee of two 20508
thousand five hundred dollars. A person issued a permit to install 20509
a new or to modify an existing solid waste incineration or 20510
composting facility, or an existing infectious waste treatment 20511
facility using incineration as its principal method of treatment, 20512
under that chapter shall pay a fee of one thousand dollars. The 20513
increases in the permit fees under this division resulting from 20514
the amendments made by Amended Substitute House Bill 592 of the 20515
117th general assembly do not apply to any person who submitted an 20516
application for a permit to install a new, or modify an existing, 20517
solid waste disposal facility under that chapter prior to 20518
September 1, 1987; any such person shall pay the permit fee 20519
established in this division as it existed prior to June 24, 1988. 20520
In addition to the applicable permit fee under this division, a 20521
person issued a permit to install or modify a solid waste facility 20522
or an infectious waste treatment facility under that chapter who 20523
fails to pay the permit fee to the director in compliance with 20524
division (V) of this section shall pay an additional ten per cent 20525
of the amount of the fee for each week that the permit fee is 20526
late. 20527

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Permit and late payment fees paid to the director under this 20528
division shall be credited to the general revenue fund. 20529

(R)(1) A person issued a registration certificate for a scrap 20530
tire collection facility under section 3734.75 of the Revised Code 20531
shall pay a fee of two hundred dollars, except that if the 20532
facility is owned or operated by a motor vehicle salvage dealer 20533
licensed under Chapter 4738. of the Revised Code, the person shall 20534
pay a fee of twenty-five dollars. 20535

(2) A person issued a registration certificate for a new 20536
scrap tire storage facility under section 3734.76 of the Revised 20537
Code shall pay a fee of three hundred dollars, except that if the 20538
facility is owned or operated by a motor vehicle salvage dealer 20539
licensed under Chapter 4738. of the Revised Code, the person shall 20540
pay a fee of twenty-five dollars. 20541

(3) A person issued a permit for a scrap tire storage 20542
facility under section 3734.76 of the Revised Code shall pay a fee 20543
of one thousand dollars, except that if the facility is owned or 20544
operated by a motor vehicle salvage dealer licensed under Chapter 20545
4738. of the Revised Code, the person shall pay a fee of fifty 20546
dollars. 20547

(4) A person issued a permit for a scrap tire monocell or 20548
monofill facility under section 3734.77 of the Revised Code shall 20549
pay a fee of ten dollars per thousand cubic yards of disposal 20550
capacity or one thousand dollars, whichever is greater, except 20551
that the total fee for any such permit shall not exceed eighty 20552
thousand dollars. 20553

(5) A person issued a registration certificate for a scrap 20554
tire recovery facility under section 3734.78 of the Revised Code 20555
shall pay a fee of one hundred dollars. 20556

(6) A person issued a permit for a scrap tire recovery 20557
facility under section 3734.78 of the Revised Code shall pay a fee 20558

of one thousand dollars.

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(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

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(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

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(S)(1) Except as provided by divisions (L), (M), (N), (O), (P), and (S)(2) of this section, division (A)(2) of section 3734.05 of the Revised Code, section 3734.79 of the Revised Code, and rules adopted under division (T)(1) of this section, any person applying for a registration certificate under section 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, variance, or plan approval under Chapter 3734. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted.

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Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable fee of one hundred dollars at the time the application is submitted through June 30, ~~2002~~ 2004, and a nonrefundable fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2002~~ 2004. Through June 30, ~~2002~~ 2004, any person applying for a national pollutant discharge elimination system permit under Chapter 6111. of the Revised Code shall pay a nonrefundable fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2002~~ 2004, such a person shall pay a nonrefundable fee of

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fifteen dollars at the time of application. 20591

In addition to the application fee established under division 20592
(S)(1) of this section, any person applying for a national 20593
pollutant discharge elimination system general storm water 20594
construction permit shall pay a nonrefundable fee of twenty 20595
dollars per acre for each acre that is permitted above five acres 20596
at the time the application is submitted. However, the per acreage 20597
fee shall not exceed three hundred dollars. In addition, any 20598
person applying for a national pollutant discharge elimination 20599
system general storm water industrial permit shall pay a 20600
nonrefundable fee of one hundred fifty dollars at the time the 20601
application is submitted. 20602

The director shall transmit all moneys collected under 20603
division (S)(1) of this section pursuant to Chapter 6109. of the 20604
Revised Code to the treasurer of state for deposit into the 20605
drinking water protection fund created in section 6109.30 of the 20606
Revised Code. 20607

The director shall transmit all moneys collected under 20608
division (S)(1) of this section pursuant to Chapter 6111. of the 20609
Revised Code to the treasurer of state for deposit into the 20610
surface water protection fund created in section 6111.038 of the 20611
Revised Code. 20612

If a registration certificate is issued under section 20613
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 20614
the application fee paid shall be deducted from the amount of the 20615
registration certificate fee due under division (R)(1), (2), or 20616
(5) of this section, as applicable. 20617

(2) Division (S)(1) of this section does not apply to an 20618
application for a registration certificate for a scrap tire 20619
collection or storage facility submitted under section 3734.75 or 20620
3734.76 of the Revised Code, as applicable, if the owner or 20621
operator of the facility or proposed facility is a motor vehicle 20622

salvage dealer licensed under Chapter 4738. of the Revised Code. 20623

(T) The director may adopt, amend, and rescind rules in 20624
accordance with Chapter 119. of the Revised Code that do all of 20625
the following: 20626

(1) Prescribe fees to be paid by applicants for and holders 20627
of any license, permit, variance, plan approval, or certification 20628
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 20629
the Revised Code that are not specifically established in this 20630
section. The fees shall be designed to defray the cost of 20631
processing, issuing, revoking, modifying, denying, and enforcing 20632
the licenses, permits, variances, plan approvals, and 20633
certifications. 20634

The director shall transmit all moneys collected under rules 20635
adopted under division (T)(1) of this section pursuant to Chapter 20636
6109. of the Revised Code to the treasurer of state for deposit 20637
into the drinking water protection fund created in section 6109.30 20638
of the Revised Code. 20639

The director shall transmit all moneys collected under rules 20640
adopted under division (T)(1) of this section pursuant to Chapter 20641
6111. of the Revised Code to the treasurer of state for deposit 20642
into the surface water protection fund created in section 6111.038 20643
of the Revised Code. 20644

(2) Exempt the state and political subdivisions thereof, 20645
including education facilities or medical facilities owned by the 20646
state or a political subdivision, or any person exempted from 20647
taxation by section 5709.07 or 5709.12 of the Revised Code, from 20648
any fee required by this section; 20649

(3) Provide for the waiver of any fee, or any part thereof, 20650
otherwise required by this section whenever the director 20651
determines that the imposition of the fee would constitute an 20652
unreasonable cost of doing business for any applicant, class of 20653

applicants, or other person subject to the fee; 20654

(4) Prescribe measures that the director considers necessary 20655
to carry out this section. 20656

(U) When the director reasonably demonstrates that the direct 20657
cost to the state associated with the issuance of a permit to 20658
install, license, variance, plan approval, or certification 20659
exceeds the fee for the issuance or review specified by this 20660
section, the director may condition the issuance or review on the 20661
payment by the person receiving the issuance or review of, in 20662
addition to the fee specified by this section, the amount, or any 20663
portion thereof, in excess of the fee specified under this 20664
section. The director shall not so condition issuances for which 20665
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 20666
section. 20667

(V) Except as provided in divisions (L), (M), and (P) of this 20668
section or unless otherwise prescribed by a rule of the director 20669
adopted pursuant to Chapter 119. of the Revised Code, all fees 20670
required by this section are payable within thirty days after the 20671
issuance of an invoice for the fee by the director or the 20672
effective date of the issuance of the license, permit, variance, 20673
plan approval, or certification. If payment is late, the person 20674
responsible for payment of the fee shall pay an additional ten per 20675
cent of the amount due for each month that it is late. 20676

(W) As used in this section, "fuel-burning equipment," 20677
"fuel-burning equipment input capacity," "incinerator," 20678
"incinerator input capacity," "process," "process weight rate," 20679
"storage tank," "gasoline dispensing facility," "dry cleaning 20680
facility," "design flow discharge," and "new source treatment 20681
works" have the meanings ascribed to those terms by applicable 20682
rules or standards adopted by the director under Chapter 3704. or 20683
6111. of the Revised Code. 20684

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 20685
and (J) of this section, and in any other provision of this 20686
section pertaining to fees paid pursuant to Chapter 3704. of the 20687
Revised Code: 20688

(1) "Facility," "federal Clean Air Act," "person," and "Title 20689
V permit" have the same meanings as in section 3704.01 of the 20690
Revised Code. 20691

(2) "Title V permit program" means the following activities 20692
as necessary to meet the requirements of Title V of the federal 20693
Clean Air Act and 40 C.F.R. part 70, including at least: 20694

(a) Preparing and adopting, if applicable, generally 20695
applicable rules or guidance regarding the permit program or its 20696
implementation or enforcement; 20697

(b) Reviewing and acting on any application for a Title V 20698
permit, permit revision, or permit renewal, including the 20699
development of an applicable requirement as part of the processing 20700
of a permit, permit revision, or permit renewal; 20701

(c) Administering the permit program, including the 20702
supporting and tracking of permit applications, compliance 20703
certification, and related data entry; 20704

(d) Determining which sources are subject to the program and 20705
implementing and enforcing the terms of any Title V permit, not 20706
including any court actions or other formal enforcement actions; 20707

(e) Emission and ambient monitoring; 20708

(f) Modeling, analyses, or demonstrations; 20709

(g) Preparing inventories and tracking emissions; 20710

(h) Providing direct and indirect support to small business 20711
stationary sources to determine and meet their obligations under 20712
the federal Clean Air Act pursuant to the small business 20713
stationary source technical and environmental compliance 20714

assistance program required by section 507 of that act and 20715
established in sections 3704.18, 3704.19, and 3706.19 of the 20716
Revised Code. 20717

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 20718
of this section, each sewage sludge facility shall pay a 20719
nonrefundable annual sludge fee equal to three dollars and fifty 20720
cents per dry ton of sewage sludge, including the dry tons of 20721
sewage sludge in materials derived from sewage sludge, that the 20722
sewage sludge facility treats or disposes of in this state. The 20723
annual volume of sewage sludge treated or disposed of by a sewage 20724
sludge facility shall be calculated using the first day of January 20725
through the thirty-first day of December of the calendar year 20726
preceding the date on which payment of the fee is due. 20727

(2)(a) Except as provided in division (Y)(2)(d) of this 20728
section, each sewage sludge facility shall pay a minimum annual 20729
sewage sludge fee of one hundred dollars. 20730

(b) The annual sludge fee required to be paid by a sewage 20731
sludge facility that treats or disposes of exceptional quality 20732
sludge in this state shall be thirty-five per cent less per dry 20733
ton of exceptional quality sludge than the fee assessed under 20734
division (Y)(1) of this section, subject to the following 20735
exceptions: 20736

(i) Except as provided in division (Y)(2)(d) of this section, 20737
a sewage sludge facility that treats or disposes of exceptional 20738
quality sludge shall pay a minimum annual sewage sludge fee of one 20739
hundred dollars. 20740

(ii) A sewage sludge facility that treats or disposes of 20741
exceptional quality sludge shall not be required to pay the annual 20742
sludge fee for treatment or disposal in this state of exceptional 20743
quality sludge generated outside of this state and contained in 20744
bags or other containers not greater than one hundred pounds in 20745

capacity. 20746

A thirty-five per cent reduction for exceptional quality sludge applies to the maximum annual fees established under division (Y)(3) of this section. 20747
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(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section. 20750
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In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. 20759
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(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section. 20764
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(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows: 20768
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(a) Incineration: five thousand dollars; 20775

(b) Preexisting land reclamation project or disposal in a 20776

landfill: five thousand dollars; 20777

(c) Land application, land reclamation, surface disposal, or 20778
any other disposal method not specified in division (Y)(3)(a) or 20779
(b) of this section: twenty thousand dollars. 20780

(4)(a) In the case of an entity that generates sewage sludge 20781
or a sewage sludge facility that treats sewage sludge and 20782
transfers the sewage sludge to an incineration facility for 20783
disposal, the incineration facility, and not the entity generating 20784
the sewage sludge or the sewage sludge facility treating the 20785
sewage sludge, shall pay the annual sludge fee for the tons of 20786
sewage sludge that are transferred. However, the entity or 20787
facility generating or treating the sewage sludge shall pay the 20788
one-hundred-dollar minimum fee required under division (Y)(2)(a) 20789
of this section. 20790

(b) In the case of an entity that generates sewage sludge and 20791
transfers the sewage sludge to a landfill for disposal or to a 20792
sewage sludge facility for land reclamation or surface disposal, 20793
the entity generating the sewage sludge, and not the landfill or 20794
sewage sludge facility, shall pay the annual sludge fee for the 20795
tons of sewage sludge that are transferred. 20796

(5) Not later than the first day of April of the calendar 20797
year following ~~the effective date of this amendment~~ March 17, 20798
2000, and each first day of April thereafter, the director shall 20799
issue invoices to persons who are required to pay the annual 20800
sludge fee. The invoice shall identify the nature and amount of 20801
the annual sludge fee assessed and state the first day of May as 20802
the deadline for receipt by the director of objections regarding 20803
the amount of the fee and the first day of July as the deadline 20804
for payment of the fee. 20805

Not later than the first day of May following receipt of an 20806
invoice, a person required to pay the annual sludge fee may submit 20807

objections to the director concerning the accuracy of information 20808
regarding the number of dry tons of sewage sludge used to 20809
calculate the amount of the annual sludge fee or regarding whether 20810
the sewage sludge qualifies for the exceptional quality sludge 20811
discount established in division (Y)(2)(b) of this section. The 20812
director may consider the objections and adjust the amount of the 20813
fee to ensure that it is accurate. 20814

If the director does not adjust the amount of the annual 20815
sludge fee in response to a person's objections, the person may 20816
appeal the director's determination in accordance with Chapter 20817
119. of the Revised Code. 20818

Not later than the first day of June, the director shall 20819
notify the objecting person regarding whether the director has 20820
found the objections to be valid and the reasons for the finding. 20821
If the director finds the objections to be valid and adjusts the 20822
amount of the annual sludge fee accordingly, the director shall 20823
issue with the notification a new invoice to the person 20824
identifying the amount of the annual sludge fee assessed and 20825
stating the first day of July as the deadline for payment. 20826

Not later than the first day of July, any person who is 20827
required to do so shall pay the annual sludge fee. Any person who 20828
is required to pay the fee, but who fails to do so on or before 20829
that date shall pay an additional amount that equals ten per cent 20830
of the required annual sludge fee. 20831

(6) The director shall transmit all moneys collected under 20832
division (Y) of this section to the treasurer of state for deposit 20833
into the surface water protection fund created in section 6111.038 20834
of the Revised Code. The moneys shall be used to defray the costs 20835
of administering and enforcing provisions in Chapter 6111. of the 20836
Revised Code and rules adopted under it that govern the use, 20837
storage, treatment, or disposal of sewage sludge. 20838

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(7) Beginning in fiscal year 2001, and every two years 20839
thereafter, the director shall review the total amount of moneys 20840
generated by the annual sludge fees to determine if that amount 20841
~~exceeds~~ exceeded six hundred thousand dollars in either of the two 20842
preceding fiscal years. If the total amount of moneys in the fund 20843
exceeded six hundred thousand dollars in either fiscal year, the 20844
director, after review of the fee structure and consultation with 20845
affected persons, shall issue an order reducing the amount of the 20846
fees levied under division (Y) of this section so that the 20847
estimated amount of moneys resulting from the fees will not exceed 20848
six hundred thousand dollars in any fiscal year. 20849

If, upon review of the fees under division (Y)(7) of this 20850
section and after the fees have been reduced, the director 20851
determines that the total amount of moneys collected and 20852
accumulated is less than six hundred thousand dollars, the 20853
director, after review of the fee structure and consultation with 20854
affected persons, may issue an order increasing the amount of the 20855
fees levied under division (Y) of this section so that the 20856
estimated amount of moneys resulting from the fees will be 20857
approximately six hundred thousand dollars. Fees shall never be 20858
increased to an amount exceeding the amount specified in division 20859
(Y)(7) of this section. 20860

Notwithstanding section 119.06 of the Revised Code, the 20861
director may issue an order under division (Y)(7) of this section 20862
without the necessity to hold an adjudicatory hearing in 20863
connection with the order. The issuance of an order under this 20864
division is not an act or action for purposes of section 3745.04 20865
of the Revised Code. 20866

(8) As used in division (Y) of this section: 20867

(a) "Sewage sludge facility" means an entity that performs 20868
treatment on or is responsible for the disposal of sewage sludge. 20869

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- (b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.
- (c) "Exceptional quality sludge" means sewage sludge that meets all of the following qualifications:
- (i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);
- (ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);
- (iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;
- (iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.
- (d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.
- (e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.
- (f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or

fertilizing crops or vegetation grown in the soil.	20900
(g) "Land reclamation" means the returning of disturbed land to productive use.	20901 20902
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	20903 20904 20905 20906
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	20907 20908 20909 20910
(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway.	20911 20912 20913 20914
(k) "Annual sludge fee" means the fee assessed under division (Y)(1) of this section.	20915 20916
(l) "Landfill" means a sanitary landfill facility, as defined in rules adopted under section 3734.02 of the Revised Code, that is licensed under section 3734.05 of the Revised Code.	20917 20918 20919
(m) "Preexisting land reclamation project" means a property-specific land reclamation project that has been in continuous operation for not less than five years pursuant to approval of the activity by the director and includes the implementation of a community outreach program concerning the activity.	20920 20921 20922 20923 20924 20925
<u>Sec. 3745.15. Notwithstanding any provision of Chapter 3704., 3734., 3746., or 6111. of the Revised Code to the contrary, not later than ninety days after receipt of an application for a permit under any of those chapters, the director of environmental</u>	20926 20927 20928 20929

protection shall either issue or deny the permit. The director 20930
shall send written notification to the applicant of the issuance 20931
or denial. If the director fails to issue or deny the permit by 20932
the end of the ninety-day period, the application is deemed 20933
approved, and the director shall issue the permit. The director 20934
shall send written notification to the applicant of the issuance. 20935

Sec. 3745.22. (A) As used in this section, "eligible 20936
institution of higher education" means any of the state 20937
universities listed in section 3345.011 of the Revised Code, or a 20938
community college, technical college, university branch, state 20939
community college, or an institution that is nonprofit and holds a 20940
certificate of authorization issued under section 1713.02 of the 20941
Revised Code. 20942

(B) There is hereby created in the state treasury the 20943
environmental education fund consisting of moneys credited to the 20944
fund pursuant to sections 3704.06 and 6111.09 of the Revised Code 20945
and any gifts, grants, or contributions received by the director 20946
of environmental protection for the purposes of the fund. The fund 20947
shall be administered by the director with the advice and 20948
assistance of the environmental education council created in 20949
section 3745.21 of the Revised Code. Moneys in the fund shall be 20950
used exclusively to develop, implement, and administer a program 20951
to enhance public awareness and the objective understanding within 20952
this state of issues affecting environmental quality. Toward that 20953
end, moneys in the fund may be used for purposes that include, 20954
without limitation, developing elementary and secondary school and 20955
collegiate curricula on environmental issues; providing training 20956
for this state's elementary and secondary school teachers on 20957
environmental issues; providing educational seminars for concerned 20958
members of the public regarding the scientific and technical 20959
aspects of environmental issues; providing educational seminars 20960

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regarding pollution prevention and waste minimization for persons 20961
regulated by the environmental protection agency; providing 20962
educational seminars for persons regulated by the environmental 20963
protection agency, including, without limitation, small 20964
businesses, regarding the regulatory requirements of the agency 20965
and the means of achieving and maintaining compliance with them; 20966
and providing one or more scholarships in environmental sciences 20967
or environmental engineering ~~at one or more state colleges or~~ 20968
~~universities, as "state college or university" is defined in~~ 20969
~~section 3345.27 of the Revised Code~~ for students enrolled at an 20970
eligible institution of higher education. 20971

The director may expend not more than one million five 20972
hundred thousand dollars of the moneys credited to the 20973
environmental education fund under sections 3704.06 and 6111.09 of 20974
the Revised Code in any fiscal year for the purposes specified in 20975
this division. The director may request authority from the 20976
controlling board to expend any moneys credited to that fund in 20977
any fiscal year in excess of that amount. 20978

~~(B)~~(C) Not later than the first day of April each year, the 20979
director, with the advice and assistance of the council, shall 20980
prepare and submit to the governor, the president of the senate, 20981
and the speaker of the house of representatives an environmental 20982
education agenda that describes the proposed uses of the 20983
environmental education fund during the following fiscal year. 20984
Prior to submitting the agenda the director, in conjunction with 20985
the council, shall hold a public hearing in Franklin county to 20986
receive comments on the agenda. After the public hearing and 20987
before submitting the agenda to the governor, the president, and 20988
the speaker, the director, with the advice and assistance of the 20989
council, may make any modifications to the agenda that the 20990
director considers appropriate based upon the comments received at 20991
the public hearing. 20992

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(C)(D) Not later than the first day of September each year, 20993
the director, with the advice and assistance of the council, shall 20994
prepare and submit to the governor, the president of the senate, 20995
and the speaker of the house of representatives a report on the 20996
revenues credited to and expenditures from the environmental 20997
education fund during the immediately preceding fiscal year. 20998

Sec. 3750.02. (A) There is hereby created the emergency 20999
response commission consisting of the directors of environmental 21000
protection and health, the chairpersons of the public utilities 21001
commission, and industrial commission, ~~and state and local~~ 21002
~~government commission~~, the fire marshal, the director of public 21003
safety, the director of job and family services, and the attorney 21004
general as members ex officio, or their designees; notwithstanding 21005
section 101.26 of the Revised Code, the chairpersons of the 21006
respective standing committees of the senate and house of 21007
representatives that are primarily responsible for considering 21008
environmental issues who may participate fully in all the 21009
commission's deliberations and activities, except that they shall 21010
serve as nonvoting members; and ten members to be appointed by the 21011
governor with the advice and consent of the senate. The appointed 21012
members, to the extent practicable, shall have technical expertise 21013
in the field of emergency response. Of the appointed members, two 21014
shall represent environmental advocacy organizations, one shall 21015
represent the interests of petroleum refiners or marketers or 21016
chemical manufacturers, one shall represent the interests of 21017
another industry subject to this chapter, one shall represent the 21018
interests of municipal corporations, one shall represent the 21019
interests of counties, one shall represent the interests of chiefs 21020
of fire departments, one shall represent the interests of 21021
professional firefighters, one shall represent the interests of 21022
volunteer firefighters, and one shall represent the interests of 21023
local emergency management agencies. 21024

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An appointed member of the commission also may serve as a member of the local emergency planning committee of an emergency planning district. An appointed member of the commission who is also a member of a local emergency planning committee shall not participate as a member of the commission in the appointment of members of the local emergency planning committee of which the member is a member, in the review of the chemical emergency response and preparedness plan submitted by the local emergency planning committee of which the member is a member, in any vote to approve a grant to the member's district, or in any vote of the commission on any motion or resolution pertaining specifically to the member's district or the local emergency planning committee on which the member serves. A commission member who is also a member of a local emergency planning committee shall not lobby or otherwise act as an advocate for the member's district to other members of the commission to obtain from the commission anything of value for the member's district or the local emergency planning committee of which the member is a member. A member of the commission who is also a member of a local emergency planning committee may vote on resolutions of the commission that apply uniformly to all local emergency planning committees and districts in the state and do not provide a grant or other pecuniary benefit to the member's district or the committee of which the member is a member.

The governor shall make the initial appointments to the commission within thirty days after December 14, 1988. Of the initial appointments to the commission, five shall be for a term of two years and five shall be for a term of one year. Thereafter, terms of office of the appointed members of the commission shall be for two years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term

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for which the member was appointed. Members may be reappointed. 21057
Vacancies shall be filled in the manner provided for original 21058
appointments. Any member appointed to fill a vacancy occurring 21059
prior to the expiration of the term for which the member's 21060
predecessor was appointed shall hold office for the remainder of 21061
that term. A member shall continue in office subsequent to the 21062
expiration date of the member's term until the member's successor 21063
takes office or until a period of sixty days has elapsed, 21064
whichever occurs first. The commission may at any time by a vote 21065
of two-thirds of all the members remove any appointed member of 21066
the commission for misfeasance, nonfeasance, or malfeasance. 21067
Members of the commission shall serve without compensation, but 21068
shall be reimbursed for the reasonable expenses incurred by them 21069
in the discharge of their duties as members of the commission. 21070

The commission shall meet at least annually and shall hold 21071
such additional meetings as are necessary to implement and 21072
administer this chapter. Additional meetings may be held at the 21073
behest of either a co-chairperson or a majority of the members. 21074
The commission shall, by adoption of internal management rules 21075
under division (B)(9) of this section, establish an executive 21076
committee and delegate to it the performance of such of the 21077
commission's duties and powers under this chapter as are required 21078
or authorized to be so delegated by that division. The commission 21079
may organize itself into such additional committees as it 21080
considers necessary or convenient to implement and administer this 21081
chapter. The director of environmental protection and the director 21082
of public safety or their designees shall serve as co-chairpersons 21083
of the commission and the executive committee. Except as otherwise 21084
provided in this chapter, a majority of the voting members of the 21085
commission constitutes a quorum and the affirmative vote of a 21086
majority of the voting members of the commission is necessary for 21087
any action taken by the commission. Meetings of the executive 21088

committee conducted for the purpose of determining whether to
issue an enforcement order or request that a civil action, civil
penalty action, or criminal action be brought to enforce this
chapter or rules adopted or orders issued under it are not subject
to section 121.22 of the Revised Code pursuant to division (D) of
that section.

Except for the purposes of Chapters 102. and 2921. and
sections 9.86 and 109.36 to 109.366 of the Revised Code, serving
as an appointed member of the commission does not constitute
holding a public office or position of employment under the laws
of this state and does not constitute grounds for removal of
public officers or employees from their offices or positions of
employment.

(B) The commission shall:

(1) Adopt rules in accordance with Chapter 119. of the
Revised Code that are consistent with and equivalent in scope,
content, and coverage to the "Emergency Planning and Community
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and
applicable regulations adopted under it:

(a) Identifying or listing extremely hazardous substances and
establishing a threshold planning quantity for each such
substance. To the extent consistent with that act and applicable
regulations adopted under it, the rules may establish threshold
planning quantities based upon classes of those substances or
categories of facilities at which such substances are present.

(b) Listing hazardous chemicals, establishing threshold
quantities for those chemicals, establishing categories of health
and physical hazards of those chemicals, establishing criteria or
procedures for identifying those chemicals and the appropriate
hazard categories of those chemicals, and establishing ranges of
quantities for those chemicals to be used in preparing emergency

and hazardous chemical inventory forms under section 3750.08 of 21120
the Revised Code. To the extent consistent with that act and 21121
applicable regulations adopted under it, the rules may establish 21122
threshold quantities based upon classes of those chemicals or 21123
categories of facilities where those chemicals are present. 21124

To the extent consistent with that act, the threshold 21125
quantities for purposes of the submission of lists of hazardous 21126
chemicals under section 3750.07 and the submission of emergency 21127
and hazardous chemical inventory forms under section 3750.08 of 21128
the Revised Code may differ. 21129

(c) Identifying or listing hazardous substances and 21130
establishing reportable quantities of each of those substances and 21131
each extremely hazardous substance. In addition to being 21132
consistent with and equivalent in scope, content, and coverage to 21133
that act and applicable regulations adopted under it, the rules 21134
shall be consistent with and equivalent in scope, content, and 21135
coverage to regulations identifying or listing hazardous 21136
substances and reportable quantities of those substances adopted 21137
under the "Comprehensive Environmental Response, Compensation, and 21138
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 21139
amended. 21140

(d) Prescribing the information to be included in the lists 21141
of hazardous chemicals required to be submitted under section 21142
3750.07 of the Revised Code; 21143

(e) Prescribing the information to be included in the 21144
emergency and hazardous chemical inventory forms required to be 21145
submitted under section 3750.08 of the Revised Code. If the 21146
commission establishes its own emergency and hazardous chemical 21147
inventory form, the rules shall authorize owners and operators of 21148
facilities who also have one or more facilities located outside 21149
the state for which they are required to submit inventory forms 21150
under the federal act and regulations adopted under it to submit 21151

their annual inventories on forms prescribed by the administrator 21152
of the United States environmental protection agency under that 21153
act instead of on forms prescribed by the commission and shall 21154
require those owners or operators to submit any additional 21155
information required by the commission's inventory form on an 21156
attachment to the federal form. 21157

(f) Establishing procedures for giving verbal notice of 21158
releases under section 3750.06 of the Revised Code and prescribing 21159
the information to be provided in such a notice and in the 21160
follow-up written notice required by that section; 21161

(g) Establishing standards for determining valid needs for 21162
the release of tier II information under division (B)(4) of 21163
section 3750.10 of the Revised Code; 21164

(h) Identifying the types or categories of information 21165
submitted or obtained under this chapter and rules adopted under 21166
it that constitute confidential business information; 21167

(i) Establishing criteria and procedures to protect trade 21168
secret and confidential business information from unauthorized 21169
disclosure; 21170

(j) Establishing other requirements or authorizations that 21171
the commission considers necessary or appropriate to implement, 21172
administer, and enforce this chapter. 21173

(2) Adopt rules in accordance with Chapter 119. of the 21174
Revised Code to implement and administer this chapter that may be 21175
more stringent than the "Emergency Planning and Community 21176
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and 21177
regulations adopted under it. Rules adopted under division (B)(2) 21178
of this section shall not be inconsistent with that act or the 21179
regulations adopted under it. The rules shall: 21180

(a) Prescribe the information to be included in the chemical 21181
emergency response and preparedness plans prepared and submitted 21182

by local emergency planning committees under section 3750.04 of the Revised Code; 21183
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(b) Establish criteria and procedures for reviewing the chemical emergency response and preparedness plans of local emergency planning committees required by section 3750.04 of the Revised Code and the annual exercise of those plans and for providing concurrence or requesting modifications in the plans and the exercise of those plans. The criteria shall include, without limitation, the requirement that each exercise of a committee's plan involve, in addition to local emergency response and medical personnel, either a facility that is subject to the plan or a transporter of materials that are identified or listed as hazardous materials by regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended. 21185
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(c) Establish policies and procedures for maintaining information submitted to the commission and local emergency planning committees under this chapter, and for receiving and fulfilling requests from the public for access to review and to obtain copies of that information. The criteria and procedures shall include the following requirements and authorizations regarding that information and access to it: 21198
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(i) Information that is protected as trade secret information or confidential business information under this chapter and rules adopted under it shall be kept in files that are separate from those containing information that is not so protected. 21205
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(ii) The original copies of information submitted to the commission or committee shall not be removed from the custody and control of the commission or committee. 21210
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(iii) A person who, either in person or by mail, requests to 21213

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obtain a copy of a material safety data sheet submitted under this 21214
chapter by a facility owner or operator shall submit a separate 21215
application for each facility for which a material safety data 21216
sheet is being requested. 21217

(iv) A person who requests to receive by mail a copy of 21218
information submitted under this chapter by a facility owner or 21219
operator shall submit a separate application for each facility for 21220
which information is being requested and shall specify both the 21221
facility for which information is being requested and the 21222
particular types of documents requested. 21223

(v) Only employees of the commission or committee shall copy 21224
information in the files of the commission or committee. 21225

(vi) The commission or committee may require any person who 21226
requests to review or obtain a copy of information in its files to 21227
schedule an appointment for that purpose with the information 21228
coordinator of the commission or committee at least twenty-four 21229
hours before arriving at the office of the commission or committee 21230
for the review or copy. 21231

(vii) Any person who seeks access to information in the files 21232
of the commission or a local emergency planning committee shall 21233
submit a written application, either in person or by mail, to the 21234
information coordinator on a form provided by the commission or 21235
committee. The person also shall provide the person's name and 21236
current mailing address on the application and may be requested by 21237
the commission or committee to provide basic demographic 21238
information on the form to assist in the evaluation of the 21239
information access provisions of this chapter and rules adopted 21240
under it. Application forms may be obtained by mail or in person 21241
or by request by telephone at the office of the commission or 21242
committee during regular business hours. Upon receipt of a request 21243
for an application by telephone or mail, the information 21244
coordinator shall promptly mail an application to the person who 21245

requested it. 21246

(viii) The application form shall provide the applicant with 21247
a means of indicating that the applicant's name and address are to 21248
be kept confidential. If the applicant so indicates, that 21249
information is not a public record under section 149.43 of the 21250
Revised Code and shall not be disclosed to any person who is not a 21251
member or employee of the commission or committee or an employee 21252
of the environmental protection agency. When a name and address 21253
are to be kept confidential, they also shall be deleted from the 21254
copy of the application required to be placed in the file of the 21255
facility under division (B)(2)(c)(xii) of this section and shall 21256
be withheld from any log of information requests kept by the 21257
commission or committee pursuant to that division. 21258

(ix) Neither the commission nor a local emergency planning 21259
committee shall charge any fee for access to review information in 21260
its files when no copies or computer searches of that information 21261
are requested. 21262

(x) An applicant shall be informed of the cost of copying, 21263
mailing, or conducting a computer search of information on file 21264
with the commission or committee before such a copy or search is 21265
made, and the commission or committee shall collect the 21266
appropriate fees as established under section 3750.13 of the 21267
Revised Code. Each applicant shall acknowledge on the application 21268
form that the applicant is aware that the applicant will be 21269
charged for copies and computer searches of that information the 21270
applicant requests and for the costs of mailing copies of the 21271
information to the applicant. 21272

(xi) The commission or committee may require a person 21273
requesting copies of information on file with it to take delivery 21274
of them in the office of the commission or committee whenever it 21275
considers the volume of the information to be large enough to make 21276
mailing or delivery by a parcel or package delivery service 21277

impractical. 21278

(xii) When the commission or committee receives a request for 21279
access to review or obtain copies of information in its files, it 21280
shall not routinely notify the owner or operator of the facility 21281
involved, but instead shall either keep a log or file of requests 21282
for the information or shall place a copy of each completed 21283
application form in the file for the facility to which the 21284
application pertains. Such a log or file shall be available for 21285
review by the public and by the owners and operators of facilities 21286
required to submit information to the commission or committee 21287
under this chapter and rules adopted under it. 21288

(d) Require that claims for the protection, as a trade 21289
secret, of information obtained under this chapter regarding 21290
extremely hazardous substances identified or listed in rules 21291
adopted under division (B)(1)(a) of this section and hazardous 21292
chemicals identified or listed in rules adopted under division 21293
(B)(1)(b) of this section be submitted to the administrator of the 21294
United States environmental protection agency for determination 21295
under section 322 of the the "Emergency Planning and Community 21296
Right-To-Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and 21297
regulations adopted under that section; 21298

(e) Establish criteria and procedures for the issuance of 21299
variances under divisions (B) and (C) of section 3750.11 of the 21300
Revised Code. The rules shall require that, before approval of an 21301
application for a variance, the commission or committee find by a 21302
preponderance of the scientific evidence based upon generally 21303
accepted scientific principles or laboratory tests that the 21304
extremely hazardous substances, hazardous chemicals, or hazardous 21305
substances that would be subject to the reporting requirement pose 21306
a substantial risk of catastrophic injury to public health or 21307
safety or to the environment, or pose an extraordinary risk of 21308
injury to emergency management personnel responding to a release 21309

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of the chemicals or substances, when the substances or chemicals
are present at a facility in an amount equal to or exceeding the
quantity for which reporting would be required under the reporting
requirement for which the variance is sought. The rules shall also
require that before approval of an application for a variance, the
commission or committee find by a preponderance of the evidence
that the development and implementation of a local emergency
response plan for releases of the substances or chemicals covered
by the reporting requirement will reduce the risk of catastrophic
injury to public health or safety or to the environment, or will
reduce the extraordinary risk of injury to responding emergency
management personnel, in the event of a release of the substances
or chemicals and find by a preponderance of the evidence that the
reporting requirement is necessary for the development of such a
local emergency response plan. The rules shall require that when
determining whether the substances or chemicals that would be
subject to the reporting requirement pose a substantial risk of
catastrophic injury to public health or safety or to the
environment, or pose an extraordinary risk of injury to emergency
management personnel responding to a release of the substance or
chemical, the commission or committee consider all of the
following factors:

(i) The specific characteristics and degree and nature of the
hazards posed by a release of the extremely hazardous substances,
hazardous chemicals, or hazardous substances;

(ii) The proximity of the facilities that would be subject to
the reporting requirement to residential areas, to areas where
significantly large numbers of people are employed or otherwise
congregate, and to environmental resources that are subject to
injury;

(iii) The quantities of the extremely hazardous substances,
hazardous chemicals, or hazardous substances that are routinely

present at facilities that would be subject to the reporting requirement; 21342
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(iv) The frequency with which the extremely hazardous substances, hazardous chemicals, or hazardous substances are present at the facilities that would be subject to the reporting requirement in quantities for which reporting would be required thereunder. 21344
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(f) Establish criteria and procedures for the issuance of orders under division (D) of section 3750.11 of the Revised Code requiring the placement of emergency response lock box units. The rules shall require that before approval of an application for issuance of such an order, the commission or committee find by a preponderance of the scientific evidence based upon generally accepted scientific principles or laboratory tests that the presence of the extremely hazardous substances, hazardous chemicals, or hazardous substances in the quantities in which they are routinely or intermittently present at the facility for which the order is sought pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of those substances or chemicals from the facility. The rules shall require that before approval of an application for issuance of such an order, the commission or committee also find by a preponderance of the evidence that the placement of an emergency response lock box unit at the facility is necessary to protect against the substantial risk of catastrophic injury to public health or safety or the environment, or to protect against an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of the extremely hazardous substances, hazardous chemicals, or hazardous substances routinely or intermittently present at the facility. The rules shall require that when 21349
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determining whether the extremely hazardous substances, hazardous chemicals, or hazardous substances present at the facility pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of those substances or chemicals from the facility, the commission or committee consider all of the following factors:

(i) The specific characteristics and the degree and nature of the hazards posed by a release of the extremely hazardous substances, hazardous chemicals, or hazardous substances present at the facility;

(ii) The proximity of the facility to residential areas, to areas where significantly large numbers of people are employed or otherwise congregate, and to environmental resources that are subject to injury;

(iii) The quantities of the extremely hazardous substances, hazardous chemicals, or hazardous substances that are routinely present at the facility;

(iv) The frequency with which the extremely hazardous substances, hazardous chemicals, or hazardous substances are present at the facility.

(g) Establish procedures to be followed by the commission and the executive committee of the commission for the issuance of orders under this chapter.

(3) In accordance with Chapter 119. of the Revised Code adopt rules establishing reportable quantities for releases of oil that are consistent with and equivalent in scope, content, and coverage to section 311 of the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, as amended, and applicable regulations adopted under it;

(4) Adopt rules in accordance with Chapter 119. of the

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Revised Code establishing criteria and procedures for identifying
or listing extremely hazardous substances in addition to those
identified or listed in rules adopted under division (B)(1)(a) of
this section and for establishing threshold planning quantities
and reportable quantities for the added extremely hazardous
substances; for identifying or listing hazardous chemicals in
addition to those identified or listed in rules adopted under
division (B)(1)(b) of this section and for establishing threshold
quantities and categories of health and physical hazards for the
added hazardous chemicals; and for identifying or listing
hazardous substances in addition to those identified or listed in
rules adopted under division (B)(1)(c) of this section and for
establishing reportable quantities for the added hazardous
substances. The criteria for identifying or listing additional
extremely hazardous substances and establishing threshold planning
quantities and reportable quantities therefor and for identifying
or listing additional hazardous chemicals and establishing
threshold quantities and categories of health and physical hazards
for the added hazardous chemicals shall be consistent with and
equivalent to applicable criteria therefor under the "Emergency
Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729,
42 U.S.C.A. 11001, and regulations adopted under it. The criteria
for identifying additional hazardous substances and for
establishing reportable quantities of the added hazardous
substances shall be consistent with and equivalent to the
applicable criteria for identifying or listing hazardous
substances and establishing reportable quantities therefor under
the "Comprehensive Environmental Response, Compensation, and
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as
amended, and regulations adopted under it.

The rules shall require that, before identifying or listing
any such additional extremely hazardous substance, hazardous

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chemical, or hazardous substance and establishing a threshold 21437
planning quantity, threshold quantity, or reportable quantity 21438
therefor, the commission find by a preponderance of the scientific 21439
evidence based on generally accepted scientific principles or 21440
laboratory tests that the substance or chemical poses a 21441
substantial risk of catastrophic injury to public health or safety 21442
or to the environment, or poses an extraordinary risk of injury to 21443
emergency management personnel responding to a release of the 21444
chemical or substance, when the chemical or substance is present 21445
at a facility in an amount equal to the proposed threshold 21446
planning quantity or threshold quantity or, in the instance of a 21447
proposed additional extremely hazardous substance or hazardous 21448
substance, poses a substantial risk of catastrophic injury to 21449
public health or safety or to the environment if a release of the 21450
proposed reportable quantity of the substance occurs. The rules 21451
shall further require that, before so identifying or listing a 21452
substance or chemical, the commission find by a preponderance of 21453
the evidence that the development and implementation of state or 21454
local emergency response plans for releases of the substance or 21455
chemical will reduce the risk of a catastrophic injury to public 21456
health or safety or to the environment, or will reduce the 21457
extraordinary risk of injury to responding emergency response 21458
personnel, in the event of a release of the substance or chemical 21459
and find by a preponderance of the evidence that the 21460
identification or listing of the substance or chemical is 21461
necessary for the development of state or local emergency response 21462
plans for releases of the substance or chemical. The rules shall 21463
require that the commission consider the toxicity of the substance 21464
or chemical in terms of both the short-term and long-term health 21465
effects resulting from exposure to it and its reactivity, 21466
volatility, dispersibility, combustibility, and flammability when 21467
determining the risks posed by a release of the substance or 21468
chemical and, as appropriate, when establishing a threshold 21469

planning quantity, threshold quantity, reportable quantity, or 21470
category of health or physical hazard for it. 21471

(5) Adopt rules in accordance with Chapter 119. of the 21472
Revised Code establishing criteria and procedures for receiving 21473
and deciding claims for protection of information as a trade 21474
secret that are applicable only to extremely hazardous substances 21475
and hazardous chemicals identified or listed in rules adopted 21476
under division (C)(5) of this section. The rules shall be 21477
equivalent in scope, content, and coverage to section 322 of the 21478
"Emergency Planning and Community Right-To-Know Act of 1986," 100 21479
Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under it. 21480

(6)(a) After consultation with the fire marshal, adopt rules 21481
in accordance with Chapter 119. of the Revised Code establishing 21482
standards for the construction, placement, and use of emergency 21483
response lock box units at facilities that are subject to this 21484
chapter. The rules shall establish all of the following: 21485

(i) Specific standards of construction for lock box units; 21486

(ii) The specific types of information that shall be placed 21487
in the lock box units required to be placed at a facility by an 21488
order issued under division (D) of section 3750.11 of the Revised 21489
Code, which shall include the location of on-site emergency 21490
fire-fighting and spill cleanup equipment; a diagram of the public 21491
and private water supply and sewage systems serving the facility 21492
that are known to the owner or operator of the facility; a copy of 21493
the emergency and hazardous chemical inventory form for the 21494
facility most recently required to be submitted under section 21495
3750.08 of the Revised Code from which the owner or operator may 21496
withhold information claimed or determined to be trade secret 21497
information pursuant to rules adopted under division (B)(2)(d) of 21498
this section, or pursuant to division (B)(14) of this section and 21499
rules adopted under division (B)(5) of this section, and 21500
confidential business information identified in rules adopted 21501

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under division (B)(1)(h) of this section; a copy of the local fire department's and facility's emergency management plans for the facility, if any; a current list of the names, positions, addresses, and telephone numbers of all key facility personnel knowledgeable in facility safety procedures and the locations at the facility where extremely hazardous substances, hazardous chemicals, and hazardous substances are produced, used, or stored. The rules shall stipulate that, in the instance of lock box units placed voluntarily at facilities by the owners or operators of the facilities, such information shall be maintained in them as is prescribed by agreement by the owner or operator and the fire department having jurisdiction over the facility.

(iii) The conditions that shall be met in order to provide safe and expedient access to a lock box unit during a release or threatened release of an extremely hazardous substance, hazardous chemical, or hazardous substance.

(b) Unless the owner or operator of a facility is issued an order under division (D) of section 3750.11 of the Revised Code requiring the owner or operator to place a lock box unit at the facility, the owner or operator may place a lock box unit at the facility at the owner's or operator's discretion. If the owner or operator chooses to place a lock box unit at the facility, the responsibility to deposit information in the lock box unit is in addition to any other obligations established in this chapter.

(c) Any costs associated with the purchase, construction, or placement of a lock box unit shall be paid by the owner or operator of the facility.

(7) In accordance with Chapter 119. of the Revised Code, adopt rules governing the application for and awarding of grants under division (C) of section 3750.14 and division (B) of section 3750.15 of the Revised Code;

(8) Adopt rules in accordance with Chapter 119. of the 21533
Revised Code establishing reasonable maximum fees that may be 21534
charged by the commission and local emergency planning committees 21535
for copying information in the commission's or committee's files 21536
to fulfill requests from the public for that information; 21537

(9) Adopt internal management rules governing the operations 21538
of the commission. The internal management rules shall establish 21539
an executive committee of the commission consisting of the 21540
director of environmental protection or the director's designee, 21541
the director of public safety or the director's designee, the 21542
attorney general or the attorney general's designee, one of the 21543
appointed members of the commission representing industries 21544
subject to this chapter to be appointed by the commission, one of 21545
the appointed members of the commission representing the interests 21546
of environmental advocacy organizations to be appointed by the 21547
commission, and one other appointed member or member ex officio of 21548
the commission to be appointed by the commission. The executive 21549
committee has exclusive authority to issue enforcement orders 21550
under section 3750.18 of the Revised Code and to request the 21551
attorney general to bring a civil action, civil penalty action, or 21552
criminal action under section 3750.20 of the Revised Code in the 21553
name of the commission regarding violations of this chapter, rules 21554
adopted under it, or orders issued under it. The internal 21555
management rules may set forth the other specific powers and 21556
duties of the commission that the executive committee may exercise 21557
and carry out and the conditions under which the executive 21558
committee may do so. The internal management rules shall not 21559
authorize the executive committee to issue variances under 21560
division (B) or (C) of section 3750.11 of the Revised Code or 21561
orders under division (D) of that section. 21562

(10) Oversee and coordinate the implementation and 21563
enforcement of this chapter and make such recommendations to the 21564

director of environmental protection and the director of public 21565
safety as it considers necessary or appropriate to improve the 21566
implementation and enforcement of this chapter; 21567

(11) Make allocations of moneys under division (B) of section 21568
3750.14 of the Revised Code and make grants under division (C) of 21569
section 3750.14 and division (B) of section 3750.15 of the Revised 21570
Code; 21571

(12) Designate an officer of the environmental protection 21572
agency to serve as the commission's information coordinator under 21573
this chapter; 21574

(13) Not later than December 14, 1989, develop and distribute 21575
a state emergency response plan that defines the emergency 21576
response roles and responsibilities of the state agencies that are 21577
represented on the commission and that provides appropriate 21578
coordination with the national contingency plan and the regional 21579
contingency plan required by section 105 of the "Comprehensive 21580
Environmental Response, Compensation, and Liability Act of 1980," 21581
94 Stat. 2767, 42 U.S.C.A. 9601, as amended. The plan shall ensure 21582
a well-coordinated response by state agencies that may be involved 21583
in assisting local emergency responders during a major release of 21584
oil or a major sudden and accidental release of a hazardous 21585
substance or extremely hazardous substance. The plan may 21586
incorporate existing state emergency response plans by reference. 21587
At least annually, the commission and the state agencies that are 21588
represented on it shall jointly exercise the state plan in 21589
conjunction with the exercise of a local emergency response plan 21590
by a local emergency planning committee under section 3750.04 of 21591
the Revised Code. After any such exercise, the commission shall 21592
review the state plan and make such revisions in it as the 21593
commission considers necessary or appropriate. 21594

(14) Receive and decide claims for the protection of 21595
information as a trade secret that pertain only to extremely 21596

hazardous substances and hazardous chemicals identified or listed 21597
by rules adopted under division (C)(5) of this section. If the 21598
commission determines that the claim meets the criteria 21599
established in rules adopted under division (B)(5) of this 21600
section, it shall issue an order to that effect in accordance with 21601
section 3750.18 of the Revised Code. If the commission determines 21602
that the claim does not meet the criteria established in those 21603
rules, it shall issue an order to that effect in accordance with 21604
section 3750.18 of the Revised Code. 21605

(15) Annually compile, make available to the public, and 21606
submit to the president of the senate and the speaker of the house 21607
of representatives a summary report on the number of facilities 21608
estimated to be subject to regulation under sections 3750.05, 21609
3750.07, and 3750.08 of the Revised Code, the number of facilities 21610
reporting to the commission, an estimate of the percentage of 21611
facilities in compliance with those sections, and recommendations 21612
regarding the types of activities the commission considers 21613
necessary to improve such compliance. The commission shall base 21614
its estimate of the number of facilities that are subject to 21615
regulation under those sections on the current estimates provided 21616
by the local emergency planning committees under division (D)(6) 21617
of section 3750.03 of the Revised Code. 21618

(C) The commission may: 21619

(1) Procure by contract the temporary or intermittent 21620
services of experts or consultants when those services are to be 21621
performed on a part-time or fee-for-service basis and do not 21622
involve the performance of administrative duties; 21623

(2) Enter into contracts or agreements with political 21624
subdivisions or emergency planning districts for the purposes of 21625
this chapter; 21626

(3) Accept on behalf of the state any gift, grant, or 21627

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contribution from any governmental or private source for the 21628
purposes of this chapter; 21629

(4) Enter into contracts, agreements, or memoranda of 21630
understanding with any state department, agency, board, 21631
commission, or institution to obtain the services of personnel 21632
thereof or utilize resources thereof for the purposes of this 21633
chapter. Employees of a state department, agency, board, 21634
commission, or institution providing services to the commission 21635
under any such contract, agreement, or memorandum shall perform 21636
only those functions and provide only the services provided for in 21637
the contract, agreement, or memorandum. 21638

(5) Identify or list extremely hazardous substances in 21639
addition to those identified or listed in rules adopted under 21640
division (B)(1)(a) of this section and establish threshold 21641
planning quantities and reportable quantities for the additional 21642
extremely hazardous substances, identify or list hazardous 21643
chemicals in addition to those identified or listed in rules 21644
adopted under division (B)(1)(b) of this section and establish 21645
threshold quantities and categories of health and physical hazards 21646
for the added chemicals, and identify or list hazardous substances 21647
in addition to those identified or listed in rules adopted under 21648
division (B)(1)(c) of this section and establish reportable 21649
quantities for the added hazardous substances. The commission may 21650
establish threshold planning quantities for the additional 21651
extremely hazardous substances based upon classes of those 21652
substances or categories of facilities at which they are present 21653
and may establish threshold quantities for the additional 21654
hazardous chemicals based upon classes of those chemicals or 21655
categories of facilities where they are present. The commission 21656
shall identify or list such additional substances or chemicals and 21657
establish threshold planning quantities, threshold quantities, 21658
reportable quantities, and hazard categories therefor in 21659

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accordance with the criteria and procedures established in rules 21660
adopted under division (B)(4) of this section and, after 21661
compliance with those criteria and procedures, by the adoption of 21662
rules in accordance with Chapter 119. of the Revised Code. The 21663
commission shall not adopt rules under division (C)(5) of this 21664
section modifying any threshold planning quantity established in 21665
rules adopted under division (B)(1)(a) of this section, any 21666
threshold quantity established in rules adopted under division 21667
(B)(1)(b) of this section, or any reportable quantity established 21668
in rules adopted under division (B)(1)(c) of this section. 21669

If, after the commission has adopted rules under division 21670
(C)(5) of this section identifying or listing an extremely 21671
hazardous substance, hazardous chemical, or hazardous substance, 21672
the administrator of the United States environmental protection 21673
agency identifies or lists the substance or chemical as an 21674
extremely hazardous substance or hazardous chemical under the 21675
"Emergency Planning and Community Right-To-Know Act of 1986," 100 21676
Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a substance 21677
as a hazardous substance under the "Comprehensive Environmental 21678
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 21679
42 U.S.C.A. 9602, as amended, the commission shall rescind its 21680
rules adopted under division (C)(5) of this section pertaining to 21681
the substance or chemical and adopt the appropriate rules under 21682
division (B)(1)(a), (b), or (c) of this section. 21683

(6) From time to time, request the director of environmental 21684
protection and the executive director of the emergency management 21685
agency to review implementation, administration, and enforcement 21686
of the chemical emergency response planning and reporting programs 21687
created by this chapter and rules adopted under it regarding their 21688
effectiveness in preparing for response to releases of extremely 21689
hazardous substances, hazardous chemicals, and hazardous 21690
substances. After completion of any such review, the director of 21691

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environmental protection and the director of public safety shall 21692
report their findings to the commission. Upon receipt of their 21693
findings, the commission may make such recommendations for 21694
legislative and administrative action as the commission finds 21695
necessary or appropriate to promote achievement of the purposes of 21696
this chapter. 21697

(D) Except as provided in section 3750.06 of the Revised 21698
Code, nothing in this chapter applies to the transportation, 21699
including the storage incident to transportation, of any substance 21700
or chemical subject to the requirements of this chapter, including 21701
the transportation and distribution of natural gas. 21702

(E) This chapter authorizes the state, through the emergency 21703
response commission, the department of public safety, and the 21704
environmental protection agency, to establish and maintain 21705
chemical emergency response planning and preparedness, community 21706
right-to-know, and hazardous substance and extremely hazardous 21707
substance release reporting programs that are consistent with and 21708
equivalent in scope, coverage, and content to the "Emergency 21709
Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 21710
42 U.S.C.A. 11001, and regulations adopted under it, except as 21711
otherwise specifically required or authorized in this chapter. The 21712
commission, department, and agencies may do all things necessary, 21713
incidental, or appropriate to implement, administer, and enforce 21714
this chapter and to perform the duties and exercise the powers of 21715
the state emergency response commission under that act and 21716
regulations adopted under it and under this chapter. 21717

Sec. 3769.08. (A) Any person holding a permit to conduct a 21718
horse-racing meeting may provide a place in the race meeting 21719
grounds or enclosure at which the permit holder may conduct and 21720
supervise the pari-mutuel system of wagering by patrons of legal 21721
age on the live racing programs and simulcast racing programs 21722

conducted by ~~such~~ the permit holder. 21723

~~Such~~ The pari-mutuel method of wagering upon the live racing 21724
programs and simulcast racing programs held at or conducted within 21725
such race track, and at the time of such horse-racing meeting, or 21726
at other times authorized by the state racing commission, shall 21727
not be unlawful. No other place, except that provided and 21728
designated by the permit holder and except as provided in section 21729
3769.26 of the Revised Code, nor any other method or system of 21730
betting or wagering, except the pari-mutuel system, shall be used 21731
or permitted by the permit holder; nor, except as provided in 21732
section 3769.089 or 3769.26 of the Revised Code, shall the 21733
pari-mutuel system of wagering be conducted by the permit holder 21734
on any races except the races at the race track, grounds, or 21735
enclosure for which the person holds a permit. Each permit holder 21736
may retain as a commission an amount not to exceed eighteen per 21737
cent of the total of all moneys wagered. 21738

The pari-mutuel wagering authorized by this section is 21739
subject to sections 3769.25 to ~~3769.27~~ 3769.28 of the Revised 21740
Code. 21741

(B) At the close of each racing day, each permit holder 21742
authorized to conduct thoroughbred racing, out of the amount 21743
retained on that day by the permit holder, shall pay by check, 21744
draft, or money order to the tax commissioner, as a tax, a sum 21745
equal to the following percentages of the total of all moneys 21746
wagered on live racing programs on that day and shall separately 21747
compute and pay by check, draft, or money order to the tax 21748
commissioner, as a tax, a sum equal to the following percentages 21749
of the total of all money wagered on simulcast racing programs on 21750
that day: 21751

(1) One per cent of the first two hundred thousand dollars 21752
wagered, or any part ~~thereof~~ of that amount; 21753

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(2) Two per cent of the next one hundred thousand dollars	21754
wagered, or any part thereof <u>of that amount</u> ;	21755
(3) Three per cent of the next one hundred thousand dollars	21756
wagered, or any part thereof <u>of that amount</u> ;	21757
(4) Four per cent of all sums over four hundred thousand	21758
dollars wagered.	21759
Except as otherwise provided in section 3769.089 of the	21760
Revised Code, each permit holder authorized to conduct	21761
thoroughbred racing shall use for purse money a sum equal to fifty	21762
per cent of the pari-mutuel revenues retained by the permit holder	21763
as a commission after payment of the state tax. This fifty per	21764
cent payment shall be in addition to the purse distribution from	21765
breakage specified in this section.	21766
Subject to division (M) of this section, from the moneys paid	21767
to the tax commissioner by thoroughbred-racing <u>thoroughbred racing</u>	21768
permit holders, one-half of one per cent of the total of all	21769
moneys so wagered on a racing day shall be paid into the Ohio	21770
fairs fund created by section 3769.082 of the Revised Code, one	21771
and one-eighth per cent of the total of all moneys so wagered on a	21772
racing day shall be paid into the Ohio thoroughbred race fund	21773
created by section 3769.083 of the Revised Code, and one-quarter	21774
of one per cent of the total of all moneys wagered on a racing day	21775
by each permit holder shall be paid into the state racing	21776
commission operating fund created by section 3769.03 of the	21777
Revised Code. The required payment to the state racing commission	21778
operating fund does not apply to county and independent fairs and	21779
agricultural societies. The remaining moneys may be retained by	21780
the permit holder, except as provided in this section with respect	21781
to the odd cents redistribution. Amounts paid into the PASSPORT	21782
fund shall be used solely for the support of the PASSPORT program	21783
as determined in appropriations made by the general assembly. If	21784
the PASSPORT program is abolished, the amount that would have been	21785

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paid to the PASSPORT fund under this chapter shall be paid to the 21786
 general revenue fund of the state. As used in this chapter, 21787
 "PASSPORT program" means the PASSPORT program created under 21788
 section 173.40 of the Revised Code. 21789

~~During calendar year 1994, the~~ The total amount paid to the 21790
 Ohio thoroughbred race fund under this section and section 21791
 3769.087 of the Revised Code ~~shall not exceed by more than six per~~ 21792
~~cent the total amount paid to this fund under this section and~~ 21793
~~that section during calendar year 1990. During each calendar year~~ 21794
~~after calendar year 1994, the total amount paid to this fund under~~ 21795
~~this section and that section shall not exceed by more than six~~ 21796
~~per cent the total amount paid to this fund under this section and~~ 21797
~~that section during the immediately preceding calendar year.~~ 21798

Each year, the total amount calculated for payment into the 21799
 Ohio fairs fund under this division, division (C) of this section, 21800
 and section 3769.087 of the Revised Code shall be an amount 21801
 calculated using the percentages specified in this division, 21802
 division (C) of this section, and section 3769.087 of the Revised 21803
 Code. ~~Until January 1, 1996, the total amount actually paid into~~ 21804
~~the Ohio fairs fund under this division, division (C) of this~~ 21805
~~section, and section 3769.087 of the Revised Code during each~~ 21806
~~calendar year shall not exceed the total amount that was actually~~ 21807
~~paid into that fund under this division, division (C) of this~~ 21808
~~section, and section 3769.087 of the Revised Code during calendar~~ 21809
~~year 1990, plus five hundred thousand dollars. Beginning on~~ 21810
~~January 1, 1996, and continuing through December 31, 1998, the~~ 21811
~~total amount actually paid into the Ohio fairs fund during each~~ 21812
~~calendar year under this division, division (C) of this section,~~ 21813
~~and section 3769.087 of the Revised Code shall not exceed by more~~ 21814
~~than five per cent an amount equal to the total amount actually~~ 21815
~~paid into the Ohio fairs fund during the immediately preceding~~ 21816
~~calendar year.~~ 21817

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A permit holder may contract with a thoroughbred horsemen's organization for the organization to act as a representative of all thoroughbred owners and trainers participating in a horse-racing meeting conducted by the permit holder. A "thoroughbred horsemen's organization" is any corporation or association that represents, through membership or otherwise, more than one-half of the aggregate of all thoroughbred owners and trainers who were licensed and actively participated in racing within this state during the preceding calendar year. Except as otherwise provided in this paragraph, any moneys received by a thoroughbred horsemen's organization shall be used exclusively for the benefit of thoroughbred owners and trainers racing in this state through the administrative purposes of the organization, benevolent activities on behalf of the horsemen, promotion of the horsemen's rights and interests, and promotion of equine research. A thoroughbred horsemen's organization may expend not more than an aggregate of five per cent of its annual gross receipts, or a larger amount as approved by the organization, for dues, assessments, and other payments to all other local, national, or international organizations having as their primary purposes the promotion of thoroughbred horse racing, thoroughbred horsemen's rights, and equine research.

(C) Except as otherwise provided in division (B) of this section, at the close of each racing day, each permit holder authorized to conduct harness or quarter horse racing, out of the amount retained that day by the permit holder, shall pay by check, draft, or money order to the tax commissioner, as a tax, a sum equal to the following percentages of the total of all moneys wagered on live racing programs and shall separately compute and pay by check, draft, or money order to the tax commissioner, as a tax, a sum equal to the following percentages of the total of all money wagered on simulcast racing programs on that day:

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(1) One per cent of the first two hundred thousand dollars	21850
wagered, or any part thereof <u>of that amount</u> ;	21851
(2) Two per cent of the next one hundred thousand dollars	21852
wagered, or any part thereof <u>of that amount</u> ;	21853
(3) Three per cent of the next one hundred thousand dollars	21854
wagered, or any part thereof <u>of that amount</u> ;	21855
(4) Four per cent of all sums over four hundred thousand	21856
dollars wagered.	21857
Except as otherwise provided in division (B) and subject to	21858
division (M) of this section, from the moneys paid to the tax	21859
commissioner by permit holders authorized to conduct harness or	21860
quarter horse racing, one-half of one per cent of all moneys	21861
wagered on that racing day shall be paid into the Ohio fairs fund;	21862
from the moneys paid to the tax commissioner by permit holders	21863
authorized to conduct harness racing, five-eighths of one per cent	21864
of all moneys wagered on that racing day shall be paid into the	21865
Ohio standardbred development fund; and from the moneys paid to	21866
the tax commissioner by permit holders authorized to conduct	21867
quarter horse racing, five-eighths of one per cent of all moneys	21868
wagered on that racing day shall be paid into the Ohio quarter	21869
horse development fund.	21870
(D) In addition, subject to division (M) of this section,	21871
beginning on January 1, 1996, from the money paid to the tax	21872
commissioner as a tax under this section and section 3769.087 of	21873
the Revised Code by harness horse permit holders, one-half of one	21874
per cent of the amount wagered on a racing day shall be paid into	21875
the Ohio standardbred development fund. Beginning January 1, 1998,	21876
the payment to the Ohio standardbred development fund required	21877
under <u>this</u> division (D) of this section does not apply to county	21878
agricultural societies or independent agricultural societies.	21879
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~~During calendar year 1994, the~~ The total amount paid to the 21881
Ohio standardbred development fund under this division, division 21882
(C) of this section, and section 3769.087 of the Revised Code and 21883
the total amount paid to the Ohio quarter horse development fund 21884
under this division and that section ~~shall not exceed by more than~~ 21885
~~six per cent the total amount paid to each of these funds under~~ 21886
~~this division and that section during calendar year 1990. During~~ 21887
~~each calendar year after calendar year 1994, the total amount paid~~ 21888
~~to each of these funds~~ shall not exceed by more than six per cent 21889
the total amount paid into the fund under this division, division 21890
(C) of this section, and section 3769.087 of the Revised Code in 21891
the immediately preceding calendar year. 21892

(E) Subject to division (M) of this section, from the money 21893
paid as a tax under this chapter by harness and quarter horse 21894
permit holders, one-quarter of one per cent of the total of all 21895
moneys wagered on a racing day by each permit holder shall be paid 21896
into the state racing commission operating fund created by section 21897
3769.03 of the Revised Code. This division does not apply to 21898
county and independent fairs and agricultural societies. 21899

(F) Except as otherwise provided in section 3769.089 of the 21900
Revised Code, each permit holder authorized to conduct harness 21901
racing shall ~~pay~~ pay to the harness horsemen's purse pool a sum 21902
equal to fifty per cent of the pari-mutuel revenues retained by 21903
the permit holder as a commission after payment of the state tax. 21904
This fifty per cent payment is to be in addition to the purse 21905
distribution from breakage specified in this section. 21906

(G) In addition, each permit holder authorized to conduct 21907
harness racing shall be allowed to retain the odd cents of all 21908
redistribution to be made on all mutual contributions exceeding a 21909
sum equal to the next lowest multiple of ten. 21910

Forty per cent of that portion of that total sum of such odd 21911
cents shall be used by the permit holder for purse money for Ohio 21912

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sired, bred, and owned colts, for purse money for Ohio bred
horses, and for increased purse money for horse races. Upon the
formation of the corporation described in section 3769.21 of the
Revised Code to establish a harness horsemen's health and
retirement fund, twenty-five per cent of that portion of that
total sum of odd cents shall be paid at the close of each racing
day by the permit holder to ~~such~~ that corporation to establish and
fund the health and retirement fund. Until ~~such~~ that corporation
is formed, ~~such~~ that twenty-five per cent shall be paid at the
close of each racing day by the permit holder to the tax
commissioner or the tax commissioner's agent in the county seat of
the county in which the permit holder operates race meetings. The
remaining thirty-five per cent of that portion of that total sum
of odd cents shall be retained by the permit holder.

(H) In addition, each permit holder authorized to conduct
thoroughbred racing shall be allowed to retain the odd cents of
all redistribution to be made on all mutuel contributions
exceeding a sum equal to the next lowest multiple of ten. Twenty
per cent of that portion of that total sum of such odd cents shall
be used by the permit holder for increased purse money for horse
races. Upon the formation of the corporation described in section
3769.21 of the Revised Code to establish a thoroughbred horsemen's
health and retirement fund, forty-five per cent of that portion of
that total sum of odd cents shall be paid at the close of each
racing day by the permit holder to ~~such~~ that corporation to
establish and fund the health and retirement fund. Until ~~such~~ that
corporation is formed, ~~such~~ that forty-five per cent shall be paid
by the permit holder to the tax commissioner or the tax
commissioner's agent in the county seat of the county in which the
permit holder operates race meetings, at the close of each racing
day. The remaining thirty-five per cent of that portion of that
total sum of odd cents shall be retained by the permit holder.

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(I) In addition, each permit holder authorized to conduct quarter horse racing shall be allowed to retain the odd cents of all redistribution to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten, subject to a tax of twenty-five per cent on that portion of the total sum of such odd cents that is in excess of two thousand dollars during a calendar year, which tax shall be paid at the close of each racing day by the permit holder to the tax commissioner or the tax commissioner's agent in the county seat of the county within which the permit holder operates race meetings. Forty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for increased purse money for horse races. The remaining thirty-five per cent of that portion of that total sum of odd cents shall be retained by the permit holder.

(J)(1) To encourage the improvement of racing facilities for the benefit of the public, breeders, and horse owners, and to increase the revenue to the state from the increase in pari-mutuel wagering resulting from ~~such~~ those improvements, the taxes paid by a permit holder to the state as provided for in this chapter shall be reduced by three-fourths of one per cent of the total amount wagered for those permit holders who make capital improvements to existing race tracks or construct new race tracks. The percentage of the reduction that may be taken each racing day shall equal seventy-five per cent of the tax levied under divisions (B) and (C) of this section and section 3769.087 of the Revised Code, and division (F)(2) of section 3769.26 of the Revised Code, as applicable, divided by the calculated amount each fund should receive under divisions (B) and (C) of this section and section 3769.087 of the Revised Code, and division (F)(2) of section 3769.26 of the Revised Code and the reduction provided for in this division. If the resulting percentage is less than one, that percentage shall be multiplied by the amount of the reduction

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provided for in this division. Otherwise, the permit holder shall 21977
receive the full reduction provided for in this division. The 21978
amount of the allowable reduction not received shall be carried 21979
forward and applied against future tax liability. After any 21980
reductions expire, any reduction carried forward shall be treated 21981
as a reduction as provided for in this division. If 21982

If more than one permit holder is authorized to conduct 21983
racing at the facility that is being built or improved, the cost 21984
of the new race track or capital improvement shall be allocated 21985
between or among all the permit holders in the ratio that the 21986
permit holders' number of racing days bears to the total number of 21987
racing days conducted at the facility. ~~Such~~ 21988

A reduction for a new race track or a capital improvement 21989
shall start from the day racing is first conducted following the 21990
date actual construction of the new race track or each capital 21991
improvement is completed and the construction cost has been 21992
~~certified~~ approved by the racing commission, unless otherwise 21993
provided in this section. ~~Such~~ A reduction for a new race track or 21994
a capital improvement shall continue for a period of twenty-five 21995
years for new race tracks and for fifteen years for ~~new~~ capital 21996
improvements if the construction of the capital improvement or new 21997
race track commenced prior to March 29, 1988, and for a period of 21998
ten years for new race tracks or ~~new~~ capital improvements if the 21999
construction of the capital improvement or new race track 22000
commenced on or after March 29, 1988, but before the effective 22001
date of this amendment, or until the total tax reduction reaches 22002
seventy per cent of the approved cost of the new race track or ~~new~~ 22003
capital improvement, as allocated to each permit holder, whichever 22004
occurs first. ~~The tax~~ A reduction for a new race track or a 22005
capital improvement approved after the effective date of this 22006
amendment shall continue until the total tax reduction reaches one 22007
hundred per cent of the approved cost of the new race track or 22008

capital improvement, as allocated to each permit holder. 22009

A reduction granted for ~~any~~ a new race track or a capital 22010
improvement, the application for which was approved by the racing 22011
commission after March 29, 1988, but before the effective date of 22012
this amendment, shall not commence nor shall the ten-year period 22013
begin to run until all prior tax reductions with respect to the 22014
same race track have ended. The total tax reduction because of 22015
capital improvements shall not during any one year exceed for all 22016
permit holders using any one track three-fourths of one per cent 22017
of the total amount wagered, regardless of the number of capital 22018
improvements made. Several capital improvements to a race track 22019
may be consolidated in an application if the racing commission 22020
approved the application prior to March 29, 1988. No permit holder 22021
may receive a tax reduction for a capital improvement approved by 22022
the racing commission on or after March 29, 1988, at a race track 22023
until all tax reductions have ended for all prior capital 22024
improvements approved by the racing commission under this section 22025
or section 3769.20 of the Revised Code at that race track. If 22026
there are two or more permit holders operating meetings at the 22027
same track, they may consolidate their applications. The racing 22028
commission shall notify the tax commissioner when the ~~diminution~~ 22029
reduction of tax begins and when it ends. ~~Each~~ 22030

Each fiscal year the racing commission shall submit a report 22031
to the tax commissioner, the office of budget and management, and 22032
the ~~legislative budget office of the~~ legislative service 22033
commission. The report shall identify each capital improvement 22034
project undertaken under this division and in progress at each 22035
race track, indicate the total cost of each ~~such~~ project, state 22036
the tax reduction that resulted from each ~~such~~ project during the 22037
immediately preceding fiscal year, estimate the tax reduction that 22038
will result from each ~~such~~ project during the current fiscal year, 22039
state the total tax reduction that resulted from all such projects 22040

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at all race tracks during the immediately preceding fiscal year, 22041
and estimate the total tax reduction that will result from all 22042
such projects at all race tracks during the current fiscal year. 22043

(2) In order to qualify for the reduction in tax, a permit 22044
holder shall apply to the racing commission in such form as the 22045
commission may require and shall provide full details of the new 22046
~~racing~~ race track or capital improvement, including a schedule for 22047
its construction and completion, and set forth the costs and 22048
expenses incurred in connection ~~therewith~~ with it. The racing 22049
commission shall not approve an application unless the permit 22050
holder shows that a contract for the new race track or capital 22051
improvement has been let under an unrestricted competitive bidding 22052
procedure, unless the contract is exempted by the controlling 22053
board because of its unusual nature. In determining whether to 22054
approve an application, the racing commission shall consider 22055
whether the new race track or capital improvement will promote the 22056
safety, convenience, and comfort of the racing public and horse 22057
owners and generally tend towards the improvement of racing in 22058
this state. 22059

(3) If a new race track or capital improvement is approved by 22060
the racing commission and construction has started, the tax 22061
~~adjustment~~ reduction may be authorized by the commission upon 22062
presentation of copies of paid bills in excess of one hundred 22063
thousand dollars or ten per cent of the approved cost, whichever 22064
is greater. After the initial authorization, the permit holder 22065
shall present copies of paid bills. If the permit holder is in 22066
substantial compliance with the schedule for construction and 22067
completion of the new race track or capital improvement, the 22068
racing commission may authorize the continuation of the tax 22069
~~adjustment~~ reduction upon the presentation of ~~such~~ the additional 22070
paid bills. The total amount of the tax ~~adjustment~~ reduction 22071
authorized shall not exceed ~~seventy per cent~~ the percentage of the 22072

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approved cost of the new race track or capital improvement 22073
specified in division (J)(1) of this section. The racing 22074
commission may terminate any tax adjustment reduction immediately 22075
if a permit holder fails to complete the new race track or capital 22076
improvement, or to substantially comply with the schedule for 22077
construction and completion of the new race track or capital 22078
improvement. If a permit holder fails to complete a new race track 22079
or capital improvement, the racing commission shall order the 22080
permit holder to repay to the state the total amount of tax 22081
reduced. The normal tax paid by the permit holder shall be 22082
increased by three-fourths of one per cent of the total amount 22083
wagered until the total amount of the additional tax collected 22084
equals the total amount of tax reduced. 22085

(4) As used in this section, ~~"capital:~~ 22086

(a) "Capital improvement" means an addition, replacement, or 22087
remodeling of a structural unit of a race track facility costing 22088
at least one hundred thousand dollars, including, but not limited 22089
to, the construction of barns used exclusively for ~~such~~ the race 22090
track facility, backstretch facilities for horsemen, paddock 22091
facilities, new pari-mutuel and totalizator equipment and 22092
appurtenances ~~thereto~~ to that equipment purchased by the track, 22093
new access roads, new parking areas, the complete reconstruction, 22094
reshaping, and leveling of the ~~race track~~ racing surface and 22095
appurtenances, the installation of permanent new heating or air 22096
conditioning, ~~and~~ roof replacement or restoration, installations 22097
of a permanent nature forming a part of the track structure, and 22098
construction of buildings that are located on a permit holder's 22099
premises. "Capital improvement" does not include the cost of 22100
replacement of equipment that is not permanently installed, 22101
ordinary repairs, painting, and maintenance required to keep a 22102
race track facility in ordinary operating condition. "~~New~~ 22103

(b) "New race track" or "~~new racing track~~" includes the 22104

reconstruction of a race track damaged by fire or other cause that 22105
has been declared by the racing commission, as a result of the 22106
damage, to be an inadequate facility for the safe operation of 22107
horse racing. 22108

(c) "Approved cost" includes all debt service and interest 22109
costs that are associated with a capital improvement or new race 22110
track and that the racing commission approves for a tax reduction 22111
under division (J) of this section. 22112

(5) The racing commission shall not approve an application 22113
for a tax reduction under this section if it has reasonable cause 22114
to believe that the actions or negligence of the permit holder 22115
substantially contributed to the damage suffered by the track due 22116
to fire or other cause. The racing commission shall obtain any 22117
data or information available from a fire marshal, law enforcement 22118
official, or insurance company concerning any fire or other damage 22119
suffered by a track, prior to approving an application for a tax 22120
reduction. 22121

(6) The approved cost and expenses to which a tax reduction 22122
applies shall be determined by generally accepted accounting 22123
principles and verified by an audit of the permit holder's records 22124
upon completion of the project by the racing commission, or by an 22125
independent certified public accountant selected by the permit 22126
holder and approved by the commission. 22127

~~The tax reductions for capital improvements and new tracks 22128~~
~~provided for in this division apply only to tax reductions 22129~~
~~approved by the state racing commission prior to the effective 22130~~
~~date of this amendment. 22131~~

(K) No other license or excise tax or fee, except as provided 22132
in sections 3769.01 to 3769.14 of the Revised Code, shall be 22133
assessed or collected from such licensee by any county, township, 22134
district, municipal corporation, or other body having power to 22135
assess or collect a tax or fee. That portion of the tax paid under 22136

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this section by permit holders for racing conducted at and during
the course of an agricultural exposition or fair, and that portion
of the tax that would have been paid by eligible permit holders
into the PASSPORT fund as a result of racing conducted at and
during the course of an agricultural exposition or fair, shall be
deposited into the state treasury to the credit of the horse
racing tax fund, which is hereby created for the use of the
agricultural societies of the several counties in which the taxes
originate. The state racing commission shall determine eligible
permit holders for purposes of the preceding sentence, taking into
account the breed of horse, the racing dates, the geographic
proximity to the fair, and the best interests of Ohio racing. On
the first day of any month on which there is money in the fund,
the ~~director of budget and management~~ tax commissioner shall
provide for payment to the treasurer of each agricultural society
the amount of the taxes collected under this section upon racing
conducted at and during the course of any exposition or fair
conducted by ~~such~~ the society.

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(L) From the tax paid under this section by harness track
permit holders, the tax commissioner shall pay into the Ohio
thoroughbred race fund a sum equal to a percentage of the amount
wagered upon which ~~such~~ the tax is paid. The percentage shall be
determined by the tax commissioner and shall be rounded to the
nearest one-hundredth. The percentage shall be such that, when
multiplied by the amount wagered upon which tax was paid by the
harness track permit holders in the most recent year for which
final figures are available, it results in a sum that
substantially equals the same amount of tax paid by the tax
commissioner during that year into the Ohio fairs fund from taxes
paid by thoroughbred permit holders. This division does not apply
to county and independent fairs and agricultural societies.

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(M) Twenty-five per cent of the taxes levied on

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~~thoroughbred racing~~ thoroughbred racing permit holders, 22169
~~harness racing~~ harness racing permit holders, and quarter horse 22170
 racing permit holders under this section, section 3769.087 of the 22171
Revised Code, and division (F)(2) of section 3769.26 of the 22172
 Revised Code shall be paid ~~to~~ into the PASSPORT fund. The tax 22173
 commissioner shall pay any money remaining, after the payment ~~to~~ 22174
into the PASSPORT fund and the reductions provided for in division 22175
 (J) of this section and in section 3769.20 of the Revised Code, into 22176
 the Ohio fairs fund, Ohio thoroughbred race fund, Ohio 22177
 standardbred development fund, Ohio quarter horse fund, and state 22178
 racing commission operating fund as prescribed in this section and 22179
 section 3769.087 of the Revised Code; ~~except that the state racing~~ 22180
~~commission operating fund shall not receive more than two million~~ 22181
~~five hundred thousand dollars in any calendar year.~~ The tax 22182
 commissioner shall thereafter use and apply the balance of the 22183
 money paid as a tax by any permit holder to cover any shortage in 22184
 the accounts of such funds resulting from an insufficient payment 22185
 as a tax by any other permit holder. The moneys received by the 22186
 tax commissioner shall be deposited weekly and paid by the tax 22187
 commissioner into the funds to cover the total aggregate amount 22188
 due from all permit holders to the funds, as calculated under this 22189
 section and section 3769.087 of the Revised Code, as applicable. 22190
 If, after the payment ~~to~~ into the PASSPORT fund, sufficient funds 22191
 are not available from the tax deposited by the tax commissioner 22192
 to pay the required ~~amount~~ amounts into the Ohio fairs fund, Ohio 22193
 standardbred development fund, Ohio thoroughbred race fund, Ohio 22194
 quarter horse fund, and the state racing commission operating 22195
 fund, the tax commissioner shall prorate on a proportional basis 22196
 the amount paid to each of the funds. Any shortage to the funds as 22197
 a result of a proration shall be applied against future deposits 22198
 for the same calendar year when funds are available. After this 22199
 application, the tax commissioner shall pay any remaining money 22200
 paid as a tax by all permit holders into the PASSPORT fund. ~~If the~~ 22201

~~Ohio fairs fund does not receive two million five hundred thousand 22202
dollars in calendar year 1997 or 1998, the tax commissioner shall 22203
pay into the Ohio fairs fund, on a prorated basis, money that 22204
would have been paid into the Ohio thoroughbred race fund, Ohio 22205
standardbred development fund, Ohio quarter horse development 22206
fund, and state racing commission operating fund and the portion 22207
that was retained by the tracks the previous calendar year as a 22208
reduction provided for in division (J) of this section and section 22209
3769.20 of the Revised Code until the previous year's deficiency 22210
is met. Each track that has an existing reduction shall increase 22211
its reduction credit balance by the amount determined by the tax 22212
commissioner that is needed to meet its prorated portion of the 22213
Ohio fairs fund deficiency. The credit balance increase shall be 22214
paid to the tax commissioner as a tax. This division does not 22215
apply to permit holders conducting racing at the course of an 22216
agricultural exposition or fair as described in division (K) of 22217
this section. 22218~~

Sec. 3769.20. (A) To encourage the renovation of existing 22219
racing facilities for the benefit of the public, breeders, and 22220
horse owners and to increase the revenue to the state from the 22221
increase in pari-mutuel wagering resulting from such improvement, 22222
the taxes paid by a permit holder to the state, in excess of the 22223
amount paid ~~to~~ into the PASSPORT fund, shall be reduced by one per 22224
cent of the total amount wagered for those permit holders who 22225
carry out a major capital improvement project. The percentage of 22226
the reduction that may be taken each racing day shall equal 22227
seventy-five per cent of the amount of the tax levied under 22228
divisions (B) and (C) of section 3769.08, section 3769.087, and 22229
division (F)(2) of section 3769.26 of the Revised Code, as 22230
applicable, divided by the calculated amount each fund should 22231
receive under divisions (B) and (C) of section 3769.08, section 22232
3769.087, and division (F)(2) of section 3769.26 of the Revised 22233

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Code and the reduction provided for in this section. If the 22234
 resulting percentage is less than one, that percentage shall be 22235
 multiplied by the amount of the reduction provided for in this 22236
 section. Otherwise, the permit holder shall receive the full 22237
 reduction provided for in this section. The amount of the 22238
 allowable reduction not received shall be carried forward and 22239
 added to any other reduction balance and applied against future 22240
 tax liability. After any reductions expire, any reduction carried 22241
 forward shall be treated as a reduction as provided for in this 22242
 section. If the amount of allowable ~~abatement~~ reduction exceeds 22243
 the amount of taxes derived from a permit holder, the amount of 22244
 the allowable ~~abatement~~ reduction not used may be carried forward 22245
 and applied against future tax liability. ~~If~~ 22246

If more than one permit holder is authorized to conduct 22247
 racing at the facility that is being improved, the cost of the 22248
 major capital improvement project shall be allocated between or 22249
 among all the permit holders in the ratio that each permit 22250
 holder's number of racing days bears to the total number of racing 22251
 days conducted at the facility. ~~Such~~ 22252

A reduction for a major capital improvement project shall 22253
 start from the day racing is first conducted following the date on 22254
 which the major capital improvement project is completed and the 22255
 construction cost has been ~~certified~~ approved by the state racing 22256
 commission, except as otherwise provided in division (E) of this 22257
 section, and shall continue until the total tax reduction equals 22258
 the cost of the major capital improvement project plus debt 22259
 service applicable to the project. In no event, however, shall any 22260
 tax reduction, excluding any reduction balances, be permitted 22261
 under this section after December 31, 2014. The total tax 22262
 reduction because of the major capital improvement project shall 22263
 not during any one year exceed for all permit holders using any 22264
 one track, one per cent of the total amount wagered. The racing 22265

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commission shall notify the tax commissioner when the ~~diminution~~ 22266
reduction of tax begins and when it ends. 22267

(B) Each fiscal year, the racinq commission shall submit a 22268
report to the tax commissioner, the office of budget and 22269
management, and the ~~legislative budget office of the~~ legislative 22270
service commission. The report shall identify each capital 22271
improvement project undertaken under this section and in progress 22272
at each race track, indicate the total cost of each ~~such~~ project, 22273
state the tax reduction that resulted from each ~~such~~ project 22274
during the immediately preceding fiscal year, estimate the tax 22275
reduction that will result from each ~~such~~ project during the 22276
current fiscal year, state the total tax reduction that resulted 22277
from all such projects at all race tracks during the immediately 22278
preceding fiscal year, and estimate the total tax reduction that 22279
will result from all such projects at all race tracks during the 22280
current fiscal year. 22281

(C) The tax reduction granted pursuant to this section shall 22282
be in addition to any tax reductions for capital improvements and 22283
new race tracks provided for in section 3769.08 of the Revised 22284
Code and approved by the racinq commission ~~prior to March 29,~~ 22285
1988. 22286

(D) In order to qualify for the reduction in tax, a permit 22287
holder shall apply to the racinq commission in such form as the 22288
commission may require and shall provide full details of the major 22289
capital improvement project, including plans and specifications, a 22290
schedule for the project's construction and completion, and a 22291
breakdown of proposed costs. In addition, the permit holder shall 22292
have commenced construction of the major capital improvement 22293
project or shall have had the application for the project approved 22294
by the racinq commission prior to March 29, 1988. The racinq 22295
commission shall not approve an application unless the permit 22296
holder shows that a contract for the major capital improvement 22297

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project has been let under an unrestricted competitive bidding 22298
procedure, unless the contract is exempted by the controlling 22299
board because of its unusual nature. In determining whether to 22300
approve an application, the racing commission shall consider 22301
whether the major capital improvement project will promote the 22302
safety, convenience, and comfort of the racing public and horse 22303
owners and generally tend toward the improvement of racing in this 22304
state. 22305

(E) If the major capital improvement project is approved by 22306
the racing commission and construction has started, the tax 22307
~~adjustment~~ reduction may be authorized by the commission upon 22308
presentation of copies of paid bills in excess of five hundred 22309
thousand dollars. After the initial authorization, the permit 22310
holder shall present copies of paid bills in the amount of not 22311
less than five hundred thousand dollars. If the permit holder is 22312
in substantial compliance with the schedule for construction and 22313
completion of the major capital improvement project, the racing 22314
commission may authorize the continuance of the tax ~~adjustment~~ 22315
reduction upon the presentation of ~~such~~ the additional paid bills 22316
in increments of five hundred thousand dollars. The racing 22317
commission may terminate the tax ~~adjustment~~ reduction if a permit 22318
holder fails to complete the major capital improvement project or 22319
fails to comply substantially with the schedule for construction 22320
and completion of the major capital improvement project. If the 22321
time for completion of the major capital improvement project is 22322
delayed by acts of God, strikes, or the unavailability of labor or 22323
materials, the time for completion as set forth in the schedule 22324
shall be extended by the period of the delay. If a permit holder 22325
fails to complete the major capital improvement project, the 22326
racing commission shall order the permit holder to repay to the 22327
state the total amount of tax reduced, unless the permit holder 22328
has spent at least six million dollars on the project. The normal 22329
tax paid by the permit holder under section 3769.08 of the Revised 22330

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Code shall be increased by one per cent of the total amount 22331
 wagered until the total amount of the additional tax collected 22332
 equals the total amount of tax reduced. Any action taken by the 22333
racing commission pursuant to this section in terminating the tax 22334
 adjustment or requiring repayment of the amount of tax reduced 22335
 shall be subject to Chapter 119. of the Revised Code. 22336

(F) As used in this section, "major capital improvement 22337
project" means the renovation, reconstruction, or remodeling, 22338
 costing at least six million dollars, of a race track facility, 22339
 including, but not limited to, the construction of barns used 22340
 exclusively for that race track facility, backstretch facilities 22341
 for horsemen, paddock facilities, pari-mutuel and totalizator 22342
 equipment and appurtenances to that equipment purchased by the 22343
 track, new access roads, new parking areas, the complete 22344
 reconstruction, reshaping, and leveling of the ~~race track~~ racing 22345
surface and appurtenances, grandstand enclosure, installation of 22346
 permanent new heating or air conditioning, roof replacement, and 22347
 installations of a permanent nature forming a part of the track 22348
 structure. 22349

(G) The cost and expenses to which the tax reduction granted 22350
 under this section applies shall be determined by generally 22351
 accepted accounting principles and be verified by an audit of the 22352
 permit holder's records, upon completion of the major capital 22353
 improvement project, either by the racing commission or by an 22354
 independent certified public accountant selected by the permit 22355
 holder and approved by the commission. 22356

(H) This section and section 3769.201 of the Revised Code 22357
 govern any tax reduction granted to a permit holder for the cost 22358
 to the permit holder of any cleanup, repair, or improvement 22359
 required as a result of damage caused by the 1997 Ohio river flood 22360
 to the place, track, or enclosure for which the permit is issued. 22361

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Sec. 3770.06. (A) There is hereby created the state lottery 22362
gross revenue fund, which shall be in the custody of the treasurer 22363
of state but shall not be part of the state treasury. All gross 22364
revenues received from sales of lottery tickets, fines, fees, and 22365
related proceeds shall be deposited into the fund. The treasurer 22366
of state shall invest any portion of the fund not needed for 22367
immediate use in the same manner as, and subject to all provisions 22368
of law with respect to the investment of, state funds. The 22369
treasurer of state shall disburse money from the fund on order of 22370
the director of the state lottery commission or the director's 22371
designee. All revenues of the state lottery gross revenue fund 22372
that are not paid to holders of winning lottery tickets, that are 22373
not required to meet short-term prize liabilities, that are not 22374
paid to lottery sales agents in the form of ~~agent~~ bonuses, 22375
commissions, or reimbursements, and that are not paid to financial 22376
institutions to reimburse ~~such those~~ institutions for sales agent 22377
nonsufficient funds shall be transferred to the state lottery 22378
fund, which is hereby created in the state treasury. All 22379
investment earnings of the fund shall be credited to the fund. 22380
Moneys shall be disbursed from the ~~state lottery~~ fund pursuant to 22381
vouchers approved by the director ~~of the state lottery commission~~. 22382
Total disbursements for monetary prize awards to holders of 22383
winning lottery tickets and purchases of goods and services 22384
awarded as prizes to holders of winning lottery tickets shall be 22385
of an amount equal to at least fifty per cent of the total revenue 22386
accruing from the sale of lottery tickets. 22387

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 22388
there is hereby established in the state treasury the lottery 22389
profits education fund. Whenever, in the judgment of the director 22390
of budget and management, the amount to the credit of the state 22391
lottery fund is in excess of that needed to meet the maturing 22392
obligations of the commission and as working capital for its 22393

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further operations, the director shall transfer the excess to the 22394
 lottery profits education fund, ~~provided that the amount to be~~ 22395
~~transferred into the lottery profits education fund shall equal no~~ 22396
~~less than thirty per cent of the total revenue accruing from the~~ 22397
~~sale of lottery tickets.~~ Investment earnings of the lottery 22398
 profits education fund shall be credited to the fund. There shall 22399
 also be credited to the fund any repayments of moneys loaned from 22400
 the educational excellence investment fund. The lottery profits 22401
 education fund shall be used solely for the support of elementary, 22402
 secondary, vocational, and special education programs as 22403
 determined in appropriations made by the general assembly, or as 22404
 provided in applicable bond proceedings for the payment of debt 22405
 service on obligations issued to pay costs of capital facilities, 22406
 including those for a system of common schools throughout the 22407
 state pursuant to section 2n of Article VIII, Ohio Constitution. 22408
 When determining the availability of money in the lottery profits 22409
 education fund, the director of budget and management may consider 22410
 all balances and estimated revenues of the fund. 22411

From the amounts that the director of budget and management 22412
 transfers in any fiscal year from the state lottery fund to the 22413
 lottery profits education fund, the director shall transfer the 22414
 initial ten million dollars of ~~such~~ those amounts from the lottery 22415
 profits education fund to the school building program bond service 22416
 fund created in division (Q) of section 3318.26 of the Revised 22417
 Code to be pledged for the purpose of paying bond service charges 22418
 as defined in division (C) of section 3318.21 of the Revised Code 22419
 on one or more issuances of obligations, which obligations are 22420
 issued to provide moneys for the school building program 22421
 assistance fund created in section 3318.25 of the Revised Code. 22422

(C) There is hereby established in the state treasury the 22423
 deferred prizes trust fund. With the approval of the director of 22424
 budget and management, an amount sufficient to fund annuity prizes 22425

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shall be transferred from the state lottery fund and credited to the trust fund. The treasurer of state shall credit all earnings arising from investments purchased under this division to the fund. Within sixty days after the end of each fiscal year, the director of budget and management shall certify the amount of investment earnings necessary to have been credited to the trust fund during the fiscal year just ending to provide for continued funding of deferred prizes. Any earnings credited in excess of this certified amount shall be transferred to the lottery profits education fund. To provide all or a part of the amounts necessary to fund deferred prizes awarded by the commission, the treasurer of state, in consultation with the commission, may invest moneys contained in the deferred prizes trust fund in obligations of the type permitted for the investment of state funds but whose maturities are thirty years or less. Investments of the deferred prizes trust fund are not subject to the provisions of division (A)(10) of section 135.143 of the Revised Code limiting to five per cent the amount of the state's total average portfolio that may be invested in debt interests and limiting to one-half of one per cent the amount that may be invested in debt interests of a single issuer.

All purchases made under this division shall be effected on a delivery versus payment method and shall be in the custody of the treasurer of state.

The treasurer of state may retain an investment advisor, if necessary. The commission shall pay any costs incurred by the treasurer of state in retaining an investment advisor.

(D) The auditor of state shall conduct annual audits of all funds and ~~such~~ any other audits as the auditor of state or the general assembly considers necessary. The auditor of state may examine all records, files, and other documents of the commission, and ~~such~~ records of lottery sales agents ~~as~~ that pertain to their

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activities as agents, for purposes of conducting authorized 22458
audits. 22459

The state lottery commission shall establish an internal 22460
audit program before the beginning of each fiscal year, subject to 22461
the approval of the auditor of state. At the end of each fiscal 22462
year, the commission shall prepare and submit an annual report to 22463
the auditor of state for the auditor of state's review and 22464
approval, specifying the internal audit work completed by the end 22465
of that fiscal year and reporting on compliance with the annual 22466
internal audit program. The form and content of the report shall 22467
be prescribed by the auditor of state under division (C) of 22468
section 117.20 of the Revised Code. 22469

(E) Whenever, in the judgment of the director of budget and 22470
management, an amount of net state lottery proceeds is necessary 22471
to be applied to the payment of debt service on obligations, all 22472
as defined in sections 151.01 and 151.03 of the Revised Code, the 22473
director shall transfer that amount directly from the state 22474
lottery fund or from the lottery profits education fund to the 22475
bond service fund defined in those sections. The provisions of 22476
this division ~~(E) of this section~~ are subject to any prior pledges 22477
or obligation of those amounts to the payment of bond service 22478
charges as defined in division (C) of section 3318.21 of the 22479
Revised Code, as referred to in division (B) of this section. 22480

Sec. 3793.04. The department of alcohol and drug addiction 22481
services shall develop, administer, and revise as necessary a 22482
comprehensive statewide alcohol and drug addiction services plan 22483
for the implementation of this chapter. The plan shall emphasize 22484
abstinence from the use of alcohol and drugs of abuse as the 22485
primary goal of alcohol and drug addiction services. The council 22486
on alcohol and drug addiction services shall advise the department 22487
in the development and implementation of the plan. 22488

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The plan shall provide for the allocation of state and federal funds for service furnished by alcohol and drug addiction programs under contract with boards of alcohol, drug addiction, and mental health services and for distribution of the funds to such boards. The plan shall specify the methodology that the department will use for determining how funds will be allocated and distributed. A portion of the funds shall be allocated on the basis of the ratio of the population of each alcohol, drug addiction, and mental health service district to the total population of the state ~~as~~. The portion of the funds allocated on that basis for a fiscal year shall be not less than the average of the amount that was allocated on that basis the three previous fiscal years. The ratio shall be determined from the most recent federal census or the most recent official estimate made by the United States census bureau, whichever is more recent, except that, for fiscal year 2002, fifty per cent of the ratio shall be determined from the 1990 census and fifty per cent shall be determined from the 2000 census and, for fiscal year 2003, twenty-five per cent of the ratio shall be determined from the 1990 census and seventy-five per cent shall be determined from the 2000 census.

The plan shall ensure that alcohol and drug addiction services of a high quality are accessible to, and responsive to the needs of, all persons, especially those who are members of underserved groups, including, but not limited to, African Americans, Hispanics, native Americans, Asians, juvenile and adult offenders, women, and persons with special services needs due to age or disability. The plan shall include a program to promote and protect the rights of those who receive services.

To aid in formulating the plan and in evaluating the effectiveness and results of alcohol and drug addiction services, the department, in consultation with the department of mental

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health, shall establish and maintain an information system. The 22521
department of alcohol and drug addiction services shall specify 22522
the information that must be provided by boards of alcohol, drug 22523
addiction, and mental health services and by alcohol and drug 22524
addiction programs for inclusion in the system. The department 22525
shall not collect any information for the purpose of identifying 22526
by name any person who receives a service through a board, except 22527
as required by the state or federal law to validate appropriate 22528
reimbursement. 22529

In consultation with boards, programs, and persons receiving 22530
services, the department shall establish guidelines for the use of 22531
state and federal funds and for the boards' development of plans 22532
for services required by sections 340.033 and 3793.05 of the 22533
Revised Code. 22534

In any fiscal year, the department shall spend, or allocate 22535
to boards, for methadone maintenance programs or any similar 22536
programs not more than eight per cent of the total amount 22537
appropriated to the department for the fiscal year. 22538

Sec. 3902.23. Beginning one hundred eighty days after rules 22539
adopted under section 3902.22 of the Revised Code take effect, no 22540
third-party payer shall fail to use the standard claim form and 22541
proof of loss prescribed in those rules, ~~except as provided in~~ 22542
~~section 3729.15 of the Revised Code.~~ 22543

Sec. 3923.28. (A) Every policy of group sickness and accident 22544
insurance providing hospital, surgical, or medical expense 22545
coverage for other than specific diseases or accidents only, and 22546
delivered, issued for delivery, or renewed in this state on or 22547
after January 1, 1979, and that provides coverage for mental or 22548
emotional disorders, shall provide benefits for services on an 22549
outpatient basis for each eligible person under the policy who 22550

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resides in this state for mental or emotional disorders, or for 22551
evaluations, that are at least equal to five hundred fifty dollars 22552
in any calendar year or twelve-month period. The services shall be 22553
legally performed by or under the clinical supervision of a 22554
licensed physician or licensed psychologist, whether performed in 22555
an office, in a hospital, or in a community mental health facility 22556
so long as the hospital or community mental health facility is 22557
approved by the joint commission on accreditation of healthcare 22558
organizations, the council on accreditation for children and 22559
family services, or ~~certified by the department of mental health~~ 22560
~~as being in compliance with standards established under division~~ 22561
~~(I) of section 5119.01 of the Revised Code~~ the commission on 22562
accreditation of rehabilitation facilities. 22563

(B) For purposes of this section "community mental health 22564
facility" means a facility approved by a regional health planning 22565
agency or a facility providing services under a board of alcohol, 22566
drug addiction, and mental health services established under 22567
Chapter 340. of the Revised Code, except that where a board 22568
provides direct community mental health service, the approval of 22569
such a board, as to the adequacy of a specific program of such 22570
services that it provides as a community mental health facility 22571
shall be by the director of mental health. 22572

(C) Outpatient benefits offered under division (A) of this 22573
section shall be subject to reasonable contract limitations and 22574
may be subject to reasonable deductibles and co-insurance costs. 22575
Persons entitled to such benefit under more than one service or 22576
insurance contract may be limited to a single 22577
five-hundred-fifty-dollar outpatient benefit for services under 22578
all contracts. 22579

(D) In order to qualify for participation under division (A) 22580
of this section, every facility specified in such division shall 22581
have in effect a plan for utilization review and a plan for peer 22582

review and every person specified in such division shall have in 22583
effect a plan for peer review. Such plans shall have the purpose 22584
of ensuring high quality patient care and effective and efficient 22585
utilization of available health facilities and services. 22586

(E) Nothing in this section shall be construed to require an 22587
insurer to pay benefits which are greater than usual, customary, 22588
and reasonable. 22589

(F)(1) Services performed under the clinical supervision of a 22590
licensed physician or licensed psychologist, in order to be 22591
reimbursable under the coverage required in division (A) of this 22592
section, shall meet both of the following requirements: 22593

(a) The services shall be performed in accordance with a 22594
treatment plan that describes the expected duration, frequency, 22595
and type of services to be performed; 22596

(b) The plan shall be reviewed and approved by a licensed 22597
physician or licensed psychologist every three months. 22598

(2) Payment of benefits for services reimbursable under 22599
division (F)(1) of this section shall not be restricted to 22600
services described in the treatment plan or conditioned upon 22601
standards of clinical supervision that are more restrictive than 22602
standards of a licensed physician or licensed psychologist, which 22603
at least equal the requirements of division (F)(1) of this 22604
section. 22605

Sec. 3923.30. Every person, the state and any of its 22606
instrumentalities, any county, township, school district, or other 22607
political subdivisions and any of its instrumentalities, and any 22608
municipal corporation and any of its instrumentalities, which 22609
provides payment for health care benefits for any of its employees 22610
resident in this state, which benefits are not provided by 22611
contract with an insurer qualified to provide sickness and 22612

accident insurance, or a health insuring corporation, shall 22613
include the following benefits in its plan of health care benefits 22614
commencing on or after January 1, 1979: 22615

(A) If such plan of health care benefits provides payment for 22616
the treatment of mental or nervous disorders, then such plan shall 22617
provide benefits for services on an outpatient basis for each 22618
eligible employee and dependent for mental or emotional disorders, 22619
or for evaluations, that are at least equal to the following: 22620
22621

(1) Payments not less than five hundred fifty dollars in a 22622
twelve-month period, for services legally performed by or under 22623
the clinical supervision of a licensed physician or a licensed 22624
psychologist, whether performed in an office, in a hospital, or in 22625
a community mental health facility so long as the hospital or 22626
community mental health facility is approved by the joint 22627
commission on accreditation of ~~hospitals or certified by the~~ 22628
~~department of mental health as being in compliance with standards~~ 22629
~~established under division (I) of section 5119.01 of the Revised~~ 22630
Code healthcare organizations, the council on accreditation for 22631
children and family services, or the commission on accreditation 22632
of rehabilitation facilities; 22633

(2) Such benefit shall be subject to reasonable limitations, 22634
and may be subject to reasonable deductibles and co-insurance 22635
costs. 22636

(3) In order to qualify for participation under this 22637
division, every facility specified in this division shall have in 22638
effect a plan for utilization review and a plan for peer review 22639
and every person specified in this division shall have in effect a 22640
plan for peer review. Such plans shall have the purpose of 22641
ensuring high quality patient care and effective and efficient 22642
utilization of available health facilities and services. 22643

(4) Such payment for benefits shall not be greater than 22644

usual, customary, and reasonable. 22645

(5) For purposes of this division, "community mental health 22646
facility" means a facility as defined in section 3923.28 of the 22647
Revised Code. 22648

(6)(a) Services performed under the clinical supervision of a 22649
licensed physician or licensed psychologist, in order to be 22650
reimbursable under the coverage required in division (A) of this 22651
section, shall meet both of the following requirements: 22652

(i) The services shall be performed in accordance with a 22653
treatment plan that describes the expected duration, frequency, 22654
and type of services to be performed; 22655

(ii) The plan shall be reviewed and approved by a licensed 22656
physician or licensed psychologist every three months. 22657

(b) Payment of benefits for services reimbursable under 22658
division (A)(6)(a) of the section shall not be restricted to 22659
services described in the treatment plan or conditioned upon 22660
standards of a licensed physician or licensed psychologist, which 22661
at least equal the requirements of division (A)(6)(a) of this 22662
section. 22663

(B) Payment for benefits for alcoholism treatment for 22664
outpatient, inpatient, and intermediate primary care for each 22665
eligible employee and dependent that are at least equal to the 22666
following: 22667

(1) Payments not less than five hundred fifty dollars in a 22668
twelve-month period for services legally performed by or under the 22669
clinical supervision of a licensed physician or licensed 22670
psychologist, whether performed in an office, or in a hospital or 22671
a community mental health facility or alcoholism treatment 22672
facility so long as the hospital, community mental health 22673
facility, or alcoholism treatment facility is approved by the 22674
joint commission on accreditation of hospitals or certified by the 22675

department of health; 22676

(2) The benefits provided under this division shall be 22677
subject to reasonable limitations and may be subject to reasonable 22678
deductibles and co-insurance costs. 22679

(3) A licensed physician or licensed psychologist shall every 22680
three months certify a patient's need for continued services 22681
performed by such facilities. 22682

(4) In order to qualify for participation under this 22683
division, every facility specified in this division shall have in 22684
effect a plan for utilization review and a plan for peer review 22685
and every person specified in this division shall have in effect a 22686
plan for peer review. Such plans shall have the purpose of 22687
ensuring high quality patient care and efficient utilization of 22688
available health facilities and services. Such person or 22689
facilities shall also have in effect a program of rehabilitation 22690
or a program of rehabilitation and detoxification. 22691

(5) Nothing in this section shall be construed to require 22692
reimbursement for benefits which is greater than usual, customary, 22693
and reasonable. 22694

Sec. 4105.17. (A) The fee for any inspection, or attempted 22695
inspection that, due to no fault of a general inspector or the 22696
division of industrial compliance, is not successfully completed, 22697
by a general inspector of an elevator required to be inspected 22698
under this chapter is thirty dollars plus five dollars for each 22699
floor where the elevator stops. The superintendent of the division 22700
of industrial compliance may assess a fee of ~~thirty~~ one hundred 22701
twenty-five dollars plus five dollars for each floor where an 22702
elevator stops for the reinspection of an elevator when a previous 22703
attempt to inspect that elevator has been unsuccessful through no 22704
fault of a general inspector or the division of industrial 22705
compliance. The fee for issuing or renewing a certificate of 22706

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operation under section 4105.15 of the Revised Code is thirty-five 22707
dollars. 22708

(B) All other fees to be charged for any examination given or 22709
other service performed by the division of industrial compliance 22710
pursuant to this chapter shall be prescribed by the board of 22711
building standards established by section 3781.07 of the Revised 22712
Code. The fees shall be reasonably related to the costs of such 22713
examination or other service. 22714

(C) The board of building standards, subject to the approval 22715
of the controlling board, may establish fees in excess of the fees 22716
provided in division (A) of this section, provided that the fees 22717
do not exceed the amounts established in division (A) of this 22718
section by more than fifty per cent. Any moneys collected under 22719
this section shall be paid into the state treasury to the credit 22720
of the industrial compliance operating fund created in section 22721
121.084 of the Revised Code. 22722

(D) Any person who fails to pay an inspection fee required 22723
for any inspection conducted by the division pursuant to this 22724
chapter within forty-five days after the inspection is conducted 22725
shall pay a late payment fee equal to twenty-five per cent of the 22726
inspection fee. 22727

(E) In addition to the fee assessed in division (A) of this 22728
section, the board of building standards shall assess a fee of 22729
three dollars and twenty-five cents for each certificate of 22730
operation or renewal thereof issued under division (A) of this 22731
section and for each permit issued under section 4105.16 of the 22732
Revised Code. The board shall adopt rules, in accordance with 22733
Chapter 119. of the Revised Code, specifying the manner by which 22734
the superintendent of the division of industrial compliance shall 22735
collect and remit to the board the fees assessed under this 22736
division and requiring that remittance of the fees be made at 22737
least quarterly. 22738

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Sec. 4115.10. (A) No person, firm, corporation, or public authority that constructs a public improvement with its own forces, the total overall project cost of which is fairly estimated to be more than the amounts set forth in division (B)(1) or (2) of section 4115.03 of the Revised Code, adjusted biennially by the director of commerce pursuant to section 4115.034 of the Revised Code, shall violate the wage provisions of sections 4115.03 to 4115.16 of the Revised Code, or suffer, permit, or require any employee to work for less than the rate of wages so fixed, or violate the provisions of section 4115.07 of the Revised Code. Any employee upon any public improvement, except an employee to whom or on behalf of whom restitution is made pursuant to division (C) of section 4115.13 of the Revised Code, who is paid less than the fixed rate of wages applicable thereto may recover from such person, firm, corporation, or public authority that constructs a public improvement with its own forces the difference between the fixed rate of wages and the amount paid to the employee and in addition thereto a sum equal to twenty-five per cent of that difference. The person, firm, corporation, or public authority who fails to pay the rate of wages so fixed also shall pay a penalty to the director of seventy-five per cent of the difference between the fixed rate of wages and the amount paid to the employees on the public improvement. The director shall deposit all moneys received from penalties paid to the director pursuant to this section into the penalty enforcement fund, which is hereby created. ~~The penalty enforcement fund shall be in the custody of the treasurer of state but shall not be part of the~~ state treasury. The director shall use the fund for the enforcement of sections 4115.03 to 4115.16 of the Revised Code. The employee may file suit for recovery within sixty days of the director's determination of a violation of sections 4115.03 to 4115.16 of the Revised Code or is barred from further action under

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this division. Where the employee prevails in a suit, the employer shall pay the costs and reasonable attorney's fees allowed by the court.

(B) Any employee upon any public improvement who is paid less than the prevailing rate of wages applicable thereto may file a complaint in writing with the director upon a form furnished by the director. At the written request of any employee paid less than the prevailing rate of wages applicable, the director shall take an assignment of a claim in trust for the assigning employee and bring any legal action necessary to collect the claim. The employer shall pay the costs and reasonable attorney's fees allowed by the court if the employer is found in violation of sections 4115.03 to 4115.16 of the Revised Code.

(C) If after investigation pursuant to section 4115.13 of the Revised Code, the director determines there is a violation of sections 4115.03 to 4115.16 of the Revised Code and a period of sixty days has elapsed from the date of the determination, and if:

(1) No employee has brought suit pursuant to division (A) of this section;

(2) No employee has requested that the director take an assignment of a wage claim pursuant to division (B) of this section;

The director shall bring any legal action necessary to collect any amounts owed to employees and the ~~bureau~~ director. The director shall pay over to the affected employees the amounts collected to which the affected employees are entitled under division (A) of this section. In any action in which the director prevails, the employer shall pay the costs and reasonable attorney's fees allowed by the court.

(D) Where persons are employed and their rate of wages has been determined as provided in section 4115.04 of the Revised

Code, no person, either for self or any other person, shall
request, demand, or receive, either before or after the person is
engaged, that the person so engaged pay back, return, donate,
contribute, or give any part or all of the person's wages, salary,
or thing of value, to any person, upon the statement,
representation, or understanding that failure to comply with such
request or demand will prevent the procuring or retaining of
employment, and no person shall, directly or indirectly, aid,
request, or authorize any other person to violate this section.
This division does not apply to any agent or representative of a
duly constituted labor organization acting in the collection of
dues or assessments of such organization.

(E) The director shall enforce sections 4115.03 to 4115.16 of
the Revised Code.

(F) For the purpose of supplementing existing resources and
to assist in enforcing division (E) of this section, the director
may contract with a person registered as a public accountant under
Chapter 4701. of the Revised Code to conduct an audit of a person,
firm, corporation, or public authority.

Sec. 4121.44. (A) The administrator of workers' compensation
shall oversee the implementation of the Ohio workers' compensation
qualified health plan system as established under section 4121.442
of the Revised Code.

(B) The administrator shall direct the implementation of the
health partnership program administered by the bureau as set forth
in section 4121.441 of the Revised Code. To implement the health
partnership program, the bureau:

(1) Shall certify one or more external vendors, which shall
be known as "managed care organizations," to provide medical
management and cost containment services in the health partnership
program for a period of two years beginning on the date of

certification, consistent with the standards established under	22833
this section;	22834
(2) May recertify external vendors for additional periods of	22835
two years; and	22836
(3) May integrate the certified vendors with bureau staff and	22837
existing bureau services for purposes of operation and training to	22838
allow the bureau to assume operation of the health partnership	22839
program at the conclusion of the certification periods set forth	22840
in division (B)(1) or (2) of this section.	22841
(C) Any vendor selected shall demonstrate all of the	22842
following:	22843
(1) Arrangements and reimbursement agreements with a	22844
substantial number of the medical, professional and pharmacy	22845
providers currently being utilized by claimants.	22846
(2) Ability to accept a common format of medical bill data in	22847
an electronic fashion from any provider who wishes to submit	22848
medical bill data in that form.	22849
(3) A computer system able to handle the volume of medical	22850
bills and willingness to customize that system to the bureau's	22851
needs and to be operated by the vendor's staff, bureau staff, or	22852
some combination of both staffs.	22853
(4) A prescription drug system where pharmacies on a	22854
statewide basis have access to the eligibility and pricing, at a	22855
discounted rate, of all prescription drugs.	22856
(5) A tracking system to record all telephone calls from	22857
claimants and providers regarding the status of submitted medical	22858
bills so as to be able to track each inquiry.	22859
(6) Data processing capacity to absorb all of the bureau's	22860
medical bill processing or at least that part of the processing	22861
which the bureau arranges to delegate.	22862

(7) Capacity to store, retrieve, array, simulate, and model 22863
in a relational mode all of the detailed medical bill data so that 22864
analysis can be performed in a variety of ways and so that the 22865
bureau and its governing authority can make informed decisions. 22866

(8) Wide variety of software programs which translate medical 22867
terminology into standard codes, and which reveal if a provider is 22868
manipulating the procedures codes, commonly called "unbundling." 22869
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(9) Necessary professional staff to conduct, at a minimum, 22871
authorizations for treatment, medical necessity, utilization 22872
review, concurrent review, post-utilization review, and have the 22873
attendant computer system which supports such activity and 22874
measures the outcomes and the savings. 22875

(10) Management experience and flexibility to be able to 22876
react quickly to the needs of the bureau in the case of required 22877
change in federal or state requirements. 22878

(D)(1) Information contained in a vendor's application for 22879
certification in the health partnership program, and other 22880
information furnished to the bureau by a vendor for purposes of 22881
obtaining certification or to comply with performance and 22882
financial auditing requirements established by the administrator, 22883
is for the exclusive use and information of the bureau in the 22884
discharge of its official duties, and shall not be open to the 22885
public or be used in any court in any proceeding pending therein, 22886
unless the bureau is a party to the action or proceeding, but the 22887
information may be tabulated and published by the bureau in 22888
statistical form for the use and information of other state 22889
departments and the public. No employee of the bureau, except as 22890
otherwise authorized by the administrator, shall divulge any 22891
information secured by the employee while in the employ of the 22892
bureau in respect to a vendor's application for certification or 22893
in respect to the business or other trade processes of any vendor 22894

to any person other than the administrator or to the employee's superior. 22895
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(2) Notwithstanding the restrictions imposed by division (D)(1) of this section, the governor, members of select or standing committees of the senate or house of representatives, the auditor of state, the attorney general, or their designees, pursuant to the authority granted in this chapter and Chapter 4123. of the Revised Code, may examine any vendor application or other information furnished to the bureau by the vendor. None of those individuals shall divulge any information secured in the exercise of that authority in respect to a vendor's application for certification or in respect to the business or other trade processes of any vendor to any person. 22897
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(E) On and after January 1, 2001, a vendor shall not be any insurance company holding a certificate of authority issued pursuant to Title XXXIX of the Revised Code or any health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code. 22908
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(F) The administrator may limit freedom of choice of health care provider or supplier by requiring, beginning with the period set forth in division (B)(1) or (2) of this section, that claimants shall pay an appropriate out-of-plan copayment for selecting a medical provider not within the health partnership program as provided for in this section. 22913
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(G) The administrator, six months prior to the expiration of the bureau's certification or recertification of the vendor or vendors as set forth in division (B)(1) or (2) of this section, may certify and provide evidence to the governor, the speaker of the house of representatives, and the president of the senate that the existing bureau staff is able to match or exceed the performance and outcomes of the external vendor or vendors and that the bureau should be permitted to internally administer the 22919
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health partnership program upon the expiration of the 22927
certification or recertification as set forth in division (B)(1) 22928
or (2) of this section. 22929

(H) The administrator shall establish and operate a bureau of 22930
workers' compensation health care data program. ~~The administrator~~ 22931
~~may contract with the Ohio health care data center for such~~ 22932
~~purposes.~~ The administrator shall develop reporting requirements 22933
from all employees, employers and medical providers, medical 22934
vendors, and plans that participate in the workers' compensation 22935
system. The administrator shall do all of the following: 22936
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(1) Utilize the collected data to measure and perform 22938
comparison analyses of costs, quality, appropriateness of medical 22939
care, and effectiveness of medical care delivered by all 22940
components of the workers' compensation system. 22941

(2) Compile data to support activities of the selected vendor 22942
or vendors and to measure the outcomes and savings of the health 22943
partnership program. 22944

(3) Publish and report compiled data to the governor, the 22945
speaker of the house of representatives, and the president of the 22946
senate on the first day of each January and July, the measures of 22947
outcomes and savings of the health partnership program and the 22948
qualified health plan system. The administrator shall protect the 22949
confidentiality of all proprietary pricing data. 22950

(I) Any rehabilitation facility the bureau operates is 22951
eligible for inclusion in the Ohio workers' compensation qualified 22952
health plan system or the health partnership program under the 22953
same terms as other providers within health care plans or the 22954
program. 22955

(J) In areas outside the state or within the state where no 22956
qualified health plan or an inadequate number of providers within 22957

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the health partnership program exist, the administrator shall 22958
permit employees to use a nonplan or nonprogram health care 22959
provider and shall pay the provider for the services or supplies 22960
provided to or on behalf of an employee for an injury or 22961
occupational disease that is compensable under this chapter or 22962
Chapter 4123., 4127., or 4131. of the Revised Code on a fee 22963
schedule the administrator adopts. 22964

(K) No certified health care provider shall charge, assess, 22965
or otherwise attempt to collect from an employee, employer, a 22966
managed care organization, or the bureau any amount for covered 22967
services or supplies that is in excess of the allowed amount paid 22968
by a managed care organization, the bureau, or a qualified health 22969
plan. 22970

(L) The administrator shall permit any employer or group of 22971
employers who agree to abide by the rules adopted under this 22972
section and sections 4121.441 and 4121.442 of the Revised Code to 22973
provide services or supplies to or on behalf of an employee for an 22974
injury or occupational disease that is compensable under this 22975
chapter or Chapter 4123., 4127., or 4131. of the Revised Code 22976
through qualified health plans of the Ohio workers' compensation 22977
qualified health plan system pursuant to section 4121.442 of the 22978
Revised Code or through the health partnership program pursuant to 22979
section 4121.441 of the Revised Code. No amount paid under the 22980
qualified health plan system pursuant to section 4121.442 of the 22981
Revised Code by an employer who is a state fund employer shall be 22982
charged to the employer's experience or otherwise be used in 22983
merit-rating or determining the risk of that employer for the 22984
purpose of the payment of premiums under this chapter, and if the 22985
employer is a self-insuring employer, the employer shall not 22986
include that amount in the paid compensation the employer reports 22987
under section 4123.35 of the Revised Code. 22988

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Sec. 4123.27. Information contained in the annual statement 22989
provided for in section 4123.26 of the Revised Code, and such 22990
other information as may be furnished to the bureau of workers' 22991
compensation by employers in pursuance of that section, is for the 22992
exclusive use and information of the bureau in the discharge of 22993
its official duties, and shall not be open to the public nor be 22994
used in any court in any action or proceeding pending therein 22995
unless the bureau is a party to the action or proceeding; but the 22996
information contained in the statement may be tabulated and 22997
published by the bureau in statistical form for the use and 22998
information of other state departments and the public. No person 22999
in the employ of the bureau, except those who are authorized by 23000
the administrator of workers' compensation, shall divulge any 23001
information secured by the person while in the employ of the 23002
bureau in respect to the transactions, property, claim files, 23003
records, or papers of the bureau or in respect to the business or 23004
mechanical, chemical, or other industrial process of any company, 23005
firm, corporation, person, association, partnership, or public 23006
utility to any person other than the administrator or to the 23007
superior of such employee of the bureau. 23008

Notwithstanding the restrictions imposed by this section, the 23009
governor, select or standing committees of the general assembly, 23010
the auditor of state, the attorney general, or their designees, 23011
pursuant to the authority granted in this chapter and Chapter 23012
4121. of the Revised Code, may examine any records, claim files, 23013
or papers in possession of the industrial commission or the 23014
bureau. They also are bound by the privilege that attaches to 23015
these papers. 23016

The administrator shall report to the director of job and 23017
family services or to the county director of job and family 23018
services the name, address, and social security number or other 23019
identification number of any person receiving workers' 23020

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compensation whose name or social security number or other 23021
identification number is the same as that of a person required by 23022
a court or child support enforcement agency to provide support 23023
payments to a recipient or participant of public assistance, and 23024
whose name is submitted to the administrator by the director under 23025
section 5101.36 of the Revised Code. The administrator also shall 23026
inform the director of the amount of workers' compensation paid to 23027
the person during such period as the director specifies. 23028

Within fourteen days after receiving from the director of job 23029
and family services a list of the names and social security 23030
numbers of recipients or participants of public assistance 23031
pursuant to section 5101.181 of the Revised Code, the 23032
administrator shall inform the auditor of state of the name, 23033
current or most recent address, and social security number of each 23034
person receiving workers' compensation pursuant to this chapter 23035
whose name and social security number are the same as that of a 23036
person whose name or social security number was submitted by the 23037
director. The administrator also shall inform the auditor of state 23038
of the amount of workers' compensation paid to the person during 23039
such period as the director specifies. 23040

The bureau and its employees, except for purposes of 23041
furnishing the auditor of state with information required by this 23042
section, shall preserve the confidentiality of recipients or 23043
participants of public assistance in compliance with division (A) 23044
of section 5101.181 of the Revised Code. 23045

For the purposes of this section, "public assistance" means 23046
medical assistance provided through the medical assistance program 23047
established under section 5111.01 of the Revised Code, Ohio works 23048
first provided under Chapter 5107. of the Revised Code, 23049
prevention, retention, and contingency ~~assistance~~ benefits and 23050
services provided under Chapter 5108. of the Revised Code, or 23051
disability assistance provided under Chapter 5115. of the Revised 23052

Code. 23053

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 23054
the Revised Code: 23055

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 23056
fluid ounces. 23057

(2) "Sale" or "sell" includes exchange, barter, gift, 23058
distribution, and, except with respect to A-4 permit holders, 23059
offer for sale. 23060

(B) For the purposes of providing revenues for the support of 23061
the state and encouraging the grape industries in the state, a tax 23062
is hereby levied on the sale or distribution of wine in Ohio, 23063
except for known sacramental purposes, at the rate of thirty cents 23064
per wine gallon for wine containing not less than four per cent of 23065
alcohol by volume and not more than fourteen per cent of alcohol 23066
by volume, ninety-eight cents per wine gallon for wine containing 23067
more than fourteen per cent but not more than twenty-one per cent 23068
of alcohol by volume, one dollar and eight cents per wine gallon 23069
for vermouth, and one dollar and forty-eight cents per wine gallon 23070
for sparkling and carbonated wine and champagne, the tax to be 23071
paid by the holders of A-2 and B-5 permits or by any other person 23072
selling or distributing wine upon which no tax has been paid. From 23073
the tax paid under this section on wine, vermouth, and sparkling 23074
and carbonated wine and champagne, the treasurer of state shall 23075
credit to the Ohio grape industries fund created under section 23076
924.54 of the Revised Code a sum equal to one cent per gallon for 23077
each gallon upon which the tax is paid. 23078

(C) For the purpose of providing revenues for the support of 23079
the state, there is hereby levied a tax on prepared and bottled 23080
highballs, cocktails, cordials, and other mixed beverages at the 23081
rate of one dollar and twenty cents per wine gallon to be paid by 23082
holders of A-4 permits or by any other person selling or 23083

distributing those products upon which no tax has been paid. Only 23084
one sale of the same article shall be used in computing the amount 23085
of tax due. The tax on mixed beverages to be paid by holders of 23086
A-4 permits under this section shall not attach until the 23087
ownership of the mixed beverage is transferred for valuable 23088
consideration to a wholesaler or retailer, and no payment of the 23089
tax shall be required prior to that time. 23090

(D) During the period ~~from June 30, 1995, until~~ of July 1, 23091
2001, through June 30, 2003, from the tax paid under this section 23092
on wine, vermouth, and sparkling and carbonated wine and 23093
champagne, the treasurer of state shall credit to the Ohio grape 23094
industries fund created under section 924.54 of the Revised Code a 23095
sum equal to two cents per gallon upon which the tax is paid. The 23096
amount credited under this division is in addition to the amount 23097
credited to the Ohio grape industries fund under division (B) of 23098
this section. 23099

(E) For the purpose of providing revenues for the support of 23100
the state, there is hereby levied a tax on cider at the rate of 23101
twenty-four cents per wine gallon to be paid by the holders of A-2 23102
and B-5 permits or by any other person selling or distributing 23103
cider upon which no tax has been paid. Only one sale of the same 23104
article shall be used in computing the amount of the tax due. 23105

Sec. 4504.05. The moneys received from a county motor vehicle 23106
license tax shall be allocated and distributed as follows: 23107

(A) First, for payment of the costs and expenses incurred by 23108
the county in the enforcement and administration of the tax; 23109

(B) The remainder of such moneys shall be credited to funds 23110
as follows: 23111

(1) With respect to county motor vehicle tax moneys received 23112
under section 4504.02 of the Revised Code, that part of the total 23113

amount which is in the same proportion to the total as the number 23114
of motor vehicles registered in the municipal corporations in the 23115
county that did not levy a municipal motor vehicle license tax 23116
immediately prior to the adoption of the county motor vehicle 23117
license tax is to the total number of motor vehicles registered in 23118
the county in the most recent registration year, shall be placed 23119
in a separate fund to be allocated and distributed as provided in 23120
section 4504.04 of the Revised Code. 23121

The remaining portion shall be placed in the county motor 23122
vehicle license and gasoline tax fund and shall be allocated and 23123
disbursed only for the purposes specified in section 4504.02 of 23124
the Revised Code, other than paying all or part of the costs and 23125
expenses of municipal corporations in constructing, 23126
reconstructing, improving, maintaining, and repairing highways, 23127
roads, and streets designated as necessary and conducive to the 23128
orderly and efficient flow of traffic within and through the 23129
county pursuant to section 4504.03 of the Revised Code. 23130

(2) With respect to county motor vehicle tax moneys received 23131
under section 4504.15 of the Revised Code: 23132

(a) That arising from motor vehicles the district of 23133
registration of which is a municipal corporation within the county 23134
that is not levying the tax authorized by section 4504.17 of the 23135
Revised Code shall be allocated fifty per cent to the county and 23136
fifty per cent to such municipal corporation in an amount equal to 23137
the amount of the tax per motor vehicle registered during the 23138
preceding month in that part of the municipal corporation located 23139
within the county. Moneys allocated to a municipal corporation 23140
under this section shall be paid directly into the treasury of the 23141
municipal corporation as provided in section 4501.042 of the 23142
Revised Code and used only for the purposes described in section 23143
4504.06 of the Revised Code. The first distribution shall be made 23144
to a municipal corporation under this division in the second month 23145

after the county motor vehicle license tax is imposed under 23146
section 4504.15 of the Revised Code. 23147

(b) That arising from motor vehicles the district of 23148
registration of which is in an unincorporated area of the county 23149
shall be allocated seventy per cent to the county and thirty per 23150
cent to the townships in which the owners of the motor vehicles 23151
reside in an amount equal to the amount of the tax per motor 23152
vehicle owned by such a resident in each such township and 23153
registered during the preceding month in the county. The moneys 23154
allocated to townships shall be paid into the treasuries of the 23155
townships and shall be used only for the purposes described in 23156
section 4504.18 of the Revised Code. The first distribution shall 23157
be made under this division in the second month after the county 23158
motor vehicle license tax is imposed under section 4504.15 of the 23159
Revised Code. 23160

(3) With respect to county motor vehicle tax moneys received 23161
under section 4504.16 of the Revised Code: 23162

(a) That arising from motor vehicles the district of 23163
registration of which is a municipal corporation within the county 23164
that is not levying the tax authorized by section 4504.171 of the 23165
Revised Code shall be allocated to the county; 23166

(b) ~~That~~ Except as otherwise provided in division (B)(3)(b) 23167
of this section, that arising from motor vehicles the district of 23168
registration of which is in an unincorporated area of the county 23169
shall be allocated seventy per cent to the county and thirty per 23170
cent to the townships in which the owners of the motor vehicles 23171
reside in an amount equal to the amount of the tax per motor 23172
vehicle owned by such a resident in each such township and 23173
registered during the preceding month in the county. ~~The~~ 23174

A board of township trustees may pass a resolution requesting 23175
an increase in the percentage of moneys allocated to the township 23176

under division (B)(3)(b) of this section and, upon passage, shall 23177
forward the resolution to the board of county commissioners. 23178
Within ninety days after receipt of a resolution from a township 23179
requesting an increase in the percentage of moneys allocated to 23180
it, a board of county commissioners shall consider and may pass a 23181
resolution increasing the percentage of moneys allocated to a 23182
township under division (B)(3)(b) of this section. A board of 23183
county commissioners also may initiate and pass a resolution 23184
increasing the percentage of moneys allocated to a township under 23185
division (B)(3)(b) of this section. If a board of county 23186
commissioners passes a resolution under division (B)(3)(b) of this 23187
section, it shall forward the resolution to the county treasurer, 23188
and the resolution shall continue until revoked by the board of 23189
county commissioners. The county treasurer shall make the first 23190
distribution under any new allocation in the second month after 23191
receiving the resolution. 23192

The moneys allocated to townships shall be paid into the 23193
treasuries of the townships and shall be used only for the 23194
purposes described in section 4504.18 of the Revised Code. The 23195
first distribution shall be made under this division in the second 23196
month after the county motor vehicle license tax is imposed under 23197
section 4504.16 of the Revised Code. 23198

Sec. 4511.81. (A) When any child who is in either or both of 23199
the following categories is being transported in a motor vehicle, 23200
other than a taxicab or public safety vehicle as defined in 23201
section 4511.01 of the Revised Code, that is registered in this 23202
state and is required by the United States department of 23203
transportation to be equipped with seat belts at the time of 23204
manufacture or assembly, the operator of the motor vehicle shall 23205
have the child properly secured in accordance with the 23206
manufacturer's instructions in a child restraint system that meets 23207
federal motor vehicle safety standards: 23208

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(1) A child who is less than four years of age;	23209
(2) A child who weighs less than forty pounds.	23210
(B) When any child who is in either or both of the following	23211
categories is being transported in a motor vehicle, other than a	23212
taxicab, that is registered in this state and is owned, leased, or	23213
otherwise under the control of a nursery school, kindergarten, or	23214
day-care center, the operator of the motor vehicle shall have the	23215
child properly secured in accordance with the manufacturer's	23216
instructions in a child restraint system that meets federal motor	23217
vehicle safety standards:	23218
(1) A child who is less than four years of age;	23219
(2) A child who weighs less than forty pounds.	23220
(C) The director of public safety shall adopt such rules as	23221
are necessary to carry out this section.	23222
(D) The failure of an operator of a motor vehicle to secure a	23223
child in a child restraint system as required by this section is	23224
not negligence imputable to the child, is not admissible as	23225
evidence in any civil action involving the rights of the child	23226
against any other person allegedly liable for injuries to the	23227
child, is not to be used as a basis for a criminal prosecution of	23228
the operator of the motor vehicle other than a prosecution for a	23229
violation of this section, and is not admissible as evidence in	23230
any criminal action involving the operator of the motor vehicle	23231
other than a prosecution for a violation of this section.	23232
(E) This section does not apply when an emergency exists that	23233
threatens the life of any person operating a motor vehicle and to	23234
whom this section otherwise would apply or the life of any child	23235
who otherwise would be required to be restrained under this	23236
section.	23237
(F) If a person who is not a resident of this state is	23238

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charged with a violation of division (A) or (B) of this section 23239
 and does not prove to the court, by a preponderance of the 23240
 evidence, that the person's use or nonuse of a child restraint 23241
 system was in accordance with the law of the state of which the 23242
 person is a resident, the court shall impose the fine levied by 23243
 division (H)(2) of section 4511.99 of the Revised Code. 23244

(G) There is hereby created in the state treasury the "child 23245
 highway safety fund," consisting of fines imposed pursuant to 23246
 divisions (H)(1) and (2) of section 4511.99 of the Revised Code 23247
 for violations of divisions (A) and (B) of this section. The money 23248
 in the fund shall be used by the department of health only to 23249
 defray the cost of ~~verifying~~ designating hospitals as pediatric 23250
 trauma centers under section ~~3702.161~~ 3727.081 of the Revised Code 23251
 and to establish and administer a child highway safety program. 23252
 The purpose of the program shall be to educate the public about 23253
 child restraint systems generally and the importance of their 23254
 proper use. The program also shall include a process for providing 23255
 child restraint systems to persons who meet the eligibility 23256
 criteria established by the department, and a toll-free telephone 23257
 number the public may utilize to obtain information about child 23258
 restraint systems and their proper use. 23259

The director of health, in accordance with Chapter 119. of 23260
 the Revised Code, shall adopt any rules necessary to carry out 23261
 this section, including rules establishing the criteria a person 23262
 must meet in order to receive a child restraint system under the 23263
 department's child restraint system program; provided that rules 23264
 relating to the verification of pediatric trauma centers shall not 23265
 be adopted under this section. 23266

Sec. 4701.10. (A) The accountancy board, upon application, 23267
 shall issue Ohio permits to practice public accounting to holders 23268
 of the CPA certificate ~~of certified public accountant issued under~~ 23269

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~~section 4701.06 or 4701.061 of the Revised Code and to persons registered under sections 4701.07 and 4701.09 of the Revised Code or the PA registration. Subject to division (D)(H)(1) of this section, there shall be a triennial Ohio permit fee in an amount to be determined by the board not to exceed one hundred fifty dollars. All Ohio permits shall expire on the last day of December of the year assigned by the board and, subject to division (D)(H)(1) of this section, shall be renewed triennially for a period of three years by certificate holders and registrants in good standing upon payment of a triennial renewal fee not to exceed one hundred fifty dollars. For the purpose of implementing this section and enforcing section 4701.11 of the Revised Code, the board may issue an Ohio permit for less than three years' duration. A prorated fee shall be determined by the board for that Ohio permit.~~

(B) The accountancy board may issue Ohio registrations to holders of the CPA certificate and the PA registration who are not engaged in the practice of public accounting. Such persons shall not convey to the general public that they are actively engaged in the practice of public accounting in this state. Subject to division (H)(1) of this section, there shall be a triennial Ohio registration fee in an amount to be determined by the board but not exceeding fifty-five dollars. All Ohio registrations shall expire on the last day of December of the year assigned by the board and, subject to division (H)(1) of this section, shall be renewed triennially for a period of three years upon payment by certificate holders and registrants in good standing of a renewal fee not to exceed fifty-five dollars.

(C) Any person who receives a CPA certificate and who applies for an initial Ohio permit or Ohio registration more than sixty days after issuance of the CPA certificate may, at the board's discretion, be subject to a late filing fee not exceeding one

hundred dollars.

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(D) Any person to whom the board has issued an Ohio permit who is engaged in the practice of public accounting and who fails to renew the permit by the expiration date shall be subject to a late filing fee not exceeding one hundred dollars for each full month or part of a month after the expiration date in which such person did not possess a permit, up to a maximum of one thousand two hundred dollars. The board may waive or reduce the late filing fee for just cause upon receipt of a written request from such person.

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(E) Any person to whom the board has issued an Ohio permit or Ohio registration who is not engaged in the practice of public accounting and who fails to renew the permit or registration by the expiration date shall be subject to a late filing fee not exceeding fifty dollars for each full month or part of a month after the expiration date in which such person did not possess a permit or registration, up to a maximum of three hundred dollars. The board may waive or reduce the late filing fee for just cause upon receipt of a written request from such person.

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(F) Failure of any a CPA certificate holder or registrant PA registration holder to apply for a ~~triennial~~ either an Ohio permit to practice or an Ohio registration within ~~three years~~ one year from the expiration date of the Ohio permit to practice or Ohio registration last obtained or renewed, or ~~three years~~ one year from the date upon which the CPA certificate holder or registrant was granted a CPA certificate or registration, shall result in suspension of the CPA certificate or PA registration until all fees required under divisions (D) and (E) of this section have been paid, unless the board determines the failure to have been due to excusable neglect. In that case, the ~~renewal fee or the fee for the issuance or renewal~~ of the ~~original~~ Ohio permit or Ohio registration, as the case may be, shall be the amount that the

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board shall determine, but not in excess of fifty dollars plus the 23334
fee for each triennial period or part of a period the certificate 23335
holder or registrant did not have either an Ohio permit or an Ohio 23336
registration. 23337

~~(B) All certificate holders and registrants who are not in 23338
the practice of public accounting in this state shall register 23339
with the board every three years at a fee, not to exceed 23340
fifty-five dollars, established by the board. Such persons shall 23341
not convey to the general public that they are actively engaged in 23342
the practice of public accounting in this state. 23343~~

~~(C)(G) The board shall suspend the certificate or 23344
registration of any person failing to obtain an Ohio permit in 23345
accordance with this section, except that the board by rule may 23346
exempt persons from the requirement of holding an Ohio permit or 23347
Ohio registration for specified reasons, including, but not 23348
limited to, retirement, health reasons, military service, foreign 23349
residency, or other just cause. 23350~~

~~(D)(H)(1) On and after January 1, 1995, the The board, by 23351
rule adopted in accordance with Chapter 119. of the Revised Code, 23352
shall increase: 23353~~

~~(a) May provide for the issuance of Ohio permits and Ohio 23354
registrations for less than three years' duration at prorated 23355
fees; 23356~~

~~(b) Shall add a surcharge to the triennial Ohio permit and 23357
renewal Ohio registration fee imposed pursuant to this section by 23358
of at least fifteen dollars but no more than thirty dollars for a 23359
three-year Ohio permit or Ohio registration, at least ten dollars 23360
but no more than twenty dollars for a two-year Ohio permit or Ohio 23361
registration, and at least five dollars but no more than ten 23362
dollars for a one-year Ohio permit or Ohio registration. 23363~~

~~(2) Beginning with the first quarter of 1995 and each Each 23364~~

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quarter ~~thereafter~~, the board, for the purpose provided in section 23365
4743.05 of the Revised Code, shall certify to the director of 23366
budget and management the number of ~~triennial~~ Ohio permits and 23367
Ohio registrations issued or renewed under this chapter during the 23368
preceding quarter and the amount equal to that number times the 23369
amount ~~by which~~ of the triennial surcharge added to each Ohio 23370
permit and ~~renewal~~ Ohio registration fee ~~is increased~~ by the board 23371
under division ~~(D)~~(H)(1) of this section. 23372

Sec. 4701.16. (A) After notice and hearing as provided in 23373
Chapter 119. of the Revised Code, the accountancy board may 23374
discipline as described in division (B) of this section a person 23375
holding an Ohio permit, an Ohio registration, a firm registration, 23376
a CPA certificate, or a PA registration or any other person whose 23377
activities are regulated by the board for any one or any 23378
combination of the following causes: 23379

(1) Fraud or deceit in obtaining a firm registration or in 23380
obtaining a CPA certificate, a PA registration, an Ohio permit, or 23381
an Ohio registration; 23382

(2) Dishonesty, fraud, or gross negligence in the practice of 23383
public accounting; 23384

(3) Violation of any of the provisions of section 4701.14 of 23385
the Revised Code; 23386

(4) Violation of a rule of professional conduct promulgated 23387
by the board under the authority granted by this chapter; 23388

(5) Conviction of a felony under the laws of any state or of 23389
the United States; 23390

(6) Conviction of any crime, an element of which is 23391
dishonesty or fraud, under the laws of any state or of the United 23392
States; 23393

(7) Cancellation, revocation, suspension, or refusal to renew 23394

authority to practice as a certified public accountant, a public	23395
accountant, or a public accounting firm by any other state, for	23396
any cause other than failure to pay registration fees in that	23397
other state;	23398
(8) Suspension or revocation of the right to practice before	23399
any state or federal agency;	23400
(9) Failure of a holder of a CPA certificate or PA	23401
registration to obtain an Ohio permit or an Ohio registration, or	23402
the failure of a public accounting firm to obtain a firm	23403
registration;	23404
(10) Conduct discreditable to the public accounting	23405
profession or to the holder of an Ohio permit, Ohio registration,	23406
or foreign certificate;	23407
(11) Failure of a public accounting firm to comply with	23408
section 4701.04 of the Revised Code.	23409
(B) For any of the reasons specified in division (A) of this	23410
section, the board may do any of the following:	23411
(1) Revoke, suspend, or refuse to renew any CPA certificate	23412
or PA registration or any Ohio permit, Ohio registration, or firm	23413
registration;	23414
(2) Disqualify a person who is not a holder of an Ohio permit	23415
or a foreign certificate from owning an equity interest in a	23416
public accounting firm or qualified firm;	23417
(3) Publicly censure a registered firm or a holder of a CPA	23418
certificate, a PA registration, an Ohio permit, or an Ohio	23419
registration;	23420
(4) Levy against a registered firm or a holder of a CPA	23421
certificate, a PA registration, an Ohio permit, or an Ohio	23422
registration a penalty or fine not to exceed one <u>five</u> thousand	23423
dollars for each offense. Any fine shall be reasonable and in	23424

relation to the severity of the offense.	23425
(5) In the case of violations of division (A)(2) or (4) of this section, require completion of remedial continuing education programs prescribed by the board in addition to those required by section 4701.11 of the Revised Code;	23426 23427 23428 23429
(6) In the case of violations of division (A)(2) or (4) of this section, require the holder of a CPA certificate, PA registration, or firm registration to submit to a peer review by a professional committee designated by the board, which committee shall report to the board concerning that holder's compliance with generally accepted accounting principles, generally accepted auditing standards, or other generally accepted technical standards;	23430 23431 23432 23433 23434 23435 23436 23437
(7) Revoke or suspend the privileges to offer or render attest services in this state or to use a CPA title or designation in this state of an individual who holds a foreign certificate.	23438 23439 23440
(C) If the board levies a fine against or suspends the certificate of a person or registration of a person or firm for a violation of division (A)(2) or (4) of this section, it may waive all or any portion of the fine or suspension if the holder of the CPA certificate, PA registration, or firm registration complies fully with division (B)(5) or (6) of this section.	23441 23442 23443 23444 23445 23446
Sec. 4713.10. The state board of cosmetology shall charge and collect the following fees:	23447 23448
(A) For application to take the examination for a license to practice cosmetology, or any branch thereof, twenty-one dollars;	23449 23450
(B) For the re-examination of any applicant who has previously failed to pass the examination, fourteen <u>twenty-one</u> dollars;	23451 23452 23453
(C) For the issuance or renewal of a cosmetology, manicurist,	23454

or esthetics instructor's license, thirty dollars;	23455
(D) For the issuance or renewal of a managing cosmetologist's, managing manicurist's, or managing esthetician's license, thirty dollars;	23456 23457 23458
(E) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;	23459 23460
(F) For the inspection and issuance of a new beauty salon, nail salon, or esthetics salon or the change of name or ownership of a beauty salon, nail salon, or esthetics salon license, sixty dollars;	23461 23462 23463 23464
(G) For the renewal of a beauty salon, nail salon, or esthetics salon license, fifty dollars;	23465 23466
(H) For the issuance or renewal of a cosmetologist's, manicurist's, or esthetician's license, thirty dollars;	23467 23468
(I) For the restoration of any lapsed license which may be restored pursuant to section 4713.11 of the Revised Code, and in addition to the payments required by that section, thirty dollars;	23469 23470 23471
(J) For the issuance of a license under section 4713.09 of the Revised Code, sixty dollars;	23472 23473
(K) For the issuance of a duplicate of any license, fifteen dollars;	23474 23475
(L) For the preparation and mailing of a licensee's records to another state for a reciprocity license, fifty dollars;	23476 23477
(M) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional twenty dollars.	23478 23479 23480
Each applicant shall, in addition to the fees specified, furnish the applicant's own models.	23481 23482

Sec. 4715.03. (A) The state dental board shall organize by 23483
the election from its members of a president and a secretary. It 23484
shall hold meetings monthly at least eight months a year at such 23485
times and places as the board designates. A majority of the 23486
members of the board shall constitute a quorum. The board shall 23487
make such reasonable rules as it determines necessary pursuant to 23488
Chapter 119. of the Revised Code. 23489

(B) A concurrence of a majority of the members of the board 23490
shall be required to grant, refuse, suspend, place on probationary 23491
status, revoke, refuse to renew, or refuse to reinstate a license 23492
or censure a license holder. 23493

(C) The board shall adopt rules establishing standards for 23494
the safe practice of dentistry and dental hygiene by qualified 23495
practitioners and shall, through its policies and activities, 23496
promote such practice. 23497

The board shall adopt rules in accordance with Chapter 119. 23498
of the Revised Code establishing universal blood and body fluid 23499
precautions that shall be used by each person licensed under this 23500
chapter who performs exposure prone invasive procedures. The rules 23501
shall define and establish requirements for universal blood and 23502
body fluid precautions that include the following: 23503

(1) Appropriate use of hand washing; 23504

(2) Disinfection and sterilization of equipment; 23505

(3) Handling and disposal of needles and other sharp 23506
instruments; 23507

(4) Wearing and disposal of gloves and other protective 23508
garments and devices. 23509

(D) The board shall administer and enforce the provisions of 23510
this chapter. The board shall investigate evidence which appears 23511
to show that any person has violated any provision of this 23512

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chapter. Any person may report to the board under oath any 23513
information such person may have appearing to show a violation of 23514
any provision of this chapter. In the absence of bad faith, any 23515
person who reports such information or who testifies before the 23516
board in any disciplinary proceeding conducted pursuant to Chapter 23517
119. of the Revised Code is not liable for civil damages as a 23518
result of ~~his~~ making the report or providing testimony. If after 23519
investigation the board determines that there are reasonable 23520
grounds to believe that a violation of this chapter has occurred, 23521
the board shall conduct disciplinary proceedings pursuant to 23522
Chapter 119. of the Revised Code or provide for a license holder 23523
to participate in the quality intervention program established 23524
under section 4715.031 of the Revised Code. The board shall not 23525
dismiss any complaint or terminate any investigation except by a 23526
majority vote of its members. For the purpose of any disciplinary 23527
proceeding or any investigation conducted ~~prior to a disciplinary~~ 23528
~~proceeding~~ under this division, the board may administer oaths, 23529
order the taking of depositions, issue subpoenas, compel the 23530
attendance and testimony of persons at depositions and compel the 23531
production of books, accounts, papers, documents, or other 23532
tangible things. The hearings and investigations of the board 23533
shall be considered civil actions for the purposes of section 23534
2305.251 of the Revised Code. Notwithstanding section 121.22 of 23535
the Revised Code, proceedings of the board relative to the 23536
investigation of a complaint or the determination whether there 23537
are reasonable grounds to believe that a violation of this chapter 23538
has occurred are confidential and are not subject to discovery in 23539
any civil action. 23540

(E) The board shall examine or cause to be examined eligible 23541
applicants to practice dentistry and dental hygiene. The board may 23542
distinguish by rule different classes of qualified personnel 23543
according to skill levels and require all or only certain of these 23544

classes of qualified personnel to be examined and certified by the board. 23545
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(F) In accordance with Chapter 119. of the Revised Code, the board shall adopt, and may amend or rescind, rules establishing the eligibility criteria, the application and permit renewal procedures, and safety standards applicable to a dentist licensed under this chapter who applies for a permit to employ or use conscious intravenous sedation. These rules shall include all of the following: 23547
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(1) The eligibility requirements and application procedures for an eligible dentist to obtain a conscious intravenous sedation permit; 23554
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(2) The minimum educational and clinical training standards required of applicants, which shall include satisfactory completion of an advanced cardiac life support course; 23557
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(3) The facility equipment and inspection requirements; 23560

(4) Safety standards; 23561

(5) Requirements for reporting adverse occurrences. 23562

Sec. 4715.031. (A) The state dental board shall develop and implement a quality intervention program. The board may propose that the holder of a license issued by the board participate in the program if the board determines pursuant to an investigation conducted under section 4715.03 of the Revised Code that there are reasonable grounds to believe the license holder has violated a provision of this chapter due to a clinical or communication problem that could be improved through participation in the program and determines that the license holder's participation in the program is appropriate. The board shall refer a license holder who agrees to participate in the program to an educational and assessment service provider selected by the board. 23563
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The board shall select educational and assessment service providers, which may include quality intervention program panels of case reviewers. A provider selected by the board to provide services to a license holder shall recommend to the board the educational and assessment services the license holder should receive under the program. The license holder may begin participation in the program if the board approves the services the provider recommends. The license holder shall pay the amounts charged by the provider for the services. 23575
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The board shall monitor a license holder's progress in the program and determine whether the license holder has successfully completed the program. If the board determines that the license holder has successfully completed the program, it may continue to monitor the license holder, take other action it considers appropriate, or both. If the board determines that the license holder has not successfully completed the program, it shall commence disciplinary proceedings against the license holder under section 4715.03 of the Revised Code. 23584
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The board may adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program. 23593
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Sec. 4715.13. Applicants for licenses to practice dentistry or for a general anesthesia permit or a conscious intravenous sedation permit shall pay to the secretary of the state dental board the following fees: 23596
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(A) For license by examination, one hundred ~~forty-one~~ ninety dollars if issued in an odd-numbered year or ~~two~~ three hundred ~~thirty-five~~ seventeen dollars if issued in an even-numbered year; 23600
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(B) For license by endorsement, one hundred ~~forty-one~~ ninety dollars if issued in an odd-numbered year or ~~two~~ three hundred ~~thirty-five~~ seventeen dollars if issued in an even-numbered year; 23603
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(C) For duplicate license, to be granted upon proof of loss of the original, fifteen <u>twenty</u> dollars;	23606 23607
(D) For a general anesthesia permit, ninety-four <u>one hundred twenty-seven</u> dollars;	23608 23609
(E) For a conscious intravenous sedation permit, ninety-four <u>one hundred twenty-seven</u> dollars.	23610 23611
The fee in division (A) of this section may be refunded to an applicant who is unavoidably prevented from attending the examination, or the applicant may be examined at the next regular or special meeting of the board without an additional fee.	23612 23613 23614 23615
An applicant who fails the first examination may be re-examined at the next regular or special meeting of the board without an additional fee.	23616 23617 23618
Sec. 4715.14. (A) Each person who is licensed to practice dentistry in Ohio shall, on or before the first day of January of each even-numbered year, register with the state dental board. The registration shall be made on a form prescribed by the board and furnished by the secretary, shall include the licensee's name, address, license number, and such other reasonable information as the board may consider necessary, and shall include payment of a biennial registration fee of one <u>two</u> hundred sixty-three <u>twenty</u> dollars. This fee shall be paid to the treasurer of state. All such registrations shall be in effect for the two-year period beginning on the first day of January of the even-numbered year and ending on the last day of December of the following odd-numbered year, and shall be renewed in accordance with the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code. The failure of a licensee to renew the licensee's registration in accordance with this section shall result in an automatic suspension of the licensee's license to practice dentistry.	23619 23620 23621 23622 23623 23624 23625 23626 23627 23628 23629 23630 23631 23632 23633 23634 23635 23636

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(B) Any dentist whose license has been suspended under this section may be reinstated by the payment of the biennial registration fee and in addition thereto ~~sixty~~ eighty-one dollars to cover costs of the reinstatement; excepting that to any licensed dentist who desires to temporarily retire from practice, and who has given the board notice in writing to that effect, the board shall grant such a retirement, provided only that at that time all previous registration fees and additional costs of reinstatement have been paid.

(C) Each dentist licensed to practice, whether a resident or not, shall notify the secretary in writing of any change in the dentist's office address or employment within ten days after such change has taken place. On the first day of July of every even-numbered year, the secretary shall issue a printed roster of the names and addresses so registered.

Sec. 4715.16. (A) Upon payment of a fee of ~~seven~~ ten dollars ~~and fifty cents~~, the state dental board may without examination issue a limited resident's license to any person who is a graduate of a dental college, is authorized to practice in another state or country or qualified to take the regular licensing examination in this state, and furnishes the board satisfactory proof of having been appointed a dental resident at an accredited dental college in this state or at an accredited program of a hospital in this state, but has not yet been licensed as a dentist by the board. Any person receiving a limited resident's license may practice dentistry only in connection with programs operated by the dental college or hospital at which the person is appointed as a resident as designated on the person's limited resident's license, and only under the direction of a licensed dentist who is a member of the dental staff of the college or hospital or a dentist holding a current limited teaching license issued under division (B) of this section, and only on bona fide patients of such programs. The

holder of a limited resident's license may be disciplined by the board pursuant to section 4715.30 of the Revised Code.

(B) Upon payment of ~~seventy-five~~ one hundred one dollars and upon application endorsed by an accredited dental college in this state, the board may without examination issue a limited teaching license to a dentist who is a graduate of a dental college, is authorized to practice dentistry in another state or country, and has full-time appointment to the faculty of the endorsing dental college. A limited teaching license is subject to annual renewal in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code, and automatically expires upon termination of the full-time faculty appointment. A person holding a limited teaching license may practice dentistry only in connection with programs operated by the endorsing dental college. The board may discipline the holder of a limited teaching license pursuant to section 4715.30 of the Revised Code.

(C)(1) As used in this division:

(a) "Continuing dental education practicum" or "practicum" means a course of instruction, approved by the American dental association, Ohio dental association, or academy of general dentistry, that is designed to improve the clinical skills of a dentist by requiring the dentist to participate in clinical exercises on patients.

(b) "Director" means the person responsible for the operation of a practicum.

(2) Upon payment of ~~seventy-five~~ one hundred one dollars and application endorsed by the director of a continuing dental education practicum, the board shall, without examination, issue a temporary limited continuing education license to a resident of a state other than Ohio who is licensed to practice dentistry in such state and is in good standing, is a graduate of an accredited

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dental college, and is registered to participate in the endorsing 23701
practicum. The determination of whether a dentist is in good 23702
standing shall be made by the board. 23703

A dentist holding a temporary limited continuing education 23704
license may practice dentistry only on residents of the state in 23705
which the dentist is permanently licensed or on patients referred 23706
by a dentist licensed pursuant to section 4715.12 or 4715.15 of 23707
the Revised Code to an instructing dentist licensed pursuant to 23708
one of those sections, and only while participating in a required 23709
clinical exercise of the endorsing practicum on the premises of 23710
the facility where the practicum is being conducted. 23711

Practice under a temporary limited continuing education 23712
license shall be under the direct supervision and full 23713
professional responsibility of an instructing dentist licensed 23714
pursuant to section 4715.12 or 4715.15 of the Revised Code, shall 23715
be limited to the performance of those procedures necessary to 23716
complete the endorsing practicum, and shall not exceed thirty days 23717
of actual patient treatment in any year. 23718

(3) A director of a continuing dental education practicum who 23719
endorses an application for a temporary limited continuing 23720
education license shall, prior to making the endorsement, notify 23721
the state dental board in writing of the identity of the sponsors 23722
and the faculty of the practicum and the dates and locations at 23723
which it will be offered. The notice shall also include a brief 23724
description of the course of instruction. The board may prohibit a 23725
continuing dental education practicum from endorsing applications 23726
for temporary limited continuing education licenses if the board 23727
determines that the practicum is engaged in activities that 23728
constitute a threat to public health and safety or do not 23729
constitute bona fide continuing dental education, or that the 23730
practicum permits activities which otherwise violate this chapter. 23731
Any continuing dental education practicum prohibited from 23732

endorsing applications may request an adjudication pursuant to 23733
Chapter 119. of the Revised Code. 23734

A temporary limited continuing education license shall be 23735
valid only when the dentist is participating in the endorsing 23736
continuing dental education practicum and shall expire at the end 23737
of one year. If the dentist fails to complete the endorsing 23738
practicum in one year, the board may, upon the dentist's 23739
application and payment of a fee of seventy-five dollars, renew 23740
the temporary limited continuing education license for a 23741
consecutive one-year period. Only two renewals may be granted. The 23742
holder of a temporary limited continuing education license may be 23743
disciplined by the board pursuant to section 4715.30 of the 23744
Revised Code. 23745

(D) The board shall act either to approve or to deny any 23746
application for a limited license pursuant to division (A), (B), 23747
or (C) of this section not later than sixty days of the date the 23748
board receives the application. 23749

Sec. 4715.21. Each person who desires to practice as a dental 23750
hygienist shall file with the secretary of the state dental board 23751
a written application for a license, under oath, upon the form 23752
prescribed. Such applicant shall furnish satisfactory proof of 23753
being at least eighteen years of age and of good moral character. 23754
An applicant shall present a diploma or certificate of graduation 23755
from an accredited dental hygiene school and shall pay the 23756
examination fee of ~~seventy-one~~ ninety-six dollars if the license 23757
is issued in an odd-numbered year or one hundred ~~nine~~ forty-seven 23758
dollars if issued in an even-numbered year. Those passing such 23759
examination as the board prescribes relating to dental hygiene 23760
shall receive a certificate of registration entitling them to 23761
practice. If an applicant fails to pass the first examination the 23762
applicant may apply for a re-examination at the next regular or 23763

special examination meeting of the board. 23764

No applicant shall be admitted to more than two examinations 23765
without first presenting satisfactory proof that the applicant has 23766
successfully completed such refresher courses in an accredited 23767
dental hygiene school as the state dental board may prescribe. 23768

An accredited dental hygiene school shall be one accredited 23769
by the council on dental education of the American dental 23770
association or whose educational standards are recognized by the 23771
council on dental education of the American dental association and 23772
approved by the state dental board. 23773

Sec. 4715.24. (A) Each person who is licensed to practice as 23774
a dental hygienist in Ohio shall, on or before the first day of 23775
January of each even-numbered year, register with the state dental 23776
board. The registration shall be made on a form prescribed by the 23777
board and furnished by the secretary, shall include the licensee's 23778
name, address, license number, and such other reasonable 23779
information as the board may consider necessary, and shall include 23780
payment of a biennial registration fee of ~~seventy-five~~ one hundred 23781
one dollars. This fee shall be paid to the treasurer of state. All 23782
such registrations shall be in effect for the two-year period 23783
beginning on the first day of January of each even-numbered year 23784
and ending on the last day of December of the following 23785
odd-numbered year, and shall be renewed in accordance with the 23786
standard renewal procedure of sections 4745.01 to 4745.03 of the 23787
Revised Code. The failure of a licensee to renew registration in 23788
accordance with this section shall result in the automatic 23789
suspension of the licensee's license to practice as a dental 23790
hygienist. 23791

(B) Any dental hygienist whose license has been suspended 23792
under this section may be reinstated by the payment of the 23793
biennial registration fee and in addition thereto ~~twenty-three~~ 23794

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thirty-one dollars to cover the costs of reinstatement. 23795

(C) The license of a dental hygienist shall be exhibited in a 23796
conspicuous place in the room in which the dental hygienist 23797
practices. Each dental hygienist licensed to practice, whether a 23798
resident or not, shall notify the secretary in writing of any 23799
change in the dental hygienist's office address or employment 23800
within ten days after the change takes place. 23801

Sec. 4715.27. The state dental board may issue a license to 23802
an applicant who furnishes satisfactory proof of being at least 23803
eighteen years of age, of good moral character and who 23804
demonstrates, to the satisfaction of the board, knowledge of the 23805
laws, regulations, and rules governing the practice of a dental 23806
hygienist; who proves, to the satisfaction of the board, intent to 23807
practice as a dental hygienist in this state; who is a graduate 23808
from an accredited school of dental hygiene and who holds a 23809
license by examination from a similar dental board, and who passes 23810
an examination as prescribed by the board relating to dental 23811
hygiene. 23812

Upon payment of ~~forty-three~~ fifty-eight dollars and upon 23813
application endorsed by an accredited dental hygiene school in 23814
this state, the state dental board may without examination issue a 23815
teacher's certificate to a dental hygienist, authorized to 23816
practice in another state or country. A teacher's certificate 23817
shall be subject to annual renewal in accordance with the standard 23818
renewal procedure of sections 4745.01 to 4745.03 of the Revised 23819
Code, and shall not be construed as authorizing anything other 23820
than teaching or demonstrating the skills of a dental hygienist in 23821
the educational programs of the accredited dental hygiene school 23822
which endorsed the application. 23823

Sec. 4717.02. (A) There is hereby created the board of 23824
embalmers and funeral directors consisting of seven members to be 23825

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appointed by the governor with the advice and consent of the 23826
senate. ~~Four~~ Five members shall be licensed embalmers and 23827
practicing funeral directors, each with at least ten consecutive 23828
years of experience in this state immediately preceding the date 23829
of the person's appointment. ~~One member; one of these members~~ 23830
shall be knowledgeable and experienced in operating a crematory 23831
~~and is not required to be, but may be, a licensed embalmer or~~ 23832
~~funeral director.~~ Two members shall represent the public; at least 23833
one of ~~the two~~ these members shall be at least sixty years of age. 23834
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(B) Terms of office are for five years, commencing on the 23836
first day of July and ending on the last day of June. Each member 23837
shall hold office from the date of the member's appointment until 23838
the end of the term for which the member was appointed. Before 23839
entering upon the duties of the office, each member shall take and 23840
file with the secretary of state an oath of office as required by 23841
Section 7 of Article XV, Ohio Constitution. 23842

(C) The governor may remove a member of the board for neglect 23843
of duty, incompetency, or immoral conduct. Vacancies shall be 23844
filled in the manner provided for original appointments. Any 23845
member appointed to fill a vacancy occurring prior to the 23846
expiration date of the term for which the member's predecessor was 23847
appointed shall hold office as a member for the remainder of that 23848
term. A member shall continue in office subsequent to the 23849
expiration date of the member's term until the member's successor 23850
takes office, or until a period of sixty days has elapsed, 23851
whichever occurs first. 23852

(D) Each member of the board shall receive an amount fixed 23853
under division (J) of section 124.15 of the Revised Code for each 23854
day, not to exceed sixty days per year, employed in the discharge 23855
of the member's duties as a board member, together with any 23856
necessary expenses incurred in the performance of those duties. 23857

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Sec. 4717.07. (A) The board of embalmers and funeral	23858
directors shall charge and collect the following fees:	23859
(1) For the issuance of an initial embalmer's or funeral	23860
director's license, five dollars;	23861
(2) For the issuance of an embalmer or funeral director	23862
registration, twenty-five dollars;	23863
(3) For filing an embalmer or funeral director certificate of	23864
apprenticeship, ten dollars;	23865
(4) For the application to take the examination for a license	23866
to practice as an embalmer or funeral director, or to retake a	23867
section of the examination, thirty-five dollars;	23868
(5) For the <u>biennial</u> renewal of an embalmer's or funeral	23869
director's license, sixty <u>one hundred twenty</u> dollars;	23870
(6) For the <u>initial</u> issuance and renewal of a license to	23871
operate a funeral home, one hundred twenty-five dollars <u>and</u>	23872
<u>biennial renewal of a license to operate a funeral home, two</u>	23873
<u>hundred fifty dollars;</u>	23874
(7) For the reinstatement of a lapsed embalmer's or funeral	23875
director's license, the renewal fee prescribed in division (A)(5)	23876
of this section plus fifty dollars for each month or portion of a	23877
month the license is lapsed until reinstatement;	23878
(8) For the reinstatement of a lapsed license to operate a	23879
funeral home, the renewal fee prescribed in division (A)(6) of	23880
this section plus fifty dollars for each month or portion of a	23881
month the license is lapsed until reinstatement;	23882
(9) For the <u>initial</u> issuance and renewal of a license to	23883
operate an embalming facility, one hundred dollars <u>and biennial</u>	23884
<u>renewal of a license to operate an embalming facility, two hundred</u>	23885
<u>dollars;</u>	23886

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(10) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(9) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	23887 23888 23889 23890
(11) For the <u>initial</u> issuance and renewal of a license to operate a crematory facility, one hundred dollars <u>and biennial renewal of a license to operate a crematory facility, two hundred dollars</u> ;	23891 23892 23893 23894
(12) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)(11) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	23895 23896 23897 23898
(13) For the issuance of a duplicate of a license issued under this chapter, four dollars.	23899 23900
(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter.	23901 23902 23903 23904
(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent.	23905 23906 23907 23908 23909
Sec. 4717.08. (A) Every license issued under this chapter expires on the last day of December of the <u>each even-numbered</u> year of its issuance and shall be renewed on or before that date according to the standard license renewal procedure set forth in Chapter 4745. of the Revised Code. Licenses not renewed by the last day of December <u>of each even-numbered year</u> are lapsed.	23910 23911 23912 23913 23914 23915
(B) A holder of a lapsed license to operate a funeral home,	23916

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license to operate an embalming facility, or license to operate a crematory facility may reinstate the license with the board by paying the lapsed license fee established under section 4717.07 of the Revised Code.

(C) A holder of a lapsed embalmer's or funeral director's license may reinstate the license with the board by paying the lapsed license fee established under section 4717.07 of the Revised Code, except that if the license is lapsed for more than one hundred eighty days after its expiration date, the holder also shall take and pass the Ohio laws examination for each license as a condition for reinstatement.

Sec. 4717.09. (A) Every two years, licensed embalmers and funeral directors shall attend between twelve and thirty hours of educational programs as a condition for renewal of their licenses. The board of embalmers and funeral directors shall ~~determine, by rule, the educational programs that meet the continuing education requirements and the number of hours a licensee shall attend~~ adopt rules governing the administration and enforcement of the continuing education requirements of this section. The board may contract with a professional organization or association or other third party to assist it in performing functions necessary to administer and enforce the continuing education requirements of this section. A professional organization or association or other third party with whom the board so contracts may charge a reasonable fee for performing these functions to licensees or to the persons who provide continuing education programs.

(B) A person holding both an embalmer's license and a funeral director's license need meet only the continuing education requirements established by the board for one or the other of those licenses in order to satisfy the requirement of division (A) of this section.

(C) The board shall not renew the license of a licensee who fails to meet the continuing education requirements of this section and who has not been granted a waiver or exemption under division (D) of this section.

(D) Any licensee who fails to meet the continuing education requirements of this section because of undue hardship or disability, or who is not actively engaged in the practice of funeral directing or embalming in this state, may apply to the board for a waiver or an exemption. The board shall determine, by rule, the procedures for applying for a waiver or an exemption from continuing education requirements under this section and under what conditions a waiver or an exemption may be granted.

Sec. 4723.062. The board of nursing may solicit and accept grants and services to develop and maintain a program that addresses patient safety and health care issues related to the supply of and demand for nurses and other health care workers. The board shall not solicit or accept a grant or service that interferes with the board's independence or objectivity.

All money received by the board under this section shall be deposited into the nursing special issue fund which is hereby created in the state treasury. The board shall use money in the fund to pay the costs it incurs in implementing this section.

Sec. 4723.08. (A) The board of nursing may impose fees not to exceed the following limits:

(1) For application for licensure by examination to practice nursing as a registered nurse or as a licensed practical nurse, fifty dollars;

(2) For application for licensure by endorsement to practice nursing as a registered nurse or as a licensed practical nurse, fifty dollars;

(3) For application for a certificate of authority to practice nursing as a certified registered nurse anesthetist,	23978
clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, one hundred dollars;	23979
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	23981
(4) For application for a temporary dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	23982
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(5) For application for a full dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	23985
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(6) For application for a certificate to prescribe, fifty dollars;	23988
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(7) For verification of a nursing license, certificate of authority, or dialysis technician certificate to another jurisdiction, fifteen dollars;	23990
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(8) For providing a replacement copy of a nursing license, certificate of authority, or dialysis technician certificate, fifteen dollars;	23993
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(9) For biennial renewal of a nursing license <u>that expires on or before August 31, 2003</u> , thirty-five dollars;	23996
	23997
(10) Except as provided in division (C) of this section, for For biennial renewal of a nursing license <u>that expires on or after September 1, 2003, forty-five dollars;</u>	23998
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<u>(11) For biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse mid-wife, or certified nurse practitioner that expires on or before August 31, 2005, one hundred dollars;</u>	24001
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<u>(12) For</u> biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist,	24006
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clinical nurse specialist, certified nurse-midwife, or certified	24008
nurse practitioner <u>that expires on or after September 1, 2005,</u>	24009
eighty-five dollars;	24010
(11) <u>(13)</u> For renewal of a certificate to prescribe, fifty	24011
dollars;	24012
(12) <u>(14)</u> For biennial renewal of a dialysis technician	24013
certificate, the amount specified in rules adopted under section	24014
4723.79 of the Revised Code;	24015
(13) <u>(15)</u> For processing a late application for renewal of a	24016
nursing license, certificate of authority, or dialysis technician	24017
certificate, fifty dollars;	24018
(14) <u>(16)</u> For application for authorization to approve	24019
continuing nursing education programs and courses from an	24020
applicant accredited by a national accreditation system for	24021
nursing, five hundred dollars;	24022
(15) <u>(17)</u> For application for authorization to approve	24023
continuing nursing education programs and courses from an	24024
applicant not accredited by a national accreditation system for	24025
nursing, one thousand dollars;	24026
(16) <u>(18)</u> For each year for which authorization to approve	24027
continuing nursing education programs and courses is renewed, one	24028
hundred fifty dollars;	24029
(17) <u>(19)</u> For application for approval to operate a dialysis	24030
training program, the amount specified in rules adopted under	24031
section 4723.79 of the Revised Code;	24032
(18) <u>(20)</u> For reinstatement of a lapsed <u>nursing license or,</u>	24033
certificate of authority, <u>or dialysis technician certificate,</u> one	24034
hundred dollars;	24035
(19) <u>(21)</u> For written verification of a nursing license,	24036
certificate of authority, or dialysis technician certificate,	24037

other than verification to another jurisdiction, five dollars. The 24038
board may contract for services pertaining to this verification 24039
process and the collection of the fee, and may permit the 24040
contractor to retain a portion of the fees as compensation, before 24041
any amounts are deposited into the state treasury. 24042

(22) For processing a check returned to the board by a 24043
financial institution as noncollectible, twenty-five dollars. 24044

(B) Each quarter, for purposes of transferring funds under 24045
section 4743.05 of the Revised Code to the nurse education 24046
assistance fund created in section 3333.28 of the Revised Code, 24047
the board of nursing shall certify to the director of budget and 24048
management the number of biennial licenses renewed under this 24049
chapter during the preceding quarter and the amount equal to that 24050
number times five dollars. 24051

~~(C) The fee for biennial renewal of a certificate of 24052~~
~~authority to practice nursing as a certified nurse-midwife, 24053~~
~~certified registered nurse anesthetist, certified nurse 24054~~
~~practitioner, or clinical nurse specialist that expires on or 24055~~
~~before August 31, 2005, is one hundred dollars. 24056~~

Sec. 4723.79. The board of nursing shall adopt rules to 24057
administer and enforce sections 4723.71 to 4723.79 of the Revised 24058
Code. The board shall adopt the rules in accordance with Chapter 24059
119. of the Revised Code. The rules shall establish or specify all 24060
of the following: 24061

(A) The application process, fee, and requirements for 24062
approval, reapproval, and withdrawing the approval of a dialysis 24063
training program under section 4723.74 of the Revised Code. The 24064
requirements shall include standards that must be satisfied 24065
regarding curriculum, length of training, and instructions in 24066
patient care. 24067

(B) The application process, fee, and requirements for 24068

issuance of a certificate under section 4723.75 of the Revised Code, except that the amount of the fee shall be no greater than the fee charged under division (A)(1) of section 4723.08 of the Revised Code; 24069
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(C) The application process, fee, and requirements for issuance of a temporary certificate under section 4723.76 of the Revised Code; 24073
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(D) The process for approval of testing organizations under section 4723.751 of the Revised Code; 24076
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(E) Subjects to be included in a certification examination provided for in division (B)(1) of section 4723.75 of the Revised Code; 24078
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(F) The schedule, fees, and continuing education requirements for renewal of a certificate under section 4723.77 of the Revised Code, except that the fee for the renewal of a certificate shall be no greater than the fee charged under division (A)(9) of section 4723.08 of the Revised Code or, effective September 1, 2003, division (A)(10) of that section; 24081
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(G) Standards and procedures for establishing and maintaining the dialysis registry required by section 4723.78 of the Revised Code, including standards and procedures that persons must follow in providing the information to be included in the registry; 24087
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(H) Standards for the administration of medication by dialysis technicians under section 4723.72 of the Revised Code; 24092
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(I) The information a dialysis provider is to provide to the board when attesting to a person's competence to perform dialysis; 24094
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(J) Standards and procedures for the supervision of dialysis technicians who provide dialysis care in a patient's home, including monthly home visits by a registered nurse to monitor the 24096
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quality of the dialysis care; 24099

(K) Any other procedures or requirements necessary for the 24100
administration and enforcement of sections 4723.71 to 4723.79 of 24101
the Revised Code. 24102

Sec. 4731.14. (A) As used in this section, "graduate medical 24103
education" has the same meaning as in section 4731.091 of the 24104
Revised Code. 24105

(B) The state medical board shall issue its certificate to 24106
practice medicine and surgery or osteopathic medicine and surgery 24107
as follows: 24108

(1) The board shall issue its certificate to each individual 24109
who was admitted to the board's examination by meeting the 24110
educational requirements specified in division (B)(1) or (3) of 24111
section 4731.091 of the Revised Code if the individual passes the 24112
examination, pays a certificate issuance fee of three hundred 24113
dollars, and submits evidence satisfactory to the board that the 24114
individual has successfully completed not less than twelve months 24115
of graduate medical education or its equivalent as determined by 24116
the board. 24117

(2) Except as provided in section 4731.142 of the Revised 24118
Code, the board shall issue its certificate to each individual who 24119
was admitted to the board's examination by meeting the educational 24120
requirements specified in division (B)(2) of section 4731.091 of 24121
the Revised Code if the individual passes the examination, pays a 24122
certificate issuance fee of three hundred dollars, submits 24123
evidence satisfactory to the board that the individual has 24124
successfully completed not less than twenty-four months of 24125
graduate medical education through the second-year level of 24126
graduate medical education or its equivalent as determined by the 24127
board, and, if the individual passed the examination prior to 24128
completing twenty-four months of graduate medical education or its 24129

equivalent, the individual continues to meet the moral character requirements for admission to the board's examination. 24130
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(C) Each certificate issued by the board shall be signed by its president and secretary, and attested by its seal. The certificate shall be on a form prescribed by the board and shall indicate the medical degree held by the individual to whom the certificate is issued. If the individual holds the degree of doctor of medicine, the certificate shall state that the individual is authorized to practice medicine and surgery pursuant to the laws of this state. If the individual holds the degree of doctor of osteopathic medicine, the certificate shall state that the individual is authorized to practice osteopathic medicine and surgery pursuant to the laws of this state. If the individual holds a medical degree other than the degree of doctor of medicine or doctor of osteopathic medicine, the certificate shall indicate the diploma, degree, or other document issued by the medical school or institution the individual attended and shall state that the individual is authorized to practice medicine and surgery pursuant to the laws of this state. 24132
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(D) The certificate shall be prominently displayed in the certificate holder's office or place where a major portion of the certificate holder's practice is conducted and shall entitle the holder to practice either medicine and surgery or osteopathic medicine and surgery provided the certificate holder maintains current registration as required by section 4731.281 of the Revised Code and provided further that such certificate has not been revoked, suspended, or limited by action of the state medical board pursuant to this chapter. 24149
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(E) An affirmative vote of not less than six members of the board is required for the issuance of a certificate. 24158
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~~(F) If an individual receives an initial or renewed training certificate under section 4731.291 of the Revised Code and not 24160
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~~later than four months thereafter applies for a certificate under
this section, the fee required by division (B)(1) of this section
shall be reduced by the amount of the fee paid for the training
certificate.~~

Sec. 4731.53. At the time an applicant files an application,
the applicant shall file with the secretary of the state medical
board evidence of preliminary education showing that the applicant
has satisfactorily completed at least two years of collegiate work
in an approved college of arts and sciences in addition to high
school graduation. When the entrance examiner finds the
preliminary education of the applicant sufficient, the entrance
examiner shall issue a certificate of preliminary examination upon
the payment to the treasurer of the board of a fee of thirty-five
dollars. Such certificate shall be attested by the secretary.

The applicant shall also present a diploma from a college of
podiatric medicine and surgery in good standing as defined by the
board at the time the diploma was issued. The applicant shall
present an affidavit that the applicant is the person named in the
diploma and is the lawful possessor thereof stating the
applicant's age, residence, the school at which the applicant
obtained education in podiatric medicine and surgery, the time
spent in the study of podiatric medicine and surgery, and such
other facts as the board may require.

The applicant shall also present proof of completion of one
year of postgraduate training in a podiatric internship,
residency, or clinical fellowship program accredited by the
council on podiatric medical education or the American podiatric
medical association.

Sec. 4731.573. (A) An individual seeking to pursue an
internship, residency, or clinical fellowship program in podiatric

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medicine and surgery in this state, who does not hold a 24193
certificate to practice podiatric medicine and surgery issued 24194
under this chapter, shall apply to the state medical board for a 24195
training certificate. The application shall be made on forms that 24196
the board shall furnish and shall be accompanied by an application 24197
fee of seventy-five dollars. 24198

An applicant for a training certificate shall furnish to the 24199
board all of the following: 24200

(1) Evidence satisfactory to the board that the applicant is 24201
at least eighteen years of age and is of good moral character; 24202

(2) Evidence satisfactory to the board that the applicant has 24203
been accepted or appointed to participate in this state in one of 24204
the following: 24205

(a) An internship or residency program accredited by either 24206
the council on podiatric medical education or the American 24207
podiatric medical association; 24208

(b) A clinical fellowship program at an institution with a 24209
residency program accredited by either the council on podiatric 24210
medical education or the American podiatric medical association 24211
that is in a clinical field the same as or related to the clinical 24212
field of the fellowship program. 24213

(3) Information identifying the beginning and ending dates of 24214
the period for which the applicant has been accepted or appointed 24215
to participate in the internship, residency, or clinical 24216
fellowship program; 24217

(4) Any other information that the board requires. 24218

(B) If no grounds for denying a certificate under section 24219
4731.22 of the Revised Code apply and the applicant meets the 24220
requirements of division (A) of this section, the board shall 24221
issue a training certificate to the applicant. The board shall not 24222
require an examination as a condition of receiving a training 24223

certificate. 24224

A training certificate issued pursuant to this section shall 24225
be valid only for the period of one year, but may in the 24226
discretion of the board and upon application duly made, be renewed 24227
annually for a maximum of five years. The fee for renewal of a 24228
training certificate shall be thirty-five dollars. 24229

The board shall maintain a register of all individuals who 24230
hold training certificates. 24231

(C) The holder of a valid training certificate shall be 24232
entitled to perform such acts as may be prescribed by or 24233
incidental to the holder's internship, residency, or clinical 24234
fellowship program, but the holder shall not be entitled otherwise 24235
to engage in the practice of podiatric medicine and surgery in 24236
this state. The holder shall limit activities under the 24237
certificate to the programs of the hospitals or facilities for 24238
which the training certificate is issued. The holder shall train 24239
only under the supervision of the podiatrists responsible for 24240
supervision as part of the internship, residency, or clinical 24241
fellowship program. A training certificate may be revoked by the 24242
board upon proof, satisfactory to the board, that the holder 24243
thereof has engaged in practice in this state outside the scope of 24244
the internship, residency, or clinical fellowship program for 24245
which the training certificate has been issued, or upon proof, 24246
satisfactory to the board, that the holder thereof has engaged in 24247
unethical conduct or that there are grounds for action against the 24248
holder under section 4731.22 of the Revised Code. 24249

(D) The board may adopt rules as the board finds necessary to 24250
effect the purpose of this section. 24251

Sec. 4736.12. (A) The state board of sanitarian registration 24253
shall charge the following fees: 24254

(1) To apply as a sanitarian-in-training, fifty-five	24255
<u>fifty-seven</u> dollars;	24256
(2) For sanitarians-in-training to apply for registration as	24257
sanitarians, fifty-five <u>fifty-seven</u> dollars. The applicant shall	24258
pay this fee only once regardless of the number of times the	24259
applicant takes an examination required under section 4736.08 of	24260
the Revised Code.	24261
(3) For persons other than sanitarians-in-training to apply	24262
for registration as sanitarians, including persons meeting the	24263
requirements of section 4736.16 of the Revised Code, one hundred	24264
ten <u>fourteen</u> dollars. The applicant shall pay this fee only once	24265
regardless of the number of times the applicant takes an	24266
examination required under section 4736.08 of the Revised Code.	24267
(4) The renewal fee for registered sanitarians shall be fixed	24268
by the board and shall not exceed fifty-eight <u>sixty-one</u> dollars.	24269
	24270
(5) The renewal fee for sanitarians-in-training shall be	24271
fixed by the board and shall not exceed fifty-eight <u>sixty-one</u>	24272
dollars.	24273
(6) For late application for renewal, twenty-five dollars.	24274
The board of sanitarian registration, with the approval of	24275
the controlling board, may establish fees in excess of the amounts	24276
provided in this section, provided that such fees do not exceed	24277
the amounts permitted by this section by more than fifty per cent.	24278
(B) The board of sanitarian registration shall charge	24279
separate fees for examinations as required by section 4736.08 of	24280
the Revised Code, provided that the fees are not in excess of the	24281
actual cost to the board of conducting the examinations.	24282
(C) The board of sanitarian registration may adopt rules	24283
establishing fees for all of the following:	24284

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(1) Application for the registration of a training agency 24285
 approved under rules adopted by the board pursuant to section 24286
 4736.11 of the Revised Code and for the annual registration 24287
 renewal of an approved training agency. 24288

(2) Application for the review of continuing education hours 24289
 submitted for the board's approval by approved training agencies 24290
 or by registered sanitarians or sanitarians-in-training. 24291

Sec. 4736.14. The state board of sanitarian registration may, 24292
 upon application and proof of valid registration, issue a 24293
 certificate of registration to any ~~resident of this state~~ person 24294
 who is or has been registered as a sanitarian by any other state, 24295
 if the requirements of that state at the time of such registration 24296
 are determined by the board to be at least equivalent to the 24297
 requirements of this chapter. 24298

Sec. 4743.05. Except as otherwise provided in sections 24299
 4701.20~~7~~ and 4729.65 of the Revised Code, all money collected 24300
 under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 4717., 24301
 4723., 4725., 4729., 4732., 4733., 4734., 4736., 4741., 4753., 24302
 4755., 4757., 4759., and 4761. of the Revised Code, and until 24303
 December 31, 2004, money collected under Chapter 4779. of the 24304
 Revised Code, shall be paid into the state treasury to the credit 24305
 of the occupational licensing and regulatory fund, which is hereby 24306
 created for use in administering such chapters. ~~Money deposited to~~ 24307
~~the credit of the fund under section 4731.24 of the Revised Code~~ 24308
~~shall be used until July 1, 1998, for administering Chapters 4730-~~ 24309
~~and 4731. of the Revised Code.~~ 24310

At the end of each quarter, the director of budget and 24311
 management shall transfer from the occupational licensing and 24312
 regulatory fund to the nurse education assistance fund created in 24313
 section 3333.28 of the Revised Code the amount certified to the 24314

director under division (B) of section 4723.08 of the Revised Code. 24315
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~~At the end of the first quarter of 1995 and at the end of~~ 24317
~~each quarter thereafter,~~ the director shall transfer from the 24318
occupational licensing and regulatory fund to the certified public 24319
accountant education assistance fund created in section 4701.26 of 24320
the Revised Code the amount certified to the director under 24321
division ~~(D)~~(H)(2) of section 4701.10 of the Revised Code. 24322

Sec. 4775.01. As used in this chapter: 24323

(A) "Motor vehicle" has the same meaning as in section 24324
4501.01 of the Revised Code. 24325

(B) "Collision" means an occurrence in which two or more 24326
objects, whether mobile or stationary, contact one another in a 24327
manner that causes the alteration of the surface, structure, or 24328
appearance, whether separately or collectively, of an object that 24329
is party to the occurrence. 24330

(C) "Collision repair" means any and all restorative or 24331
replacement procedures that are performed on and affect or 24332
potentially affect the structural, life safety, and cosmetic 24333
components of a motor vehicle that has been damaged as a result of 24334
a collision. "Collision repair" also includes any procedure that 24335
is employed for the purpose of repairing, restoring, replacing, or 24336
refinishing, whether wholly or separately, any structural, life 24337
safety, or cosmetic component of a motor vehicle to a condition 24338
approximating or replicating the function, use, or appearance of 24339
the component prior to a collision. 24340

(D) "Motor vehicle collision repair operator" means a any 24341
person who owns or manages, in whole or in part, a motor vehicle 24342
collision repair facility, whether or not mechanical or other 24343
repairs also are performed at the facility, sole proprietorship, 24344

foreign or domestic partnership, limited liability corporation, or 24345
other legal entity that is not an employee or agent of a principal 24346
and performs five or more motor vehicle collision repairs in a 24347
calendar year, but does not mean any of the following: 24348

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(1) An employee, other than a manager, of a motor vehicle 24350
collision repair operator; 24351

(2) A motor vehicle dealer licensed pursuant to sections 24352
4517.01 to 4517.45 of the Revised Code; 24353

(3) A motor vehicle dealer licensed pursuant to sections 24354
4517.01 to 4517.45 of the Revised Code who also is the owner, part 24355
owner, or operator of a motor vehicle collision repair facility; 24356

(4) A motor vehicle auction owner licensed pursuant to 24357
sections 4517.01 to 4517.45 of the Revised Code; 24358

(5) A motor vehicle leasing dealer licensed pursuant to 24359
sections 4517.01 to 4517.45 of the Revised Code; 24360

(6) A motor vehicle salvage dealer licensed pursuant to 24361
~~sections 4738.01 to 4738.18~~ Chapter 4738. of the Revised Code; 24362

(7) A person or lessee who owns or leases ten or more motor 24363
vehicles used principally in connection with any established 24364
business and who does not perform motor vehicle collision repairs 24365
on motor vehicles other than the motor vehicles used principally 24366
in connection with the established business; 24367

(8) A motor vehicle renting dealer as defined in division 24368
(A)(2) of section 4549.65 of the Revised Code who does not perform 24369
motor vehicle collision repairs on motor vehicles other than the 24370
motor vehicles used in connection with the established motor 24371
vehicle renting business; 24372

(9) A person who performs collision repairs to the motor 24373
vehicles of a single commercial, industrial, or governmental 24374

establishment exclusively and does not offer or provide motor
vehicle collision repair service to the general public;

(10) The owner, part owner, or officer of, or instructor
employed by, an educational institution that provides instruction
in motor vehicle collision repair while the owner, part owner,
officer of, or instructor is engaging in activity in furtherance
of instruction in motor vehicle collision repair.

~~(C)~~(E) "Motor vehicle collision repair facility" means a
business location in from which five or more separate motor
vehicle collision repairs are performed ~~for the general public on~~
motor vehicles in a twelve-month period, commencing with the day
of the month in which the first such repair is made.

Sec. 4775.02. (A) No person shall act as a motor vehicle
collision repair operator unless the person is registered in
accordance with this chapter.

(B) Any person or entity that conducts or attempts to conduct
business as a motor vehicle collision repair operator in violation
of this chapter performs an unfair and deceptive act or practice
in violation of section 1345.02 of the Revised Code.

Sec. 4775.08. (A) The initial and annual renewal fee for a
motor vehicle collision repair registration certificate and for a
temporary motor vehicle collision repair registration certificate
is one hundred fifty dollars for each business location at which
the motor vehicle collision repair operator conducts business as
an operator, except that the board of motor vehicle collision
repair registration, with the approval of the controlling board,
may establish fees in excess of or less than that amount, provided
that such fees do not exceed or are not less than that amount by
more than fifty per cent.

The board shall adjust the fees as necessary in order to

provide for the expenses associated with carrying out this chapter 24405
without causing an excessive build-up of surplus funds in the 24406
motor vehicle collision repair registration fund, which is hereby 24407
created in the state treasury. 24408

(B) If the board has notified or attempted to notify a motor 24409
vehicle collision repair operator that the operator is required to 24410
be registered under this chapter, and the operator fails to 24411
register, the initial fee for the registration of such an 24412
unregistered operator for each business location at which the 24413
operator conducts business as an operator, is the initial fee then 24414
in effect plus an additional amount equal to the initial fee then 24415
in effect for each calendar year that the operator is not 24416
registered after the board has notified or attempted to notify the 24417
operator. 24418

(C) The board shall deposit all fees and fines collected 24419
under this chapter into the motor vehicle collision repair 24420
registration fund, ~~which is hereby created in the state treasury.~~ 24421
The board shall use the fund solely for the administration and 24422
enforcement of this chapter. 24423

Sec. 4775.99. (A) Whoever violates section 4775.02 of the 24424
Revised Code shall be fined not more than one thousand dollars on 24425
a first offense. On each subsequent offense, the offender shall be 24426
fined not less than one thousand nor more than five thousand 24427
dollars. 24428

(B) After conducting an investigation and upon establishing 24429
that a violation of section 4775.02 of the Revised Code has 24430
occurred, the board of motor vehicle collision repair 24431
registration, in addition to any other action it may take or any 24432
other penalty imposed pursuant to this chapter, may impose an 24433
administrative fine on the person or entity that committed the 24434
violation in an amount of not more than one thousand dollars on a 24435

first offense. On each subsequent offense, the board may impose an 24436
administrative fine of not less than one thousand dollars nor more 24437
than five thousand dollars. If the administrative fine is not 24438
paid, the attorney general, upon the board's request, shall 24439
commence a civil action to collect the administrative fine. 24440

Sec. 4905.87. (A) To the extent funding is available in the 24441
biomass energy program fund, the public utilities commission shall 24442
maintain a program to promote the development and use of biomass 24443
energy. 24444

(B) The biomass energy program fund is hereby created in the 24445
state treasury. Money received by the commission for the program 24446
maintained under this section shall be credited to the fund, and 24447
used for that program. 24448

Sec. 5101.14. (A) Within available funds, the department of 24450
job and family services shall make payments to the counties within 24451
thirty days after the beginning of each calendar quarter for a 24452
part of their costs for services to children performed pursuant to 24453
Chapter 5153. of the Revised Code. 24454

Funds provided to the county under this section shall be 24455
deposited into the children services fund created pursuant to 24456
section 5101.144 of the Revised Code. 24457

(B)(1) The funds distributed under this section shall be used 24458
for the following: 24459

- (a) Home-based services to children and families; 24460
- (b) Protective services to children; 24461
- (c) To find, develop, and approve adoptive homes; 24462
- (d) Short-term, out-of-home care and treatment for children; 24463
- (e) Costs for the care of a child who resides with a 24464

caretaker relative, other than the child's parent, and is in the 24465
legal custody of a public children services agency pursuant to a 24466
voluntary temporary custody agreement entered into under division 24467
(A) of section 5103.15 of the Revised Code or in the legal custody 24468
of a public children services agency or the caretaker relative 24469
pursuant to an allegation or adjudication of abuse, neglect, or 24470
dependency made under Chapter 2151. of the Revised Code; 24471

(f) Other services a public children services agency 24472
considers necessary to protect children from abuse, neglect, or 24473
dependency. 24474

(2) No funds distributed under this section shall be used for 24475
the costs of maintaining a child in a children's home owned and 24476
operated by the county. 24477

(C) In each fiscal year, the amount of funds available for 24478
distribution under this section shall be allocated to counties as 24479
follows: 24480

(1) If the amount is less than the amount initially 24481
appropriated for the immediately preceding fiscal year, each 24482
county shall receive an amount equal to the percentage of the 24483
funding it received in the immediately preceding fiscal year, 24484
exclusive of any releases from or additions to the allocation or 24485
any sanctions imposed under this section; 24486

(2) If the amount is equal to the amount initially 24487
appropriated for the immediately preceding fiscal year, each 24488
county shall receive an amount equal to the amount it received in 24489
the preceding fiscal year, exclusive of any releases from or 24490
additions to the allocation or any sanctions imposed under this 24491
section; 24492

(3) If the amount is greater than the amount initially 24493
appropriated for the immediately preceding fiscal year, each 24494
county shall receive the amount determined under division (C)(2) 24495

of this section as a base allocation, plus a percentage of the amount that exceeds the amount initially appropriated for the immediately preceding fiscal year. The amount exceeding the amount initially appropriated in the immediately preceding fiscal year shall be allocated to the counties as follows:

(a) Twelve per cent divided equally among all counties;

(b) Forty-eight per cent in the ratio that the number of residents of the county under the age of eighteen bears to the total number of such persons residing in this state;

(c) Forty per cent in the ratio that the number of residents of the county with incomes under the federal poverty guideline bears to the total number of such persons in this state.

As used in division (C)(3)(c) of this section, "federal poverty guideline" means the poverty guideline as defined by the United States office of management and budget and revised by the United States secretary of health and human services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended.

(D) The director of job and family services may adopt rules as necessary for the allocation of funds under this section. The rules shall be adopted in accordance with section 111.15 of the Revised Code.

(E)(1) As used in this division, "services to children" ~~includes only~~ means children's protective services, home-based services to children and families, foster home services, residential treatment services, adoptive services, and independent living services.

(2) Except as otherwise provided in this section, the allocation of funds for a fiscal year to a county under this section shall be reduced by the department if in the preceding calendar year the total amount expended for services to children

from local funds ~~and funds distributed to the county under section~~ 24527
~~5101.46 of the Revised Code~~ was less than the total expended from 24528
~~those sources~~ that source in the second preceding calendar year. 24529
The reduction shall be equal to the difference between the total 24530
expended in the preceding calendar year and the total expended in 24531
the second preceding calendar year. 24532

The determination of whether the amount expended for services 24533
to children was less in the preceding calendar year than in the 24534
second preceding calendar year shall not include a difference due 24535
to any of the following factors to the extent that the difference 24536
does not exceed the amount attributable to that factor: 24537

(a) An across-the-board reduction in the county budget as a 24538
whole; 24539

(b) A reduced or failed levy specifically earmarked for 24540
children services; 24541

(c) ~~A reduced allocation of funds to the county under section~~ 24542
~~5101.24 of the Revised Code;~~ 24543

~~(d)~~ The closure of, or a reduction in the operating capacity 24544
of, a children's home owned and operated by the county. 24545

(3) Funds withheld under this division may be reallocated by 24546
the department to other counties. The department may grant whole 24547
or partial waivers of the provisions of this division. 24548

(F) Children who are in the temporary or permanent custody of 24549
a certified public or private nonprofit agency or institution, or 24550
who are in adoptions subsidized under division (B) of section 24551
5153.163 of the Revised Code are eligible for medical assistance 24552
through the medical assistance program established under section 24553
5111.01 of the Revised Code. 24554

(G) Within ninety days after the end of each fiscal year, 24555
each county shall return any unspent funds to the department. 24556

~~(H) The department shall prepare an annual report detailing on a county-by-county basis the services provided with funds distributed under this section. The report shall be submitted to the general assembly by the thirtieth day of September each year and also shall be made available to the public.~~

~~(I) In accordance with Chapter 119. of the Revised Code, the director shall adopt, and may amend and rescind, rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section.~~

Sec. 5101.141. (A) The department of job and family services shall act as the single state agency to administer federal payments for foster care and adoption assistance made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended. The director of job and family services shall adopt rules to implement this authority. Internal management rules governing financial and administrative requirements applicable to public children services agencies, private child placing agencies, and private noncustodial agencies shall be adopted in accordance with section 111.15 of the Revised Code. Rules establishing eligibility, program participation, and other requirements shall be adopted in accordance with Chapter 119. of the Revised Code. A public children services agency to which the department distributes Title IV-E funds shall administer the funds in accordance with those rules.

(B)(1) The county, on behalf of each child eligible for foster care maintenance payments under Title IV-E of the "Social Security Act," shall make payments to cover the cost of providing all of the following:

(a) The child's food, clothing, shelter, daily supervision, and school supplies;

(b) The child's personal incidentals;

As Reported by the House Finance and Appropriations Committee

(c) Reasonable travel to the child's home for visitation.	24588
(2) In addition to payments made under division (B)(1) of this section, the county may, on behalf of each child eligible for foster care maintenance payments under Title IV-E of the "Social Security Act," make payments to cover the cost of providing the following:	24589 24590 24591 24592 24593
(a) Liability insurance with respect to the child;	24594
(b) If the county is participating in the demonstration project established under division (A) of section 5101.142 of the Revised Code, services provided under the project.	24595 24596 24597
(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more certified foster homes operated by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in divisions (B)(1) and (2) of this section.	24598 24599 24600 24601 24602 24603 24604 24605 24606
(C) To the extent that either foster care maintenance payments under division (B) of this section or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the department.	24607 24608 24609 24610 24611 24612
(D) The department shall distribute to public children services agencies that incur and report such expenditures federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance and adoption assistance programs. The department may withhold not more than two <u>three</u> per cent of the federal financial participation	24613 24614 24615 24616 24617 24618

As Reported by the House Finance and Appropriations Committee

received. The funds withheld may be used only to fund the Ohio 24619
child welfare training program established under section 5153.60 24620
of the Revised Code and the university partnership program for 24621
college and university students majoring in social work who have 24622
committed to work for a public children services agency upon 24623
graduation. The funds withheld shall be in addition to any 24624
administration and training cost for which the department is 24625
reimbursed through its own cost allocation plan. 24626

(E) All federal financial participation funds received by a 24627
county pursuant to this section shall be deposited into the 24628
county's children services fund created pursuant to section 24629
5101.144 of the Revised Code. 24630

(F) The department shall periodically publish and distribute 24631
the maximum amounts that the department will reimburse public 24632
children services agencies for making payments on behalf of 24633
children eligible for foster care maintenance payments. 24634

(G) The department, by and through its director, is hereby 24635
authorized to develop, participate in the development of, 24636
negotiate, and enter into one or more interstate compacts on 24637
behalf of this state with agencies of any other states, for the 24638
provision of medical assistance and other social services to 24639
children in relation to whom all of the following apply: 24640

(1) They have special needs. 24641

(2) This state or another state that is a party to the 24642
interstate compact is providing adoption assistance on their 24643
behalf. 24644

(3) They move into this state from another state or move out 24645
of this state to another state. 24646

Sec. 5101.145. (A) For the purposes of this section, "Title 24647
IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 24648

42 U.S.C.A. 670 (1980). 24649

(B) In adopting rules under section 5101.141 of the Revised Code regarding financial requirements applicable to public children services agencies, private child placing agencies, and private noncustodial agencies, the department of job and family services shall establish ~~both of the following~~: 24650

~~(1) A single form for the agencies to report costs reimbursable under Title IV-E and costs reimbursable under medicaid;~~ 24651
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~~(2) Procedures~~ procedures to monitor cost reports submitted by the agencies. The procedures shall be used to do both of the following: 24655
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(1) Determine which of the costs are reimbursable under Title IV-E; 24658
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(2) Ensure that costs reimbursable under medicaid are excluded from determinations made under division (B)(1) of this section. 24661
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Sec. 5101.184. (A) The director of job and family services shall work with the tax commissioner to collect overpayments of assistance under Chapter 5107., 5111., or 5115., former Chapter 5113., or ~~sections~~ section 5101.54 to ~~5101.543~~ of the Revised Code from refunds of state income taxes for taxable year 1992 and thereafter that are payable to the recipients of such overpayments. 24666
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Any overpayment of assistance, whether obtained by fraud or misrepresentation, as the result of an error by the recipient or by the agency making the payment, or in any other manner, may be collected under this section. Any reduction under section 5747.12 or 5747.121 of the Revised Code to an income tax refund shall be made before a reduction under this section. No reduction shall be 24673
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made under this section if the amount of the refund is less than 24679
twenty-five dollars after any reduction under section 5747.12 of 24680
the Revised Code. A reduction under this section shall be made 24681
before any part of the refund is contributed under section 24682
5747.113 of the Revised Code to the natural areas and preserves 24683
fund or the nongame and endangered wildlife fund, or is credited 24684
under section 5747.12 of the Revised Code against tax due in any 24685
subsequent year. 24686

The director and the tax commissioner, by rules adopted in 24687
accordance with Chapter 119. of the Revised Code, shall establish 24688
procedures to implement this division. The procedures shall 24689
provide for notice to a recipient of assistance and an opportunity 24690
for the recipient to be heard before the recipient's income tax 24691
refund is reduced. 24692

(B) The director of job and family services may enter into 24693
agreements with the federal government to collect overpayments of 24694
assistance from refunds of federal income taxes that are payable 24695
to recipients of the overpayments. 24696

Sec. ~~5101.071~~ 5101.251. (A) Not later than ninety days after 24697
~~the effective date of this section~~ December 8, 1994, the director 24698
of job and family services shall develop and provide a training 24699
program to assist caseworkers in county departments of job and 24700
family services and public children services agencies in 24701
understanding the dynamics of domestic violence and the 24702
relationship domestic violence has to child abuse. ~~The program~~ 24703
~~shall be coordinated with other department of job and family~~ 24704
~~services programs regarding family violence.~~ 24705

(B) Not later than ninety days after ~~the effective date of~~ 24706
~~this section~~ December 9, 1994, the director of job and family 24707
services shall adopt internal management rules in accordance with 24708
section 111.15 of the Revised Code establishing policies for 24709

dealing with domestic violence and the victims of domestic 24710
violence. The rules shall include all of the following: 24711

(1) A rule designating types and categories of employees of 24712
county departments of job and family services and employees of 24713
public children services agencies to receive training in the 24714
handling of domestic violence cases and a policy for the training 24715
of the designated types and categories of employees in the 24716
handling of those cases. 24717

(2) Guidelines directing how county departments of job and 24718
family services and county children services boards shall respond 24719
to identified domestic violence problems and to the needs of 24720
children directly or indirectly involved in situations involving 24721
domestic violence. 24722

(C) Each county department of job and family services and 24723
each public children services agency shall require its employees 24724
to complete the training described in divisions (A) and (B) of 24725
this section in accordance with the rules adopted by the director 24726
of job and family services pursuant to division (B) of this 24727
section. 24728

Sec. 5101.36. Any application for public assistance gives a 24729
right of subrogation to the department of job and family services 24730
for any workers' compensation benefits payable to a person who is 24731
subject to a support order, as defined in section 3119.01 of the 24732
Revised Code, on behalf of the applicant, to the extent of any 24733
public assistance payments made on the applicant's behalf. If the 24734
director of job and family services, in consultation with a child 24735
support enforcement agency and the administrator of the bureau of 24736
workers' compensation, determines that a person responsible for 24737
support payments to a recipient of public assistance is receiving 24738
workers' compensation, the director shall notify the administrator 24739
of the amount of the benefit to be paid to the department of job 24740

and family services. 24741

For purposes of this section, "public assistance" means 24742
medical assistance provided through the medical assistance program 24743
established under section 5111.01 of the Revised Code~~7~~i Ohio works 24744
first provided under Chapter 5107. of the Revised Code~~7~~i 24745
prevention, retention, and contingency ~~assistance~~ benefits and 24746
services provided under Chapter 5108. of the Revised Code~~7~~i or 24747
disability assistance provided under Chapter 5115. of the Revised 24748
Code. 24749

Sec. 5101.521. When the body of a dead person is found in a 24750
township or municipal corporation, and such person was not an 24751
inmate of a correctional, benevolent, or charitable institution of 24752
this state, and the body is not claimed by any person for private 24753
interment or cremation at the person's own expense, or delivered 24754
for the purpose of medical or surgical study or dissection in 24755
accordance with section 1713.34 of the Revised Code, ~~or the person~~ 24756
~~was not eligible for burial assistance under section 5101.52 of~~ 24757
~~the Revised Code,~~ it shall be disposed of as follows: 24758

(A) If the person was a legal resident of the county, the 24759
proper officers of the township or municipal corporation in which 24760
the person's body was found shall cause it to be buried or 24761
cremated at the expense of the township or municipal corporation 24762
in which the person had a legal residence at the time of death. 24763

(B) If the person had a legal residence in any other county 24764
of the state at the time of death, the superintendent of the 24765
county home of the county in which such body was found shall cause 24766
it to be buried or cremated at the expense of the township or 24767
municipal corporation in which the person had a legal residence at 24768
the time of death. 24769

(C) If the person was an inmate of a correctional institution 24770

of the county or a patient or resident of a benevolent institution 24771
of the county, the person had no legal residence in the state, or 24772
the person's legal residence is unknown, the superintendent shall 24773
cause the person to be buried or cremated at the expense of the 24774
county. 24775

Such officials shall provide, at the grave of the person or, 24776
if the person's cremated remains are buried, at the grave of the 24777
person's cremated remains, a stone or concrete marker on which the 24778
person's name and age, if known, and date of death shall be 24779
inscribed. 24780

A political subdivision is not relieved of its duty to bury 24781
or cremate a person at its expense under this section when the 24782
body is claimed by an indigent person. 24783

Sec. 5101.54. (A) The director of job and family services 24784
shall administer the food stamp program in accordance with the 24785
"Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 24786
amended. The department may: 24787

(1) Prepare and submit to the secretary of the United States 24788
department of agriculture a plan for the administration of the 24789
food stamp program; 24790

(2) Prescribe forms for applications, certificates, reports, 24791
records, and accounts of county departments of job and family 24792
services, and other matters; 24793

(3) Require such reports and information from each county 24794
department of job and family services as may be necessary and 24795
advisable; 24796

(4) Administer and expend any sums appropriated by the 24797
general assembly for the purposes of this section and all sums 24798
paid to the state by the United States as authorized by the Food 24799
Stamp Act of 1977; 24800

- (5) Conduct such investigations as are necessary; 24801
- (6) Enter into interagency agreements and cooperate with 24802
investigations conducted by the department of public safety, 24803
including providing information for investigative purposes, 24804
exchanging property and records, passing through federal financial 24805
participation, modifying any agreements with the United States 24806
department of agriculture, providing for the supply, security, and 24807
accounting of food stamp ~~coupons~~ benefits for investigative 24808
purposes, and meeting any other requirements necessary for the 24809
detection and deterrence of illegal activities in the state food 24810
stamp program; 24811
- (7) Adopt rules in accordance with Chapter 119. of the 24812
Revised Code governing employment and training requirements of 24813
recipients of food stamp benefits, including rules specifying 24814
which recipients are subject to the requirements and establishing 24815
sanctions for failure to satisfy the requirements. The rules shall 24816
be consistent with 7 U.S.C.A. 2015 and, to the extent practicable, 24817
may provide for food stamp benefit recipients to participate in 24818
work activities, developmental activities, and alternative work 24819
activities established under sections 5107.40 to 5107.69 of the 24820
Revised Code that are comparable to programs authorized by 7 24821
U.S.C.A. 2015(d)(4). The rules may reference rules adopted under 24822
section 5107.05 of the Revised Code governing work activities, 24823
developmental activities, and alternative work activities 24824
established under sections 5107.40 to 5107.69 of the Revised Code. 24825
24826
- (8) Adopt rules in accordance with section 111.15 of the 24827
Revised Code that are consistent with the Food Stamp Act of 1977, 24828
as amended, and regulations adopted thereunder governing the 24829
following: 24830
- (a) Eligibility requirements for the food stamp program; 24831

(b) Sanctions for failure to comply with eligibility requirements;	24832 24833
(c) Allotment of food stamp coupons <u>benefits</u> ;	24834
(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of food stamp benefits subject to employment and training requirements established by rules adopted under division (A)(7) of this section receive food stamp benefits after satisfying the requirements;	24835 24836 24837 24838 24839
(e) Administration of the program by county departments of job and family services;	24840 24841
(f) Other requirements necessary for the efficient administration of the program.	24842 24843
(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to operate a simplified food stamp program pursuant to 7 U.S.C.A. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the food stamp program in the case of households receiving food stamp benefits and participating in Ohio works first.	24844 24845 24846 24847 24848 24849 24850
(B) Except while in the custody of the United States postal service, food stamps and any document necessary to obtain food stamps are the property of the department of job and family services from the time they are received in accordance with federal regulations by the department from the federal agency responsible for such delivery until they are received by a household entitled to receive them or by the authorized representative of the household.	24851 24852 24853 24854 24855 24856 24857 24858
(C) A household that is entitled to receive food stamps under the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended, and that is determined to be in immediate need of food assistance, shall receive certification of eligibility for program	24859 24860 24861 24862

benefits, pending verification, within twenty-four hours, or, if 24863
mitigating circumstances occur, within seventy-two hours, after 24864
application, if: 24865

(1) The results of the application interview indicate that 24866
the household will be eligible upon full verification; 24867

(2) Information sufficient to confirm the statements in the 24868
application has been obtained from at least one additional source, 24869
not a member of the applicant's household. Such information shall 24870
be recorded in the case file, and shall include: 24871

(a) The name of the person who provided the name of the 24872
information source; 24873

(b) The name and address of the information source; 24874

(c) A summary of the information obtained. 24875

The period of temporary eligibility shall not exceed one 24876
month from the date of certification of temporary eligibility. If 24877
eligibility is established by full verification, benefits shall 24878
continue without interruption as long as eligibility continues. 24879

At the time of application, the county department of job and 24880
family services shall provide to a household described in this 24881
division a list of community assistance programs that provide 24882
emergency food. 24883

(D) All applications shall be approved or denied through full 24884
verification within thirty days from receipt of the application by 24885
the county department of job and family services. 24886

(E) Nothing in this section shall be construed to prohibit 24887
the certification of households that qualify under federal 24888
regulations to receive food stamps without charge under the "Food 24889
Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended. 24890

(F) Any person who applies for food stamps under this section 24891
shall receive a voter registration application under section 24892

3503.10 of the Revised Code.	24893
Sec. 5101.80. (A) The department of job and family services shall do all of the following:	24894
(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan, and amendments to the plan that the department determines necessary, for the Ohio works first program established under Chapter 5107. of the Revised Code and the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;	24895
(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan, and amendments to the plan that the department determines necessary, for the Ohio works first program established under Chapter 5107. of the Revised Code and the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;	24896
health and human services a Title IV-A state plan, and amendments to the plan that the department determines necessary, for the Ohio works first program established under Chapter 5107. of the Revised Code and the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;	24897
to the plan that the department determines necessary, for the Ohio works first program established under Chapter 5107. of the Revised Code and the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;	24898
Code and the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;	24899
Code and the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;	24900
established under Chapter 5108. of the Revised Code;	24901
(2) Prescribe forms for applications, certificates, reports, records, and accounts of county departments of job and family services, and other matters related to the Ohio works first program and the prevention, retention, and contingency program;	24902
(2) Prescribe forms for applications, certificates, reports, records, and accounts of county departments of job and family services, and other matters related to the Ohio works first program and the prevention, retention, and contingency program;	24903
records, and accounts of county departments of job and family services, and other matters related to the Ohio works first program and the prevention, retention, and contingency program;	24904
services, and other matters related to the Ohio works first program and the prevention, retention, and contingency program;	24905
(3) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding the Ohio works first program and the prevention, retention, and contingency program;	24906
(3) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding the Ohio works first program and the prevention, retention, and contingency program;	24907
information as the department may find necessary to assure the correctness and verification of such reports, regarding the Ohio works first program and the prevention, retention, and contingency program;	24908
correctness and verification of such reports, regarding the Ohio works first program and the prevention, retention, and contingency program;	24909
works first program and the prevention, retention, and contingency program;	24910
program;	24910
(4) Require reports and information from each county department of job and family services as may be necessary or advisable regarding the Ohio works first program and the prevention, retention, and contingency program;	24911
(4) Require reports and information from each county department of job and family services as may be necessary or advisable regarding the Ohio works first program and the prevention, retention, and contingency program;	24912
department of job and family services as may be necessary or advisable regarding the Ohio works first program and the prevention, retention, and contingency program;	24913
advisable regarding the Ohio works first program and the prevention, retention, and contingency program;	24914
prevention, retention, and contingency program;	24914
(5) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, the Ohio works first program or the prevention, retention, and contingency program aggrieved by a decision regarding either program;	24915
(5) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, the Ohio works first program or the prevention, retention, and contingency program aggrieved by a decision regarding either program;	24916
of the Revised Code to any applicant for, or participant or former participant of, the Ohio works first program or the prevention, retention, and contingency program aggrieved by a decision regarding either program;	24917
participant of, the Ohio works first program or the prevention, retention, and contingency program aggrieved by a decision regarding either program;	24918
retention, and contingency program aggrieved by a decision regarding either program;	24919
regarding either program;	24919
(6) Administer and expend, pursuant to Chapters 5107. and 5108. of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and all sums paid to	24920
(6) Administer and expend, pursuant to Chapters 5107. and 5108. of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and all sums paid to	24921
5108. of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and all sums paid to	24922
assembly for the purpose of those chapters and all sums paid to	24922

the state by the secretary of the treasury of the United States as 24923
authorized by Title IV-A of the "Social Security Act," 49 Stat. 24924
620 (1935), 42 U.S.C. 301, as amended; 24925

(7) Conduct investigations as are necessary regarding the 24926
Ohio works first program and the prevention, retention, and 24927
contingency program; 24928

(8) Enter into reciprocal agreements with other states 24929
relative to the provision of Ohio works first and prevention, 24930
retention, and contingency to residents and nonresidents; 24931

(9) Contract with a private entity to conduct an independent 24932
on-going evaluation of the Ohio works first program and the 24933
prevention, retention, and contingency program. The contract must 24934
require the private entity to do all of the following: 24935

(a) Examine issues of process, practice, impact, and 24936
outcomes; 24937

(b) Study former participants of Ohio works first who have 24938
not participated in Ohio works first for at least one year to 24939
determine whether they are employed, the type of employment in 24940
which they are engaged, the amount of compensation they are 24941
receiving, whether their employer provides health insurance, 24942
whether and how often they have received ~~assistance~~ benefits or 24943
services under the prevention, retention, and contingency program, 24944
and whether they are successfully self sufficient; 24945

(c) Provide the department ~~an initial report of the~~ 24946
~~evaluation not later than two years after October 1, 1997, and~~ 24947
~~provide subsequent~~ with reports at times the department specifies. 24948

(10) ~~Not later than March 1, 1998, and the first day of each~~ 24949
~~September and March thereafter until September 1, 2001, prepare a~~ 24950
~~county by county report concerning individuals who cease to~~ 24951
~~participate in Ohio works first that contains the reasons the~~ 24952
~~individuals ceased to participate, including employment, marital~~ 24953

~~status, and relocation;~~ 24954

(11) Not later than January 1, 2001, and the first day of 24955
each January and July thereafter, prepare a report containing 24956
information on the following: 24957

(a) ~~A county by county breakdown of individuals who cease to~~ 24958
~~participate in Ohio works first and the reasons the individuals~~ 24959
~~ceased to participate, including Individuals exhausting the time~~ 24960
limits for participation set forth in section 5107.18 of the 24961
Revised Code. 24962

(b) Individuals who have been exempted from the time limits 24963
set forth in section 5107.18 of the Revised Code and the reasons 24964
for the exemption. 24965

~~(12)~~(11) Not later than January 1, 2001, and on a quarterly 24966
basis thereafter until December 1, 2003, prepare, to the extent 24967
the necessary data is available to the department, a report based 24968
on information determined under section 5107.80 of the Revised 24969
Code that states how many former Ohio works first participants 24970
entered the workforce during the most recent previous quarter for 24971
which the information is known and includes information regarding 24972
the earnings of those former participants. The report shall 24973
include a county-by-county breakdown and shall not contain the 24974
names or social security numbers of former participants. 24975

(B) The department shall provide copies of the reports it 24976
receives under division (A)(9) of this section and prepares under 24977
divisions (A)(10), (11), and (12) of this section to the governor, 24978
the president and minority leader of the senate, and the speaker 24979
and minority leader of the house of representatives. The 24980
department shall provide copies of the reports to any private or 24981
government entity on request. 24982

(C) An authorized representative of the department or a 24983
county department of job and family services shall have access to 24984

all records and information bearing thereon for the purposes of 24985
investigations conducted pursuant to this section. 24986

Sec. 5101.821. Except as otherwise approved by the director 24987
of budget and management, the department of job and family 24988
services shall deposit federal funds received under Title IV-A of 24989
the "Social Security Act," 42 U.S.C.A. 601, 110 Stat. 2113 (1996), 24990
into the temporary assistance for needy families (TANF) federal 24991
fund, which is hereby created in the state treasury. The 24992
department shall use money in the fund for the Ohio works first 24993
program established under Chapter 5107. of the Revised Code; the 24994
prevention, retention, and contingency program established under 24995
Chapter 5108. of the Revised Code; and any other purposes 24996
consistent with Title IV-A, federal regulations, federal waivers 24997
granted by the United States secretary of health and human 24998
services, state law, the Title IV-A state plan and amendments 24999
submitted to the United States secretary of health and human 25000
services under section 5101.80 of the Revised Code, and rules 25001
adopted by the department under section 5107.05 of the Revised 25002
Code. 25003

Sec. 5101.83. (A) As used in this section: 25004

(1) "Assistance group" has the same meaning as in sections 25005
5107.02 and 5108.01 of the Revised Code, except that it also means 25006
a group provided benefits and services under the prevention, 25007
retention, and contingency program because the members of the 25008
group share a common need for benefits and services. 25009

(2) "Fraudulent assistance" means assistance and service, 25010
including cash assistance, provided under the Ohio works first 25011
program established under Chapter 5107., or benefits and services 25012
provided under 25013
the prevention, retention, and contingency program
established under Chapter 5108. of the Revised Code, to or on 25014

As Reported by the House Finance and Appropriations Committee

behalf of an assistance group that is provided as a result of 25015
fraud by a member of the assistance group, including an 25016
intentional violation of the program's requirements. "Fraudulent 25017
assistance" does not include assistance or ~~services~~ services to or 25018
on ~~be half~~ behalf of an assistance group that is provided as a 25019
result of an error that is the fault of a county department of job 25020
and family services or the state department of job and family 25021
services. 25022

(B) If a county director of job and family services 25023
determines that an assistance group has received fraudulent 25024
assistance, the assistance group is ineligible to participate in 25025
the Ohio works first program or the prevention, retention, and 25026
contingency program until a member of the assistance group repays 25027
the cost of the fraudulent assistance. If a member repays the cost 25028
of the fraudulent assistance and the assistance group otherwise 25029
meets the eligibility requirements for the Ohio works first 25030
program or the prevention, retention, and contingency program, the 25031
assistance group shall not be denied the opportunity to 25032
participate in the program. 25033

This section does not limit the ability of a county 25034
department of job and family services to recover erroneous 25035
payments under section 5107.76 of the Revised Code. 25036

The state department of job and family services shall adopt 25037
rules in accordance with Chapter 119. of the Revised Code to 25038
implement this section. 25039

Sec. 5101.85. As used in sections 5101.851 to ~~5101.854~~ 25040
~~5101.853~~ of the Revised Code, "kinship caregiver" means any of the 25041
following who is eighteen years of age or older and is caring for 25042
a child in place of the child's parents: 25043

(A) The following individuals related by blood or adoption to 25044
the child: 25045

(1) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";	25046 25047
(2) Siblings;	25048
(3) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";	25049 25050 25051
(4) First cousins and first cousins once removed.	25052
(B) Stepparents and stepsiblings of the child;	25053
(C) Spouses and former spouses of individuals named in divisions (A) and (B) of this section;	25054 25055
(D) A legal guardian of the child;	25056
(E) A legal custodian of the child.	25057
Sec. 5101.853 5101.851. (A) As used in this section,	25058
"qualified state expenditures" has the meaning provided by section	25059
409(a)(7)(B)(i) of the "Personal Responsibility and Work	25060
Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42	25061
U.S.C.A. 609(a)(7)(B)(i).	25062
(B) Using qualified state expenditures and based on the	25063
recommendations of the kinship care services planning council, the	25064
The department of job and family services shall <u>may</u> establish a	25065
program providing support services to kinship caregivers statewide	25066
<u>program of kinship care navigators to assist kinship caregivers</u>	25067
<u>who are seeking information regarding, or assistance obtaining,</u>	25068
<u>services and benefits available at the state and local level that</u>	25069
<u>addresses address the needs of those caregivers residing in each</u>	25070
<u>county.</u> The department shall establish the program no later than	25071
March 31, 2000. The program shall provide <u>to kinship caregivers</u>	25072
<u>information and referral services and assistance obtaining support</u>	25073
services that include including the following:	25074

+1)(A) Publicly funded child day-care;	25075
+2)(B) Respite care;	25076
+3)(C) Training related to caring for special needs children;	25077
	25078
+4)(D) A toll-free telephone number that may be called to	25079
obtain basic information about the rights of, and services	25080
available to, kinship caregivers;	25081
+5)(E) Legal services.	25082
<u>Sec. 5101.852. Within available funds, the department of job</u>	25083
<u>and family services shall make payments to public children</u>	25084
<u>services agencies for the purpose of permitting the agencies to</u>	25085
<u>provide kinship care navigator information and referral services</u>	25086
<u>and assistance obtaining support services to kinship caregivers</u>	25087
<u>pursuant to the kinship care navigator program. The department may</u>	25088
<u>provide training and technical assistance concerning the needs of</u>	25089
<u>kinship caregivers to employees of public children services</u>	25090
<u>agencies and to persons or entities that serve kinship caregivers</u>	25091
<u>or perform the duties of a kinship care navigator and are under</u>	25092
<u>contract with an agency.</u>	25093
Sec. 5101.854 <u>5101.853.</u> The department of job and family	25094
services shall <u>may</u> adopt rules in accordance with Chapter 119. of	25095
the Revised Code to implement the <u>kinship care navigators</u> program	25096
to provide support services to kinship caregivers. To the extent	25097
permitted by federal law and the Revised Code, the rules may	25098
expand eligibility for programs administered by the department in	25099
a manner making kinship caregivers eligible for the programs. <u>The</u>	25100
<u>rules shall be adopted under Chapter 119. of the Revised Code,</u>	25101
<u>except that rules governing fiscal and administrative matters</u>	25102
<u>related to implementation of the navigators program are internal</u>	25103
<u>management rules and shall be adopted under section 111.15 of the</u>	25104

Revised Code. 25105

Sec. 5103.031. (A) Except as provided in section 5103.033 of 25106
the Revised Code, the department of job and family services may 25107
not issue a certificate under section 5103.03 of the Revised Code 25108
to a foster home unless the foster caregiver successfully 25109
completes the following amount of preplacement training through 25110
the Ohio child welfare training program or a preplacement training 25111
program operated under section 5103.034 of the Revised Code: 25112

(1) If the foster home is a family foster home, at least 25113
twelve hours; 25114

(2) If the foster home is a specialized foster home, at least 25115
thirty-six hours. 25116

(B) No child may be placed in a family foster home unless the 25117
foster caregiver completes at least twelve additional hours of 25118
preplacement training through the Ohio child welfare training 25119
program or a preplacement training program operated under section 25120
5103.034 of the Revised Code. 25121

Sec. 5103.033. The department of job and family services may 25122
issue or renew a certificate under section 5103.03 of the Revised 25123
Code to a foster home for the care of a child who is in the 25124
custody of a public children services agency or private child 25125
placing agency pursuant to an agreement entered into under section 25126
5103.15 of the Revised Code regarding a child who was less than 25127
six months of age on the date the agreement was executed if the 25128
foster caregiver successfully completes the following amount of 25129
training: 25130

(A) For an initial certificate, at least twelve hours of 25131
preplacement training through the Ohio child welfare training 25132
program or a preplacement training program operated under section 25133
5103.034 of the Revised Code; 25134

(B) For renewal of a certificate, at least twelve hours each 25135
year of continuing training in accordance with the foster 25136
caregiver's needs assessment and continuing training plan 25137
developed and implemented under section ~~5103.034~~ 5103.035 of the 25138
Revised Code. 25139

Sec. 5103.036. For the purpose of determining whether a 25140
foster caregiver has satisfied the requirement of section 5103.031 25141
or 5103.032 of the Revised Code, a recommending agency shall 25142
accept training obtained from the Ohio child welfare training 25143
program or pursuant to a preplacement training program or 25144
continuing training program operated under section 5103.034 of the 25145
Revised Code regardless of whether the agency operated the 25146
preplacement training program or continuing training program. The 25147
agency may require that the foster caregiver successfully complete 25148
additional training as a condition of the agency recommending that 25149
the department of job and family services certify or recertify the 25150
foster caregiver's foster home under section 5103.03 of the 25151
Revised Code. 25152

Sec. 5103.0312. ~~The department of job and family services A~~ 25153
~~public children services agency, private child placing agency, or~~ 25154
~~private noncustodial agency acting as a recommending agency for~~ 25155
~~foster caregivers who hold certificates issued under section~~ 25156
~~5103.03 of the Revised Code shall pay those foster caregivers who~~ 25157
~~have been issued a foster home certificate and had at least one~~ 25158
~~foster child placed in their home~~ a stipend to reimburse them for 25159
attending training courses provided by the Ohio child welfare 25160
training program or pursuant to a preplacement training program or 25161
continuing training program operated under section 5103.034 of the 25162
Revised Code. The payment shall be based on a per diem stipend 25163
rate established by the department of job and family services. The 25164
~~payment to foster caregivers~~ stipend rate shall be the same 25165

regardless of the type of recommending agency from which a foster 25166
caregiver seeks a recommendation. The department shall ~~pay a~~ 25167
~~foster caregiver for attending preplacement training courses~~ 25168
~~during the first month a foster child is placed in the foster~~ 25169
~~caregiver's home, pursuant to rules adopted under section~~ 25170
5103.0316 of the Revised Code, reimburse the recommending agency 25171
for stipend payments it makes in accordance with this section. 25172

Sec. 5103.0313. The department of job and family services 25173
shall reimburse ~~a~~ the following for the cost of providing 25174
preplacement and continuing training to foster caregivers: 25175

(A) The Ohio child welfare training program; 25176

(B) A public children services agency, private child placing 25177
agency, or private noncustodial agency ~~for the cost to the agency~~ 25178
~~of providing training to a foster caregiver~~ through a preplacement 25179
training program or continuing training program operated under 25180
section 5103.034 of the Revised Code. ~~The~~ 25181

The reimbursement shall be on a per diem basis and limited to 25182
the cost associated with the trainer, obtaining a site at which 25183
the training is provided, and the administration of the training. 25184
A reimbursement rate shall be the same regardless of whether the 25185
training program is operated by the Ohio child welfare training 25186
program or a public children services agency, private child 25187
placing agency, or private noncustodial agency. 25188

Sec. 5103.0316. Not later than ninety days after ~~the~~ 25189
~~effective date of this section~~ January 1, 2001, the department of 25190
job and family services shall adopt rules in accordance with 25191
Chapter 119. of the Revised Code as necessary for the efficient 25192
administration of sections 5103.031 to 5103.0316 of the Revised 25193
Code. The rules shall provide for all of the following: 25194

(A) For the purpose of section 5103.038 of the Revised Code, 25195

the date by which a public children services agency, private child placing agency, or private noncustodial agency that seeks to operate a preplacement training program or continuing training program under section 5103.034 of the Revised Code must submit to the department a proposal outlining the program;

(B) Requirements governing the department's reimbursement of the Ohio child welfare training program and public children services agencies, private child placing agencies, and private noncustodial agencies under ~~section~~ sections 5103.0312 and 5103.0313 of the Revised Code;

(C) Any other matter the department considers appropriate.

Sec. 5103.07. The department of job and family services shall administer funds received under Title IV-B of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 620, as amended, and the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C.A. 5101, as amended, ~~and the "Family Violence Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as amended.~~ In administering these funds, the department may establish a child welfare services program, and a child abuse and neglect prevention and adoption reform program, ~~and a family violence prevention program.~~ The department has all powers necessary for the adequate administration of these funds and programs. The director of job and family services may adopt internal management rules in accordance with section 111.15 of the Revised Code ~~and issue appropriate orders~~ as necessary for the ~~adequate administration of these funds and programs to carry out the purposes of this section.~~

Sec. 5107.02. As used in this chapter:

(A) "Adult" means an individual who is not a minor child.

(B) "Assistance group" means a group of individuals treated

as a unit for purposes of determining eligibility for and the amount of assistance provided under Ohio works first.

(C) "Custodian" means an individual who has legal custody, as defined in section 2151.011 of the Revised Code, of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state.

(D) "Guardian" means an individual that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code, or a court of competent jurisdiction in another state, to exercise parental rights over a minor child to the extent provided in the court's order and subject to residual parental rights of the minor child's parents.

(E) "Minor child" means either of the following:

(1) An individual who has not attained age eighteen;

(2) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.

(F) "Minor head of household" means a minor child who is either of the following:

(1) At least six months pregnant and a member of an assistance group that does not include an adult;

(2) A parent of a child included in the same assistance group that does not include an adult.

(G) "Ohio works first" means the program established by this chapter known as temporary assistance for needy families in Title IV-A.

(H) "Payment standard" means the amount specified in rules adopted under section 5107.05 of the Revised Code that is the maximum amount of cash assistance an assistance group may receive under Ohio works first from state and federal funds.

(I) "Specified relative" means the following individuals who are age eighteen or older:	25256
(1) The following individuals related by blood or adoption:	25258
(a) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";	25259
(b) Siblings;	25261
(c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";	25262
(d) First cousins and first cousins once removed.	25263
(2) Stepparents and stepsiblings;	25266
(3) Spouses and former spouses of individuals named in division (I)(1) or (2) of this section.	25267
(J) "Title IV-A" or "Title IV-D" means Title IV-A or Title IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.	25268
Sec. 5107.10. (A) As used in this section:	25269
(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code.	25270
(2) "Gross income" means gross earned income and gross unearned income.	25274
(3) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a	25276
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stoppage of work by employees in good faith because of dangerous	25284
or unhealthful working conditions at the place of employment that	25285
are abnormal to the place of employment.	25286
(B) Under the Ohio works first program, an assistance group	25287
shall receive, except as otherwise provided by this chapter,	25288
time-limited cash assistance. In the case of an assistance group	25289
that includes a minor head of household or adult, assistance shall	25290
be provided in accordance with the self-sufficiency contract	25291
entered into under section 5107.14 of the Revised Code.	25292
(C) To be eligible to participate in Ohio works first, an	25293
assistance group must meet all of the following requirements:	25294
(1) The assistance group, except as provided in division (E)	25295
of this section, must include at least one of the following:	25296
(a) A minor child who, except as provided in section 5107.24	25297
of the Revised Code, resides with a parent, or specified relative	25298
caring for the child, or, to the extent permitted by Title IV-A	25299
and federal regulations adopted until Title IV-A, resides with a	25300
guardian or custodian caring for the child;	25301
(b) A parent residing with and caring for the parent's minor	25302
child who receives supplemental security income under Title XVI of	25303
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383,	25304
as amended, or federal, state, or local adoption assistance;	25305
(c) A specified relative residing with and caring for a minor	25306
child who is related to the specified relative in a manner that	25307
makes the specified relative a specified relative and receives	25308
supplemental security income or federal, state, or local foster	25309
care or adoption assistance;	25310
(d) A woman at least six months pregnant.	25311
(2) The assistance group must meet the income requirements	25312
established by division (D) of this section.	25313

(3) No member of the assistance group may be involved in a strike. 25314
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(4) The assistance group must satisfy the requirements for Ohio works first established by this chapter and sections ~~5101.19~~, 5101.58, 5101.59, and 5101.83 of the Revised Code. 25316
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(5) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code. 25319
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(D)(1) Except as provided in division (D)(3) of this section, to determine whether an assistance group is initially eligible to participate in Ohio works first, a county department of job and family services shall do the following: 25322
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(a) Determine whether the assistance group's gross income exceeds the following amount: 25326
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Size of Assistance Group	Gross Income	
1	\$423	25328 25329
2	\$537	25330
3	\$630	25331
4	\$750	25332
5	\$858	25333
6	\$942	25334
7	\$1,038	25335
8	\$1,139	25336
9	\$1,241	25337
10	\$1,343	25338
11	\$1,440	25339
12	\$1,542	25340
13	\$1,643	25341
14	\$1,742	25342
15	\$1,844	25343

For each person in the assistance group that brings the 25344

assistance group to more than fifteen persons, add one hundred two 25345
dollars to the amount of gross income for an assistance group of 25346
fifteen specified in division (D)(1)(a) of this section. 25347

In making this determination, the county department shall 25348
disregard amounts that federal statutes or regulations and 25349
sections 5101.17 and 5117.10 of the Revised Code require be 25350
disregarded. The assistance group is ineligible to participate in 25351
Ohio works first if the assistance group's gross income, less the 25352
amounts disregarded, exceeds the amount specified in division 25353
(D)(1)(a) of this section. 25354

(b) If the assistance group's gross income, less the amounts 25355
disregarded pursuant to division (D)(1)(a) of this section, does 25356
not exceed the amount specified in that division, determine 25357
whether the assistance group's countable income is less than the 25358
payment standard. The assistance group is ineligible to 25359
participate in Ohio works first if the assistance group's 25360
countable income equals or exceeds the payment standard. 25361

(2) To determine whether an assistance group participating in 25362
Ohio works first continues to be eligible to participate, a county 25363
department of job and family services shall determine whether the 25364
assistance group's countable income continues to be less than the 25365
payment standard. In making this determination, the county 25366
department shall disregard the first two hundred fifty dollars and 25367
fifty per cent of the remainder of the assistance group's gross 25368
earned income. No amounts shall be disregarded from the assistance 25369
group's gross unearned income. The assistance group ceases to be 25370
eligible to participate in Ohio works first if its countable 25371
income, less the amounts disregarded, equals or exceeds the 25372
payment standard. 25373

(3) If an assistance group reapplies to participate in Ohio 25374
works first not more than four months after ceasing to 25375
participate, a county department of job and family services shall 25376

use the income requirement established by division (D)(2) of this 25377
section to determine eligibility for resumed participation rather 25378
than the income requirement established by division (D)(1) of this 25379
section. 25380

(E)(1) An assistance group may continue to participate in 25381
Ohio works first even though a public children services agency 25382
removes the assistance group's minor children from the assistance 25383
group's home due to abuse, neglect, or dependency if the agency 25384
does both of the following: 25385

(a) Notifies the county department of job and family services 25386
at the time the agency removes the children that it believes the 25387
children will be able to return to the assistance group within six 25388
months; 25389

(b) Informs the county department at the end of each of the 25390
first five months after the agency removes the children that the 25391
parent, guardian, custodian, or specified relative of the children 25392
is cooperating with the case plans prepared for the children under 25393
section 2151.412 of the Revised Code and that the agency is making 25394
reasonable efforts to return the children to the assistance group. 25395

(2) An assistance group may continue to participate in Ohio 25396
works first pursuant to division (E)(1) of this section for not 25397
more than six payment months. This division does not affect the 25398
eligibility of an assistance group that includes a woman at least 25399
six months pregnant. 25400

Sec. 5107.14. An assistance group is ineligible to 25401
participate in Ohio works first unless the minor head of household 25402
or each adult member of the assistance group, not later than 25403
thirty days after applying for or undergoing a redetermination of 25404
eligibility for the program, enters into a written 25405
self-sufficiency contract with the county department of job and 25406
family services. The contract shall set forth the rights and 25407

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responsibilities of the assistance group as applicants for and 25408
participants of the program, including work responsibilities 25409
established under sections 5107.40 to 5107.69 of the Revised Code 25410
and other requirements designed to assist the assistance group in 25411
achieving self sufficiency and personal responsibility. The county 25412
department shall provide without charge a copy of the contract to 25413
each assistance group member who signs it. 25414

Each self-sufficiency contract shall include, based on 25415
appraisals conducted under section 5107.41 of the Revised Code and 25416
assessments conducted under section 5107.70 of the Revised Code, 25417
the following: 25418

(A) The assistance group's plan, developed under section 25419
5107.41 of the Revised Code, to achieve the goal of self 25420
sufficiency and personal responsibility through unsubsidized 25421
employment within the time limit for participating in Ohio works 25422
first established by section 5107.18 of the Revised Code; 25423

(B) Work activities, developmental activities, and 25424
alternative work activities to which members of the assistance 25425
group are assigned under sections 5107.40 to 5107.69 of the 25426
Revised Code; 25427

(C) The responsibility of a caretaker member of the 25428
assistance group to cooperate in establishing a minor child's 25429
paternity and establishing, modifying, and enforcing a support 25430
order for the child in accordance with section 5107.22 of the 25431
Revised Code; 25432

(D) Other responsibilities that members of the assistance 25433
group must satisfy to participate in Ohio works first and the 25434
consequences for failure or refusal to satisfy the 25435
responsibilities; 25436

(E) An agreement that the assistance group will comply with 25437
the conditions of participating in Ohio works first established by 25438

this chapter and sections 5101.19 , 5101.58, 5101.59, and 5101.83	25439
of the Revised Code;	25440
(F) Assistance and services the county department will	25441
provide to the assistance group;	25442
(G) Assistance and services the child support enforcement	25443
agency and public children services agency will provide to the	25444
assistance group pursuant to a plan of cooperation entered into	25445
under section 307.983 of the Revised Code;	25446
(H) Other provisions designed to assist the assistance group	25447
in achieving self sufficiency and personal responsibility;	25448
(I) Procedures for assessing whether responsibilities are	25449
being satisfied and whether the contract should be amended;	25450
(J) Procedures for amending the contract.	25451
Sec. 5107.18. (A) Except as provided in divisions (B), (C),	25452
(D), and (E) of this section, an assistance group is ineligible to	25453
participate in Ohio works first if the assistance group includes	25454
an adult <u>individual</u> who has participated in the program for	25455
thirty-six months <u>as any of the following: an adult head of</u>	25456
<u>household, minor head of household, or spouse of an adult head of</u>	25457
<u>household or minor head of household</u> . The time limit applies	25458
regardless of whether the thirty-six months are consecutive.	25459
(B) An assistance group that has ceased to participate in	25460
Ohio works first pursuant to division (A) of this section for at	25461
least twenty-four months, <u>whether consecutive or not</u> , may reapply	25462
to participate in the program if good cause exists as determined	25463
by the county department of job and family services. Good cause	25464
may include losing employment, inability to find employment,	25465
divorce, domestic violence considerations, and unique personal	25466
circumstances. The assistance group must provide a county	25467
department of job and family services verification acceptable to	25468

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the county department of whether any members of the assistance 25469
group had employment during the period the assistance group was 25470
not participating in Ohio works first and the amount and sources 25471
of the assistance group's income during that period. If a county 25472
department is satisfied that good cause exists for the assistance 25473
group to reapply to participate in Ohio works first, the 25474
assistance group may reapply. Except as provided in divisions (C), 25475
(D), and (E) of this section, the assistance group may not 25476
participate in Ohio works first for more than twenty-four 25477
additional months. The time limit applies regardless of whether 25478
the twenty-four months are consecutive. 25479

(C) In determining the number of months a parent or pregnant 25480
woman has received assistance under Title IV-A, a county 25481
department of job and family services shall disregard any month 25482
during which the parent or pregnant woman was a minor child but 25483
was neither a minor head of household nor married to the head of 25484
an assistance group. 25485

(D) In determining the number of months an adult has received 25486
assistance under Title IV-A, a county department of job and family 25487
services shall disregard any month during which the adult lived on 25488
an Indian reservation or in an Alaska native village, as those 25489
terms are used in 42 U.S.C.A. 608(a)(7)(D), if, during the month, 25490
at least one thousand individuals lived on the reservation or in 25491
the village and at least fifty per cent of the adults living on 25492
the reservation or in the village were unemployed. 25493

(E) A county department of job and family services may exempt 25494
not more than twenty per cent of the average monthly number of 25495
Ohio works first ~~participants~~ assistance groups from the time 25496
limit established by this section on the grounds that the county 25497
department determines that the time limit is a hardship. In the 25498
case of the time limit established by division (A) of this 25499
25500

section, a county department may not exempt an assistance group 25501
until the group has exhausted its thirty-six months of cash 25502
assistance. 25503

(F) The department of job and family services shall 25504
continually monitor the percentage of the average monthly number 25505
of Ohio works first ~~participants~~ assistance groups in each county 25506
that is exempted under division (E) of this section from the time 25507
limit established by this section. On determining that the 25508
percentage in any county equals or exceeds eighteen per cent, the 25509
department shall immediately notify the county department of job 25510
and family services. 25511

(G) Only participation in Ohio works first on or after 25512
October 1, 1997, applies to the time limit established by this 25513
section. The time limit applies regardless of the source of 25514
funding for the program. Assistance under Title IV-A provided by 25515
any state applies to the time limit. The time limit is a lifetime 25516
limit. No assistance group shall receive assistance under the 25517
program in violation of the time limit for assistance under Title 25518
IV-A established by section 408(a)(7) of the "Social Security 25519
Act," as amended by the "Personal Responsibility and Work 25520
Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42 25521
U.S.C.A. 608 (a)(7). 25522

Sec. 5108.01. As used in this chapter: 25523

(A) "Assistance group" means a group of individuals treated 25524
as a unit for purposes of determining eligibility for the 25525
prevention, retention, and contingency program. 25526

~~(B) "Minor child" means either of the following:~~ 25527

~~(1) An individual who has not attained age eighteen;~~ 25528

~~(2) An individual who has not attained age nineteen and is a 25529
full-time student in a secondary school or in the equivalent level 25530~~

~~of vocational or technical training.~~ 25531

(E) "Prevention, retention, and contingency program" means 25532
the program established by this chapter and funded in part with 25533
federal funds provided under Title IV-A. 25534

~~(D)~~(C) "Title IV-A" means Title IV-A of the "Social Security 25535
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 25536

Sec. ~~5108.06~~ 5108.03. Under the prevention, retention, and 25537
contingency program, ~~an assistance group that includes at least~~ 25538
~~one minor child or a pregnant woman and meets the program's~~ 25539
~~eligibility requirements~~ a county department of job and family 25540
services shall receive assistance or provide benefits and services 25541
needed that individuals need to overcome immediate barriers to 25542
achieving or maintaining self sufficiency and personal 25543
responsibility. A county department shall provide the benefits and 25544
services in accordance with either the model design for the 25545
program that the department of job and family services develops 25546
under section 5108.05 of the Revised Code or the county 25547
department's own policies for the program developed under section 25548
5108.06 of the Revised Code. 25549

Sec. ~~5108.07~~ 5108.05. The department of job and family 25550
services shall develop a model design for the prevention, 25551
retention, and contingency program that county departments of job 25552
and family services may adopt under section ~~5108.08~~ 5108.06 of the 25553
Revised Code. ~~The model design must be consistent with Title IV-A,~~ 25554
~~federal regulations, state law, the Title IV A state plan~~ 25555
~~submitted to the United States secretary of health and human~~ 25556
~~services under section 5101.80 of the Revised Code, and amendments~~ 25557
~~to the plan.~~ No rules shall be adopted to develop the model 25558
design. The department shall provide each county department a 25559
written copy of the model design. 25560

~~Sec. 5108.08 5108.06.~~ Each county department of job and 25561
family services shall either adopt the model design for the 25562
prevention, retention, and contingency program the department of 25563
job and family services develops under section ~~5108.07 5108.05~~ of 25564
the Revised Code or develop its own policies for the program. To 25565
develop its own policies, a county department shall adopt a 25566
written statement of the policies governing the program. The 25567
policies may be a modification of the model design, different from 25568
the model design, or a combination. ~~The policies shall establish~~ 25569
~~or specify eligibility requirements, assistance or services to be~~ 25570
~~provided under the program, administrative requirements, and other~~ 25571
~~matters the county department determines necessary.~~ A county 25572
department may amend its statement of policies to modify, 25573
terminate, and establish new policies. ~~The policies must be~~ 25574
~~consistent with Title IV-A, federal regulations, state law, the~~ 25575
~~Title IV-A state plan submitted to the United States secretary of~~ 25576
~~health and human services under section 5101.80 of the Revised~~ 25577
~~Code, and amendments to the plan.~~ 25578

A county department of job and family services shall inform 25579
the department of job and family services of whether it has 25580
adopted the model design or developed its own policies for the 25581
prevention, retention, and contingency program. If a county 25582
department develops its own policies, it shall provide the 25583
department a written copy of the statement of policies and any 25584
amendments it adopts to the statement. 25585

Sec. 5108.07. The model design for the prevention, retention, 25586
and contingency program that the department of job and family 25587
services develops under section 5108.05 of the Revised Code and 25588
policies for the program that a county department of job and 25589
family services may develop under section 5108.06 of the Revised 25590
Code shall establish or specify eligibility requirements for 25591

assistance groups that apply for the program under section 5108.10 25592
of the Revised Code, benefits and services to be provided under 25593
the program to assistance groups, administrative requirements, and 25594
other matters the department, in the case of the model design, or 25595
a county department, in the case of county policies, determine are 25596
necessary. 25597

The model design and a county department's policies may 25598
establish eligibility requirements for, and specify benefits and 25599
services to be provided to, types of groups, such as students in 25600
the same class, that share a common need for the benefits and 25601
services. If the model design or a county department's policies 25602
include such a provision, the model design or county department's 25603
policies shall require that each individual who is to receive the 25604
benefits and services meet the eligibility requirements 25605
established for the type of group of which the individual is a 25606
member. The model design or county department's policies also 25607
shall require that the county department providing the benefits 25608
and services certify the group's eligibility, specify the duration 25609
that the group is to receive the benefits and services, and 25610
maintain the eligibility information for each member of the group 25611
receiving the benefits and services. 25612

The model design and a county department's policies may 25613
specify benefits and services that a county department may provide 25614
for the general public, including billboards that promote the 25615
prevention, and reduction in the incidence, of out-of-wedlock 25616
pregnancies or encourage the formation and maintenance of 25617
two-parent families. 25618

The model design and a county department's policies must be 25619
consistent with Title IV-A, federal regulations, state law, the 25620
Title IV-A state plan submitted to the United States secretary of 25621
health and human services under section 5101.80 of the Revised 25622
Code, and amendments to the plan. All benefits and services to be 25623

provided under the model design or a county department's policies 25624
must be allowable uses of federal Title IV-A funds as specified in 25625
42 U.S.C.A. 604(a), except that they may not be "assistance" as 25626
defined in 45 C.F.R. 260.31(a). The benefits and services shall be 25627
benefits and services that 45 C.F.R. 260.31(b) excludes from the 25628
definition of assistance. 25629

Sec. 5108.08. Benefits and services provided under the 25630
prevention, retention, and contingency program are inalienable 25631
whether by way of assignment, charge, or otherwise and exempt from 25632
execution, attachment, garnishment, and other like process. 25633

Sec. 5108.09. When a state hearing under division (B) of 25634
section 5101.35 of the Revised Code or an administrative appeal 25635
under division (C) of that section is held regarding the 25636
prevention, retention, and contingency program, the hearing 25637
officer, director of job and family services, or director's 25638
designee shall base the decision in the hearing or appeal on the 25639
following: 25640

(A) If the county department of job and family services 25641
involved in the hearing or appeal adopted the department of job 25642
and family services' model design for the program developed under 25643
section ~~5108.07~~ 5108.05 of the Revised Code, the model design; 25644

(B) If the county department developed its own policies for 25645
the program, the county department's written statement of policies 25646
adopted under section ~~5108.08~~ 5108.06 of the Revised Code and any 25647
amendments the county department adopted to the statement. 25648

Sec. 5108.10. An assistance group seeking to participate in 25649
the prevention, retention, and contingency program shall apply to 25650
a county department of job and family services using an 25651
application containing information the county department requires. 25652

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When a county department receives an application for participation in the prevention, retention, and contingency program, it shall promptly make an investigation and record of the circumstances of the applicant in order to ascertain the facts surrounding the application and to obtain such other information as may be required. On completion of the investigation, the county department shall determine whether the applicant is eligible to participate, the ~~assistance~~ benefits or services the applicant should receive, and the approximate date when participation is to begin.

Sec. 5111.01. As used in this chapter, "medical assistance program" or "medicaid" means the program that is authorized by this ~~section~~ chapter and provided by the department ~~if of~~ job and family services under this chapter, Title XIX of the "Social Security Act," ~~49~~ 79 Stat. ~~620~~ 286 (~~1935~~ 1965), 42 U.S.C.A. ~~301~~ 1396, as amended, and the waivers of Title XIX requirements granted to the department by the health care financing administration of the United States department of health and human services.

The department of job and family services shall act as the single state agency to supervise the administration of the medicaid program. As the single state agency, the department shall comply with 42 C.F.R. 431.10(e). The department's rules governing medicaid are binding on other agencies that administer components of the medicaid program. No agency may establish, by rule or otherwise, a policy governing medicaid that is inconsistent with a medicaid policy established, in rule or otherwise, by the director of job and family services.

(A) The department of job and family services may provide medical assistance under the medicaid program as long as federal funds are provided for such assistance, to the following:

(1) Families with children that meet either of the following conditions: 25684
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(a) The family meets the income, resource, and family composition requirements in effect on July 16, 1996, for the former aid to dependent children program as those requirements were established by Chapter 5107. of the Revised Code, federal waivers granted pursuant to requests made under former section 5101.09 of the Revised Code, and rules adopted by the department or any changes the department makes to those requirements in accordance with paragraph (a)(2) of section 114 of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of implementing section 5111.019 of the Revised Code. An adult loses eligibility for medical assistance under division (A)(1)(a) of this section pursuant to division (E) of section 5107.16 of the Revised Code. 25686
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(b) The family does not meet the requirements specified in division (A)(1)(a) of this section but is eligible for medical assistance pursuant to section 5101.18 of the Revised Code. 25700
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(2) Aged, blind, and disabled persons who meet the following conditions: 25703
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(a) Receive federal aid under Title XVI of the "Social Security Act," or are eligible for but are not receiving such aid, provided that the income from all other sources for individuals with independent living arrangements shall not exceed one hundred seventy-five dollars per month. The income standards hereby established shall be adjusted annually at the rate that is used by the United States department of health and human services to adjust the amounts payable under Title XVI. 25705
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(b) Do not receive aid under Title XVI, but meet any of the following criteria: 25713
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- (i) Would be eligible to receive such aid, except that their income, other than that excluded from consideration as income under Title XVI, exceeds the maximum under division (A)(2)(a) of this section, and incurred expenses for medical care, as determined under federal regulations applicable to section 209(b) of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which their income exceeds the maximum under division (A)(2)(a) of this section; 25715
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- (ii) Received aid for the aged, aid to the blind, or aid for the permanently and totally disabled prior to January 1, 1974, and continue to meet all the same eligibility requirements; 25724
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- (iii) Are eligible for medical assistance pursuant to section 5101.18 of the Revised Code. 25727
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- (3) Persons to whom federal law requires, as a condition of state participation in the medicaid program, that medical assistance be provided; 25729
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- (4) Persons under age twenty-one who meet the income requirements for the Ohio works first program established under Chapter 5107. of the Revised Code but do not meet other eligibility requirements for the program. The director shall adopt rules in accordance with Chapter 119. of the Revised Code specifying which Ohio works first requirements shall be waived for the purpose of providing medicaid eligibility under division (A)(4) of this section. 25732
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- (B) If funds are appropriated for such purpose by the general assembly, the department may provide medical assistance to persons in groups designated by federal law as groups to which a state, at its option, may provide medical assistance under the medicaid program. 25740
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- (C) The department may expand eligibility for medical 25745

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assistance to include individuals under age nineteen with family 25746
incomes at or below one hundred fifty per cent of the federal 25747
poverty guidelines, except that the eligibility expansion shall 25748
not occur unless the department receives the approval of the 25749
federal government. The department may implement the eligibility 25750
expansion authorized under this division on any date selected by 25751
the department, but not sooner than January 1, 1998. 25752

(D) In addition to any other authority or requirement to 25753
adopt rules under this chapter, the director may adopt rules in 25754
accordance with section 111.15 of the Revised Code as the director 25755
considers necessary to establish standards, procedures, and other 25756
requirements regarding the provision of medical assistance. The 25757
rules may establish requirements to be followed in applying for 25758
medical assistance, making determinations of eligibility for 25759
medical assistance, and verifying eligibility for medical 25760
assistance. The rules may include special conditions as the 25761
department determines appropriate for making applications, 25762
determining eligibility, and verifying eligibility for any medical 25763
assistance that the department may provide pursuant to division 25764
(C) of this section and section 5111.014 or 5111.019 of the 25765
Revised Code. 25766

Sec. 5111.0110. (A) The director of job and family services 25767
shall submit to the United States secretary of health and human 25768
services an amendment to the state medicaid plan to implement the 25769
"Breast and Cervical Cancer Prevention and Treatment Act of 2000," 25770
114 Stat. 1381, 42 U.S.C.A. 1396a, as amended, to provide medical 25771
assistance to women who meet all of the following requirements: 25772

(1) Are under age sixty-five; 25773

(2) Are not otherwise eligible for medicaid; 25774

(3) Have been screened for breast and cervical cancer under 25775
the centers for disease control and prevention breast and cervical 25776

<u>cancer early detection program established under 42 U.S.C.A. 300k</u>	25777
<u>in accordance with 42 U.S.C.A. 300n;</u>	25778
<u>(4) Need treatment for breast or cervical cancer;</u>	25779
<u>(5) Are not otherwise covered under creditable coverage, as</u>	25780
<u>defined in 42 U.S.C.A. 300gg(c).</u>	25781
<u>(B) If the United States secretary of health and human</u>	25782
<u>services approves the state medicaid plan amendment submitted</u>	25783
<u>under division (A) of this section, the director of job and family</u>	25784
<u>services shall implement the amendment. The medical assistance</u>	25785
<u>provided under the amendment shall be limited to medical</u>	25786
<u>assistance provided during the period in which a woman who meets</u>	25787
<u>the requirements of division (A) of this section requires</u>	25788
<u>treatment for breast or cervical cancer.</u>	25789
Sec. 5111.041. (A) As used in this section, "habilitation	25790
center" means a habilitation center certified under section	25791
5123.041 of the Revised Code by the director of mental retardation	25792
and developmental disabilities for the provision of <u>to provide</u>	25793
<u>habilitation center services under this section.</u>	25794
(B) Habilitation centers shall verify the availability of	25795
matching funds for Title XIX of the Social Security Act for	25796
reimbursement of habilitation services as defined in section	25797
5123.041 of the Revised Code and such matching funds shall be	25798
provided in accordance with 42 C.F.R. 433.45 <u>To the extent</u>	25799
<u>provided in rules adopted under division (C) of this section, the</u>	25800
<u>medicaid program shall cover habilitation center services provided</u>	25801
<u>by a habilitation center.</u>	25802
(C) <u>The director of job and family services shall adopt rules</u>	25803
<u>in accordance with Chapter 119. of the Revised Code governing the</u>	25804
<u>medicaid program's coverage of habilitation services provided by</u>	25805
<u>habilitation centers. The rules shall establish or provide for all</u>	25806

<u>of the following:</u>	25807
<u>(1) The requirements a habilitation center must meet to obtain certification under section 5123.041 of the Revised Code:</u>	25808
<u>(2) Making habilitation center services provided by habilitation centers available to medicaid recipients with a medical need for the services;</u>	25810
<u>(3) The amount, duration, and scope of the medicaid program's coverage of the habilitation center services, including all of the following:</u>	25813
<u>(a) The conditions under which the medicaid program covers the habilitation center services;</u>	25816
<u>(b) The amount the medicaid program pays for the habilitation center services or the method by which the amount is determined;</u>	25818
<u>(c) The manner in which the medicaid program pays for the habilitation center services.</u>	25821
<u>(D) A county board of mental retardation and developmental disabilities that has local administrative authority under division (B) of section 5126.055 of the Revised Code for habilitation center services shall pay the nonfederal share of medicaid expenditures for the services if all of the following apply:</u>	25823
<u>(1) The habilitation center services are provided to a medicaid recipient who is a current resident of the county that the county board serves;</u>	25824
<u>(2) The county board has determined, under section 5126.041 of the Revised Code, that the medicaid recipient is eligible for county board services;</u>	25825
<u>(3) The habilitation center services are provided by a habilitation center with a medicaid provider agreement and the</u>	25826
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<u>habilitation center meets either of the following requirements:</u>	25837
<u>(a) Is operated by the county board;</u>	25838
<u>(b) Has contracted with the county board or the department of</u>	25839
<u>mental retardation and developmental disabilities to provide the</u>	25840
<u>habilitation center services.</u>	25841
<u>(4) No school district is required to pay the nonfederal</u>	25842
<u>share under division (E) of this section.</u>	25843
<u>(E) A school district shall pay the nonfederal share of</u>	25844
<u>medicaid expenditures for habilitation center services if all of</u>	25845
<u>the following apply:</u>	25846
<u>(1) The habilitation center services are provided to a</u>	25847
<u>medicaid recipient who is a student enrolled in a school of the</u>	25848
<u>district;</u>	25849
<u>(2) The habilitation center services are included in the</u>	25850
<u>student's individualized education program provided under section</u>	25851
<u>3323.08 of the Revised Code;</u>	25852
<u>(3) The habilitation center services are provided by a</u>	25853
<u>habilitation center with a medicaid provider agreement and the</u>	25854
<u>habilitation center meets either of the following requirements:</u>	25855
<u>(a) Is operated by the school district;</u>	25856
<u>(b) Has contracted with the school district to provide the</u>	25857
<u>habilitation center services.</u>	25858
<u>(F) The departments of mental retardation and developmental</u>	25859
<u>disabilities and job and family services may approve, reduce,</u>	25860
<u>deny, or terminate a service included in the individualized</u>	25861
<u>service plan developed for a medicaid recipient eligible for</u>	25862
<u>habilitation center services. The departments shall consider the</u>	25863
<u>recommendations a county board of mental retardation and</u>	25864
<u>developmental disabilities makes under division (B)(1) of section</u>	25865
<u>5126.055 of the Revised Code. If either department reduces,</u>	25866

denies, or terminates a service, that department shall timely 25867
notify the medicaid recipient that the recipient may request a 25868
hearing under section 5101.35 of the Revised Code. 25869

Sec. 5111.042. The departments of mental retardation and 25870
developmental disabilities and job and family services may 25871
approve, reduce, deny, or terminate a service included in the 25872
individualized service plan developed for a medicaid recipient 25873
with mental retardation or other developmental disability who is 25874
eligible for medicaid case management services. The departments 25875
shall consider the recommendations a county board of mental 25876
retardation and developmental disabilities makes under division 25877
(B)(1) of section 5126.055 of the Revised Code. If either 25878
department reduces, denies, or terminates a service, that 25879
department shall timely notify the medicaid recipient that the 25880
recipient may request a hearing under section 5101.35 of the 25881
Revised Code. 25882

Sec. 5111.081. The prescription drug rebates fund is hereby 25883
created in the state treasury. All rebates paid by drug 25884
manufacturers to the department of job and family services in 25885
accordance with a rebate agreement required by 42 U.S.C.A. 1396r-8 25886
shall be credited to the fund. The department of job and family 25887
services shall use money credited to the fund to pay for medicaid 25888
services and contracts. 25889

Sec. 5111.17. (A) As used in this section, "community-based 25890
clinic" means a clinic that provides prenatal, family planning, 25891
well child, or primary care services and is funded in whole or in 25892
part by the state or federal government. 25893

(B) On receipt of a waiver from the United States department 25894
of health and human services of any federal requirement that would 25895
otherwise be violated, the department of job and family services 25896

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~~shall may establish in Franklin, Hamilton, and Lucas some or all 25897
counties a managed care system under which designated recipients 25898
of medical assistance are required to obtain ~~medical~~ health care 25899
services from providers designated by the department. The 25900
~~department may stagger implementation of the managed care system,~~ 25901
~~but the system shall be implemented in at least one county not~~ 25902
~~later than January 1, 1995, and in all three counties not later~~ 25903
~~than July 1, 1996.~~ 25904~~

~~(C)(B) The department, by rule adopted under this section, 25905
may require any recipients in any other county to receive all or 25906
some of their care through managed care organizations that 25907
contract with the department and are paid by the department 25908
pursuant to a capitation or other risk-based methodology 25909
prescribed in the rules, and to receive their care only from 25910
providers designated by the organizations may enter into contracts 25911
with managed care organizations to authorize the organizations to 25912
provide health care services to medical assistance recipients 25913
participating in a managed care system established under this 25914
section. 25915~~

~~(D) In accordance with rules adopted under division (G) of 25916
this section, the department may issue requests for proposals from 25917
managed care organizations interested in contracting with the 25918
department to provide managed care to participating medical 25919
assistance recipients. 25920~~

~~(E) A health insuring corporation under contract with the 25921
department under this section may enter into an agreement with any 25922
community-based clinic for the provision of medical services to 25923
medical assistance recipients participating in the managed care 25924
system if the clinic is willing to accept the terms, conditions, 25925
and payment procedures established by the health insuring 25926
corporation. 25927~~

~~(F)(C) For the purpose of determining the amount the 25928~~

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department pays hospitals under section 5112.08 of the Revised Code and the amount of disproportionate share hospital payments paid by the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, each managed care organization under contract with the department to provide ~~managed~~ health care services to participating medical assistance recipients shall keep detailed records for each hospital with which it contracts about the cost to the hospital of providing the care, payments made by the organization to the hospital for the care, utilization of hospital services by medical assistance recipients participating in managed care, and other utilization data required by the department.

~~(G)~~(D) The director of job and family services ~~shall~~ may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

Sec. 5111.171. (A) The department of job and family services may provide financial incentive awards to managed care organizations that contract with the department under section 5111.17 of the Revised Code to provide health care services to participating medical assistance recipients and that meet or exceed performance standards specified in provider agreements or rules adopted by the department. The department may specify in a contract with a managed care organization the amounts of financial incentive awards, methodology for distributing awards, types of awards, and standards for administration by the department.

(B) There is hereby created in the state treasury the health care compliance fund. The fund shall consist of all fines imposed on and collected from managed care organizations for failure to meet performance standards or other requirements specified in state law, provider agreements, or rules adopted by the department. All investment earnings of the fund shall be credited to the fund. Moneys credited to the fund shall be used solely for

<u>the following purposes:</u>	25961
<u>(1) To reimburse managed care organizations that have paid</u>	25962
<u>finances for failures to meet performance standards or other</u>	25963
<u>requirements and that have come into compliance by meeting</u>	25964
<u>requirements as specified by the department;</u>	25965
<u>(2) To provide financial incentive awards established</u>	25966
<u>pursuant to division (A) of this section and specified in</u>	25967
<u>contracts between managed care organizations and the department.</u>	25968
Sec. 5111.20. As used in sections 5111.20 to 5111.32	25969
<u>5111.3415</u> of the Revised Code:	25970
(A) "Allowable costs" are those costs determined by the	25971
department of job and family services to be reasonable and do not	25972
include fines paid under sections 5111.35 to 5111.61 and section	25973
5111.99 of the Revised Code.	25974
(B) "Capital costs" means costs of ownership and nonextensive	25975
renovation.	25976
(1) "Cost of ownership" means the actual expense incurred for	25977
all of the following:	25978
(a) Depreciation and interest on any capital assets that cost	25979
five hundred dollars or more per item, including the following:	25980
	25981
(i) Buildings;	25982
(ii) Building improvements that are not approved as	25983
nonextensive renovations under section 5111.25 or 5111.251 of the	25984
Revised Code;	25985
(iii) Equipment;	25986
(iv) Extensive renovations;	25987
(v) Transportation equipment.	25988

(b) Amortization and interest on land improvements and leasehold improvements;	25989 25990
(c) Amortization of financing costs;	25991
(d) Except as provided in division (I) (M) of this section, lease and rent of land, building, and equipment.	25992 25993
The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with a provider's practice.	25994 25995 25996
(2) "Costs of nonextensive renovation" means the actual expense incurred for depreciation or amortization and interest on renovations that are not extensive renovations.	25997 25998 25999
(C) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	26000 26001
(D) "Case-mix score" means the measure determined under section 5111.231 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a resident of a nursing facility or intermediate care facility for the mentally retarded.	26002 26003 26004 26005 26006
(E)(1) <u>"Change of operator" means an entering operator becoming the operator of a nursing facility or intermediate care facility for the mentally retarded in the place of the exiting operator. Actions that constitute a change of operator include, but are not limited to, the following:</u>	26007 26008 26009 26010 26011
<u>(a) Changing an operator's form of legal organization, including forming a partnership or corporation from a sole proprietorship;</u>	26012 26013 26014
<u>(b) Transferring ownership of the operator to another entity, regardless of whether ownership of all of the real property or personal property associated with the nursing facility or intermediate care facility for the mentally retarded is also</u>	26015 26016 26017 26018

<u>transferred;</u>	26019
<u>(c) Leasing the operation of a nursing facility or intermediate care facility for the mentally retarded to a new operator or terminating an existing operator's lease;</u>	26020
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<u>(d) If the operator is a partnership, dissolution of the partnership;</u>	26023
	26024
<u>(e) If the operator is a partnership, changing the composition of the partnership unless both of the following apply:</u>	26025
	26026
<u>(i) The change in composition does not cause the partnership's dissolution under state law.</u>	26027
	26028
<u>(ii) The partners agree that the change in composition does not constitute a change in operator.</u>	26029
	26030
<u>(f) If the operator is a corporation, dissolution of the corporation, merging the corporation with another corporation that is the survivor of the merger, or consolidating with one or more other corporations to form a new corporation.</u>	26031
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<u>(2) The following actions, alone, do not constitute a change of operator:</u>	26035
	26036
<u>(a) An entity contracting with the operator to manage the nursing facility or intermediate care facility for the mentally retarded as the operator's agent, subject to the operator's approval of daily operating and management decisions;</u>	26037
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	26040
<u>(b) The changing of ownership, leasing, or termination of a lease of real property or personal property associated with a nursing facility or intermediate care facility for the mentally retarded that does not result in an operator entering into a provider agreement;</u>	26041
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<u>(c) If the operator is a corporation, the changing of one or more members of the corporation's governing body, or transfer of ownership of one or more shares of the corporation's stock, if the</u>	26046
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same corporation continues to be the operator of the nursing facility or intermediate care facility for the mentally retarded. 26049
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(F) "Date of licensure," for a facility originally licensed as a nursing home under Chapter 3721. of the Revised Code, means the date specific beds were originally licensed as nursing home beds under that chapter, regardless of whether they were subsequently licensed as residential facility beds under section 5123.19 of the Revised Code. For a facility originally licensed as a residential facility under section 5123.19 of the Revised Code, "date of licensure" means the date specific beds were originally licensed as residential facility beds under that section. 26051
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(1) If nursing home beds licensed under Chapter 3721. of the Revised Code or residential facility beds licensed under section 5123.19 of the Revised Code were not required by law to be licensed when they were originally used to provide nursing home or residential facility services, "date of licensure" means the date the beds first were used to provide nursing home or residential facility services, regardless of the date the present provider obtained licensure. 26060
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(2) If a facility adds nursing home beds or residential facility beds or extensively renovates all or part of the facility after its original date of licensure, it will have a different date of licensure for the additional beds or extensively renovated portion of the facility, unless the beds are added in a space that was constructed at the same time as the previously licensed beds but was not licensed under Chapter 3721. or section 5123.19 of the Revised Code at that time. 26069
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~~(F)~~(G) "Desk-reviewed" means that costs as reported on a cost report submitted under section 5111.26 of the Revised Code have been subjected to a desk review under division (A) of section 5111.27 of the Revised Code and preliminarily determined to be 26077
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allowable costs.	26081
(G) (H) "Direct care costs" means all of the following:	26082
(1)(a) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the facility;	26083 26084
(b) Costs for direct care staff, administrative nursing staff, medical directors, social services staff, activities staff, psychologists and psychology assistants, social workers and counselors, habilitation staff, qualified mental retardation professionals, program directors, respiratory therapists, habilitation supervisors, and except as provided in division (G) (H)(2) of this section, other persons holding degrees qualifying them to provide therapy;	26085 26086 26087 26088 26089 26090 26091 26092
(c) Costs of purchased nursing services;	26093
(d) Costs of quality assurance;	26094
(e) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted by the director of job and family services in accordance with Chapter 119. of the Revised Code, for personnel listed in divisions (G) (H)(1)(a), (b), and (d) of this section;	26095 26096 26097 26098 26099 26100
(f) Costs of consulting and management fees related to direct care;	26101 26102
(g) Allocated direct care home office costs.	26103
(2) In addition to the costs specified in division (G) (H)(1) of this section, for intermediate care facilities for the mentally retarded only, direct care costs include both of the following:	26104 26105 26106
(a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy assistants, speech therapists, and audiologists;	26107 26108 26109
(b) Costs of training and staff development, employee	26110

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benefits, payroll taxes, and workers' compensation premiums or 26111
 costs for self-insurance claims and related costs as specified in 26112
 rules adopted by the director of job and family services in 26113
 accordance with Chapter 119. of the Revised Code, for personnel 26114
 listed in division ~~(G)~~(H)(2)(a) of this section. 26115

(3) Costs of other direct-care resources that are specified 26116
 as direct care costs in rules adopted by the director of job and 26117
 family services in accordance with Chapter 119. of the Revised 26118
 Code. 26119

~~(H)~~(I) "Entering operator" means the person or government 26120
 entity that will become the operator of a nursing facility or 26121
 intermediate care facility for the mentally retarded when a change 26122
 of operator occurs. 26123

(J) "Exiting operator" means the person or government entity 26124
 that will cease to be the operator of a nursing facility or 26125
 intermediate care facility for the mentally retarded when a change 26126
 of operator or facility closure occurs. 26127

(K) "Facility closure" means actions resulting in the 26128
 relocation of all residents of a nursing facility or intermediate 26129
 care facility for the mentally retarded and discontinuance of the 26130
 use of the building, or part of the building, that houses the 26131
 facility as a nursing facility or intermediate care facility for 26132
 the mentally retarded. A facility closure occurs regardless of 26133
 whether one or more of the residents are relocated to another of 26134
 the operator's nursing facilities or intermediate care facilities 26135
 for the mentally retarded. A facility closure also occurs 26136
 regardless of whether or when the department of health terminates 26137
 the facility's certification under Title XIX of the "Social 26138
 Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended. 26139

(L) "Fiscal year" means the fiscal year of this state, as 26140
 specified in section 9.34 of the Revised Code. 26141

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~~(I)~~(M) "Indirect care costs" means all reasonable costs other 26142
 than direct care costs, other protected costs, or capital costs. 26143
 "Indirect care costs" includes but is not limited to costs of 26144
 habilitation supplies, pharmacy consultants, medical and 26145
 habilitation records, program supplies, incontinence supplies, 26146
 food, enterals, dietary supplies and personnel, laundry, 26147
 housekeeping, security, administration, liability insurance, 26148
 bookkeeping, purchasing department, human resources, 26149
 communications, travel, dues, license fees, subscriptions, home 26150
 office costs not otherwise allocated, legal services, accounting 26151
 services, minor equipment, maintenance and repairs, help-wanted 26152
 advertising, informational advertising, start-up costs, 26153
 organizational expenses, other interest, property insurance, 26154
 employee training and staff development, employee benefits, 26155
 payroll taxes, and workers' compensation premiums or costs for 26156
 self-insurance claims and related costs as specified in rules 26157
 adopted by the director of job and family services in accordance 26158
 with Chapter 119. of the Revised Code, for personnel listed in 26159
 this division. Notwithstanding division (B)(1) of this section, 26160
 "indirect care costs" also means the cost of equipment, including 26161
 vehicles, acquired by operating lease executed before December 1, 26162
 1992, if the costs are reported as administrative and general 26163
 costs on the facility's cost report for the cost reporting period 26164
 ending December 31, 1992. 26165

~~(J)~~(N) "Inpatient days" means all days during which a 26166
 resident, regardless of payment source, occupies a bed in a 26167
 nursing facility or intermediate care facility for the mentally 26168
 retarded that is included in the facility's certified capacity 26169
 under Title XIX of the "Social Security Act," 49 Stat. 610 (1935), 26170
 42 U.S.C.A. 301, as amended. Therapeutic or hospital leave days 26171
 for which payment is made under section 5111.33 of the Revised 26172
 Code are considered inpatient days proportionate to the percentage 26173

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of the facility's per resident per day rate paid for those days. 26174

~~(K)~~(O) "Intermediate care facility for the mentally retarded" 26175
means an intermediate care facility for the mentally retarded 26176
certified as in compliance with applicable standards for the 26177
medical assistance program by the director of health in accordance 26178
with Title XIX of the "Social Security Act." 26179

~~(L)~~(P)(1) "Licensed bed days available" means the number of 26180
calendar days in a cost reporting period multiplied by the number 26181
of licensed beds in a nursing facility during the cost reporting 26182
period. If the number of licensed beds in a nursing facility 26183
changes one or more times during a cost reporting period, 26184
"licensed bed days available" shall be determined for each period 26185
during the cost reporting period in which the number of licensed 26186
beds was the same. The "licensed bed days available" for the cost 26187
reporting period is the sum of those determinations. 26188

(2) If a nursing facility is not required to be licensed, the 26189
number of medicaid certified beds shall substitute for the number 26190
of licensed beds when calculating "licensed bed days available." 26191

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(Q) "Maintenance and repair expenses" means, except as 26193
provided in division ~~(X)~~(DD)(2) of this section, expenditures that 26194
are necessary and proper to maintain an asset in a normally 26195
efficient working condition and that do not extend the useful life 26196
of the asset two years or more. "Maintenance and repair expenses" 26197
includes but is not limited to the cost of ordinary repairs such 26198
as painting and wallpapering. 26199

~~(M)~~(R) "Nursing facility" means a facility, or a distinct 26200
part of a facility, that is certified as a nursing facility by the 26201
director of health in accordance with Title XIX of the "Social 26202
Security Act," and is not an intermediate care facility for the 26203
mentally retarded. "Nursing facility" includes a facility, or a 26204
distinct part of a facility, that is certified as a nursing 26205

facility by the director of health in accordance with Title XIX of 26206
the "Social Security Act," and is certified as a skilled nursing 26207
facility by the director in accordance with Title XVIII of the 26208
"Social Security Act." 26209

~~(N)~~(S) "Operator" means the person or government entity 26210
responsible for the daily operating and management decisions for a 26211
nursing facility or intermediate care facility for the mentally 26212
retarded. 26213

(T) "Other protected costs" means costs for medical supplies; 26214
real estate, franchise, and property taxes; natural gas, fuel oil, 26215
water, electricity, sewage, and refuse and hazardous medical waste 26216
collection; allocated other protected home office costs; and any 26217
additional costs defined as other protected costs in rules adopted 26218
by the director of job and family services in accordance with 26219
Chapter 119. of the Revised Code. 26220

~~(O)~~(U) "Owner" means any person or government entity that has 26221
at least five per cent ownership or interest, either directly, 26222
indirectly, or in any combination, in a nursing facility or 26223
intermediate care facility for the mentally retarded. 26224

~~(P)~~(V) "Patient" includes "resident." 26225

~~(Q)~~(W) Except as provided in divisions ~~(Q)~~(W)(1) and ~~(2)~~ to 26226
(5) of this section, "per diem" means a nursing facility's or 26227
intermediate care facility for the mentally retarded's actual, 26228
allowable costs in a given cost center in a cost reporting period, 26229
divided by the facility's inpatient days for that cost reporting 26230
period. 26231

(1) When calculating indirect care costs for the purpose of 26232
establishing rates under section 5111.24 of the Revised Code for 26233
nursing facility services provided on or after July 1, 2001, "per 26234
diem" means a nursing facility's actual, allowable indirect care 26235
costs in a cost reporting period divided by the facility's 26236

licensed bed days available in that cost reporting period. 26237

(2) When calculating indirect care costs for the purpose of 26238
establishing rates under section ~~5111.24~~ or 5111.241 of the 26239
Revised Code for intermediate care facility services for the 26240
mentally retarded, "per diem" means ~~a facility's an intermediate~~ 26241
care facility for the mentally retarded's actual, allowable 26242
indirect care costs in a cost reporting period divided by the 26243
greater of the facility's inpatient days for that period or the 26244
number of inpatient days the facility would have had during that 26245
period if its occupancy rate had been eighty-five per cent. 26246

~~(2)~~(3) When calculating capital costs for the purpose of 26247
establishing rates under section 5111.25 of the Revised Code for 26248
nursing facility services provided on or after July 1, 2001, "per 26249
diem" means a nursing facility's actual, allowable capital costs 26250
in a cost reporting period divided by the facility's licensed bed 26251
days available in that cost reporting period. 26252

(4) When calculating capital costs for the purpose of 26253
establishing rates under section ~~5111.25~~ or 5111.251 of the 26254
Revised Code for intermediate care facility services for the 26255
mentally retarded, "per diem" means ~~a facility's an intermediate~~ 26256
care facility for the mentally retarded's actual, allowable 26257
capital costs in a cost reporting period divided by the greater of 26258
the facility's inpatient days for that period or the number of 26259
inpatient days the facility would have had during that period if 26260
its occupancy rate had been ninety-five per cent. 26261

~~(R)~~(5) When calculating other protected costs for the purpose 26262
of establishing rates under section 5111.235 of the Revised Code 26263
for nursing facility services provided on or after July 1, 2001, 26264
"per diem" means a nursing facility's actual, allowable other 26265
protected costs in a cost reporting period divided by the 26266
facility's licensed bed days available in that cost reporting 26267
period. 26268

~~(X)~~ "Provider" means ~~a person or government entity that~~ 26269
~~operates a nursing facility or intermediate care facility for the~~ 26270
~~mentally retarded under an operator that holds a provider~~ 26271
agreement. 26272

~~(S)~~~~(Y)~~ "Provider agreement" means a contract between the 26273
department of job and family services and a ~~nursing facility or~~ 26274
~~intermediate care facility for the mentally retarded~~ provider for 26275
the provision of nursing facility services or intermediate care 26276
facility services for the mentally retarded under the medical 26277
assistance program. 26278

~~(T)~~~~(Z)~~ "Purchased nursing services" means services that are 26279
provided in a nursing facility by registered nurses, licensed 26280
practical nurses, or nurse aides who are not employees of the 26281
facility. 26282

~~(U)~~~~(AA)~~ "Reasonable" means that a cost is an actual cost that 26283
is appropriate and helpful to develop and maintain the operation 26284
of patient care facilities and activities, including normal 26285
standby costs, and that does not exceed what a prudent buyer pays 26286
for a given item or services. Reasonable costs may vary from 26287
provider to provider and from time to time for the same provider. 26288

~~(V)~~~~(BB)~~ "Related party" means an individual or organization 26289
that, to a significant extent, has common ownership with, is 26290
associated or affiliated with, has control of, or is controlled 26291
by, the provider. 26292

(1) An individual who is a relative of an owner is a related 26293
party. 26294

(2) Common ownership exists when an individual or individuals 26295
possess significant ownership or equity in both the provider and 26296
the other organization. Significant ownership or equity exists 26297
when an individual or individuals possess five per cent ownership 26298
or equity in both the provider and a supplier. Significant 26299

ownership or equity is presumed to exist when an individual or 26300
individuals possess ten per cent ownership or equity in both the 26301
provider and another organization from which the provider 26302
purchases or leases real property. 26303

(3) Control exists when an individual or organization has the 26304
power, directly or indirectly, to significantly influence or 26305
direct the actions or policies of an organization. 26306

(4) An individual or organization that supplies goods or 26307
services to a provider shall not be considered a related party if 26308
all of the following conditions are met: 26309

(a) The supplier is a separate bona fide organization. 26310

(b) A substantial part of the supplier's business activity of 26311
the type carried on with the provider is transacted with others 26312
than the provider and there is an open, competitive market for the 26313
types of goods or services the supplier furnishes. 26314

(c) The types of goods or services are commonly obtained by 26315
other nursing facilities or intermediate care facilities for the 26316
mentally retarded from outside organizations and are not a basic 26317
element of patient care ordinarily furnished directly to patients 26318
by the facilities. 26319

(d) The charge to the provider is in line with the charge for 26320
the goods or services in the open market and no more than the 26321
charge made under comparable circumstances to others by the 26322
supplier. 26323

~~(W)~~(CC) "Relative of owner" means an individual who is 26324
related to an owner of a nursing facility or intermediate care 26325
facility for the mentally retarded by one of the following 26326
relationships: 26327

(1) Spouse; 26328

(2) Natural parent, child, or sibling; 26329

(3) Adopted parent, child, or sibling;	26330
(4) Step-parent, step-child, step-brother, or step-sister;	26331
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;	26332 26333
(6) Grandparent or grandchild;	26334
(7) Foster caregiver, foster child, foster brother, or foster sister.	26335 26336
(X) (DD) "Renovation" and "extensive renovation" mean:	26337
(1) Any betterment, improvement, or restoration of a nursing facility or intermediate care facility for the mentally retarded started before July 1, 1993, that meets the definition of a renovation or extensive renovation established in rules adopted by the director of job and family services in effect on December 22, 1992.	26338 26339 26340 26341 26342 26343
(2) In the case of betterments, improvements, and restorations of nursing facilities and intermediate care facilities for the mentally retarded started on or after July 1, 1993:	26344 26345 26346 26347
(a) "Renovation" means the betterment, improvement, or restoration of a nursing facility or intermediate care facility for the mentally retarded beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed. A renovation may include betterment, improvement, restoration, or replacement of assets that are affixed to the building and have a useful life of at least five years. A renovation may include costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project. "Renovation" does not mean construction of additional space for beds that will be added to a facility's licensed or certified	26348 26349 26350 26351 26352 26353 26354 26355 26356 26357 26358 26359

capacity. 26360

(b) "Extensive renovation" means a renovation that costs more 26361
than sixty-five per cent and no more than eighty-five per cent of 26362
the cost of constructing a new bed and that extends the useful 26363
life of the assets for at least ten years. 26364

For the purposes of division ~~(X)~~(DD)(2) of this section, the 26365
cost of constructing a new bed shall be considered to be forty 26366
thousand dollars, adjusted for the estimated rate of inflation 26367
from January 1, 1993, to the end of the calendar year during which 26368
the renovation is completed, using the consumer price index for 26369
shelter costs for all urban consumers for the north central 26370
region, as published by the United States bureau of labor 26371
statistics. 26372

The department of job and family services may treat a 26373
renovation that costs more than eighty-five per cent of the cost 26374
of constructing new beds as an extensive renovation if the 26375
department determines that the renovation is more prudent than 26376
construction of new beds. 26377

Sec. ~~5111.34~~ 5111.206. There is hereby created the medicaid 26378
long-term care reimbursement study council consisting of the 26379
following twenty-two members: 26380

(A) The director of job and family services; 26381

(B) An employee assigned to the office of medicaid of the 26382
department of job and family services, appointed by the director 26383
of job and family services; 26384

(C) The director of health; 26385

(D) The director of aging; 26386

(E) The director of mental retardation and developmental 26387
disabilities; 26388

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(F) The director of budget and management;	26389
(G) The legislative budget officer;	26390
(H) Two members of the house of representatives, appointed by the speaker of the house of representatives;	26391 26392
(I) Two members of the senate, appointed by the president of the senate;	26393 26394
(J) Three representatives of the public, one appointed by the governor, one appointed by the speaker of the house of representatives, and one appointed by the president of the senate;	26395 26396 26397
(K) Two representatives of each of the following organizations, appointed by their respective governing bodies:	26398 26399
(1) The Ohio academy of nursing homes;	26400
(2) The association of Ohio philanthropic homes and housing for the aging;	26401 26402
(3) The Ohio health care association;	26403
(4) The Ohio private residential association.	26404
Initial appointments of members described in divisions (B), (H), (I), (J), and (K) of this section shall be made no later than thirty days after December 22, 1992. Vacancies in any of those appointments shall be filled in the same manner as original appointments. The members described in division (J) of this section each shall serve a term of two years and may be reappointed. The members described in divisions (B), (H), (I), and (K) of this section shall serve at the pleasure of the official or governing body appointing the member. The members described in divisions (A), (C), (D), (E), (F), and (G) of this section shall serve for as long as they hold the position that qualifies them for membership on the council. The speaker of the house of representatives and the president of the senate jointly shall appoint the chairperson of the council. Members of the council	26405 26406 26407 26408 26409 26410 26411 26412 26413 26414 26415 26416 26417 26418

shall serve without compensation. 26419

The council shall review, on an ongoing basis, the system 26420
established by sections 5111.20 to 5111.32 of the Revised Code for 26421
reimbursing nursing facilities and intermediate care facilities 26422
for the mentally retarded under the medical assistance program. 26423
The council shall recommend any changes it determines are 26424
necessary. The council periodically shall report its activities, 26425
findings, and recommendations to the governor, the speaker of the 26426
house of representatives, and the president of the senate. 26427

Sec. 5111.22. A provider agreement between the department of 26428
job and family services and a nursing facility or intermediate 26429
care facility for the mentally retarded shall contain the 26430
following provisions: 26431

(A) The department agrees to: 26432

(1) Make payments to the nursing facility or intermediate 26433
care facility for the mentally retarded for patients eligible for 26434
services under the medical assistance program as provided in 26435
sections 5111.20 to 5111.32 of the Revised Code. ~~Payments shall be~~ 26436
~~made no later than the fifteenth day of the month following a~~ 26437
~~month in which care and services are provided to recipients of~~ 26438
~~medical assistance. Such payments shall be retroactive to the~~ 26439
~~first day of the month in which an application for benefits is~~ 26440
~~made or the day a recipient of medical assistance is admitted to~~ 26441
~~the facility. In the case of newly admitted recipients of medical~~ 26442
~~assistance, the first payment shall be made no later than sixty~~ 26443
~~days following the date of authorized admission. No payment shall~~ 26444
be made for the day a recipient is discharged from the facility. 26445

(2) Provide copies of rules governing the facility's 26446
participation as a provider in the medical assistance program. 26447
Whenever the director of job and family services files a proposed 26448
rule or proposed rule in revised form under division (D) of 26449

section 111.15 or division (B) of section 119.03 of the Revised Code, the department shall provide the facility with one copy of such rule. In the case of a rescission or proposed rescission of a rule, the department may provide the rule number and title instead of the rules rescinded or proposed to be rescinded.

(B) The provider agrees to:

(1) Maintain eligibility as provided in section 5111.21 of the Revised Code;

(2) Keep records relating to a cost reporting period for the greater of seven years after the cost report is filed or, if the department issues an audit report in accordance with division (B) of section 5111.27 of the Revised Code, six years after all appeal rights relating to the audit report are exhausted;

(3) File reports as required by the department;

(4) Open all records relating to the costs of its services for inspection and audit by the department;

(5) Open its premises for inspection by the department, the department of health, and any other state or local authority having authority to inspect;

(6) Supply to the department such information as it requires concerning the facility's services to patients who are or are eligible to be medicaid recipients;

(7) Comply with section 5111.31 of the Revised Code.

The provider agreement may contain other provisions that are consistent with law and considered necessary by the department.

A provider agreement shall be effective for no longer than twelve months, except that if federal statute or regulations authorize a longer term, it may be effective for a longer term so authorized. A provider agreement may be renewed only if the facility is certified by the department of health for

participation in the medicaid program. 26480

The department of job and family services, in accordance with 26481
rules adopted by the director pursuant to Chapter 119. of the 26482
Revised Code, may elect not to enter into, not to renew, or to 26483
terminate a provider agreement when the department determines that 26484
such an agreement would not be in the best interests of the 26485
recipients or of the state. 26486

Sec. 5111.23. (A) The department of job and family services 26487
shall pay each eligible nursing facility and intermediate care 26488
facility for the mentally retarded a per resident per day rate for 26489
direct care costs established prospectively for each facility. The 26490
department shall establish each facility's rate for direct care 26491
costs quarterly. 26492

(B) Each facility's rate for direct care costs shall be based 26493
on the facility's cost per case-mix unit, subject to the maximum 26494
costs per case-mix unit established under division (B)(2) of this 26495
section, from the calendar year preceding the fiscal year in which 26496
the rate is paid. To determine the rate, the department shall do 26497
all of the following: 26498

(1) Determine each facility's cost per case-mix unit for the 26499
calendar year preceding the fiscal year in which the rate will be 26500
paid by dividing the facility's desk-reviewed, actual, allowable, 26501
per diem direct care costs for that year by its annual average 26502
case-mix score for all residents regardless of payment source 26503
determined under section 5111.231 of the Revised Code for the same 26504
calendar year. 26505

(2)(a) Set the maximum cost per case-mix unit for each peer 26506
group of nursing facilities specified in rules adopted under 26507
division (E) of this section at a percentage above the cost per 26508
case-mix unit of the facility in the group that has the group's 26509
median medicaid inpatient day for the calendar year preceding the 26510

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fiscal year in which the rate will be paid, as calculated under 26511
division (B)(1) of this section, that is no less than the 26512
percentage calculated under division (D)(1) of this section. 26513

(b) Set the maximum cost per case-mix unit for each peer 26514
group of intermediate care facilities for the mentally retarded 26515
with more than eight beds specified in rules adopted under 26516
division (E) of this section at a percentage above the cost per 26517
case-mix unit of the facility in the group that has the group's 26518
median medicaid inpatient day for the calendar year preceding the 26519
fiscal year in which the rate will be paid, as calculated under 26520
division (B)(1) of this section, that is no less than the 26521
percentage calculated under division (D)(2) of this section. 26522

(c) Set the maximum cost per case-mix unit for each peer 26523
group of intermediate care facilities for the mentally retarded 26524
with eight or fewer beds specified in rules adopted under division 26525
(E) of this section at a percentage above the cost per case-mix 26526
unit of the facility in the group that has the group's median 26527
medicaid inpatient day for the calendar year preceding the fiscal 26528
year in which the rate will be paid, as calculated under division 26529
(B)(1) of this section, that is no less than the percentage 26530
calculated under division (D)(3) of this section. 26531

(d) In calculating the maximum cost per case-mix unit under 26532
divisions (B)(2)(a) to (c) of this section for each peer group, 26533
the department shall exclude from its calculations the cost per 26534
case-mix unit of any facility in the group that participated in 26535
the medical assistance program under the same operator for less 26536
than twelve months during the calendar year preceding the fiscal 26537
year in which the rate will be paid. 26538

(3) Estimate the rate of inflation for the eighteen-month 26539
period beginning on the first day of July of the calendar year 26540
preceding the fiscal year in which the rate will be paid and 26541
ending on the thirty-first day of December of the fiscal year in 26542

which the rate will be paid, using the employment cost index for 26543
total compensation, health services component, published by the 26544
United States bureau of labor statistics. If the estimated 26545
inflation rate for the eighteen-month period is different from the 26546
actual inflation rate for that period, as measured using the same 26547
index, the difference shall be added to or subtracted from the 26548
inflation rate estimated under division (B)(3) of this section for 26549
the following fiscal year. 26550

(4) The department shall not recalculate a maximum cost per 26551
case-mix unit under division (B)(2) of this section or a 26552
percentage under division (D) of this section based on additional 26553
information that it receives after the maximum costs per case-mix 26554
unit or percentages are set. The department shall recalculate a 26555
maximum cost per case-mix units or percentage only if it made an 26556
error in computing the maximum cost per case-mix unit or 26557
percentage based on information available at the time of the 26558
original calculation. 26559

(C) Each facility's rate for direct care costs shall be 26560
determined as follows for each calendar quarter within a fiscal 26561
year: 26562

(1) Multiply For rates paid for nursing facility services 26563
provided on or after July 1, 2001, multiply the lesser of the 26564
following by the nursing facility's quarterly average case-mix 26565
score for residents who are medicaid recipients determined under 26566
section 5111.231 of the Revised Code for the calendar quarter that 26567
preceded the immediately preceding calendar quarter: 26568

(a) The facility's cost per case-mix unit for the calendar 26569
year preceding the fiscal year in which the rate will be paid, as 26570
determined under division (B)(1) of this section; 26571

(b) The maximum cost per case-mix unit established for the 26572
fiscal year in which the rate will be paid for the facility's peer 26573

group under division (B)(2)(a) of this section; 26574

(2) For rates paid for intermediate care facility services for the mentally retarded, multiply the lesser of the following by the intermediate care facility for the mentally retarded's quarterly average case-mix score for all residents regardless of payment source determined under section 5111.231 of the Revised Code for the calendar quarter that preceded the immediately preceding calendar quarter: 26575
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(a) The facility's cost per case-mix unit for the calendar year preceding the fiscal year in which the rate will be paid, as determined under division (B)(1) of this section; 26582
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(b) The maximum cost per case-mix unit established for the fiscal year in which the rate will be paid for the facility's peer group under division (B)(2)(b) or (c) of this section. 26585
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(3) Adjust the product determined under division (C)(1) and (2) of this section by the inflation rate estimated under division (B)(3) of this section. 26588
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(D)(1) The department shall calculate the percentage above the median cost per case-mix unit determined under division (B)(1) of this section for the facility that has the median medicaid inpatient day for calendar year 1992 for all nursing facilities that would result in payment of all desk-reviewed, actual, allowable direct care costs for eighty-five per cent of the medicaid inpatient days for nursing facilities for calendar year 1992. 26591
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(2) The department shall calculate the percentage above the median cost per case-mix unit determined under division (B)(1) of this section for the facility that has the median medicaid inpatient day for calendar year 1992 for all intermediate care facilities for the mentally retarded with more than eight beds that would result in payment of all desk-reviewed, actual, 26599
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allowable direct care costs for eighty and one-half per cent of 26605
the medicaid inpatient days for such facilities for calendar year 26606
1992. 26607

(3) The department shall calculate the percentage above the 26608
median cost per case-mix unit determined under division (B)(1) of 26609
this section for the facility that has the median medicaid 26610
inpatient day for calendar year 1992 for all intermediate care 26611
facilities for the mentally retarded with eight or fewer beds that 26612
would result in payment of all desk-reviewed, actual, allowable 26613
direct care costs for eighty and one-half per cent of the medicaid 26614
inpatient days for such facilities for calendar year 1992. 26615

(E) The director of job and family services shall adopt rules 26616
in accordance with Chapter 119. of the Revised Code that specify 26617
peer groups of nursing facilities, intermediate care facilities 26618
for the mentally retarded with more than eight beds, and 26619
intermediate care facilities for the mentally retarded with eight 26620
or fewer beds, based on findings of significant per diem direct 26621
care cost differences due to geography and facility bed-size. The 26622
rules also may specify peer groups based on findings of 26623
significant per diem direct care cost differences due to other 26624
factors which may include, in the case of intermediate care 26625
facilities for the mentally retarded, case-mix. 26626

(F) The department, in accordance with division ~~(C)~~(D) of 26627
section 5111.231 of the Revised Code and rules adopted under 26628
division ~~(D)~~(E) of that section, may assign case-mix scores or 26629
costs per case-mix unit if a facility fails to submit assessment 26630
information necessary to calculate its case-mix score in 26631
accordance with that section. 26632

Sec. 5111.231. (A)(1) The department of job and family 26633
services shall determine quarterly and annual case-mix scores for 26634
nursing facilities by using data for each resident, regardless of 26635

<u>payment source, all of the following:</u>	26636
<u>(a) Data from a resident assessment instrument specified in</u>	26637
rules adopted in accordance with Chapter 119. of the Revised	26638
<u>Revised Code pursuant to section 19119 1919(e)(5) of the "Social</u>	26639
Security Act," 49 79 Stat. 620 286 (1935 1965), 42 U.S.C.A.	26640
1396r(e)(5), as amended and the, <u>for the following residents:</u>	26641
<u>(i) When determining a nursing facility's annual case-mix</u>	26642
<u>score, each resident, regardless of payment source;</u>	26643
<u>(ii) When determining a nursing facility's quarterly case-mix</u>	26644
<u>score for the purpose of calculating rates to be paid for nursing</u>	26645
<u>facility services provided on or after July 1, 2001, each resident</u>	26646
<u>who is medicaid recipient.</u>	26647
<u>(b) Except as provided in rules adopted under division</u>	26648
<u>(A)(2)(a) or (b) of this section, the case-mix values established</u>	26649
by the United States department of health and human services-	26650
<u>Except;</u>	26651
<u>(c) Except</u> as modified in rules adopted under division	26652
<u>(A)(1)(2)(c) of this section, the department also shall use the</u>	26653
grouped methodology used on June 30, 1999, by the United States	26654
department of health and human services for prospective payment of	26655
skilled nursing facilities under the medicare program established	26656
by Title XVIII of the "Social Security Act," 49 79 Stat. 620 286	26657
(1935 1965), 42 U.S.C.A. 301 1395 , as amended. The	26658
<u>(2) The</u> director of job and family services may adopt rules	26659
in accordance with Chapter 119. of the Revised Code that do any of	26660
the following:	26661
(a) Adjust the case-mix values <u>specified in division</u>	26662
<u>(A)(1)(b) of this section</u> to reflect changes in relative wage	26663
differentials that are specific to this state;	26664
(b) Express all of the case-mix values in numeric terms that	26665
are different from the terms specified by the United States	26666

department of health and human services but that do not alter the relationship of the case-mix values to one another; 26667
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(c) Modify the grouper methodology as follows: 26669

(i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology; 26670
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(ii) Prohibit the use of the index maximizer element of the methodology; 26672
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(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999; 26674
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(iv) Make other changes the medicaid long-term care reimbursement study council established by section ~~5111.34~~ 5111.206 of the Revised Code approves. 26677
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~~+2)~~(B) The department shall determine case-mix scores for intermediate care facilities for the mentally retarded using data for each resident, regardless of payment source, from a resident assessment instrument and grouper methodology prescribed in rules adopted in accordance with Chapter 119. of the Revised Code and expressed in case-mix values established by the department in those rules. The department may change the grouper methodology prescribed in rules in effect on June 30, 1999, only if the medicaid long-term care reimbursement study council approves the change. 26680
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~~(B)~~(C) Not later than fifteen days after the end of each calendar quarter, each nursing facility and intermediate care facility for the mentally retarded shall submit to the department the complete assessment data, from the instrument specified in rules adopted under division (A) or (B) of this section, as appropriate, for each resident, regardless of payment source, who was in the facility or on hospital or therapeutic leave from the facility on the last day of the quarter. 26690
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Except as provided in division ~~(C)~~ (D) of this section, the department, after the end of each calendar year and pursuant to procedures specified in rules adopted in accordance with Chapter 119. of the Revised Code, shall calculate an annual average case-mix score for each nursing facility and intermediate care facility for the mentally retarded using the facility's quarterly case-mix scores for that calendar year.

~~(C)~~(D)(1) If a facility does not timely submit information for a calendar quarter necessary to calculate its case-mix score, or submits incomplete or inaccurate information for a calendar quarter, the department may assign the facility a quarterly average case-mix score that is five per cent less than the facility's quarterly average case-mix score for the preceding calendar quarter. If the facility was subject to an exception review under division (C) of section 5111.27 of the Revised Code for the preceding calendar quarter, the department may assign a quarterly average case-mix score that is five per cent less than the score determined by the exception review. If the facility was assigned a quarterly average case-mix score for the preceding quarter, the department may assign a quarterly average case-mix score that is five per cent less than that score assigned for the preceding quarter.

The department may use a quarterly average case-mix score assigned under division ~~(C)~~(D)(1) of this section, instead of a quarterly average case-mix score calculated based on the facility's submitted information, to calculate the facility's rate for direct care costs being established under section 5111.23 of the Revised Code for one or more months, as specified in rules adopted under division ~~(D)~~(E) of this section, of the quarter for which the rate established under section 5111.23 of the Revised Code will be paid.

Before taking action under division ~~(C)~~(D)(1) of this

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section, the department shall permit the facility a reasonable 26730
 period of time, specified in rules adopted under division ~~(D)~~(E) 26731
 of this section, to correct the information. In the case of an 26732
 intermediate care facility for the mentally retarded, the 26733
 department shall not assign a quarterly average case-mix score due 26734
 to late submission of corrections to assessment information unless 26735
 the facility fails to submit corrected information prior to the 26736
 eighty-first day after the end of the calendar quarter to which 26737
 the information pertains. In the case of a nursing facility, the 26738
 department shall not assign a quarterly average case-mix score due 26739
 to late submission of corrections to assessment information unless 26740
 the facility fails to submit corrected information prior to the 26741
 earlier of the eighty-first day after the end of the calendar 26742
 quarter to which the information pertains or the deadline for 26743
 submission of such corrections established by regulations adopted 26744
 by the United States department of health and human services under 26745
 Titles XVIII and XIX of the Social Security Act. 26746

(2) If a facility is paid a rate calculated using a quarterly 26747
 average case-mix score assigned under division ~~(E)~~(D)(1) of this 26748
 section for more than six months in a calendar year, the 26749
 department may assign the facility a cost per case-mix unit that 26750
 is five per cent less than the facility's actual or assigned cost 26751
 per case-mix unit for the preceding calendar year. The department 26752
 may use the assigned cost per case-mix unit, instead of 26753
 calculating the facility's actual cost per case-mix unit in 26754
 accordance with section 5111.23 of the Revised Code, to establish 26755
 the facility's rate for direct care costs for the following fiscal 26756
 year. 26757

(3) The department shall take action under division ~~(E)~~(D)(1) 26758
 or (2) of this section only in accordance with rules adopted under 26759
 division ~~(D)~~(E) of this section. The department shall not take an 26760
 action that affects rates for prior payment periods except in 26761

accordance with sections 5111.27 and 5111.28 of the Revised Code. 26762
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~~(D)~~(E) The director may adopt rules in accordance with 26764
Chapter 119. of the Revised Code that do any of the following: 26765

(1) Specify the medium or media through which the completed 26766
assessment information shall be submitted; 26767

(2) Establish procedures under which the department will 26768
review assessment information for accuracy and notify the facility 26769
of any information that requires correction; 26770

(3) Establish procedures for facilities to correct assessment 26771
information. The procedures may prohibit an intermediate care 26772
facility for the mentally retarded from submitting corrected 26773
assessment information, for the purpose of calculating its annual 26774
average case-mix score, more than two calendar quarters after the 26775
end of the quarter to which the information pertains or, if the 26776
information pertains to the quarter ending the thirty-first day of 26777
December, after the thirty-first day of the following March. The 26778
procedures may limit the content of corrections by nursing 26779
facilities in the manner required by regulations adopted by the 26780
United States department of health and human services under Titles 26781
XVIII and XIX of the Social Security Act and prohibit a nursing 26782
facility from submitting corrected assessment information, for the 26783
purpose of calculating its annual average case-mix score, more 26784
than the earlier of the following: 26785

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(a) Two calendar quarters after the end of the quarter to 26787
which the information pertains or, if the information pertains to 26788
the quarter ending the thirty-first day of December, after the 26789
thirty-first day of the following March; 26790

(b) The deadline for submission of such corrections 26791
established by regulations adopted by the United States department 26792

of health and human services under Titles XVIII and XIX of the Social Security Act. 26793
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(4) Specify when and how the department will assign case-mix scores or costs per case-mix unit under division ~~(C)~~(D) of this section if information necessary to calculate the facility's average annual or quarterly case-mix score is not provided or corrected in accordance with the procedures established by the rules. Notwithstanding any other provision of sections 5111.20 to 5111.32 of the Revised Code, the rules also may provide for exclusion of case-mix scores assigned under division ~~(C)~~(D) of this section from calculation of the facility's annual average case-mix score and the maximum cost per case-mix unit for the facility's peer group. 26795
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Sec. 5111.25. (A) The department of job and family services shall pay each eligible nursing facility a per resident per day rate for its reasonable capital costs established prospectively each fiscal year for each facility. Except as otherwise provided in sections 5111.20 to 5111.32 of the Revised Code, the rate shall be based on the facility's capital costs for the calendar year preceding the fiscal year in which the rate will be paid. The rate shall equal the sum of divisions (A)(1) ~~to (3)~~ and (2) of this section: 26806
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(1) The lesser of the following: 26815

(a) Eighty-eight and sixty-five one-hundredths per cent of the facility's desk-reviewed, actual, allowable, per diem cost of ownership and eighty-five per cent of the facility's actual, allowable, per diem cost of nonextensive renovation determined under division (F) of this section; 26816
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(b) Eighty-eight and sixty-five one-hundredths per cent of the following limitation: 26821
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(i) For the fiscal year beginning July 1, 1993, sixteen dollars per resident day;	26823 26824
(ii) For the fiscal year beginning July 1, 1994, sixteen dollars per resident day, adjusted to reflect the rate of inflation for the twelve-month period beginning July 1, 1992, and ending June 30, 1993, using the consumer price index for shelter costs for all urban consumers for the north central region, published by the United States bureau of labor statistics;	26825 26826 26827 26828 26829 26830
(iii) For subsequent fiscal years, the limitation in effect during the previous fiscal year, adjusted to reflect the rate of inflation for the twelve-month period beginning on the first day of July for the calendar year preceding the calendar year that precedes the fiscal year and ending on the following thirtieth day of June, using the consumer price index for shelter costs for all urban consumers for the north central region, published by the United States bureau of labor statistics.	26831 26832 26833 26834 26835 26836 26837 26838
(2) Any efficiency incentive determined under division (D) of this section†	26839 26840
(3) Any amounts for return on equity determined under division (H) of this section.	26841 26842
Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight-line method over a period designated in rules adopted by the director of job and family services in accordance with Chapter 119. of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department. Any rules adopted under this division that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency	26843 26844 26845 26846 26847 26848 26849 26850 26851 26852 26853

shall not be included in cost of ownership or renovation unless 26854
that part of the payment under sections 5111.20 to 5111.32 of the 26855
Revised Code is used to reimburse the government agency. 26856

(B) The capital cost basis of nursing facility assets shall 26857
be determined in the following manner: 26858

(1) For purposes of calculating the rate to be paid for the 26859
fiscal year beginning July 1, 1993, for facilities with dates of 26860
licensure on or before June 30, 1993, the capital cost basis shall 26861
be equal to the following: 26862

(a) For facilities that have not had a change of ~~ownership~~ 26863
operator during the period beginning January 1, 1993, and ending 26864
June 30, 1993, the desk-reviewed, actual, allowable capital cost 26865
basis that is listed on the facility's cost report for the cost 26866
reporting period ending December 31, 1992, plus the actual, 26867
allowable capital cost basis of any assets constructed or acquired 26868
after December 31, 1992, but before July 1, 1993, if the aggregate 26869
capital costs of those assets would increase the facility's rate 26870
for capital costs by twenty or more cents per resident per day. 26871

(b) For facilities that have a date of licensure or had a 26872
change of ~~ownership~~ operator during the period beginning January 26873
1, 1993, and ending June 30, 1993, the actual, allowable capital 26874
cost basis of the person or government entity that owns the 26875
facility on June 30, 1993. 26876

Capital cost basis shall be calculated as provided in 26877
division (B)(1) of this section subject to approval by the United 26878
States health care financing administration of any necessary 26879
amendment to the state plan for providing medical assistance. 26880

The department shall include the actual, allowable capital 26881
cost basis of assets constructed or acquired during the period 26882
beginning January 1, 1993, and ending June 30, 1993, in the 26883
calculation for the facility's rate effective July 1, 1993, if the 26884

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aggregate capital costs of the assets would increase the 26885
facility's rate by twenty or more cents per resident per day and 26886
the facility provides the department with sufficient documentation 26887
of the costs before June 1, 1993. If the facility provides the 26888
documentation after that date, the department shall adjust the 26889
facility's rate to reflect the costs of the assets one month after 26890
the first day of the month after the department receives the 26891
documentation. 26892

(2) Except as provided in division (B)(4) of this section, 26893
for purposes of calculating the rates to be paid for fiscal years 26894
beginning after June 30, 1994, for facilities with dates of 26895
licensure on or before June 30, 1993, the capital cost basis of 26896
each asset shall be equal to the desk-reviewed, actual, allowable, 26897
capital cost basis that is listed on the facility's cost report 26898
for the calendar year preceding the fiscal year during which the 26899
rate will be paid. 26900

(3) For facilities with dates of licensure after June 30, 26901
1993, the capital cost basis shall be determined in accordance 26902
with the principles of the medicare program established under 26903
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 26904
U.S.C.A. 301, as amended, except as otherwise provided in sections 26905
5111.20 to 5111.32 of the Revised Code. 26906

(4) Except as provided in division (B)(5) of this section, if 26907
a provider transfers an interest in a facility to another provider 26908
after June 30, 1993, there shall be no increase in the capital 26909
cost basis of the asset if the providers are related parties. If 26910
the providers are not related parties or if they are related 26911
parties and division (B)(5) of this section requires the 26912
adjustment of the capital cost basis under this division, the 26913
basis of the asset shall be adjusted by the lesser of the 26914
following: 26915

(a) One-half of the change in construction costs during the 26916

time that the transferor held the asset, as calculated by the
department of job and family services using the "Dodge building
cost indexes, northeastern and north central states," published by
Marshall and Swift;

(b) One-half of the change in the consumer price index for
all items for all urban consumers, as published by the United
States bureau of labor statistics, during the time that the
transferor held the asset.

(5) If a provider transfers an interest in a facility to
another provider who is a related party, the capital cost basis of
the asset shall be adjusted as specified in division (B)(4) of
this section for a transfer to a provider that is not a related
party if all of the following conditions are met:

(a) The related party is a relative of the owner;

(b) Except as provided in division (B)(5)(c)(ii) of this
section, the provider making the transfer retains no ownership
interest in the facility;

(c) The department of job and family services determines that
the transfer is an arm's length transaction pursuant to rules the
department shall adopt in accordance with Chapter 119. of the
Revised Code no later than December 31, 2000. The rules shall
provide that a transfer is an arm's length transaction if all of
the following apply:

(i) Once the transfer goes into effect, the provider that
made the transfer has no direct or indirect interest in the
provider that acquires the facility or the facility itself,
including interest as an owner, officer, director, employee,
independent contractor, or consultant, but excluding interest as a
creditor.

(ii) The provider that made the transfer does not reacquire
an interest in the facility except through the exercise of a

creditor's rights in the event of a default. If the provider
reacquires an interest in the facility in this manner, the
department shall treat the facility as if the transfer never
occurred when the department calculates its reimbursement rates
for capital costs.

(iii) The transfer satisfies any other criteria specified in
the rules.

(d) Except in the case of hardship caused by a catastrophic
event, as determined by the department, or in the case of a
provider making the transfer who is at least sixty-five years of
age, not less than twenty years have elapsed since, for the same
facility, the capital cost basis was adjusted most recently under
division (B)(5) of this section or actual, allowable cost of
ownership was determined most recently under division (C)(9) of
this section.

(C) As used in this division, "lease expense" means lease
payments in the case of an operating lease and depreciation
expense and interest expense in the case of a capital lease. As
used in this division, "new lease" means a lease, to a different
lessee, of a nursing facility that previously was operated under a
lease.

(1) Subject to the limitation specified in division (A)(1) of
this section, for a lease of a facility that was effective on May
27, 1992, the entire lease expense is an actual, allowable cost of
ownership during the term of the existing lease. The entire lease
expense also is an actual, allowable cost of ownership if a lease
in existence on May 27, 1992, is renewed under either of the
following circumstances:

(a) The renewal is pursuant to a renewal option that was in
existence on May 27, 1992;

(b) The renewal is for the same lease payment amount and

between the same parties as the lease in existence on May 27,
1992. 26979
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(2) Subject to the limitation specified in division (A)(1) of
this section, for a lease of a facility that was in existence but
not operated under a lease on May 27, 1992, actual, allowable cost
of ownership shall include the lesser of the annual lease expense
or the annual depreciation expense and imputed interest expense
that would be calculated at the inception of the lease using the
lessor's entire historical capital asset cost basis, adjusted by
the lesser of the following amounts: 26981
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(a) One-half of the change in construction costs during the
time the lessor held each asset until the beginning of the lease,
as calculated by the department using the "Dodge building cost
indexes, northeastern and north central states," published by
Marshall and Swift; 26989
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(b) One-half of the change in the consumer price index for
all items for all urban consumers, as published by the United
States bureau of labor statistics, during the time the lessor held
each asset until the beginning of the lease. 26994
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(3) Subject to the limitation specified in division (A)(1) of
this section, for a lease of a facility with a date of licensure
on or after May 27, 1992, that is initially operated under a
lease, actual, allowable cost of ownership shall include the
annual lease expense if there was a substantial commitment of
money for construction of the facility after December 22, 1992,
and before July 1, 1993. If there was not a substantial commitment
of money after December 22, 1992, and before July 1, 1993, actual,
allowable cost of ownership shall include the lesser of the annual
lease expense or the sum of the following: 26998
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(a) The annual depreciation expense that would be calculated
at the inception of the lease using the lessor's entire historical 27008
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capital asset cost basis; 27010

(b) The greater of the lessor's actual annual amortization of 27011
financing costs and interest expense at the inception of the lease 27012
or the imputed interest expense calculated at the inception of the 27013
lease using seventy per cent of the lessor's historical capital 27014
asset cost basis. 27015

(4) Subject to the limitation specified in division (A)(1) of 27016
this section, for a lease of a facility with a date of licensure 27017
on or after May 27, 1992, that was not initially operated under a 27018
lease and has been in existence for ten years, actual, allowable 27019
cost of ownership shall include the lesser of the annual lease 27020
expense or the annual depreciation expense and imputed interest 27021
expense that would be calculated at the inception of the lease 27022
using the entire historical capital asset cost basis of the 27023
lessor, adjusted by the lesser of the following: 27024

(a) One-half of the change in construction costs during the 27025
time the lessor held each asset until the beginning of the lease, 27026
as calculated by the department using the "Dodge building cost 27027
indexes, northeastern and north central states," published by 27028
Marshall and Swift; 27029

(b) One-half of the change in the consumer price index for 27030
all items for all urban consumers, as published by the United 27031
States bureau of labor statistics, during the time the lessor held 27032
each asset until the beginning of the lease. 27033

(5) Subject to the limitation specified in division (A)(1) of 27034
this section, for a new lease of a facility that was operated 27035
under a lease on May 27, 1992, actual, allowable cost of ownership 27036
shall include the lesser of the annual new lease expense or the 27037
annual old lease payment. If the old lease was in effect for ten 27038
years or longer, the old lease payment from the beginning of the 27039
old lease shall be adjusted by the lesser of the following: 27040

(a) One-half of the change in construction costs from the beginning of the old lease to the beginning of the new lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.

(6) Subject to the limitation specified in division (A)(1) of this section, for a new lease of a facility that was not in existence or that was in existence but not operated under a lease on May 27, 1992, actual, allowable cost of ownership shall include the lesser of annual new lease expense or the annual amount calculated for the old lease under division (C)(2), (3), (4), or (6) of this section, as applicable. If the old lease was in effect for ten years or longer, the lessor's historical capital asset cost basis shall be adjusted by the lesser of the following for purposes of calculating the annual amount under division (C)(2), (3), (4), or (6) of this section:

(a) One-half of the change in construction costs from the beginning of the old lease to the beginning of the new lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.

In the case of a lease under division (C)(3) of this section of a facility for which a substantial commitment of money was made

after December 22, 1992, and before July 1, 1993, the old lease
payment shall be adjusted for the purpose of determining the
annual amount.

(7) For any revision of a lease described in division (C)(1),
(2), (3), (4), (5), or (6) of this section, or for any subsequent
lease of a facility operated under such a lease, other than
execution of a new lease, the portion of actual, allowable cost of
ownership attributable to the lease shall be the same as before
the revision or subsequent lease.

(8) Except as provided in division (C)(9) of this section, if
a provider leases an interest in a facility to another provider
who is a related party, the related party's actual, allowable cost
of ownership shall include the lesser of the annual lease expense
or the reasonable cost to the lessor.

(9) If a provider leases an interest in a facility to another
provider who is a related party, regardless of the date of the
lease, the related party's actual, allowable cost of ownership
shall include the annual lease expense, subject to the limitations
specified in divisions (C)(1) to (7) of this section, if all of
the following conditions are met:

(a) The related party is a relative of owner;

(b) If the lessor retains an ownership interest, it is,
except as provided in division (C)(9)(c)(ii) of this section, in
only the real property and any improvements on the real property;

(c) The department of job and family services determines that
the lease is an arm's length transaction pursuant to rules the
department shall adopt in accordance with Chapter 119. of the
Revised Code no later than December 31, 2000. The rules shall
provide that a lease is an arm's length transaction if all of the
following apply:

(i) Once the lease goes into effect, the lessor has no direct

or indirect interest in the lessee or, except as provided in 27103
division (C)(9)(b) of this section, the facility itself, including 27104
interest as an owner, officer, director, employee, independent 27105
contractor, or consultant, but excluding interest as a lessor. 27106
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(ii) The lessor does not reacquire an interest in the 27108
facility except through the exercise of a lessor's rights in the 27109
event of a default. If the lessor reacquires an interest in the 27110
facility in this manner, the department shall treat the facility 27111
as if the lease never occurred when the department calculates its 27112
reimbursement rates for capital costs. 27113

(iii) The lease satisfies any other criteria specified in the 27114
rules. 27115

(d) Except in the case of hardship caused by a catastrophic 27116
event, as determined by the department, or in the case of a lessor 27117
who is at least sixty-five years of age, not less than twenty 27118
years have elapsed since, for the same facility, the capital cost 27119
basis was adjusted most recently under division (B)(5) of this 27120
section or actual, allowable cost of ownership was determined most 27121
recently under division (C)(9) of this section. 27122

(10) This division does not apply to leases of specific items 27123
of equipment. 27124

(D)(1) Subject to division (D)(2) of this section, the 27125
department shall pay each nursing facility an efficiency incentive 27126
that is equal to fifty per cent of the difference between the 27127
following: 27128

(a) Eighty-eight and sixty-five one-hundredths per cent of 27129
the facility's desk-reviewed, actual, allowable, per diem cost of 27130
ownership; 27131

(b) The applicable amount specified in division (E) of this 27132
section. 27133

(2) The efficiency incentive paid to a nursing facility shall not exceed the greater of the following:	27134 27135
(a) The efficiency incentive the facility was paid during the fiscal year ending June 30, 1994;	27136 27137
(b) Three dollars per resident per day, adjusted annually for rates paid beginning July 1, 1994, for the inflation rate for the twelve-month period beginning on the first day of July of the calendar year preceding the calendar year that precedes the fiscal year for which the efficiency incentive is determined and ending on the thirtieth day of the following June, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.	27138 27139 27140 27141 27142 27143 27144 27145 27146
(3) For purposes of calculating the efficiency incentive, depreciation for costs that are paid or reimbursed by any government agency shall be considered as costs of ownership, and renovation costs that are paid under division (F) of this section shall not be considered costs of ownership.	27147 27148 27149 27150 27151
(E) The following amounts shall be used to calculate efficiency incentives for nursing facilities under this section:	27152 27153
(1) For facilities with dates of licensure prior to January 1, 1958, four dollars and twenty-four cents per patient day;	27154 27155
(2) For facilities with dates of licensure after December 31, 1957, but prior to January 1, 1968:	27156 27157
(a) Five dollars and twenty-four cents per patient day if the cost of construction was three thousand five hundred dollars or more per bed;	27158 27159 27160
(b) Four dollars and twenty-four cents per patient day if the cost of construction was less than three thousand five hundred dollars per bed.	27161 27162 27163

(3) For facilities with dates of licensure after December 31, 1967, but prior to January 1, 1976:	27164
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(a) Six dollars and twenty-four cents per patient day if the cost of construction was five thousand one hundred fifty dollars or more per bed;	27166
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	27168
(b) Five dollars and twenty-four cents per patient day if the cost of construction was less than five thousand one hundred fifty dollars per bed, but exceeded three thousand five hundred dollars per bed;	27169
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(c) Four dollars and twenty-four cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	27173
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	27175
(4) For facilities with dates of licensure after December 31, 1975, but prior to January 1, 1979:	27176
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(a) Seven dollars and twenty-four cents per patient day if the cost of construction was six thousand eight hundred dollars or more per bed;	27178
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(b) Six dollars and twenty-four cents per patient day if the cost of construction was less than six thousand eight hundred dollars per bed but exceeded five thousand one hundred fifty dollars per bed;	27181
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	27184
(c) Five dollars and twenty-four cents per patient day if the cost of construction was five thousand one hundred fifty dollars or less per bed, but exceeded three thousand five hundred dollars per bed;	27185
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(d) Four dollars and twenty-four cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	27189
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	27191
(5) For facilities with dates of licensure after December 31, 1978, but prior to January 1, 1981:	27192
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(a) Seven dollars and seventy-four cents per patient day if	27194
the cost of construction was seven thousand six hundred	27195
twenty-five dollars or more per bed;	27196
(b) Seven dollars and twenty-four cents per patient day if	27197
the cost of construction was less than seven thousand six hundred	27198
twenty-five dollars per bed but exceeded six thousand eight	27199
hundred dollars per bed;	27200
(c) Six dollars and twenty-four cents per patient day if the	27201
cost of construction was six thousand eight hundred dollars or	27202
less per bed but exceeded five thousand one hundred fifty dollars	27203
per bed;	27204
(d) Five dollars and twenty-four cents per patient day if the	27205
cost of construction was five thousand one hundred fifty dollars	27206
or less but exceeded three thousand five hundred dollars per bed;	27207
	27208
(e) Four dollars and twenty-four cents per patient day if the	27209
cost of construction was three thousand five hundred dollars or	27210
less per bed.	27211
(6) For facilities with dates of licensure in 1981 or any	27212
year thereafter prior to December 22, 1992, the following amount:	27213
(a) For facilities with construction costs less than seven	27214
thousand six hundred twenty-five dollars per bed, the applicable	27215
amounts for the construction costs specified in divisions	27216
(E)(5)(b) to (e) of this section;	27217
(b) For facilities with construction costs of seven thousand	27218
six hundred twenty-five dollars or more per bed, six dollars per	27219
patient day, provided that for 1981 and annually thereafter prior	27220
to December 22, 1992, department shall do both of the following to	27221
the six-dollar amount:	27222
(i) Adjust the amount for fluctuations in construction costs	27223

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calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift, using 1980 as the base year;	27224 27225 27226
(ii) Increase the amount, as adjusted for inflation under division (E)(6)(b)(i) of this section, by one dollar and seventy-four cents.	27227 27228 27229
(7) For facilities with dates of licensure on or after January 1, 1992, seven dollars and ninety-seven cents, adjusted for fluctuations in construction costs between 1991 and 1993 as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift, and then increased by one dollar and seventy-four cents.	27230 27231 27232 27233 27234 27235 27236
For the fiscal year that begins July 1, 1994, each of the amounts listed in divisions (E)(1) to (7) of this section shall be increased by twenty-five cents. For the fiscal year that begins July 1, 1995, each of those amounts shall be increased by an additional twenty-five cents. For subsequent fiscal years, each of those amounts, as increased for the prior fiscal year, shall be adjusted to reflect the rate of inflation for the twelve-month period beginning on the first day of July of the calendar year preceding the calendar year that precedes the fiscal year and ending on the following thirtieth day of June, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.	27237 27238 27239 27240 27241 27242 27243 27244 27245 27246 27247 27248 27249
If the amount established for a nursing facility under this division is less than the amount that applied to the facility under division (B) of former section 5111.25 of the Revised Code, as the former section existed immediately prior to December 22, 1992, the amount used to calculate the efficiency incentive for the facility under division (D)(2) of this section shall be the	27250 27251 27252 27253 27254 27255

amount that was calculated under division (B) of the former 27256
section. 27257

(F) Beginning July 1, 1993, regardless of the facility's date 27258
of licensure or the date of the nonextensive renovations, the rate 27259
for the costs of nonextensive renovations for nursing facilities 27260
shall be eighty-five per cent of the desk-reviewed, actual, 27261
allowable, per diem, nonextensive renovation costs. This division 27262
applies to nonextensive renovations regardless of whether they are 27263
made by an owner or a lessee. If the tenancy of a lessee that has 27264
made nonextensive renovations ends before the depreciation expense 27265
for the renovation costs has been fully reported, the former 27266
lessee shall not report the undepreciated balance as an expense. 27267
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(1) For a nonextensive renovation made after July 1, 1993, to 27269
qualify for payment under this division, both of the following 27270
conditions must be met: 27271

(a) At least five years have elapsed since the date of 27272
licensure of the portion of the facility that is proposed to be 27273
renovated, except that this condition does not apply if the 27274
renovation is necessary to meet the requirements of federal, 27275
state, or local statutes, ordinances, rules, or policies. 27276

(b) The provider has obtained prior approval from the 27277
department of job and family services, and if required the 27278
director of health has granted a certificate of need for the 27279
renovation under section 3702.52 of the Revised Code. The provider 27280
shall submit a plan that describes in detail the changes in 27281
capital assets to be accomplished by means of the renovation and 27282
the timetable for completing the project. The time for completion 27283
of the project shall be no more than eighteen months after the 27284
renovation begins. The department of job and family services shall 27285
adopt rules in accordance with Chapter 119. of the Revised Code 27286
that specify criteria and procedures for prior approval of 27287

renovation projects. No provider shall separate a project with the
intent to evade the characterization of the project as a
renovation or as an extensive renovation. No provider shall
increase the scope of a project after it is approved by the
department of job and family services unless the increase in scope
is approved by the department.

(2) The payment provided for in this division is the only
payment that shall be made for the costs of a nonextensive
renovation. Nonextensive renovation costs shall not be included in
costs of ownership, and a nonextensive renovation shall not affect
the date of licensure for purposes of calculating the efficiency
incentive under divisions (D) and (E) of this section.

~~(G) The owner of a nursing facility operating under a
provider agreement shall provide written notice to the department
of job and family services at least forty-five days prior to
entering into any contract of sale for the facility or voluntarily
terminating participation in the medical assistance program. After
the date on which a transaction of sale of a nursing facility is
closed, the owner of the nursing facility shall refund to the
department the amount of excess depreciation paid to the facility
by the department for each year the owner has operated the
facility under a provider agreement and prorated according to the
number of medicaid patient days for which the facility has
received payment. If a nursing facility is sold after five or
fewer years of operation under a provider agreement, the refund to
the department shall be equal to the excess depreciation paid to
the facility. If a nursing facility is sold after more than five
years but less than ten years of operation under a provider
agreement, the refund to the department shall equal the excess
depreciation paid to the facility multiplied by twenty per cent,
multiplied by the difference between ten and the number of years
that the facility was operated under a provider agreement. If a~~

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~~nursing facility is sold after ten or more years of operation~~ 27320
~~under a provider agreement, the owner shall not refund any excess~~ 27321
~~depreciation to the department.~~ The owner of a facility that is 27322
sold or that voluntarily terminates participation in the medical 27323
assistance program also shall refund any other amount that the 27324
department properly finds to be due after the audit conducted 27325
under ~~this division~~ section 5111.3412 of the Revised Code. For the 27326
purposes of this division, "depreciation paid to the facility" 27327
means the amount paid to the nursing facility for cost of 27328
ownership pursuant to this section less any amount paid for 27329
interest costs, amortization of financing costs, and lease 27330
expenses. For the purposes of this division, "excess depreciation" 27331
is the nursing facility's depreciated basis, which is the owner's 27332
cost less accumulated depreciation, subtracted from the purchase 27333
price net of selling costs but not exceeding the amount of 27334
depreciation paid to the facility. 27335

~~A cost report shall be filed with the department within~~ 27336
~~ninety days after the date on which the transaction of sale is~~ 27337
~~closed or participation is voluntarily terminated. The report~~ 27338
~~shall show the accumulated depreciation, the sales price, and~~ 27339
~~other information required by the department. The amount of the~~ 27340
~~last two monthly payments to a nursing facility made pursuant to~~ 27341
~~division (A)(1) of section 5111.22 of the Revised Code before a~~ 27342
~~sale or termination of participation shall be held in escrow by a~~ 27343
~~bank, trust company, or savings and loan association, except that~~ 27344
~~if the amount the owner will be required to refund under this~~ 27345
~~section is likely to be less than the amount of the last two~~ 27346
~~monthly payments, the department shall take one of the following~~ 27347
~~actions instead of withholding the amount of the last two monthly~~ 27348
~~payments:~~ 27349

~~(1) In the case of an owner that owns other facilities that~~ 27350
~~participate in the medical assistance program, obtain a promissory~~ 27351

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~~note in an amount sufficient to cover the amount likely to be
refunded;~~ 27352
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~~(2) In the case of all other owners, withhold the amount of
the last monthly payment to the nursing facility.~~ 27354
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~~The department shall, within ninety days following the filing
of the cost report, audit the cost report and issue an audit
report to the owner. The department also may audit any other cost
report that the facility has filed during the previous three
years. In the audit report, the department shall state its
findings and the amount of any money owed to the department by the
nursing facility. The findings shall be subject to adjudication
conducted in accordance with Chapter 119. of the Revised Code. No
later than fifteen days after the owner agrees to a settlement,
any funds held in escrow less any amounts due to the department
shall be released to the owner and amounts due to the department
shall be paid to the department. If the amounts in escrow are less
than the amounts due to the department, the balance shall be paid
to the department within fifteen days after the owner agrees to a
settlement. If the department does not issue its audit report
within the ninety-day period, the department shall release any
money held in escrow to the owner. For the purposes of this
section, a transfer of corporate stock, the merger of one
corporation into another, or a consolidation does not constitute a
sale.~~ 27356
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~~If a nursing facility is not sold or its participation is not
terminated after notice is provided to the department under this
division, the department shall order any payments held in escrow
released to the facility upon receiving written notice from the
owner that there will be no sale or termination. After written
notice is received from a nursing facility that a sale or
termination will not take place, the facility shall provide notice
to the department at least forty-five days prior to entering into~~ 27376
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~~any contract of sale or terminating participation at any future
time.~~ 27384
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~~(H) The department shall pay each eligible proprietary
nursing facility a return on the facility's net equity computed at
the rate of one and one-half times the average interest rate on
special issues of public debt obligations issued to the federal
hospital insurance trust fund for the cost reporting period,
except that no facility's return on net equity shall exceed one
dollar per patient day.~~ 27386
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~~When calculating the rate for return on net equity, the
department shall use the greater of the facility's inpatient days
during the applicable cost reporting period or the number of
inpatient days the facility would have had during that period if
its occupancy rate had been ninety-five per cent.~~ 27393
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~~(I) If a nursing facility would receive a lower rate for
capital costs for assets in the facility's possession on July 1,
1993, under this section than it would receive under former
section 5111.25 of the Revised Code, as the former section existed
immediately prior to December 22, 1992, the facility shall receive
for those assets the rate it would have received under the former
section for each fiscal year beginning on or after July 1, 1993,
until the rate it would receive under this section exceeds the
rate it would have received under the former section. Any facility
that receives a rate calculated under the former section 5111.25
of the Revised Code for assets in the facility's possession on
July 1, 1993, also shall receive a rate calculated under this
section for costs of any assets it constructs or acquires after
July 1, 1993.~~ 27398
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Sec. 5111.251. (A) The department of job and family services 27412
shall pay each eligible intermediate care facility for the 27413
mentally retarded for its reasonable capital costs, a per resident 27414

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per day rate established prospectively each fiscal year for each 27415
intermediate care facility for the mentally retarded. Except as 27416
otherwise provided in sections 5111.20 to 5111.32 of the Revised 27417
Code, the rate shall be based on the facility's capital costs for 27418
the calendar year preceding the fiscal year in which the rate will 27419
be paid. The rate shall equal the sum of the following: 27420

(1) The facility's desk-reviewed, actual, allowable, per diem 27421
cost of ownership for the preceding cost reporting period, limited 27422
as provided in divisions (C) and (F) of this section; 27423

(2) Any efficiency incentive determined under division (B) of 27424
this section; 27425

(3) Any amounts for renovations determined under division (D) 27426
of this section; 27427

(4) Any amounts for return on equity determined under 27428
division (I) of this section. 27429

Buildings shall be depreciated using the straight line method 27430
over forty years or over a different period approved by the 27431
department. Components and equipment shall be depreciated using 27432
the straight line method over a period designated by the director 27433
of job and family services in rules adopted in accordance with 27434
Chapter 119. of the Revised Code, consistent with the guidelines 27435
of the American hospital association, or over a different period 27436
approved by the department of job and family services. Any rules 27437
adopted under this division that specify useful lives of 27438
buildings, components, or equipment apply only to assets acquired 27439
on or after July 1, 1993. Depreciation for costs paid or 27440
reimbursed by any government agency shall not be included in costs 27441
of ownership or renovation unless that part of the payment under 27442
sections 5111.20 to 5111.32 of the Revised Code is used to 27443
reimburse the government agency. 27444

(B) The department of job and family services shall pay to 27445

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each intermediate care facility for the mentally retarded an
efficiency incentive equal to fifty per cent of the difference
between any desk-reviewed, actual, allowable cost of ownership and
the applicable limit on cost of ownership payments under division
(C) of this section. For purposes of computing the efficiency
incentive, depreciation for costs paid or reimbursed by any
government agency shall be considered as a cost of ownership, and
the applicable limit under division (C) of this section shall
apply both to facilities with more than eight beds and facilities
with eight or fewer beds. The efficiency incentive paid to a
facility with eight or fewer beds shall not exceed three dollars
per patient day, adjusted annually for the inflation rate for the
twelve-month period beginning on the first day of July of the
calendar year preceding the calendar year that precedes the fiscal
year for which the efficiency incentive is determined and ending
on the thirtieth day of the following June, using the consumer
price index for shelter costs for all urban consumers for the
north central region, as published by the United States bureau of
labor statistics.

(C) Cost of ownership payments to intermediate care
facilities for the mentally retarded with more than eight beds
shall not exceed the following limits:

(1) For facilities with dates of licensure prior to January
1, 1958, not exceeding two dollars and fifty cents per patient
day;

(2) For facilities with dates of licensure after December 31,
1957, but prior to January 1, 1968, not exceeding:

(a) Three dollars and fifty cents per patient day if the cost
of construction was three thousand five hundred dollars or more
per bed;

(b) Two dollars and fifty cents per patient day if the cost

of construction was less than three thousand five hundred dollars	27477
per bed.	27478
(3) For facilities with dates of licensure after December 31,	27479
1967, but prior to January 1, 1976, not exceeding:	27480
(a) Four dollars and fifty cents per patient day if the cost	27481
of construction was five thousand one hundred fifty dollars or	27482
more per bed;	27483
(b) Three dollars and fifty cents per patient day if the cost	27484
of construction was less than five thousand one hundred fifty	27485
dollars per bed, but exceeds three thousand five hundred dollars	27486
per bed;	27487
(c) Two dollars and fifty cents per patient day if the cost	27488
of construction was three thousand five hundred dollars or less	27489
per bed.	27490
(4) For facilities with dates of licensure after December 31,	27491
1975, but prior to January 1, 1979, not exceeding:	27492
(a) Five dollars and fifty cents per patient day if the cost	27493
of construction was six thousand eight hundred dollars or more per	27494
bed;	27495
(b) Four dollars and fifty cents per patient day if the cost	27496
of construction was less than six thousand eight hundred dollars	27497
per bed but exceeds five thousand one hundred fifty dollars per	27498
bed;	27499
(c) Three dollars and fifty cents per patient day if the cost	27500
of construction was five thousand one hundred fifty dollars or	27501
less per bed, but exceeds three thousand five hundred dollars per	27502
bed;	27503
(d) Two dollars and fifty cents per patient day if the cost	27504
of construction was three thousand five hundred dollars or less	27505
per bed.	27506

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(5) For facilities with dates of licensure after December 31, 1978, but prior to January 1, 1980, not exceeding:	27507 27508
(a) Six dollars per patient day if the cost of construction was seven thousand six hundred twenty-five dollars or more per bed;	27509 27510 27511
(b) Five dollars and fifty cents per patient day if the cost of construction was less than seven thousand six hundred twenty-five dollars per bed but exceeds six thousand eight hundred dollars per bed;	27512 27513 27514 27515
(c) Four dollars and fifty cents per patient day if the cost of construction was six thousand eight hundred dollars or less per bed but exceeds five thousand one hundred fifty dollars per bed;	27516 27517 27518
(d) Three dollars and fifty cents per patient day if the cost of construction was five thousand one hundred fifty dollars or less but exceeds three thousand five hundred dollars per bed;	27519 27520 27521
(e) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	27522 27523 27524
(6) For facilities with dates of licensure after December 31, 1979, but prior to January 1, 1981, not exceeding:	27525 27526
(a) Twelve dollars per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	27527 27528 27529
(b) Six dollars per patient day if the beds were originally licensed as nursing home beds by the department of health.	27530 27531
(7) For facilities with dates of licensure after December 31, 1980, but prior to January 1, 1982, not exceeding:	27532 27533
(a) Twelve dollars per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	27534 27535 27536

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(b) Six dollars and forty-five cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	27537 27538 27539
(8) For facilities with dates of licensure after December 31, 1981, but prior to January 1, 1983, not exceeding:	27540 27541
(a) Twelve dollars per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	27542 27543 27544
(b) Six dollars and seventy-nine cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	27545 27546 27547
(9) For facilities with dates of licensure after December 31, 1982, but prior to January 1, 1984, not exceeding:	27548 27549
(a) Twelve dollars per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	27550 27551 27552
(b) Seven dollars and nine cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	27553 27554 27555
(10) For facilities with dates of licensure after December 31, 1983, but prior to January 1, 1985, not exceeding:	27556 27557
(a) Twelve dollars and twenty-four cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	27558 27559 27560 27561
(b) Seven dollars and twenty-three cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	27562 27563 27564
(11) For facilities with dates of licensure after December 31, 1984, but prior to January 1, 1986, not exceeding:	27565 27566

(a) Twelve dollars and fifty-three cents per patient day if	27567
the beds were originally licensed as residential facility beds by	27568
the department of mental retardation and developmental	27569
disabilities;	27570
(b) Seven dollars and forty cents per patient day if the beds	27571
were originally licensed as nursing home beds by the department of	27572
health.	27573
(12) For facilities with dates of licensure after December	27574
31, 1985, but prior to January 1, 1987, not exceeding:	27575
(a) Twelve dollars and seventy cents per patient day if the	27576
beds were originally licensed as residential facility beds by the	27577
department of mental retardation and developmental disabilities;	27578
(b) Seven dollars and fifty cents per patient day if the beds	27579
were originally licensed as nursing home beds by the department of	27580
health.	27581
(13) For facilities with dates of licensure after December	27582
31, 1986, but prior to January 1, 1988, not exceeding:	27583
(a) Twelve dollars and ninety-nine cents per patient day if	27584
the beds were originally licensed as residential facility beds by	27585
the department of mental retardation and developmental	27586
disabilities;	27587
(b) Seven dollars and sixty-seven cents per patient day if	27588
the beds were originally licensed as nursing home beds by the	27589
department of health.	27590
(14) For facilities with dates of licensure after December	27591
31, 1987, but prior to January 1, 1989, not exceeding thirteen	27592
dollars and twenty-six cents per patient day;	27593
(15) For facilities with dates of licensure after December	27594
31, 1988, but prior to January 1, 1990, not exceeding thirteen	27595
dollars and forty-six cents per patient day;	27596

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(16) For facilities with dates of licensure after December 31, 1989, but prior to January 1, 1991, not exceeding thirteen dollars and sixty cents per patient day;	27597 27598 27599
(17) For facilities with dates of licensure after December 31, 1990, but prior to January 1, 1992, not exceeding thirteen dollars and forty-nine cents per patient day;	27600 27601 27602
(18) For facilities with dates of licensure after December 31, 1991, but prior to January 1, 1993, not exceeding thirteen dollars and sixty-seven cents per patient day;	27603 27604 27605
(19) For facilities with dates of licensure after December 31, 1992, not exceeding fourteen dollars and twenty-eight cents per patient day.	27606 27607 27608
(D) Beginning January 1, 1981, regardless of the original date of licensure, the department of job and family services shall pay a rate for the per diem capitalized costs of renovations to intermediate care facilities for the mentally retarded made after January 1, 1981, not exceeding six dollars per patient day using 1980 as the base year and adjusting the amount annually until June 30, 1993, for fluctuations in construction costs calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift. The payment provided for in this division is the only payment that shall be made for the capitalized costs of a nonextensive renovation of an intermediate care facility for the mentally retarded. Nonextensive renovation costs shall not be included in cost of ownership, and a nonextensive renovation shall not affect the date of licensure for purposes of division (C) of this section. This division applies to nonextensive renovations regardless of whether they are made by an owner or a lessee. If the tenancy of a lessee that has made renovations ends before the depreciation expense for the renovation costs has been fully reported, the former lessee shall not report the undepreciated	27609 27610 27611 27612 27613 27614 27615 27616 27617 27618 27619 27620 27621 27622 27623 27624 27625 27626 27627 27628

balance as an expense. 27629

For a nonextensive renovation to qualify for payment under 27630
this division, both of the following conditions must be met: 27631

(1) At least five years have elapsed since the date of 27632
licensure or date of an extensive renovation of the portion of the 27633
facility that is proposed to be renovated, except that this 27634
condition does not apply if the renovation is necessary to meet 27635
the requirements of federal, state, or local statutes, ordinances, 27636
rules, or policies. 27637

(2) The provider has obtained prior approval from the 27638
department of job and family services. The provider shall submit a 27639
plan that describes in detail the changes in capital assets to be 27640
accomplished by means of the renovation and the timetable for 27641
completing the project. The time for completion of the project 27642
shall be no more than eighteen months after the renovation begins. 27643
The director of job and family services shall adopt rules in 27644
accordance with Chapter 119. of the Revised Code that specify 27645
criteria and procedures for prior approval of renovation projects. 27646
No provider shall separate a project with the intent to evade the 27647
characterization of the project as a renovation or as an extensive 27648
renovation. No provider shall increase the scope of a project 27649
after it is approved by the department of job and family services 27650
unless the increase in scope is approved by the department. 27651

(E) The amounts specified in divisions (C) and (D) of this 27652
section shall be adjusted beginning July 1, 1993, for the 27653
estimated inflation for the twelve-month period beginning on the 27654
first day of July of the calendar year preceding the calendar year 27655
that precedes the fiscal year for which rate will be paid and 27656
ending on the thirtieth day of the following June, using the 27657
consumer price index for shelter costs for all urban consumers for 27658
the north central region, as published by the United States bureau 27659
of labor statistics. 27660

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(F)(1) For facilities of eight or fewer beds that have dates of licensure or have been granted project authorization by the department of mental retardation and developmental disabilities before July 1, 1993, and for facilities of eight or fewer beds that have dates of licensure or have been granted project authorization after that date if the facilities demonstrate that they made substantial commitments of funds on or before that date, cost of ownership shall not exceed eighteen dollars and thirty cents per resident per day. The eighteen-dollar and thirty-cent amount shall be increased by the change in the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift, during the period beginning June 30, 1990, and ending July 1, 1993, and by the change in the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics, annually thereafter.

(2) For facilities with eight or fewer beds that have dates of licensure or have been granted project authorization by the department of mental retardation and developmental disabilities on or after July 1, 1993, for which substantial commitments of funds were not made before that date, cost of ownership payments shall not exceed the applicable amount calculated under division (F)(1) of this section, if the department of job and family services gives prior approval for construction of the facility. If the department does not give prior approval, cost of ownership payments shall not exceed the amount specified in division (C) of this section.

(3) Notwithstanding divisions (D) and (F)(1) and (2) of this section, the total payment for cost of ownership, cost of ownership efficiency incentive, and capitalized costs of renovations for an intermediate care facility for the mentally retarded with eight or fewer beds shall not exceed the sum of the

limitations specified in divisions (C) and (D) of this section. 27693

(G) Notwithstanding any provision of this section or section 27694
5111.24 of the Revised Code, the director of job and family 27695
services may adopt rules in accordance with Chapter 119. of the 27696
Revised Code that provide for a calculation of a combined maximum 27697
payment limit for indirect care costs and cost of ownership for 27698
intermediate care facilities for the mentally retarded with eight 27699
or fewer beds. 27700

~~(H) After June 30, 1980, the owner of an intermediate care 27701
facility for the mentally retarded operating under a provider 27702
agreement shall provide written notice to the department of job 27703
and family services at least forty-five days prior to entering 27704
into any contract of sale for the facility or voluntarily 27705
terminating participation in the medical assistance program. After 27706
the date on which a transaction of sale of an intermediate care 27707
facility for the mentally retarded is closed, the owner of the 27708
facility shall refund to the department the amount of excess 27709
depreciation paid to the facility by the department for each year 27710
the owner has operated the facility under a provider agreement and 27711
prorated according to the number of medicaid patient days for 27712
which the facility has received payment. If an intermediate care 27713
facility for the mentally retarded is sold after five or fewer 27714
years of operation under a provider agreement, the refund to the 27715
department shall be equal to the excess depreciation paid to the 27716
facility. If an intermediate care facility for the mentally 27717
retarded is sold after more than five years but less than ten 27718
years of operation under a provider agreement, the refund to the 27719
department shall equal the excess depreciation paid to the 27720
facility multiplied by twenty per cent, multiplied by the number 27721
of years less than ten that a facility was operated under a 27722
provider agreement. If an intermediate care facility for the 27723
mentally retarded is sold after ten or more years of operation 27724~~

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under a provider agreement, the owner shall not refund any excess 27725
depreciation to the department. For the purposes of this division, 27726
"depreciation paid to the facility" means the amount paid to the 27727
intermediate care facility for the mentally retarded for cost of 27728
ownership pursuant to this section less any amount paid for 27729
interest costs. For the purposes of this division, "excess 27730
depreciation" is the intermediate care facility for the mentally 27731
retarded's depreciated basis, which is the owner's cost less 27732
accumulated depreciation, subtracted from the purchase price but 27733
not exceeding the amount of depreciation paid to the facility. 27734

~~A cost report shall be filed with the department within 27735
ninety days after the date on which the transaction of sale is 27736
closed or participation is voluntarily terminated for an 27737
intermediate care facility for the mentally retarded subject to 27738
this division. The report shall show the accumulated depreciation, 27739
the sales price, and other information required by the department. 27740
The amount of the last two monthly payments to an intermediate 27741
care facility for the mentally retarded made pursuant to division 27742
(A)(1) of section 5111.22 of the Revised Code before a sale or 27743
voluntary termination of participation shall be held in escrow by 27744
a bank, trust company, or savings and loan association, except 27745
that if the amount the owner will be required to refund under this 27746
section is likely to be less than the amount of the last two 27747
monthly payments, the department shall take one of the following 27748
actions instead of withholding the amount of the last two monthly 27749
payments:~~ 27750

~~(1) In the case of an owner that owns other facilities that 27751
participate in the medical assistance program, obtain a promissory 27752
note in an amount sufficient to cover the amount likely to be 27753
refunded;~~ 27754

~~(2) In the case of all other owners, withhold the amount of 27755
the last monthly payment to the intermediate care facility for the 27756~~

~~mentally retarded.~~

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~~The department shall, within ninety days following the filing of the cost report, audit the report and issue an audit report to the owner. The department also may audit any other cost reports for the facility that have been filed during the previous three years. In the audit report, the department shall state its findings and the amount of any money owed to the department by the intermediate care facility for the mentally retarded. The findings shall be subject to an adjudication conducted in accordance with Chapter 119. of the Revised Code. No later than fifteen days after the owner agrees to a settlement, any funds held in escrow less any amounts due to the department shall be released to the owner and amounts due to the department shall be paid to the department. If the amounts in escrow are less than the amounts due to the department, the balance shall be paid to the department within fifteen days after the owner agrees to a settlement. If the department does not issue its audit report within the ninety-day period, the department shall release any money held in escrow to the owner. For the purposes of this section, a transfer of corporate stock, the merger of one corporation into another, or a consolidation does not constitute a sale.~~

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~~If an intermediate care facility for the mentally retarded is not sold or its participation is not terminated after notice is provided to the department under this division, the department shall order any payments held in escrow released to the facility upon receiving written notice from the owner that there will be no sale or termination of participation. After written notice is received from an intermediate care facility for the mentally retarded that a sale or termination of participation will not take place, the facility shall provide notice to the department at least forty-five days prior to entering into any contract of sale~~

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~~or terminating participation at any future time.~~ 27789

(I) The department of job and family services shall pay each 27790
eligible proprietary intermediate care facility for the mentally 27791
retarded a return on the facility's net equity computed at the 27792
rate of one and one-half times the average of interest rates on 27793
special issues of public debt obligations issued to the federal 27794
hospital insurance trust fund for the cost reporting period. No 27795
facility's return on net equity paid under this division shall 27796
exceed one dollar per patient day. 27797

In calculating the rate for return on net equity, the 27798
department shall use the greater of the facility's inpatient days 27799
during the applicable cost reporting period or the number of 27800
inpatient days the facility would have had during that period if 27801
its occupancy rate had been ninety-five per cent. 27802

(J)(1) Except as provided in division (J)(2) of this section, 27803
if a provider leases or transfers an interest in a facility to 27804
another provider who is a related party, the related party's 27805
allowable cost of ownership shall include the lesser of the 27806
following: 27807

(a) The annual lease expense or actual cost of ownership, 27808
whichever is applicable; 27809

(b) The reasonable cost to the lessor or provider making the 27810
transfer. 27811

(2) If a provider leases or transfers an interest in a 27812
facility to another provider who is a related party, regardless of 27813
the date of the lease or transfer, the related party's allowable 27814
cost of ownership shall include the annual lease expense or actual 27815
cost of ownership, whichever is applicable, subject to the 27816
limitations specified in divisions (B) to (I) of this section, if 27817
all of the following conditions are met: 27818

(a) The related party is a relative of owner; 27819

(b) In the case of a lease, if the lessor retains any ownership interest, it is, except as provided in division (J)(2)(d)(ii) of this section, in only the real property and any improvements on the real property;

(c) In the case of a transfer, the provider making the transfer retains, except as provided in division (J)(2)(d)(iv) of this section, no ownership interest in the facility;

(d) The department of job and family services determines that the lease or transfer is an arm's length transaction pursuant to rules the department shall adopt in accordance with Chapter 119. of the Revised Code no later than December 31, 2000. The rules shall provide that a lease or transfer is an arm's length transaction if all of the following, as applicable, apply:

(i) In the case of a lease, once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (J)(2)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a lessor.

(ii) In the case of a lease, the lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility as if the lease never occurred when the department calculates its reimbursement rates for capital costs.

(iii) In the case of a transfer, once the transfer goes into effect, the provider that made the transfer has no direct or indirect interest in the provider that acquires the facility or the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but

excluding interest as a creditor. 27851

(iv) In the case of a transfer, the provider that made the 27852
transfer does not reacquire an interest in the facility except 27853
through the exercise of a creditor's rights in the event of a 27854
default. If the provider reacquires an interest in the facility in 27855
this manner, the department shall treat the facility as if the 27856
transfer never occurred when the department calculates its 27857
reimbursement rates for capital costs. 27858

(v) The lease or transfer satisfies any other criteria 27859
specified in the rules. 27860

(e) Except in the case of hardship caused by a catastrophic 27861
event, as determined by the department, or in the case of a lessor 27862
or provider making the transfer who is at least sixty-five years 27863
of age, not less than twenty years have elapsed since, for the 27864
same facility, allowable cost of ownership was determined most 27865
recently under this division. 27866

Sec. 5111.255. (A) The department of job and family services 27867
shall establish initial rates for a nursing facility or 27868
intermediate care facility for the mentally retarded with a first 27869
date of licensure that is on or after January 1, 1993, including a 27870
facility that replaces one or more existing facilities, or for a 27871
nursing facility or intermediate care facility for the mentally 27872
retarded with a first date of licensure before that date that was 27873
initially certified for the medical assistance program on or after 27874
that date, in the following manner: 27875

(1) The rate for direct care costs shall be determined as 27876
follows: 27877

(a) If there are no cost or resident assessment data as 27878
necessary to calculate a rate under section 5111.23 of the Revised 27879
Code, the rate shall be the median cost per case-mix unit 27880

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calculated under division (B)(1) of that section for the relevant
peer group for the calendar year preceding the fiscal year in
which the rate will be paid, multiplied by the median annual
average case-mix score for the peer group for that period and by
the rate of inflation estimated under division (B)(5) of that
section. This rate shall be recalculated to reflect the facility's
actual quarterly average case-mix score, in accordance with that
section, after it submits its first quarterly assessment
information that qualifies for use in calculating a case-mix score
in accordance with rules adopted under division ~~(D)~~(E) of section
5111.231 of the Revised Code. In recalculating a nursing
facility's rate for services provided on or after July 1, 2001,
the department shall use the nursing facility's actual quarterly
average case-mix score for each resident who is a medicaid
recipient. In recalculating an intermediate care facility for the
mentally retarded's rate, the department shall use the facility's
actual quarterly average case-mix score for each resident,
regardless of payment source. If the facility's a nursing facility
or intermediate care facility for the mentally retarded's first
two quarterly submissions do not contain assessment information
that qualifies for use in calculating a case-mix score, the
department shall continue to calculate the rate using the median
annual case-mix score for the peer group in lieu of an assigned
quarterly case-mix score. The department shall assign a case-mix
score or, if necessary, a cost per case-mix unit under division
~~(C)~~(D) of section 5111.231 of the Revised Code for any subsequent
submissions that do not contain assessment information that
qualifies for use in calculating a case-mix score.

(b) If the facility is a replacement facility and the
facility or facilities that are being replaced are in operation
immediately before the replacement facility opens, the rate shall
be the same as the rate for the replaced facility or facilities,

proportionate to the number of beds in each replaced facility. If 27913
one or more of the replaced facilities is not in operation 27914
immediately before the replacement facility opens, its proportion 27915
shall be determined under division (A)(1)(a) of this section. 27916

(2) The rate for other protected costs shall be one hundred 27917
fifteen per cent of the median rate for the applicable type of 27918
facility calculated for the fiscal year under section 5111.235 of 27919
the Revised Code. 27920

(3) The rate for indirect care costs shall be the applicable 27921
maximum rate for the facility's peer group as specified in 27922
division (B) of section 5111.24 or division (B) of section 27923
5111.241 of the Revised Code. 27924

(4) The rate for capital costs for nursing facility services 27925
provided on or after July 1, 2001, shall be determined under 27926
section 5111.25 of the Revised Code using licensed bed days 27927
available. 27928

(5) The rate for capital costs for intermediate care facility 27929
services for the mentally retarded shall be determined under 27930
section ~~5111.25~~ or 5111.251 of the Revised Code using the greater 27931
of actual inpatient days or an imputed occupancy rate of eighty 27932
per cent. 27933

(B) The department shall adjust the rates established under 27934
division (A) of this section at both of the following times: 27935

(1) Effective the first day of July, to reflect new rate 27936
calculations for all facilities under sections 5111.23 to 5111.25 27937
and 5111.251 of the Revised Code; 27938

(2) Following the facility's submission of its cost report 27939
under division (A)(1)(b) of section 5111.26 of the Revised Code. 27940

The department shall pay the rate adjusted based on the cost 27941
report beginning the first day of the calendar quarter that begins 27942

more than ninety days after the department receives the cost report. 27943
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Sec. 5111.28. (A) If a provider properly amends its cost report under section 5111.27 of the Revised Code and the amended report shows that the provider received a lower rate under the original cost report than it was entitled to receive, the department shall adjust the provider's rate prospectively to reflect the corrected information. The department shall pay the adjusted rate beginning two months after the first day of the month after the provider files the amended cost report. If the department finds, from an exception review of resident assessment information conducted after the effective date of the rate for direct care costs that is based on the assessment information, that inaccurate assessment information resulted in the provider receiving a lower rate than it was entitled to receive, the department prospectively shall adjust the provider's rate accordingly and shall make payments using the adjusted rate for the remainder of the calendar quarter for which the assessment information is used to determine the rate, beginning one month after the first day of the month after the exception review is completed. 27945
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(B) If the provider properly amends its cost report under section 5111.27 of the Revised Code, the department makes a finding based on an audit under that section, or the department makes a finding based on an exception review of resident assessment information conducted under that section after the effective date of the rate for direct care costs that is based on the assessment information, any of which results in a determination that the provider has received a higher rate than it was entitled to receive, the department shall recalculate the provider's rate using the revised information. The department shall apply the recalculated rate to the periods when the provider 27964
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received the incorrect rate to determine the amount of the 27975
overpayment. The provider shall refund the amount of the 27976
overpayment. 27977

In addition to requiring a refund under this division, the 27978
department may charge the provider interest at the applicable rate 27979
specified in this division from the time the overpayment was made. 27980

(1) If the overpayment resulted from costs reported for 27981
calendar year 1993, the interest shall be no greater than one and 27982
one-half times the average bank prime rate. 27983

(2) If the overpayment resulted from costs reported for 27984
subsequent calendar years: 27985

(a) The interest shall be no greater than two times the 27986
average bank prime rate if the overpayment was equal to or less 27987
than one per cent of the total medicaid payments to the provider 27988
for the fiscal year for which the incorrect information was used 27989
to establish a rate. 27990

(b) The interest shall be no greater than two and one-half 27991
times the current average bank prime rate if the overpayment was 27992
greater than one per cent of the total medicaid payments to the 27993
provider for the fiscal year for which the incorrect information 27994
was used to establish a rate. 27995

~~(3) The department shall determine the average bank prime 27996
rate using statistical release H.15, "selected interest rates," a 27997
weekly publication of the federal reserve board, or any successor 27998
publication. If statistical release H.15, or its successor, ceases 27999
to contain the bank prime rate information or ceases to be 28000
published, the department shall request a written statement of the 28001
average bank prime rate from the federal reserve bank of Cleveland 28002
or the federal reserve board. 28003~~

(C) The department also may impose the following penalties: 28004

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(1) If a provider does not furnish invoices or other documentation that the department requests during an audit within sixty days after the request, no more than the greater of one thousand dollars per audit or twenty-five per cent of the cumulative amount by which the costs for which documentation was not furnished increased the total medicaid payments to the provider during the fiscal year for which the costs were used to establish a rate;

(2) If an ~~owner~~ operator fails to provide notice of ~~sale of the facility or voluntary termination of participation in the medical assistance program, as~~ closure in the time required by section 5111.25 or 5111.251 3721.19 or 5123.195 of the Revised Code, or to provide notice of change of operator under section 5111.34 of the Revised Code in the time provided in division (A) of section 5111.341 of the Revised Code, no more than two per cent of the last the current average bank prime rate plus four per cent of two monthly month's average payments to the operator under the medical assistance program.

(D) If the provider continues to participate in the medical assistance program, the department shall deduct any amount that the provider is required to refund under this section, and the amount of any interest charged or penalty imposed under this section, from the next available payment from the department to the provider. The department and the provider may enter into an agreement under which the amount, together with interest, is deducted in installments from payments from the department to the provider. If the provider does not continue to participate in the medical assistance program, the department shall deduct any amount that the provider is required to refund under this section, and the amount of any interest charged or penalty imposed under this section, from the amount withheld under division (A) of section 5111.348 of the Revised Code and any security provided to the

department under that section. 28037

(E) The department shall transmit refunds and penalties to 28038
the treasurer of state for deposit in the general revenue fund. 28039

(F) For the purpose of this section, the department shall 28040
determine the average bank prime rate using statistical release 28041
H.15, "selected interest rates," a weekly publication of the 28042
federal reserve board, or any successor publication. If 28043
statistical release H.15, or its successor, ceases to contain the 28044
bank prime rate information or ceases to be published, the 28045
department shall request a written statement of the average bank 28046
prime rate from the federal reserve bank of Cleveland or the 28047
federal reserve board. 28048

Sec. 5111.29. (A) The director of job and family services 28049
shall adopt rules in accordance with Chapter 119. of the Revised 28050
Code that establish a process under which a nursing facility or 28051
intermediate care facility for the mentally retarded, or a group 28052
or association of facilities, may seek reconsideration of rates 28053
established under sections 5111.23 to 5111.28 of the Revised Code, 28054
including a rate for direct care costs recalculated before the 28055
effective date of the rate as a result of an exception review of 28056
resident assessment information conducted under section 5111.27 of 28057
the Revised Code. 28058

(1) Except as provided in divisions (A)(2) to (4) of this 28059
section, the only issue that a facility, group, or association may 28060
raise in the rate reconsideration shall be whether the rate was 28061
calculated in accordance with sections 5111.23 to 5111.28 of the 28062
Revised Code and the rules adopted under those sections. The rules 28063
shall permit a facility, group, or association to submit written 28064
arguments or other materials that support its position. The rules 28065
shall specify time frames within which the facility, group, or 28066
association and the department must act. If the department 28067

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determines, as a result of the rate reconsideration, that the rate
established for one or more facilities is less than the rate to
which it is entitled, the department shall increase the rate. If
the department has paid the incorrect rate for a period of time,
the department shall pay the facility the difference between the
amount it was paid for that period and the amount it should have
been paid.

(2) The rules shall provide that during a fiscal year, the
department, by means of the rate reconsideration process, may
increase a facility's rate as calculated under sections 5111.23 to
5111.28 of the Revised Code if the facility demonstrates that its
actual, allowable costs have increased because of extreme
circumstances. A facility may qualify for a rate increase only if
its per diem, actual, allowable costs have increased to a level
that exceeds its total rate, including any efficiency incentive
and return on equity payment. The rules shall specify the
circumstances that would justify a rate increase under division
(A)(2) of this section. The In the case of nursing facilities, the
rules shall provide that the extreme circumstances include
increased security costs for an inner-city nursing facility and do
not include either of the following: an increase in workers'
compensation experience rating or a change of operator that
results from bankruptcy, foreclosure, or findings of violations of
certification requirements by the department of health. In the
case of intermediate care facilities for the mentally retarded,
the rules shall provide that the extreme circumstances include,
but are not limited to, renovations approved under division (D) of
section 5111.251 of the Revised Code, an increase in workers'
compensation experience rating of greater than five per cent for a
facility that has an appropriate claims management program,
increased security costs for an inner-city facility, and a change
of ~~ownership~~ operator that results from bankruptcy, foreclosure,

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or findings of violations of certification requirements by the 28100
department of health. An increase under division (A)(2) of this 28101
section is subject to any rate limitations or maximum rates 28102
established by sections 5111.23 to 5111.28 of the Revised Code for 28103
specific cost centers. Any rate increase granted under division 28104
(A)(2) of this section shall take effect on the first day of the 28105
first month after the department receives the request. 28106

(3) The rules shall provide that the department, through the 28107
rate reconsideration process, may increase a facility's rate as 28108
calculated under sections 5111.23 to 5111.28 of the Revised Code 28109
if the department, in its sole discretion, determines that the 28110
rate as calculated under those sections works an extreme hardship 28111
on the facility. 28112

(4) The rules shall provide that when beds certified for the 28113
medical assistance program are added to an existing facility, 28114
replaced at the same site, or subject to a change of ~~ownership or~~ 28115
~~lease operator~~, the department, through the rate reconsideration 28116
process, shall increase the facility's rate for capital costs 28117
proportionately, as limited by any applicable limitation under 28118
section 5111.25 or 5111.251 of the Revised Code, to account for 28119
the costs of the beds that are added, replaced, or subject to a 28120
change of ~~ownership or lease operator~~. The department shall make 28121
this increase one month after the first day of the month after the 28122
department receives sufficient documentation of the costs. Any 28123
rate increase granted under division (A)(4) of this section after 28124
June 30, 1993, shall remain in effect until the effective date of 28125
a rate calculated under section 5111.25 or 5111.251 of the Revised 28126
Code that includes costs incurred for a full calendar year for the 28127
bed addition, bed replacement, or change of ~~ownership or lease~~ 28128
~~operator~~. The facility shall report double accumulated 28129
depreciation in an amount equal to the depreciation included in 28130
the rate adjustment on its cost report for the first year of 28131

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operation. During the term of any loan used to finance a project 28132
for which a rate adjustment is granted under division (A)(4) of 28133
this section, if the facility is operated by the same provider, 28134
the facility shall subtract from the interest costs it reports on 28135
its cost report an amount equal to the difference between the 28136
following: 28137

(a) The actual, allowable interest costs for the loan during 28138
the calendar year for which the costs are being reported; 28139

(b) The actual, allowable interest costs attributable to the 28140
loan that were used to calculate the rates paid to the facility 28141
during the same calendar year. 28142

(5) The department's decision at the conclusion of the 28143
reconsideration process shall not be subject to any administrative 28144
proceedings under Chapter 119. or any other provision of the 28145
Revised Code. 28146

(B) Any audit disallowance that the department makes as the 28147
result of an audit under section 5111.27 of the Revised Code, any 28148
adverse finding that results from an exception review of resident 28149
assessment information conducted under that section after the 28150
effective date of the facility's rate that is based on the 28151
assessment information, and any penalty the department imposes 28152
under division (C) of section 5111.28 of the Revised Code shall be 28153
subject to an adjudication conducted in accordance with Chapter 28154
119. of the Revised Code. 28155

Sec. 5111.34. (A) Before a change of operator occurs, the 28156
exiting operator and entering operator shall each provide the 28157
department of job and family services written notice of the intent 28158
that the change of operator to occur. 28159

(B) The exiting operator shall provide all of the following 28160
in the written notice to the department: 28161

<u>(1) The name of the exiting operator and, if any, exiting operator's authorized agent;</u>	28162
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<u>(2) The name of the nursing facility or intermediate care facility for the mentally retarded to undergo the change of operator;</u>	28164
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<u>(3) The exiting operator's medical assistance provider agreement number;</u>	28167
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<u>(4) The name of the entering operator;</u>	28169
<u>(5) The proposed date that the change of operator is to occur;</u>	28170
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<u>(6) The manner in which the entering operator is to become the facility's operator, including through sale, lease, merger, or other action;</u>	28172
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<u>(7) If the manner in which the entering operator is to become the facility's operator involves more than one step, a description of each step;</u>	28175
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<u>(8) The signature of the exiting operator's representative.</u>	28178
<u>(C) The entering operator shall include an application for a provider agreement with the written notice to the department. The entering operator shall attach to the application the following:</u>	28179
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<u>(1) If the entering operator provides the written notice to the department prior to the date the exiting operator and entering operator complete the transaction for the change of operator, all the proposed leases, management agreements, and sales contracts relating to the facility's change of operator, as applicable to the change of operator;</u>	28183
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<u>(2) If the entering operator provides the written notice to the department on or after the date the exiting operator and entering operator complete the transaction for the change of</u>	28189
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operator, copies of all the actual leases, management agreements, 28192
and sales contracts and supporting documents, relating to the 28193
facility's change of operator. 28194

Sec. 5111.341. The department of job and family services may 28195
enter into a provider agreement with an entering operator that 28196
goes into effect at 12:01 a.m. on the date the change of operator 28197
occurs if all of the following requirements are met: 28198

(A) The exiting operator and entering operator comply with 28199
section 5111.34 of the Revised Code as follows: 28200

(1) At least forty-five days before the change of operator is 28201
to occur if the change of operator does not entail the relocation 28202
of residents; 28203

(2) At least ninety days before the change of operator is to 28204
occur if the change of operator entails the relocation of 28205
residents. 28206

(B) The entering operator furnishes to the department copies 28207
of all the fully executed leases, management agreements, and sales 28208
contracts and supporting documents relating to the nursing 28209
facility or intermediate care facility for the mentally retarded's 28210
change of operator not later than ten days after the change of 28211
operator occurs; 28212

(C) The entering operator is eligible for medicaid payments 28213
as provided in section 5111.21 of the Revised Code. 28214

Sec. 5111.342. (A) The department of job and family services 28215
may enter into a provider agreement with an entering operator that 28216
goes into effect at 12:01 a.m. on the date determined under 28217
division (B) of this section if all of the following are the case: 28218

(1) The exiting operator and entering operator comply with 28219
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<u>section 5111.34 of the Revised Code;</u>	28221
<u>(2) The entering operator furnishes to the department copies</u>	28222
<u>of all the fully executed leases, management agreements, and sales</u>	28223
<u>contracts and supporting documents relating to the nursing</u>	28224
<u>facility or intermediate care facility for the mentally retarded's</u>	28225
<u>change of operator;</u>	28226
<u>(3) The requirement of division (A)(1) of this section is met</u>	28227
<u>after the time provided in division (A) of section 5111.341 of the</u>	28228
<u>Revised Code or the requirement of division (A)(2) of this section</u>	28229
<u>is met after the time provided in division (B) of section 5111.341</u>	28230
<u>of the Revised Code, or both;</u>	28231
<u>(4) The entering operator is eligible for medicaid payments</u>	28232
<u>as provided in section 5111.21 of the Revised Code.</u>	28233
<u>(B) The department shall determine the date a provider</u>	28234
<u>agreement entered into under this section is to go into effect as</u>	28235
<u>follows:</u>	28236
<u>(1) The effective date shall give the department sufficient</u>	28237
<u>time to process the change of operator, assure no duplicate</u>	28238
<u>payments are made, make the withholding required by section</u>	28239
<u>5111.348 of the Revised Code, and withhold the final payment to</u>	28240
<u>the exiting operator until ninety days after the exiting operator</u>	28241
<u>submits to the department a properly completed cost report under</u>	28242
<u>section 5111.349 of the Revised Code.</u>	28243
<u>(2) The effective date shall be no earlier than the date by</u>	28244
<u>which the exiting operator and entering operator have complied</u>	28245
<u>with section 5111.34 of the Revised Code and no later than the</u>	28246
<u>following after that date:</u>	28247
<u>(a) Forty-five days if the change of operator does not entail</u>	28248
<u>the relocation of residents;</u>	28249
<u>(b) Ninety days if the change of operator entails the</u>	28250

<u>relocation of residents.</u>	28251
<u>Sec. 5111.343. A provider agreement that the department of</u>	28252
<u>job and family services enters into with an entering operator</u>	28253
<u>under section 5111.341 or 5111.342 of the Revised Code shall</u>	28254
<u>satisfy all of the following requirements:</u>	28255
<u>(A) Comply with all applicable federal statutes and</u>	28256
<u>regulations;</u>	28257
<u>(B) Comply with section 5111.22 of the Revised Code and all</u>	28258
<u>other applicable state statutes and rules;</u>	28259
<u>(C) Include all the terms and conditions of the exiting</u>	28260
<u>operator's provider agreement, including, but not limited to, all</u>	28261
<u>of the following:</u>	28262
<u>(1) Any plan of correction;</u>	28263
<u>(2) Compliance with health and safety standards;</u>	28264
<u>(3) Compliance with the ownership and financial interest</u>	28265
<u>disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3;</u>	28266
<u>(4) Compliance with the civil rights requirements of 45</u>	28267
<u>C.F.R. parts 80, 84, and 90;</u>	28268
<u>(5) Compliance with additional requirements imposed by the</u>	28269
<u>department;</u>	28270
<u>(6) Any sanctions relating to remedies for violation of the</u>	28271
<u>provider agreement, including deficiencies, compliance periods,</u>	28272
<u>accountability periods, monetary penalties, notification for</u>	28273
<u>correction of contract violations, and history of deficiencies.</u>	28274
<u>(D) Require the entering operator to assume the exiting</u>	28275
<u>operator's remaining debt to the department that the department is</u>	28276
<u>unable to collect from the exiting operator;</u>	28277
<u>(E) Have a different provider number than the exiting</u>	28278

operator's provider agreement.

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Sec. 5111.344. The department of job and family services may enter into a provider agreement as provided in section 5111.22 of the Revised Code, rather than section 5111.341 or 5111.342 of the Revised Code, if the entering operator does not agree to a provider agreement that satisfies the requirement of division (D) of section 5111.343 of the Revised Code. The department may not enter into the provider agreement unless the department of health recertifies the nursing facility or intermediate care facility for the mentally retarded under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended. The effective date of the provider agreement shall not precede the date of the facility's recertification.

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Sec. 5111.345. For purposes of the medicaid program, an exiting operator shall be considered to be the operator of a nursing facility or intermediate care facility for the mentally retarded until the effective date of the entering operator's provider agreement. The department of job and family services is not responsible for payments made to the exiting operator before the effective date of the entering operator's provider agreement. No rate adjustment resulting from the change of operator shall be effective before the effective date of the entering operator's provider agreement.

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Sec. 5111.346. Neither of the following shall effect the department of job and family services' determination of whether or when a change of operator occurs, a payment under the medicaid program to an exiting operator or entering operator, or the effective date of an entering operator's provider agreement under section 5111.341 or 5111.342 of the Revised Code:

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(A) The department of health's determination that a change of

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operator has or has not occurred for purposes of certification 28309
under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 28310
42 U.S.C.A. 1396, as amended, or licensure under Chapter 3107. of 28311
the Revised Code; 28312

(B) The department of mental retardation and developmental 28313
disabilities' determination that a change of operator has or has 28314
not occurred for purposes of licensure under section 5123.19 of 28315
the Revised Code. 28316

Sec. 5111.347. On receipt of a written notice under section 28317
5111.34 of the Revised Code of an intended change of operator or 28318
written notice under section 3721.19 or 5123.195 of the Revised 28319
Code of an intended facility closure, the department of job and 28320
family services shall determine the amount of any overpayments 28321
made under the medicaid program to the exiting operator, including 28322
overpayments the exiting operator disputes, and other actual and 28323
potential debts the exiting operator owes or may owe to the 28324
department under the medicaid program. The department shall 28325
determine the amount of any overpayments by settlement or final 28326
rate recalculation. If a settlement is unavailable for any period 28327
before the effective date of the entering operator's provider 28328
agreement or the date of the facility closure, the department 28329
shall make a reasonable estimate of any overpayment for the 28330
period. The department shall base the reasonable estimate on 28331
settlements from prior periods, available audit findings, the 28332
projected impact of prospective rates, and other information 28333
available to the department. In determining the exiting operator's 28334
other actual and potential debts to the department under the 28335
medicaid program, the department shall include all of the 28336
following: 28337

(A) Refunds due the department under division (G) of section 28338
5111.25 of the Revised Code or division (H) of section 5111.251 of 28339

<u>the Revised Code for excess depreciation;</u>	28340
<u>(B) Interest owed to the department;</u>	28341
<u>(C) Final civil monetary and other penalties for which all</u> <u>right of appeal has been exhausted;</u>	28342 28343
<u>(D) Third-party liabilities;</u>	28344
<u>(E) Money owed the department from a final rate recalculation</u> <u>for the last fiscal year or portion thereof in which the exiting</u> <u>operator participated in the medicaid program;</u>	28345 28346 28347
<u>(F) A billings and claims reconciliation.</u>	28348
<u>Sec. 5111.348. (A) Notwithstanding division (D) of section</u> <u>5111.27 of the Revised Code, the department of job and family</u> <u>services shall withhold the greater of the following from payment</u> <u>due an exiting operator under the medicaid program:</u>	28349 28350 28351 28352
<u>(1) The total amount, as determined under section 5111.347 of</u> <u>the Revised Code, of any overpayments made under the medicaid</u> <u>program to the exiting operator, including overpayments the</u> <u>exiting operator disputes, and other actual and potential debts</u> <u>the exiting operator owes or may owe to the department under the</u> <u>medicaid program;</u>	28353 28354 28355 28356 28357 28358
<u>(2) The average monthly payment made under the medicaid</u> <u>program to the exiting operator in the twelve months before the</u> <u>change of operator or facility closure occurs.</u>	28359 28360 28361
<u>(B) The department may transfer the amount withheld under</u> <u>division (A) of this section to an escrow account with a bank,</u> <u>trust company, or savings and loan association.</u>	28362 28363 28364
<u>(C) If payment due an exiting operator under the medicaid</u> <u>program is less than the amount the department is required to</u> <u>withhold under division (A) of this section, the department may</u> <u>require that the exiting operator provide the difference in the</u>	28365 28366 28367 28368

form of a security. 28369

(D) The department shall release to the exiting operator the 28370
actual amount withheld under division (A) of this section if the 28371
exiting operator does both of the following: 28372

(1) Files a complete and adequate cost report in accordance 28373
with section 5111.349 of the Revised Code; 28374

(2) Provides the department a security in the amount the 28375
department is required to withhold under division (A) of this 28376
section, less any of that amount provided to the department in the 28377
form of a security under division (C) of this section. 28378

(E) Security provided to the department under division (C) or 28379
(D) of this section shall be in either or both of the following 28380
forms: 28381

(1) In the case of a change of operator, the entering 28382
operator's nontransferable, unconditional, written agreement to 28383
pay the department any debt the exiting operator owes the 28384
department under the medicaid program; 28385

(2) A form of collateral or security acceptable to the 28386
department that satisfies both of the following conditions: 28387

(a) Is at least equal to the amount the department is 28388
required to withhold under division (A) of this section, less any 28389
amounts the department has received through actual withholding or 28390
one or more other forms of security under this division; 28391

(b) Is payable to the department if the exiting operator 28392
fails to pay any debt owed the department under the medicaid 28393
program within fifteen days of receiving the department's written 28394
demand for payment of the debt. 28395

Sec. 5111.349. Not later than ninety days after the effective 28396
date of an entering operator's provider agreement or the date of a 28397

facility closure, the exiting operator shall file with the 28398
department of job and family services a cost report for the period 28399
that begins with the day after the last day covered by the 28400
operator's most recent previous cost report required by section 28401
5111.26 of the Revised Code and ends on the effective date of the 28402
entering operator's provider agreement or the date of the facility 28403
closure. The cost report shall include, as applicable, all of the 28404
following: 28405

(A) The nursing facility or intermediate care facility for 28406
the mentally retarded's accumulated depreciation and sales price; 28407

(B) A list of assets transferred to the entering operator; 28408

(C) Any other information the department requires. 28409

Sec. 5111.3410. If an exiting operator fails to file a cost 28410
report with the department of job and family services in 28411
accordance with section 5111.349 of the Revised Code, all payments 28412
under the medicaid program for the period the cost report covers 28413
are deemed overpayments until the date the department receives the 28414
complete and adequate cost report. After notice and opportunity 28415
for a hearing in accordance with Chapter 119. of the Revised Code, 28416
the department may impose on the exiting operator a penalty of one 28417
hundred dollars for each calendar day the complete and adequate 28418
cost report is late. 28419

Sec. 5111.3411. The department of job and family services may 28420
not provide an exiting operator final payment under the medicaid 28421
program until the department receives all complete and adequate 28422
cost reports the exiting operator must file under sections 5111.26 28423
and 5111.349 of the Revised Code. 28424

Sec. 5111.3412. The department of job and family services 28425

shall determine the actual amount of all final debts an exiting operator owes the department under the medicaid program by completing all audits not already completed and performing all other appropriation actions the department determines to be necessary. The department shall issue a report on this matter. The report shall include the department's findings and the amount of all final debts the exiting operator owes the department under the medicaid program. The report is subject to an appeal in accordance with Chapter 119. of the Revised Code. 28426
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Sec. 5111.3413. The department of job and family services shall release the actual amount withheld under division (A) of section 5111.348 of the Revised Code, and any security provided to the department under that section, less any amount the exiting operator owes the department under the medicaid program, as follows: 28435
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(A) Ninety-one days after the date the exiting operator files a complete and adequate cost report required by section 5111.349 of the Revised Code unless the department, within ninety days of that date, completes the report under section 5111.3412 of the Revised Code; 28441
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(B) If the department completes the report within the ninety days, no later than fifteen days after the exiting operator agrees to a final settlement resulting from the report. 28446
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Sec. 5111.3414. If the actual amount the department of job and family services withholds from an exiting operator under division (A) of section 5111.348 of the Revised Code, and any security provided to the department under that section, is inadequate to pay the exiting operator's debt to the department under the medicaid program or the department is required to release the withholdings and security under section 5111.3413 of 28449
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the Revised Code before the department is paid the exiting operator's debt, the department shall collect the debt as follows: 28456
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(A) From the exiting operator; 28458

(B) If the department is unable to collect the entire debt from the exiting operator and the entering operator entered into a provider agreement under section 5111.341 or 5111.342 of the Revised Code, from the entering operator. The department may collect the remaining debt by withholding the amount due from payments to the entering operator under the medicaid program. The department may enter into an agreement with the entering operator under which the entering operator pays the remaining debt, with applicable interest, in installments from withholdings from the entering operator's payments under the medicaid program. 28459
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Sec. 5111.3415. If transactions leading to a change of operator are canceled or postponed for more than ninety days after the proposed date reported in the written notice required by section 5111.34 of the Revised Code, or a facility closure does not occur as reported in written notice required by section 3721.19 or 5123.145 of the Revised Code, the department of job and family services shall release the amount withheld under division (A) of section 5111.348 of the Revised Code, and any security provided to the department under that section, on receipt of written notice from the exiting operator of the cancellation or postponement. After the department receives a written notice regarding a cancellation or postponement of a change of operator, the exiting operator and entering operator shall provide new written notice to the department under section 5111.34 of the Revised Code regarding any transactions leading to a change of operator at a future time. After the department receives a written notice regarding a cancellation or postponement of a facility closure, the exiting operator shall provide new written notice to 28469
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the department under section 3721.19 or 5123.145 of the Revised Code regarding any transactions leading to a facility closure at a future time. The department, at its sole discretion, may release the amount withheld under division (A) of section 5111.348 of the Revised Code, and any security provided to the department under that section, if transactions for a change of operator or facility closure are postponed for at least thirty days but less than ninety days beyond the originally proposed date for the change of operator or facility closure.

Sec. 5111.58. (A) If a nursing facility notifies the department of job and family services or a contracting agency, at any time during the six-month period following the exit interview of a survey that was the basis for citing a deficiency or deficiencies, that the deficiency or deficiencies have been substantially corrected in accordance with the plan of correction submitted and approved under section 5111.43 of the Revised Code, the department of health shall conduct a follow-up survey to determine whether the deficiency or deficiencies have been substantially corrected in accordance with the plan.

(B) The department of job and family services or a contracting agency shall terminate a nursing facility's participation in the medical assistance program whenever the facility has not substantially corrected, within six months after the exit interview of the survey on the basis of which it was cited, a deficiency or deficiencies in accordance with the plan of correction submitted under section 5111.43 of the Revised Code, as determined by the department of health on the basis of a follow-up survey.

(C) Unless the facility has substantially corrected the deficiency or deficiencies in accordance with the plan of correction, as determined by the department of health on the basis

of a follow-up survey, the department of job and family services 28518
or contracting agency shall deliver to the facility, at least 28519
thirty days prior to the day that is six months after the exit 28520
interview, a written order terminating the facility's 28521
participation in the medical assistance program. The order shall 28522
take effect and the facility's participation shall terminate on 28523
the day that is six months after the exit interview. The order 28524
shall not take effect if, after it is delivered to the facility 28525
and prior to the effective date of the order, the department of 28526
health determines on the basis of a follow-up survey that the 28527
facility has corrected the deficiency or deficiencies. 28528

An order issued under this section is subject to appeal under 28529
Chapter 119. of the Revised Code; however, the order may take 28530
effect prior to or during the pendency of any hearing under that 28531
chapter. In that case, the department of job and family services 28532
or contracting agency shall provide the facility an opportunity 28533
for a hearing in accordance with section 5111.60 of the Revised 28534
Code. 28535

(D) Except as provided in division (E) of this section, 28536
whenever the department of job and family services or a 28537
contracting agency terminates a facility's participation in the 28538
medical assistance program pursuant to this section, the provider 28539
shall repay the department the federal share of all payments made 28540
by the department to the facility under the medical assistance 28541
program during the six-month period following the exit interview 28542
of the survey that was the basis for citing the deficiency or 28543
cluster of deficiencies. The provider shall repay the department 28544
within thirty days after the department repays to the federal 28545
government the federal share of payments made to the facility 28546
during that six-month period. 28547

(E) A provider is not required to repay the department of job 28548
and family services if either of the following is the case: 28549

(1) The facility has brought an appeal under Chapter 119. of 28550
the Revised Code of termination of its participation in the 28551
medical assistance program, except that the provider shall repay 28552
the department of job and family services within thirty days after 28553
the facility exhausts its right to appeal under that chapter. 28554

(2) The facility complied with the plan of correction 28555
approved by the department of health and the obligation to repay 28556
resulted from the department's failure to provide timely 28557
verification to the United States department of health and human 28558
services of the facility's compliance with the plan of correction. 28559

(F) If a provider's obligation to repay the department of job 28560
and family services under division (D) of this section results 28561
from disallowance of federal financial participation by the United 28562
States department of health and human services, the provider shall 28563
not be required to repay the department of job and family services 28564
until the federal disallowance becomes final. 28565

(G) Any fines paid under sections 5111.35 to 5111.62 of the 28566
Revised Code during any period for which the facility is required 28567
to repay the department of job and family services under division 28568
(D) of this section shall be offset against the amount the 28569
provider is required to repay the department for that period. 28570

(H) Prior to a change of ownership operator of a facility for 28571
which a provider has an obligation to repay the department of job 28572
and family services under division (D) of this section that has 28573
not become final, or has become final but not been paid, the 28574
department may do one or more of the following: 28575

(1) Require the provider to place money in escrow, or obtain 28576
a bond, in sufficient amount to indemnify the state against the 28577
provider's failure to repay the department after the change of 28578
ownership operator occurs; 28579

(2) Place a lien on the facility's real property; 28580

(3) Use any method to recover the payments that is available 28581
to the attorney general to recover payments on behalf of the 28582
department of job and family services. 28583

Sec. 5111.63. (A) As used in this section and in section 28584
5111.64 of the Revised Code: 28585

(1) "Facility" means a facility, or part of a facility, 28586
certified as a nursing facility or skilled nursing facility under 28587
Title XVIII or Title XIX of the "Social Security Act," 49 Stat. 28588
286 (1965), 42 U.S.C. 1395 and 1396, as amended. "Facility" does 28589
not include an intermediate care facility for the mentally 28590
retarded, as defined in section 5111.20 of the Revised Code. 28591

(2) "Transfer or discharge" means the movement of resident to 28592
a bed outside of the facility in which the resident resides, 28593
regardless of whether the bed is in the same physical plant. 28594
"Transfer or discharge" does not include the movement of a 28595
resident to a different bed in the same facility. 28596

(3) "Physician" means an individual authorized under Chapter 28597
4731. of the Revised Code to practice medicine and surgery or 28598
osteopathic medicine and surgery. 28599

(4) "Resident" means a resident of a facility who is one of 28600
the following: 28601

(a) A recipient of medicaid under section 5111.01 of the 28602
Revised Code; 28603

(b) A beneficiary under Title XVIII of the "Social Security 28604
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 28605

(B) The administrator of a facility may transfer or discharge 28606
a resident from the facility only under the following 28607
circumstances: 28608

(1) The welfare and needs of the resident cannot be met in 28609

<u>the facility;</u>	28610
<u>(2) The resident's health has improved sufficiently so that</u>	28611
<u>the resident no longer needs the services provided by the</u>	28612
<u>facility;</u>	28613
<u>(3) The safety of individuals in the facility is endangered;</u>	28614
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<u>(4) The health of individuals in the facility would otherwise</u>	28616
<u>be endangered;</u>	28617
<u>(5) The resident has failed, after reasonable and appropriate</u>	28618
<u>notice, to pay for a stay at the facility, regardless of the</u>	28619
<u>method of payment;</u>	28620
<u>(6) The facility ceases to operate;</u>	28621
<u>(7) The reason specified in division (C)(1) or (2) of section</u>	28622
<u>3721.16 of the Revised Code.</u>	28623
<u>In the case of a transfer or discharge described in division</u>	28624
<u>(B)(1), (2), (3), (4), or (5) of this section, the transfer or</u>	28625
<u>discharge shall be documented in the resident's medical record. In</u>	28626
<u>the case of a transfer or discharge described in division (B)(1)</u>	28627
<u>or (2) of this section, the documentation shall be made by the</u>	28628
<u>resident's physician. In the case of a transfer or discharge</u>	28629
<u>described in division (B)(4) of this section, the documentation</u>	28630
<u>shall be made by a physician. In the case of a transfer or</u>	28631
<u>discharge described in division (B)(5) of this section of a</u>	28632
<u>resident who becomes eligible for the medicaid program after</u>	28633
<u>admission to the facility, the facility may assess a resident only</u>	28634
<u>those charges that are allowed under the medicaid program.</u>	28635
<u>(C) The administrator of a facility proposing to transfer or</u>	28636
<u>discharge a resident as described in division (B) of this section</u>	28637
<u>shall notify in writing the resident and the resident's sponsor or</u>	28638
<u>legal representative of the proposed transfer or discharge. The</u>	28639

notice shall be made in accordance with 42 C.F.R. 483.12, as 28640
amended. On the date notice is provided to a resident, the 28641
administrator shall forward a copy of the notice to the legal 28642
services office of the department of job and family services. 28643

Not later than ninety days after the date a resident receives 28644
notice of a proposed transfer or discharge, the resident may 28645
request a hearing before the department of job and family services 28646
under the hearing procedure described in section 5111.64 of the 28647
Revised Code. A facility shall permit a resident who requests a 28648
hearing not later than ten days after the date the resident 28649
receives the notice to remain in the facility pending the order of 28650
the hearing officer. 28651

Sec. 5111.64. (A) The department of job and family services 28652
shall establish and administer a hearing procedure for a resident 28653
of a facility to appeal a proposed transfer or discharge from a 28654
facility. The department may contract with the department of 28655
health to establish and administer the hearing procedure. If the 28656
department of job and family services contracts with the 28657
department of health, the department of health shall have the same 28658
authority under this section as the department of job and family 28659
services. 28660

(B) The hearing procedure shall provide for all of the 28661
following: 28662

(1) The hearing to be conducted by a hearing officer who 28663
shall be an employee of the department of job and family services 28664
or a hearing examiner who is under contract with the department; 28665

(2) The hearing to be tape-recorded; 28666

(3) The hearing officer to issue an order based on the facts 28667
presented at the hearing not later than ninety days after receipt 28668
of the request for hearing; 28669

(4) Notice of the contents of the order to be provided to the resident and the administrator of the facility. 28670
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(C) The order of a hearing officer described in division (B) of this section is final and not subject to appeal. 28672
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(D) If the department of job and family services finds that a facility is in violation of an order of a hearing officer, the department may apply to the court of common pleas of Franklin county or the county in which a facility is located for an order enjoining the violation or other appropriate relief to prohibit the violation. If the court finds that the facility is in violation of the order, the court shall grant an injunction, restraining order, or other appropriate relief. The court may award payment of reasonable attorney's fees by the facility. 28674
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(E) The department of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 28683
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Sec. 5111.85. (A) As used in this section, "medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under section 1115 or 1915 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1315 or 1396n. "Medicaid waiver component" does not include a managed care system established under section 5111.17 of the Revised Code. 28686
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(B) The director of job and family services may adopt rules under Chapter 119. of the Revised Code governing medicaid waiver components that establish all of the following: 28693
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(1) Eligibility requirements for the medicaid waiver components; 28696
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(2) The type, amount, duration, and scope of services the medicaid waiver components provide; 28698
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<u>(3) The conditions under which the medicaid waiver components cover services;</u>	28700 28701
<u>(4) The amount the medicaid waiver components pay for services or the method by which the amount is determined;</u>	28702 28703
<u>(5) The manner in which the medicaid waiver components pay for services;</u>	28704 28705
<u>(6) Safeguards for the health and welfare of medicaid recipients receiving services under a medicaid waiver component;</u>	28706 28707
<u>(7) Procedures for enforcing the rules, including establishing corrective action plans for, and imposing financial and administrative sanctions on, persons and government entities that violate the rules. The procedures shall include due process protections.</u>	28708 28709 28710 28711 28712
<u>(8) Other policies necessary for the efficient administration of the medicaid waiver components.</u>	28713 28714
<u>(C) The director of job and family services may adopt different rules for the different medicaid waiver components. The rules shall be consistent with the terms of the waiver authorizing the medicaid waiver component.</u>	28715 28716 28717 28718
<u>(D) The director of job and family services may conduct reviews of the medicaid waiver components. The reviews may include physical inspections of records and sites where services are provided under the medicaid waiver components and interviews of providers and recipients of the services. If the director determines pursuant to a review that a person or government entity has violated a rule governing a medicaid waiver component, the director may do the following:</u>	28719 28720 28721 28722 28723 28724 28725 28726
<u>(1) If the violator is a county family services agency, take action under section 5101.24 of the Revised Code;</u>	28727 28728
<u>(2) If the violator is not a county family services agency,</u>	28729

establish a corrective action plan for the violator and impose 28730
fiscal, administrative, or both types of sanctions on the violator 28731
in accordance with rules adopted under division (B) of this 28732
section. 28733

Sec. 5111.86. The department of job and family services may 28734
enter into interagency agreements with one or more other state 28735
agencies to have the state agency administer one or more 28736
components of the medicaid program, or one or more aspects of a 28737
component, under the department's supervision. A state agency that 28738
enters into such an interagency agreement shall comply with any 28739
rules the director of job and family services has adopted 28740
governing the component, or aspect of the component, that the 28741
state agency is to administer, including any rules establishing 28742
review, audit, and corrective action plan requirements. 28743

A state agency that enters into an interagency agreement with 28744
the department under this section shall reimburse the department 28745
for the nonfederal share of the cost to the department of 28746
performing, or contracting for the performance of, a fiscal audit 28747
of the component of the medicaid program, or aspect of the 28748
component, that the state agency administers if rules governing 28749
the component, or aspect of the component, require that a fiscal 28750
audit be conducted. 28751

There is hereby created in the state treasury the medicaid 28752
administrative reimbursement fund. The department shall use money 28753
in the fund to pay for the nonfederal share of the cost of a 28754
fiscal audit for which a state agency is required by this section 28755
to reimburse the department. The department shall deposit the 28756
reimbursements into the fund. 28757

Sec. 5111.87. As used in this section and section 5111.871 of 28758
the Revised Code, "intermediate care facility for the mentally 28759

retarded" has the same meaning as in section 5111.20 of the 28760
Revised Code. 28761

The director of job and family services may apply to the 28762
United States secretary of health and human services for one or 28763
more medicaid waivers under which home or community-based services 28764
are provided to individuals with mental retardation or other 28765
developmental disability as an alternative to placement in an 28766
intermediate care facility for the mentally retarded. 28767

Sec. ~~5111.87~~ 5111.871. The department of job and family 28768
services shall enter into an interagency agreement with the 28769
department of mental retardation and developmental disabilities 28770
under section 5111.86 of the Revised Code with regard to the 28771
component of the medicaid program established by the department of 28772
job and family services under ~~a waiver~~ one or more waivers from 28773
the United States secretary of health and human services pursuant 28774
to section 1915 of the "Social Security Act," 49 Stat. 620 (1935), 28775
42 U.S.C.A. 1396n, as amended, to provide eligible ~~medical~~ 28776
~~assistance~~ medicaid recipients with home or community-based 28777
services as an alternative to placement in an intermediate care 28778
facility for the mentally retarded ~~as defined in section 5111.20~~ 28779
~~of the Revised Code.~~ The agreement shall provide for the 28780
department of mental retardation and developmental disabilities to 28781
administer the ~~program~~ component in accordance with the terms of 28782
the waiver. The ~~departments~~ directors of job and family services 28783
and mental retardation and developmental disabilities shall adopt 28784
rules in accordance with Chapter 119. of the Revised Code 28785
governing the ~~program~~ component. 28786

If the department of mental retardation and developmental 28787
disabilities or the department of job and family services denies 28788
an individual's application for home or community-based services 28789
provided under this medicaid component, the department that made 28790

the denial shall timely notify the individual that the individual may request a hearing under section 5101.35 of the Revised Code. 28791
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The departments of mental retardation and developmental disabilities and job and family services may approve, reduce, deny, or terminate a service included in the individualized service plan developed for a medicaid recipient eligible for home or community-based services provided under this medicaid component. The departments shall consider the recommendations a county board of mental retardation and developmental disabilities makes under division (A)(1)(c) of section 5126.055 of the Revised Code. If either department reduces, denies, or terminates a service, that department shall timely notify the medicaid recipient that the recipient may request a hearing under section 5101.35 of the Revised Code. 28793
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Sec. 5111.872. When the department of mental retardation and developmental disabilities allocates enrollment numbers to a county board of mental retardation and developmental disabilities for home or community-based services provided under the component of the medicaid program that the department administers under section 5111.871 of the Revised Code, the department shall consider all of the following: 28805
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(A) The number of individuals with mental retardation or other developmental disability who are on a waiting list the county board establishes under division (C) of section 5126.042 of the Revised Code for those services; 28812
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(B) The implementation component required by division (A)(3) of section 5126.054 of the Revised Code of the county board's plan approved under section 5123.046 of the Revised Code; 28816
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(C) Anything else the department considers appropriate. 28819

Sec. 5111.873. (A) Not later than the effective date of the 28820

first of any medicaid waivers the United States secretary of 28821
health and human services grants pursuant to a request made under 28822
section 5111.87 of the Revised Code, the director of job and 28823
family services shall adopt rules in accordance with Chapter 119. 28824
of the Revised Code establishing statewide fee schedules for home 28825
or community-based services provided under the component of the 28826
medicaid program that the department of mental retardation and 28827
developmental disabilities administers under section 5111.871 of 28828
the Revised Code. The rules shall provide for all of the 28829
following: 28830

(1) The department of mental retardation and developmental 28831
disabilities arranging for the initial and ongoing collection of 28832
cost information from a comprehensive, statistically valid sample 28833
of persons and government entities providing the services at the 28834
time the information is obtained; 28835

(2) The collection of consumer-specific information through 28836
an assessment instrument the department of mental retardation and 28837
developmental disabilities shall develop; 28838

(3) With the information collected pursuant to divisions 28839
(A)(1) and (2) of this section, an analysis of that information, 28840
and other information the director determines relevant, methods 28841
and standards for calculating the fee schedules that do all of the 28842
following: 28843

(a) Assure that the fees are consistent with efficiency, 28844
economy, and quality of care; 28845

(b) Consider the intensity of consumer resource need; 28846

(c) Recognize variations in different geographic areas 28847
regarding the resources necessary to assure the health and welfare 28848
of consumers; 28849

(d) Recognize variations in environmental supports available 28850
to consumers. 28851

(B) As part of the process of adopting rules under this section, the director shall consult with the director of mental retardation and developmental disabilities, representatives of county boards of mental retardation and developmental disabilities, persons who provide the home or community-based services, and other persons and government entities the director identifies. 28852
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(C) The directors of job and family services and mental retardation and developmental disabilities shall review the rules adopted under this section at times they determine to ensure that the methods and standards established by the rules for calculating the fee schedules continue to do everything that division (A)(3) of this section requires. 28859
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Sec. 5119.01. The director of mental health is the chief executive and administrative officer of the department of mental health. The director may establish procedures for the governance of the department, conduct of its employees and officers, performance of its business, and custody, use, and preservation of departmental records, papers, books, documents, and property. Whenever the Revised Code imposes a duty upon or requires an action of the department or any of its institutions, the director shall perform the action or duty in the name of the department, except that the medical director appointed pursuant to section 5119.07 of the Revised Code shall be responsible for decisions relating to medical diagnosis, treatment, rehabilitation, quality assurance, and the clinical aspects of the following: licensure of hospitals and residential facilities, research, community mental health plans, and delivery of mental health services. 28865
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The director shall: 28880

(A) Adopt rules for the proper execution of the powers and duties of the department with respect to the institutions under 28881
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As Reported by the House Finance and Appropriations Committee

its control, and require the performance of additional duties by 28883
the officers of the institutions as necessary to fully meet the 28884
requirements, intents, and purposes of this chapter. In case of an 28885
apparent conflict between the powers conferred upon any managing 28886
officer and those conferred by such sections upon the department, 28887
the presumption shall be conclusive in favor of the department. 28888

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(B) Adopt rules for the nonpartisan management of the 28890
institutions under the department's control. An officer or 28891
employee of the department or any officer or employee of any 28892
institution under its control who, by solicitation or otherwise, 28893
exerts influence directly or indirectly to induce any other 28894
officer or employee of the department or any of its institutions 28895
to adopt the exerting officer's or employee's political views or 28896
to favor any particular person, issue, or candidate for office 28897
shall be removed from the exerting officer's or employee's office 28898
or position, by the department in case of an officer or employee, 28899
and by the governor in case of the director. 28900

(C) Appoint such employees, including the medical director, 28901
as are necessary for the efficient conduct of the department, and 28902
prescribe their titles and duties; 28903

(D) Prescribe the forms of affidavits, applications, medical 28904
certificates, orders of hospitalization and release, and all other 28905
forms, reports, and records that are required in the 28906
hospitalization or admission and release of all persons to the 28907
institutions under the control of the department, or are otherwise 28908
required under this chapter or Chapter 5122. of the Revised Code; 28909

(E) Contract with hospitals licensed by the department under 28910
section 5119.20 of the Revised Code for the care and treatment of 28911
mentally ill patients, or with persons, organizations, or agencies 28912
for the custody, supervision, care, or treatment of mentally ill 28913
persons receiving services elsewhere than within the enclosure of 28914

a hospital operated under section 5119.02 of the Revised Code; 28915

(F) Exercise the powers and perform the duties relating to 28916
community mental health facilities and services that are assigned 28917
to the director under this chapter and Chapter 340. of the Revised 28918
Code; 28919

(G) Adopt rules under Chapter 119. of the Revised Code for 28920
the establishment of minimum standards, including standards for 28921
use of seclusion and restraint, of mental health services that are 28922
not inconsistent with nationally recognized applicable standards 28923
and that facilitate participation in federal assistance programs+. 28924
For purposes of certifying a community mental health program, 28925
agency, or facility under division (M) of section 5119.61 of the 28926
Revised Code and conducting reviews, evaluations, and audits under 28927
division (A)(3) of section 340.03 of the Revised Code, the rules 28928
shall establish minimum standards that the program, agency, or 28929
facility must meet in the prevention of inappropriate service 28930
delivery. Initial rules regarding the prevention of inappropriate 28931
service delivery shall be adopted not later than ninety days after 28932
the effective date of this amendment. 28933

(H) Develop and implement clinical evaluation and monitoring 28934
of services that are operated by the department; 28935

(I) At the director's discretion, adopt rules establishing 28936
standards for the adequacy of services provided by community 28937
mental health facilities, and certify the compliance of such 28938
facilities ~~with the standards for the purpose of authorizing their~~ 28939
~~participation in the health care plans of health insuring~~ 28940
~~corporations under Chapter 1751. and sickness and accident~~ 28941
~~insurance policies issued under Chapter 3923. of the Revised Code;~~ 28942

(J) Adopt rules establishing standards for the performance of 28943
evaluations by a forensic center or other psychiatric program or 28944
facility of the mental condition of defendants ordered by the 28945

court under section 2919.271, or 2945.371 of the Revised Code, and 28946
for the treatment of defendants who have been found incompetent to 28947
stand trial and ordered by the court under section 2945.38, 28948
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 28949
treatment in facilities; 28950

(K) On behalf of the department, have the authority and 28951
responsibility for entering into contracts and other agreements; 28952

(L) Prepare and publish regularly a state mental health plan 28953
that describes the department's philosophy, current activities, 28954
and long-term and short-term goals and activities; 28955

(M) Adopt rules in accordance with Chapter 119. of the 28956
Revised Code specifying the supplemental services that may be 28957
provided through a trust authorized by section 1339.51 of the 28958
Revised Code; 28959

(N) Adopt rules in accordance with Chapter 119. of the 28960
Revised Code establishing standards for the maintenance and 28961
distribution to a beneficiary of assets of a trust authorized by 28962
section 1339.51 of the Revised Code; 28963

(O) As used in division (I) of this section: 28964

(1) "Community mental health facility" means a facility that 28965
provides community mental health services and is included in the 28966
community mental health plan for the alcohol, drug addiction, and 28967
mental health service district in which it is located. 28968

(2) "Community mental health service" means services, other 28969
than inpatient services, provided by a community mental health 28970
facility. 28971

Sec. 5119.06. (A) The department of mental health shall: 28972

(1) Establish and support a program at the state level to 28973
promote a community support system in accordance with section 28974

340.03 of the Revised Code to be available for every alcohol, drug
addiction, and mental health service district. The department
shall define the essential elements of a community support system,
shall assist in identifying resources and coordinating the
planning, evaluation, and delivery of services to facilitate the
access of mentally ill people to public services at federal,
state, and local levels, and shall operate inpatient and other
mental health services pursuant to the approved community mental
health plan.

(2) Provide training, consultation, and technical assistance
regarding mental health programs and services and appropriate
prevention and mental health promotion activities, including those
that are culturally sensitive, to employees of the department,
community mental health agencies and boards, and other agencies
providing mental health services;

(3) Promote and support a full range of mental health
services that are available and accessible to all residents of
this state, especially for severely mentally disabled children,
adolescents, and adults, and other special target populations,
including racial and ethnic minorities, as determined by the
department.

(4) Design and set criteria for the determination of severe
mental disability;

(5) Establish ~~criteria~~ standards for evaluation of mental
health programs;

(6) Promote, direct, conduct, and coordinate scientific
research, taking ethnic and racial differences into consideration
concerning the causes and prevention of mental illness, methods of
providing effective services and treatment, and means of enhancing
the mental health of all residents of this state;

(7) Foster the establishment and availability of vocational

rehabilitation services and the creation of employment	29006
opportunities for consumers of mental health services, including	29007
members of racial and ethnic minorities;	29008
(8) Establish a program to protect and promote the rights, <u>health, and safety</u> of persons receiving mental health services,	29009
including the issuance of guidelines on informed consent and other	29010
rights;	29011
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(9) Establish, in consultation with board of alcohol, drug	29013
addiction, and mental health services representatives and after	29014
consideration of the recommendations of the medical director,	29015
guidelines for the development of community mental health plans	29016
and the review and approval or disapproval of such plans submitted	29017
pursuant to section 340.03 of the Revised Code;	29018
(10) Promote the involvement of persons who are receiving or	29019
have received mental health services, including families and other	29020
persons having a close relationship to a person receiving mental	29021
health services, in the planning, evaluation, delivery, and	29022
operation of mental health services.	29023
(11) Notify and consult with the relevant constituencies that	29024
may be affected by rules, standards, and guidelines issued by the	29025
department of mental health. These constituencies shall include	29026
consumers of mental health services and their families, and may	29027
include public and private providers, employee organizations, and	29028
others when appropriate. Whenever the department proposes the	29029
adoption, amendment, or rescission of rules under Chapter 119. of	29030
the Revised Code, the notification and consultation required by	29031
this division shall occur prior to the commencement of proceedings	29032
under Chapter 119. The department shall adopt rules under Chapter	29033
119. of the Revised Code that establish procedures for the	29034
notification and consultation required by this division.	29035
	29036

(12) In cooperation with board of alcohol, drug addiction, 29037
and mental health services representatives, provide training 29038
regarding the provision of community-based mental health services 29039
to those department employees who are utilized in state-operated, 29040
community-based mental health services; 29041

(13) Provide ~~oversight and~~ consultation to the department of 29042
rehabilitation and correction ~~for~~ concerning the delivery of 29043
mental health services in state correctional institutions; 29044

~~(14) Audit mental health programs in state correctional 29045
institutions operated by the department of rehabilitation and 29046
correction for compliance with standards that have been jointly 29047
developed and promulgated by the department of mental health and 29048
the department of rehabilitation and correction. The standards 29049
shall include monitoring mechanisms to provide for quality of 29050
services in these programs. 29051~~

(B) The department of mental health may negotiate and enter 29052
into agreements with other agencies and institutions, both public 29053
and private, for the joint performance of its duties. 29054

(C) The department shall adopt rules in accordance with 29055
Chapter 119. of the Revised Code as it considers necessary to 29056
administer the program established under division (A)(8) of this 29057
section. Initial rules regarding the health and safety of persons 29058
receiving mental health services shall be adopted not later than 29059
ninety days after the effective date of this amendment. 29060

Sec. 5119.61. Any provision in this chapter that refers to a 29061
board of alcohol, drug addiction, and mental health services also 29062
refers to the community mental health board in an alcohol, drug 29063
addiction, and mental health service district that has a community 29064
mental health board. 29065

The director of mental health with respect to all facilities 29066

and programs established and operated under Chapter 340. of the
Revised Code for mentally ill and emotionally disturbed persons,
shall do all of the following:

(A) Adopt rules pursuant to Chapter 119. of the Revised Code
that may be necessary to carry out the purposes of Chapter 340.
and sections 5119.61 to 5119.63 of the Revised Code.

(1) The rules shall include all of the following:

(a) Rules governing a community mental health agency's
services under section 340.091 of the Revised Code to an
individual referred to the agency under division (C)(2) of section
173.35 of the Revised Code;

(b) For the purpose of division (A)(14) of section 340.03 of
the Revised Code, rules governing the duties of mental health
agencies and boards of alcohol, drug addiction, and mental health
services under section 3722.18 of the Revised Code regarding
referrals of individuals with mental illness or severe mental
disability to adult care facilities and effective arrangements for
ongoing mental health services for the individuals. The rules
shall do at least the following:

(i) Provide for agencies and boards to participate fully in
the procedures owners and managers of adult care facilities must
follow under division (A)(2) of section 3722.18 of the Revised
Code;

(ii) Specify the manner in which boards are accountable for
ensuring that ongoing mental health services are effectively
arranged for individuals with mental illness or severe mental
disability who are referred by the board or mental health agency
under contract with the board to an adult care facility.

(c) Rules governing a board of alcohol, drug addiction, and
mental health services when making a report to the director of
health under section 3722.17 of the Revised Code regarding the

quality of care and services provided by an adult care facility to 29098
a person with mental illness or a severe mental disability. 29099

(2) Rules may be adopted to govern the method of paying a 29100
community mental health facility described in division (B) of 29101
section 5111.022 of the Revised Code for providing services 29102
established by division (A) of that section. Such rules must be 29103
consistent with the contract entered into between the departments 29104
~~of human job and family~~ services and mental health under division 29105
(E) of that section. 29106

(B) Adopt rules requiring each public or private agency 29107
providing mental health services or facilities under a contract 29108
with a board of alcohol, drug addiction, and mental health 29109
services and any program operated by such a board to have a 29110
written policy that addresses the rights of clients including all 29111
of the following: 29112

(1) The right to a copy of the agency's policy of client 29113
rights; 29114

(2) The right at all times to be treated with consideration 29115
and respect for the client's privacy and dignity; 29116

(3) The right to have access to the client's own psychiatric, 29117
medical, or other treatment records unless access is specifically 29118
restricted in the client's treatment plan for clear treatment 29119
reasons; 29120

(4) The right to have a client rights officer provided by the 29121
board or agency advise the client of the client's rights, 29122
including the client's rights under Chapter 5122. of the Revised 29123
Code if the client is committed to the board or agency. 29124

(C) Require each board of alcohol, drug addiction, and mental 29125
health services to ensure that each contract agency establishes 29126
grievance procedures available to all recipients of services or 29127
applicants for services; 29128

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(D) Define minimum standards for qualifications of personnel, 29129
professional services, and mental health professionals as defined 29130
in section 340.02 of the Revised Code; 29131

(E) Review and evaluate, and, taking into account the 29132
findings and recommendations of the board of alcohol, drug 29133
addiction, and mental health services of the district served by 29134
the program and the requirements and priorities of the state 29135
mental health plan, including the needs of residents of the 29136
district now residing in state mental institutions, approve and 29137
allocate funds to support community programs, and make 29138
recommendations for needed improvements to boards of alcohol, drug 29139
addiction, and mental health services; 29140

(F) Withhold state and federal funds for any program, in 29141
whole or in part, from a board of alcohol, drug addiction, and 29142
mental health services in the event of failure of that program to 29143
comply with Chapter 340. or section 5119.61 or 5119.62 of the 29144
Revised Code or rules of the department of mental health. The 29145
director shall identify the areas of noncompliance and the action 29146
necessary to achieve compliance. The director shall offer 29147
technical assistance to the board to achieve compliance. The 29148
director shall give the board a reasonable time within which to 29149
comply or to present its position that it is in compliance. Before 29150
withholding funds, a hearing shall be conducted to determine if 29151
there are continuing violations and that either assistance is 29152
rejected or the board is unable to achieve compliance. Subsequent 29153
to the hearing process, if it is determined that compliance has 29154
not been achieved, the director may allocate all or part of the 29155
withheld funds to a public or private agency to provide the 29156
services not in compliance until the time that there is 29157
compliance. The director shall establish rules pursuant to Chapter 29158
119. of the Revised Code to implement this division. 29159

(G) Withhold state or federal funds from a board of alcohol, 29160

drug addiction, and mental health services that denies available 29161
service on the basis of religion, race, color, creed, sex, 29162
national origin, age, disability as defined in section 4112.01 of 29163
the Revised Code, developmental disability, or the inability to 29164
pay; 29165

(H) Provide consultative services to community mental health 29166
programs with the knowledge and cooperation of the board of 29167
alcohol, drug addiction, and mental health services; 29168

(I) Provide to boards of alcohol, drug addiction, and mental 29169
health services state or federal funds, in addition to those 29170
allocated under section 5119.62 of the Revised Code, for special 29171
programs or projects the director considers necessary but for 29172
which local funds are not available; 29173

(J)(1) Establish criteria by which a board of alcohol, drug 29174
addiction, and mental health services reviews and evaluates the 29175
quality, effectiveness, and efficiency of services provided 29176
through its community mental health plan, including services 29177
described in division (A) of section 5111.022 of the Revised Code 29178
that are provided by community health facilities described in 29179
division (B) of that section. The criteria established for a 29180
board's use in reviewing and evaluating the services provided 29181
through its plan shall include consideration of whether the 29182
providers of mental health services have prevented inappropriate 29183
service delivery. Initial criteria regarding the prevention of 29184
inappropriate service delivery shall be established not later than 29185
ninety days after the effective date of this amendment. The 29186

(2) The department shall assess a board's review and 29187
evaluation of services and the compliance of each board with this 29188
section, Chapter 340. or section 5119.62 of the Revised Code, and 29189
other state or federal law and regulations. The 29190

(3) The department, in cooperation with the board, 29191

periodically shall review and evaluate the quality, effectiveness, 29192
and efficiency of services provided through each board. ~~The~~ 29193

(4) The department shall collect information that is 29194
necessary to perform ~~these the~~ functions specified in divisions 29195
(J)(1) to (3) of this section. 29196

(K) Develop and operate a community mental health information 29197
system. 29198

Boards of alcohol, drug abuse, and mental health services 29199
shall submit information requested by the department in the form 29200
and manner prescribed by the department. Information collected by 29201
the department shall include, but not be limited to, all of the 29202
following: 29203

(1) Information regarding units of services provided in whole 29204
or in part under contract with a board, including diagnosis and 29205
special needs, demographic information, the number of units of 29206
service provided, past treatment, financial status, and service 29207
dates in accordance with rules adopted by the department in 29208
accordance with Chapter 119. of the Revised Code; 29209

(2) Financial information other than price or price-related 29210
data regarding expenditures of boards and community mental health 29211
agencies, including units of service provided, budgeted and actual 29212
expenses by type, and sources of funds. 29213

Boards shall submit the information specified in division 29214
(K)(1) of this section no less frequently than annually for each 29215
client, and each time the client's case is opened or closed. The 29216
department shall not collect any information for the purpose of 29217
identifying by name any person who receives a service through a 29218
board of alcohol, drug addiction, and mental health services, 29219
except as required by state or federal law to validate appropriate 29220
reimbursement. For the purposes of division (K)(1) of this 29221
section, the department shall use an identification system that is 29222

consistent with applicable nationally recognized standards. 29223

(L) Review each board's plan submitted pursuant to section 29224
340.03 of the Revised Code and approve or disapprove it in whole 29225
or in part. Periodically, in consultation with representatives of 29226
boards and after considering the recommendations of the medical 29227
director, the director shall issue criteria for determining when a 29228
plan is complete, criteria for plan approval or disapproval, and 29229
provisions for conditional approval. The factors that the director 29230
considers may include, but are not limited to, the following: 29231
29232

(1) The mental health needs of all persons residing within 29233
the board's service district, especially severely mentally 29234
disabled children, adolescents, and adults; 29235

(2) The demonstrated quality, effectiveness, efficiency, and 29236
cultural relevance of the services provided in each service 29237
district, the extent to which any services are duplicative of 29238
other available services, and whether the services meet the needs 29239
identified above; 29240

(3) The adequacy of the board's accounting for the 29241
expenditure of funds. 29242

If the director disapproves all or part of any plan, the 29243
director shall provide the board an opportunity to present its 29244
position. The director shall inform the board of the reasons for 29245
the disapproval and of the criteria that must be met before the 29246
plan may be approved. The director shall give the board a 29247
reasonable time within which to meet the criteria, and shall offer 29248
technical assistance to the board to help it meet the criteria. 29249

If the approval of a plan remains in dispute thirty days 29250
prior to the conclusion of the fiscal year in which the board's 29251
current plan is scheduled to expire, the board or the director may 29252
request that the dispute be submitted to a mutually agreed upon 29253

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third-party mediator with the cost to be shared by the board and 29254
the department. The mediator shall issue to the board and the 29255
department recommendations for resolution of the dispute. Prior to 29256
the conclusion of the fiscal year in which the current plan is 29257
scheduled to expire, the director, taking into consideration the 29258
recommendations of the mediator, shall make a final determination 29259
and approve or disapprove the plan, in whole or in part. 29260

(M) Visit and evaluate any community mental health program, 29261
agency, or facility, in cooperation with a board of alcohol, drug 29262
addiction, and mental health services, to determine if the 29263
services meet minimum standards pursuant to division (G) of 29264
section 5119.01 of the Revised Code. If the director determines 29265
that the services meet minimum standards, the director shall so 29266
certify. 29267

If the director determines that the services of any program, 29268
agency, or facility that has a contract with a board do not meet 29269
minimum standards, the director shall identify the areas of 29270
noncompliance, specify what action is necessary to meet the 29271
standards, and offer technical assistance to the board so that it 29272
may assist the program, agency, or facility to meet minimum 29273
standards. The director shall give the board a reasonable time 29274
within which to demonstrate that the services meet minimum 29275
standards or to bring the program or facility into compliance with 29276
the standards. If the director concludes that the services 29277
continue to fail to meet minimum standards, the director may 29278
request that the board reallocate the funds for those services to 29279
another program, agency, or facility which meets minimum 29280
standards. If the board does not reallocate those funds in a 29281
reasonable period of time, the director may withhold state and 29282
federal funds for the services and allocate those funds directly 29283
to a public or private agency that meets minimum standards. 29284

Each program, agency, and facility shall pay a fee for the 29285

certification review required by this division. Fees shall be paid 29286
into the sale of goods and services fund created pursuant to 29287
section 5119.161 of the Revised Code. 29288

~~The director shall adopt~~ (N)(1) Adopt rules under Chapter 29289
119. of the Revised Code to implement ~~this~~ division (M) of this 29290
section. The rules shall do all of the following: 29291

~~(1)(a)~~ (a) Establish the process for certification of services of 29292
programs, agencies, or facilities; 29293

~~(2)(b)~~ (b) Set the amount of certification review fees based on a 29294
portion of the cost of performing the review; 29295

~~(3)(c)~~ (c) Specify the type of notice and hearing to be provided 29296
prior to a decision whether to reallocate funds. 29297

(2) For the purpose of increasing the cost-effectiveness of 29298
community mental health services, the department of mental health, 29299
not later than ninety days after the effective date of this 29300
amendment, shall reduce the certification requirements established 29301
in the rules adopted under division (N)(1) of this section. 29302

Sec. 5123.01. As used in this chapter: 29303

(A) "Chief medical officer" means the licensed physician 29304
appointed by the managing officer of an institution for the 29305
mentally retarded with the approval of the director of mental 29306
retardation and developmental disabilities to provide medical 29307
treatment for residents of the institution. 29308

(B) "Chief program director" means a person with special 29309
training and experience in the diagnosis and management of the 29310
mentally retarded, certified according to division (C) of this 29311
section in at least one of the designated fields, and appointed by 29312
the managing officer of an institution for the mentally retarded 29313
with the approval of the director to provide habilitation and care 29314
for residents of the institution. 29315

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(C) "Comprehensive evaluation" means a study, including a sequence of observations and examinations, of a person leading to conclusions and recommendations formulated jointly, with dissenting opinions if any, by a group of persons with special training and experience in the diagnosis and management of persons with mental retardation or a developmental disability, which group shall include individuals who are professionally qualified in the fields of medicine, psychology, and social work, together with such other specialists as the individual case may require.

(D) "Education" means the process of formal training and instruction to facilitate the intellectual and emotional development of residents.

(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining those life skills that enable the resident to cope more effectively with the demands of the resident's own person and of the resident's environment and in raising the level of the resident's physical, mental, social, and vocational efficiency. Habilitation includes but is not limited to programs of formal, structured education and training.

(F) "Habilitation center services" means services provided by a habilitation center certified by the department of mental retardation and developmental disabilities under section 5123.041 of the Revised Code and covered by the medicaid program pursuant to rules adopted under section 5111.041 of the Revised Code.

(G) "Health officer" means any public health physician, public health nurse, or other person authorized or designated by a city or general health district.

~~(G)~~(H) "Home or community-based services" means medicaid-funded home or community-based services provided under a medicaid component the department of mental retardation and

developmental disabilities administers pursuant to section 29347
5111.871 of the Revised Code. 29348

(I) "Indigent person" means a person who is unable, without 29349
substantial financial hardship, to provide for the payment of an 29350
attorney and for other necessary expenses of legal representation, 29351
including expert testimony. 29352

~~(H)~~(J) "Institution" means a public or private facility, or a 29353
part of a public or private facility, that is licensed by the 29354
appropriate state department and is equipped to provide 29355
residential habilitation, care, and treatment for the mentally 29356
retarded. 29357

~~(I)~~(K) "Licensed physician" means a person who holds a valid 29358
certificate issued under Chapter 4731. of the Revised Code 29359
authorizing the person to practice medicine and surgery or 29360
osteopathic medicine and surgery, or a medical officer of the 29361
government of the United States while in the performance of the 29362
officer's official duties. 29363

~~(J)~~(L) "Managing officer" means a person who is appointed by 29364
the director of mental retardation and developmental disabilities 29365
to be in executive control of an institution for the mentally 29366
retarded under the jurisdiction of the department. 29367

~~(K)~~(M) "Medicaid" has the same meaning as in section 5111.01 29368
of the Revised Code. 29369

(N) "Medicaid case management services" means case management 29370
services provided to an individual with mental retardation or 29371
other developmental disability that the state medicaid plan 29372
requires. 29373

(O) "Mentally retarded person" means a person having 29374
significantly subaverage general intellectual functioning existing 29375
concurrently with deficiencies in adaptive behavior, manifested 29376
during the developmental period. 29377

~~(I)~~(P) "Mentally retarded person subject to institutionalization by court order" means a person eighteen years of age or older who is at least moderately mentally retarded and in relation to whom, because of the person's retardation, either of the following conditions exist:

(1) The person represents a very substantial risk of physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's most basic physical needs and that provision for those needs is not available in the community;

(2) The person needs and is susceptible to significant habilitation in an institution.

~~(M)~~(O) "A person who is at least moderately mentally retarded" means a person who is found, following a comprehensive evaluation, to be impaired in adaptive behavior to a moderate degree and to be functioning at the moderate level of intellectual functioning in accordance with standard measurements as recorded in the most current revision of the manual of terminology and classification in mental retardation published by the American association on mental retardation.

~~(N)~~(R) As used in this division, "substantial functional limitation," "developmental delay," and "established risk" have the meanings established pursuant to section 5123.011 of the Revised Code.

"Developmental disability" means a severe, chronic disability that is characterized by all of the following:

(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code.

(2) It is manifested before age twenty-two.

(3) It is likely to continue indefinitely.	29409
(4) It results in one of the following:	29410
(a) In the case of a person under three years of age, at least one developmental delay or an established risk;	29411 29412
(b) In the case of a person at least three years of age but under six years of age, at least two developmental delays or an established risk;	29413 29414 29415
(c) In the case of a person six years of age or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least sixteen years of age, capacity for economic self-sufficiency.	29416 29417 29418 29419 29420 29421 29422
(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.	29423 29424 29425 29426
(O) <u>(S)</u> "Developmentally disabled person" means a person with a developmental disability.	29427 29428
(P) <u>(T)</u> "State institution" means an institution that is tax-supported and under the jurisdiction of the department.	29429 29430
(O) <u>(U)</u> "Residence" and "legal residence" have the same meaning as "legal settlement," which is acquired by residing in Ohio for a period of one year without receiving general assistance prior to July 17, 1995, under former Chapter 5113. of the Revised Code, disability assistance under Chapter 5115. of the Revised Code, or assistance from a private agency that maintains records of assistance given. A person having a legal settlement in the state shall be considered as having legal settlement in the	29431 29432 29433 29434 29435 29436 29437 29438

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assistance area in which the person resides. No adult person 29439
coming into this state and having a spouse or minor children 29440
residing in another state shall obtain a legal settlement in this 29441
state as long as the spouse or minor children are receiving public 29442
assistance, care, or support at the expense of the other state or 29443
its subdivisions. For the purpose of determining the legal 29444
settlement of a person who is living in a public or private 29445
institution or in a home subject to licensing by the department of 29446
job and family services, the department of mental health, or the 29447
department of mental retardation and developmental disabilities, 29448
the residence of the person shall be considered as though the 29449
person were residing in the county in which the person was living 29450
prior to the person's entrance into the institution or home. 29451
Settlement once acquired shall continue until a person has been 29452
continuously absent from Ohio for a period of one year or has 29453
acquired a legal residence in another state. A woman who marries a 29454
man with legal settlement in any county immediately acquires the 29455
settlement of her husband. The legal settlement of a minor is that 29456
of the parents, surviving parent, sole parent, parent who is 29457
designated the residential parent and legal custodian by a court, 29458
other adult having permanent custody awarded by a court, or 29459
guardian of the person of the minor, provided that: 29460

(1) A minor female who marries shall be considered to have 29461
the legal settlement of her husband and, in the case of death of 29462
her husband or divorce, she shall not thereby lose her legal 29463
settlement obtained by the marriage. 29464

(2) A minor male who marries, establishes a home, and who has 29465
resided in this state for one year without receiving general 29466
assistance prior to July 17, 1995, under former Chapter 5113. of 29467
the Revised Code, disability assistance under Chapter 5115. of the 29468
Revised Code, or assistance from a private agency that maintains 29469
records of assistance given shall be considered to have obtained a 29470

legal settlement in this state. 29471

(3) The legal settlement of a child under eighteen years of 29472
age who is in the care or custody of a public or private child 29473
caring agency shall not change if the legal settlement of the 29474
parent changes until after the child has been in the home of the 29475
parent for a period of one year. 29476

No person, adult or minor, may establish a legal settlement 29477
in this state for the purpose of gaining admission to any state 29478
institution. 29479

~~(R)~~(V)(1) "Resident" means, subject to division (R)(2) of 29480
this section, a person who is admitted either voluntarily or 29481
involuntarily to an institution or other facility pursuant to 29482
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 29483
Code subsequent to a finding of not guilty by reason of insanity 29484
or incompetence to stand trial or under this chapter who is under 29485
observation or receiving habilitation and care in an institution. 29486

(2) "Resident" does not include a person admitted to an 29487
institution or other facility under section 2945.39, 2945.40, 29488
2945.401, or 2945.402 of the Revised Code to the extent that the 29489
reference in this chapter to resident, or the context in which the 29490
reference occurs, is in conflict with any provision of sections 29491
2945.37 to 2945.402 of the Revised Code. 29492

~~(S)~~(W) "Respondent" means the person whose detention, 29493
commitment, or continued commitment is being sought in any 29494
proceeding under this chapter. 29495

~~(T)~~(X) "Working day" and "court day" mean Monday, Tuesday, 29496
Wednesday, Thursday, and Friday, except when such day is a legal 29497
holiday. 29498

~~(U)~~(Y) "Prosecutor" means the prosecuting attorney, village 29499
solicitor, city director of law, or similar chief legal officer 29500
who prosecuted a criminal case in which a person was found not 29501

guilty by reason of insanity, who would have had the authority to 29502
prosecute a criminal case against a person if the person had not 29503
been found incompetent to stand trial, or who prosecuted a case in 29504
which a person was found guilty. 29505

~~(V)~~(Z) "Court" means the probate division of the court of 29506
common pleas. 29507

Sec. 5123.041. (A) As used in this section, "habilitation 29508
center" means a habilitation center certified under division (C) 29509
of this section for the provision of that provides habilitation 29510
center services under section 5111.041 of the Revised Code. 29511

(B) The department of mental retardation and developmental 29512
disabilities shall do all of the following pursuant to an 29513
interagency agreement with the department of job and family 29514
services entered into under section 5111.86 of the Revised Code: 29515

(1) Certify habilitation centers that meet the certification 29516
requirements established by rules adopted by the director of job 29517
and family services under section 5111.041 of the Revised Code; 29518

(2) Accept and process medicaid reimbursement claims from 29519
habilitation centers providing habilitation center services to 29520
medicaid recipients under section 5111.041 of the Revised Code; 29521

(3) With medicaid funds provided to the department from the 29522
department of job and family services, pay the medicaid 29523
reimbursement claims accepted and processed under division (B)(2) 29524
of this section; 29525

(4) Perform the other duties included in the interagency 29526
agreement. 29527

(C) The director of mental retardation and developmental 29528
disabilities shall adopt rules in accordance with Chapter 119. of 29529
the Revised Code that do all of the following: 29530

(1) ~~Specify standards~~ Establish procedures for certification 29531

of habilitation centers;	29532
(2) Define habilitation services and programs, other than services provided by the department of education;	29533
(3) Establish the fee that may be assessed under division (D) of this section;	29534
(4)(3) Specify how the department of mental retardation and developmental disabilities will <u>implement and administer the habilitation services program perform its duties under this section.</u>	29535
(C) The director shall certify habilitation centers that meet the standards specified by rules adopted under this section.	29536
(D) The department of mental retardation and developmental disabilities may assess the fee established <u>by rule</u> under division (B)(3)(C)(2) of this section for <u>providing services related to the habilitation services program performing its duties under this section.</u> The fee may be retained from any <u>funds payment</u> the department receives for a habilitation center under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, <u>as amended makes under division (B)(3) of this section.</u>	29537
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<u>Sec. 5123.044. The department of mental retardation and developmental disabilities shall determine whether county boards of mental retardation and developmental disabilities are complying with section 5126.047 of the Revised Code in accordance with a methodology the department shall establish. The department shall provide assistance to an individual with mental retardation or other developmental disability who requests assistance with the individual's right under section 5126.047 of the Revised Code to choose a provider of habilitation, vocational, community employment, residential, or supported living services or if the department is notified of a county board's alleged violation of the individual's right to choose such a provider.</u>	29551
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Sec. 5123.045. (A) No person or government entity shall 29563
receive payment for providing home or community-based services 29564
unless certified under this section or certified as a supported 29565
living provider under section 5126.431 of the Revised Code. 29566

(B) The department of mental retardation and developmental 29567
disabilities shall do both of the following in accordance with 29568
Chapter 119. of the Revised Code: 29569

(1) Certify a person or government entity to provide home or 29570
community-based services if the person or government entity 29571
satisfies the requirements for certification established by rules 29572
adopted under division (C) of this section; 29573

(2) Revoke a certificate when required to do so by rules 29574
adopted under division (C) of this section. 29575

(C) The director of mental retardation and developmental 29576
disabilities shall adopt rules in accordance with Chapter 119. of 29577
the Revised Code establishing certification requirements and 29578
procedures for a person or government entity that seeks to provide 29579
home or community-based services and is not certified as a 29580
supported living provider under section 5126.431 of the Revised 29581
Code. The rules shall include procedures for all of the following: 29582

(1) Ensuring that providers comply with section 5126.281 of 29584
the Revised Code; 29585

(2) Evaluating the services provided to ensure that they are 29586
provided in a quality manner advantageous to the individual 29587
receiving the services and protecting the due process rights of 29588
any person affected by a decision made following an evaluation. 29589
The procedures shall require that all of the following be 29590
considered as part of an evaluation: 29591

(a) The provider's experience and financial responsibility; 29592

	29593
<u>(b) The provider's ability to comply with standards for the home or community-based services that the provider provides;</u>	29594 29595
<u>(c) The provider's ability to meet the needs of the individuals served;</u>	29596 29597
<u>(d) Any other factor the director considers relevant.</u>	29598
<u>(3) Revoking a provider's certificate. The procedures may include revoking a certificate for good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious to individuals being served.</u>	29599 29600 29601 29602 29603
<u>(D) The rules adopted under division (C) of this section shall allow a person or government entity to automatically satisfy a requirement for certification under this section if the person holds a current, valid license under section 5123.19 of the Revised Code to operate a residential facility and had to satisfy the requirement to obtain the residential facility license.</u>	29604 29605 29606 29607 29608 29609
<u>(E) The records of an evaluation conducted in accordance with rules adopted under division (C)(2) of this section are public records for purposes of section 149.43 of the Revised Code and shall be made available on request of any person, including individuals being served, individuals seeking home or community-based services, and county boards of mental retardation and developmental disabilities.</u>	29610 29611 29612 29613 29614 29615 29616
<u>Sec. 5123.046. The department of mental retardation and developmental disabilities shall review each plan it receives from a county board of mental retardation and developmental disabilities under section 5126.054 of the Revised Code and, in consultation with the department of job and family services and office of budget and management, approve each plan that includes</u>	29617 29618 29619 29620 29621 29622

all the information and conditions specified in that section. A 29623
plan shall be approved or disapproved not later than forty-five 29624
days after the last of the plan's components are submitted to the 29625
department under division (B) of section 5126.054 of the Revised 29626
Code. 29627

In approving plans under this section, the department shall 29628
ensure that the aggregate of all plans provide for the increased 29629
enrollment into home or community-based services during each state 29630
fiscal year of at least five hundred individuals who did not 29631
receive residential services, supported living, or home or 29632
community-based services the prior state fiscal year if the 29633
department has enough additional enrollment available for this 29634
purpose. 29635

If it approves a county board's plan, the department may 29636
authorize distribution to the county board of amounts the 29637
department has allocated to the county board for home or 29638
community-based services. The department may distribute the 29639
amounts within fifteen days of the distribution authorization. The 29640
department may distribute the amounts directly to the county board 29641
or assign the amounts to home or community-based service 29642
allocations used for payment authorization of home or 29643
community-based services. 29644

The department shall establish accountability mechanisms that 29645
the department shall use to determine whether a county board is 29646
complying with the programmatic and financial outcomes specified 29647
its approved plan. If the department determines that a county 29648
board is not in compliance with the programmatic or financial 29649
outcomes specified in its approved plan, the department may take 29650
corrective action, including either of the following: 29651

(A) Providing the county board technical assistance; 29652

(B) Suspending the county board's plan and entering into a 29653

contract with a person or government entity selected by the 29654
department under which the administration and implementation of 29655
the plan is assigned to the person or government entity. The 29656
department shall re-approve the county board's plan and allow the 29657
county board to resume administration and implementation of the 29658
plan when the department is satisfied that the county board has 29659
successfully implemented all parts of a plan of correction and is 29660
capable of complying with the programmatic or financial outcomes 29661
specified in the plan. 29662

Sec. 5123.047. (A) The department of mental retardation and 29663
developmental disabilities shall pay the nonfederal share of 29664
medicaid expenditures for habilitation center services provided to 29665
an individual with mental retardation or other developmental 29666
disability unless section 5111.041 of the Revised Code requires a 29667
county board of mental retardation and developmental disabilities 29668
or a school district to pay the nonfederal share. 29669

(B) The department shall pay the nonfederal share of medicaid 29670
expenditures for medicaid case management services if either of 29671
the following apply: 29672

(1) The services are provided to an individual with mental 29673
retardation or other developmental disability who a county board 29674
has determined under section 5126.041 of the Revised Code is not 29675
eligible for county board services; 29676

(2) The services are provided to an individual with mental 29677
retardation or other developmental disability by a public or 29678
private agency with which the department has contracted under 29679
section 5123.56 of the Revised Code to provide protective services 29680
to the individual. 29681

(C) The department shall pay the nonfederal share of medicaid 29682
expenditures for home or community-based services provided to an 29683
individual with mental retardation or other developmental 29684

disability who a county board has determined under section 29685
5126.041 of the Revised Code is not eligible for county board 29686
services. 29687

Sec. 5123.048. (A) For state fiscal year 2002, the department 29688
of mental retardation and developmental disabilities shall assign 29689
to a county board of mental retardation and developmental 29690
disabilities the nonfederal share of medicaid expenditures for 29691
habilitation center services that a private habilitation center 29692
provides if all of the following apply: 29693

(1) The individuals who receive the services also received 29694
the services from the center pursuant to a contract the center had 29695
with the department in state fiscal year 2001; 29696

(2) The county board determined under section 5126.041 of the 29697
Revised Code that the individuals who receive the services are 29698
eligible for county board services; 29699

(3) The county board contracts with the center to provide the 29700
services after the center's contract with the department ends. 29701

(B) The department shall also make the assignment under 29702
division (A) of this section for each successive state fiscal year 29703
that the county board contracts with the private habilitation 29704
center to provide the habilitation center services to the 29705
individuals who received the services pursuant to the contract the 29706
department had with the center in state fiscal year 2001. 29707

(C) The amount the department shall assign under divisions 29708
(A) and (B) of this section shall be adequate to ensure that the 29709
habilitation center services the individuals receive are 29710
comparable in scope to the habilitation center services they 29711
received when the private habilitation center was under contract 29712
with the department. 29713

(D) A county board shall use the assignment it receives under 29714

divisions (A) and (B) of this section to pay the nonfederal share 29715
of the medicaid expenditures for the habilitation center services 29716
the county board is required by division (D) of section 5111.041 29717
of the Revised Code to pay. 29718

Sec. 5123.049. The director of mental retardation and 29719
developmental disabilities shall adopt rules in accordance with 29720
Chapter 119. of the Revised Code governing the authorization and 29721
payment of home or community-based services, medicaid case 29722
management services, and habilitation center services. The rules 29723
shall provide for private providers of the services to receive one 29724
hundred per cent of the medicaid allowable payment amount and for 29725
government providers of the services to receive the federal share 29726
of the medicaid allowable payment, less the amount withheld as a 29727
fee under section 5123.0412 of the Revised Code and any amount 29728
that may be required to be deposited into a county MR/DD medicaid 29729
reserve fund under section 5705.091 of the Revised Code. The rules 29730
shall establish the process by which county boards of mental 29731
retardation and developmental disabilities shall certify and 29732
provide the nonfederal share of medicaid expenditures that the 29733
county board is required by division (A) of section 5126.056 of 29734
the Revised Code to pay. 29735

Sec. 5123.0410. (A) An individual with mental retardation or 29736
other developmental disability who moves from one county in this 29737
state to another county in this state shall receive home or 29738
community-based services in the new county that are comparable in 29739
scope to the home or community-based services the individual 29740
receives in the prior county at the time the individual moves. If 29741
the county board serving the county to which the individual moves 29742
determines under section 5126.041 of the Revised Code that the 29743
individual is eligible for county board services, the county board 29744
shall ensure that the individual receives the comparable services. 29745

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If the county board does not make that determination, the 29746
department of mental retardation and developmental disabilities 29747
shall ensure that the individual receives the comparable services. 29748

If the home or community-based services that the individual 29749
receives at the time the individual moves includes residential 29750
services, the department shall reduce the amount the department 29751
allocates to the county board serving the county the individual 29752
left for those residential services by an amount that equals the 29753
payment the department authorizes or projects, or both, for those 29754
services from the last day the individual resides in the county to 29755
the last day of the state fiscal year in which the individual 29756
moves. The department shall increase the amount the department 29757
allocates to the county board serving the county the individual 29758
moves to by the same amount. The department shall make the 29759
reduction and increase effective the day the department determines 29760
the individual has residence in the new county. The department 29761
shall determine the amount that is to be reduced and increased in 29762
accordance with the department's rules for authorizing payments 29763
for home or community-based services established adopted under 29764
section 5123.049 of the Revised Code. The department shall 29765
annualize the reduction and increase for the subsequent state 29766
fiscal year as necessary. 29767

Sec. 5123.0411. The department of mental retardation and 29768
developmental disabilities may bring a mandamus action against a 29769
county board of mental retardation and developmental disabilities 29770
that fails to pay the nonfederal share of medicaid expenditures 29771
that the county board is required by division (A) of section 29772
5126.056 of the Revised Code to pay. The department may bring the 29773
mandamus action in the court of common pleas of the county served 29774
by the county board or in the Franklin county court of common 29775
pleas. 29776

Sec. 5123.0412. (A) At times the department of mental retardation and developmental disabilities determines, the department shall charge each county board of mental retardation and developmental disabilities a fee equal to one per cent of the total value of all medicaid paid claims for habilitation center services, medicaid case management services, and home or community-based services for which the county board contracts or provides itself. No county board shall pass the cost of a fee charged to the county board under this section on to a person or government entity with which the county board contracts to provide the services.

(B) Two-thirds of the fees collected under this section shall be deposited into ODMR/DD administration and oversight fund, which is hereby created in the state treasury. One-third of the fees collected under this section shall be deposited into the ODJFS administration and oversight fund, which is hereby created in the state treasury. The department of mental retardation and developmental disabilities shall use the money in the ODMR/DD administration and oversight fund and the department of job and family services shall use the money in the ODJFS administration and oversight fund for both of the following purposes:

(1) The administrative and oversight costs of habilitation center services, medicaid case management services, and home or community-based services that a county board develops and monitors and the county board or a person or government entity under contract with the county board provides. The administrative and oversight costs shall include costs for staff, systems, and other resources the departments need and dedicate solely to the following duties associated with the services:

(a) Eligibility determinations;

(b) Training;

<u>(c) Fiscal management;</u>	29808
<u>(d) Claims processing;</u>	29809
<u>(e) Quality assurance oversight;</u>	29810
<u>(f) Other duties the departments identify.</u>	29811
<u>(2) Providing technical support to county boards' local administrative authority under section 5126.055 of the Revised Code for the services.</u>	29812
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<u>(C) The departments of mental retardation and developmental disabilities and job and family services shall enter into an interagency agreement to provide for the departments to coordinate the staff whose costs are paid for with money in the ODMR/DD administration and oversight fund and the ODJFS administration and oversight fund.</u>	29815
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<u>(D) The departments shall submit an annual report to the director of budget and management certifying how the departments spent the money in the ODMR/DD administration and oversight fund and the ODJFS administration and oversight fund for the purposes specified in division (B) of this section.</u>	29821
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<u>Sec. 5123.0413. The department of mental retardation and developmental disabilities, in consultation with the department of job and family services and county boards of mental retardation and developmental disabilities, shall plan for the establishment, funding, and management of one or more of the following to pay for extraordinary costs, including extraordinary costs for services to individuals with mental retardation or other developmental disability, and ensure the availability of adequate funds in the event a county property tax levy for services for individuals with mental retardation or other developmental disability fails:</u>	29826
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<u>(A) County MR/DD medicaid reserve funds;</u>	29836

(B) A state MR/DD risk fund; 29837

(C) A state insurance against MR/DD risk fund. 29838

Sec. 5123.195. No residential facility shall terminate its 29839
status as a provider under the medicaid program under Chapter 29840
5111. of the Revised Code unless it has, at least ninety days 29841
prior to such termination, provided written notice to the 29842
department of job and family services of such action. This 29843
requirement does not apply in cases where the department of job 29844
and family services terminates a residential facility's provider 29845
agreement or provider status. 29846

Sec. 5123.60. (A) A legal rights service is hereby created 29847
and established to protect and advocate the rights of mentally ill 29848
persons, mentally retarded persons, developmentally disabled 29849
persons, and other disabled persons who may be represented by the 29850
service pursuant to division (L) of this section; to receive and 29851
act upon complaints concerning institutional and hospital 29852
practices and conditions of institutions for mentally retarded or 29853
developmentally disabled persons and hospitals for the mentally 29854
ill; and to assure that all persons detained, hospitalized, 29855
discharged, or institutionalized, and all persons whose detention, 29856
hospitalization, discharge, or institutionalization is sought or 29857
has been sought under this chapter or Chapter 5122. of the Revised 29858
Code are fully informed of their rights and adequately represented 29859
by counsel in proceedings under this chapter or Chapter 5122. of 29860
the Revised Code and in any proceedings to secure the rights of 29861
~~such~~ those persons. Notwithstanding the definitions of "mentally 29862
retarded person" and "developmentally disabled person" in section 29863
5123.01 of the Revised Code, the legal rights service shall 29864
determine who is a mentally retarded or developmentally disabled 29865
person for purposes of this section and sections 5123.601 to 29866
5123.604 of the Revised Code. 29867

(B) In regard to those persons detained, hospitalized, or institutionalized under Chapter 5122. of the Revised Code, the legal rights service shall undertake formal representation only of those persons who are involuntarily detained, hospitalized, or institutionalized pursuant to sections 5122.10 to 5122.15 of the Revised Code, and those voluntarily detained, hospitalized, or institutionalized who are minors, who have been adjudicated incompetent, who have been detained, hospitalized, or institutionalized in a public hospital, or who have requested representation by the legal rights service. If a person referred to in division (A) of this section voluntarily requests in writing that the legal rights service terminate participation in the person's case, such involvement shall cease.

(C) Any person voluntarily hospitalized or institutionalized in a public hospital under division (A) of section 5122.02 of the Revised Code, after being fully informed of the person's rights ~~pursuant to~~ under division (A) of this section, may, by written request, waive assistance by the legal rights service if the waiver is knowingly and intelligently made, without duress or coercion.

The waiver may be rescinded at any time by the voluntary patient or resident, or by the voluntary patient's or resident's legal guardian.

(D)(1) The legal rights service commission is hereby created for the purposes of appointing an administrator of the legal rights service, advising the administrator, assisting the administrator in developing a budget, and establishing general policy guidelines for the legal rights service. The commission may receive and act upon appeals of personnel decisions by the administrator.

(2) The commission shall consist of seven members. One member, who shall serve as chairperson, shall be appointed by the

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chief justice of the supreme court, three members shall be 29900
 appointed by the speaker of the house of representatives, and 29901
 three members shall be appointed by the president of the senate. 29902
 At least two members shall have experience in the field of 29903
 developmental disabilities, and at least two members shall have 29904
 experience in the field of mental health. No member shall be a 29905
 provider or related to a provider of services to mentally 29906
 retarded, developmentally disabled, or mentally ill persons. ~~Terms~~ 29907

(3) Terms of office of the members of the commission shall be 29908
 for three years, each term ending on the same day of the month of 29909
 the year as did the term which it succeeds. Each member shall 29910
 serve subsequent to the expiration of the member's term until a 29911
 successor is appointed and qualifies, or until sixty days has 29912
 elapsed, whichever occurs first. ~~All~~ No member shall serve more 29913
than two consecutive terms. 29914

All vacancies in the membership of the commission shall be 29915
 filled in the manner prescribed for the regular appointments to 29916
 the commission and shall be limited to the unexpired terms. ~~No 29917~~
~~member shall serve more than two consecutive terms.~~ The 29918
administrator shall not pursue any legal action under division (G) 29919
or (H) of this section until any vacancies existing in the 29920
membership of the commission have been filled. 29921

(4) The commission shall meet at least four times each year. 29922
 Members shall be reimbursed for their necessary and actual 29923
 expenses incurred in the performance of their official duties. 29924

(5) The administrator of the legal rights service shall be 29925
 appointed for a five-year term, subject to removal for mental or 29926
 physical incapacity to perform the duties of the office, 29927
 conviction of violation of any law relating to the administrator's 29928
 powers and duties, or other good cause shown. 29929

The administrator shall be a person who has had special 29930
 training and experience in the type of work with which the legal 29931

rights service is charged. If the administrator is not an 29932
attorney, the administrator shall seek legal counsel when 29933
appropriate. The salary of the administrator shall be established 29934
in accordance with section 124.14 of the Revised Code. 29935

(E) The legal rights service shall be completely independent 29936
of the department of mental health and the department of mental 29937
retardation and developmental disabilities and, notwithstanding 29938
section 109.02 of the Revised Code, shall also be independent of 29939
the office of the attorney general. The administrator of the legal 29940
rights service, staff, and attorneys designated by the 29941
administrator to represent persons detained, hospitalized, or 29942
institutionalized under this chapter or Chapter 5122. of the 29943
Revised Code shall have ready access to the following: 29944

(1) During normal business hours and at other reasonable 29945
times, ~~to~~ all records relating to expenditures of state and 29946
federal funds or to the commitment, care, treatment, and 29947
habilitation of all persons represented by the legal rights 29948
service, including those who may be represented pursuant to 29949
division (L) of this section, or persons detained, hospitalized, 29950
institutionalized, or receiving services under this chapter or 29951
Chapter 340., 5119., 5122., or 5126. of the Revised Code that are 29952
records maintained by the following entities providing services 29953
for those persons: departments; institutions; hospitals; community 29954
residential facilities; boards of alcohol, drug addiction, and 29955
mental health services; county boards of mental retardation and 29956
developmental disabilities; contract agencies of those boards; and 29957
any other entity providing services to persons who may be 29958
represented by the service pursuant to division (L) of this 29959
section; 29960

(2) ~~To any~~ Any records maintained in computerized data banks 29961
of the departments or boards or, in the case of persons who may be 29962
represented by the service pursuant to division (L) of this 29963

section, any other entity that provides services to those persons; 29964

(3) During their normal working hours, ~~to~~ personnel of the 29965
departments, facilities, boards, agencies, institutions, 29966
hospitals, and other service-providing entities; 29967

(4) At any time, ~~to~~ all persons detained, hospitalized, or 29968
institutionalized; persons receiving services under this chapter 29969
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 29970
persons who may be represented by the service pursuant to division 29971
(L) of this section. 29972

(F) The administrator of the legal rights service shall do 29973
the following: 29974

(1) Administer and organize the work of the legal rights 29975
service and establish administrative or geographic divisions as 29976
the administrator considers necessary, proper, and expedient; 29977

(2) Adopt and promulgate rules and prescribe duties for the 29978
efficient conduct of the business and general administration of 29979
the legal rights service; 29980

(3) Appoint and discharge employees, and hire ~~such~~ experts, 29981
consultants, advisors, or other professionally qualified persons 29982
as the administrator considers necessary to carry out the duties 29983
of the legal rights service; 29984

(4) Apply for and accept grants of funds, and accept 29985
charitable gifts and bequests; 29986

(5) Prepare and submit a budget to the general assembly for 29987
the operation of the legal rights service; 29988

(6) Enter into contracts and make ~~such~~ expenditures ~~as are~~ 29989
necessary for the efficient operation of the legal rights service; 29990

(7) Annually prepare a report of activities and submit copies 29991
of the report to the governor, the chief justice of the supreme 29992
court, the president of the senate, the speaker of the house of 29993

representatives, the director of mental health, and the director
of mental retardation and developmental disabilities, and make the
report available to the public.

(G) The legal rights service may act directly or contract
with other organizations or individuals for the provision of the
services envisioned under this section. Whenever possible, the
administrator shall attempt to facilitate the resolution of
complaints through administrative channels. ~~If~~ Subject to division
(D)(3) of this section, if attempts at administrative resolution
prove unsatisfactory, the administrator may pursue any legal,
administrative, and other appropriate remedies or approaches that
may be necessary to accomplish the purposes of this section.
Relationships between personnel and the agents of the legal rights
service and its clients shall be fiduciary relationships, and all
communications shall be confidential, as if between attorney and
client.

(H) ~~The~~ Subject to division (D)(3) of this section, the legal
rights service, on the order of the administrator, with the
approval of the commission, may compel by subpoena the appearance
and sworn testimony of any person the administrator reasonably
believes may be able to provide information or to produce any
documents, books, records, papers, or other information necessary
to carry out its duties.

(I) The legal rights service may conduct public hearings.

(J) The legal rights service may request from any
governmental agency any cooperation, assistance, services, or data
that will enable it to perform its duties.

(K) In any malpractice action filed against the administrator
of the legal rights service, a member of the staff of the legal
rights service, or an attorney designated by the administrator to
perform legal services under division (E) of this section, the

state shall, when the administrator, member, or attorney has acted 30025
in good faith and in the scope of employment, indemnify the 30026
administrator, member, or attorney for any judgment awarded or 30027
amount negotiated in settlement, and for any court costs or legal 30028
fees incurred in defense of the claim. 30029

This division does not limit or waive, and shall not be 30030
construed to limit or waive, any defense that is available to the 30031
legal rights service, its administrator or employees, persons 30032
under a personal services contract with it, or persons designated 30033
under division (E) of this section, including, but not limited to, 30034
any defense available under section 9.86 of the Revised Code. 30035

(L) In addition to providing services to mentally ill, 30036
mentally retarded, or developmentally disabled persons, when a 30037
grant authorizing the provision of services to other individuals 30038
is accepted pursuant to division (F)(4) of this section, the legal 30039
rights service and its ombudsperson section may provide advocacy 30040
or ombudsperson services to those other individuals and exercise 30041
any other authority granted by this section or sections 5123.601 30042
to 5123.604 of the Revised Code on behalf of those individuals. 30043
Determinations of whether an individual is eligible for services 30044
under this division shall be made by the legal rights service. 30045

Sec. 5123.71. (A)(1) Proceedings for the involuntary 30046
institutionalization of a person pursuant to sections 5123.71 to 30047
5123.76 of the Revised Code shall be commenced by the filing of an 30048
affidavit with the probate division of the court of common pleas 30049
of the county where the person ~~person's is located~~ resides or 30050
where the person is institutionalized, in the manner and form 30051
prescribed by the department of mental retardation and 30052
developmental disabilities either on information or actual 30053
knowledge, whichever is determined to be proper by the court. The 30054
affidavit may be filed only by a person who has custody of the 30055

individual as a parent, guardian, or service provider or by a 30056
person acting on behalf of the department or a county board of 30057
mental retardation and developmental disabilities. This section 30058
does not apply regarding the institutionalization of a person 30059
pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 30060
Revised Code. 30061

The affidavit shall contain an allegation setting forth the 30062
specific category or categories under division ~~(H)~~(P) of section 30063
5123.01 of the Revised Code upon which the commencement of 30064
proceedings is based and a statement of the factual ground for the 30065
belief that the person is a mentally retarded person subject to 30066
institutionalization by court order. Except as provided in 30067
division (A)(2) of this section, the affidavit shall be 30068
accompanied by both of the following: 30069

(a) A comprehensive evaluation report prepared by the 30070
person's evaluation team that includes a statement by the members 30071
of the team certifying that they have performed a comprehensive 30072
evaluation of the person and that they are of the opinion that the 30073
person is a mentally retarded person subject to 30074
institutionalization by court order; 30075

(b) An assessment report prepared by the county board of 30076
mental retardation and developmental disabilities under section 30077
5123.711 of the Revised Code specifying that the individual is in 30078
need of services on an emergency or priority basis. 30079

(2) ~~A~~ In lieu of the comprehensive evaluation report, the 30080
affidavit may be accompanied by a written and sworn statement that 30081
the person or the guardian of a person adjudicated incompetent has 30082
refused to allow a comprehensive evaluation and county board 30083
assessment and assessment reports. Immediately after accepting an 30084
affidavit that is not accompanied by the reports of a 30085
comprehensive evaluation and county board assessment, the court 30086
shall cause a comprehensive evaluation and county board assessment 30087

of the person named in the affidavit to be performed. The 30088
evaluation shall be conducted in the least restrictive environment 30089
possible and the assessment shall be conducted in the same manner 30090
as assessments conducted under section 5123.711 of the Revised 30091
Code. The evaluation and assessment must be completed before a 30092
probable cause hearing or full hearing may be held under section 30093
5123.75 or 5123.76 of the Revised Code. 30094

A written report of the evaluation team's findings and the 30095
county board's assessment shall be filed with the court. The 30096
reports shall, consistent with the rules of evidence, be accepted 30097
as probative evidence in any proceeding under section 5123.75 or 30098
5123.76 of the Revised Code. If the counsel for the person who is 30099
evaluated or assessed is known, the court shall send to the 30100
counsel a copy of the reports as soon as possible after they are 30101
filed and prior to any proceedings under section 5123.75 or 30102
5123.76 of the Revised Code. 30103

(B) ~~, if the division may the,,~~ Any person who is 30104
involuntarily detained in an institution or otherwise is in 30105
custody under this chapter shall be informed ~~the person~~ of the 30106
right to do the following: 30107

(1) Immediately make a reasonable number of telephone calls 30108
or use other reasonable means to contact an attorney, a physician, 30109
or both, to contact any other person or persons to secure 30110
representation by counsel, or to obtain medical assistance, and be 30111
provided assistance in making calls if the assistance is needed 30112
and requested; 30113

(2) Retain counsel and have independent expert evaluation 30114
and, if the person is an indigent person, be represented by 30115
court-appointed counsel and have independent expert evaluation at 30116
court expense; 30117

(3) Upon request, have a hearing to determine whether there 30118
is probable cause to believe that the person is a mentally 30119

retarded person subject to institutionalization by court order. 30120

(C) No person who is being treated by spiritual means through 30121
prayer alone in accordance with a recognized religious method of 30122
healing may be ordered detained or involuntarily committed unless 30123
the court has determined that the person represents a very 30124
substantial risk of self-impairment, self-injury, or impairment or 30125
injury to ~~self to~~ others. 30126

Sec. 5123.76. (A) The full hearing shall be conducted in a 30127
manner consistent with the procedures outlined in this chapter and 30128
with due process of law. The hearing shall be held by a judge of 30129
the probate division or, upon transfer by the judge of the probate 30130
division, by another judge of the court of common pleas, or a 30131
referee designated by the judge of the probate division. Any 30132
referee designated by the judge of the probate division must be an 30133
attorney. 30134

(1) The following shall be made available to counsel for the 30135
respondent: 30136

(a) All relevant documents, information, and evidence in the 30137
custody or control of the state or prosecutor; 30138

(b) All relevant documents, information, and evidence in the 30139
custody or control of the institution, facility, or program in 30140
which the respondent currently is held or in which the respondent 30141
has been held pursuant to these proceedings; 30142

(c) With the consent of the respondent, all relevant 30143
documents, information, and evidence in the custody or control of 30144
any institution or person other than the state. 30145

(2) The respondent has the right to be represented by counsel 30146
of the respondent's choice and has the right to attend the hearing 30147
except if unusual circumstances of compelling medical necessity 30148
exist that render the respondent unable to attend and the 30149

respondent has not expressed a desire to attend. 30150

(3) If the respondent is not represented by counsel and the 30151
court determines that the conditions specified in division (A)(2) 30152
of this section justify the respondent's absence and the right to 30153
counsel has not been validly waived, the court shall appoint 30154
counsel forthwith to represent the respondent at the hearing, 30155
reserving the right to tax costs of appointed counsel to the 30156
respondent unless it is shown that the respondent is indigent. If 30157
the court appoints counsel, or if the court determines that the 30158
evidence relevant to the respondent's absence does not justify the 30159
absence, the court shall continue the case. 30160

(4) The respondent shall be informed of the right to retain 30161
counsel, to have independent expert evaluation, and, if an 30162
indigent person, to be represented by court appointed counsel and 30163
have expert independent evaluation at court expense. 30164

(5) The hearing may be closed to the public unless counsel 30165
for the respondent requests that the hearing be open to the 30166
public. 30167

(6) Unless objected to by the respondent, the respondent's 30168
counsel, or the designee of the director of mental retardation and 30169
developmental disabilities, the court, for good cause shown, may 30170
admit persons having a legitimate interest in the proceedings. 30171

(7) The affiant under section 5123.71 of the Revised Code 30172
shall be subject to subpoena by either party. 30173

(8) The court shall examine the sufficiency of all documents 30174
filed and shall inform the respondent, if present, and the 30175
respondent's counsel of the nature of the content of the documents 30176
and the reason for which the respondent is being held or for which 30177
the respondent's placement is being sought. 30178

(9) The court shall receive only relevant, competent, and 30179
material evidence. 30180

(10) The designee of the director shall present the evidence 30181
for the state. In proceedings under this chapter, the attorney 30182
general shall present the comprehensive evaluation, assessment, 30183
diagnosis, prognosis, record of habilitation and care, if any, and 30184
less restrictive habilitation plans, if any. The attorney general 30185
does not have a similar presentation responsibility in connection 30186
with a person who has been found not guilty by reason of insanity 30187
and who is the subject of a hearing under section 2945.40 of the 30188
Revised Code to determine whether the person is a mentally 30189
retarded person subject to institutionalization by court order. 30190

(11) The respondent has the right to testify and the 30191
respondent or the respondent's counsel has the right to subpoena 30192
witnesses and documents and to present and cross-examine 30193
witnesses. 30194

(12) The respondent shall not be compelled to testify and 30195
shall be so advised by the court. 30196

(13) On motion of the respondent or the respondent's counsel 30197
for good cause shown, or upon the court's own motion, the court 30198
may order a continuance of the hearing. 30199

(14) To an extent not inconsistent with this chapter, the 30200
Rules of Civil Procedure shall be applicable. 30201

(B) Unless, upon completion of the hearing, the court finds 30202
by clear and convincing evidence that the respondent named in the 30203
affidavit is a mentally retarded person subject to 30204
institutionalization by court order, it shall order the 30205
respondent's discharge forthwith. 30206

(C) If, upon completion of the hearing, the court finds by 30207
clear and convincing evidence that the respondent is a mentally 30208
retarded person subject to institutionalization by court order, 30209
the court may order the respondent's discharge or order the 30210
respondent, for a period not to exceed ninety days, to any of the 30211

following: 30212

(1) A public institution, provided that commitment of the 30213
respondent to the institution will not cause the institution to 30214
exceed its licensed capacity determined in accordance with section 30215
5123.19 of the Revised Code and provided that such a placement is 30216
indicated by the comprehensive evaluation report filed pursuant to 30217
section 5123.71 of the Revised Code; 30218

(2) A private institution; 30219

(3) A county mental retardation program; 30220

(4) Receive private habilitation and care; 30221

(5) Any other suitable facility, program, or the care of any 30222
person consistent with the comprehensive evaluation, assessment, 30223
diagnosis, prognosis, and habilitation needs of the respondent. 30224

(D) Any order made pursuant to division (C)(2), (4), or (5) 30225
of this section shall be conditional upon the receipt by the court 30226
of consent by the facility, program, or person to accept the 30227
respondent. 30228

(E) In determining the place to which, or the person with 30229
whom, the respondent is to be committed, the court shall consider 30230
the comprehensive evaluation, assessment, diagnosis, and projected 30231
habilitation plan for the respondent, and shall order the 30232
implementation of the least restrictive alternative available and 30233
consistent with habilitation goals. 30234

(F) If, at any time it is determined by the director of the 30235
facility or program to which, or the person to whom, the 30236
respondent is committed that the respondent could be equally well 30237
habilitated in a less restrictive environment that is available, 30238
the following shall occur: 30239

(1) The respondent shall be released by the director of the 30240
facility or program or by the person forthwith and referred to the 30241

court together with a report of the findings and recommendations 30242
of the facility, program, or person. 30243

(2) The director of the facility or program or the person 30244
shall notify the respondent's counsel and the designee of the 30245
director of mental retardation and developmental disabilities. 30246

(3) The court shall dismiss the case or order placement in 30247
the less restrictive environment. 30248

(G)(1) Except as provided in divisions (G)(2) and (3) of this 30249
section, any person who has been committed under this section may 30250
apply at any time during the ninety-day period for voluntary 30251
admission to an institution under section 5123.69 of the Revised 30252
Code. Upon admission of a voluntary resident, the managing officer 30253
immediately shall notify the court, the respondent's counsel, and 30254
the designee of the director in writing of that fact by mail or 30255
otherwise, and, upon receipt of the notice, the court shall 30256
dismiss the case. ~~is admitted~~ 30257

(2) ~~admitted~~ A person who is found incompetent to stand trial 30258
or not guilty by reason of insanity and who is committed pursuant 30259
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 30260
Code shall not be voluntarily admitted to an institution pursuant 30261
to division (G)(1) of this section until after the termination of 30262
the commitment, as described in division (J) of section 2945.401 30263
of the Revised Code. 30264

(H) If, at the end of any commitment period, the respondent 30265
has not already been discharged or has not requested voluntary 30266
admission status, the director of the facility or program, or the 30267
person to whose care the respondent has been committed, shall 30268
discharge the respondent forthwith, unless at least ten days 30269
before the expiration of that period the designee of the director 30270
of mental retardation and developmental disabilities or the 30271
prosecutor files an application with the court requesting 30272

continued commitment. 30273

(1) An application for continued commitment shall include a 30274
written report containing a current comprehensive evaluation and 30275
assessment, a diagnosis, a prognosis, an account of progress and 30276
past habilitation, and a description of alternative habilitation 30277
settings and plans, including a habilitation setting that is the 30278
least restrictive setting consistent with the need for 30279
habilitation. A copy of the application shall be provided to 30280
respondent's counsel. The requirements for notice under section 30281
5123.73 of the Revised Code and the provisions of divisions (A) to 30282
(E) of this section apply to all hearings on such applications. 30283

(2) A hearing on the first application for continued 30284
commitment shall be held at the expiration of the first ninety-day 30285
period. The hearing shall be mandatory and may not be waived. 30286

(3) Subsequent periods of commitment not to exceed one 30287
hundred eighty days each may be ordered by the court if the 30288
designee of the director of mental retardation and developmental 30289
disabilities files an application for continued commitment, after 30290
a hearing is held on the application or without a hearing if no 30291
hearing is requested and no hearing required under division (H)(4) 30292
of this section is waived. Upon the application of a person 30293
involuntarily committed under this section, supported by an 30294
affidavit of a licensed physician alleging that the person is no 30295
longer a mentally retarded person subject to institutionalization 30296
by court order, the court for good cause shown may hold a full 30297
hearing on the person's continued commitment prior to the 30298
expiration of any subsequent period of commitment set by the 30299
court. 30300

(4) A mandatory hearing shall be held at least every two 30301
years after the initial commitment. 30302

(5) If the court, after a hearing upon a request to continue 30303

commitment, finds that the respondent is a mentally retarded 30304
person subject to institutionalization by court order, the court 30305
may make an order pursuant to divisions (C), (D), and (E) of this 30306
section. 30307

(I) Notwithstanding the provisions of division (H) of this 30308
section, no person who is found to be a mentally retarded person 30309
subject to institutionalization by court order pursuant to 30310
division ~~(H)~~(P)(2) of section 5123.01 of the Revised Code shall be 30311
held under involuntary commitment for more than five years. 30312

(J) The managing officer admitting a person pursuant to a 30313
judicial proceeding, within ten working days of the admission, 30314
shall make a report of the admission to the department. 30315

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Sec. 5126.01. As used in this chapter: 30317

(A) "Adult services" means a range of habilitation services 30318
designed to meet the individual needs of persons who are eighteen 30319
years of age or over and are not enrolled in a program or service 30320
under Chapter 3323. of the Revised Code, and of persons sixteen 30321
and seventeen years of age who are eligible under rules adopted by 30322
the director of mental retardation and developmental disabilities 30323
pursuant to Chapter 119. of the Revised Code. Such services may 30324
include habilitation programs and services, sheltered employment 30325
providing a structured work environment, job training, job 30326
placement, supported employment, competitive employment, and 30327
planned therapeutic and work activities providing meaningful tasks 30328
designed to improve the effectiveness or degree with which an 30329
individual meets the standards of personal independence and social 30330
responsibility expected of the individual's age and cultural 30331
group. 30332

(B) As used in this division, "substantial functional 30333

limitation," "developmental delay," and "established risk" have 30334
the meanings established pursuant to section 5123.011 of the 30335
Revised Code. 30336

"Developmental disability" means a severe, chronic disability 30337
that is characterized by all of the following: 30338

(1) It is attributable to a mental or physical impairment or 30339
a combination of mental and physical impairments, other than a 30340
mental or physical impairment solely caused by mental illness as 30341
defined in division (A) of section 5122.01 of the Revised Code; 30342

(2) It is manifested before age twenty-two; 30343

(3) It is likely to continue indefinitely; 30344

(4) It results in one of the following: 30345

(a) In the case of a person under age three, at least one 30346
developmental delay or an established risk; 30347

(b) In the case of a person at least age three but under age 30348
six, at least two developmental delays or an established risk; 30349

(c) In the case of a person age six or older, a substantial 30350
functional limitation in at least three of the following areas of 30351
major life activity, as appropriate for the person's age: 30352
self-care, receptive and expressive language, learning, mobility, 30353
self-direction, capacity for independent living, and, if the 30354
person is at least age sixteen, capacity for economic 30355
self-sufficiency. 30356

(5) It causes the person to need a combination and sequence 30357
of special, interdisciplinary, or other type of care, treatment, 30358
or provision of services for an extended period of time that is 30359
individually planned and coordinated for the person. 30360

(C) "Early childhood services" means a planned program of 30361
habilitation designed to meet the needs of individuals with mental 30362
retardation or other developmental disabilities who have not 30363

attained compulsory school age.

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(D) "Habilitation" means the process by which the staff of the facility or agency assists an individual with mental retardation or other developmental disability in acquiring and maintaining those life skills that enable the individual to cope more effectively with the demands of the individual's own person and environment, and in raising the level of the individual's personal, physical, mental, social, and vocational efficiency. Habilitation includes, but is not limited to, programs of formal, structured education and training.

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(E) "Habilitation center services" means services provided by a habilitation center certified by the department of mental retardation and developmental disabilities under section 5123.041 of the Revised Code and covered by the medicaid program pursuant to rules adopted under section 5111.041 of the Revised Code.

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(F) "Home or community-based services" means medicaid-funded home or community-based services provided under a medicaid component the department of mental retardation and developmental disabilities administers pursuant to section 5111.871 of the Revised Code.

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(G) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

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(H) "Medicaid case management services" means case management services provided to an individual with mental retardation or other developmental disability that the state medicaid plan requires.

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(I) "Mental retardation" means a mental impairment manifested during the developmental period characterized by significantly subaverage general intellectual functioning existing concurrently with deficiencies in the effectiveness or degree with which an individual meets the standards of personal independence and social

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responsibility expected of the individual's age and cultural group. 30395
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~~(F)~~(J) "Residential services" means services to individuals with mental retardation or other developmental disabilities to provide housing, food, clothing, habilitation, staff support, and related support services necessary for the health, safety, and welfare of the individuals and the advancement of their quality of life. 30397
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~~(G)~~(K) "Resources" means available capital and other assets, including moneys received from the federal, state, and local governments, private grants, and donations; appropriately qualified personnel; and appropriate capital facilities and equipment. 30403
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~~(H)~~(L) "Supportive home services" means a range of services to families of individuals with mental retardation or other developmental disabilities to develop and maintain increased acceptance and understanding of such persons, increased ability of family members to teach the person, better coordination between school and home, skills in performing specific therapeutic and management techniques, and ability to cope with specific situations. 30408
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~~(I)~~(M) "Supported living" means services provided to an individual with mental retardation or other developmental disability through any public or private resources, including moneys from the individual, that enhance the individual's reputation in community life and advance the individual's quality of life by doing the following: 30416
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(1) Providing the support necessary to enable an individual to live in a residence of the individual's choice and to choose to live alone, with any number of individuals who are not disabled, or with not more than three individuals with mental retardation and developmental disabilities unless the individuals are related 30422
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by blood or marriage;	30427
(2) Encouraging the individual's participation in the community;	30428 30429
(3) Promoting the individual's rights and autonomy;	30430
(4) Encouraging the increase of the individual's skills and competence.	30431 30432
"Supported living" includes the provision of housing, food, clothing, habilitation, staff support, professional services, and any related support services necessary for the health, safety, and welfare of the individual receiving the services.	30433 30434 30435 30436
Sec. 5126.042. (A) As used in this section:	30437
(1) "Emergency" means any situation that creates for an individual with mental retardation or developmental disabilities a risk of substantial self-harm or substantial harm to others if action is not taken within thirty days. An "emergency" may include one or more of the following situations:	30438 30439 30440 30441 30442
(a) Loss of present residence for any reason, including legal action;	30443 30444
(b) Loss of present caretaker for any reason, including serious illness of the caretaker, change in the caretaker's status, or inability of the caretaker to perform effectively for the individual;	30445 30446 30447 30448
(c) Abuse, neglect, or exploitation of the individual;	30449
(d) Health and safety conditions that pose a serious risk to the individual or others of immediate harm or death;	30450 30451
(e) Change in the emotional or physical condition of the individual that necessitates substantial accommodation that cannot be reasonably provided by the individual's existing caretaker.	30452 30453 30454

(2) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code. 30455
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~~(3) "Priority" means any situation that would constitute an emergency except that action to resolve the situation may be taken in more than thirty but less than ninety days without creating a risk of substantial harm to self or others.~~ 30457
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(B) If a county board of mental retardation and developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request programs and services and may be offered the programs and services, it shall establish waiting lists for services. The board may establish priorities for making placements on its waiting lists according to an individual's emergency ~~or priority~~ status and shall establish priorities in accordance with division (D) of this section. 30461
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The individuals who may be placed on a waiting list include individuals with a need for services on an emergency ~~or priority~~ basis and individuals who have requested services for which resources are not available. 30470
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~~An~~ Except for an individual who is to receive priority for services pursuant to division (D)(1)(d) of this section, an individual who currently receives a service but would like to change to another service shall not be placed on a waiting list but shall be placed on a service substitution waiting list. The board shall work with the individual, service providers, and all appropriate entities to facilitate the change in service as expeditiously as possible. The board may establish priorities for making placements on its service substitution waiting lists according to an individual's emergency ~~or priority~~ status. 30474
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In addition to maintaining waiting lists and service substitution waiting lists, a board shall maintain a long-term 30484
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service planning registry for individuals who wish to record their 30486
intention to request in the future a service they are not 30487
currently receiving. The purpose of the registry is to enable the 30488
board to document requests and to plan appropriately. The board 30489
may not place an individual on the registry who meets the 30490
conditions for receipt of services on an emergency ~~or priority~~ 30491
basis. 30492

(C) A county board shall establish a separate waiting list 30493
for each of the following categories of services, and may 30494
establish separate waiting lists within the waiting lists: 30495

(1) Early childhood services; 30496

(2) Educational programs for preschool and school age 30497
children; 30498

(3) Adult services; 30499

(4) Case management services; 30500

(5) Residential services and supported living; 30501

(6) Transportation services; 30502

(7) Other services determined necessary and appropriate for 30503
persons with mental retardation or a developmental disability 30504
according to their individual habilitation or service plans; 30505

(8) Family support services provided under section 5126.11 of 30506
the Revised Code. 30507

(D)(1) In accordance with the county board's plan approved 30508
under section 5123.046 of the Revised Code and except as provided 30509
in division (D)(2) of this section, a county board shall give an 30510
individual who is eligible for home or community-based services 30511
and meets any of the following requirements priority over any 30512
other individual on a waiting list established under division (C) 30513
of this section other than an individual placed on the waiting 30514
list on an emergency status: 30515

<u>(a) Does not receive residential services or supported living, either needs services in the individual's current living arrangement or will need services in a new living arrangement, and has a primary caretaker who is sixty years of age or older;</u>	30516
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<u>(b) Is less than twenty-two years of age, does not receive residential services or supported living, resides in the home of the individual's family, and has at least one of the following:</u>	30520
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<u>(i) Service needs that the county board determines are unusual in scope or intensity due to severe behavior problems for which a behavior support plan is needed;</u>	30523
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<u>(ii) An emotional disorder for which anti-psychotic medication is needed;</u>	30526
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<u>(iii) A medical condition that leaves the individual dependent on life-support medical technology;</u>	30528
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<u>(iv) A condition affecting multiple body systems for which a combination of specialized medical, psychological, educational, or habilitation services are needed;</u>	30530
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<u>(v) A condition the county board determines to be comparable in severity to any condition described in division (D)(1)(b)(i) to (iv) of this section and places the individual at significant risk of institutionalization.</u>	30533
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<u>(c) Is twenty-two years of age or older and is determined by the county board to have intensive needs for residential services on an in-home or out-of-home basis;</u>	30537
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<u>(d) Resides in an intermediate care facility for the mentally retarded or nursing facility and chooses to move to another setting.</u>	30540
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<u>(2) No more than two hundred individuals in the state may receive priority for services during state fiscal years 2002 and 2003 pursuant to division (D)(1)(b) of this section. No more than</u>	30543
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seventy-five individuals in the state may receive priority for 30546
services during state fiscal years 2002 and 2003 pursuant to 30547
division (D)(1)(d) of this section. 30548

(E) Prior to establishing any waiting list under this 30549
section, a county board shall develop and implement a policy for 30550
waiting lists that complies with this section and rules that the 30551
department of mental retardation and developmental disabilities 30552
shall adopt in accordance with Chapter 119. of the Revised Code. 30553
The department's rules shall include procedures to be followed to 30554
ensure that the due process rights of individuals placed on 30555
waiting lists are not violated. 30556

Prior to placing an individual on a waiting list, the county 30557
board shall assess the service needs of the individual in 30558
accordance with all applicable state and federal laws. The county 30559
board shall place the individual on the appropriate waiting list 30560
and may place the individual on more than one waiting list. 30561

At least annually, the county board shall reassess the 30562
service needs of each individual on a waiting list. If it 30563
determines that an individual no longer needs a program or 30564
service, the county board shall remove the individual from the 30565
waiting list. If it determines that an individual needs a program 30566
or service other than the one for which the individual is on the 30567
waiting list, the county board shall provide the program or 30568
service to the individual or place the individual on a waiting 30569
list for the program or service in accordance with the board's 30570
policy for waiting lists. 30571

When a program or service for which there is a waiting list 30572
becomes available, the county board shall reassess the service 30573
needs of the individual next scheduled on the waiting list to 30574
receive that program or service. If the reassessment demonstrates 30575
that the individual continues to need the program or service, the 30576
board shall offer the program or service to the individual. If it 30577

determines that an individual no longer needs a program or
service, the county board shall remove the individual from the
waiting list. If it determines that an individual needs a program
or service other than the one for which the individual is on the
waiting list, the county board shall provide the program or
service to the individual or place the individual on a waiting
list for the program or service in accordance with the board's
policy for waiting lists.

~~(E)~~(F) A child subject to a determination made pursuant to
section 121.38 of the Revised Code who requires the home ~~and or~~
community-based services provided through the ~~medical assistance~~
~~waiver programs operated~~ medicaid component that the department of
mental retardation and developmental disabilities administers
under ~~sections 5111.87 and 5111.88~~ section 5111.871 of the Revised
Code shall receive services through the ~~waiver programs adopted~~
~~under Chapters 5111., 5123., and 5126. of the Revised Code~~ that
medicaid component. For all other services, a child subject to a
determination made pursuant to section 121.38 of the Revised Code
shall be treated as an emergency by the county boards and shall
not be subject to a waiting list.

~~(F)~~(G) Not later than the fifteenth day of March of each
even-numbered year, each county board shall prepare and submit to
the director of mental retardation and developmental disabilities
its recommendations for the funding of services for individuals
with mental retardation and developmental disabilities and its
proposals for reducing the waiting lists for services.

~~(G)~~(H) The following shall take precedence over the
applicable provisions of this section:

(1) Medicaid rules and regulations;

(2) Any specific requirements that may be contained within a
medicaid state plan amendment or waiver program that a county

board has authority to administer or with respect to which it has 30609
authority to provide services, programs, or supports. 30610

Sec. 5126.046. For the purpose of obtaining additional 30611
federal medicaid funds for home or community-based services, 30612
medicaid case management services, and habilitation center 30613
services, a county board of mental retardation and developmental 30614
disabilities may do both of the following: 30615

(A) Transfer an individual with mental retardation or other 30616
developmental disability who meets all of the following 30617
requirements to home or community-based services that include 30618
supported living or family support services: 30619

(1) Is twenty-two years of age or older; 30620

(2) Receives supported living or family support services; 30621

(3) Is eligible for the home or community-based services. 30622

(B) Transfer an individual with mental retardation or other 30623
developmental disability who meets all of the following 30624
requirements to home or community-based services that include 30625
adult services: 30626

(1) Receives adult services; 30627

(2) Resides in the individual's own home or the home of the 30628
individual's family and will continue to reside in that home after 30629
the transfer; 30630

(3) Is eligible for the home or community-based services. 30631

Sec. 5126.047. (A) Each county board of mental retardation 30632
and developmental disabilities that has local administrative 30633
authority under division (A) of section 5126.055 of the Revised 30634
Code for habilitation, vocational, or community employment 30635
services provided as part of home or community-based services 30636

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shall create a list of all persons and government entities 30637
eligible to provide such habilitation, vocational, or community 30638
employment services. If the county board chooses and is eligible 30639
to provide such habilitation, vocational, or community employment 30640
services, the county board shall include itself on the list. The 30641
county board shall make the list available to each individual with 30642
mental retardation or other developmental disability who resides 30643
in the county and is eligible for such habilitation, vocational, 30644
or community employment services. The county board shall also make 30645
the list available to such individuals' families. 30646

An individual with mental retardation or other developmental 30647
disability who is eligible for habilitation, vocational, or 30648
community employment services may choose the provider of the 30649
services. 30650

If a county board has local administrative authority under 30651
division (A) of section 5126.055 of the Revised Code for 30652
habilitation, vocational, and community employment services 30653
provided as part of home or community-based services, the county 30654
board shall pay the nonfederal share of the habilitation, 30655
vocational, and community employment services when required by 30656
section 5126.056 of the Revised Code. The department of mental 30657
retardation and developmental disabilities shall pay the 30658
nonfederal share of such habilitation, vocational, and community 30659
employment services when required by section 5123.047 of the 30660
Revised Code. 30661

(B) Each month, the department of mental retardation and 30662
developmental disabilities shall create a list of all persons and 30663
government entities eligible to provide residential services and 30664
supported living. The department shall include on the list all 30665
residential facilities licensed under section 5123.19 of the 30666
Revised Code and all supported living providers certified under 30667
section 5126.431 of the Revised Code. The department shall 30668

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distribute the monthly lists to county boards that have local administrative authority under division (A) of section 5126.055 of the Revised Code for residential services and supported living provided as part of home or community-based services. A county board that receives a list shall make it available to each individual with mental retardation or other developmental disability who resides in the county and is eligible for such residential services or supported living. The county board shall also make the list available to the families of those individuals.

An individual who is eligible for residential services or supported living may choose the provider of the residential services or supported living.

If a county board has local administrative authority under division (A) of section 5126.055 of the Revised Code for residential services and supported living provided as part of home or community-based services, the county board shall pay the nonfederal share of the residential services and supported living when required by section 5126.056 of the Revised Code. The department shall pay the nonfederal share of the residential services and supported living when required by section 5123.047 of the Revised Code.

(C) If a county board that has local administrative authority under division (A) of section 5126.055 of the Revised Code for home or community-based services violates the right established by this section of an individual to choose a provider that is qualified and willing to provide services to the individual, the individual shall receive timely notice that the individual may request a hearing under section 5101.35 of the Revised Code.

(D) The departments of mental retardation and developmental disabilities and job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the

implementation of this section. The rules shall include procedures 30701
for individuals to choose their service providers. The rules shall 30702
not be limited by a provider selection system established under 30703
section 5126.42 of the Revised Code, including any pool of 30704
providers created pursuant to a provider selection system. 30705
30706

Sec. 5126.05. (A) Subject to the rules established by the 30707
director of mental retardation and developmental disabilities 30708
pursuant to Chapter 119. of the Revised Code for programs and 30709
services offered pursuant to this chapter, and subject to the 30710
rules established by the state board of education pursuant to 30711
Chapter 119. of the Revised Code for programs and services offered 30712
pursuant to Chapter 3323. of the Revised Code, the county board of 30713
mental retardation and developmental disabilities shall: 30714

(1) Administer and operate facilities, programs, and services 30715
as provided by this chapter and Chapter 3323. of the Revised Code 30716
and establish policies for their administration and operation; 30717
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(2) Coordinate, monitor, and evaluate existing services and 30719
facilities available to individuals with mental retardation and 30720
developmental disabilities; 30721

(3) Provide early childhood services, supportive home 30722
services, and adult services, according to the plan and priorities 30723
developed under section 5126.04 of the Revised Code; 30724

(4) Provide or contract for special education services 30725
pursuant to Chapters 3317. and 3323. of the Revised Code and 30726
ensure that related services, as defined in section 3323.01 of the 30727
Revised Code, are available according to the plan and priorities 30728
developed under section 5126.04 of the Revised Code; 30729

(5) Adopt a budget, authorize expenditures for the purposes 30730
specified in this chapter and do so in accordance with section 30731

319.16 of the Revised Code, approve attendance of board members 30732
and employees at professional meetings and approve expenditures 30733
for attendance, and exercise such powers and duties as are 30734
prescribed by the director; 30735

(6) Submit annual reports of its work and expenditures, 30736
pursuant to sections 3323.09 and 5126.12 of the Revised Code, to 30737
the director, the superintendent of public instruction, and the 30738
board of county commissioners at the close of the fiscal year and 30739
at such other times as may reasonably be requested; 30740

(7) Authorize all positions of employment, establish 30741
compensation, including but not limited to salary schedules and 30742
fringe benefits for all board employees, approve contracts of 30743
employment for management employees that are for a term of more 30744
than one year, employ legal counsel under section 309.10 of the 30745
Revised Code, and contract for employee benefits; 30746

(8) Provide case management services, as defined in rules 30747
adopted by the director of mental retardation and developmental 30748
disabilities, in accordance with section 5126.15 of the Revised 30749
Code; 30750

(9) Certify respite care homes pursuant to rules adopted 30751
under section 5123.171 of the Revised Code by the director of 30752
mental retardation and developmental disabilities. 30753

(B) To the extent that rules adopted under this section apply 30754
to the identification and placement of handicapped children under 30755
Chapter 3323. of the Revised Code, they shall be consistent with 30756
the standards and procedures established under sections 3323.03 to 30757
3323.05 of the Revised Code. 30758

(C) Any county board may enter into contracts with other such 30759
boards and with public or private, nonprofit, or profit-making 30760
agencies or organizations of the same or another county, to 30761
provide the facilities, programs, and services authorized or 30762

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required, upon such terms as may be agreeable, and in accordance 30763
with this chapter and Chapter 3323. of the Revised Code and rules 30764
adopted thereunder and in accordance with sections 307.86 and 30765
5126.071 of the Revised Code. 30766

(D) A county board may combine transportation for children 30767
and adults enrolled in programs and services offered under section 30768
5126.12 with transportation for children enrolled in classes 30769
funded under section 3317.20 or units approved under section 30770
3317.05 of the Revised Code. 30771

(E) A county board may purchase all necessary insurance 30772
policies, may purchase equipment and supplies through the 30773
department of administrative services or from other sources, and 30774
may enter into agreements with public agencies or nonprofit 30775
organizations for cooperative purchasing arrangements. 30776

(F) A county board may receive by gift, grant, devise, or 30777
bequest any moneys, lands, or property for the benefit of the 30778
purposes for which the board is established and hold, apply, and 30779
dispose of the moneys, lands, and property according to the terms 30780
of the gift, grant, devise, or bequest. All money received by 30781
gift, grant, bequest, or disposition of lands or property received 30782
by gift, grant, devise, or bequest shall be deposited in the 30783
county treasury to the credit of such board and shall be available 30784
for use by the board for purposes determined or stated by the 30785
donor or grantor, but may not be used for personal expenses of the 30786
board members. Any interest or earnings accruing from such gift, 30787
grant, devise, or bequest shall be treated in the same manner and 30788
subject to the same provisions as such gift, grant, devise, or 30789
bequest. 30790

(G) The board of county commissioners shall levy taxes and 30791
make appropriations sufficient to enable the county board of 30792
mental retardation and developmental disabilities to perform its 30793
functions and duties, and may utilize any available local, state, 30794

and federal funds for such purpose. 30795

Sec. 5126.051. (A) To the extent that resources are 30796
available, a county board of mental retardation and developmental 30797
disabilities ~~may~~ shall provide for or arrange residential services 30798
and supported living for individuals with mental retardation and 30799
developmental disabilities. 30800

A county board may acquire, convey, lease, or sell property 30801
for residential services and supported living and enter into loan 30802
agreements, including mortgages, for the acquisition of such 30803
property. A county board is not required to comply with provisions 30804
of Chapter 307. of the Revised Code providing for competitive 30805
bidding or sheriff sales in the acquisition, lease, conveyance, or 30806
sale of property under this division, but the acquisition, lease, 30807
conveyance, or sale must be at fair market value determined by 30808
appraisal of one or more disinterested persons appointed by the 30809
board. 30810

Any action taken by a county board under this division that 30811
will incur debt on the part of the county shall be taken in 30812
accordance with Chapter 133. of the Revised Code. A county board 30813
shall not incur any debt on the part of the county without the 30814
prior approval of the board of county commissioners. 30815

(B)(1) To the extent that resources are available, in 30816
addition to sheltered employment and work activities provided as 30817
adult services pursuant to division (A)(3) of section 5126.05 of 30818
the Revised Code, a county board of mental retardation and 30819
developmental disabilities may provide or arrange for job 30820
training, vocational evaluation, and community employment services 30821
to mentally retarded and developmentally disabled individuals who 30822
are age eighteen and older and not enrolled in a program or 30823
service under Chapter 3323. of the Revised Code or age sixteen or 30824
seventeen and eligible for adult services under rules adopted by 30825

the director of mental retardation and developmental disabilities 30826
under Chapter 119. of the Revised Code. These services shall be 30827
provided in accordance with the individual's individual service or 30828
habilitation plan and shall include support services specified in 30829
the plan. 30830

(2) A county board may, in cooperation with the Ohio 30831
rehabilitation services commission, seek federal funds for job 30832
training and community employment. 30833

(3) A county board may contract with any agency, board, or 30834
other entity that is accredited by the commission on accreditation 30835
of rehabilitation facilities to provide services. A county board 30836
that is accredited by the commission on accreditation of 30837
rehabilitation facilities may provide services for which it is 30838
certified by the commission. 30839

(C) To the extent that resources are available, a county 30840
board may provide services to an individual with mental 30841
retardation or other developmental disability in addition to those 30842
provided pursuant to this section, section 5126.05 of the Revised 30843
Code, or any other section of this chapter. The services shall be 30844
provided in accordance with the individual's habilitation or 30845
service plan and may be provided in collaboration with other 30846
entities of state or local government. 30847

Sec. 5126.054. (A) Each county board of mental retardation 30848
and developmental disabilities shall, by resolution, develop a 30849
three-calendar year plan that includes all of the following 30850
components: 30851

(1) An assessment component that includes all of the 30852
following: 30853

(a) The number of individuals with mental retardation or 30854
other developmental disability residing in the county who need 30855

medicaid case management services and habilitation center 30856
services; 30857

(b) The number of individuals with mental retardation or 30858
other developmental disability residing in the county who need the 30859
level of care provided by an intermediate care facility for the 30860
mentally retarded and may seek home or community-based services, 30861
the service needs of those individuals, and the projected 30862
annualized cost for services; 30863

(c) The source of funds available to the county board to pay 30864
the nonfederal share of medicaid expenditures that the county 30865
board is required by division (A) of section 5126.056 of the 30866
Revised Code to pay; 30867

(d) Any other applicable information or conditions that the 30868
department of mental retardation and developmental disabilities 30869
requires as a condition of approving the plan under section 30870
5123.046 of the Revised Code. 30871

(2) A component that provides for the recruitment, training, 30872
and retention of the direct care staff necessary to implement 30873
services included in individualized service plans, including 30874
behavior management services and health management services such 30875
as delegated nursing and other habilitation services, and protect 30876
the health and welfare of individuals receiving services included 30877
in the individual's individualized service plan by complying with 30878
safeguards for unusual and major unusual incidents, day-to-day 30879
program management, and other requirements the department shall 30880
identify. A county board shall develop this component in 30881
collaboration with providers of medicaid-funded services with 30882
which the county board contracts. A county board shall include all 30883
of the following in the component: 30884

(a) The source and amount of funds available for the 30885
component; 30886

<u>(b) A plan and timeline for implementing the component with the medicaid providers under contract with the county board;</u>	30887 30888
<u>(c) The mechanisms the county board shall use to ensure the financial and program accountability of the medicaid provider's implementation of the component.</u>	30889 30890 30891
<u>(3) A component that provides for the implementation of habilitation center services, medicaid case management services, and home or community-based services. A county board shall include all of the following in the component:</u>	30892 30893 30894 30895
<u>(a) If the department of mental retardation and developmental disabilities or department of job and family services requires, an agreement to pay the nonfederal share of medicaid expenditures that the county board is required by division (A) of section 5126.056 of the Revised Code to pay;</u>	30896 30897 30898 30899 30900
<u>(b) How the services are to be phased in over the period the plan covers, including how the county board will make transfers under section 5126.046 of the Revised Code and serve individuals on a waiting list established under division (C) of section 5126.042 who are given priority status under division (D) of that section;</u>	30901 30902 30903 30904 30905 30906
<u>(c) Any agreement or commitment regarding the county board's funding of home or community-based services that the county board has with the department at the time the county board develops the component;</u>	30907 30908 30909 30910
<u>(d) Assurances adequate to the department that the county board will comply with all of the following requirements:</u>	30911 30912
<u>(i) To use any additional funds the county board receives for the services to improve the county board's resource capabilities for supporting such services available in the county at the time the component is developed and to expand the services to accommodate the unmet need for those services in the county;</u>	30913 30914 30915 30916 30917

(ii) To employ a business manager who is either a new employee who has earned at least a bachelor's degree in business administration or a current employee who has the equivalent experience of a bachelor's degree in business administration. If the county board will employ a new employee, the county board shall include in the component a timeline for employing the employee. 30918
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(iii) To employ a medicaid services manager who is either a new employee who has earned at least a bachelor's degree or a current employee who has the equivalent experience of a bachelor's degree. If the county board will employ a new employee, the county board shall include in the component a timeline for employing the employee. 30925
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(e) An agreement to comply with the method, developed under section 5123.0413 of the Revised Code in consultation with the department and the department of job and family services, of paying for extraordinary costs, including extraordinary costs for services to individuals with mental retardation or other developmental disability, and ensuring the availability of adequate funds in the event a county property tax levy for services for individuals with mental retardation or other developmental disability fails; 30931
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(f) Programmatic and financial outcomes expected from the implementation of the plan; 30940
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(g) Any other applicable information or conditions that the department requires as a condition of approving the plan under section 5123.046 of the Revised Code. 30942
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(B) For the purpose of obtaining the department's approval under section 5123.046 of the Revised Code of the plan the county board develops under division (A) of this section, a county board shall do both of the following: 30945
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<u>(1) Submit the components required by divisions (A)(1) and</u>	30949
<u>(2) of this section to the department not later than July 15,</u>	30950
<u>2001;</u>	30951
<u>(2) Submit the component required by division (A)(3) of this</u>	30952
<u>section to the department not later than October 1, 2001.</u>	30953
<u>(C) A county board whose plan developed under division (A) of</u>	30954
<u>this section is approved by the department under section 5123.046</u>	30955
<u>of the Revised Code shall update and renew the plan in accordance</u>	30956
<u>with a schedule the department shall develop.</u>	30957
<u>Sec. 5126.055. (A) Except as provided in division (G) of this</u>	30958
<u>section, a county board of mental retardation and developmental</u>	30959
<u>disabilities with an approved plan under section 5123.046 of the</u>	30960
<u>Revised Code has local administrative authority to do all of the</u>	30961
<u>following for an individual with mental retardation or other</u>	30962
<u>developmental disability who resides in the county that the county</u>	30963
<u>board serves and seeks or receives home or community-based</u>	30964
<u>services:</u>	30965
<u>(1) Perform assessments and evaluations of the individual. As</u>	30966
<u>part of the assessment and evaluation process, the county board</u>	30967
<u>shall do all of the following:</u>	30968
<u>(a) Make a recommendation to the department of mental</u>	30969
<u>retardation and developmental disabilities on whether the</u>	30970
<u>department should approve or deny the individual's application for</u>	30971
<u>the services, including on the basis of whether the individual</u>	30972
<u>needs the level of care an intermediate care facility for the</u>	30973
<u>mentally retarded provides;</u>	30974
<u>(b) If the individual's application is denied because of the</u>	30975
<u>county board's recommendation and the individual requests a</u>	30976
<u>hearing under section 5101.35 of the Revised Code, present, with</u>	30977
<u>the department of mental retardation and developmental</u>	30978

disabilities or department of job and family services, whichever 30979
denies the application, the reasons for the recommendation and 30980
denial at the hearing; 30981

(c) If the individual's application is approved, recommend to 30982
the departments of mental retardation and developmental 30983
disabilities and job and family services the services that should 30984
be included in the individual's individualized service plan and, 30985
if either department reduces, denies, or terminates a service 30986
included in the individual's individualized service plan under 30987
section 5111.871 of the Revised Code because of the county board's 30988
recommendation, present, with the department that made the 30989
reduction, denial, or termination, the reasons for the 30990
recommendation and reduction, denial, or termination at a hearing 30991
under section 5101.35 of the Revised Code. 30992

(2) In accordance with the rules adopted under section 30993
5126.047 of the Revised Code, perform the county board's duties 30994
under that section regarding assisting the individual's right to 30995
choose a qualified and willing provider of the services and, at a 30996
hearing under section 5101.35 of the Revised Code, present 30997
evidence of the process for appropriate assistance in choosing 30998
providers; 30999

(3) Unless the county board provides the services under 31000
division (A)(4) of this section, contract with the person or 31001
government entity the individual chooses in accordance with 31002
section 5126.047 of the Revised Code to provide the services if 31003
the person or government entity is qualified and agrees to provide 31004
the services. The contract shall require the provider to agree to 31005
furnish, in accordance with the provider's medicaid provider 31006
agreement and for the authorized reimbursement rate, the services 31007
the individual requires. 31008

(4) If the county board is accredited under section 5126.081 31009
of the Revised Code to provide the services and agrees to provide 31010

the services to the individual and the individual chooses the 31011
county board to provide the services, furnish, in accordance with 31012
the county board's medicaid provider agreement and for the 31013
authorized reimbursement rate, the services the individual 31014
requires; 31015

(5) Monitor the services provided to the individual and 31016
ensure the individual's health, safety, and welfare. The 31017
monitoring shall include quality assurance activities. If the 31018
county board provides the services, the department of mental 31019
retardation and developmental disabilities shall also monitor the 31020
services. 31021

(B) Except as provided in division (G) of this section, a 31022
county board with an approved plan under section 5123.046 of the 31023
Revised Code has local administrative authority to do all of the 31024
following for an individual with mental retardation or other 31025
developmental disability who resides in the county that the county 31026
board serves and seeks or receives medicaid case management 31027
services or habilitation center services, other than habilitation 31028
center services for which a school district is required by 31029
division (E) of section 5111.041 of the Revised Code to pay the 31030
nonfederal share: 31031

(1) Perform assessments and evaluations of the individual for 31032
the purpose of recommending to the departments of mental 31033
retardation and developmental disabilities and job and family 31034
services the services that should be included in the individual's 31035
individualized service plan; 31036

(2) If the department of mental retardation and developmental 31037
disabilities or department of job and family services reduces, 31038
denies, or terminates a service included in the individual's 31039
individualized service plan under section 5111.041 or 5111.042 of 31040
the Revised Code because of the county board's recommendation 31041
under division (B)(1) of this section, present, with the 31042

department that made the reduction, denial, or termination, the 31043
reasons for the recommendation and reduction, denial, or 31044
termination at a hearing under section 5101.35 of the Revised Code 31045
and inform the individual that the individual may file a complaint 31046
with the county board under section 5126.06 of the Revised Code at 31047
the same time the individual pursues an appeal under section 31048
5101.35 of the Revised Code; 31049

(3) In accordance with rules the departments of mental 31050
retardation and developmental disabilities and job and family 31051
services shall adopt in accordance with Chapter 119. of the 31052
Revised Code governing the process for individuals to choose 31053
providers of medicaid case management services and habilitation 31054
center services, assist the individual in choosing the provider of 31055
the services. The rules shall provide for both of the following: 31056

(a) The county board providing the individual up-to-date 31057
information about qualified providers that the department of 31058
mental retardation and developmental disabilities shall make 31059
available to the county board; 31060

(b) If the individual chooses a provider who is qualified and 31061
willing to provide the services but is denied that provider, the 31062
individual receiving timely notice that the individual may request 31063
a hearing under section 5101.35 of the Revised Code and, at the 31064
hearing, the county board presenting evidence of the process for 31065
appropriate assistance in choosing providers. 31066

(4) Unless the county board provides the services under 31067
division (B)(5) of this section, contract with the person or 31068
government entity that the individual chooses in accordance with 31069
the rules adopted under division (B)(3) of this section to provide 31070
the services if the person or government entity is qualified and 31071
agrees to provide the services. The contract shall require the 31072
provider to agree to furnish, in accordance with the provider's 31073
medicaid provider agreement and for the authorized reimbursement 31074

rate, the services the individual requires. 31075

(5) If the county board is accredited under section 5126.081 of the Revised Code to provide the services and agrees to provide the services to the individual and the individual chooses the county board to provide the services, furnish, in accordance with the county board's medicaid provider agreement and for the authorized reimbursement rate, the services the individual requires; 31076
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(6) Monitor the services provided to the individual. The monitoring shall include quality assurance activities. If the county board provides the services, the department of mental retardation and developmental disabilities shall also monitor the services. 31083
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(C) A county board shall perform its local administrative authority under this section in accordance with all of the following: 31088
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(1) The county board's plan that the department of mental retardation and developmental disabilities approves under section 5123.046 of the Revised Code; 31091
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(2) All applicable federal and state laws; 31094

(3) All applicable policies of the departments of mental retardation and developmental disabilities and job and family services and the United States department of health and human services; 31095
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(4) The department of job and family services' supervision under its authority under section 5111.01 of the Revised Code to act as the single state medicaid agency; 31099
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31101

(5) The department of mental retardation and developmental disabilities' oversight. 31102
31103

(D) The departments of mental retardation and developmental 31104

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disabilities and job and family services shall communicate with 31105
and provide training to county boards regarding local 31106
administrative authority granted by this section. The 31107
communication and training shall include issues regarding audit 31108
protocols and other standards established by the United States 31109
department of health and human services that the departments 31110
determine appropriate for communication and training. County 31111
boards shall participate in the training. The departments shall 31112
assess the county board's compliance against uniform standards 31113
that the departments shall establish. 31114

(E) A county board may not delegate its local administrative 31115
authority granted under this section but may contract with a 31116
person or government entity, including a council of governments, 31117
for assistance with its local administrative authority. A county 31118
board that enters into such a contract shall notify the director 31119
of mental retardation and developmental disabilities. The notice 31120
shall include the tasks and responsibilities that the contract 31121
gives to the person or government entity. The person or government 31122
entity shall comply in full with all requirements to which the 31123
county board is subject regarding the person or government 31124
entity's tasks and responsibilities under the contract. The county 31125
remains ultimately responsible for the tasks and responsibilities. 31126
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(F) A county board that has local administrative authority 31128
under this section shall, through the departments of mental 31129
retardation and developmental disabilities and job and family 31130
services, reply to, and cooperate in arranging compliance with, a 31131
program or fiscal audit or program violation exception that a 31132
state or federal audit or review discovers. The department of job 31133
and family services shall timely notify the department of mental 31134
retardation and developmental disabilities and the county board of 31135
any adverse findings. After receiving the notice, the county 31136

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board, in conjunction with the department of mental retardation 31137
and developmental disabilities, shall cooperate fully with the 31138
department of job and family services and timely prepare and send 31139
to the department a written plan of correction or response to the 31140
adverse findings. The county board is liable for any adverse 31141
findings that result from an action it takes or fails to take in 31142
its implementation of local administrative authority. 31143

(G)(1) If the department of mental retardation and 31144
developmental disabilities or department of job and family 31145
services determines that a county board's implementation of its 31146
local administrative authority under this section is deficient, 31147
the department that makes the determination shall require that 31148
county board do the following: 31149

(a) If the deficiency affects the health, safety, or welfare 31150
of an individual with mental retardation or other developmental 31151
disability, correct the deficiency within twenty-four hours; 31152
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(b) If the deficiency does not affect the health, safety, or 31154
welfare of an individual with mental retardation or other 31155
developmental disability, submit a plan of correction to the 31156
department that is acceptable to the department within sixty days 31157
and correct the deficiency within the time required by the plan of 31158
correction. 31159

(2) If the county board fails to correct a deficiency within 31160
the time required by division (G)(1) of this section to the 31161
satisfaction of the department, or submit an acceptable plan of 31162
correction within the time required by division (G)(1)(b) of this 31163
section, the department shall do one of the following until the 31164
county board's local administrative authority is restored under 31165
division (G)(3) of this section: 31166

(a) Assign the county board's local administrative authority 31167
to one or more other county boards or a regional council 31168

<u>established under section 5126.13 of the Revised Code;</u>	31169
<u>(b) Contract with a person or government entity that provides</u>	31170
<u>management services but not medicaid-funded services to perform</u>	31171
<u>the local administrative authority.</u>	31172
<u>(3) If the department takes action under division (G)(2) of</u>	31173
<u>this section, the department of mental retardation and</u>	31174
<u>developmental disabilities shall closely monitor all aspects of</u>	31175
<u>the county board's implementation of a plan of correction. The</u>	31176
<u>department shall restore the county board's local administrative</u>	31177
<u>authority when the department is satisfied that the county board</u>	31178
<u>has successfully implemented all parts of the plan of correction</u>	31179
<u>and is capable of adhering to medicaid standards.</u>	31180
<u>Sec. 5126.056. (A) A county board of mental retardation and</u>	31181
<u>developmental disabilities that has local administrative authority</u>	31182
<u>under division (A) of section 5126.055 of the Revised Code for</u>	31183
<u>home or community-based services shall pay the nonfederal share of</u>	31184
<u>medicaid expenditures for such services provided to an individual</u>	31185
<u>with mental retardation or other developmental disability who the</u>	31186
<u>county board determines under section 5126.041 of the Revised Code</u>	31187
<u>is eligible for county board services.</u>	31188
<u>A county board that has local administrative authority under</u>	31189
<u>division (B) of section 5126.055 of the Revised Code for medicaid</u>	31190
<u>case management services shall pay the nonfederal share of</u>	31191
<u>medicaid expenditures for such services provided to an individual</u>	31192
<u>with mental retardation or other developmental disability who the</u>	31193
<u>county board determines under section 5126.041 of the Revised Code</u>	31194
<u>is eligible for county board services unless division (B)(2) of</u>	31195
<u>section 5123.047 of the Revised Code requires the department of</u>	31196
<u>mental retardation and developmental disabilities to pay the</u>	31197
<u>nonfederal share.</u>	31198
<u>A county board shall pay the nonfederal share of medicaid</u>	31199

<u>expenditures for habilitation center services when required to do</u>	31200
<u>so by division (D) of section 5111.041 of the Revised Code.</u>	31201
<u>(B) A county board may use the following funds to pay the</u>	31202
<u>nonfederal share of the services that the county board is required</u>	31203
<u>by division (A) of this section to pay:</u>	31204
<u>(1) To the extent consistent with the levy that generated the</u>	31205
<u>taxes, the following taxes:</u>	31206
<u>(a) Taxes levied pursuant to division (L) of section 5705.19</u>	31207
<u>of the Revised Code and section 5705.222 of the Revised Code;</u>	31208
<u>(b) Taxes levied under section 5705.191 of the Revised Code</u>	31209
<u>that the board of county commissioners allocates to the county</u>	31210
<u>board to pay the nonfederal share of the services.</u>	31211
<u>(2) Funds that the department of mental retardation and</u>	31212
<u>developmental disabilities distributes to the county board under</u>	31213
<u>sections 5126.11, 5126.12, 5126.15, 5126.18, and 5126.44 of the</u>	31214
<u>Revised Code;</u>	31215
<u>(3) Funds that the department allocates to the county board</u>	31216
<u>for habilitation center services provided under section 5111.041</u>	31217
<u>of the Revised Code;</u>	31218
<u>(4) Earned federal revenue funds the county board receives</u>	31219
<u>for medicaid services the county board provides pursuant to the</u>	31220
<u>county board's valid medicaid provider agreement.</u>	31221
<u>(C) If by December 31, 2001, the United States secretary of</u>	31222
<u>health and human services allows for at least five hundred</u>	31223
<u>additional individuals to receive home or community-based</u>	31224
<u>services, each county board shall provide, by the last day of each</u>	31225
<u>calendar year, assurances to the department of mental retardation</u>	31226
<u>and developmental disabilities that the county board will have the</u>	31227
<u>following amount available to pay the nonfederal share of the</u>	31228
<u>services that the county board is required by division (A) of this</u>	31229

<u>section to pay:</u>	31230
<u>(1) For calendar year 2003, at least one-third of the value</u>	31231
<u>of one-half, effective mill levied in the county the preceding</u>	31232
<u>year;</u>	31233
<u>(2) For calendar year 2004, at least two-thirds of the value</u>	31234
<u>of one-half, effective mill levied in the county the preceding</u>	31235
<u>year;</u>	31236
<u>(3) For calendar year 2005 and each calendar year thereafter,</u>	31237
<u>at least the value of one-half, effective mill levied in the</u>	31238
<u>county the preceding year.</u>	31239
<u>(D) Each year, each county board shall adopt a resolution</u>	31240
<u>specifying the amount of funds it will use in the next year to pay</u>	31241
<u>the nonfederal share of the services that the county board is</u>	31242
<u>required by division (A) of this section to pay. The amount</u>	31243
<u>specified shall be adequate to assure that the services will be</u>	31244
<u>available in the county in a manner that conforms to all</u>	31245
<u>applicable state and federal laws. A county board shall state in</u>	31246
<u>its resolution that the payment of the nonfederal share represents</u>	31247
<u>an ongoing financial commitment of the county board. A county</u>	31248
<u>board shall adopt the resolution in time for the county auditor to</u>	31249
<u>make the determination required by division (E) of this section.</u>	31250
<u>(E) Each year, a county auditor shall determine whether the</u>	31251
<u>amount of funds a county board specifies in the resolution it</u>	31252
<u>adopts under division (D) of this section will be available in the</u>	31253
<u>following year for the county board to pay the nonfederal share of</u>	31254
<u>the services that the county board is required by division (A) of</u>	31255
<u>this section to pay. The county auditor shall make the</u>	31256
<u>determination not later than the last day of the year before the</u>	31257
<u>year in which the funds are to be used.</u>	31258
 Sec. 5126.12. (A) As used in this section:	 31259

(1) "Approved school age ~~unit~~ class" means a class ~~or unit~~ operated by a county board of mental retardation and developmental disabilities and ~~approved~~ funded by the ~~state board~~ department of education under ~~division (D) of section 3317.05~~ 3317.20 of the Revised Code.

(2) "Approved preschool unit" means a class or unit operated by a county board of mental retardation and developmental disabilities and approved by the state board of education under division (B) of section 3317.05 of the Revised Code.

(3) "Active treatment" means a continuous treatment program, which includes aggressive, consistent implementation of a program of specialized and generic training, treatment, health services, and related services, that is directed toward the acquisition of behaviors necessary for an individual with mental retardation or other developmental disability to function with as much self-determination and independence as possible and toward the prevention of deceleration, regression, or loss of current optimal functional status.

(4) "Eligible for active treatment" means that an individual with mental retardation or other developmental disability resides in an intermediate care facility for the mentally retarded certified under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended; resides in a state institution operated by the department of mental retardation and developmental disabilities; or is enrolled in a home and community-based services waiver program administered by the department of mental retardation and developmental disabilities as part of the medical assistance program established under section 5111.01 of the Revised Code.

(5) "Community alternative funding system" means the program under which habilitation center services are reimbursed under the ~~medical assistance~~ medicaid program pursuant to section 5111.041

of the Revised Code and rules adopted under that section.	31292
(6) "Community employment program" means community employment services provided outside of a sheltered workshop setting under which the person earns competitive wages for the performance of work.	31293 31294 31295 31296
(7) "Traditional adult services" means vocational and nonvocational activities conducted within a sheltered workshop or adult activity center or supportive home services.	31297 31298 31299
(B) Each county board of mental retardation and developmental disabilities shall certify to the director of mental retardation and developmental disabilities all of the following:	31300 31301 31302
(1) On or before the fifteenth day of October, the average daily membership for the first full week of programs and services during October receiving:	31303 31304 31305
(a) Early childhood services provided pursuant to section 5126.05 of the Revised Code for children who are less than three years of age on the thirtieth day of September of the academic year;	31306 31307 31308 31309
(b) Special education for handicapped children in approved school age units <u>classes</u> ;	31310 31311
(c) Adult services for persons sixteen years of age and older operated pursuant to section 5126.05 and division (B) of section 5126.051 of the Revised Code. Separate counts shall be made for the following:	31312 31313 31314 31315
(i) Persons enrolled in traditional adult services who are eligible for but not enrolled in active treatment under the community alternative funding system;	31316 31317 31318
(ii) Persons enrolled in traditional adult services who are eligible for and enrolled in active treatment under the community alternative funding system;	31319 31320 31321

(iii) Persons enrolled in traditional adult services but who 31322
are not eligible for active treatment under the community 31323
alternative funding system; 31324

(iv) Persons participating in community employment services. 31325
To be counted as participating in community employment services, a 31326
person must have spent an average of no less than ten hours per 31327
week in that employment during the preceding six months. 31328

(d) Other programs in the county for individuals with mental 31329
retardation and developmental disabilities that have been approved 31330
for payment of subsidy by the department of mental retardation and 31331
developmental disabilities. 31332

The membership in each such program and service in the county 31333
shall be reported on forms prescribed by the department of mental 31334
retardation and developmental disabilities. 31335

The department of mental retardation and developmental 31336
disabilities shall adopt rules defining full-time equivalent 31337
enrollees and for determining the average daily membership 31338
therefrom, except that certification of average daily membership 31339
in approved school age ~~units~~ classes shall be in accordance with 31340
rules adopted by the state board of education. The average daily 31341
membership figure shall be determined by dividing the amount 31342
representing the sum of the number of enrollees in each program or 31343
service in the week for which the certification is made by the 31344
number of days the program or service was offered in that week. No 31345
enrollee may be counted in average daily membership for more than 31346
one program or service. 31347

(2) By the fifteenth day of December, the number of children 31348
enrolled in approved preschool units on the first day of December; 31349

(3) On or before the thirtieth day of March, an itemized 31350
report of all income and operating expenditures for the 31351
immediately preceding calendar year, in the format specified by 31352

the department of mental retardation and developmental 31353
disabilities; 31354

(4) By the fifteenth day of February, a report of the total 31355
annual cost per enrollee for operation of programs and services in 31356
the preceding calendar year. The report shall include a grand 31357
total of all programs operated, the cost of the individual 31358
programs, and the sources of funds applied to each program. 31359

(5) That each required certification and report is in 31360
accordance with rules established by the department of mental 31361
retardation and developmental disabilities and the state board of 31362
education for the operation and subsidization of the programs and 31363
services. 31364

(C) To compute payments under this section to the board for 31365
the fiscal year, the department of mental retardation and 31366
developmental disabilities shall use the certification of average 31367
daily membership required by division (B)(1) of this section 31368
exclusive of the average daily membership in any approved school 31369
age unit class and the number in any approved preschool unit. 31370

(D) The department shall pay each county board for each 31371
fiscal year an amount equal to nine hundred fifty dollars times 31372
the certified number of persons who on the first day of December 31373
of the academic year are under three years of age and are not in 31374
an approved preschool unit. For persons who are at least age 31375
sixteen and are not in an approved school age unit class, the 31376
department shall pay each county board for each fiscal year the 31377
following amounts: 31378

(1) One thousand dollars times the certified average daily 31379
membership of persons enrolled in traditional adult services who 31380
are eligible for but not enrolled in active treatment under the 31381
community alternative funding system; 31382

(2) One thousand two hundred dollars times the certified 31383

average daily membership of persons enrolled in traditional adult 31384
services who are eligible for and enrolled in active treatment 31385
under the community alternative funding system; 31386

(3) No less than one thousand five hundred dollars times the 31387
certified average daily membership of persons enrolled in 31388
traditional adult services but who are not eligible for active 31389
treatment under the community alternative funding system; 31390

(4) No less than one thousand five hundred dollars times the 31391
certified average daily membership of persons participating in 31392
community employment services. 31393

(E) The department shall distribute this subsidy to county 31394
boards in semiannual installments of equal amounts. The 31395
installments shall be made not later than the thirty-first day of 31396
August and the thirty-first day of January. 31397

(F) The director of mental retardation and developmental 31398
disabilities shall make efforts to obtain increases in the 31399
subsidies for early childhood services and adult services so that 31400
the amount of the subsidies is equal to at least fifty per cent of 31401
the statewide average cost of those services minus any applicable 31402
federal reimbursements for those services. The director shall 31403
advise the director of budget and management of the need for any 31404
such increases when submitting the biennial appropriations request 31405
for the department. 31406

(G) In determining the reimbursement of a county board for 31407
the provision of case management and family support services and 31408
other services required or approved by the director for which 31409
children three through twenty-one years of age are eligible, the 31410
department shall include the average daily membership in approved 31411
school age or preschool units. The department, in accordance with 31412
this section and upon receipt and approval of the certification 31413
required by this section and any other information it requires to 31414

enable it to determine a board's payments, shall pay the agency 31415
providing the specialized training the amounts payable under this 31416
section. 31417

Sec. 5126.18. (A) The department of mental retardation and 31418
developmental disabilities may pay to each county board of mental 31419
retardation and developmental disabilities whose hypothetical 31420
local revenue per enrollee is less than the hypothetical statewide 31421
average revenue per enrollee the amount computed under division 31422
(B) of this section. The department may make the payment to a 31423
county board only if the plan the county board develops under 31424
section 5126.054 of the Revised Code is approved under section 31425
5123.046 of the Revised Code. If this section is implemented in 31426
any year, payments shall be made on or before the thirtieth day of 31427
September. 31428

(B) Except as provided in division (C) of this section, the 31429
amount to be paid to a county board shall be equal to the 31430
following: 31431

(1) If the county board's effective tax rate is equal to or 31432
greater than one mill, the product obtained by multiplying the 31433
following two quantities: 31434

(a) The amount by which the hypothetical statewide average 31435
revenue per enrollee exceeds the county board's hypothetical local 31436
revenue per enrollee; 31437

(b) The county board's infant and adult enrollment. 31438

(2) If the county board's effective tax rate is less than one 31439
mill, the product obtained by multiplying the following three 31440
quantities: 31441

(a) The amount by which the hypothetical statewide average 31442
revenue per enrollee exceeds the county board's hypothetical local 31443
revenue per enrollee; 31444

(b) The county board's infant and adult enrollment;	31445
(c) The quotient obtained by dividing the county board's effective tax rate by one mill.	31446 31447
(C)(1) For each individual who is enrolled in active treatment under the community alternative funding system as defined in section 5126.12 of the Revised Code, the department may reduce the portion of the payment made under this section for that individual by fifty per cent or less.	31448 31449 31450 31451 31452
(2) If, in any year, an appropriation by the general assembly to the department for purposes of this section is less than the total amount required to make, in full, the payments as determined under and authorized by this section, the department shall pay each county board the same percentage of the board's payment as determined under this section without regard to this division that the amount of the appropriation available for purposes of this section is of the total amount of payments as determined under this section without regard to this division.	31453 31454 31455 31456 31457 31458 31459 31460 31461
(3) Payments made to a county board pursuant to this section shall not exceed thirty per cent of the payments made to that board pursuant to section 5126.12 of the Revised Code.	31462 31463 31464
(D) Payments made under this section are supplemental to all other state or federal funds for which county boards are eligible and shall be made from funds appropriated for purposes of this section. <u>The A county board shall use the payments shall be used solely for the development and implementation of early intervention services for individuals included in the board's infant enrollment and adult services for individuals included in the board's adult enrollment to pay the nonfederal share of medicaid expenditures that division (A) of section 5126.056 of the Revised Code requires the county board to pay.</u>	31465 31466 31467 31468 31469 31470 31471 31472 31473 31474
(E) Each county board that receives a payment under this	31475

section shall, for each year it receives a payment, certify to the 31476
department that it will make a good faith effort to obtain 31477
revenues, including federal funds, for services to individuals 31478
included in its infant and adult enrollment. 31479

Sec. 5126.357. (A) As used in this section: 31480

(1) "In-home care" means the supportive services provided 31481
within the home of an individual who receives funding for the 31482
services as a county board client, including any client who 31483
receives residential services funded through ~~the medical~~ 31484
~~assistance program's~~ home ~~and or~~ community-based services ~~waivers~~ 31485
~~administered by the department of mental retardation and~~ 31486
~~developmental disabilities~~, family support services provided under 31487
section 5126.11 of the Revised Code, or supported living provided 31488
in accordance with sections 5126.41 to 5126.47 of the Revised 31489
Code. "In-home care" includes care that is provided outside a 31490
client's home in places incidental to the home, and while 31491
traveling to places incidental to the home, except that "in-home 31492
care" does not include care provided in the facilities of a county 31493
board of mental retardation and developmental disabilities or care 31494
provided in schools. 31495

(2) "Parent" means either parent of a child, including an 31496
adoptive parent but not a foster parent. 31497

(3) "Unlicensed in-home care worker" means an individual who 31498
provides in-home care but is not a health care professional. A 31499
county board worker may be an unlicensed in-home care worker. 31500

(4) "Family member" means a parent, sibling, spouse, son, 31501
daughter, grandparent, aunt, uncle, cousin, or guardian of the 31502
individual with mental retardation or a developmental disability 31503
if the individual with mental retardation or developmental 31504
disabilities lives with the person and is dependent on the person 31505
to the extent that, if the supports were withdrawn, another living 31506

arrangement would have to be found. 31507

(B) Except as provided in division (D) of this section, a 31508
family member of an individual with mental retardation or a 31509
developmental disability may authorize an unlicensed in-home care 31510
worker to give or apply prescribed medication or perform other 31511
health care tasks as part of the in-home care provided to the 31512
individual, if the family member is the primary supervisor of the 31513
care and the unlicensed in-home care worker has been selected by 31514
the family member and is under the direct supervision of the 31515
family member. Sections 4723.62 and 5126.351 to 5126.356 of the 31516
Revised Code do not apply to the in-home care authorized by a 31517
family member under this section. Instead, a family member shall 31518
obtain a prescription, if applicable, and written instructions 31519
from a health care professional for the care to be provided to the 31520
individual. The family member shall authorize the unlicensed 31521
in-home care worker to provide the care by preparing a written 31522
document granting the authority. The family member shall provide 31523
the unlicensed in-home care worker with appropriate training and 31524
written instructions in accordance with the instructions obtained 31525
from the health care professional. 31526

(C) A family member who authorizes an unlicensed in-home care 31527
worker to give or apply prescribed medication or perform other 31528
health care tasks retains full responsibility for the health and 31529
safety of the individual receiving the care and for ensuring that 31530
the worker provides the care appropriately and safely. No entity 31531
that funds or monitors the provision of in-home care may be held 31532
liable for the results of the care provided under this section by 31533
an unlicensed in-home care worker, including such entities as the 31534
county board of mental retardation and developmental disabilities, 31535
any other entity that employs an unlicensed in-home care worker, 31536
and the department of mental retardation and developmental 31537
disabilities. 31538

An unlicensed in-home care worker who is authorized under 31539
this section by a family member to provide care to an individual 31540
may not be held liable for any injury caused in providing the 31541
care, unless the worker provides the care in a manner that is not 31542
in accordance with the training and instructions received or the 31543
worker acts in a manner that constitutes wanton or reckless 31544
misconduct. 31545

(D) A county board of mental retardation and developmental 31546
disabilities may evaluate the authority granted by a family member 31547
under this section to an unlicensed in-home care worker at any 31548
time it considers necessary and shall evaluate the authority on 31549
receipt of a complaint. If the board determines that a family 31550
member has acted in a manner that is inappropriate for the health 31551
and safety of the individual receiving the services, the 31552
authorization granted by the family member to an unlicensed 31553
in-home care worker is void, and the family member may not 31554
authorize other unlicensed in-home care workers to provide the 31555
care. In making such a determination, the board shall use 31556
appropriately licensed health care professionals and shall provide 31557
the family member an opportunity to file a complaint under section 31558
5126.06 of the Revised Code. 31559

Sec. 5126.431. (A) Pursuant to Chapter 119. of the Revised 31560
Code, the department of mental retardation and developmental 31561
disabilities shall adopt rules establishing standards and 31562
procedures for certification of persons and government entities 31563
that provide or propose to provide, under contract with ~~the~~ 31564
~~department until July 1, 1995, or with~~ a county board of mental 31565
retardation and developmental disabilities, supported living for 31566
individuals with mental retardation or developmental disabilities. 31567
The rules shall allow a person or government entity to 31568
automatically satisfy a standard for certification under this 31569
section if the person holds a current, valid license under section 31570

5123.19 of the Revised Code to operate a residential facility and 31571
had to satisfy the standard to obtain the residential facility 31572
license. 31573

(B) Pursuant to Chapter 119. of the Revised Code, the 31574
department shall adopt rules establishing quality assurance 31575
standards for supported living provided to individuals by 31576
providers certified under this section. 31577

(C) The rules adopted under this section shall include the 31578
following: 31579

(1) Procedures for ensuring that providers comply with 31580
section 5126.281 of the Revised Code; 31581

(2) Methods of evaluating the services provided and 31582
protecting the due process rights of any individual or entity 31583
affected by an evaluation or decision made pursuant to this 31584
section; 31585

(3) Procedures for revoking certification. 31586

(D)(1) Providers shall be evaluated to ensure that services 31587
are provided in a quality manner advantageous to the individual 31588
receiving the services. When evaluations are conducted, the 31589
following shall be considered: 31590

(a) The provider's experience and financial responsibility; 31591

(b) The ability to comply with program standards for 31592
supported living; 31593

(c) The ability to meet the needs of the individuals served; 31594

~~(d) The ability to work cooperatively with the department,~~ 31595
~~county boards, and other providers;~~ 31596

~~(e) Any other factor considered relevant.~~ 31597

(2) The records of evaluations conducted under this section 31598
are public records for purposes of section 149.43 of the Revised 31599

Code and shall be made available on request of any person, 31600
including individuals being served, individuals seeking supported 31601
living, and county boards. 31602

(E) The department shall certify providers in accordance with 31603
the rules adopted under this section. The department may revoke a 31604
provider's certification for good cause, including misfeasance, 31605
malfeasance, nonfeasance, confirmed abuse or neglect, financial 31606
irresponsibility, or other conduct the department determines is 31607
injurious to individuals being served. 31608

Sec. 5139.01. (A) As used in this chapter: 31609

(1) "Commitment" means the transfer of the physical custody 31610
of a child or youth from the court to the department of youth 31611
services. 31612

(2) "Permanent commitment" means a commitment that vests 31613
legal custody of a child in the department of youth services. 31614

(3) "Legal custody," insofar as it pertains to the status 31615
that is created when a child is permanently committed to the 31616
department of youth services, means a legal status in which the 31617
department has the following rights and responsibilities: the 31618
right to have physical possession of the child; the right and duty 31619
to train, protect, and control the child; the responsibility to 31620
provide the child with food, clothing, shelter, education, and 31621
medical care; and the right to determine where and with whom the 31622
child shall live, subject to the minimum periods of, or periods 31623
of, institutional care prescribed in section 2151.355 of the 31624
Revised Code; provided, that these rights and responsibilities are 31625
exercised subject to the powers, rights, duties, and 31626
responsibilities of the guardian of the person of the child, and 31627
subject to any residual parental rights and responsibilities. 31628

(4) Unless the context requires a different meaning, 31629

"institution" means a state facility that is created by the
general assembly and that is under the management and control of
the department of youth services or a private entity with which
the department has contracted for the institutional care and
custody of felony delinquents.

(5) "Full-time care" means care for twenty-four hours a day
for over a period of at least two consecutive weeks.

(6) "Placement" means the conditional release of a child
under the terms and conditions that are specified by the
department of youth services. The department shall retain legal
custody of a child released pursuant to division (C) of section
2151.38 of the Revised Code or division (C) of section 5139.06 of
the Revised Code until the time that it discharges the child or
until the legal custody is terminated as otherwise provided by
law.

(7) "Home placement" means the placement of a child in the
home of the child's parent or parents or in the home of the
guardian of the child's person.

(8) "Discharge" means that the department of youth services'
legal custody of a child is terminated.

(9) "Release" means the termination of a child's stay in an
institution and the subsequent period during which the child
returns to the community under the terms and conditions of
supervised release.

(10) "Delinquent child" has the same meaning as in section
2151.02 of the Revised Code.

(11) "Felony delinquent" means any child who is at least
twelve years of age but less than eighteen years of age and who is
adjudicated a delinquent child for having committed an act that if
committed by an adult would be a felony. "Felony delinquent"
includes any adult who is between the ages of eighteen and

twenty-one and who is in the legal custody of the department of
youth services for having committed an act that if committed by an
adult would be a felony. 31661
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(12) "Juvenile traffic offender" has the same meaning as in
section 2151.021 of the Revised Code. 31664
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(13) "Public safety beds" means all of the following: 31666

(a) Felony delinquents who have been committed to the
department of youth services for the commission of an act, other
than a violation of section 2911.01 or 2911.11 of the Revised
Code, that is a category one offense or a category two offense and
who are in the care and custody of an institution or have been
diverted from care and custody in an institution and placed in a
community corrections facility; 31667
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(b) Felony delinquents who, while committed to the department
of youth services and in the care and custody of an institution or
a community corrections facility, are adjudicated delinquent
children for having committed in that institution or community
corrections facility an act that if committed by an adult would be
a felony; 31674
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(c) Children who satisfy all of the following: 31680

(i) They are at least twelve years of age but less than
eighteen years of age. 31681
31682

(ii) They are adjudicated delinquent children for having
committed acts that if committed by an adult would be a felony. 31683
31684

(iii) They are committed to the department of youth services
by the juvenile court of a county that has had one-tenth of one
per cent or less of the statewide adjudications for felony
delinquents as averaged for the past four fiscal years. 31685
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(iv) They are in the care and custody of an institution or a
community corrections facility. 31689
31690

(d) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution, commit in that institution an act that if committed by an adult would be a felony, who are serving disciplinary time for having committed that act, and who have been institutionalized or institutionalized in a secure facility for the minimum period of time specified in division (A)(4) or (5) of section 2151.355 of the Revised Code.

(e) Felony delinquents who are subject to and serving a three-year period of commitment order imposed by a juvenile court pursuant to division (A)(7) of section 2151.355 of the Revised Code for an act, other than a violation of section 2911.11 of the Revised Code, that would be a category one offense or category two offense if committed by an adult.

(f) Felony delinquents who are described in divisions (A)(13)(a) to (e) of this section, who have been granted a judicial release under division (B) of section 2151.38 of the Revised Code or an early release under division (C) of that section from the commitment to the department of youth services for the act described in divisions (A)(13)(a) to (e) of this section, who have violated the terms and conditions of that judicial release or early release, and who, pursuant to an order of the court of the county in which the particular felony delinquent was placed on release that is issued pursuant to division (D) of section 2151.38 of the Revised Code, have been returned to the department for institutionalization or institutionalization in a secure facility.

(g) Felony delinquents who have been committed to the custody of the department of youth services, who have been granted supervised release from the commitment pursuant to section 5139.51 of the Revised Code, who have violated the terms and conditions of that supervised release, and who, pursuant to an order of the

court of the county in which the particular child was placed on supervised release issued pursuant to division (F) of section 5139.52 of the Revised Code, have had the supervised release revoked and have been returned to the department for institutionalization. A felony delinquent described in this division shall be a public safety bed only for the time during which the felony delinquent is institutionalized as a result of the revocation subsequent to the initial thirty-day period of institutionalization required by division (F) of section 5139.52 of the Revised Code.

(14) "State target youth" means twenty-five per cent of the projected total number of felony delinquents for each year of a biennium, factoring in revocations and recommitments.

(15) Unless the context requires a different meaning, "community corrections facility" means a county or multicounty rehabilitation center for felony delinquents who have been committed to the department of youth services and diverted from care and custody in an institution and placed in the rehabilitation center pursuant to division (E) of section 5139.36 of the Revised Code.

(16) "Secure facility" means any facility that is designed and operated to ensure that all of its entrances and exits are under the exclusive control of its staff and to ensure that, because of that exclusive control, no child who has been institutionalized in the facility may leave the facility without permission or supervision.

(17) "Community residential program" means a program that satisfies both of the following:

(a) It is housed in a building or other structure that has no associated major restraining construction, including, but not limited to, a security fence.

(b) It provides twenty-four-hour care, supervision, and programs for felony delinquents who are in residence.	31754 31755
(18) "Category one offense" and "category two offense" have the same meanings as in section 2151.26 of the Revised Code.	31756 31757
(19) "Disciplinary time" means additional time that the department of youth services requires a felony delinquent to serve in an institution, that delays the felony delinquent's planned release, and that the department imposes upon the felony delinquent following the conduct of an internal due process hearing for having committed any of the following acts while committed to the department and in the care and custody of an institution:	31758 31759 31760 31761 31762 31763 31764 31765
(a) An act that if committed by an adult would be a felony;	31766
(b) An act that if committed by an adult would be a misdemeanor;	31767 31768
(c) An act that is not described in division (A)(19)(a) or (b) of this section and that violates an institutional rule of conduct of the department.	31769 31770 31771
(20) "Unruly child" has the same meaning as in section 2151.022 of the Revised Code.	31772 31773
(21) "Revocation" means the act of revoking a child's supervised release for a violation of a term or condition of the child's supervised release in accordance with section 5139.52 of the Revised Code.	31774 31775 31776 31777
(22) "Release authority" means the release authority of the department of youth services that is established by section 5139.50 of the Revised Code.	31778 31779 31780
(23) "Supervised release" means the event of the release of a child under this chapter from an institution and the period after that release during which the child is supervised and assisted by	31781 31782 31783

an employee of the department of youth services under specific 31784
terms and conditions for reintegration of the child into the 31785
community. 31786

(24) "Victim" means the person identified in a police report, 31787
complaint, or information as the victim of an act that would have 31788
been a criminal offense if committed by an adult and that provided 31789
the basis for adjudication proceedings resulting in a child's 31790
commitment to the legal custody of the department of youth 31791
services. 31792

(25) "Victim's representative" means a member of the victim's 31793
family or another person whom the victim or another authorized 31794
person designates in writing, pursuant to section 5139.56 of the 31795
Revised Code, to represent the victim with respect to proceedings 31796
of the release authority of the department of youth services and 31797
with respect to other matters specified in that section. 31798

(26) "Member of the victim's family" means a spouse, child, 31799
stepchild, sibling, parent, stepparent, grandparent, other 31800
relative, or legal guardian of a child but does not include a 31801
person charged with, convicted of, or adjudicated a delinquent 31802
child for committing a criminal or delinquent act against the 31803
victim or another criminal or delinquent act arising out of the 31804
same conduct, criminal or delinquent episode, or plan as the 31805
criminal or delinquent act committed against the victim. 31806

(27) "Judicial release" means a release of a child from 31807
institutional care or institutional care in a secure facility that 31808
is granted by a court pursuant to division (B) of section 2151.38 31809
of the Revised Code during the period specified in that division. 31810

(28) "Early release" means a release of a child from 31811
institutional care or institutional care in a secure facility that 31812
is granted by a court pursuant to division (C) of section 2151.38 31813
of the Revised Code during the period specified in that division. 31814

(29) "Comprehensive plan" means a document that coordinates, evaluates, and otherwise assists, on an annual or multi-year basis, all of the functions of the criminal and juvenile justice systems of the state or a specified area of the state, that conforms to the priorities of the state with respect to criminal and juvenile justice systems, and that conforms with the requirements of all federal criminal justice acts. These functions include, but are not limited to, all of the following:

(a) Crime and delinquency prevention;

(b) Identification, detection, apprehension, and detention of persons charged with criminal offenses or delinquent acts;

(c) Assistance to crime victims or witnesses, except that the comprehensive plan does not include the functions of the attorney general pursuant to sections 109.91 and 109.92 of the Revised Code;

(d) Adjudication or diversion of persons charged with criminal offenses or delinquent acts;

(e) Custodial treatment of criminal offenders and delinquent children;

(f) Institutional and noninstitutional rehabilitation of criminal offenders and delinquent children.

(30) "Administrative planning district," "criminal justice coordinating council," "juvenile justice system," and "metropolitan county criminal justice services agency" have the same meanings as in section 181.51 of the Revised Code.

(B) There is hereby created the department of youth services. The governor shall appoint the director of the department with the advice and consent of the senate. The director shall hold office during the term of the appointing governor but subject to removal at the pleasure of the governor. Except as otherwise authorized in

section 108.05 of the Revised Code, the director shall devote the 31845
director's entire time to the duties of the director's office and 31846
shall hold no other office or position of trust or profit during 31847
the director's term of office. 31848

The director is the chief executive and administrative 31849
officer of the department and has all the powers of a department 31850
head set forth in Chapter 121. of the Revised Code. The director 31851
may adopt rules for the government of the department, the conduct 31852
of its officers and employees, the performance of its business, 31853
and the custody, use, and preservation of the department's 31854
records, papers, books, documents, and property. The director 31855
shall be an appointing authority within the meaning of Chapter 31856
124. of the Revised Code. Whenever this or any other chapter or 31857
section of the Revised Code imposes a duty on or requires an 31858
action of the department, the duty or action shall be performed by 31859
the director or, upon the director's order, in the name of the 31860
department. 31861

Sec. 5139.11. The department of youth services shall do all 31862
of the following: 31863

(A) Through a program of education, promotion, and 31864
organization, form groups of local citizens and assist these 31865
groups in conducting activities aimed at the prevention and 31866
control of juvenile delinquency, making use of local people and 31867
resources for the following purposes: 31868

(1) Combatting local conditions known to contribute to 31869
juvenile delinquency; 31870

(2) Developing recreational and other programs for youth 31871
work; 31872

(3) Providing adult sponsors for delinquent children cases; 31873

(4) Dealing with other related problems of the locality; 31874

(B) Advise local, state, and federal officials, public and private agencies, and lay groups on the needs for and possible methods of the reduction and prevention of juvenile delinquency and the treatment of delinquent children;	31875 31876 31877 31878
(C) Consult with the schools and courts of this state on the development of programs for the reduction and prevention of delinquency and the treatment of delinquents;	31879 31880 31881
(D) Cooperate with other agencies whose services deal with the care and treatment of delinquent children to the end that delinquent children who are state wards may be assisted whenever possible to a successful adjustment outside of institutional care;	31882 31883 31884 31885
(E) Cooperate with other agencies in surveying, developing, and utilizing the recreational resources of a community as a means of combatting the problem of juvenile delinquency and effectuating rehabilitation;	31886 31887 31888 31889
(F) Hold district and state conferences from time to time in order to acquaint the public with current problems of juvenile delinquency and develop a sense of civic responsibility toward the prevention of juvenile delinquency;	31890 31891 31892 31893
(G) Assemble and distribute information relating to juvenile delinquency and report on studies relating to community conditions that affect the problem of juvenile delinquency;	31894 31895 31896
(H) Assist any community within the state by conducting a comprehensive survey of the community's available public and private resources, and recommend methods of establishing a community program for combatting juvenile delinquency and crime, but no survey of that type shall be conducted unless local individuals and groups request it through their local authorities, and no request of that type shall be interpreted as binding the community to following the recommendations made as a result of the request;	31897 31898 31899 31900 31901 31902 31903 31904 31905

(I) Evaluate the rehabilitation of children committed to the department and prepare and submit periodic reports to the committing court for the following purposes:	31906 31907 31908
(1) Evaluating the effectiveness of institutional treatment;	31909
(2) Making recommendations for early release where appropriate and recommending terms and conditions for release;	31910 31911
(3) Reviewing the placement of children and recommending alternative placements where appropriate.	31912 31913
(J) Coordinate dates for hearings to be conducted under section 2151.38 of the Revised Code and assist in the transfer and release of children from institutionalization to the custody of the committing court;	31914 31915 31916 31917
<u>(K)(1) Coordinate and assist juvenile justice systems by doing the following:</u>	31918 31919
<u>(a) Performing juvenile justice system planning in the state, including any planning that is required by any federal law;</u>	31920 31921
<u>(b) Collecting, analyzing, and correlating information and data concerning the juvenile justice system in the state;</u>	31922 31923
<u>(c) Cooperating with and providing technical assistance to state departments, administrative planning districts, metropolitan county criminal justice services agencies, criminal justice coordinating councils, and agencies, offices, and departments of the juvenile justice system in the state, and other appropriate organizations and persons;</u>	31924 31925 31926 31927 31928 31929
<u>(d) Encouraging and assisting agencies, offices, and departments of the juvenile justice system in the state and other appropriate organizations and persons to solve problems that relate to the duties of the department;</u>	31930 31931 31932 31933
<u>(e) Administering within the state any juvenile justice acts that the governor requires the department to administer;</u>	31934 31935

<u>(f) Implementing the state comprehensive plans;</u>	31936
<u>(g) Auditing grant activities of agencies, offices, organizations, and persons that are financed in whole or in part by funds granted through the department;</u>	31937 31938 31939
<u>(h) Monitoring or evaluating the performance of juvenile justice system projects and programs in the state that are financed in whole or in part by funds granted through the department;</u>	31940 31941 31942 31943
<u>(i) Applying for, allocating, disbursing, and accounting for grants that are made available pursuant to federal juvenile justice acts, or made available from other federal, state, or private sources, to improve the criminal and juvenile justice systems in the state. All money from federal juvenile justice act grants shall, if the terms under which the money is received require that the money be deposited into an interest bearing fund or account, be deposited in the state treasury to the credit of the federal juvenile justice program purposes fund, which is hereby created. All investment earnings shall be credited to the fund.</u>	31944 31945 31946 31947 31948 31949 31950 31951 31952 31953 31954
<u>(j) Contracting with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the department;</u>	31955 31956 31957
<u>(k) Overseeing the activities of metropolitan county criminal justice services agencies, administrative planning districts, and juvenile justice coordinating councils in the state;</u>	31958 31959 31960 31961
<u>(l) Advising the general assembly and governor on legislation and other significant matters that pertain to the improvement and reform of the juvenile justice system in the state;</u>	31962 31963 31964 31965
<u>(m) Preparing and recommending legislation to the general</u>	31966

assembly and governor for the improvement of the juvenile justice system in the state; 31967
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(n) Assisting, advising, and making any reports that are required by the governor, attorney general, or general assembly. 31969
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(2) Division (K)(1) of this section does not limit the discretion or authority of the attorney general with respect to crime victim assistance and criminal and juvenile justice programs. 31971
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(3) Nothing in division (K)(1) of this section is intended to diminish or alter the status of the office of the attorney general as a criminal justice services agency. 31975
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Sec. 5139.31. The department of youth services may inspect any school, forestry camp, district detention home, or other facility for which an application for financial assistance has been made to the department under section ~~2151.341~~, 2151.3416, 2151.651, or 2151.652 of the Revised Code or for which financial assistance has been granted by the department under section 5139.27, 5139.271, or 5139.28, ~~or 5139.281~~ of the Revised Code. The inspection may include, but need not be limited to, examination and evaluation of the physical condition of the school, forestry camp, district detention home, or other facility, including any equipment used in connection with it; observation and evaluation of the training and treatment of children admitted to it; examination and analysis and copying of any papers, records, or other documents relating to the qualifications of personnel, the commitment of children to it, and its administration. 31978
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Sec. 5153.165. If a family is encountering an emergency that could lead, or has led, to removal of a child from the family's home pursuant to Chapter 2151. of the Revised Code, the public 31994
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children services agency shall determine whether the child could 31997
remain safely with, or be safely returned to, the family if the 31998
emergency were alleviated by providing ~~assistance~~ benefits and 31999
services under the prevention, retention, and contingency program 32000
established under Chapter 5108. of the Revised Code. If it is 32001
determined that the child could remain safely with, or be safely 32002
returned to, the family, the agency, with the cooperation of the 32003
child's family, shall determine the amount of ~~assistance~~ benefits 32004
and services necessary to prevent the removal of the child from 32005
the home or to permit the child's return to the home and may 32006
provide the ~~assistance~~ benefits and services pursuant to a plan of 32007
cooperation entered into under section 307.983 of the Revised 32008
Code. 32009

Sec. 5153.60. The department of job and family services shall 32010
establish a statewide program that provides the training section 32011
5153.122 of the Revised Code requires public children services 32012
agency caseworkers and supervisors to complete. The program may 32013
also provide the preplacement and continuing training described in 32014
sections 5103.039, 5103.0310, and 5103.0311 of the Revised Code 32015
that foster caregivers are required by sections 5103.031, 32016
5103.032, and 5103.033 of the Revised Code to obtain. The program 32017
shall be called the "Ohio child welfare training program." 32018

Sec. 5153.69. The training program steering committee shall 32020
monitor and evaluate the Ohio child welfare training program to 32021
ensure ~~that~~ the following: 32022

(A) That the Ohio child welfare training program is a 32023
competency-based training system that satisfies the training 32024
requirements for public children services agency caseworkers and 32025
supervisors under section 5153.122 of the Revised Code; 32026

(B) That, if the Ohio child welfare training program provides 32027

preplacement or continuing training for foster caregivers, it 32028
meets the same requirements that preplacement training programs 32029
and continuing training programs must meet pursuant to section 32030
5103.038 of the Revised Code to obtain approval by the department 32031
of job and family services, except that the Ohio child welfare 32032
training program is not required to obtain department approval. 32033
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Sec. 5153.78. (A) As used in this section: 32035

(1) "Title IV-B" means Title IV-B of the "Social Security Act 32036
of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 32037

(2) "Title IV-E" means Title IV-E of the "Social Security 32038
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 32039

(3) "Title XX" has the same meaning as in section 5101.46 of 32040
the Revised Code. 32041

(B) For purposes of adequately funding the Ohio child welfare 32042
training program, the department of job and family services ~~shall~~ 32043
may use any of the following to ~~adequately fund the Ohio child~~ 32044
~~welfare training program:~~ 32045

(1) The federal financial participation funds withheld 32046
pursuant to division (D) of section 5101.141 of the Revised Code 32047
in an amount determined by the department; 32048

(2) Funds available under Title XX, Title IV-B, and Title 32049
IV-E to pay for training costs; 32050

(3) ~~Any other~~ Other available state or federal funds. 32051

Sec. 5705.091. The board of county commissioners of each 32052
county shall establish a county mental retardation and 32053
developmental disabilities general fund. Notwithstanding sections 32054
5705.09 and 5705.10 of the Revised Code, proceeds from levies 32055
under section 5705.222 and division (L) of section 5705.19 of the 32056

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Revised Code shall be deposited to the credit of the county mental 32057
retardation and developmental disabilities general fund. Accounts 32058
shall be established within the county mental retardation and 32059
developmental disabilities general fund for each of the several 32060
particular purposes of the levies as specified in the resolutions 32061
under which the levies were approved, and proceeds from different 32062
levies that were approved for the same particular purpose shall be 32063
credited to accounts for that purpose. Other money received by the 32064
county for the purposes of Chapters 3323. and 5126. of the Revised 32065
Code and not required by state or federal law to be deposited to 32066
the credit of a different fund shall also be deposited to the 32067
credit of the county mental retardation and developmental 32068
disabilities general fund, in an account appropriate to the 32069
particular purpose for which the money was received. Unless 32070
otherwise provided by law, an unexpended balance at the end of a 32071
fiscal year in any account in the county mental retardation and 32072
developmental disabilities general fund shall be appropriated the 32073
next fiscal year to the same fund. 32074

A county board of mental retardation and developmental 32075
disabilities may request, by resolution, that the board of county 32076
commissioners establish a county mental retardation and 32077
developmental disabilities capital fund for money to be used for 32078
acquisition, construction, or improvement of capital facilities or 32079
acquisition of capital equipment used in providing services to 32080
mentally retarded and developmentally disabled persons. The county 32081
board of mental retardation and developmental disabilities shall 32082
transmit a certified copy of the resolution to the board of county 32083
commissioners. Upon receiving the resolution, the board of county 32084
commissioners shall establish a county mental retardation and 32085
developmental disabilities capital fund. 32086

A county board shall request, by resolution, that the board 32087
of county commissioners establish a county MR/DD medicaid reserve 32088

fund if such fund must be established for the county board to be 32089
in compliance with the component required by division (A)(3) of 32090
section 5126.054 of the Revised Code of a county board plan 32091
approved by the department of mental retardation and developmental 32092
disabilities under section 5123.046 of the Revised Code. On 32093
receipt of the resolution, the board of county commissioners shall 32094
establish a county MR/DD medicaid reserve fund. The portion of 32095
federal revenue funds that the county board earns for providing 32096
medicaid case management services and home or community-based 32097
services that is needed for the county board to pay for 32098
extraordinary costs, including extraordinary costs for services to 32099
individuals with mental retardation or other developmental 32100
disability, and ensure the availability of adequate funds in the 32101
event a county property tax levy for services for individuals with 32102
mental retardation or other developmental disability fails shall 32103
be deposited into the fund. The county board shall use money in 32104
the fund for those purposes. 32105

Sec. 5705.41. No subdivision or taxing unit shall: 32106

(A) Make any appropriation of money except as provided in 32107
Chapter 5705. of the Revised Code; provided, that the 32108
authorization of a bond issue shall be deemed to be an 32109
appropriation of the proceeds of the bond issue for the purpose 32110
for which such bonds were issued, but no expenditure shall be made 32111
from any bond fund until first authorized by the taxing authority; 32112

(B) Make any expenditure of money unless it has been 32113
appropriated as provided in such chapter; 32114

(C) Make any expenditure of money except by a proper warrant 32115
drawn against an appropriate fund; 32116

(D)(1) Except as otherwise provided in division (D)(2) of 32117
this section and section 5705.44 of the Revised Code, make any 32118
contract or give any order involving the expenditure of money 32119

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unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the obligation or, in the case of a continuing contract to be performed in whole or in part in an ensuing fiscal year, the amount required to meet the obligation in the fiscal year in which the contract is made, has been lawfully appropriated for such purpose and is in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances. This certificate need be signed only by the subdivision's fiscal officer. Every such contract made without such a certificate shall be void, and no warrant shall be issued in payment of any amount due thereon. If no certificate is furnished as required, upon receipt by the taxing authority of the subdivision or taxing unit of a certificate of the fiscal officer stating that there was at the time of the making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances, such taxing authority may authorize the drawing of a warrant in payment of amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate; provided that, if the amount involved is less than one hundred dollars in the case of counties or one thousand dollars in the case of all other subdivisions or taxing units, the fiscal officer may authorize it to be paid without such affirmation of the taxing authority of the subdivision or taxing unit, if such expenditure is otherwise valid.

(2) Annually, the board of county commissioners may adopt a resolution exempting for the current fiscal year county purchases of seven hundred fifty dollars or less from the requirement of division (D)(1) of this section that a certificate be attached to any contract or order involving the expenditure of money. The

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resolution shall state the dollar amount that is exempted from the certificate requirement and whether the exemption applies to all purchases, to one or more specific classes of purchases, or to the purchase of one or more specific items. Prior to the adoption of the resolution, the board shall give written notice to the county auditor that it intends to adopt the resolution. The notice shall state the dollar amount that is proposed to be exempted and whether the exemption would apply to all purchases, to one or more specific classes of purchases, or to the purchase of one or more specific items. The county auditor may review and comment on the proposal, and shall send any comments to the board within fifteen days after receiving the notice. The board shall wait at least fifteen days after giving the notice to the auditor before adopting the resolution. A person authorized to make a county purchase in a county that has adopted such a resolution shall prepare and file with the county auditor, within three business days after incurring an obligation not requiring a certificate, a written document specifying the purpose and amount of the expenditure, the date of the purchase, the name of the vendor, and such additional information as the auditor of state may prescribe.

(3) Upon certification by the auditor or other chief fiscal officer that a certain sum of money, not in excess of five thousand dollars, has been lawfully appropriated, authorized, or directed for a certain purpose and is in the treasury or in the process of collection to the credit of a specific line-item appropriation account in a certain fund free from previous and then outstanding obligations or certifications, then for such purpose and from such line-item appropriation account in such fund, over a period not exceeding three months and not extending beyond the end of the fiscal year, expenditures may be made, orders for payment issued, and contracts or obligations calling for or requiring the payment of money made and assumed; provided,

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that the aggregate sum of money included in and called for by such
expenditures, orders, contracts, and obligations shall not exceed
the sum so certified. Such a certification need be signed only by
the fiscal officer of the subdivision or the taxing district and
may, but need not, be limited to a specific vendor. An itemized
statement of obligations incurred and expenditures made under such
certificate shall be rendered to the auditor or other chief fiscal
officer before another such certificate may be issued, and not
more than one such certificate shall be outstanding at a time.

In addition to providing the certification for expenditures
of five thousand dollars or less as provided in this division, a
subdivision also may make expenditures, issue orders for payment,
and make contracts or obligations calling for or requiring the
payment of money made and assumed for specified permitted purposes
from a specific line-item appropriation account in a specified
fund for a sum of money exceeding five thousand dollars upon the
certification by the fiscal officer of the subdivision that this
sum of money has been lawfully appropriated, authorized, or
directed for a permitted purpose and is in the treasury or in the
process of collection to the credit of the specific line-item
appropriation account in the specified fund free from previous and
then-outstanding obligations or certifications; provided that the
aggregate sum of money included in and called for by the
expenditures, orders, and obligations shall not exceed the
certified sum. The purposes for which a subdivision may lawfully
appropriate, authorize, or issue such a certificate are the
services of an accountant, architect, attorney at law, physician,
professional engineer, construction project manager, consultant,
surveyor, or appraiser by or on behalf of the subdivision or
contracting authority; fuel oil, gasoline, food items, roadway
materials, and utilities; and any purchases exempt from
competitive bidding under section 125.04 of the Revised Code and

any other specific expenditure that is a recurring and reasonably
predictable operating expense. Such a certification shall not
extend beyond the end of the fiscal year or, in the case of a
board of county commissioners that has established a quarterly
spending plan under section 5705.392 of the Revised Code, beyond
the quarter to which the plan applies. Such a certificate shall be
signed by the fiscal officer and may, but need not, be limited to
a specific vendor. An itemized statement of obligations incurred
and expenditures made under such a certificate shall be rendered
to the fiscal officer for each certificate issued. More than one
such certificate may be outstanding at any time.

In any case in which a contract is entered into upon a per
unit basis, the head of the department, board, or commission for
the benefit of which the contract is made shall make an estimate
of the total amount to become due upon such contract, which
estimate shall be certified in writing to the fiscal officer of
the subdivision. Such a contract may be entered into if the
appropriation covers such estimate, or so much thereof as may be
due during the current year. In such a case the certificate of the
fiscal officer based upon the estimate shall be a sufficient
compliance with the law requiring a certificate.

Any certificate of the fiscal officer attached to a contract
shall be binding upon the political subdivision as to the facts
set forth therein. Upon request of any person receiving an order
or entering into a contract with any political subdivision, the
certificate of the fiscal officer shall be attached to such order
or contract. "Contract" as used in this section excludes current
payrolls of regular employees and officers.

Taxes and other revenue in process of collection, or the
proceeds to be derived from authorized bonds, notes, or
certificates of indebtedness sold and in process of delivery,
shall for the purpose of this section be deemed in the treasury or

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in process of collection and in the appropriate fund. This section 32249
applies neither to the investment of sinking funds by the trustees 32250
of such funds, nor to investments made under sections 731.56 to 32251
731.59 of the Revised Code. 32252

No district authority shall, in transacting its own affairs, 32253
do any of the things prohibited to a subdivision by this section, 32254
but the appropriation referred to shall become the appropriation 32255
by the district authority, and the fiscal officer referred to 32256
shall mean the fiscal officer of the district authority. 32257

Sec. 5705.44. When contracts or leases run beyond the 32258
termination of the fiscal year in which they are made, the fiscal 32259
officer of the taxing authority shall make a certification for the 32260
amount required to meet the obligation of such contract or lease 32261
maturing in such fiscal year. The amount of the obligation under 32262
such contract or lease remaining unfulfilled at the end of a 32263
fiscal year, and which will become payable during the next fiscal 32264
year, shall be included in the annual appropriation measure for 32265
the next year as a fixed charge. 32266

The certificate required by section 5705.41 of the Revised 32267
Code as to money in the treasury shall not be required for 32268
contracts on which payments are to be made from the earnings of a 32269
publicly operated water works or public utility, but in the case 32270
of any such contract made without such certification, no payment 32271
shall be made on account thereof, and no claim or demand thereon 32272
shall be recoverable, except out of such earnings. That 32273
certificate also shall not be required if requiring the 32274
certificate makes it impossible for a county board of mental 32275
retardation and developmental disabilities to pay the nonfederal 32276
share of medicaid expenditures that the county board is required 32277
by division (A) of section 5126.056 of the Revised Code to pay. 32278

Sec. 5709.17. (A) Real estate held or occupied by an 32279
association or corporation, organized or incorporated under the 32280
laws of this state relative to soldiers' memorial associations, 32281
monumental building associations, or cemetery associations or 32282
corporations, which in the opinion of the trustees, directors, or 32283
managers thereof is necessary and proper to carry out the object 32284
intended for such association or corporation, shall be exempt from 32285
taxation. 32286

(B) Real estate and tangible personal property held or 32287
occupied by a war veterans' organization, which is organized 32288
exclusively for charitable purposes and incorporated under the 32289
laws of this state or the United States, except real estate held 32290
by such organization for the production of rental income, shall be 32291
exempt from taxation. 32292

(C) Tangible personal property held by a corporation 32293
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 32294
section 501(c)(3) of the Internal Revenue Code, and exempt from 32295
taxation under section 501(a) of the Internal Revenue Code shall 32296
be exempt from taxation if it is surplus property obtained as 32297
described in 112 Stat. 1340, 36 U.S.C.A. 40730. 32298

Sec. 5721.30. As used in sections 5721.30 to 5721.42 of the 32299
Revised Code: 32300

(A) "Tax certificate," "certificate," or "duplicate 32301
certificate" means a document which may be issued as a physical 32302
certificate, in book-entry form, or through an electronic medium, 32303
at the discretion of the county treasurer. Such document shall 32304
contain the information required by section 5721.31 of the Revised 32305
Code and shall be prepared, transferred, or redeemed in the manner 32306
prescribed by sections 5721.30 to 5721.41 of the Revised Code. As 32307
used in those sections, "tax certificate," "certificate," and 32308
"duplicate certificate" do not refer to the delinquent land tax 32309

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certificate or the delinquent vacant land tax certificate issued 32310
under section 5721.13 of the Revised Code. 32311

(B) "Certificate parcel" means the parcel of delinquent land 32312
that is the subject of and is described in a tax certificate. 32313

(C) "Certificate holder" means a person who purchases a tax 32314
certificate under section 5721.32 or 5721.33 of the Revised Code, 32315
or a person to whom a tax certificate has been transferred 32316
pursuant to section 5721.36 of the Revised Code. 32317

(D) "Certificate purchase price" means, with respect to the 32318
sale of tax certificates under sections 5721.32 and 5721.33 of the 32319
Revised Code, the amount equal to delinquent taxes, assessments, 32320
penalties, and interest computed under section 323.121 of the 32321
Revised Code charged against a certificate parcel at the time the 32322
tax certificate respecting that parcel is sold, not including any 32323
delinquent taxes, assessments, penalties, interest, and charges, 32324
the lien for which has been conveyed to a certificate holder 32325
through a prior sale of a tax certificate respecting that parcel; 32326
provided, however, that payment of the certificate purchase price 32327
in a sale under section 5721.33 of the Revised Code may be made 32328
wholly in cash or partially in cash and partially by noncash 32329
consideration acceptable to the county treasurer from the 32330
purchaser. In the event that any such noncash consideration is 32331
delivered to pay a portion of the certificate purchase price, such 32332
noncash consideration may be subordinate to the rights of the 32333
holders of other obligations whose proceeds paid the cash portion 32334
of the certificate purchase price. 32335

"Certificate purchase price" also includes the amount of the 32336
fee charged by the county treasurer to the purchaser of the 32337
certificate under division (H) of section 5721.32 of the Revised 32338
Code. 32339

(E) With respect to a sale of tax certificates under section 32340

5721.32 of the Revised Code and except as provided in division 32341
(E)(3) of this section, "certificate redemption price" means the 32342
amount determined under division (E)(1) or (2) of this section. 32343

(1) During the first year after the date on which a tax 32344
certificate is sold, the sum of the following: 32345

(a) The certificate purchase price; 32346

(b) The greater of the following: 32347

(i) Interest, at the certificate rate of interest, accruing 32348
during the certificate interest period on the certificate purchase 32349
price; 32350

(ii) Six per cent of the certificate purchase price. 32351

(c) The fee charged by the county treasurer to the purchaser 32352
of the certificate under division (H) of section 5721.32 of the 32353
Revised Code. 32354

(2) After the first year after the date on which a tax 32355
certificate is sold, the sum of the following: 32356

(a)(i) If division (E)(1)(b)(i) applied during the first 32357
year, the certificate purchase price; 32358

(ii) If division (E)(1)(b)(ii) applied during the first year, 32359
the sum of the certificate purchase price plus six per cent of the 32360
certificate purchase price. 32361

(b)(i) If division (E)(1)(b)(i) applied during the first 32362
year, interest at the certificate rate of interest accruing during 32363
the certificate interest period on the certificate purchase price; 32364

(ii) If division (E)(1)(b)(ii) applied during the first year, 32365
interest at the certificate rate of interest, accruing during the 32366
part of the certificate interest period that begins one year after 32367
the date of the sale of the certificate, on the sum of the 32368
certificate purchase price plus six per cent of the certificate 32369

purchase price.	32370
(c) The fee charged by the county treasurer to the purchaser of the certificate under division (H) of section 5721.32 of the Revised Code.	32371 32372 32373
(3) If the certificate rate of interest equals zero, the certificate redemption price equals the certificate purchase price plus the fee charged by the county treasurer to the purchaser of the certificate under division (H) of section 5721.32 of the Revised Code.	32374 32375 32376 32377 32378
(F) With respect to a sale of tax certificates under section 5721.33 of the Revised Code, "certificate redemption price" means the amount equal to the sum of the following:	32379 32380 32381
(1) The certificate purchase price;	32382
(2) Interest accrued on the certificate purchase price at the certificate rate of interest from the date on which a tax certificate is delivered through and including the day immediately preceding the day on which the certificate redemption price is paid;	32383 32384 32385 32386 32387
(3) The fee, if any, charged by the county treasurer to the purchaser of the certificate under division (J) of section 5721.33 of the Revised Code;	32388 32389 32390
(4) Any other fees charged by any county office in connection with the recording of tax certificates.	32391 32392
(G) "Certificate rate of interest" means the rate of simple interest per year bid by the winning bidder in an auction of a tax certificate held under section 5721.32 of the Revised Code, or the rate of simple interest per year not to exceed eighteen per cent per year fixed by the county treasurer with respect to any tax certificate sold pursuant to a negotiated sale under section 5721.33 of the Revised Code.	32393 32394 32395 32396 32397 32398 32399

(H) "Cash" means United States currency, certified checks, 32400
money orders, bank drafts, or electronic transfer of funds, and 32401
excludes any other form of payment. 32402

(I) "The date on which a tax certificate is sold," "the date 32403
the certificate was sold," "the date the certificate is 32404
purchased," and any other phrase of similar content mean, with 32405
respect to a sale pursuant to an auction under section 5721.32 of 32406
the Revised Code, the date designated by the county treasurer for 32407
the submission of bids and, with respect to a negotiated sale 32408
under section 5721.33 of the Revised Code, the date of delivery of 32409
the tax certificates to the purchasers thereof pursuant to a tax 32410
certificate sale/purchase agreement. 32411

(J) "Purchaser of a tax certificate pursuant to section 32412
5721.32 of the Revised Code" means the winning bidder in an 32413
auction of a tax certificate held under section 5721.32 of the 32414
Revised Code. 32415

(K) "Certificate interest period" means, with respect to a 32416
tax certificate sold under section 5721.32 of the Revised Code, 32417
the period beginning on the date the certificate is purchased and, 32418
with respect to a tax certificate sold under section 5721.33 of 32419
the Revised Code, the period beginning on the date of delivery of 32420
the tax certificate, and in either case ending on one of the 32421
following dates: 32422

(1) In the case of foreclosure proceedings instituted under 32423
section 5721.37 of the Revised Code, the date the certificate 32424
holder submits a payment to the treasurer under division (B) of 32425
that section; 32426

(2) In the case of a certificate parcel redeemed under 32427
division (A) or (C) of section 5721.38 of the Revised Code, the 32428
date the owner of record of the certificate parcel, or any other 32429
person entitled to redeem that parcel, pays to the county 32430

treasurer or to the certificate holder, as applicable, the full amount determined under that section. 32431
32432

(L) "County treasurer" means, with respect to the sale of tax certificates under section 5721.32 of the Revised Code, the county treasurer of a county having a population of at least two hundred thousand according to the then most recent federal decennial census and, with respect to the sale of tax certificates under section 5721.33 of the Revised Code, the county treasurer of a county having a population of at least one million ~~four~~ three hundred thousand according to the then most recent federal decennial census. 32433
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(M) "Qualified trustee" means a trust company within the state or a bank having the power of a trust company within the state with a combined capital stock, surplus, and undivided profits of at least one hundred million dollars. 32442
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(N) "Tax certificate sale/purchase agreement" means the purchase and sale agreement described in division (C) of section 5721.33 of the Revised Code setting forth the certificate purchase price, plus any applicable premium or less any applicable discount, including, without limitation, the amount thereof to be paid in cash and the amount and nature of any noncash consideration, the date of delivery of the tax certificates, and the other terms and conditions of the sale, including, without limitation, the rate of interest that the tax certificates shall bear. 32446
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(O) "Noncash consideration" means any form of consideration other than cash, including, but not limited to, promissory notes whether subordinate or otherwise. 32456
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(P) "Private attorney" means for purposes of section 5721.37 of the Revised Code, any attorney licensed to practice law in this state, whether practicing with a firm of attorneys or otherwise, 32459
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32461

whose license has not been revoked or otherwise suspended and who
brings foreclosure proceedings pursuant to section 5721.37 of the
Revised Code on behalf of a certificate holder.

(Q) "Related certificate parcel" means, with respect to a
certificate holder, the certificate parcel with respect to which
the certificate holder has purchased and holds a tax certificate
pursuant to sections 5721.30 to 5721.41 of the Revised Code and,
with respect to a tax certificate, the certificate parcel against
which the tax certificate has been sold pursuant to those
sections.

Sec. 5725.31. (A) As used in this section:

(1) "Eligible employee" and "eligible training costs" have
the same meanings as in section 5733.42 of the Revised Code.

(2) "Tax assessed under this chapter" means, in the case of a
dealer in intangibles, the tax assessed under sections 5725.13 to
5725.17 of the Revised Code and, in the case of a domestic
insurance company, the taxes assessed under sections 5725.18 to
5725.26 of the Revised Code.

(3) "Taxpayer" means a dealer in intangibles or a domestic
insurance company subject to a tax assessed under this chapter.

(4) "Credit period" means, in the case of a dealer in
intangibles, the calendar year ending on the thirty-first day of
December next preceding the day the report is required to be
returned under section 5725.14 of the Revised Code and, in the
case of a domestic insurance company, the calendar year ending on
the thirty-first day of December next preceding the day the annual
statement is required to be returned under section 5725.18 or
5725.181 of the Revised Code.

(B) There is hereby allowed a nonrefundable credit against
the tax imposed under this chapter for a taxpayer for which a tax

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credit certificate is issued under section 5733.42 of the Revised Code. The credit may be claimed for credit periods beginning on or after January 1, ~~2001~~ 2003, and ending on or before December 31, ~~2003~~ 2005. The amount of the credit shall equal one-half of the average of the eligible training costs paid or incurred by the taxpayer during the three calendar years immediately preceding the credit period for which the credit is claimed, not to exceed one thousand dollars for each eligible employee on account of whom eligible training costs were paid or incurred by the taxpayer. The credit claimed by a taxpayer each credit period shall not exceed one hundred thousand dollars.

A taxpayer shall apply to the director of job and family services for a tax credit certificate in the manner prescribed by division (C) of section 5733.42 of the Revised Code. Divisions (C) to (H) of that section govern the tax credit allowed by this section, except that "credit period" shall be substituted for "tax year with respect to a calendar year" wherever that phrase appears in those divisions and that a taxpayer under this section shall be considered a taxpayer for the purposes of that section.

A taxpayer may carry forward the credit allowed under this section to the extent that the credit exceeds the taxpayer's tax due for the credit period. The taxpayer may carry the excess credit forward for three credit periods following the credit period for which the credit is first claimed under this section. The credit allowed by this section is in addition to any credit allowed under section 5729.031 of the Revised Code.

Sec. 5727.81. (A) For the purpose of raising revenue for public education and state and local government operations, an excise tax is hereby levied and imposed on an electric distribution company for all electricity distributed by such company beginning with the measurement period that includes May 1,

2001, at the following rates per kilowatt hour of electricity 32523
distributed in a thirty-day period by the company through a meter 32524
of an end user in this state: 32525

KILOWATT HOURS DISTRIBUTED TO	RATE PER	
AN END USER	KILOWATT HOUR	
For the first 2,000	\$.00465	32528
For the next 2,001 to 15,000	\$.00419	32529
For 15,001 and above	\$.00363	32530

If no meter is used to measure the kilowatt hours of 32531
electricity distributed by the company, the rates shall apply to 32532
the estimated kilowatt hours of electricity distributed to an 32533
unmetered location in this state. 32534

The electric distribution company shall base the monthly tax 32535
on the kilowatt hours of electricity distributed to an end user 32536
through the meter of the end user that is not measured for a 32537
thirty-day period by dividing the days in the measurement period 32538
into the total kilowatt hours measured during the measurement 32539
period to obtain a daily average usage. The tax shall be 32540
determined by obtaining the sum of divisions (A)(1), (2), and (3) 32541
of this section and multiplying that amount by the number of days 32542
in the measurement period: 32543

(1) Multiplying \$0.00465 per kilowatt hour for the first 32544
sixty-seven kilowatt hours distributed using a daily average; 32545

(2) Multiplying \$0.00419 for the next sixty-eight to five 32546
hundred kilowatt hours distributed using a daily average; 32547

(3) Multiplying \$0.00363 for the remaining kilowatt hours 32548
distributed using a daily average. 32549

Except as provided in division (C) of this section, the 32550
electric distribution company shall pay the tax to the treasurer 32551
of state in accordance with section 5727.82 of the Revised Code. 32552

Only the distribution of electricity through a meter of an end user in this state shall be used by the electric distribution company to compute the amount or estimated amount of tax due. In the event a meter is not actually read for a measurement period, the estimated kilowatt hours distributed by an electric distribution company to bill for its distribution charges shall be used.

(B) Except as provided in division (C) of this section, each electric distribution company shall pay the tax imposed by this section in all of the following circumstances:

(1) The electricity is distributed by the company through a meter of an end user in this state;

(2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner;

(3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner.

(C)(1) As used in division (C) of this section:

(a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code.

(b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements.

(c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway.

(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve months as estimated by the tax commissioner. The tax commissioner shall make such an estimate upon the written request by an applicant for registration as a self-assessing purchaser under this division. Such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00075 per kilowatt hour on ~~not more than~~ the first five hundred four million kilowatt hours distributed to that meter or location during the registration year, and four per cent of the total price of all electricity distributed to that meter or location. A qualified end user that receives electricity through a meter of an end user in this state or through more than one meter at a single location in this state and that consumes, over the course of the previous calendar year, more than forty-five million kilowatt hours in other than its qualifying manufacturing process, may elect to self-assess the tax as allowed by this division with respect to the electricity used in other than its qualifying manufacturing process. Payment of the tax shall be made directly to the treasurer of state in accordance with divisions (A)(4) and (5) of section 5727.82 of the Revised Code. If the electric distribution company serving the self-assessing purchaser is a municipal electric utility and the purchaser is within the municipal corporation's corporate limits, payment shall be made to such

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municipal corporation's general fund and reports shall be filed in 32616
accordance with divisions (A)(4) and (5) of section 5727.82 of the 32617
Revised Code, except that "municipal corporation" shall be 32618
substituted for "treasurer of state" and "tax commissioner." A 32619
self-assessing purchaser that pays the excise tax as provided in 32620
this division shall not be required to pay the tax to the electric 32621
distribution company from which its electricity is distributed. If 32622
a self-assessing purchaser's receipt of electricity is not subject 32623
to the tax as measured under this division, the tax on the receipt 32624
of such electricity shall be measured and paid as provided in 32625
division (A) of this section. 32626

(3) In the case of the acquisition of a package, unless the 32627
elements of the package are separately stated isolating the total 32628
price of electricity from the price of the remaining elements of 32629
the package, the tax imposed under this section applies to the 32630
entire price of the package. If the elements of the package are 32631
separately stated, the tax imposed under this section applies to 32632
the total price of the electricity. 32633

(4) Any electric supplier that sells electricity as part of a 32634
package shall separately state to the purchaser the total price of 32635
the electricity and, upon request by the tax commissioner, the 32636
total price of each of the other elements of the package. 32637

(5) The tax commissioner may adopt rules relating to the 32638
computation of the total price of electricity with respect to 32639
self-assessing purchasers, which may include rules to establish 32640
the total price of electricity purchased as part of a package. 32641

(6) ~~Application~~ An annual application for registration as a 32642
self-assessing purchaser shall be made for each qualifying meter 32643
or location⁷ on a form prescribed by the tax commissioner. The 32644
registration year begins on the first day of may and ends on the 32645
following thirtieth day of April. Persons may apply after the 32646
first day of May for the remainder of the registration year. In 32647

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the case of an applicant applying on the basis of an estimated 32648
consumption of forty-five million kilowatt hours over the course 32649
of the succeeding twelve months, the applicant shall provide such 32650
information as the tax commissioner considers to be necessary to 32651
estimate such consumption. At the time of making the application 32652
and by the first day of May of each year, excluding May 1, 2000, a 32653
self-assessing purchaser shall pay a fee of five hundred dollars 32654
to the treasurer of state for each qualifying meter or location. 32655
The treasurer of state shall deposit such fees into the kilowatt 32656
hour excise tax administration fund, which is hereby created in 32657
the state treasury. Money in the fund shall be used to defray the 32658
tax commissioner's cost in administering the tax owed under 32659
section 5727.81 of the Revised Code by self-assessing purchasers. 32660
After the application is approved by the tax commissioner, the 32661
registration shall remain in effect for the current registration 32662
year, or until canceled by the registrant upon written 32663
notification to the commissioner of the election to pay the tax in 32664
accordance with division (A) of this section, or until canceled by 32665
the tax commissioner for not paying the tax or fee under division 32666
(C) of this section, or for not meeting the qualifications in 32667
division (C)(2) of this section. The tax commissioner shall give 32668
written notice to the electric distribution company from which 32669
electricity is delivered to a self-assessing purchaser of the 32670
purchaser's self-assessing status, and the electric distribution 32671
company is relieved of the obligation to pay the tax imposed by 32672
division (A) of this section for electricity distributed to that 32673
self-assessing purchaser until it is notified by the tax 32674
commissioner that the self-assessing purchaser's registration is 32675
canceled. Within fifteen days of notification of the canceled 32676
registration, the electric distribution company shall be 32677
responsible for payment of the tax imposed by division (A) of this 32678
section on electricity distributed to a purchaser that is no 32679
longer registered as a self-assessing purchaser. A self-assessing 32680

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purchaser with a canceled registration must file a report and 32681
remit the tax imposed by division (A) of this section on all 32682
electricity it receives for any measurement period prior to the 32683
tax being reported and paid by the electric distribution company. 32684
A self-assessing purchaser whose registration is canceled by the 32685
tax commissioner is not eligible to register as a self-assessing 32686
purchaser for two years after the registration is canceled. 32687

(7) If the tax commissioner cancels the self-assessing 32688
registration of a purchaser registered on the basis of its 32689
estimated consumption because the purchaser does not consume at 32690
least forty-five million kilowatt hours of electricity over the 32691
course of the twelve-month period for which the estimate was made, 32692
the tax commissioner shall assess and collect from the purchaser 32693
the difference between (a) the amount of tax that would have been 32694
payable under division (A) of this section on the electricity 32695
distributed to the purchaser during that period and (b) the amount 32696
of tax paid by the purchaser on such electricity pursuant to 32697
division (C)(2)(a) of this section. The assessment shall be paid 32698
within sixty days after the tax commissioner issues it, regardless 32699
of whether the purchaser files a petition for reassessment under 32700
section 5727.89 of the Revised Code covering that period. If the 32701
purchaser does not pay the assessment within the time prescribed, 32702
the amount assessed is subject to the additional charge and the 32703
interest prescribed by divisions (B) and (C) of section 5727.82 of 32704
the Revised Code, and is subject to assessment under section 32705
5727.89 of the Revised Code. If the purchaser is a qualified end 32706
user, division (C)(7) of this section applies only to electricity 32707
it consumes in other than its qualifying manufacturing process. 32708

(D) The tax imposed by this section does not apply to the 32709
distribution of any kilowatt hours of electricity to the federal 32710
government, to an end user located at a federal facility that uses 32711
electricity for the enrichment of uranium, to a qualified 32712

regeneration meter, or to an end user for any day the end user is 32713
a qualified end user. The exemption under this division for a 32714
qualified end user only applies to the manufacturing location 32715
where the qualified end user uses more than three million kilowatt 32716
hours per day in a qualifying manufacturing process. 32717

Sec. 5727.811. (A) For the purpose of raising revenue for 32718
public education and state and local government operations, an 32719
excise tax is hereby levied on every natural gas distribution 32720
company for all natural gas volumes billed by, or on behalf of, 32721
the company ~~on and after~~ beginning with the measurement period 32722
that includes July 1, 2001. Except as provided in divisions (C) or 32723
(D) of this section, the tax shall be levied at the following 32724
rates per MCF of natural gas distributed by the company through a 32725
meter of an end user in this state: 32726

MCF DISTRIBUTED TO AN END USER	RATE PER MCF	
For the first 100 MCF per month	\$.1593	32728
For the next 101 to 2000 MCF per month	\$.0877	32729
For 2001 and above MCF per month	\$.0411	32730

If no meter is used to measure the MCF of natural gas 32731
distributed by the company, the rates shall apply to the estimated 32732
MCF of natural gas distributed to an unmetered location in this 32733
state. 32734

(B) A natural gas distribution company shall base the tax on 32735
the MCF of natural gas distributed to an end user through the 32736
meter of the end user in this state that is estimated to be 32737
consumed by the end user as reflected on the end user's customer 32738
statement from the natural gas distribution company. The natural 32739
gas distribution company shall pay the tax levied by this section 32740
to the treasurer of state in accordance with section 5727.82 of 32741
the Revised Code. 32742

(C) A natural gas distribution company with fifty thousand 32743

customers or less may elect to apply the rates specified in 32744
division (A) of this section to the aggregate of the natural gas 32745
distributed by the company through the meter of all its customers 32746
in this state, and upon such election, this method shall be used 32747
to determine the amount of tax to be paid by such company. 32748

(D) A natural gas distribution company shall pay the tax 32749
imposed by this section at the rate of \$.02 per MCF of natural gas 32750
distributed by the company through the meter of a flex customer. 32751
The natural gas distribution company correspondingly shall reduce 32752
the per MCF rate that it charges the flex customer for natural gas 32753
distribution services by \$.02 per MCF of natural gas distributed 32754
to the flex customer. 32755

(E) Except as provided in division (F) of this section, each 32756
natural gas distribution company shall pay the tax imposed by this 32757
section in all of the following circumstances: 32758

(1) The natural gas is distributed by the company through a 32759
meter of an end user in this state; 32760

(2) The natural gas distribution company is distributing 32761
natural gas through a meter located in another state, but the 32762
natural gas is consumed in this state in the manner prescribed by 32763
the tax commissioner; 32764

(3) The natural gas distribution company is distributing 32765
natural gas in this state without the use of a meter, but the 32766
natural gas is consumed in this state as estimated and in the 32767
manner prescribed by the tax commissioner. 32768

(F) The tax levied by this section does not apply to the 32769
distribution of natural gas to the federal government, or natural 32770
gas produced by an end user in this state that is consumed by that 32771
end user or its affiliates and is not distributed through the 32772
facilities of a natural gas company. 32773

Sec. 5727.84. (A) As used in this section and sections	32774
5727.85, 5727.86, and 5727.87 of the Revised Code:	32775
(1) "School district" means a city, local, or exempted	32776
village school district.	32777
(2) "Joint vocational school district" means a joint	32778
vocational school district created under section 3311.16 of the	32779
Revised Code, and includes a cooperative education school district	32780
created under section 3311.52 or 3311.521 of the Revised Code and	32781
a county school financing district created under section 3311.50	32782
of the Revised Code.	32783
(3) "Local taxing unit" means a subdivision or taxing unit,	32784
as defined in section 5705.01 of the Revised Code, a park district	32785
created under Chapter 1545. of the Revised Code, or a township	32786
park district established under section 511.23 of the Revised	32787
Code, but excludes school districts and joint vocational school	32788
districts.	32789
(4) "State education aid" means the sum of the state basic	32790
aid and state special education aid amounts computed for a school	32791
district <u>or joint vocational school district</u> under divisions (A)	32792
and (C) of section 3317.022 Chapter 3317. of the Revised Code.	32793
(5) "State education aid offset" means the amount certified	32794
for each school district under division (A)(1) of section 5727.85	32795
of the Revised Code.	32796
(6) " Adjusted total taxable value <u>Recognized valuation</u> " has	32797
the same meaning as in section 3317.02 of the Revised Code.	32798
(7) "Electric company tax value loss" means the amount	32799
determined under division (D) of this section.	32800
(8) "Natural gas company tax value loss" means the amount	32801
determined under division (E) of this section.	32802

(9) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.	32803 32804
(10) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	32805 32806
(11) "Fixed-rate levy loss" means the amount determined under division (G) of this section.	32807 32808
(12) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or to pay debt charges, and includes school district emergency levies imposed pursuant to section 5705.194 of the Revised Code.	32809 32810 32811 32812 32813
(13) "Fixed-sum levy loss" means the amount determined under division (H) of this section.	32814 32815
(14) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor.	32816 32817 32818
(B) All money arising from the tax imposed by section 5727.81 of the Revised Code shall be credited as follows:	32819 32820
(1) Fifty-nine and nine hundred seventy-six one-thousandths per cent, plus an amount equal to seventy per cent of the total state education aid offset, shall be credited to the general revenue fund.	32821 32822 32823 32824
(2) Two and six hundred forty-six one-thousandths per cent shall be credited to the local government fund, for distribution in accordance with section 5747.50 of the Revised Code.	32825 32826 32827
(3) Three hundred seventy-eight one-thousandths per cent shall be credited to the local government revenue assistance fund, for distribution in accordance with section 5747.61 of the Revised Code.	32828 32829 32830 32831
(4) Twenty-five and nine-tenths per cent, less an amount	32832

equal to seventy per cent of the total state education aid offset, 32833
shall be credited to the school district property tax replacement 32834
fund, which is hereby created in the state treasury for the 32835
purpose of making the payments described in section 5727.85 of the 32836
Revised Code. 32837

(5) Eleven and one-tenth per cent shall be credited to the 32838
local government property tax replacement fund, which is hereby 32839
created in the state treasury for the purpose of making the 32840
payments described in section 5727.86 of the Revised Code. 32841

(6) Beginning in the fiscal year in which payments are 32842
required to be made under sections 5727.85 and 5727.86 of the 32843
Revised Code, if the revenue arising from the tax levied by 32844
section 5727.81 of the Revised Code is less than five hundred 32845
fifty-two million dollars, the amount credited to the general 32846
revenue fund under division (B)(1) of this section shall be 32847
reduced by the amount necessary to credit to each of the funds in 32848
divisions (B)(2), (3), (4), and (5) of this section the amount it 32849
would have received if the tax did raise five hundred fifty-two 32850
million dollars for that fiscal year. The tax commissioner shall 32851
certify to the director of budget and management the amounts that 32852
shall be credited under this division. 32853

(C) All money arising from the tax imposed by section 32854
5727.811 of the Revised Code shall be credited as follows: 32855

(1) Seventy per cent, less an amount equal to thirty per cent 32856
of the total state education aid offset, shall be credited to the 32857
school district property tax replacement fund for the purpose of 32858
making the payments described in section 5727.85 of the Revised 32859
Code. 32860

(2) Thirty per cent shall be credited to the local government 32861
property tax replacement fund for the purpose of making the 32862
payments described in section 5727.86 of the Revised Code. 32863

(3) An amount equal to thirty per cent of the total state education aid offset shall be credited to the general revenue fund. 32864
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(4) Beginning in the fiscal year in which payments are required to be made under sections 5727.85 and 5727.86 of the Revised Code, if the revenue arising from the tax levied by section 5727.811 of the Revised Code is less than ninety million dollars, the amount credited to the general revenue fund under division (C)(3) of this section shall be reduced by the amount necessary to credit to each of the funds in divisions (C)(1) and (2) of this section the amount that it would have received if the tax did raise ninety million dollars for that fiscal year. The tax commissioner shall certify to the director of budget and management the amounts that shall be credited under this division. 32867
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(D) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its electric company tax value loss, which is the sum of the amounts described in divisions (D)(1) and (2) of this section: 32878
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(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section. 32882
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32884

(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998; 32885
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(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001. 32890
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(2) The difference obtained by subtracting the amount 32895
described in division (D)(2)(b) from the amount described in 32896
division (D)(2)(a) of this section. 32897

(a) The three-year average for tax years 1996, 1997, and 1998 32898
of the assessed value from nuclear fuel materials and assemblies 32899
assessed against a person under Chapter 5711. of the Revised Code 32900
from the leasing of them to an electric company for those 32901
respective tax years, as reflected in the preliminary assessments; 32902
32903

(b) The three-year average assessed value from nuclear fuel 32904
materials and assemblies assessed under division (D)(2)(a) of this 32905
section for tax years 1996, 1997, and 1998, as reflected in the 32906
preliminary assessments, using an assessment rate of twenty-five 32907
per cent. 32908

(E) Not later than January 1, 2002, the tax commissioner 32909
shall determine for each taxing district its natural gas company 32910
tax value loss, which is the sum of the amounts described in 32911
divisions (E)(1) and (2) of this section: 32912

(1) The difference obtained by subtracting the amount 32913
described in division (E)(1)(b) from the amount described in 32914
division (E)(1)(a) of this section. 32915

(a) The value of all natural gas company tangible personal 32916
property, other than property described in division (E)(2) of this 32917
section, as assessed by the tax commissioner for tax year 1999 on 32918
a preliminary assessment, or an amended preliminary assessment if 32919
issued prior to March 1, 2000, and apportioned to the taxing 32920
district for tax year 1999; 32921

(b) The value of all natural gas company tangible personal 32922
property, other than property described in division (E)(2) of this 32923
section, as assessed by the tax commissioner for tax year 1999 had 32924
the property been apportioned to the taxing district for tax year 32925

2001, and assessed at the rates in effect for tax year 2001. 32926

(2) The difference in the value of current gas obtained by 32927
subtracting the amount described in division (E)(2)(b) from the 32928
amount described in division (E)(2)(a) of this section. 32929

(a) The three-year average assessed value of current gas as 32930
assessed by the tax commissioner for tax years 1997, 1998, and 32931
1999 on a preliminary assessment, or an amended preliminary 32932
assessment if issued prior to March 1, 2001, and as apportioned in 32933
the taxing district for those respective years; 32934

(b) The three-year average assessed value from current gas 32935
under division (E)(2)(a) of this section for tax years 1997, 1998, 32936
and 1999, as reflected in the preliminary assessment, using an 32937
assessment rate of twenty-five per cent. 32938

(F) The tax commissioner may request that natural gas 32939
companies, electric companies, and rural electric companies file a 32940
report to help determine the tax value loss under divisions (D) 32941
and (E) of this section. The report shall be filed within thirty 32942
days of the commissioner's request. A company that fails to file 32943
the report or does not timely file the report is subject to the 32944
penalty in section 5727.60 of the Revised Code. 32945

(G) Not later than January 1, 2002, the tax commissioner 32946
shall determine for each school district, joint vocational school 32947
district, and local taxing unit its fixed-rate levy loss, which is 32948
the sum of its electric company tax value loss multiplied by the 32949
tax rate in effect in tax year 1998 for fixed-rate levies and its 32950
natural gas company tax value loss multiplied by the tax rate in 32951
effect in tax year 1999 for fixed-rate levies. 32952

(H) Not later than January 1, 2002, the tax commissioner 32953
shall determine for each school district, joint vocational school 32954
district, and local taxing unit its fixed-sum levy loss, which is 32955
the amount obtained by subtracting the amount described in 32956

division (H)(2) of this section from the amount described in 32957
division (H)(1) of this section: 32958

(1) The sum of the electric company tax value loss multiplied 32959
by the tax rate in effect in tax year 1998, and the natural gas 32960
company tax value loss multiplied by the tax rate in effect in tax 32961
year 1999, for fixed-sum levies for all taxing districts within 32962
each school district, joint vocational school district, and local 32963
taxing unit. For the years 2002 through 2006, this computation 32964
shall include school district emergency levies that existed in 32965
1998 in the case of the electric company tax value loss, and 1999 32966
in the case of the natural gas company tax value loss, and all 32967
other fixed-sum levies that existed in 1998 in the case of the 32968
electric company tax value loss and 1999 in the case of the 32969
natural gas company tax value loss and continue to be charged in 32970
the tax year preceding the distribution year. For the years 2007 32971
through 2016 in the case of school district emergency levies, and 32972
for all years after 2006 in the case of all other fixed-sum 32973
levies, this computation shall exclude all fixed-sum levies that 32974
existed in 1998 in the case of the electric company tax value loss 32975
and 1999 in the case of the natural gas company tax value loss, 32976
but are no longer in effect in the tax year preceding the 32977
distribution year. For the purposes of this section, an emergency 32978
levy that existed in 1998 in the case of the electric company tax 32979
value loss, and 1999 in the case of the natural gas company tax 32980
value loss, continues to exist in a year beginning on or after 32981
January 1, 2007, but before January 1, 2017, if, in that year, the 32982
board of education levies a school district emergency levy for an 32983
annual sum at least equal to the annual sum levied by the board in 32984
tax year 1998 or 1999, respectively, less the amount of the 32985
payment certified under this division for 2002. 32986

(2) The total taxable value in tax year 1998 in the case of 32987
the electric company tax value loss and 1999 in the case of the 32988

natural gas company tax value loss in each school district, joint 32989
vocational school district, and local taxing unit multiplied by 32990
one-fourth of one mill. 32991

If the amount computed under division (H) of this section for 32992
any school district, joint vocational school district, or local 32993
taxing unit is greater than zero, that amount shall equal the 32994
fixed-sum levy loss reimbursed pursuant to division (E) of section 32995
5727.85 of the Revised Code or division (A)(2) of section 5727.86 32996
of the Revised Code, and the one-fourth of one mill that is 32997
subtracted under division (H)(2) of this section shall be 32998
apportioned among all contributing fixed-sum levies in the 32999
proportion of each levy to the sum of all fixed-sum levies within 33000
each school district, joint vocational school district, or local 33001
taxing unit. 33002

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 33003
section, in computing the tax value loss, fixed-rate levy loss, 33004
and fixed-sum levy loss, the tax commissioner shall use the 33005
greater of the 1998 tax rate or the 1999 tax rate in the case of 33006
levy losses associated with the electric company tax value loss, 33007
but the 1999 tax rate shall not include for this purpose any tax 33008
levy approved by the voters after June 30, 1999, and the tax 33009
commissioner shall use the greater of the 1999 or the 2000 tax 33010
rate in the case of levy losses associated with the natural gas 33011
company tax value loss, but the 2000 tax rate shall not include 33012
for this purpose any tax levy approved by the voters after 33013
November 7, 2000. 33014

(J) Not later than January 1, 2002, the tax commissioner 33015
shall certify to the department of education the tax value loss 33016
determined under divisions (D) and (E) of this section for each 33017
taxing district. 33018

Sec. 5727.85. (A) By the thirty-first day of July of each 33019

year, beginning in 2002 and ending in 2016, the department of 33020
education shall determine the following for each school district 33021
eligible for payment under division (C) of this section: 33022

(1) The state education aid offset, which is the difference 33023
obtained by subtracting the amount described in division (A)(1)(b) 33024
of this section from the amount described in division (A)(1)(a) of 33025
this section: 33026

(a) The state education aid computed for the school district 33027
for the current fiscal year on the basis of ~~the adjusted total~~ 33028
~~taxable value~~ recognized valuation; 33029

(b) The state education aid that would be computed for the 33030
school district for the current fiscal year if the district's 33031
~~adjusted total taxable value~~ recognized valuation included the tax 33032
value loss for all taxing districts in the school district. 33033

(2) The difference obtained by subtracting the state 33034
education aid offset determined under division (A)(1) of this 33035
section from the fixed-rate levy loss determined under division 33036
(G) of section 5727.84 of the Revised Code for all taxing 33037
districts in each school district. The department of education 33038
shall certify the amount so determined to the director of budget 33039
and management. 33040

(B) Not later than the thirty-first day of October of the 33041
years 2006 through 2016, the department of education shall 33042
determine all of the following for each school district: 33043

(1) The amount obtained by subtracting the district's state 33044
education aid computed for fiscal year 2002 from the district's 33045
state education aid computed for the current fiscal year; 33046

(2) The inflation-adjusted property tax loss. The 33047
inflation-adjusted property tax loss equals the fixed-rate levy 33048
loss determined under division (G) of section 5727.84 of the 33049

Revised Code for all taxing districts in each school district plus 33050
the product obtained by multiplying that loss by the cumulative 33051
percentage increase in the consumer price index from January 1, 33052
2002, to the thirtieth day of June of the current year. 33053

(3) The difference obtained by subtracting the amount 33054
computed under division (B)(1) from the amount of the 33055
inflation-adjusted property tax loss. If this difference is zero 33056
or a negative number, no further payments shall be made under 33057
division (C) of this section to the school district from the 33058
school district property tax replacement fund. If the difference 33059
is greater than zero, the department of education shall certify 33060
the amount calculated in division (A)(2) of this section to the 33061
director of budget and management not later than the thirty-first 33062
day of December of each year, beginning in 2006 and ending in 33063
2016. 33064

(C) For all taxing districts in each school district, the 33065
director of budget and management shall pay from the school 33066
district property tax replacement fund to the county undivided 33067
income tax fund in the proper county treasury all of the 33068
following: 33069

(1) In February 2002, one-half of the fixed-rate levy loss 33070
certified under division (G) of section 5727.84 of the Revised 33071
Code on or before the day prescribed for the settlement under 33072
division (A) of section 321.24 of the Revised Code. 33073

(2) From August 2002 through August 2006, one-half of the 33074
amount certified for that fiscal year under division (A)(2) of 33075
this section on or before each of the days prescribed for the 33076
settlements under divisions (A) and (C) of section 321.24 of the 33077
Revised Code. 33078

(3) From February 2007 through August 2016, one-half of the 33079
amount certified for that calendar year under division (B)(3) of 33080

this section on or before each of the days prescribed for the 33081
settlements under divisions (A) and (C) of section 321.24 of the 33082
Revised Code. 33083

The county treasurer shall distribute amounts paid under 33084
divisions (C)(1), (2), and (3) of this section to the proper 33085
school district as if they had been levied and collected as taxes, 33086
and the school district shall apportion the amounts so received 33087
among its funds in the same proportions as if those amounts had 33088
been levied and collected as taxes. 33089

(D) Not later than January 1, 2002, for all taxing districts 33090
in each joint vocational school district, the tax commissioner 33091
shall certify to the director of budget and management the 33092
fixed-rate levy loss determined under division (G) of section 33093
5727.84 of the Revised Code. From February 2002 to August 2016, 33094
the director shall pay from the school district property tax 33095
replacement fund to the county undivided income tax fund in the 33096
proper county treasury, one-half of the fixed-rate levy loss so 33097
certified for each year on or before each of the days prescribed 33098
for the settlements under divisions (A) and (C) of section 321.24 33099
of the Revised Code. The county treasurer shall distribute such 33100
amounts to the proper joint vocational school district as if they 33101
had been levied and collected as taxes, and the joint vocational 33102
school district shall apportion the amounts so received among its 33103
funds in the same proportions as if those amounts had been levied 33104
and collected as taxes. 33105

(E)(1) Not later than January 1, 2002, for each fixed-sum 33106
levy levied by each school district or joint vocational school 33107
district and for each year for which a determination is made under 33108
division (H) of section 5727.84 of the Revised Code that a 33109
fixed-sum levy loss is to be reimbursed, the tax commissioner 33110
shall certify to the director of budget and management the 33111
fixed-sum levy loss determined under that division. The 33112

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certification shall cover a time period sufficient to include all 33113
fixed-sum levies for which the tax commissioner made such a 33114
determination. The director shall pay from the school district 33115
property tax replacement fund to the county undivided income tax 33116
fund in the proper county treasury one-half of the fixed-sum levy 33117
loss so certified for each year on or before each of the days 33118
prescribed for the settlements under divisions (A) and (C) of 33119
section 321.24 of the Revised Code. The county treasurer shall 33120
distribute the amounts to the proper school district or joint 33121
vocational school district as if they had been levied and 33122
collected as taxes, and the district shall apportion the amounts 33123
so received among its funds in the same proportions as if those 33124
amounts had been levied and collected as taxes. 33125

(2) Beginning in 2003, by the thirty-first day of January of 33126
each year, the tax commissioner shall review the certification 33127
originally made under division (E)(1) of this section. If the 33128
commissioner determines that a fixed-sum levy that had been 33129
scheduled to be reimbursed in the current year has expired, a 33130
revised certification for that and all subsequent years shall be 33131
made to the director of budget and management. 33132

(F) By August 5, 2002, the tax commissioner shall estimate 33133
the amount of money in the school district property tax 33134
replacement fund in excess of the amount necessary to make 33135
payments in that month under divisions (C), (D), and (E) of this 33136
section. Notwithstanding division (C) of this section, the 33137
department of education, in consultation with the tax commissioner 33138
and from those excess funds, may pay any school district four and 33139
one-half times the amount certified under division (A)(2) of this 33140
section. Payments shall be made in order from the smallest annual 33141
loss to the largest annual loss. A payment made under this 33142
division shall be in lieu of the payment to be made in August 2002 33143
under division (C)(2) of this section. No payments shall be made 33144

in the manner established in this division to any school district 33145
with annual losses from permanent improvement fixed-rate levies in 33146
excess of twenty thousand dollars, or annual losses from any other 33147
fixed-rate levies in excess of twenty thousand dollars. A school 33148
district receiving a payment under this division is no longer 33149
entitled to any further payments under division (C) of this 33150
section. 33151

(G) On the thirty-first day of July of 2003, 2004, 2005, and 33152
2006, and on the thirty-first day of January and July of 2007 and 33153
each year thereafter, if the amount credited to the school 33154
district property tax replacement fund exceeds the amount needed 33155
to make payments from the fund under divisions (C), (D), and (E) 33156
of this section in the following month, the director of budget and 33157
management shall distribute the excess among school districts and 33158
joint vocational school districts. The amount distributed to each 33159
district shall bear the same proportion to the excess remaining in 33160
the fund as the ADM of the district bears to the ADM of all of the 33161
districts. For the purpose of this division, "ADM" means the 33162
formula ADM in the case of a school district, and the average 33163
daily membership reported under section 3317.03 of the Revised 33164
Code in the case of a joint vocational school district. 33165

If, in the opinion of the director of budget and management, 33166
the excess remaining in the school district property tax 33167
replacement fund in any year is not sufficient to warrant 33168
distribution under this division, the excess shall remain to the 33169
credit of the fund. 33170

Amounts received by a school district or joint vocational 33171
school district under this division shall be used exclusively for 33172
capital improvements. 33173

(H) If the total amount in the school district property tax 33174
replacement fund is insufficient to make all payments under 33175
divisions (C), (D), and (E) of this section, the payments required 33176

under division (E) of this section shall be made first in their 33177
entirety. After all payments are made under division (E) of this 33178
section, payments under divisions (C) and (D) of this section 33179
shall be made from the balance of money available in the 33180
proportion of each school district's or joint vocational school 33181
district's payment amount to the total amount of payments under 33182
divisions (C) and (D) of this section. 33183

(I) If all or a part of the territory of a school district or 33184
joint vocational school district is merged with or transferred to 33185
another district, the tax commissioner shall adjust the payments 33186
made under this section to each of the districts in proportion to 33187
the tax value loss apportioned to the merged or transferred 33188
territory. 33189

(J) There is hereby created the public utility property tax 33190
study committee, effective January 1, 2011. The committee shall 33191
consist of the following seven members: the tax commissioner, 33192
three members of the senate appointed by the president of the 33193
senate, and three members of the house of representatives 33194
appointed by the speaker of the house of representatives. The 33195
appointments shall be made not later than January 31, 2011. The 33196
tax commissioner shall be the chairperson of the committee. 33197

The committee shall study the extent to which each school 33198
district or joint vocational school district has been compensated, 33199
under sections 5727.84 and 5727.85 of the Revised Code as enacted 33200
by Substitute Senate Bill No. 3 of the 123rd general assembly and 33201
any subsequent acts, for the property tax loss caused by the 33202
reduction in the assessment rates for natural gas, electric, and 33203
rural electric company tangible personal property. Not later than 33204
June 30, 2011, the committee shall issue a report of its findings, 33205
including any recommendations for providing additional 33206
compensation for the property tax loss or regarding remedial 33207
legislation, to the president of the senate and the speaker of the 33208

house of representatives, at which time the committee shall cease 33209
to exist. 33210

The department of taxation and department of education shall 33211
provide such information and assistance as is required for the 33212
committee to carry out its duties. 33213

Sec. 5729.07. As used in this section: 33214

(A) "Eligible employee" and "eligible training costs" have 33215
the same meanings as in section 5733.42 of the Revised Code. 33216

(B) "Credit period" means the calendar year ending on the 33217
thirty-first day of December next preceding the day the annual 33218
statement is required to be returned under section 5729.02 of the 33219
Revised Code. 33220

There is hereby allowed a nonrefundable credit against the 33221
tax imposed under this chapter for a foreign insurance company for 33222
which a tax credit certificate is issued under section 5733.42 of 33223
the Revised Code. The credit may be claimed for credit periods 33224
beginning on or after January 1, ~~2001~~ 2003, and ending on or 33225
before December 31, ~~2003~~ 2005. The amount of the credit shall 33226
equal one-half of the average of the eligible training costs paid 33227
or incurred by the company during the three calendar years 33228
immediately preceding the credit period for which the credit is 33229
claimed, not to exceed one thousand dollars for each eligible 33230
employee on account of whom eligible training costs were paid or 33231
incurred by the company. The credit claimed by a company for each 33232
credit period shall not exceed one hundred thousand dollars. 33233

A foreign insurance company shall apply to the director of 33234
job and family services for a tax credit certificate in the manner 33235
prescribed by division (C) of section 5733.42 of the Revised Code. 33236
Divisions (C) to (H) of that section govern the tax credit allowed 33237
by this section, except that "credit period" shall be substituted 33238

for "tax year with respect to a calendar year" wherever that 33239
phrase appears in those divisions and that the company shall be 33240
considered a taxpayer for the purposes of those divisions. 33241

A foreign insurance company may carry forward the credit 33242
allowed under this section to the extent that the credit exceeds 33243
the company's tax due for the credit period. The company may carry 33244
the excess credit forward for three credit periods following the 33245
credit period for which the credit is first claimed under this 33246
section. The credit allowed by this section is in addition to any 33247
credit allowed under section 5729.031 of the Revised Code. 33248

The reduction in the tax due under this chapter to the extent 33249
of the credit allowed by this section does not increase the amount 33250
of the tax otherwise due under section 5729.06 of the Revised 33251
Code. 33252

Sec. 5733.053. (A) As used in this section: 33253

(1) "Transfer" means a transaction or series of related 33254
transactions in which a corporation directly or indirectly 33255
transfers or distributes substantially all of its assets or equity 33256
to another corporation, if the transfer or distribution qualifies 33257
for nonrecognition of gain or loss under the Internal Revenue 33258
Code. 33259

(2) "Transferor" means a corporation that has made a 33260
transfer. 33261

(3) "Transferee" means a corporation that received 33262
substantially all of the assets or equity of a transferor in a 33263
transfer. 33264

(B) ~~For~~ Except as provided in division (F) of this section, 33265
for purposes of valuing its issued and outstanding shares of stock 33266
under division (B) of section 5733.05 of the Revised Code, a 33267
transferee shall add to its net income allocated or apportioned to 33268

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this state its transferor's net income allocated or apportioned to 33269
this state. The transferee shall add such income in computing its 33270
tax for the same tax year or years that such income would have 33271
been reported by the transferor if the transfer had not been made. 33272
The transferee shall add such income only to the extent the income 33273
is not required to be reported by the transferor for the purposes 33274
of the tax imposed by divisions (A) and (B) of section 5733.06 of 33275
the Revised Code. 33276

(C) The following shall be determined in the same manner as 33277
if the transfer had not been made: 33278

(1) The transferor's net income allocated or apportioned to 33279
this state for the tax year under divisions (B)(1) and (2) of 33280
section 5733.05 of the Revised Code; 33281

(2) The transferor's requirements for the combination of net 33282
income under section 5733.052 of the Revised Code; 33283

(3) Any other determination regarding the transferor that is 33284
necessary to avoid an absurd or unreasonable result in the 33285
application of this chapter. 33286

(D) A transferee shall be allowed the following credits and 33287
shall make the following adjustments in the same manner that they 33288
would have been available to the transferor: 33289

(1) The credits enumerated in section 5733.98 of the Revised 33290
Code; 33291

(2) The deduction under division (I)(1) of section 5733.04 of 33292
the Revised Code for net operating losses incurred by its 33293
transferor, subject to the limitations set forth in sections 381 33294
and 382 of the Internal Revenue Code concerning net operating loss 33295
carryovers; 33296

(3) Any other deduction from or addition to net income under 33297
this chapter involving the transferor, the disallowance of which 33298
would be absurd or unreasonable. Such adjustments to net income 33299

and allowance of credits shall be subject to the limitations set 33300
forth in sections 381 and 382 of the Internal Revenue Code and 33301
regulations prescribed thereunder. 33302

(E) If a transferee subject to this section subsequently 33303
becomes a transferor, any net income that the transferee would 33304
have been required to add under division (B) of this section shall 33305
be included in its income as a transferor and any credits or 33306
adjustments to which the transferee would have been entitled under 33307
division (D) of this section shall be available to it as a 33308
transferor. 33309

(F) The amendments made to this section by Am. Sub. S.B. 287 33310
of the 123rd general assembly do not apply to any transfer for 33311
which negotiations began prior to January 1, 2001, and that was 33312
commenced in and completed during calendar year 2001, unless the 33313
transferee makes an election prior to December 31, 2001, to apply 33314
the section. 33315

Sec. 5733.056. (A) As used in this section: 33316

(1) "Billing address" means the address where any notice, 33317
statement, or bill relating to a customer's account is mailed, as 33318
indicated in the books and records of the taxpayer on the first 33319
day of the taxable year or on such later date in the taxable year 33320
when the customer relationship began. 33321

(2) "Borrower or credit card holder located in this state" 33322
means: 33323

(a) A borrower, other than a credit card holder, that is 33324
engaged in a trade or business and maintains its commercial 33325
domicile in this state; or 33326

(b) A borrower that is not engaged in a trade or business, or 33327
a credit card holder, whose billing address is in this state. 33328

(3) "Branch" means a "domestic branch" as defined in section 33329

3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 33330
1813(o), as amended. 33331

(4) "Compensation" means wages, salaries, commissions, and 33332
any other form of remuneration paid to employees for personal 33333
services that are included in such employee's gross income under 33334
the Internal Revenue Code. In the case of employees not subject to 33335
the Internal Revenue Code, such as those employed in foreign 33336
countries, the determination of whether such payments would 33337
constitute gross income to such employees under the Internal 33338
Revenue Code shall be made as though such employees were subject 33339
to the Internal Revenue Code. 33340

(5) "Credit card" means a credit, travel, or entertainment 33341
card. 33342

(6) "Credit card issuer's reimbursement fee" means the fee a 33343
taxpayer receives from a merchant's bank because one of the 33344
persons to whom the taxpayer has issued a credit card has charged 33345
merchandise or services to the credit card. 33346

(7) "Deposits" has the meaning given in section 3 of the 33347
"Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 1813(1), 33348
as amended. 33349

(8) "Employee" means, with respect to a particular taxpayer, 33350
any individual who under the usual common law rules applicable in 33351
determining the employer-employee relationship, has the status of 33352
an employee of that taxpayer. 33353

(9) "Gross rents" means the actual sum of money or other 33354
consideration payable for the use or possession of property. 33355
"Gross rents" includes: 33356

(a) Any amount payable for the use or possession of real 33357
property or tangible personal property whether designated as a 33358
fixed sum of money or as a percentage of receipts, profits, or 33359
otherwise; 33360

(b) Any amount payable as additional rent or in lieu of rent, 33361
such as interest, taxes, insurance, repairs, or any other amount 33362
required to be paid by the terms of a lease or other arrangement; 33363
and 33364

(c) A proportionate part of the cost of any improvement to 33365
real property made by or on behalf of the taxpayer which reverts 33366
to the owner or lessor upon termination of a lease or other 33367
arrangement. The amount to be included in gross rents is the 33368
amount of amortization or depreciation allowed in computing the 33369
taxable income base for the taxable year. However, where a 33370
building is erected on leased land, by or on behalf of the 33371
taxpayer, the value of the land is determined by multiplying the 33372
gross rent by eight, and the value of the building is determined 33373
in the same manner as if owned by the taxpayer. 33374

(d) The following are not included in the term "gross rents": 33375
33376

(i) Reasonable amounts payable as separate charges for water 33377
and electric service furnished by the lessor; 33378

(ii) Reasonable amounts payable as service charges for 33379
janitorial services furnished by the lessor; 33380

(iii) Reasonable amounts payable for storage, provided such 33381
amounts are payable for space not designated and not under the 33382
control of the taxpayer; and 33383

(iv) That portion of any rental payment which is applicable 33384
to the space subleased from the taxpayer and not used by it. 33385

(10) "Loan" means any extension of credit resulting from 33386
direct negotiations between the taxpayer and its customer, or the 33387
purchase, in whole or in part, of such extension of credit from 33388
another. Loans include debt obligations of subsidiaries, 33389
participations, syndications, and leases treated as loans for 33390
federal income tax purposes. "Loan" does not include: properties 33391

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treated as loans under section 595 of the Internal Revenue Code; 33392
futures or forward contracts; options; notional principal 33393
contracts such as swaps; credit card receivables, including 33394
purchased credit card relationships; non-interest bearing balances 33395
due from depositor institutions; cash items in the process of 33396
collection; federal funds sold; securities purchased under 33397
agreements to resell; assets held in a trading account; 33398
securities; interests in a real estate mortgage investment conduit 33399
or other mortgage-backed or asset-backed security; and other 33400
similar items. 33401

(11) "Loan secured by real property" means that fifty per 33402
cent or more of the aggregate value of the collateral used to 33403
secure a loan or other obligation, when valued at fair market 33404
value as of the time the original loan or obligation was incurred, 33405
was real property. 33406

(12) "Merchant discount" means the fee, or negotiated 33407
discount, charged to a merchant by the taxpayer for the privilege 33408
of participating in a program whereby a credit card is accepted in 33409
payment for merchandise or services sold to the card holder. 33410

(13) "Participation" means an extension of credit in which an 33411
undivided ownership interest is held on a pro rata basis in a 33412
single loan or pool of loans and related collateral. In a loan 33413
participation, the credit originator initially makes the loan and 33414
then subsequently resells all or a portion of it to other lenders. 33415
The participation may or may not be known to the borrower. 33416

(14) "Principal base of operations" with respect to 33417
transportation property means the place of more or less permanent 33418
nature from which the property is regularly directed or 33419
controlled. With respect to an employee, the "principal base of 33420
operations" means the place of more or less permanent nature from 33421
which the employee regularly (a) starts work and to which the 33422
employee customarily returns in order to receive instructions from 33423

the employer or (b) communicates with the employee's customers or 33424
other persons or (c) performs any other functions necessary to the 33425
exercise of the trade or profession at some other point or points. 33426

(15) "Qualified institution" means a financial institution 33427
that on or after June 1, 1997: 33428

(a)(i) Has consummated one or more approved transactions with 33429
insured banks with different home states that would qualify under 33430
section 102 of the "Riegle-Neal Interstate Banking and Branching 33431
Efficiency Act of 1994," Public Law 103-328, 108 ~~stat.~~ Stat. 2338; 33432
33433

(ii) Is a federal savings association or federal savings bank 33434
that has consummated one or more interstate acquisitions that 33435
result in a financial institution that has branches in more than 33436
one state; or 33437

(iii) Has consummated one or more approved interstate 33438
acquisitions under authority of Title XI of the Revised Code that 33439
result in a financial institution that has branches in more than 33440
one state; and 33441

(b) Has at least ten per cent of its deposits in this state 33442
as of the last day of June prior to the beginning of the tax year. 33443

(16) "Real property owned" and "tangible personal property 33444
owned" mean real and tangible personal property, respectively, on 33445
which the taxpayer may claim depreciation for federal income tax 33446
purposes, or to which the taxpayer holds legal title and on which 33447
no other person may claim depreciation for federal income tax 33448
purposes, or could claim depreciation if subject to federal income 33449
tax. Real and tangible personal property do not include coin, 33450
currency, or property acquired in lieu of or pursuant to a 33451
foreclosure. 33452

(17) "Regular place of business" means an office at which the 33453
taxpayer carries on its business in a regular and systematic 33454

manner and which is continuously maintained, occupied, and used by employees of the taxpayer. 33455
33456

(18) "State" means a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, or any territory or possession of the United States. 33457
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(19) "Syndication" means an extension of credit in which two or more persons fund and each person is at risk only up to a specified percentage of the total extension of credit or up to a specified dollar amount. 33460
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(20) "Transportation property" means vehicles and vessels capable of moving under their own power, such as aircraft, trains, water vessels and motor vehicles, as well as any equipment or containers attached to such property, such as rolling stock, barges, trailers, or the like. 33464
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(B) The annual financial institution report determines the value of the issued and outstanding shares of stock of the taxpayer, and is the base or measure of the franchise tax liability. Such determination shall be made as of the date shown by the report to have been the beginning of the financial institution's annual accounting period that includes the first day of January of the tax year. For purposes of this section, division (A) of section 5733.05, and division (D) of section 5733.06 of the Revised Code, the value of the issued and outstanding shares of stock of the financial institution shall include the total value, as shown by the books of the financial institution, of its capital, surplus, whether earned or unearned, undivided profits, and reserves, but exclusive of: 33469
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(1) Reserves for accounts receivable, depreciation, depletion, and any other valuation reserves with respect to specific assets; 33482
33483
33484

(2) Taxes due and payable during the year for which such 33485

report was made; 33486

(3) Voting stock and participation certificates in 33487
corporations chartered pursuant to the "Farm Credit Act of 1971," 33488
85 Stat. 597, 12 U.S.C. 2091, as amended; 33489

(4) Good will, appreciation, and abandoned property as set up 33490
in the annual report of the financial institution, provided a 33491
certified balance sheet of the company is made available upon the 33492
request of the tax commissioner. Such balance sheet shall not be a 33493
part of the public records, but shall be a confidential report for 33494
use of the tax commissioner only. 33495

(5) A portion of the value of the issued and outstanding 33496
shares of stock of such financial institution equal to the amount 33497
obtained by multiplying such value by the quotient obtained by: 33498

(a) Dividing (1) the amount of the financial institution's 33499
assets, as shown on its books, represented by investments in the 33500
capital stock and indebtedness of public utilities of which at 33501
least eighty per cent of the utility's issued and outstanding 33502
common stock is owned by the financial institution by (2) the 33503
total assets of such financial institution as shown on its books; 33504

(b) Dividing (1) the amount of the financial institution's 33505
assets, as shown on its books, represented by investments in the 33506
capital stock and indebtedness of insurance companies of which at 33507
least eighty per cent of the insurance company's issued and 33508
outstanding common stock is owned by the financial institution by 33509
(2) the total assets of such financial institution as shown on its 33510
books; 33511

(c) Dividing (1) the amount of the financial institution's 33512
assets, as shown on its books, represented by investments in the 33513
capital stock and indebtedness of other financial institutions of 33514
which at least twenty-five per cent of the other financial 33515
institution's issued and outstanding common stock is owned by the 33516

financial institution by (2) the total assets of the financial 33517
institution as shown on its books. Division (B)(5)(c) of this 33518
section applies only with respect to such other financial 33519
institutions that for the tax year immediately following the 33520
taxpayer's taxable year will pay the tax imposed by division (D) 33521
of section 5733.06 of the Revised Code. 33522

(6) Land that has been determined pursuant to section 5713.31 33523
of the Revised Code by the county auditor of the county in which 33524
the land is located to be devoted exclusively to agricultural use 33525
as of the first Monday of June in the financial institution's 33526
taxable year. 33527

(7) Property within this state used exclusively during the 33528
taxable year for qualified research as defined in section 5733.05 33529
of the Revised Code. 33530

(C) The base upon which the tax levied under division (D) of 33531
section 5733.06 of the Revised Code shall be computed by 33532
multiplying the value of a financial institution's issued and 33533
outstanding shares of stock as determined in division (B) of this 33534
section by a fraction. The numerator of the fraction is the sum of 33535
the following: the property factor multiplied by fifteen, the 33536
payroll factor multiplied by fifteen, and the sales factor 33537
multiplied by seventy. The denominator of the fraction is one 33538
hundred, provided that the denominator shall be reduced by fifteen 33539
if the property factor has a denominator of zero, by fifteen if 33540
the payroll factor has a denominator of zero, and by seventy if 33541
the sales factor has a denominator of zero. 33542

(D) A financial institution shall calculate the property 33543
factor as follows: 33544

(1) The property factor is a fraction, the numerator of which 33545
is the average value of real property and tangible personal 33546
property rented to the taxpayer that is located or used within 33547

this state during the taxable year, the average value of real and tangible personal property owned by the taxpayer that is located or used within this state during the taxable year, and the average value of the taxpayer's loans and credit card receivables that are located within this state during the taxable year; and the denominator of which is the average value of all such property located or used within and without this state during the taxable year.

(2)(a) The value of real property and tangible personal property owned by the taxpayer is the original cost or other basis of such property for federal income tax purposes without regard to depletion, depreciation, or amortization.

(b) Loans are valued at their outstanding principal balance, without regard to any reserve for bad debts. If a loan is charged-off in whole or in part for federal income tax purposes, the portion of the loan charged-off is not outstanding. A specifically allocated reserve established pursuant to financial accounting guidelines which is treated as charged-off for federal income tax purposes shall be treated as charged-off for purposes of this section.

(c) Credit card receivables are valued at their outstanding principal balance, without regard to any reserve for bad debts. If a credit card receivable is charged-off in whole or in part for federal income tax purposes, the portion of the receivable charged-off is not outstanding.

(3) The average value of property owned by the taxpayer is computed on an annual basis by adding the value of the property on the first day of the taxable year and the value on the last day of the taxable year and dividing the sum by two. If averaging on this basis does not properly reflect average value, the tax commissioner may require averaging on a more frequent basis. The taxpayer may elect to average on a more frequent basis. When

averaging on a more frequent basis is required by the tax 33580
commissioner or is elected by the taxpayer, the same method of 33581
valuation must be used consistently by the taxpayer with respect 33582
to property within and without this state and on all subsequent 33583
returns unless the taxpayer receives prior permission from the tax 33584
commissioner or the tax commissioner requires a different method 33585
of determining value. 33586

(4)(a) The average value of real property and tangible 33587
personal property that the taxpayer has rented from another and is 33588
not treated as property owned by the taxpayer for federal income 33589
tax purposes, shall be determined annually by multiplying the 33590
gross rents payable during the taxable year by eight. 33591

(b) Where the use of the general method described in division 33592
(D)(4)(a) of this section results in inaccurate valuations of 33593
rented property, any other method which properly reflects the 33594
value may be adopted by the tax commissioner or by the taxpayer 33595
when approved in writing by the tax commissioner. Once approved, 33596
such other method of valuation must be used on all subsequent 33597
returns unless the taxpayer receives prior approval from the tax 33598
commissioner or the tax commissioner requires a different method 33599
of valuation. 33600

(5)(a) Except as described in division (D)(5)(b) of this 33601
section, real property and tangible personal property owned by or 33602
rented to the taxpayer is considered to be located within this 33603
state if it is physically located, situated, or used within this 33604
state. 33605

(b) Transportation property is included in the numerator of 33606
the property factor to the extent that the property is used in 33607
this state. The extent an aircraft will be deemed to be used in 33608
this state and the amount of value that is to be included in the 33609
numerator of this state's property factor is determined by 33610
multiplying the average value of the aircraft by a fraction, the 33611

numerator of which is the number of landings of the aircraft in 33612
this state and the denominator of which is the total number of 33613
landings of the aircraft everywhere. If the extent of the use of 33614
any transportation property within this state cannot be 33615
determined, then the property will be deemed to be used wholly in 33616
the state in which the property has its principal base of 33617
operations. A motor vehicle will be deemed to be used wholly in 33618
the state in which it is registered. 33619

(6)(a)(i) A loan, other than a loan or advance described in 33620
division (D)(6)(d) of this section, is considered to be located 33621
within this state if it is properly assigned to a regular place of 33622
business of the taxpayer within this state. 33623

(ii) A loan is properly assigned to the regular place of 33624
business with which it has a preponderance of substantive 33625
contacts. A loan assigned by the taxpayer to a regular place of 33626
business without the state shall be presumed to have been properly 33627
assigned if: 33628

(I) The taxpayer has assigned, in the regular course of its 33629
business, such loan on its records to a regular place of business 33630
consistent with federal or state regulatory requirements; 33631

(II) Such assignment on its records is based upon substantive 33632
contacts of the load to such regular place of business; and 33633
33634

(III) The taxpayer uses the records reflecting assignment of 33635
loans for the filing of all state and local tax returns for which 33636
an assignment of loans to a regular place of business is required. 33637

(iii) The presumption of proper assignment of a loan provided 33638
in division (D)(6)(a)(ii) of this section may be rebutted upon a 33639
showing by the tax commissioner, supported by a preponderance of 33640
the evidence, that the preponderance of substantive contacts 33641
regarding such loan did not occur at the regular place of business 33642

to which it was assigned on the taxpayer's records. When such 33643
presumption has been rebutted, the loan shall then be located 33644
within this state if (1) the taxpayer had a regular place of 33645
business within this state at the time the loan was made; and (2) 33646
the taxpayer fails to show, by a preponderance of the evidence, 33647
that the preponderance of substantive contacts regarding such load 33648
did not occur within this state. 33649

33650
(b) In the case of a loan which is assigned by the taxpayer 33651
to a place without this state which is not a regular place of 33652
business, it shall be presumed, subject to rebuttal by the 33653
taxpayer on a showing supported by the preponderance of evidence, 33654
that the preponderance of substantive contacts regarding the loan 33655
occurred within this state if, at the time the loan was made the 33656
taxpayer's commercial domicile was within this state. 33657

(c) To determine the state in which the preponderance of 33658
substantive contacts relating to a loan have occurred, the facts 33659
and circumstances regarding the loan at issue shall be reviewed on 33660
a case-by-case basis and consideration shall be given to such 33661
activities as the solicitation, investigation, negotiation, 33662
approval, and administration of the loan. The terms 33663
"solicitation," "investigation," "negotiation," "approval," and 33664
"administration" are defined as follows: 33665

(i) "Solicitation" is either active or passive. Active 33666
solicitation occurs when an employee of the taxpayer initiates the 33667
contact with the customer. Such activity is located at the regular 33668
place of business which the taxpayer's employee is regularly 33669
connected with or working out of, regardless of where the services 33670
of such employee were actually performed. Passive solicitation 33671
occurs when the customer initiates the contact with the taxpayer. 33672
If the customer's initial contact was not at a regular place of 33673
business of the taxpayer, the regular place of business, if any, 33674

where the passive solicitation occurred is determined by the facts 33675
in each case. 33676

(ii) "Investigation" is the procedure whereby employees of 33677
the taxpayer determine the creditworthiness of the customer as 33678
well as the degree of risk involved in making a particular 33679
agreement. Such activity is located at the regular place of 33680
business which the taxpayer's employees are regularly connected 33681
with or working out of, regardless of where the services of such 33682
employees were actually performed. 33683

(iii) Negotiation is the procedure whereby employees of the 33684
taxpayer and its customer determine the terms of the agreement, 33685
such as the amount, duration, interest rate, frequency of 33686
repayment, currency denomination, and security required. Such 33687
activity is located at the regular place of business to which the 33688
taxpayer's employees are regularly connected or working from, 33689
regardless of where the services of such employees were actually 33690
performed. 33691

(iv) "Approval" is the procedure whereby employees or the 33692
board of directors of the taxpayer make the final determination 33693
whether to enter into the agreement. Such activity is located at 33694
the regular place of business to which the taxpayer's employees 33695
are regularly connected or working from, regardless of where the 33696
services of such employees were actually performed. If the board 33697
of directors makes the final determination, such activity is 33698
located at the commercial domicile of the taxpayer. 33699

(v) "Administration" is the process of managing the account. 33700
This process includes bookkeeping, collecting the payments, 33701
corresponding with the customer, reporting to management regarding 33702
the status of the agreement, and proceeding against the borrower 33703
or the security interest if the borrower is in default. Such 33704
activity is located at the regular place of business that oversees 33705
this activity. 33706

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(d) A loan or advance to a subsidiary corporation at least 33707
fifty-one per cent of whose common stock is owned by the financial 33708
institution shall be allocated in and out of the state by the 33709
application of a ratio whose numerator is the sum of the net book 33710
value of the subsidiary's real property owned in this state and 33711
the subsidiary's tangible personal property owned in this state 33712
and whose denominator is the sum of the subsidiary's real property 33713
owned wherever located and the subsidiary's tangible personal 33714
property owned wherever located. For purposes of calculating this 33715
ratio, the taxpayer shall determine net book value in accordance 33716
with generally accepted accounting principles. If the subsidiary 33717
corporation owns at least fifty-one per cent of the common stock 33718
of another corporation, the ratio shall be calculated by including 33719
the other corporation's real property and tangible personal 33720
property. The calculation of the ratio applies with respect to all 33721
lower-tiered subsidiaries, provided that the immediate parent 33722
corporation of the subsidiary owns at least fifty-one per cent of 33723
the common stock of that subsidiary. 33724

(7) For purposes of determining the location of credit card 33725
receivables, credit card receivables shall be treated as loans and 33726
shall be subject to division (D)(6) of this section. 33727

(8) A loan that has been properly assigned to a state shall, 33728
absent any change of material fact, remain assigned to that state 33729
for the length of the original term of the loan. Thereafter, the 33730
loan may be properly assigned to another state if the loan has a 33731
preponderance of substantive contact to a regular place of 33732
business there. 33733

(E) A financial institution shall calculate the payroll 33734
factor as follows: 33735

(1) The payroll factor is a fraction, the numerator of which 33736
is the total amount paid in this state during the taxable year by 33737
the taxpayer for compensation, and the denominator of which is the 33738

total compensation paid both within and without this state during
the taxable year. 33739
33740

(2) Compensation is paid in this state if any one of the 33741
following tests, applied consecutively, is met: 33742

(a) The employee's services are performed entirely within 33743
this state. 33744

(b) The employee's services are performed both within and 33745
without this state, but the service performed without this state 33746
is incidental to the employee's service within this state. The 33747
term "incidental" means any service which is temporary or 33748
transitory in nature, or which is rendered in connection with an 33749
isolated transaction. 33750

(c) The employee's services are performed both within and 33751
without this state, and: 33752

(i) The employee's principal base of operations is within 33753
this state; or 33754

(ii) There is no principal base of operations in any state in 33755
which some part of the services are performed, but the place from 33756
which the services are directed or controlled is in this state; or 33757
33758

(iii) The principal base of operations and the place from 33759
which the services are directed or controlled are not in any state 33760
in which some part of the service is performed but the employee's 33761
residence is in this state. 33762

(F) A financial institution shall calculate the sales factor 33763
as follows: 33764

(1) The sales factor is a fraction, the numerator of which is 33765
the receipts of the taxpayer in this state during the taxable year 33766
and the denominator of which is the receipts of the taxpayer 33767
within and without this state during the taxable year. The method 33768

of calculating receipts for purposes of the denominator is the 33769
same as the method used in determining receipts for purposes of 33770
the numerator. 33771

(2) The numerator of the sales factor includes receipts from 33772
the lease or rental of real property owned by the taxpayer if the 33773
property is located within this state, or receipts from the 33774
sublease of real property if the property is located within this 33775
state. 33776

(3)(a) Except as described in division (F)(3)(b) of this 33777
section the numerator of the sales factor includes receipts from 33778
the lease or rental of tangible personal property owned by the 33779
taxpayer if the property is located within this state when it is 33780
first placed in service by the lessee. 33781

(b) Receipts from the lease or rental of transportation 33782
property owned by the taxpayer are included in the numerator of 33783
the sales factor to the extent that the property is used in this 33784
state. The extent an aircraft will be deemed to be used in this 33785
state and the amount of receipts that is to be included in the 33786
numerator of this state's sales factor is determined by 33787
multiplying all the receipts from the lease or rental of the 33788
aircraft by a fraction, the numerator of which is the number of 33789
landings of the aircraft in this state and the denominator of 33790
which is the total number of landings of the aircraft. If the 33791
extent of the use of any transportation property within this state 33792
cannot be determined, then the property will be deemed to be used 33793
wholly in the state in which the property has its principal base 33794
of operations. A motor vehicle will be deemed to be used wholly in 33795
the state in which it is registered. 33796

(4)(a) The numerator of the sales factor includes interest 33797
and fees or penalties in the nature of interest from loans secured 33798
by real property if the property is located within this state. If 33799
the property is located both within this state and one or more 33800

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other states, the receipts described in this paragraph are 33801
included in the numerator of the sales factor if more than fifty 33802
per cent of the fair market value of the real property is located 33803
within this state. If more than fifty per cent of the fair market 33804
value of the real property is not located within any one state, 33805
then the receipts described in this paragraph shall be included in 33806
the numerator of the sales factor if the borrower is located in 33807
this state. 33808

(b) The determination of whether the real property securing a 33809
loan is located within this state shall be made as of the time the 33810
original agreement was made and any and all subsequent 33811
substitutions of collateral shall be disregarded. 33812

(5) The numerator of the sales factor includes interest and 33813
fees or penalties in the nature of interest from loans not secured 33814
by real property if the borrower is located in this state. 33815

(6) The numerator of the sales factor includes net gains from 33816
the sale of loans. Net gains from the sale of loans includes 33817
income recorded under the coupon stripping rules of section 1286 33818
of the Internal Revenue Code. 33819

(a) The amount of net gains, but not less than zero, from the 33820
sale of loans secured by real property included in the numerator 33821
is determined by multiplying such net gains by a fraction the 33822
numerator of which is the amount included in the numerator of the 33823
sales factor pursuant to division (F)(4) of this section and the 33824
denominator of which is the total amount of interest and fees or 33825
penalties in the nature of interest from loans secured by real 33826
property. 33827

(b) The amount of net gains, but not less than zero, from the 33828
sale of loans not secured by real property included in the 33829
numerator is determined by multiplying such net gains by a 33830
fraction the numerator of which is the amount included in the 33831

numerator of the sales factor pursuant to division (F)(5) of this 33832
section and the denominator of which is the total amount of 33833
interest and fees or penalties in the nature of interest from 33834
loans not secured by real property. 33835

(7) The numerator of the sales factor includes interest and 33836
fees or penalties in the nature of interest from credit card 33837
receivables and receipts from fees charged to card holders, such 33838
as annual fees, if the billing address of the card holder is in 33839
this state. 33840

(8) The numerator of the sales factor includes net gains, but 33841
not less than zero, from the sale of credit card receivables 33842
multiplied by a fraction, the numerator of which is the amount 33843
included in the numerator of the sales factor pursuant to division 33844
(F)(7) of this section and the denominator of which is the 33845
taxpayer's total amount of interest and fees or penalties in the 33846
nature of interest from credit card receivables and fees charged 33847
to card holders. 33848

(9) The numerator of the sales factor includes all credit 33849
card issuer's reimbursement fees multiplied by a fraction, the 33850
numerator of which is the amount included in the numerator of the 33851
sales factor pursuant to division (F)(7) of this section and the 33852
denominator of which is the taxpayer's total amount of interest 33853
and fees or penalties in the nature of interest from credit card 33854
receivables and fees charged to card holders. 33855

(10) The numerator of the sales factor includes receipts from 33856
merchant discount if the commercial domicile of the merchant is in 33857
this state. Such receipts shall be computed net of any card holder 33858
charge backs, but shall not be reduced by any interchange 33859
transaction fees or by any issuer's reimbursement fees paid to 33860
another for charges made by its card holders. 33861

(11)(a)(i) The numerator of the sales factor includes loan 33862

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servicing fees derived from loans secured by real property 33863
multiplied by a fraction the numerator of which is the amount 33864
included in the numerator of the sales factor pursuant to division 33865
(F)(4) of this section and the denominator of which is the total 33866
amount of interest and fees or penalties in the nature of interest 33867
from loans secured by real property. 33868

(ii) The numerator of the sales factor includes loan 33869
servicing fees derived from loans not secured by real property 33870
multiplied by a fraction the numerator of which is the amount 33871
included in the numerator of the sales factor pursuant to division 33872
(F)(5) of this section and the denominator of which is the total 33873
amount of interest and fees or penalties in the nature of interest 33874
from loans not secured by real property. 33875

(b) In circumstances in which the taxpayer receives loan 33876
servicing fees for servicing either the secured or the unsecured 33877
loans of another, the numerator of the sales factor shall include 33878
such fees if the borrower is located in this state. 33879

(12) The numerator of the sales factor includes receipts from 33880
services not otherwise apportioned under this section if the 33881
service is performed in this state. If the service is performed 33882
both within and without this state, the numerator of the sales 33883
factor includes receipts from services not otherwise apportioned 33884
under this section, if a greater proportion of the income 33885
producing activity is performed in this state based on cost of 33886
performance. 33887

(13)(a) Interest, dividends, net gains, but not less than 33888
zero, and other income from investment assets and activities and 33889
from trading assets and activities shall be included in the sales 33890
factor. Investment assets and activities and trading assets and 33891
activities include but are not limited to: investment securities; 33892
trading account assets; federal funds; securities purchased and 33893
sold under agreements to resell or repurchase; options; futures 33894

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contracts; forward contracts; notional principal contracts such as 33895
swaps; equities; and foreign currency transactions. With respect 33896
to the investment and trading assets and activities described in 33897
divisions (F)(13)(a)(i) and (ii) of this section, the sales factor 33898
shall include the amounts described in such divisions. 33899

(i) The sales factor shall include the amount by which 33900
interest from federal funds sold and securities purchased under 33901
resale agreements exceeds interest expense on federal funds 33902
purchased and securities sold under repurchase agreements. 33903

(ii) The sales factor shall include the amount by which 33904
interest, dividends, gains, and other income from trading assets 33905
and activities, including, but not limited to, assets and 33906
activities in the matched book, in the arbitrage book, and foreign 33907
currency transactions, exceed amounts paid in lieu of interest, 33908
amounts paid in lieu of dividends, and losses from such assets and 33909
activities. 33910

(b) The numerator of the sales factor includes interest, 33911
dividends, net gains, but not less than zero, and other income 33912
from investment assets and activities and from trading assets and 33913
activities described in division (F)(13)(a) of this section that 33914
are attributable to this state. 33915

(i) The amount of interest, other than interest described in 33916
division (F)(13)(b)(iv) of this section, dividends, other than 33917
dividends described in that division, net gains, but not less than 33918
zero, and other income from investment assets and activities in 33919
the investment account to be attributed to this state and included 33920
in the numerator is determined by multiplying all such income from 33921
such assets and activities by a fraction, the numerator of which 33922
is the average value of such assets which are properly assigned to 33923
a regular place of business of the taxpayer within this state and 33924
the denominator of which is the average value of all such assets. 33925

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(ii) The amount of interest from federal funds sold and 33926
purchased and from securities purchased under resale agreements 33927
and securities sold under repurchase agreements attributable to 33928
this state and included in the numerator is determined by 33929
multiplying the amount described in division (F)(13)(a)(i) of this 33930
section from such funds and such securities by a fraction, the 33931
numerator of which is the average value of federal funds sold and 33932
securities purchased under agreements to resell which are properly 33933
assigned to a regular place of business of the taxpayer within 33934
this state and the denominator of which is the average value of 33935
all such funds and such securities. 33936

(iii) The amount of interest, dividends, gains, and other 33937
income from trading assets and activities, including but not 33938
limited to assets and activities in the matched book, in the 33939
arbitrage book, and foreign currency transaction, but excluding 33940
amounts described in division (F)(13)(b)(i) or (ii) of this 33941
section, attributable to this state and included in the numerator 33942
is determined by multiplying the amount described in division 33943
(F)(13)(a)(ii) of this section by a fraction, the numerator of 33944
which is the average value of such trading assets which are 33945
properly assigned to a regular place of business of the taxpayer 33946
within this state and the denominator of which is the average 33947
value of all such assets. 33948

(iv) The amount of dividends received on the capital stock 33949
of, and the amount of interest received from loans and advances 33950
to, subsidiary corporations at least fifty-one per cent of whose 33951
common stock is owned by the reporting financial institution shall 33952
be allocated in and out of this state by the application of a 33953
ratio whose numerator is the sum of the net book value of the 33954
payor's real property owned in this state and the payor's tangible 33955
personal property owned in this state and whose denominator is the 33956
sum of the net book value of the payor's real property owned 33957

wherever located and the payor's tangible personal property owned 33958
wherever located. For purposes of calculating this ratio, the 33959
taxpayer shall determine net book value in accordance with 33960
generally accepted accounting principles. 33961

(v) For purposes of this division, average value shall be 33962
determined using the rules for determining the average value of 33963
tangible personal property set forth in division (D)(2) and (3) of 33964
this section. 33965

(c) In lieu of using the method set forth in division 33966
(F)(13)(b) of this section, the taxpayer may elect, or the tax 33967
commissioner may require in order to fairly represent the business 33968
activity of the taxpayer in this state, the use of the method set 33969
forth in division (F)(13)(c) of this section. 33970

(i) The amount of interest, other than interest described in 33971
division (F)(13)(b)(iv) of this section, dividends, other than 33972
dividends described in that division, net gains, but not less than 33973
zero, and other income from investment assets and activities in 33974
the investment account to be attributed to this state and included 33975
in the numerator is determined by multiplying all such income from 33976
such assets and activities by a fraction, the numerator of which 33977
is the gross income from such assets and activities which are 33978
properly assigned to a regular place of business of the taxpayer 33979
within this state, and the denominator of which is the gross 33980
income from all such assets and activities. 33981

(ii) The amount of interest from federal funds sold and 33982
purchased and from securities purchased under resale agreements 33983
and securities sold under repurchase agreements attributable to 33984
this state and included in the numerator is determined by 33985
multiplying the amount described in division (F)(13)(a)(i) of this 33986
section from such funds and such securities by a fraction, the 33987
numerator of which is the gross income from such funds and such 33988
securities which are properly assigned to a regular place of 33989

business of the taxpayer within this state and the denominator of 33990
which is the gross income from all such funds and such securities. 33991

(iii) The amount of interest, dividends, gains, and other 33992
income from trading assets and activities, including, but not 33993
limited to, assets and activities in the matched book, in the 33994
arbitrage book, and foreign currency transactions, but excluding 33995
amounts described in division (F)(13)(a)(i) or (ii) of this 33996
section, attributable to this state and included in the numerator, 33997
is determined by multiplying the amount described in division 33998
(F)(13)(a)(ii) of this section by a fraction, the numerator of 33999
which is the gross income from such trading assets and activities 34000
which are properly assigned to a regular place of business of the 34001
taxpayer within this state and the denominator of which is the 34002
gross income from all such assets and activities. 34003

(iv) The amount of dividends received on the capital stock 34004
of, and the amount of interest received from loans and advances 34005
to, subsidiary corporations at least fifty-one per cent of whose 34006
common stock is owned by the reporting financial institution shall 34007
be allocated in and out of this state by the application of a 34008
ratio whose numerator is the sum of the net book value of the 34009
payor's real property owned in this state and the payor's tangible 34010
personal property owned in this state and whose denominator is the 34011
sum of the payor's real property owned wherever located and the 34012
payor's tangible personal property owned wherever located. For 34013
purposes of calculating this ratio, the taxpayer shall determine 34014
net book value in accordance with generally accepted accounting 34015
principles. 34016

(d) If the taxpayer elects or is required by the tax 34017
commissioner to use the method set forth in division (F)(13)(c) of 34018
this section, it shall use this method on all subsequent returns 34019
unless the taxpayer receives prior permission from the tax 34020
commissioner to use or the tax commissioner requires a different 34021

method. 34022

(e) The taxpayer shall have the burden of proving that an 34023
investment asset or activity or trading asset or activity was 34024
properly assigned to a regular place of business outside of this 34025
state by demonstrating that the day-to-day decisions regarding the 34026
asset or activity occurred at a regular place of business outside 34027
this state. Where the day-to-day decisions regarding an investment 34028
asset or activity or trading asset or activity occur at more than 34029
one regular place of business and one such regular place of 34030
business is in this state and one such regular place of business 34031
is outside this state such asset or activity shall be considered 34032
to be located at the regular place of business of the taxpayer 34033
where the investment or trading policies or guidelines with 34034
respect to the asset or activity are established. Unless the 34035
taxpayer demonstrates to the contrary, such policies and 34036
guidelines shall be presumed to be established at the commercial 34037
domicile of the taxpayer. 34038

(14) The numerator of the sales factor includes all other 34039
receipts if either: 34040

(a) The income-producing activity is performed solely in this 34041
state; or 34042

(b) The income-producing activity is performed both within 34043
and without this state and a greater proportion of the 34044
income-producing activity is performed within this state than in 34045
any other state, based on costs of performance. 34046

(G) A qualified institution may calculate the base upon which 34047
the fee provided for in division (D) of section 5733.06 ~~(D)~~ of the 34048
~~revised code~~ Revised Code is determined for each of the tax years 34049
1998, 1999, 2000, ~~and~~ 2001, 2002, and 2003 by multiplying the 34050
value of its issued and outstanding shares of stock determined 34051
under division (B) of this section by a single deposits fraction 34052

whose numerator is the deposits assigned to branches in this state 34053
and whose denominator is the deposits assigned to branches 34054
everywhere. Deposits shall be assigned to branches in the same 34055
manner in which the assignment is made for regulatory purposes. If 34056
the base calculated under this division is less than the base 34057
calculated under division (C) of this section, then the qualifying 34058
institution may elect to substitute the base calculated under this 34059
division for the base calculated under division (C) of this 34060
section. Such election may be made annually for each of the tax 34061
years 1998, 1999, 2000, ~~and 2001, 2002, and 2003~~ on the corporate 34062
report. The election need not accompany the report; rather, the 34063
election may accompany a subsequently filed but timely application 34064
for refund, a subsequently filed but timely amended report, or a 34065
subsequently filed but timely petition for reassessment. The 34066
election is not irrevocable and it applies only to the specified 34067
tax year. Nothing in this division shall be construed to extend 34068
any statute of limitations set forth in this chapter 34069

(H) If the apportionment provisions of this section do not 34070
fairly represent the extent of the taxpayer's business activity in 34071
this state, the taxpayer may petition for or the tax commissioner 34072
may require, in respect to all or any part of the taxpayer's 34073
business activity, if reasonable: 34074

(1) Separate accounting; 34075

(2) The exclusion of any one or more of the factors; 34076

(3) The inclusion of one or more additional factors which 34077
will fairly represent the taxpayer's business activity in this 34078
state; or 34079

(4) The employment of any other method to effectuate an 34080
equitable allocation and apportionment of the taxpayer's value. 34081

Sec. 5733.06. The tax hereby charged each corporation subject 34082
to this chapter shall be the greater of the sum of divisions (A) 34083

and (B) of this section, after the reduction, if any, provided by 34084
division (J) of this section, or division (C) of this section, 34085
after the reduction, if any, provided by division (J) of this 34086
section, except that the tax hereby charged each financial 34087
institution subject to this chapter shall be the amount computed 34088
under division (D) of this section: 34089

(A) Except as set forth in division (F) of this section, five 34090
and one-tenth per cent upon the first fifty thousand dollars of 34091
the value of the taxpayer's issued and outstanding shares of stock 34092
as determined under division (B) of section 5733.05 of the Revised 34093
Code; 34094

(B) Except as set forth in division (F) of this section, 34095
eight and one-half per cent upon the value so determined in excess 34096
of fifty thousand dollars; or 34097

(C) Except as otherwise provided under division (G) of this 34098
section, four mills times that portion of the value of the issued 34099
and outstanding shares of stock as determined under division (C) 34100
of section 5733.05 of the Revised Code. For the purposes of 34101
division (C) of this section, division (C)(2) of section 5733.065, 34102
and division (C) of section 5733.066 of the Revised Code, the 34103
value of the issued and outstanding shares of stock of a qualified 34104
holding company is zero. 34105

(D) The tax charged each financial institution subject to 34106
this chapter shall be that portion of the value of the issued and 34107
outstanding shares of stock as determined under division (A) of 34108
section 5733.05 of the Revised Code, multiplied by the following 34109
amounts: 34110

(1) For tax years prior to the 1999 tax year, fifteen mills; 34111

(2) For the 1999 tax year, fourteen mills; 34112

(3) For tax year 2000 and thereafter, thirteen mills. 34113

(E) No tax shall be charged from any corporation that has 34114
been adjudicated bankrupt, or for which a receiver has been 34115
appointed, or that has made a general assignment for the benefit 34116
of creditors, except for the portion of the then current tax year 34117
during which the tax commissioner finds such corporation had the 34118
power to exercise its corporate franchise unimpaired by such 34119
proceedings or act. The minimum payment for all corporations shall 34120
be fifty dollars. 34121

The tax charged to corporations under this chapter for the 34122
privilege of engaging in business in this state, which is an 34123
excise tax levied on the value of the issued and outstanding 34124
shares of stock, shall in no manner be construed as prohibiting or 34125
otherwise limiting the powers of municipal corporations, joint 34126
economic development zones created under section 715.691 of the 34127
Revised Code, and joint economic development districts created 34128
under section 715.70 or 715.71 or sections 715.72 to 715.81 of the 34129
Revised Code in this state to impose an income tax on the income 34130
of such corporations. 34131

(F) If two or more taxpayers satisfy the ownership or control 34132
requirements of division (A) of section 5733.052 of the Revised 34133
Code, each such taxpayer shall substitute "the taxpayer's pro-rata 34134
amount" for "fifty thousand dollars" in divisions (A) and (B) of 34135
this section. For purposes of this division, "the taxpayer's 34136
pro-rata amount" is an amount that, when added to the other such 34137
taxpayers' pro-rata amounts, does not exceed fifty thousand 34138
dollars. For the purpose of making that computation, the 34139
taxpayer's pro-rata amount shall not be less than zero. Nothing in 34140
this division derogates from or eliminates the requirement to make 34141
the alternative computation of tax under division (C) of this 34142
section. 34143

(G) The tax liability of any corporation under division (C) 34144
of this section shall not exceed one hundred fifty thousand 34145

dollars. 34146

(H)(1) For the purposes of division (H) of this section, 34147
"exiting corporation" means a corporation that satisfies all of 34148
the following conditions: 34149

(a) The corporation had nexus with or in this state under the 34150
Constitution of the United States during any portion of a calendar 34151
year; 34152

(b) The corporation was not a corporation described in 34153
division (A) of section 5733.01 of the Revised Code on the first 34154
day of January immediately following that calendar year; 34155

(c) The corporation was not a financial institution on the 34156
first day of January immediately following that calendar year; 34157

(d) If the corporation was a transferor as defined in section 34158
5733.053 of the Revised Code, the corporation's transferee was not 34159
required to add to the transferee's net income the income of the 34160
transferor pursuant to division (B) of that section; 34161

(e) During any portion of that calendar year, or any portion 34162
of the immediately preceding calendar year, the corporation had 34163
net income that was not included in a report filed by the 34164
corporation or its transferee pursuant to section 5733.02, 34165
5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code; 34166

(f) The corporation would have been subject to the tax 34167
computed under divisions (A), (B), (C), (F), and (G) of this 34168
section if the corporation is assumed to be a corporation 34169
described in division (A) of section 5733.01 of the Revised Code 34170
on the first day of January immediately following the calendar 34171
year to which division (H)(1)(a) of this section refers. 34172

(2) For the purposes of division (H) of this section, 34173
"unreported net income" means net income that was not previously 34174
included in a report filed pursuant to section 5733.02, 5733.021, 34175

5733.03, 5733.031, or 5733.053 of the Revised Code and that was 34176
realized or recognized during the calendar year to which division 34177
(H)(1) of this section refers or the immediately preceding 34178
calendar year. 34179

(3) Each exiting corporation shall pay a tax computed by 34180
first allocating and apportioning the unreported net income 34181
pursuant to division (B) of section 5733.05 and section 5733.051 34182
and, if applicable, section 5733.052 of the Revised Code. The 34183
exiting corporation then shall compute the tax due on its 34184
unreported net income allocated and apportioned to this state by 34185
applying divisions (A), (B), and (F) of this section to that 34186
income. 34187

(4) Divisions (C) and (G) of this section, division (D)(2) of 34188
section 5733.065, and division (C) of section 5733.066 of the 34189
Revised Code do not apply to an exiting corporation, but exiting 34190
corporations are subject to every other provision of this chapter. 34191

(5) Notwithstanding division (B) of section 5733.01 or 34192
sections 5733.02, 5733.021, and 5733.03 of the Revised Code to the 34193
contrary, each exiting corporation shall report and pay the tax 34194
due under division (H) of this section on or before the 34195
thirty-first day of May immediately following the calendar year to 34196
which division (H)(1)(a) of this section refers. The exiting 34197
corporation shall file that report on the form most recently 34198
prescribed by the tax commissioner for the purposes of complying 34199
with sections 5733.02 and 5733.03 of the Revised Code. Upon 34200
request by the corporation, the tax commissioner may extend the 34201
date for filing the report. 34202

(6) If, on account of the application of section 5733.053 of 34203
the Revised Code, net income is subject to the tax imposed by 34204
divisions (A) and (B) of this section, such income shall not be 34205
subject to the tax imposed by division (H)(3) of this section. 34206

(7) The amendments made to division (H) of this section by Am. Sub. S.B. 287 of the 123rd general assembly do not apply to any transfer, as defined in section 5733.053 of the Revised Code, for which negotiations began prior to January 1, 2001, and that was commenced in and completed during calendar year 2001, unless the taxpayer makes an election prior to December 31, 2001, to apply the section.

(8) The tax commissioner may adopt rules governing division (H) of this section.

(I) Any reference in the Revised Code to "the tax imposed by section 5733.06 of the Revised Code" or "the tax due under section 5733.06 of the Revised Code" includes the taxes imposed under sections 5733.065 and 5733.066 of the Revised Code.

(J)(1) Division (J) of this section applies solely to a combined company. Section 5733.057 of the Revised Code shall apply when calculating the adjustments required by division (J) of this section.

(2) Subject to division (J)(4) of this section, the total tax calculated in divisions (A) and (B) of this section shall be reduced by an amount calculated by multiplying such tax by a fraction, the numerator of which is the total taxable gross receipts attributed to providing public utility activity other than as an electric company under section 5727.03 of the Revised Code for the year upon which the taxable gross receipts are measured immediately preceding the tax year, and the denominator of which is the total gross receipts from all sources for the year upon which the taxable gross receipts are measured immediately preceding the tax year. Nothing herein shall be construed to exclude from the denominator any item of income described in section 5733.051 of the Revised Code.

(3) Subject to division (J)(4) of this section, the total tax

calculated in division (C) of this section shall be reduced by an amount calculated by multiplying such tax by the fraction described in division (J)(2) of this section.

(4) In no event shall the reduction provided by division (J)(2) or (J)(3) of this section exceed the amount of the excise tax paid in accordance with section 5727.38 of the Revised Code, for the year upon which the taxable gross receipts are measured immediately preceding the tax year.

Sec. 5733.122. Between the first and fifteenth days of July each year, the tax commissioner shall certify to the director of budget and management the total reported liability of the taxes or surcharges levied in the second preceding year under sections 5733.065 and 5733.066 of the Revised Code. Notwithstanding section 5733.12 of the Revised Code, during the period July 1, 1980, to December 31, 1981, four million dollars received by the treasurer of state under this chapter the total amount certified in each year less an amount to be retained by the department of taxation for expenses resulting from the administration of the taxes or surcharges levied under sections 5733.065 and 5733.066 of the Revised Code shall be credited to the recycling and litter prevention fund created by section 1502.02 of the Revised Code. Thereafter, during each of the consecutive six-month periods beginning January 1, 1982, five million dollars from amounts received by the treasurer of state under this chapter shall be credited to that fund. No amount shall be credited to the local government fund from any receipts credited to the recycling and litter prevention fund under this section.

The office of budget and mangement shall provide the treasurer of state with a monthly schedule in accordance with which the amounts shall be credited.

Sec. 5733.401. (A) As used in this section: 34268

(1) "Investment pass-through entity" means a pass-through 34269
entity having for its qualifying taxable year at least ninety per 34270
cent of its gross income from transaction fees in connection with 34271
the acquisition, ownership, or disposition of intangible property, 34272
loan fees, financing fees, consent fees, waiver fees, application 34273
fees, net management fees, dividend income, interest income, net 34274
capital gains from the sale or exchange of intangible property, or 34275
distributive shares of income from pass-through entities; and 34276
having for its qualifying taxable year at least ninety per cent of 34277
the net book value of its assets represented by intangible assets. 34278
Such percentages shall be the quarterly average of those 34279
percentages as calculated during the pass-through entity's taxable 34280
year. 34281

(2) "Net management fees" means management fees that a 34282
pass-through entity earns or receives from all sources, reduced by 34283
management fees that the pass-through entity incurs or pays to any 34284
person. 34285

(B) For the purposes of divisions (A) and (C) of this section 34286
only, an investment in a pass-through entity shall be deemed to be 34287
an investment in an intangible asset. 34288

(C) Except as otherwise provided in division (D) of this 34289
section, for the purposes of division (A) of section 5733.40 of 34290
the Revised Code, an investment pass-through entity shall exclude 34291
from the calculation of the adjusted qualifying amount all 34292
transaction fees in connection with the acquisition, ownership, or 34293
disposition of intangible property; loan fees; financing fees; 34294
consent fees; waiver fees; application fees; net management 34295
fees, but if such fees exceed five per cent of the entity's net 34296
income calculated in accordance with generally accepted accounting 34297
principles, all net management fees shall be included in the 34298
calculation of the adjusted qualifying amount; dividend income; 34299

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interest income, net capital gains from the sale or exchange of intangible property, and all types and classifications of income attributable to distributive shares of income from other pass-through entities. Nothing in this division shall be construed to provide for an exclusion of any item from adjusted qualifying amount more than once.

(D) Sections 5733.057 and 5747.231 of the Revised Code do not apply for the purposes of making the determinations required by division (A) of this section or claiming the exclusion provided by division (C) of this section.

Sec. 5733.42. (A) As used in this section:

(1) "Eligible training program" means a program to provide job skills to eligible employees who are unable effectively to function on the job due to skill deficiencies or who would otherwise be displaced because of their skill deficiencies or inability to use new technology, or to provide job skills to eligible employees that enable them to perform other job duties for the taxpayer. Eligible training programs do not include executive, management, or personal enrichment training programs, or training programs intended exclusively for personal career development.

(2) "Eligible employee" means an individual who is employed in this state by a taxpayer and has been so employed by the same taxpayer for at least one hundred eighty consecutive days before the day an application for the credit is filed under this section. "Eligible employee" does not include any employee for which a credit is claimed pursuant to division (A)(5) of section 5709.65 of the Revised Code for all or any part of the same year, an employee who is not a full-time employee, or executive or managerial personnel except for the immediate supervisors of nonexecutive, nonmanagerial personnel.

(3) "Eligible training costs" means: 34331

(a) Direct instructional costs, such as instructor salaries, 34332
materials and supplies, textbooks and manuals, videotapes, and 34333
other instructional media and training equipment used exclusively 34334
for the purpose of training eligible employees; 34335

(b) Wages paid to eligible employees for time devoted 34336
exclusively to an eligible training program during normal paid 34337
working hours. 34338

(4) "Full-time employee" means an individual who is employed 34339
for consideration for at least thirty-five hours per week, or who 34340
renders any other standard of service generally accepted by custom 34341
or specified by contract as full-time employment. 34342

(5) "Partnership" includes a limited liability company formed 34343
under Chapter 1705. of the Revised Code or under the laws of 34344
another state, provided that the company is not classified for 34345
federal income tax purposes as an association taxable as a 34346
corporation. 34347

(B) There is hereby allowed a nonrefundable credit against 34348
the tax imposed by section 5733.06 of the Revised Code for 34349
taxpayers for which a tax credit certificate is issued under 34350
division (C) of this section. The credit may ~~not~~ be claimed for 34351
~~any tax year after tax year years 2004, except for amounts carried~~ 34352
~~forward to subsequent tax years to the extent allowed under~~ 34353
~~division (J) of this section 2005, and 2006, but may not be~~ 34354
claimed for tax years 2002 and 2003. The amount of the credit for 34355
each tax year shall equal one-half of the average of the eligible 34356
training costs paid or incurred by the taxpayer during the three 34357
calendar years immediately preceding the tax year for which the 34358
credit is claimed, not to exceed one thousand dollars for each 34359
eligible employee on account of whom eligible training costs were 34360
paid or incurred by the taxpayer during those calendar years. The 34361

credit claimed by a taxpayer each tax year shall not exceed one 34362
hundred thousand dollars. 34363

(C) A taxpayer who proposes to conduct an eligible training 34364
program may apply to the director of job and family services for a 34365
tax credit certificate under this section. The taxpayer may apply 34366
for such a certificate for each tax year with respect to a 34367
calendar year in which the taxpayer paid or incurred eligible 34368
training costs, subject to division (L) of this section. The 34369
director shall prescribe the form of the application, which shall 34370
require a detailed description of the proposed training program. 34371
The director may require applicants to remit an application fee 34372
with each application filed with the director. The fee shall not 34373
exceed the reasonable and necessary expenses incurred by the 34374
director in receiving, reviewing, and approving such applications 34375
and issuing tax credit certificates. Proceeds from fees shall be 34376
used solely for the purpose of receiving, reviewing, and approving 34377
such applications and issuing such certificates. 34378

After receipt of an application, the director shall authorize 34379
a credit under this section by issuing a tax credit certificate, 34380
in the form prescribed by the director, if the director determines 34381
all of the following: 34382

(1) The proposed training program is an eligible training 34383
program under this section; 34384

(2) The proposed training program is economically sound and 34385
will benefit the people of this state by improving workforce 34386
skills and strengthening the economy of this state; 34387

(3) Receiving the tax credit is a major factor in the 34388
taxpayer's decision to go forward with the training program; 34389

(4) Authorization of the credit is consistent with division 34390
(H) of this section. 34391

The credit also is allowed for a taxpayer that is a partner 34392

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in a partnership that pays or incurs eligible training costs. Such 34393
a taxpayer shall determine the taxpayer's credit amount in the 34394
manner prescribed by division (K) of this section. 34395

(D) If the director of job and family services denies an 34396
application for a tax credit certificate, the director shall send 34397
notice of the denial and the reason for denial to the applicant by 34398
certified mail, return receipt requested. If the director 34399
determines that an authorized training program, as actually 34400
conducted, fails to meet the requirements of this section or to 34401
comply with any condition set forth in the authorization, the 34402
director may reduce the amount of the tax credit previously 34403
granted. If the director reduces a tax credit, the director shall 34404
send notice of the reduction and the reason for the reduction to 34405
the taxpayer by certified mail, return receipt requested, and 34406
shall certify the reduction to the tax commissioner or, in the 34407
case of the reduction of a credit claimed by an insurance company, 34408
the superintendent of insurance. The tax commissioner or 34409
superintendent of insurance shall reduce the credit that may be 34410
claimed by the taxpayer accordingly. Within sixty days after 34411
receiving a notice of denial or notice of reduction of the tax 34412
credit, an applicant or taxpayer may request, in writing, a 34413
hearing before the director to review the denial or reduction. 34414
Within sixty days after receiving a request that is filed within 34415
the prescribed time, the director shall hold such a hearing at a 34416
location to be determined by the director. Within thirty days 34417
after the hearing is adjourned, the director shall issue a 34418
redetermination affirming, reversing, or modifying the denial or 34419
reduction of the tax credit and send notice of the redetermination 34420
to the applicant or taxpayer by certified mail, return receipt 34421
requested, and shall issue a notice of the redetermination to the 34422
tax commissioner or superintendent of insurance. If an applicant 34423
or taxpayer is aggrieved by the director's redetermination, the 34424

applicant or taxpayer may appeal the redetermination to the board 34425
of tax appeals in the manner prescribed by section 5717.02 of the 34426
Revised Code. 34427

(E) A taxpayer to which a tax credit certificate is issued 34428
shall retain records indicating the eligible training costs it 34429
pays or incurs for the eligible training program for which the 34430
certificate is issued for four years following the end of the tax 34431
year for which the credit is claimed. Such records shall be open 34432
to inspection by the director of job and family services upon the 34433
director's request during business hours. 34434

Financial statements and other information submitted by an 34435
applicant to the director of job and family services for a tax 34436
credit under this section, and any information taken for any 34437
purpose from such statements or information, are not public 34438
records subject to section 149.43 of the Revised Code. However, 34439
the director of job and family services, the tax commissioner, or 34440
superintendent of insurance may make use of the statements and 34441
other information for purposes of issuing public reports or in 34442
connection with court proceedings concerning tax credits allowed 34443
under this section and sections 5725.31, 5729.07, and 5747.39 of 34444
the Revised Code. 34445

(F) The director of job and family services, in accordance 34446
with Chapter 119. of the Revised Code, shall adopt rules necessary 34447
to implement this section and sections 5725.31, 5729.07, and 34448
5747.39 of the Revised Code. The rules shall be adopted after 34449
consultation with the tax commissioner and the superintendent of 34450
insurance. At the time the director gives public notice under 34451
division (A) of section 119.03 of the Revised Code of the adoption 34452
of the rules, the director shall submit copies of the proposed 34453
rules to the chairpersons and ranking minority members of the 34454
standing committees in the senate and the house of representatives 34455
to which legislation on economic development matters are 34456

customarily referred. 34457

(G) On or before the thirtieth day of September of ~~2001,~~ 34458
~~2002,~~ 2003, ~~and~~ 2004, 2005, and 2006, the director of job and 34459
family services shall submit a report to the governor, the 34460
president of the senate, and the speaker of the house of 34461
representatives on the tax credit program under this section and 34462
sections 5725.31, 5729.07, and 5747.39 of the Revised Code. The 34463
report shall include information on the number of training 34464
programs that were authorized under those sections during the 34465
preceding calendar year, a description of each authorized training 34466
program, the dollar amounts of the credits granted, and an 34467
estimate of the impact of the credits on the economy of this 34468
state. 34469

(H) The aggregate amount of credits authorized under this 34470
section and sections 5725.31, 5729.07, and 5747.39 of the Revised 34471
Code shall not exceed twenty million dollars per calendar year. No 34472
more than ten million dollars in credits per calendar year shall 34473
be authorized for persons engaged primarily in manufacturing. No 34474
less than five million dollars in credits per calendar year shall 34475
be set aside for persons engaged primarily in activities other 34476
than manufacturing and having fewer than five hundred employees. 34477
Subject to such limits, credits shall be authorized for applicants 34478
meeting the requirements of this section in the order in which 34479
they submit complete and accurate applications. 34480

(I) A nonrefundable credit allowed under this section shall 34481
be claimed in the order required under section 5733.98 of the 34482
Revised Code. 34483

(J) The taxpayer may carry forward any credit amount in 34484
excess of its tax due after allowing for any other credits that 34485
precede the credit under this section in the order required under 34486
section 5733.98 of the Revised Code. The excess credit may be 34487
carried forward for three years following the tax year for which 34488

it is first claimed under this section. 34489

(K) A taxpayer that is a partner in a partnership on the last 34490
day of the third calendar year of the three-year period during 34491
which the partnership pays or incurs eligible training costs may 34492
claim a credit under this section for the tax year immediately 34493
following that calendar year. The amount of a partner's credit 34494
equals the partner's interest in the partnership on the last day 34495
of such calendar year multiplied by the credit available to the 34496
partnership as computed by the partnership. 34497

(L) The director of job and family services shall not 34498
authorize any credits under this section and sections 5725.31, 34499
5729.07, and 5747.39 of the Revised Code for eligible training 34500
costs paid or incurred after December 31, ~~2003~~ 2005. 34501

Sec. 5739.01. As used in this chapter: 34502

(A) "Person" includes individuals, receivers, assignees, 34503
trustees in bankruptcy, estates, firms, partnerships, 34504
associations, joint-stock companies, joint ventures, clubs, 34505
societies, corporations, the state and its political subdivisions, 34506
and combinations of individuals of any form. 34507

(B) "Sale" and "selling" include all of the following 34508
transactions for a consideration in any manner, whether absolutely 34509
or conditionally, whether for a price or rental, in money or by 34510
exchange, and by any means whatsoever: 34511

(1) All transactions by which title or possession, or both, 34512
of tangible personal property, is or is to be transferred, or a 34513
license to use or consume tangible personal property is or is to 34514
be granted; 34515

(2) All transactions by which lodging by a hotel is or is to 34516
be furnished to transient guests; 34517

(3) All transactions by which: 34518

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- (a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would be exempt from the tax imposed by section 5739.02 of the Revised Code;
- (b) An item of tangible personal property is or is to be installed, except property, the purchase of which would be exempt from the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;
- (c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;
- (d) Industrial laundry cleaning services are or are to be provided;
- (e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An affiliated group means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights.
- (f) Telecommunications service is provided that originates or terminates in this state and is charged in the records of the telecommunications service vendor to the consumer's telephone

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number or account in this state, or that both originates and	34550
terminates in this state; but does not include transactions by	34551
which telecommunications service is paid for by using a prepaid	34552
authorization number or prepaid telephone calling card, <u>or by</u>	34553
<u>which local telecommunications service is obtained from a</u>	34554
<u>coin-operated telephone and paid for by using coin;</u>	34555
(g) Landscaping and lawn care service is or is to be	34556
provided;	34557
(h) Private investigation and security service is or is to be	34558
provided;	34559
(i) Information services or tangible personal property is	34560
provided or ordered by means of a nine hundred telephone call;	34561
(j) Building maintenance and janitorial service is or is to	34562
be provided;	34563
(k) Employment service is or is to be provided;	34564
(l) Employment placement service is or is to be provided;	34565
(m) Exterminating service is or is to be provided;	34566
(n) Physical fitness facility service is or is to be	34567
provided;	34568
(o) Recreation and sports club service is or is to be	34569
provided.	34570
(4) All transactions by which printed, imprinted,	34571
overprinted, lithographic, multilithic, blueprinted, photostatic,	34572
or other productions or reproductions of written or graphic matter	34573
are or are to be furnished or transferred;	34574
(5) The production or fabrication of tangible personal	34575
property for a consideration for consumers who furnish either	34576
directly or indirectly the materials used in the production of	34577
fabrication work; and include the furnishing, preparing, or	34578

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serving for a consideration of any tangible personal property
consumed on the premises of the person furnishing, preparing, or
serving such tangible personal property. Except as provided in
section 5739.03 of the Revised Code, a construction contract
pursuant to which tangible personal property is or is to be
incorporated into a structure or improvement on and becoming a
part of real property is not a sale of such tangible personal
property. The construction contractor is the consumer of such
tangible personal property, provided that the sale and
installation of carpeting, the sale and installation of
agricultural land tile, the sale and erection or installation of
portable grain bins, or the provision of landscaping and lawn care
service and the transfer of property as part of such service is
never a construction contract. The transfer of copyrighted motion
picture films for exhibition purposes is not a sale, except such
films as are used solely for advertising purposes. Other than as
provided in this section, "sale" and "selling" do not include
professional, insurance, or personal service transactions ~~which~~
that involve the transfer of tangible personal property as an
inconsequential element, for which no separate charges are made.

As used in division (B)(5) of this section: 34599

(a) "Agricultural land tile" means fired clay or concrete 34600
tile, or flexible or rigid perforated plastic pipe or tubing, 34601
incorporated or to be incorporated into a subsurface drainage 34602
system appurtenant to land used or to be used directly in 34603
production by farming, agriculture, horticulture, or floriculture. 34604
The term does not include such materials when they are or are to 34605
be incorporated into a drainage system appurtenant to a building 34606
or structure even if the building or structure is used or to be 34607
used in such production. 34608

(b) "Portable grain bin" means a structure that is used or to 34609
be used by a person engaged in farming or agriculture to shelter 34610

the person's grain and that is designed to be disassembled without 34611
significant damage to its component parts. 34612

(6) All transactions in which all of the shares of stock of a 34613
closely held corporation are transferred, if the corporation is 34614
not engaging in business and its entire assets consist of boats, 34615
planes, motor vehicles, or other tangible personal property 34616
operated primarily for the use and enjoyment of the shareholders; 34617

(7) All transactions in which a warranty, maintenance or 34618
service contract, or similar agreement by which the vendor of the 34619
warranty, contract, or agreement agrees to repair or maintain the 34620
tangible personal property of the consumer is or is to be 34621
provided; 34622

(8) All transactions by which a prepaid authorization number 34623
or a prepaid telephone calling card is or is to be transferred. 34624

(C) "Vendor" means the person providing the service or by 34625
whom the transfer effected or license given by a sale is or is to 34626
be made or given and, for sales described in division (B)(3)(i) of 34627
this section, the telecommunications service vendor that provides 34628
the nine hundred telephone service; if two or more persons are 34629
engaged in business at the same place of business under a single 34630
trade name in which all collections on account of sales by each 34631
are made, such persons shall constitute a single vendor. 34632

Physicians, dentists, hospitals, and veterinarians who are 34633
engaged in selling tangible personal property as received from 34634
others, such as eyeglasses, mouthwashes, dentifrices, or similar 34635
articles, are vendors. Veterinarians who are engaged in 34636
transferring to others for a consideration drugs, the dispensing 34637
of which does not require an order of a licensed veterinarian or 34638
physician under federal law, are vendors. 34639

(D)(1) "Consumer" means the person for whom the service is 34640
provided, to whom the transfer effected or license given by a sale 34641

is or is to be made or given, to whom the service described in 34642
division (B)(3)(f) or (i) of this section is charged, or to whom 34643
the admission is granted. 34644

(2) Physicians, dentists, hospitals, and blood banks operated 34645
by nonprofit institutions and persons licensed to practice 34646
veterinary medicine, surgery, and dentistry are consumers of all 34647
tangible personal property and services purchased by them in 34648
connection with the practice of medicine, dentistry, the rendition 34649
of hospital or blood bank service, or the practice of veterinary 34650
medicine, surgery, and dentistry. In addition to being consumers 34651
of drugs administered by them or by their assistants according to 34652
their direction, veterinarians also are consumers of drugs that 34653
under federal law may be dispensed only by or upon the order of a 34654
licensed veterinarian or physician, when transferred by them to 34655
others for a consideration to provide treatment to animals as 34656
directed by the veterinarian. 34657

(3) A person who performs a facility management, or similar 34658
service contract for a contractee is a consumer of all tangible 34659
personal property and services purchased for use in connection 34660
with the performance of such contract, regardless of whether title 34661
to any such property vests in the contractee. The purchase of such 34662
property and services is not subject to the exception for resale 34663
under division (E)(1) of this section. 34664

(4)(a) In the case of a person who purchases printed matter 34665
for the purpose of distributing it or having it distributed to the 34666
public or to a designated segment of the public, free of charge, 34667
that person is the consumer of that printed matter, and the 34668
purchase of that printed matter for that purpose is a sale. 34669

(b) In the case of a person who produces, rather than 34670
purchases, printed matter for the purpose of distributing it or 34671
having it distributed to the public or to a designated segment of 34672
the public, free of charge, that person is the consumer of all 34673

tangible personal property and services purchased for use or 34674
consumption in the production of that printed matter. That person 34675
is not entitled to claim exception under division (E)(8) of this 34676
section for any material incorporated into the printed matter or 34677
any equipment, supplies, or services primarily used to produce the 34678
printed matter. 34679

(c) The distribution of printed matter to the public or to a 34680
designated segment of the public, free of charge, is not a sale to 34681
the members of the public to whom the printed matter is 34682
distributed or to any persons who purchase space in the printed 34683
matter for advertising or other purposes. 34684

(5) A person who makes sales of any of the services listed in 34685
division (B)(3) of this section is the consumer of any tangible 34686
personal property used in performing the service. The purchase of 34687
that property is not subject to the resale exception under 34688
division (E)(1) of this section. 34689

(E) "Retail sale" and "sales at retail" include all sales 34690
except those in which the purpose of the consumer is: 34691

(1) To resell the thing transferred or benefit of the service 34692
provided, by a person engaging in business, in the form in which 34693
the same is, or is to be, received by the person; 34694

(2) To incorporate the thing transferred as a material or a 34695
part, into tangible personal property to be produced for sale by 34696
manufacturing, assembling, processing, or refining, or to use or 34697
consume the thing transferred directly in producing a product for 34698
sale by mining, including without limitation the extraction from 34699
the earth of all substances ~~which~~ that are classed geologically as 34700
minerals, production of crude oil and natural gas, farming, 34701
agriculture, horticulture, or floriculture, and persons engaged in 34702
rendering farming, agricultural, horticultural, or floricultural 34703
services, and services in the exploration for, and production of, 34704

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crude oil and natural gas, for others are deemed engaged directly 34705
in farming, agriculture, horticulture, and floriculture, or 34706
exploration for, and production of, crude oil and natural gas; 34707
directly in the rendition of a public utility service, except that 34708
the sales tax levied by section 5739.02 of the Revised Code shall 34709
be collected upon all meals, drinks, and food for human 34710
consumption sold upon Pullman and railroad coaches. This paragraph 34711
does not exempt or except from "retail sale" or "sales at retail" 34712
the sale of tangible personal property that is to be incorporated 34713
into a structure or improvement to real property. 34714

(3) To hold the thing transferred as security for the 34715
performance of an obligation of the vendor; 34716

(4) To use or consume the thing transferred in the process of 34717
reclamation as required by Chapters 1513. and 1514. of the Revised 34718
Code; 34719

(5) To resell, hold, use, or consume the thing transferred as 34720
evidence of a contract of insurance; 34721

(6) To use or consume the thing directly in commercial 34722
fishing; 34723

(7) To incorporate the thing transferred as a material or a 34724
part into, or to use or consume the thing transferred directly in 34725
the production of, magazines distributed as controlled circulation 34726
publications; 34727

(8) To use or consume the thing transferred in the production 34728
and preparation in suitable condition for market and sale of 34729
printed, imprinted, overprinted, lithographic, multilithic, 34730
blueprinted, photostatic, or other productions or reproductions of 34731
written or graphic matter; 34732

(9) To use the thing transferred, as described in section 34733
5739.011 of the Revised Code, primarily in a manufacturing 34734
operation to produce tangible personal property for sale; 34735

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(10) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as defined in division (B)(7) of this section, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would be exempt on its purchase from the tax imposed by section 5739.02 of the Revised Code;

(11) To use the thing transferred as qualified research and development equipment;

(12) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. Division (E)(12) of this section does not apply to motor vehicles registered for operation on the public highways. As used in division (E)(12) of this section, "affiliated group" has the same meaning as in division (B)(3)(e) of this section and "direct marketing" has the same meaning as in division (B)(37) of section 5739.02 of the Revised Code.

(13) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of this section;

(14) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(15) To use tangible personal property to perform a service listed in division (B)(3) of this section, if the property is or

is to be permanently transferred to the consumer of the service as 34767
an integral part of the performance of the service. 34768

As used in division (E) of this section, "thing" includes all 34769
transactions included in divisions (B)(3)(a), (b), and (e) of this 34770
section. 34771

Sales conducted through a coin-operated device that activates 34772
vacuum equipment or equipment that dispenses water, whether or not 34773
in combination with soap or other cleaning agents or wax, to the 34774
consumer for the consumer's use on the premises in washing, 34775
cleaning, or waxing a motor vehicle, provided no other personal 34776
property or personal service is provided as part of the 34777
transaction, are not retail sales or sales at retail. 34778

(F) "Business" includes any activity engaged in by any person 34779
with the object of gain, benefit, or advantage, either direct or 34780
indirect. "Business" does not include the activity of a person in 34781
managing and investing the person's own funds. 34782

(G) "Engaging in business" means commencing, conducting, or 34783
continuing in business, and liquidating a business when the 34784
liquidator thereof holds ~~self~~ itself out to the public as 34785
conducting such business. Making a casual sale is not engaging in 34786
business. 34787

(H)(1) "Price," except as provided in divisions (H)(2) and 34788
(3) of this section, means the aggregate value in money of 34789
anything paid or delivered, or promised to be paid or delivered, 34790
in the complete performance of a retail sale, without any 34791
deduction on account of the cost of the property sold, cost of 34792
materials used, labor or service cost, interest, discount paid or 34793
allowed after the sale is consummated, or any other expense. If 34794
the retail sale consists of the rental or lease of tangible 34795
personal property, "price" means the aggregate value in money of 34796
anything paid or delivered, or promised to be paid or delivered, 34797

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in the complete performance of the rental or lease, without any 34798
deduction for tax, interest, labor or service charge, damage 34799
liability waiver, termination or damage charge, discount paid or 34800
allowed after the lease is consummated, or any other expense. The 34801
sales tax shall be calculated and collected by the lessor on each 34802
payment made by the lessee. Price does not include the 34803
consideration received as a deposit refundable to the consumer 34804
upon return of a beverage container, the consideration received as 34805
a deposit on a carton or case that is used for such returnable 34806
containers, or the consideration received as a refundable security 34807
deposit for the use of tangible personal property to the extent 34808
that it actually is refunded, if the consideration for such 34809
refundable deposit is separately stated from the consideration 34810
received or to be received for the tangible personal property 34811
transferred in the retail sale. Such separation must appear in the 34812
sales agreement or on the initial invoice or initial billing 34813
rendered by the vendor to the consumer. Price is the amount 34814
received inclusive of the tax, provided the vendor establishes to 34815
the satisfaction of the tax commissioner that the tax was added to 34816
the price. When the price includes both a charge for tangible 34817
personal property and a charge for providing a service and the 34818
sale of the property and the charge for the service are separately 34819
taxable, or have a separately determinable tax status, the price 34820
shall be separately stated for each such charge so the tax can be 34821
correctly computed and charged. 34822

The tax collected by the vendor from the consumer under this 34823
chapter is not part of the price, but is a tax collection for the 34824
benefit of the state and of counties levying an additional sales 34825
tax pursuant to section 5739.021 or 5739.026 of the Revised Code 34826
and of transit authorities levying an additional sales tax 34827
pursuant to section 5739.023 of the Revised Code. Except for the 34828
discount authorized in section 5739.12 of the Revised Code, no 34829

person other than the state or such a county or transit authority 34830
shall derive any benefit from the collection or payment of such 34831
tax. 34832

(2) In the case of a sale of any new motor vehicle by a new 34833
motor vehicle dealer, as defined in section 4517.01 of the Revised 34834
Code, in which another motor vehicle is accepted by the dealer as 34835
part of the consideration received, "price" has the same meaning 34836
as in division (H)(1) of this section, reduced by the credit 34837
afforded the consumer by the dealer for the motor vehicle received 34838
in trade. 34839

(3) In the case of a sale of any watercraft or outboard motor 34840
by a watercraft dealer licensed in accordance with section 34841
1547.543 of the Revised Code, in which another watercraft, 34842
watercraft and trailer, or outboard motor is accepted by the 34843
dealer as part of the consideration received, "price" has the same 34844
meaning as in division (H)(1) of this section, reduced by the 34845
credit afforded the consumer by the dealer for the watercraft, 34846
watercraft and trailer, or outboard motor received in trade. As 34847
used in division (H)(3) of this section, "watercraft" includes an 34848
outdrive unit attached to the watercraft. 34849

(I) "Receipts" means the total amount of the prices of the 34850
sales of vendors, provided that cash discounts allowed and taken 34851
on sales at the time they are consummated are not included, minus 34852
any amount deducted as a bad debt pursuant to section 5739.121 of 34853
the Revised Code. "Receipts" does not include the sale price of 34854
property returned or services rejected by consumers when the full 34855
sale price and tax are refunded either in cash or by credit. 34856

(J) "Place of business" means any location at which a person 34857
engages in business. 34858

(K) "Premises" includes any real property or portion thereof 34859
upon which any person engages in selling tangible personal 34860

property at retail or making retail sales and also includes any 34861
real property or portion thereof designated for, or devoted to, 34862
use in conjunction with the business engaged in by such person. 34863

(L) "Casual sale" means a sale of an item of tangible 34864
personal property ~~which~~ that was obtained by the person making the 34865
sale, through purchase or otherwise, for the person's own use in 34866
this state and ~~which~~ was previously subject to any state's taxing 34867
jurisdiction on its sale or use, and includes such items acquired 34868
for the seller's use ~~which~~ that are sold by an auctioneer employed 34869
directly by the person for such purpose, provided the location of 34870
such sales is not the auctioneer's permanent place of business. As 34871
used in this division, "permanent place of business" includes any 34872
location where such auctioneer has conducted more than two 34873
auctions during the year. 34874

(M) "Hotel" means every establishment kept, used, maintained, 34875
advertised, or held out to the public to be a place where sleeping 34876
accommodations are offered to guests⁷. "Hotel" includes only those 34877
establishments in which five or more rooms are used for the 34878
accommodation of such guests, whether ~~such~~ the rooms are in one or 34879
several structures, except as specified by a board of county 34880
commissioners, a board of township trustees, or the legislative 34881
authority of a municipal corporation as provided in division (G) 34882
of section 5739.024 of the Revised Code. 34883

(N) "Transient guests" means persons occupying a room or 34884
rooms for sleeping accommodations for less than thirty consecutive 34885
days. 34886

(O) "Making retail sales" means the effecting of transactions 34887
wherein one party is obligated to pay the price and the other 34888
party is obligated to provide a service or to transfer title to or 34889
possession of the item sold. "Making retail sales" does not 34890
include the preliminary acts of promoting or soliciting the retail 34891
sales, other than the distribution of printed matter which 34892

displays or describes and prices the item offered for sale, nor
does it include delivery of a predetermined quantity of tangible
personal property or transportation of property or personnel to or
from a place where a service is performed, regardless of whether
the vendor is a delivery vendor.

(P) "Used directly in the rendition of a public utility
service" means that property which is to be incorporated into and
will become a part of the consumer's production, transmission,
transportation, or distribution system and ~~which~~ that retains its
classification as tangible personal property after such
incorporation; fuel or power used in the production, transmission,
transportation, or distribution system; and tangible personal
property used in the repair and maintenance of the production,
transmission, transportation, or distribution system, including
only such motor vehicles as are specially designed and equipped
for such use. Tangible personal property and services used
primarily in providing highway transportation for hire are not
used in providing a public utility service as defined in this
division.

(Q) "Refining" means removing or separating a desirable
product from raw or contaminated materials by distillation or
physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting
together parts to form a product, but do not include packaging a
product.

(S) "Manufacturing operation" means a process in which
materials are changed, converted, or transformed into a different
state or form from which they previously existed and includes
refining materials, assembling parts, and preparing raw materials
and parts by mixing, measuring, blending, or otherwise committing
such materials or parts to the manufacturing process.
"Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county ~~which~~ that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority ~~which~~ that includes territory in more than one county must include all the area of the most populous county ~~which~~ that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county ~~which~~ that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county ~~which~~ that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

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(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;	34986
(c) Identifying management information needs;	34987
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	34988 34989 34990
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	34991 34992 34993 34994
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	34995 34996 34997
(g) Testing of business procedures;	34998
(h) Training personnel in business procedure applications;	34999
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	35000 35001 35002 35003 35004 35005
(j) Providing debt collection services by any oral, written, graphic, or electronic means.	35006 35007
The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.	35008 35009
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	35010 35011 35012
(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in	35013 35014

transportation of personal property belonging to others for 35015
consideration over or on highways, roadways, streets, or any 35016
similar public thoroughfare; 35017

(2) A person who engages in the transportation of personal 35018
property belonging to others for consideration over or on 35019
highways, roadways, streets, or any similar public thoroughfare 35020
but who could not have engaged in such transportation on December 35021
11, 1985, unless the person was the holder of a permit or 35022
certificate of the types described in division (Z)(1) of this 35023
section; 35024

(3) A person who leases a motor vehicle to and operates it 35025
for a person described by division (Z)(1) or (2) of this section. 35026

(AA) "Telecommunications service" means the transmission of 35027
any interactive, two-way electromagnetic communications, including 35028
voice, image, data, and information, through the use of any medium 35029
such as wires, cables, microwaves, cellular radio, radio waves, 35030
light waves, or any combination of those or similar media. 35031
"Telecommunications service" includes message toll service even 35032
though the vendor provides the message toll service by means of 35033
wide area transmission type service or private communications 35034
service purchased from another telecommunications service 35035
provider, but does not include any of the following: 35036

(1) Sales of incoming or outgoing wide area transmission 35037
service or wide area transmission type service, including eight 35038
hundred or eight-hundred-type service, to the person contracting 35039
for the receipt of that service; 35040

(2) Sales of private communications service to the person 35041
contracting for the receipt of that service that entitles the 35042
purchaser to exclusive or priority use of a communications channel 35043
or group of channels between exchanges; 35044

(3) Sales of telecommunications service by companies subject 35045

to the excise tax imposed by Chapter 5727. of the Revised Code; 35046

(4) Sales of telecommunications service to a provider of 35047
telecommunications service, including access services, for use in 35048
providing telecommunications service; 35049

(5) Value-added nonvoice services in which computer 35050
processing applications are used to act on the form, content, 35051
code, or protocol of the information to be transmitted; 35052

(6) Transmission of interactive video programming by a cable 35053
television system as defined in section 505.90 of the Revised 35054
Code. 35055

(BB) "Industrial laundry cleaning services" means removing 35056
soil or dirt from or supplying towels, linens, or articles of 35057
clothing that belong to others and are used in a trade or 35058
business. 35059

(CC) "Magazines distributed as controlled circulation 35060
publications" means magazines containing at least twenty-four 35061
pages, at least twenty-five per cent editorial content, issued at 35062
regular intervals four or more times a year, and circulated 35063
without charge to the recipient, provided that such magazines are 35064
not owned or controlled by individuals or business concerns which 35065
conduct such publications as an auxiliary to, and essentially for 35066
the advancement of the main business or calling of, those who own 35067
or control them. 35068

(DD) "Landscaping and lawn care service" means the services 35069
of planting, seeding, sodding, removing, cutting, trimming, 35070
pruning, mulching, aerating, applying chemicals, watering, 35071
fertilizing, and providing similar services to establish, promote, 35072
or control the growth of trees, shrubs, flowers, grass, ground 35073
cover, and other flora, or otherwise maintaining a lawn or 35074
landscape grown or maintained by the owner for ornamentation or 35075
other nonagricultural purpose. However, "landscaping and lawn care 35076

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service" does not include the providing of such services by a 35077
person who has less than five thousand dollars in sales of such 35078
services during the calendar year. 35079

(EE) "Private investigation and security service" means the 35080
performance of any activity for which the provider of such service 35081
is required to be licensed pursuant to Chapter 4749. of the 35082
Revised Code, or would be required to be so licensed in performing 35083
such services in this state, and also includes the services of 35084
conducting polygraph examinations and of monitoring or overseeing 35085
the activities on or in, or the condition of, the consumer's home, 35086
business, or other facility by means of electronic or similar 35087
monitoring devices. "Private investigation and security service" 35088
does not include special duty services provided by off-duty police 35089
officers, deputy sheriffs, and other peace officers regularly 35090
employed by the state or a political subdivision. 35091

(FF) "Information services" means providing conversation, 35092
giving consultation or advice, playing or making a voice or other 35093
recording, making or keeping a record of the number of callers, 35094
and any other service provided to a consumer by means of a nine 35095
hundred telephone call, except when the nine hundred telephone 35096
call is the means by which the consumer makes a contribution to a 35097
recognized charity. 35098

(GG) "Research and development" means designing, creating, or 35099
formulating new or enhanced products, equipment, or manufacturing 35100
processes, and conducting scientific or technological inquiry and 35101
experimentation in the physical sciences with the goal of 35102
increasing scientific knowledge which may reveal the bases for new 35103
or enhanced products, equipment, or manufacturing processes. 35104
35105

(HH) "Qualified research and development equipment" means 35106
capitalized tangible personal property, and leased personal 35107
property that would be capitalized if purchased, used by a person 35108

primarily to perform research and development. Tangible personal
property primarily used in testing, as defined in division (A)(4)
of section 5739.011 of the Revised Code, or used for recording or
storing test results, is not qualified research and development
equipment unless such property is primarily used by the consumer
in testing the product, equipment, or manufacturing process being
created, designed, or formulated by the consumer in the research
and development activity or in recording or storing such test
results.

(II) "Building maintenance and janitorial service" means
cleaning the interior or exterior of a building and any tangible
personal property located therein or thereon, including any
services incidental to such cleaning for which no separate charge
is made. However, "building maintenance and janitorial service"
does not include the providing of such service by a person who has
less than five thousand dollars in sales of such service during
the calendar year.

(JJ) "Employment service" means providing or supplying
personnel, on a temporary or long-term basis, to perform work or
labor under the supervision or control of another, when the
personnel so supplied receive their wages, salary, or other
compensation from the provider of the service. "Employment
service" does not include:

(1) Acting as a contractor or subcontractor, where the
personnel performing the work are not under the direct control of
the purchaser.

(2) Medical and health care services.

(3) Supplying personnel to a purchaser pursuant to a contract
of at least one year between the service provider and the
purchaser that specifies that each employee covered under the
contract is assigned to the purchaser on a permanent basis.

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(4) Transactions between members of an affiliated group, as 35140
defined in division (B)(3)(e) of this section. 35141

(KK) "Employment placement service" means locating or finding 35142
employment for a person or finding or locating an employee to fill 35143
an available position. 35144

(LL) "Exterminating service" means eradicating or attempting 35145
to eradicate vermin infestations from a building or structure, or 35146
the area surrounding a building or structure, and includes 35147
activities to inspect, detect, or prevent vermin infestation of a 35148
building or structure. 35149

(MM) "Physical fitness facility service" means all 35150
transactions by which a membership is granted, maintained, or 35151
renewed, including initiation fees, membership dues, renewal fees, 35152
monthly minimum fees, and other similar fees and dues, by a 35153
physical fitness facility such as an athletic club, health spa, or 35154
gymnasium, which entitles the member to use the facility for 35155
physical exercise. 35156

(NN) "Recreation and sports club service" means all 35157
transactions by which a membership is granted, maintained, or 35158
renewed, including initiation fees, membership dues, renewal fees, 35159
monthly minimum fees, and other similar fees and dues, by a 35160
recreation and sports club, which entitles the member to use the 35161
facilities of the organization. "Recreation and sports club" means 35162
an organization that has ownership of, or controls or leases on a 35163
continuing, long-term basis, the facilities used by its members 35164
and includes an aviation club, gun or shooting club, yacht club, 35165
card club, swimming club, tennis club, golf club, country club, 35166
riding club, amateur sports club, or similar organization. 35167

(OO) "Livestock" means farm animals commonly raised for food 35168
or food production, and includes but is not limited to cattle, 35169
sheep, goats, swine, and poultry. "Livestock" does not include 35170

invertebrates, fish, amphibians, reptiles, horses, domestic pets, 35171
animals for use in laboratories or for exhibition, or other 35172
animals not commonly raised for food or food production. 35173

(PP) "Livestock structure" means a building or structure used 35174
exclusively for the housing, raising, feeding, or sheltering of 35175
livestock, and includes feed storage or handling structures and 35176
structures for livestock waste handling. 35177

(QQ) "Horticulture" means the growing, cultivation, and 35178
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 35179
and nursery stock. As used in this division, "nursery stock" has 35180
the same meaning as in section 927.51 of the Revised Code. 35181

(RR) "Horticulture structure" means a building or structure 35182
used exclusively for the commercial growing, raising, or 35183
overwintering of horticultural products, and includes the area 35184
used for stocking, storing, and packing horticultural products 35185
when done in conjunction with the production of those products. 35186

(SS) "Newspaper" means an unbound publication bearing a title 35187
or name that is regularly published, at least as frequently as 35188
biweekly, and distributed from a fixed place of business to the 35189
public in a specific geographic area, and that contains a 35190
substantial amount of news matter of international, national, or 35191
local events of interest to the general public. 35192

(TT) "Professional racing team" means a person that employs 35193
at least twenty full-time employees for the purpose of conducting 35194
a motor vehicle racing business for profit. The person must 35195
conduct the business with the purpose of racing one or more motor 35196
racing vehicles in at least ten competitive professional racing 35197
events each year that comprise all or part of a motor racing 35198
series sanctioned by one or more motor racing sanctioning 35199
organizations. A "motor racing vehicle" means a vehicle for which 35200
the chassis, engine, and parts are designed exclusively for motor 35201

racing, and does not include a stock or production model vehicle 35202
that may be modified for use in racing. For the purposes of this 35203
division: 35204

(1) A "competitive professional racing event" is a motor 35205
vehicle racing event sanctioned by one or more motor racing 35206
sanctioning organizations, at which aggregate cash prizes in 35207
excess of eight hundred thousand dollars are awarded to the 35208
competitors. 35209

(2) "Full-time employee" means an individual who is employed 35210
for consideration for thirty-five or more hours a week, or who 35211
renders any other standard of service generally accepted by custom 35212
or specified by contract as full-time employment. 35213

(UU)(1) "Prepaid authorization number" means a numeric or 35214
alphanumeric combination that represents a prepaid account that 35215
can be used by the account holder solely to obtain 35216
telecommunications service, and includes any renewals or increases 35217
in the prepaid account. 35218

(2) "Prepaid telephone calling card" means a tangible item 35219
that contains a prepaid authorization number that can be used 35220
solely to obtain telecommunications service, and includes any 35221
renewals or increases in the prepaid account. 35222

Sec. 5739.02. For the purpose of providing revenue with which 35223
to meet the needs of the state, for the use of the general revenue 35224
fund of the state, for the purpose of securing a thorough and 35225
efficient system of common schools throughout the state, for the 35226
purpose of affording revenues, in addition to those from general 35227
property taxes, permitted under constitutional limitations, and 35228
from other sources, for the support of local governmental 35229
functions, and for the purpose of reimbursing the state for the 35230
expense of administering this chapter, an excise tax is hereby 35231
levied on each retail sale made in this state. 35232

(A) The tax shall be collected pursuant to the schedules in 35233
section 5739.025 of the Revised Code. 35234

The tax applies and is collectible when the sale is made, 35235
regardless of the time when the price is paid or delivered. 35236

In the case of a sale, the price of which consists in whole 35237
or in part of rentals for the use of the thing transferred, the 35238
tax, as regards such rentals, shall be measured by the 35239
installments thereof. 35240

In the case of a sale of a service defined under division 35241
(MM) or (NN) of section 5739.01 of the Revised Code, the price of 35242
which consists in whole or in part of a membership for the receipt 35243
of the benefit of the service, the tax applicable to the sale 35244
shall be measured by the installments thereof. 35245

(B) The tax does not apply to the following: 35246

(1) Sales to the state or any of its political subdivisions, 35247
or to any other state or its political subdivisions if the laws of 35248
that state exempt from taxation sales made to this state and its 35249
political subdivisions; 35250

(2) Sales of food for human consumption off the premises 35251
where sold; 35252

(3) Sales of food sold to students only in a cafeteria, 35253
dormitory, fraternity, or sorority maintained in a private, 35254
public, or parochial school, college, or university; 35255

(4) Sales of newspapers, and of magazine subscriptions 35256
shipped by second class mail, and sales or transfers of magazines 35257
distributed as controlled circulation publications; 35258

(5) The furnishing, preparing, or serving of meals without 35259
charge by an employer to an employee provided the employer records 35260
the meals as part compensation for services performed or work 35261
done; 35262

(6) Sales of motor fuel upon receipt, use, distribution, or 35263
sale of which in this state a tax is imposed by the law of this 35264
state, but this exemption shall not apply to the sale of motor 35265
fuel on which a refund of the tax is allowable under section 35266
5735.14 of the Revised Code; and the tax commissioner may deduct 35267
the amount of tax levied by this section applicable to the price 35268
of motor fuel when granting a refund of motor fuel tax pursuant to 35269
section 5735.14 of the Revised Code and shall cause the amount 35270
deducted to be paid into the general revenue fund of this state; 35271

(7) Sales of natural gas by a natural gas company, of water 35272
by a water-works company, or of steam by a heating company, if in 35273
each case the thing sold is delivered to consumers through pipes 35274
or conduits, and all sales of communications services by a 35275
telephone or telegraph company, all terms as defined in section 35276
5727.01 of the Revised Code; 35277

(8) Casual sales by a person, or auctioneer employed directly 35278
by the person to conduct such sales, except as to such sales of 35279
motor vehicles, watercraft or outboard motors required to be 35280
titled under section 1548.06 of the Revised Code, watercraft 35281
documented with the United States coast guard, snowmobiles, and 35282
all-purpose vehicles as defined in section 4519.01 of the Revised 35283
Code; 35284

(9) Sales of services or tangible personal property, other 35285
than motor vehicles, mobile homes, and manufactured homes, by 35286
churches, organizations exempt from taxation under section 35287
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 35288
organizations operated exclusively for charitable purposes as 35289
defined in division (B)(12) of this section, provided that the 35290
number of days on which such tangible personal property or 35291
services, other than items never subject to the tax, are sold does 35292
not exceed six in any calendar year. If the number of days on 35293
which such sales are made exceeds six in any calendar year, the 35294

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church or organization shall be considered to be engaged in 35295
business and all subsequent sales by it shall be subject to the 35296
tax. In counting the number of days, all sales by groups within a 35297
church or within an organization shall be considered to be sales 35298
of that church or organization, except that sales made by separate 35299
student clubs and other groups of students of a primary or 35300
secondary school, and sales made by a parent-teacher association, 35301
booster group, or similar organization that raises money to 35302
support or fund curricular or extracurricular activities of a 35303
primary or secondary school, shall not be considered to be sales 35304
of such school, and sales by each such club, group, association, 35305
or organization shall be counted separately for purposes of the 35306
six-day limitation. This division does not apply to sales by a 35307
noncommercial educational radio or television broadcasting 35308
station. 35309

(10) Sales not within the taxing power of this state under 35310
the Constitution of the United States; 35311

(11) The transportation of persons or property, unless the 35312
transportation is by a private investigation and security service; 35313

(12) Sales of tangible personal property or services to 35314
churches, to organizations exempt from taxation under section 35315
501(c)(3) of the Internal Revenue Code of 1986, and to any other 35316
nonprofit organizations operated exclusively for charitable 35317
purposes in this state, no part of the net income of which inures 35318
to the benefit of any private shareholder or individual, and no 35319
substantial part of the activities of which consists of carrying 35320
on propaganda or otherwise attempting to influence legislation; 35321
sales to offices administering one or more homes for the aged or 35322
one or more hospital facilities exempt under section 140.08 of the 35323
Revised Code; and sales to organizations described in division (D) 35324
of section 5709.12 of the Revised Code. 35325

"Charitable purposes" means the relief of poverty; the 35326

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improvement of health through the alleviation of illness, disease, 35327
or injury; the operation of an organization exclusively for the 35328
provision of professional, laundry, printing, and purchasing 35329
services to hospitals or charitable institutions; the operation of 35330
a home for the aged, as defined in section 5701.13 of the Revised 35331
Code; the operation of a radio or television broadcasting station 35332
that is licensed by the federal communications commission as a 35333
noncommercial educational radio or television station; the 35334
operation of a nonprofit animal adoption service or a county 35335
humane society; the promotion of education by an institution of 35336
learning that maintains a faculty of qualified instructors, 35337
teaches regular continuous courses of study, and confers a 35338
recognized diploma upon completion of a specific curriculum; the 35339
operation of a parent-teacher association, booster group, or 35340
similar organization primarily engaged in the promotion and 35341
support of the curricular or extracurricular activities of a 35342
primary or secondary school; the operation of a community or area 35343
center in which presentations in music, dramatics, the arts, and 35344
related fields are made in order to foster public interest and 35345
education therein; the production of performances in music, 35346
dramatics, and the arts; or the promotion of education by an 35347
organization engaged in carrying on research in, or the 35348
dissemination of, scientific and technological knowledge and 35349
information primarily for the public. 35350

Nothing in this division shall be deemed to exempt sales to 35351
any organization for use in the operation or carrying on of a 35352
trade or business, or sales to a home for the aged for use in the 35353
operation of independent living facilities as defined in division 35354
(A) of section 5709.12 of the Revised Code. 35355

(13) Building and construction materials and services sold to 35356
construction contractors for incorporation into a structure or 35357
improvement to real property under a construction contract with 35358

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this state or a political subdivision thereof, or with the United States government or any of its agencies; building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property that are accepted for ownership by this state or any of its political subdivisions, or by the United States government or any of its agencies at the time of completion of such structures or improvements; building and construction materials sold to construction contractors for incorporation into a horticulture structure or livestock structure for a person engaged in the business of horticulture or producing livestock; building materials and services sold to a construction contractor for incorporation into a house of public worship or religious education, or a building used exclusively for charitable purposes under a construction contract with an organization whose purpose is as described in division (B)(12) of this section; building materials and services sold to a construction contractor for incorporation into a building under a construction contract with an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 when the building is to be used exclusively for the organization's exempt purposes; building and construction materials sold for incorporation into the original construction of a sports facility under section 307.696 of the Revised Code; and building and construction materials and services sold to a construction contractor for incorporation into real property outside this state if such materials and services, when sold to a construction contractor in the state in which the real property is located for incorporation into real property in that state, would be exempt from a tax on sales levied by that state;

(14) Sales of ships or vessels or rail rolling stock used or to be used principally in interstate or foreign commerce, and repairs, alterations, fuel, and lubricants for such ships or

vessels or rail rolling stock; 35391

(15) Sales to persons engaged in any of the activities 35392
mentioned in division (E)(2) or (9) of section 5739.01 of the 35393
Revised Code, to persons engaged in making retail sales, or to 35394
persons who purchase for sale from a manufacturer tangible 35395
personal property that was produced by the manufacturer in 35396
accordance with specific designs provided by the purchaser, of 35397
packages, including material, labels, and parts for packages, and 35398
of machinery, equipment, and material for use primarily in 35399
packaging tangible personal property produced for sale, including 35400
any machinery, equipment, and supplies used to make labels or 35401
packages, to prepare packages or products for labeling, or to 35402
label packages or products, by or on the order of the person doing 35403
the packaging, or sold at retail. "Packages" includes bags, 35404
baskets, cartons, crates, boxes, cans, bottles, bindings, 35405
wrappings, and other similar devices and containers, and 35406
"packaging" means placing therein. 35407

(16) Sales of food to persons using food stamp ~~coupons~~ 35408
benefits to purchase the food. As used in division (B)(16) of this 35409
section, "food" has the same meaning as in the "Food Stamp Act of 35410
1977," 91 Stat. 958, 7 U.S.C. 2012, as amended, and federal 35411
regulations adopted pursuant to that act. 35412

(17) Sales to persons engaged in farming, agriculture, 35413
horticulture, or floriculture, of tangible personal property for 35414
use or consumption directly in the production by farming, 35415
agriculture, horticulture, or floriculture of other tangible 35416
personal property for use or consumption directly in the 35417
production of tangible personal property for sale by farming, 35418
agriculture, horticulture, or floriculture; or material and parts 35419
for incorporation into any such tangible personal property for use 35420
or consumption in production; and of tangible personal property 35421
for such use or consumption in the conditioning or holding of 35422

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products produced by and for such use, consumption, or sale by 35423
 persons engaged in farming, agriculture, horticulture, or 35424
 floriculture, except where such property is incorporated into real 35425
 property; 35426

(18) Sales of drugs dispensed by a licensed pharmacist upon 35427
 the order of a licensed health professional authorized to 35428
 prescribe drugs to a human being, as the term "licensed health 35429
 professional authorized to prescribe drugs" is defined in section 35430
 4729.01 of the Revised Code; insulin as recognized in the official 35431
 United States pharmacopoeia; urine and blood testing materials 35432
 when used by diabetics or persons with hypoglycemia to test for 35433
 glucose or acetone; hypodermic syringes and needles when used by 35434
 diabetics for insulin injections; epoetin alfa when purchased for 35435
 use in the treatment of persons with end-stage renal disease; 35436
 hospital beds when purchased for use by persons with medical 35437
 problems for medical purposes; and oxygen and oxygen-dispensing 35438
 equipment when purchased for use by persons with medical problems 35439
 for medical purposes; 35440

(19) Sales of artificial limbs or portion thereof, breast 35441
 prostheses, and other prosthetic devices for humans; braces or 35442
 other devices for supporting weakened or nonfunctioning parts of 35443
 the human body; wheelchairs; devices used to lift wheelchairs into 35444
 motor vehicles and parts and accessories to such devices; crutches 35445
 or other devices to aid human perambulation; and items of tangible 35446
 personal property used to supplement impaired functions of the 35447
 human body such as respiration, hearing, or elimination. No 35448
 exemption under this division shall be allowed for nonprescription 35449
 drugs, medicines, or remedies; items or devices used to supplement 35450
 vision; items or devices whose function is solely or primarily 35451
 cosmetic; or physical fitness equipment. This division does not 35452
 apply to sales to a physician or medical facility for use in the 35453
 treatment of a patient. 35454

(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services, including trauma care and emergency medical services, for political subdivisions of the state;

(21) Sales of tangible personal property manufactured in this state, if sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the same from this state in a vehicle owned by the purchaser;

(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state upon the presentation of an affidavit executed in this state by the nonresident purchaser affirming that the purchaser is a nonresident of this state, that possession of the motor vehicle is taken in this state for the sole purpose of immediately removing it from this state, that the motor vehicle will be permanently titled and registered in another state, and that the motor vehicle will not be used in this state;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment

and parts therefor, except motor vehicles licensed to operate on 35487
public highways, used in intraplant or interplant transfers or 35488
shipment of eggs in the process of preparation for sale, when the 35489
plant or plants within or between which such transfers or 35490
shipments occur are operated by the same person. "Packages" 35491
includes containers, cases, baskets, flats, fillers, filler flats, 35492
cartons, closure materials, labels, and labeling materials, and 35493
"packaging" means placing therein. 35494

(25)(a) Sales of water to a consumer for residential use, 35495
except the sale of bottled water, distilled water, mineral water, 35496
carbonated water, or ice; 35497

(b) Sales of water by a nonprofit corporation engaged 35498
exclusively in the treatment, distribution, and sale of water to 35499
consumers, if such water is delivered to consumers through pipes 35500
or tubing. 35501

(26) Fees charged for inspection or reinspection of motor 35502
vehicles under section 3704.14 of the Revised Code; 35503

(27) Sales to persons licensed to conduct a food service 35504
operation pursuant to section 3717.43 of the Revised Code, of 35505
tangible personal property primarily used directly for the 35506
following: 35507

(a) To prepare food for human consumption for sale; 35508

(b) To preserve food that has been or will be prepared for 35509
human consumption for sale by the food service operator, not 35510
including tangible personal property used to display food for 35511
selection by the consumer; 35512

(c) To clean tangible personal property used to prepare or 35513
serve food for human consumption for sale. 35514

(28) Sales of animals by nonprofit animal adoption services 35515
or county humane societies; 35516

(29) Sales of services to a corporation described in division	35517
(A) of section 5709.72 of the Revised Code, and sales of tangible	35518
personal property that qualifies for exemption from taxation under	35519
section 5709.72 of the Revised Code;	35520
(30) Sales and installation of agricultural land tile, as	35521
defined in division (B)(5)(a) of section 5739.01 of the Revised	35522
Code;	35523
(31) Sales and erection or installation of portable grain	35524
bins, as defined in division (B)(5)(b) of section 5739.01 of the	35525
Revised Code;	35526
(32) The sale, lease, repair, and maintenance of, parts for,	35527
or items attached to or incorporated in, motor vehicles that are	35528
primarily used for transporting tangible personal property by a	35529
person engaged in highway transportation for hire;	35530
(33) Sales to the state headquarters of any veterans'	35531
organization in Ohio that is either incorporated and issued a	35532
charter by the congress of the United States or is recognized by	35533
the United States veterans administration, for use by the	35534
headquarters;	35535
(34) Sales to a telecommunications service vendor of tangible	35536
personal property and services used directly and primarily in	35537
transmitting, receiving, switching, or recording any interactive,	35538
two-way electromagnetic communications, including voice, image,	35539
data, and information, through the use of any medium, including,	35540
but not limited to, poles, wires, cables, switching equipment,	35541
computers, and record storage devices and media, and component	35542
parts for the tangible personal property. The exemption provided	35543
in division (B)(34) of this section shall be in lieu of all other	35544
exceptions under division (E)(2) of section 5739.01 of the Revised	35545
Code to which a telecommunications service vendor may otherwise be	35546
entitled based upon the use of the thing purchased in providing	35547

the telecommunications service. 35548

(35) Sales of investment metal bullion and investment coins. 35549
"Investment metal bullion" means any elementary precious metal 35550
that has been put through a process of smelting or refining, 35551
including, but not limited to, gold, silver, platinum, and 35552
palladium, and which is in such state or condition that its value 35553
depends upon its content and not upon its form. "Investment metal 35554
bullion" does not include fabricated precious metal that has been 35555
processed or manufactured for one or more specific and customary 35556
industrial, professional, or artistic uses. "Investment coins" 35557
means numismatic coins or other forms of money and legal tender 35558
manufactured of gold, silver, platinum, palladium, or other metal 35559
under the laws of the United States or any foreign nation with a 35560
fair market value greater than any statutory or nominal value of 35561
such coins. 35562

(36)(a) Sales where the purpose of the consumer is to use or 35563
consume the things transferred in making retail sales and 35564
consisting of newspaper inserts, catalogues, coupons, flyers, gift 35565
certificates, or other advertising material that prices and 35566
describes tangible personal property offered for retail sale. 35567

(b) Sales to direct marketing vendors of preliminary 35568
materials such as photographs, artwork, and typesetting that will 35569
be used in printing advertising material; of printed matter that 35570
offers free merchandise or chances to win sweepstake prizes and 35571
that is mailed to potential customers with advertising material 35572
described in division (B)(36)(a) of this section; and of equipment 35573
such as telephones, computers, facsimile machines, and similar 35574
tangible personal property primarily used to accept orders for 35575
direct marketing retail sales. 35576

(c) Sales of automatic food vending machines that preserve 35577
food with a shelf life of forty-five days or less by refrigeration 35578
and dispense it to the consumer. 35579

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For purposes of division (B)(36) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

(37) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

(38) The sale of a motor vehicle that is used exclusively for a vanpool ridesharing arrangement to persons participating in the vanpool ridesharing arrangement when the vendor is selling the vehicle pursuant to a contract between the vendor and the department of transportation;

(39) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;

(40) Sales to a professional racing team of any of the following:

(a) Motor racing vehicles;

(b) Repair services for motor racing vehicles;

(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of

instrumentation sensors and related items added to the vehicle to 35611
collect and transmit data by means of telemetry and other forms of 35612
communication. 35613

(41) Sales of used manufactured homes and used mobile homes, 35614
as defined in section 5739.0210 of the Revised Code, made on or 35615
after January 1, 2000; 35616

(42) Sales of tangible personal property and services to a 35617
provider of electricity used or consumed directly and primarily in 35618
generating, transmitting, or distributing electricity for use by 35619
others, including property that is or is to be incorporated into 35620
and will become a part of the consumer's production, transmission, 35621
or distribution system and that retains its classification as 35622
tangible personal property after incorporation; fuel or power used 35623
in the production, transmission, or distribution of electricity; 35624
and tangible personal property and services used in the repair and 35625
maintenance of the production, transmission, or distribution 35626
system, including only those motor vehicles as are specially 35627
designed and equipped for such use. The exemption provided in this 35628
division shall be in lieu of all other exceptions in division 35629
(E)(2) of section 5739.01 of the Revised Code to which a provider 35630
of electricity may otherwise be entitled based on the use of the 35631
tangible personal property or service purchased in generating, 35632
transmitting, or distributing electricity. 35633

For the purpose of the proper administration of this chapter, 35634
and to prevent the evasion of the tax, it is presumed that all 35635
sales made in this state are subject to the tax until the contrary 35636
is established. 35637

As used in this section, except in division (B)(16) of this 35638
section, "food" includes cereals and cereal products, milk and 35639
milk products including ice cream, meat and meat products, fish 35640
and fish products, eggs and egg products, vegetables and vegetable 35641
products, fruits, fruit products, and pure fruit juices, 35642

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condiments, sugar and sugar products, coffee and coffee 35643
substitutes, tea, and cocoa and cocoa products. It does not 35644
include: spirituous or malt liquors; soft drinks; sodas and 35645
beverages that are ordinarily dispensed at bars and soda fountains 35646
or in connection therewith, other than coffee, tea, and cocoa; 35647
root beer and root beer extracts; malt and malt extracts; mineral 35648
oils, cod liver oils, and halibut liver oil; medicines, including 35649
tonics, vitamin preparations, and other products sold primarily 35650
for their medicinal properties; and water, including mineral, 35651
bottled, and carbonated waters, and ice. 35652

(C) The levy of an excise tax on transactions by which 35653
lodging by a hotel is or is to be furnished to transient guests 35654
pursuant to this section and division (B) of section 5739.01 of 35655
the Revised Code does not prevent any of the following: 35656

(1) A municipal corporation or township from levying an 35657
excise tax for any lawful purpose not to exceed three per cent on 35658
transactions by which lodging by a hotel is or is to be furnished 35659
to transient guests in addition to the tax levied by this section. 35660
If a municipal corporation or township repeals a tax imposed under 35661
division (C)(1) of this section and a county in which the 35662
municipal corporation or township has territory has a tax imposed 35663
under division (C) of section 5739.024 of the Revised Code in 35664
effect, the municipal corporation or township may not reimpose its 35665
tax as long as that county tax remains in effect. A municipal 35666
corporation or township in which a tax is levied under division 35667
(B)(2) of section 351.021 of the Revised Code may not increase the 35668
rate of its tax levied under division (C)(1) of this section to 35669
any rate that would cause the total taxes levied under both of 35670
those divisions to exceed three per cent on any lodging 35671
transaction within the municipal corporation or township. 35672

(2) A municipal corporation or a township from levying an 35673
additional excise tax not to exceed three per cent on such 35674

transactions pursuant to division (B) of section 5739.024 of the Revised Code. Such tax is in addition to any tax imposed under division (C)(1) of this section. 35675
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(3) A county from levying an excise tax pursuant to division (A) of section 5739.024 of the Revised Code. 35678
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(4) A county from levying an excise tax not to exceed three per cent of such transactions pursuant to division (C) of section 5739.024 of the Revised Code. Such a tax is in addition to any tax imposed under division (C)(3) of this section. 35680
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(5) A convention facilities authority, as defined in division (A) of section 351.01 of the Revised Code, from levying the excise taxes provided for in division (B) of section 351.021 of the Revised Code. 35684
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(6) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (D) of section 5739.024 of the Revised Code. Such tax is in addition to any tax imposed under division (C)(3) or (4) of this section. 35688
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(7) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (E) of section 5739.024 of the Revised Code. Such a tax is in addition to any tax imposed under division (C)(3), (4), or (6) of this section. 35693
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(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues. 35698
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Sec. 5739.024. (A)(1) A board of county commissioners may, by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by 35702
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which lodging by a hotel is or is to be furnished to transient 35705
guests. The board shall establish all regulations necessary to 35706
provide for the administration and allocation of the tax. The 35707
regulations may prescribe the time for payment of the tax, and may 35708
provide for the imposition of a penalty or interest, or both, for 35709
late payments, provided that the penalty does not exceed ten per 35710
cent of the amount of tax due, and the rate at which interest 35711
accrues does not exceed the rate per annum prescribed pursuant to 35712
section 5703.47 of the Revised Code. Except as ~~otherwise~~ provided 35713
in divisions (A)(2) and (3) of this section, the regulations shall 35714
provide, after deducting the real and actual costs of 35715
administering the tax, for the return to each municipal 35716
corporation or township that does not levy an excise tax on such 35717
transactions, a uniform percentage of the tax collected in the 35718
municipal corporation or in the unincorporated portion of the 35719
township from each such transaction, not to exceed thirty-three 35720
and one-third per cent. The remainder of the revenue arising from 35721
the tax shall be deposited in a separate fund and shall be spent 35722
solely to make contributions to the convention and visitors' 35723
bureau operating within the county, including a pledge and 35724
contribution of any portion of such remainder pursuant to an 35725
agreement authorized by section 307.695 of the Revised Code. 35726
Except as ~~otherwise~~ provided ~~under~~ in division (A)(2) or (3) of 35727
this section, on and after May 10, 1994, a board of county 35728
commissioners may not levy an excise tax pursuant to this division 35729
in any municipal corporation or township located wholly or partly 35730
within the county that has in effect an ordinance or resolution 35731
levying an excise tax pursuant to division (B) of this section. 35732
The board of a county that has levied a tax under division (C) of 35733
this section may, by resolution adopted within ninety days after 35734
July 15, 1985, by a majority of the members of the board, amend 35735
the resolution levying a tax under this division to provide for a 35736

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portion of that tax to be pledged and contributed in accordance 35737
with an agreement entered into under section 307.695 of the 35738
Revised Code. A tax, any revenue from which is pledged pursuant to 35739
such an agreement, shall remain in effect at the rate at which it 35740
is imposed for the duration of the period for which the revenue 35741
therefrom has been so pledged. 35742

(2) A board of county commissioners that levies an excise tax 35743
under division (A)(1) of this section on June 30, 1997, at a rate 35744
of three per cent, and that has pledged revenue from the tax to an 35745
agreement entered into under section 307.695 of the Revised Code, 35746
may amend the resolution levying that tax to provide for an 35747
increase in the rate of the tax up to five per cent on each 35748
transaction; to provide that revenue from the increase in the rate 35749
shall be spent solely to make contributions to the convention and 35750
visitors' bureau operating within the county to be used 35751
specifically for promotion, advertising, and marketing of the 35752
region in which the county is located; to provide that the rate in 35753
excess of the three per cent levied under division (A)(1) of this 35754
section shall remain in effect at the rate at which it is imposed 35755
for the duration of the period during which any agreement is in 35756
effect that was entered into under section 307.695 of the Revised 35757
Code by the board of county commissioners levying a tax under 35758
division (A)(1) of this section; and to provide that no portion of 35759
that revenue need be returned to townships or municipal 35760
corporations as would otherwise be required under division (A)(1) 35761
of this section. 35762

(3) A board of county commissioners that levies a tax under 35763
division (A)(1) of this section on March 18, 1999, at a rate of 35764
three per cent may, by resolution adopted not later than 35765
forty-five days after March 18, 1999, amend the resolution levying 35766
the tax to provide for all of the following: 35767

(a) That the rate of the tax shall be increased by not more 35768

than an additional four per cent on each transaction; 35769

(b) That all of the revenue from the increase in rate shall 35770
be pledged and contributed to a convention facilities authority 35771
established by the board of county commissioners under Chapter 35772
351. of the Revised Code on or before November 15, 1998, and used 35773
to pay costs of constructing, maintaining, operating, and 35774
promoting a facility in the county, including paying bonds, or 35775
notes issued in anticipation of bonds, as provided by that 35776
chapter; 35777

(c) That no portion of the revenue arising from the increase 35778
in rate need be returned to municipal corporations or townships as 35779
otherwise required under division (A)(1) of this section; 35780

(d) That the increase in rate shall not be subject to 35781
diminution by initiative or referendum or by law while any bonds, 35782
or notes in anticipation of bonds, issued by the authority under 35783
Chapter 351. of the Revised Code to which the revenue is pledged 35784
remain outstanding in accordance with their terms, unless 35785
provision is made by law or by the board of county commissioners 35786
for an adequate substitute therefor that is satisfactory to the 35787
trustee if a trust agreement secures the bonds. 35788

Division (A)(3) of this section does not apply to the board 35789
of county commissioners of any county in which a convention center 35790
or facility exists or is being constructed on November 15, 1998, 35791
or of any county in which a convention facilities authority levies 35792
a tax pursuant to section 351.021 of the Revised Code on that 35793
date. 35794

As used in division (A)(3) of this section, "costs" and 35795
"facility" have the same meanings as in section 351.01 of the 35796
Revised Code, and "convention center" has the same meaning as in 35797
section 307.695 of the Revised Code. 35798

(B) The legislative authority of a municipal corporation or 35799

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the board of trustees of a township that is not wholly or partly
located in a county that has in effect a resolution levying an
excise tax pursuant to division (A)(1) of this section may by
ordinance or resolution levy an excise tax not to exceed three per
cent on transactions by which lodging by a hotel is or is to be
furnished to transient guests. The legislative authority of the
municipal corporation or township shall deposit at least fifty per
cent of the revenue from the tax levied pursuant to this division
into a separate fund, which shall be spent solely to make
contributions to convention and visitors' bureaus operating within
the county in which the municipal corporation or township is
wholly or partly located, and the balance of such revenue shall be
deposited in the general fund. The municipal corporation or
township shall establish all regulations necessary to provide for
the administration and allocation of the tax. The regulations may
prescribe the time for payment of the tax, and may provide for the
imposition of a penalty or interest, or both, for late payments,
provided that the penalty does not exceed ten per cent of the
amount of tax due, and the rate at which interest accrues does not
exceed the rate per annum prescribed pursuant to section 5703.47
of the Revised Code. The levy of a tax under this division is in
addition to any tax imposed on the same transaction by a municipal
corporation or a township as authorized by division (C)(1) of
section 5739.02 of the Revised Code.

(C) For the purpose of making the payments authorized by
section 307.695 of the Revised Code to construct and equip a
convention center in the county and to cover the costs of
administering the tax, a board of county commissioners of a county
where a tax imposed under division (A)(1) of this section is in
effect may, by resolution adopted within ninety days after July
15, 1985, by a majority of the members of the board, levy an
additional excise tax not to exceed three per cent on transactions

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by which lodging by a hotel is or is to be furnished to transient 35832
guests. The tax authorized by this division shall be in addition 35833
to any tax that is levied pursuant to division (A) of this 35834
section, but it shall not apply to transactions subject to a tax 35835
levied by a municipal corporation or township pursuant to the 35836
authorization granted by division (C)(1) of section 5739.02 of the 35837
Revised Code. The board shall establish all regulations necessary 35838
to provide for the administration and allocation of the tax. The 35839
regulations may prescribe the time for payment of the tax, and may 35840
provide for the imposition of a penalty or interest, or both, for 35841
late payments, provided that the penalty does not exceed ten per 35842
cent of the amount of tax due, and the rate at which interest 35843
accrues does not exceed the rate per annum prescribed pursuant to 35844
section 5703.47 of the Revised Code. All revenues arising from the 35845
tax shall be expended in accordance with section 307.695 of the 35846
Revised Code. A tax imposed under this section shall remain in 35847
effect at the rate at which it is imposed for the duration of the 35848
period for which the revenue therefrom has been pledged pursuant 35849
to such section. 35850

(D) For the purpose of providing contributions under division 35851
(B)(1) of section 307.671 of the Revised Code to enable the 35852
acquisition, construction, and equipping of a port authority 35853
educational and cultural facility in the county and, to the extent 35854
provided for in the cooperative agreement authorized by that 35855
section, for the purpose of paying debt service charges on bonds, 35856
or notes in anticipation thereof, described in division (B)(1)(b) 35857
of that section, a board of county commissioners, by resolution 35858
adopted within ninety days after December 22, 1992, by a majority 35859
of the members of the board, may levy an additional excise tax not 35860
to exceed one and one-half per cent on transactions by which 35861
lodging by a hotel is or is to be furnished to transient guests. 35862
The excise tax authorized by this division shall be in addition to 35863

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any tax that is levied pursuant to divisions (A), (B), and (C) of
this section, to any excise tax levied pursuant to division (C) of
section 5739.02 of the Revised Code, and to any excise tax levied
pursuant to section 351.021 of the Revised Code. The board of
county commissioners shall establish all regulations necessary to
provide for the administration and allocation of the tax that are
not inconsistent with this section or section 307.671 of the
Revised Code. The regulations may prescribe the time for payment
of the tax, and may provide for the imposition of a penalty or
interest, or both, for late payments, provided that the penalty
does not exceed ten per cent of the amount of tax due, and the
rate at which interest accrues does not exceed the rate per annum
prescribed pursuant to section 5703.47 of the Revised Code. All
revenues arising from the tax shall be expended in accordance with
section 307.671 of the Revised Code and division (D) of this
section. The levy of a tax imposed under this section may not
commence prior to the first day of the month next following the
execution of the cooperative agreement authorized by section
307.671 of the Revised Code by all parties to that agreement. Such
tax shall remain in effect at the rate at which it is imposed for
the period of time described in division (C) of section 307.671 of
the Revised Code for which the revenue from the tax has been
pledged by the county to the corporation pursuant to such section,
but, to any extent provided for in the cooperative agreement, for
no lesser period than the period of time required for payment of
the debt service charges on bonds, or notes in anticipation
thereof, described in division (B)(1)(b) of that section.

(E) For the purpose of paying the costs of acquiring,
constructing, equipping, and improving a municipal educational and
cultural facility, including debt service charges on bonds
provided for in division (B) of section 307.672 of the Revised
Code, and for such additional purposes as are determined by the

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county in the resolution levying the tax or amendments thereto, 35896
including subsequent amendments providing for paying costs of 35897
acquiring, constructing, renovating, rehabilitating, equipping, 35898
and improving a port authority educational and cultural performing 35899
arts facility, as defined in section 307.674 of the Revised Code, 35900
including debt service charges on bonds provided for in division 35901
(B) of section 307.674 of the Revised Code, the legislative 35902
authority of a county, by resolution adopted within ninety days 35903
after June 30, 1993, by a majority of the members of the 35904
legislative authority, may levy an additional excise tax not to 35905
exceed one and one-half per cent on transactions by which lodging 35906
by a hotel is or is to be furnished to transient guests. The 35907
excise tax authorized by this division shall be in addition to any 35908
tax that is levied pursuant to divisions (A), (B), (C), and (D) of 35909
this section, to any excise tax levied pursuant to division (C) of 35910
section 5739.02 of the Revised Code, and to any excise tax levied 35911
pursuant to section 351.021 of the Revised Code. The legislative 35912
authority of the county shall establish all regulations necessary 35913
to provide for the administration and allocation of the tax. The 35914
regulations may prescribe the time for payment of the tax, and may 35915
provide for the imposition of a penalty or interest, or both, for 35916
late payments, provided that the penalty does not exceed ten per 35917
cent of the amount of tax due, and the rate at which interest 35918
accrues does not exceed the rate per annum prescribed pursuant to 35919
section 5703.47 of the Revised Code. All revenues arising from the 35920
tax shall be expended in accordance with section 307.672 of the 35921
Revised Code and division (E) of this section. The levy of a tax 35922
imposed under this division shall not commence prior to the first 35923
day of the month next following the execution of the cooperative 35924
agreement authorized by section 307.672 of the Revised Code by all 35925
parties to that agreement. Such tax shall remain in effect at the 35926
rate at which it is imposed for the period of time determined by 35927
the legislative authority of the county, but not to exceed fifteen 35928

years. 35929

(F) The legislative authority of a county that has levied a 35930
tax under division (E) of this section may, by resolution adopted 35931
within one hundred eighty days after ~~the effective date of this~~ 35932
~~amendment~~ January 4, 2001, by a majority of the members of the 35933
legislative authority, amend the resolution levying a tax under 35934
division (E) of this section to provide for the use of the 35935
proceeds of that tax, to the extent that it is no longer needed 35936
for its original purpose as determined by the parties to a 35937
cooperative agreement amendment pursuant to division (D) of 35938
section 307.672 of the Revised Code, to pay costs of acquiring, 35939
constructing, renovating, rehabilitating, equipping, and improving 35940
a port authority educational and cultural performing arts 35941
facility, including debt service charges on bonds provided for in 35942
division (B) of section 307.674 of the Revised Code, and to pay 35943
all obligations under any guaranty agreements, reimbursement 35944
agreements, or other credit enhancement agreements described in 35945
division (C) of section 307.674 of the Revised Code. The 35946
resolution may also provide for the extension of the tax at the 35947
same rate for the longer of the period of time determined by the 35948
legislative authority of the county, but not to exceed an 35949
additional twenty-five years, or the period of time required to 35950
pay all debt service charges on bonds provided for in division (B) 35951
of section 307.672 of the Revised Code and on port authority 35952
revenue bonds provided for in division (B) of section 307.674 of 35953
the Revised Code. All revenues arising from the amendment and 35954
extension of the tax shall be expended in accordance with section 35955
307.674 of the Revised Code and divisions (E) and (F) of this 35956
section. 35957

(G) A board of county commissioners, board of township 35958
trustees, or the legislative authority of a municipal corporation 35959
may adopt a resolution or ordinance at any time specifying that 35960

"hotel," as otherwise defined in section 5739.01 of the Revised Code, includes establishments in which fewer than five rooms are used for the accommodation of guests. The resolution or ordinance may apply to a tax imposed pursuant to this section prior to the adoption of the resolution or ordinance if the resolution or ordinance so states, but the tax shall not apply to transactions by which lodging by such an establishment is provided to transient guests prior to the adoption of the resolution or ordinance.

Sec. 5747.122. (A) The tax commissioner, in accordance with section 5101.184 of the Revised Code, shall cooperate with the director of job and family services to collect overpayments of assistance under Chapter 5107., 5111., or 5115., former Chapter 5113., or ~~sections~~ section 5101.54 ~~to 5101.543~~ of the Revised Code from refunds of state income taxes for taxable year 1992 and thereafter that are payable to the recipients of such overpayments.

(B) At the request of the department of job and family services in connection with the collection of an overpayment of assistance from a refund of state income taxes pursuant to this section and section 5101.184 of the Revised Code, the tax commissioner shall release to the department the home address and social security number of any recipient of assistance whose overpayment may be collected from a refund of state income taxes under those sections.

(C) In the case of a joint income tax return for two people who were not married to each other at the time one of them received an overpayment of assistance, only the portion of a refund that is due to the recipient of the overpayment shall be available for collection of the overpayment under this section and section 5101.184 of the Revised Code. The tax commissioner shall determine such portion. A recipient's spouse who objects to the portion as determined by the commissioner may file a complaint

with the commissioner within twenty-one days after receiving 35993
notice of the collection, and the commissioner shall afford the 35994
spouse an opportunity to be heard on the complaint. The 35995
commissioner shall waive or extend the twenty-one-day period if 35996
the recipient's spouse establishes that such action is necessary 35997
to avoid unjust, unfair, or unreasonable results. After the 35998
hearing, the commissioner shall make a final determination of the 35999
portion of the refund available for collection of the overpayment. 36000

(D) The welfare overpayment intercept fund is hereby created 36001
in the state treasury. The tax commissioner shall deposit amounts 36002
collected from income tax refunds under this section to the credit 36003
of the welfare overpayment intercept fund. The director of job and 36004
family services shall distribute money in the fund in accordance 36005
with appropriate federal or state laws and procedures regarding 36006
collection of welfare overpayments. 36007

Sec. 5747.221. For (A) As used in this section, "investment 36008
pass-through entity" has the same meaning as in section 5733.401 36009
of the Revised Code. 36010

(B) Except as provided in division (C) of this section, for 36011
the purposes of sections 5747.20, 5747.21, and 5747.22 of the 36012
Revised Code, no item of income or deduction shall be allocated or 36013
apportioned to this state to the extent that such item represents 36014
~~or relates to~~ the portion of an adjusted qualifying amount for 36015
which the withholding tax is not imposed under section 5747.41 of 36016
the Revised Code by reason of division (C) of section 5733.401 of 36017
the Revised Code. This section shall be applied without regard to 36018
division (I) of section 5733.40 of the Revised Code. 36019

(C) If a taxpayer has a direct or indirect investment in an 36020
investment pass-through entity that has a direct or indirect 36021
investment in any other pass-through entity, division (B) of this 36022
section does not apply to any item of income, gain, deduction, or 36023

loss where, under section 5747.231 of the Revised Code, the item 36024
is directly or indirectly attributable to either of the following: 36025

(1) A distributive share of income or gain from a 36026
pass-through entity that does not qualify as an investment 36027
pass-through entity; 36028

(2) A pass-through entity's income or gain to which division 36029
(C) of section 5733.401 of the Revised Code does not apply. 36030

An indirect investment includes any interest that a person 36032
constructively owns on account of the attribution rules set forth 36033
in section 267, 318, or 1563 of the Internal Revenue Code. 36034

Sec. 5747.39. As used in this section, "eligible employee" 36035
and "eligible training costs" have the same meanings as in section 36036
5733.42 of the Revised Code, and "pass-through entity" includes a 36037
sole proprietorship. 36038

For taxable years beginning after December 31, ~~2000~~ 2002, 36039
there is hereby allowed a nonrefundable credit against the tax 36040
imposed by section 5747.02 of the Revised Code for a taxpayer that 36041
is an investor in a pass-through entity for which a tax credit 36042
certificate is issued under section 5733.42 of the Revised Code. 36043
The amount of eligible training costs for which a credit may be 36044
claimed by all taxpayers that are investors in an entity shall 36045
equal one-half of the average of the eligible training costs 36046
incurred by the entity during the three calendar years that end in 36047
the taxable year for which the credit is claimed, but shall not 36048
exceed one thousand dollars for each eligible employee on account 36049
of whom such costs were paid or incurred by the entity, and the 36050
total amount of credits that may be claimed by all such taxpayers 36051
shall not exceed one hundred thousand dollars each year. Each 36052
taxpayer's credit shall be claimed for the taxpayer's taxable year 36053
that includes the last day of the third calendar year of the 36054

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three-year period during which eligible training costs are paid or 36055
incurred by the entity. The credit may be claimed for eligible 36056
training costs paid or incurred on or before December 31, ~~2003~~ 36057
2005. The amount of a taxpayer's credit shall equal the taxpayer's 36058
interest in the entity on the last day of the third calendar year 36059
of the three-year period ending in or with the last day of the 36060
taxpayer's taxable year, multiplied by the credit available to the 36061
entity as computed by the entity. 36062

The credit shall be claimed in the order prescribed by 36063
section 5747.98 of the Revised Code. A taxpayer may carry forward 36064
the credit to the extent that the taxpayer's credit exceeds the 36065
taxpayer's tax due after allowing for any other credits that 36066
precede the credit allowed by this section in the order prescribed 36067
by section 5747.98 of the Revised Code. The taxpayer may carry the 36068
excess credit forward for three taxable years following the 36069
taxable year for which the taxpayer first claims the credit under 36070
this section. 36071

A pass-through entity shall apply to the director of job and 36072
family services for a tax credit certificate in the manner 36073
prescribed by division (C) of section 5733.42 of the Revised Code. 36074
Divisions (C) to (H) of that section govern the tax credit allowed 36075
by this section, except that "taxable year" shall be substituted 36076
for "tax year" wherever that phrase appears in those divisions, 36077
and that "pass-through entity" shall be substituted for "taxpayer" 36078
wherever "taxpayer" appears in those divisions. 36079

Sec. 6101.25. The board of directors of a conservancy 36080
district may construct, improve, operate, maintain, and protect 36081
parks, parkways, forest preserves, bathing beaches, playgrounds, 36082
and other recreational facilities upon the lands owned or 36083
controlled by the district, or upon lands located within the 36084
district owned or controlled by the United States government or 36085
any department of it, by this state or any department or division 36086

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of it, or by any political subdivision, if authorized by lease, 36087
contract, or other arrangements with the appropriate agency of 36088
government having ownership or control. The board may acquire by 36089
lease, purchase, or appropriation property additional to that 36090
required for the purposes for which the district was incorporated, 36091
in order to provide for the protection, more adequate development, 36092
and fuller public use and enjoyment of the improvements and 36093
facilities. The board may impose and collect charges for the use 36094
of the properties, improvements, and facilities maintained or 36095
operated by the district for recreational purposes. Moneys 36096
collected from these charges may be used to promote the district's 36097
recreational facilities. 36098

In case the revenues derived or to be derived from the 36099
properties, improvements, and facilities maintained, operated, 36100
used, or acquired by the district for recreational purposes are 36101
not sufficient for the purposes of this section, the board, with 36102
the approval of the court, may provide for the payment of 36103
obligations incurred under this section by the levy of special 36104
assessments upon all the taxable property of the district and upon 36105
public corporations having lands within the district. 36106

In no case shall the obligations incurred under this section 36107
be paid from the proceeds of special assessments levied under 36108
section 6101.48 or 6101.53 of the Revised Code, or of bonds or 36109
notes issued in anticipation of them. After special assessments 36110
against the taxable property and public corporations are approved 36111
by the court, the board of appraisers of the conservancy district 36112
shall appraise the benefits to be conferred on each parcel of 36113
taxable property and public corporation by reason of the 36114
acquisition and construction of the properties and improvements 36115
authorized by the board of directors under this section, and shall 36116
appraise the damages accruing to persons and public corporations 36117
from the improvements. The provisions of this chapter that refer 36118

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to the determination of benefits and damages apply to the 36119
appraisals made under this section, but they shall be separate 36120
from other appraisals of benefits and damages made under this 36121
chapter, and separate records of them shall be prepared. After the 36122
appraisal of benefits has been approved by the court, and within 36123
the amount of benefits so determined, the board of directors may 36124
levy assessments on the taxable property and public corporations 36125
benefited to pay the cost of the properties and improvements 36126
acquired and constructed under this section, and may issue bonds 36127
and notes in anticipation of the collection of these assessments. 36128
In addition, the board of directors may annually levy a 36129
maintenance assessment for the purposes of this section on the 36130
taxable property and public corporations upon the basis of total 36131
appraised benefits. The provisions of this chapter that relate to 36132
assessments for district purposes and to bonds and notes issued in 36133
anticipation of the assessments apply to the assessments 36134
authorized under this section and the bonds and notes issued in 36135
anticipation of the assessments. Improvement, bond retirement, and 36136
maintenance funds shall be established for recreational purposes 36137
in conformity with section 6101.44 of the Revised Code, which 36138
shall be separate from one another and from other funds of the 36139
district, and no transfers shall be made to them from the other 36140
funds of the district. The proceeds of all bonds, notes, and 36141
assessments authorized by this section and all receipts derived 36142
from the recreational properties, improvements, and facilities 36143
owned, controlled, operated, or maintained by the district shall 36144
be paid into those funds, and all expenditures in accordance with 36145
this section shall be made from them. 36146

Sec. 6109.13. No official, officer, or employee in charge of 36147
or being employed in the maintenance and operation of a public 36148
water system and no other person, ~~or firm, or corporation~~ shall 36149
establish or permit to be established any connection whereby water 36150

from a private, auxiliary, or emergency water system may enter the 36151
public water system, unless ~~such~~ the private, auxiliary, or 36152
emergency water system, and the method of connection and use of 36153
~~such~~ the system, ~~has~~ have been approved by the environmental 36154
protection agency. However, a backflow prevention device shall not 36155
be required when a physical separation exists between the public 36156
water system and the private, auxiliary, or emergency water 36157
system. 36158

As used in this section: 36159

(A) "Backflow prevention device" means any device, method, or 36160
type of construction that is intended to prevent backflow into a 36161
potable water sytem. 36162

(B) "Physical separation" means that there is no direct or 36163
indirect connection between a public water system and a private, 36164
auxiliary, or emergency water system. 36165

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 36166
of this section, on and after January 1, 1994, no person shall 36167
operate or maintain a public water system in this state without a 36168
license issued by the director of environmental protection. A 36169
person who operates or maintains a public water system on January 36170
1, 1994, shall obtain an initial license under this section in 36171
accordance with the following schedule: 36172

(1) If the public water system is a community water system, 36173
not later than January 31, 1994; 36174

(2) If the public water system is not a community water 36175
system and serves a nontransient population, not later than 36176
January 31, 1994; 36177

(3) If the public water system is not a community water 36178
system and serves a transient population, not later than January 36179
31, 1995. 36180

A person proposing to operate or maintain a new public water system after January 1, 1994, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall submit an application for an initial license under this section to the director prior to commencing operation of the system.

A license or license renewal issued under this section shall be renewed annually. Such a license or license renewal shall expire on the thirtieth day of January in the year following its issuance. A license holder that proposes to continue operating the public water system for which the license or license renewal was issued shall apply for a license renewal at least thirty days prior to that expiration date.

The director shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code establishing procedures governing and information to be included on applications for licenses and license renewals under this section. Through June 30, ~~2002~~ 2004, each application shall be accompanied by the appropriate fee established under division (M) of section 3745.11 of the Revised Code, provided that an applicant for an initial license who is proposing to operate or maintain a new public water system after January 1, 1994, shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year.

(B) Not later than thirty days after receiving a completed application and the appropriate license fee for an initial license under division (A) of this section, the director shall issue the license for the public water system. Not later than thirty days after receiving a completed application and the appropriate license fee for a license renewal under division (A) of this section, the director shall do one of the following:

- (1) Issue the license renewal for the public water system;

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(2) Issue the license renewal subject to terms and conditions	36213
that the director determines are necessary to ensure compliance	36214
with this chapter and rules adopted under it;	36215
(3) Deny the license renewal if the director finds that the	36216
public water system was not operated in substantial compliance	36217
with this chapter and rules adopted under it.	36218
(C) The director may suspend or revoke a license or license	36219
renewal issued under this section if the director finds that the	36220
public water system was not operated in substantial compliance	36221
with this chapter and rules adopted under it. The director shall	36222
adopt, and may amend and rescind, rules in accordance with Chapter	36223
119. of the Revised Code governing such suspensions and	36224
revocations.	36225
(D)(1) As used in division (D) of this section, " <u>church</u> "	36226
means a fellowship of believers, congregation, society,	36227
corporation, convention, or association that is formed primarily	36228
or exclusively for religious purposes and that is not formed or	36229
operated for the private profit of any person.	36230
(2) This section does not apply to a church that operates or	36231
maintains a public water system solely to provide water for that	36232
church or for a campground that is owned by the church and	36233
operated primarily or exclusively for members of the church and	36234
their families. A church that, on or before March 5, 1996, has	36235
obtained a license under this section for such a public water	36236
system need not obtain a license renewal under this section.	36237
(E) This section does not apply to any public or nonpublic	36238
school that meets minimum standards of the state board of	36239
education that operates or maintains a public water system solely	36240
to provide water for that school.	36241
Sec. 6111.035. (A) The director of environmental protection,	36242

consistent with the Federal Water Pollution Control Act and the 36243
regulations adopted thereunder, without application therefor, may 36244
issue, modify, revoke, or terminate a general permit under this 36245
chapter for both of the following: 36246

(1) Discharge of stormwater; the discharge of liquids, 36247
sediments, solids, or water-borne mining related waste, such as, 36248
but not limited to, acids, metallic cations, or their salts, from 36249
coal mining and reclamation operations as defined in section 36250
1513.01 of the Revised Code; or treatment works whose discharge 36251
would have de minimis impact on the waters of the state receiving 36252
the discharge; 36253

(2) Installation or modification of disposal systems or any 36254
parts thereof, including disposal systems for stormwater or for 36255
coal mining and reclamation operations as defined in section 36256
1513.01 of the Revised Code. 36257

A general permit shall apply to a class or category of 36258
discharges or disposal systems or to persons conducting similar 36259
activities, within any area of the state, including the entire 36260
state. 36261

A general permit shall not be issued unless the director 36262
determines that the discharges authorized by the permit will have 36263
only minimal cumulative adverse effects on the environment when 36264
the discharges are considered collectively and individually and 36265
if, in the opinion of the director, the discharges, installations, 36266
or modifications authorized by the permit are more appropriately 36267
authorized by a general permit than by an individual permit. 36268

A general permit shall be issued subject to applicable 36269
mandatory provisions and may be issued subject to any applicable 36270
permissive provision of the Federal Water Pollution Control Act 36271
and the regulations adopted thereunder. 36272

The director, at the director's discretion, may require any 36273

person authorized to discharge or to install or modify a disposal 36274
system under a general permit to apply for and obtain an 36275
individual permit for the discharge, installation, or 36276
modification. When a particular discharge, installation, or 36277
modification is subject to an individual permit, a general permit 36278
shall not apply to that discharge, installation, or modification 36279
until the individual permit is revoked, terminated, or modified to 36280
exclude the discharge, installation, or modification. 36281

(B) Notwithstanding any requirement under Chapter 119. of the 36282
Revised Code concerning the manner in which notice of a permit 36283
action is provided, the director shall not be required to provide 36284
certified mail notice to persons subject to the issuance, 36285
modification, revocation, or termination of a general permit under 36286
division (A) of this section. 36287

Notwithstanding section 3745.07 of the Revised Code 36288
concerning the location of newspapers in which notices of permit 36289
actions are published, the director shall cause notice of the 36290
issuance, modification, revocation, or termination of a general 36291
permit to be published in the newspapers of general circulation 36292
determined by the director to provide reasonable notice to persons 36293
affected by the permit action in the geographic area covered by 36294
the general permit within the time periods prescribed by section 36295
3745.07 of the Revised Code. Any notice under this section or 36296
section 3745.07 of the Revised Code concerning the issuance, 36297
modification, revocation, or termination of a general permit shall 36298
include a summary of the permit action and instructions on how to 36299
obtain a copy of the full text of the permit action. The director 36300
may take other appropriate measures, such as press releases and 36301
notice to trade journals, associations, and other persons known to 36302
the director to desire notification, in order to provide notice of 36303
the director's actions concerning the issuance, modification, 36304
revocation, or termination of a general permit; however, the 36305

failure to provide such notice shall not invalidate any general permit. 36306
36307

(C) Notwithstanding any other provision of the Revised Code, 36308
a person subject to the proposed issuance, modification, 36309
revocation, or termination of a general permit under division (A) 36310
of this section may request an adjudication hearing pursuant to 36311
section 119.07 of the Revised Code concerning the proposed action 36312
within thirty days after publication of the notice of the proposed 36313
action in newspapers of general circulation pursuant to division 36314
(B) of this section. This division shall not be interpreted to 36315
affect the authority of the director to take actions on general 36316
permits in forms other than proposed general permits. 36317

(D) The director may exercise all incidental powers required 36318
to carry out this section, including, without limitation, the 36319
adoption, amendment, and rescission of rules to implement a 36320
general permit program for classes or categories of dischargers or 36321
disposal systems. 36322

(E) On and after the date on which the United States 36323
environmental protection agency approves the NPDES program 36324
submitted by the director of agriculture under section 903.08 of 36325
the Revised Code, this section does not apply to storm water from 36326
an animal feeding facility, as defined in section 903.01 of the 36327
Revised Code, or to manure, as defined in that section. 36328

(F) As used in this section, "Federal Water Pollution Control 36329
Act" means the "Federal Water Pollution Control Act Amendments of 36330
1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean 36331
Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, the "Act of 36332
October 21, 1980," 94 Stat. 2360, 33 U.S.C.A. 1254, the "Municipal 36333
Wastewater Treatment Construction Grant Amendments of 1981," 95 36334
Stat. 1623, 33 U.S.C.A. 1281, and the "Water Quality Act of 1987," 36335
101 Stat. 7, 33 U.S.C.A. 1251. 36336

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5107.14, 5107.18, 5108.01, 5108.06, 5108.07, 5108.08, 5108.09, 36375
5108.10, 5111.01, 5111.041, 5111.17, 5111.20, 5111.22, 5111.23, 36376
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5111.58, 5111.87, 5119.01, 5119.06, 5119.61, 5123.01, 5123.041, 36378
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5101.52, 5101.541, 5101.542, 5101.543, 5101.851, 5101.852, 36393
5111.341, 5111.88, 5126.054, and 5139.281 of the Revised Code are 36394
hereby repealed. 36395

Section 3. That the versions of sections 2152.43 and 5139.31 36396
of the Revised Code that are scheduled to take effect January 1, 36397
2002, be amended to read as follows: 36398

Sec. 2152.43. (A) ~~A board of county commissioners that~~ 36399

~~provides a detention facility and the board of trustees of a 36400
district detention facility may apply to the department of youth 36401
services under section 5139.281 of the Revised Code for assistance 36402
in defraying the cost of operating and maintaining the facility. 36403
The application shall be made on forms prescribed and furnished by 36404
the department. 36405~~

The board of county commissioners of each county that 36406
participates in a district detention facility may apply to the 36407
department of youth services for assistance in defraying the 36408
county's share of the cost of acquisition or construction of the 36409
facility, as provided in section 5139.271 of the Revised Code. 36410
Application shall be made in accordance with rules adopted by the 36411
department. No county shall be reimbursed for expenses incurred in 36412
the acquisition or construction of a district detention facility 36413
that serves a district having a population of less than one 36414
hundred thousand. 36415

(B)(1) The joint boards of county commissioners of district 36416
detention facilities shall defray all necessary expenses of the 36417
facility ~~not paid from funds made available under section 5139.281 36418
of the Revised Code,~~ through annual assessments of taxes, through 36419
gifts, or through other means. 36420

If any county withdraws from a district under division (D) of 36421
section 2152.41 of the Revised Code, it shall continue to have 36422
levied against its tax duplicate any tax levied by the district 36423
during the period in which the county was a member of the district 36424
for current operating expenses, permanent improvements, or the 36425
retirement of bonded indebtedness. The levy shall continue to be a 36426
levy against the tax duplicate of the county until the time that 36427
it expires or is renewed. 36428

(2) The current expenses of maintaining the facility not paid 36429
from funds made available under ~~section 5139.281 of the Revised 36430
Code~~ or division (C) of this section, and the cost of ordinary 36431

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repairs to the facility, shall be paid by each county in 36432
accordance with one of the following methods as approved by the 36433
joint board of county commissioners: 36434

(a) In proportion to the number of children from that county 36435
who are maintained in the facility during the year; 36436

(b) By a levy submitted by the joint board of county 36437
commissioners under division (A) of section 5705.19 of the Revised 36438
Code and approved by the electors of the district; 36439

(c) In proportion to the taxable property of each county, as 36440
shown by its tax duplicate; 36441

(d) In any combination of the methods for payment described 36442
in division (B)(2)(a), (b), or (c) of this section. 36443

(C) When any person donates or bequeaths any real or personal 36444
property to a county or district detention facility, the juvenile 36445
court or the trustees of the facility may accept and use the gift, 36446
consistent with the best interest of the institution and the 36447
conditions of the gift. 36448

Sec. 5139.31. The department of youth services may inspect 36449
any school, forestry camp, district detention facility, or other 36450
facility for which an application for financial assistance has 36451
been made to the department under section 2152.43, 2151.651, or 36452
2151.652 of the Revised Code or for which financial assistance has 36453
been granted by the department under section 5139.27, 5139.271, or 36454
5139.28, ~~or 5139.281~~ of the Revised Code. The inspection may 36455
include, but need not be limited to, examination and evaluation of 36456
the physical condition of the school, forestry camp, district 36457
detention facility, or other facility, including any equipment 36458
used in connection with it; observation and evaluation of the 36459
training and treatment of children admitted to it; examination and 36460
analysis and copying of any papers, records, or other documents 36461
relating to the qualifications of personnel, the commitment of 36462

children to it, and its administration. 36463

Section 4. That the existing versions of sections 2152.43 and 36464
5139.31 of the Revised Code that are scheduled to take effect 36465
January 1, 2002, are hereby repealed. 36466

Section 5. Sections 3 and 4 of this act shall take effect on 36467
January 1, 2002. 36468

Section 6. That the versions of sections 5139.01 and 5139.11 36469
of the Revised Code that are scheduled to take effect January 1, 36470
2002, be amended to read as follows: 36471

Sec. 5139.01. (A) As used in this chapter: 36472

(1) "Commitment" means the transfer of the physical custody 36473
of a child or youth from the court to the department of youth 36474
services. 36475

(2) "Permanent commitment" means a commitment that vests 36476
legal custody of a child in the department of youth services. 36477

(3) "Legal custody," insofar as it pertains to the status 36478
that is created when a child is permanently committed to the 36479
department of youth services, means a legal status in which the 36480
department has the following rights and responsibilities: the 36481
right to have physical possession of the child; the right and duty 36482
to train, protect, and control the child; the responsibility to 36483
provide the child with food, clothing, shelter, education, and 36484
medical care; and the right to determine where and with whom the 36485
child shall live, subject to the minimum periods of, or periods 36486
of, institutional care prescribed in sections 2152.13 to 2152.18 36487
of the Revised Code; provided, that these rights and 36488
responsibilities are exercised subject to the powers, rights, 36489
duties, and responsibilities of the guardian of the person of the 36490

child, and subject to any residual parental rights and 36491
responsibilities. 36492

(4) Unless the context requires a different meaning, 36493
"institution" means a state facility that is created by the 36494
general assembly and that is under the management and control of 36495
the department of youth services or a private entity with which 36496
the department has contracted for the institutional care and 36497
custody of felony delinquents. 36498

(5) "Full-time care" means care for twenty-four hours a day 36499
for over a period of at least two consecutive weeks. 36500

(6) "Placement" means the conditional release of a child 36501
under the terms and conditions that are specified by the 36502
department of youth services. The department shall retain legal 36503
custody of a child released pursuant to division (C) of section 36504
2152.22 of the Revised Code or division (C) of section 5139.06 of 36505
the Revised Code until the time that it discharges the child or 36506
until the legal custody is terminated as otherwise provided by 36507
law. 36508

(7) "Home placement" means the placement of a child in the 36509
home of the child's parent or parents or in the home of the 36510
guardian of the child's person. 36511

(8) "Discharge" means that the department of youth services' 36512
legal custody of a child is terminated. 36513

(9) "Release" means the termination of a child's stay in an 36514
institution and the subsequent period during which the child 36515
returns to the community under the terms and conditions of 36516
supervised release. 36517

(10) "Delinquent child" has the same meaning as in section 36518
2152.02 of the Revised Code. 36519

(11) "Felony delinquent" means any child who is at least 36520

twelve years of age but less than eighteen years of age and who is 36521
adjudicated a delinquent child for having committed an act that if 36522
committed by an adult would be a felony. "Felony delinquent" 36523
includes any adult who is between the ages of eighteen and 36524
twenty-one and who is in the legal custody of the department of 36525
youth services for having committed an act that if committed by an 36526
adult would be a felony. 36527

(12) "Juvenile traffic offender" has the same meaning as in 36528
section 2152.02 of the Revised Code. 36529

(13) "Public safety beds" means all of the following: 36530

(a) Felony delinquents who have been committed to the 36531
department of youth services for the commission of an act, other 36532
than a violation of section 2911.01 or 2911.11 of the Revised 36533
Code, that is a category one offense or a category two offense and 36534
who are in the care and custody of an institution or have been 36535
diverted from care and custody in an institution and placed in a 36536
community corrections facility; 36537

(b) Felony delinquents who, while committed to the department 36538
of youth services and in the care and custody of an institution or 36539
a community corrections facility, are adjudicated delinquent 36540
children for having committed in that institution or community 36541
corrections facility an act that if committed by an adult would be 36542
a felony; 36543

(c) Children who satisfy all of the following: 36544

(i) They are at least twelve years of age but less than 36545
eighteen years of age. 36546

(ii) They are adjudicated delinquent children for having 36547
committed acts that if committed by an adult would be a felony. 36548

(iii) They are committed to the department of youth services 36549
by the juvenile court of a county that has had one-tenth of one 36550

per cent or less of the statewide adjudications for felony delinquents as averaged for the past four fiscal years. 36551
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(iv) They are in the care and custody of an institution or a community corrections facility. 36553
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(d) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution, commit in that institution an act that if committed by an adult would be a felony, who are serving disciplinary time for having committed that act, and who have been institutionalized or institutionalized in a secure facility for the minimum period of time specified in divisions (A)(1)(b) to (e) of section 2152.16 of the Revised Code. 36555
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(e) Felony delinquents who are subject to and serving a three-year period of commitment order imposed by a juvenile court pursuant to divisions (A) and (B) of section 2152.17 of the Revised Code for an act, other than a violation of section 2911.11 of the Revised Code, that would be a category one offense or category two offense if committed by an adult. 36563
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(f) Felony delinquents who are described in divisions (A)(13)(a) to (e) of this section, who have been granted a judicial release to court supervision under division (B) of section 2152.22 of the Revised Code or a judicial release to the department of youth services supervision under division (C) of that section from the commitment to the department of youth services for the act described in divisions (A)(13)(a) to (e) of this section, who have violated the terms and conditions of that release, and who, pursuant to an order of the court of the county in which the particular felony delinquent was placed on release that is issued pursuant to division (D) of section 2152.22 of the Revised Code, have been returned to the department for institutionalization or institutionalization in a secure facility. 36569
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(g) Felony delinquents who have been committed to the custody of the department of youth services, who have been granted supervised release from the commitment pursuant to section 5139.51 of the Revised Code, who have violated the terms and conditions of that supervised release, and who, pursuant to an order of the court of the county in which the particular child was placed on supervised release issued pursuant to division (F) of section 5139.52 of the Revised Code, have had the supervised release revoked and have been returned to the department for institutionalization. A felony delinquent described in this division shall be a public safety bed only for the time during which the felony delinquent is institutionalized as a result of the revocation subsequent to the initial thirty-day period of institutionalization required by division (F) of section 5139.52 of the Revised Code.

(14) "State target youth" means twenty-five per cent of the projected total number of felony delinquents for each year of a biennium, factoring in revocations and recommitments.

(15) Unless the context requires a different meaning, "community corrections facility" means a county or multicounty rehabilitation center for felony delinquents who have been committed to the department of youth services and diverted from care and custody in an institution and placed in the rehabilitation center pursuant to division (E) of section 5139.36 of the Revised Code.

(16) "Secure facility" means any facility that is designed and operated to ensure that all of its entrances and exits are under the exclusive control of its staff and to ensure that, because of that exclusive control, no child who has been institutionalized in the facility may leave the facility without permission or supervision.

(17) "Community residential program" means a program that

satisfies both of the following: 36614

(a) It is housed in a building or other structure that has no 36615
associated major restraining construction, including, but not 36616
limited to, a security fence. 36617

(b) It provides twenty-four-hour care, supervision, and 36618
programs for felony delinquents who are in residence. 36619

(18) "Category one offense" and "category two offense" have 36620
the same meanings as in section 2151.26 of the Revised Code. 36621

(19) "Disciplinary time" means additional time that the 36622
department of youth services requires a felony delinquent to serve 36623
in an institution, that delays the person's or felony delinquent's 36624
planned release, and that the department imposes upon the person 36625
or felony delinquent following the conduct of an internal due 36626
process hearing for having committed any of the following acts 36627
while committed to the department and in the care and custody of 36628
an institution: 36629

(a) An act that if committed by an adult would be a felony; 36630

(b) An act that if committed by an adult would be a 36631
misdemeanor; 36632

(c) An act that is not described in division (A)(19)(a) or 36633
(b) of this section and that violates an institutional rule of 36634
conduct of the department. 36635

(20) "Unruly child" has the same meaning as in section 36636
2151.022 of the Revised Code. 36637

(21) "Revocation" means the act of revoking a child's 36638
supervised release for a violation of a term or condition of the 36639
child's supervised release in accordance with section 5139.52 of 36640
the Revised Code. 36641

(22) "Release authority" means the release authority of the 36642
department of youth services that is established by section 36643

5139.50 of the Revised Code. 36644

(23) "Supervised release" means the event of the release of a 36645
child under this chapter from an institution and the period after 36646
that release during which the child is supervised and assisted by 36647
an employee of the department of youth services under specific 36648
terms and conditions for reintegration of the child into the 36649
community. 36650

(24) "Victim" means the person identified in a police report, 36651
complaint, or information as the victim of an act that would have 36652
been a criminal offense if committed by an adult and that provided 36653
the basis for adjudication proceedings resulting in a child's 36654
commitment to the legal custody of the department of youth 36655
services. 36656

(25) "Victim's representative" means a member of the victim's 36657
family or another person whom the victim or another authorized 36658
person designates in writing, pursuant to section 5139.56 of the 36659
Revised Code, to represent the victim with respect to proceedings 36660
of the release authority of the department of youth services and 36661
with respect to other matters specified in that section. 36662

(26) "Member of the victim's family" means a spouse, child, 36663
stepchild, sibling, parent, stepparent, grandparent, other 36664
relative, or legal guardian of a child but does not include a 36665
person charged with, convicted of, or adjudicated a delinquent 36666
child for committing a criminal or delinquent act against the 36667
victim or another criminal or delinquent act arising out of the 36668
same conduct, criminal or delinquent episode, or plan as the 36669
criminal or delinquent act committed against the victim. 36670

(27) "Judicial release to court supervision" means a release 36671
of a child from institutional care or institutional care in a 36672
secure facility that is granted by a court pursuant to division 36673
(B) of section 2152.22 of the Revised Code during the period 36674

specified in that division. 36675

(28) "Judicial release to department of youth services 36676
supervision" means a release of a child from institutional care or 36677
institutional care in a secure facility that is granted by a court 36678
pursuant to division (C) of section 2152.22 of the Revised Code 36679
during the period specified in that division. 36680

(29) "Comprehensive plan" means a document that coordinates, 36681
evaluates, and otherwise assists, on an annual or multi-year 36682
basis, all of the functions of the criminal and juvenile justice 36683
systems of the state or a specified area of the state, that 36684
conforms to the priorities of the state with respect to criminal 36685
and juvenile justice systems, and that conforms with the 36686
requirements of all federal criminal justice acts. These functions 36687
include, but are not limited to, all of the following: 36688

(a) Crime and delinquency prevention; 36689

(b) Identification, detection, apprehension, and detention of 36690
persons charged with criminal offenses or delinquent acts; 36691

(c) Assistance to crime victims or witnesses, except that the 36692
comprehensive plan does not include the functions of the attorney 36693
general pursuant to sections 109.91 and 109.92 of the Revised 36694
Code; 36695

(d) Adjudication or diversion of persons charged with 36696
criminal offenses or delinquent acts; 36697

(e) Custodial treatment of criminal offenders and delinquent 36698
children; 36699

(f) Institutional and noninstitutional rehabilitation of 36700
criminal offenders and delinquent children. 36701

(30) "Administrative planning district," "criminal justice 36702
coordinating council," "juvenile justice system," and 36703
"metropolitan county criminal justice services agency" have the 36704

same meanings as in section 181.51 of the Revised Code. 36705

(B) There is hereby created the department of youth services. 36706
The governor shall appoint the director of the department with the 36707
advice and consent of the senate. The director shall hold office 36708
during the term of the appointing governor but subject to removal 36709
at the pleasure of the governor. Except as otherwise authorized in 36710
section 108.05 of the Revised Code, the director shall devote the 36711
director's entire time to the duties of the director's office and 36712
shall hold no other office or position of trust or profit during 36713
the director's term of office. 36714

The director is the chief executive and administrative 36715
officer of the department and has all the powers of a department 36716
head set forth in Chapter 121. of the Revised Code. The director 36717
may adopt rules for the government of the department, the conduct 36718
of its officers and employees, the performance of its business, 36719
and the custody, use, and preservation of the department's 36720
records, papers, books, documents, and property. The director 36721
shall be an appointing authority within the meaning of Chapter 36722
124. of the Revised Code. Whenever this or any other chapter or 36723
section of the Revised Code imposes a duty on or requires an 36724
action of the department, the duty or action shall be performed by 36725
the director or, upon the director's order, in the name of the 36726
department. 36727

Sec. 5139.11. The department of youth services shall do all 36728
of the following: 36729

(A) Through a program of education, promotion, and 36730
organization, form groups of local citizens and assist these 36731
groups in conducting activities aimed at the prevention and 36732
control of juvenile delinquency, making use of local people and 36733
resources for the following purposes: 36734

(1) Combatting local conditions known to contribute to 36735

juvenile delinquency;	36736
(2) Developing recreational and other programs for youth work;	36737 36738
(3) Providing adult sponsors for delinquent children cases;	36739
(4) Dealing with other related problems of the locality.	36740
(B) Advise local, state, and federal officials, public and private agencies, and lay groups on the needs for and possible methods of the reduction and prevention of juvenile delinquency and the treatment of delinquent children;	36741 36742 36743 36744
(C) Consult with the schools and courts of this state on the development of programs for the reduction and prevention of delinquency and the treatment of delinquents;	36745 36746 36747
(D) Cooperate with other agencies whose services deal with the care and treatment of delinquent children to the end that delinquent children who are state wards may be assisted whenever possible to a successful adjustment outside of institutional care;	36748 36749 36750 36751
(E) Cooperate with other agencies in surveying, developing, and utilizing the recreational resources of a community as a means of combatting the problem of juvenile delinquency and effectuating rehabilitation;	36752 36753 36754 36755
(F) Hold district and state conferences from time to time in order to acquaint the public with current problems of juvenile delinquency and develop a sense of civic responsibility toward the prevention of juvenile delinquency;	36756 36757 36758 36759
(G) Assemble and distribute information relating to juvenile delinquency and report on studies relating to community conditions that affect the problem of juvenile delinquency;	36760 36761 36762
(H) Assist any community within the state by conducting a comprehensive survey of the community's available public and private resources, and recommend methods of establishing a	36763 36764 36765

community program for combatting juvenile delinquency and crime, 36766
but no survey of that type shall be conducted unless local 36767
individuals and groups request it through their local authorities, 36768
and no request of that type shall be interpreted as binding the 36769
community to following the recommendations made as a result of the 36770
request; 36771

(I) Evaluate the rehabilitation of children committed to the 36772
department and prepare and submit periodic reports to the 36773
committing court for the following purposes: 36774

(1) Evaluating the effectiveness of institutional treatment; 36775

(2) Making recommendations for judicial release under section 36776
2152.22 of the Revised Code if appropriate and recommending 36777
conditions for judicial release; 36778

(3) Reviewing the placement of children and recommending 36779
alternative placements where appropriate. 36780

(J) Coordinate dates for hearings to be conducted under 36781
section 2152.22 of the Revised Code and assist in the transfer and 36782
release of children from institutionalization to the custody of 36783
the committing court; 36784

(K)(1) Coordinate and assist juvenile justice systems by 36785
doing the following: 36786

(a) Performing juvenile justice system planning in the state, 36787
including any planning that is required by any federal law; 36788

(b) Collecting, analyzing, and correlating information and 36789
data concerning the juvenile justice system in the state; 36790

(c) Cooperating with and providing technical assistance to 36791
state departments, administrative planning districts, metropolitan 36792
county criminal justice services agencies, criminal justice 36793
coordinating councils, and agencies, offices, and departments of 36794
the juvenile justice system in the state, and other appropriate 36795

<u>organizations and persons;</u>	36796
<u>(d) Encouraging and assisting agencies, offices, and departments of the juvenile justice system in the state and other appropriate organizations and persons to solve problems that relate to the duties of the department;</u>	36797 36798 36799 36800
<u>(e) Administering within the state any juvenile justice acts that the governor requires the department to administer;</u>	36801 36802
<u>(f) Implementing the state comprehensive plans;</u>	36803
<u>(g) Auditing grant activities of agencies, offices, organizations, and persons that are financed in whole or in part by funds granted through the department;</u>	36804 36805 36806
<u>(h) Monitoring or evaluating the performance of juvenile justice system projects and programs in the state that are financed in whole or in part by funds granted through the department;</u>	36807 36808 36809 36810
<u>(i) Applying for, allocating, disbursing, and accounting for grants that are made available pursuant to federal juvenile justice acts, or made available from other federal, state, or private sources, to improve the criminal and juvenile justice systems in the state. All money from federal juvenile justice act grants shall, if the terms under which the money is received require that the money be deposited into an interest bearing fund or account, be deposited in the state treasury to the credit of the federal juvenile justice program purposes fund, which is hereby created. All investment earnings shall be credited to the fund.</u>	36811 36812 36813 36814 36815 36816 36817 36818 36819 36820 36821
<u>(j) Contracting with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the department;</u>	36822 36823 36824
<u>(k) Overseeing the activities of metropolitan county criminal</u>	36825

<u>justice services agencies, administrative planning districts, and</u>	36826
<u>juvenile justice coordinating councils in the state;</u>	36827
	36828
<u>(l) Advising the general assembly and governor on legislation</u>	36829
<u>and other significant matters that pertain to the improvement and</u>	36830
<u>reform of the juvenile justice system in the state;</u>	36831
	36832
<u>(m) Preparing and recommending legislation to the general</u>	36833
<u>assembly and governor for the improvement of the juvenile justice</u>	36834
<u>system in the state;</u>	36835
<u>(n) Assisting, advising, and making any reports that are</u>	36836
<u>required by the governor, attorney general, or general assembly.</u>	36837
<u>(2) Division (K)(1) of this section does not limit the</u>	36838
<u>discretion or authority of the attorney general with respect to</u>	36839
<u>crime victim assistance and criminal and juvenile justice</u>	36840
<u>programs.</u>	36841
<u>(3) Nothing in division (K)(1) of this section is intended to</u>	36842
<u>diminish or alter the status of the office of the attorney general</u>	36843
<u>as a criminal justice services agency.</u>	36844
Section 7. That the existing versions of sections 5139.01 and	36845
5139.11 of the Revised Code that are scheduled to take effect	36846
January 1, 2002, are hereby repealed.	36847
Section 8. Sections 6 and 7 of this act shall take effect on	36848
January 1, 2002.	36849
Section 9. Except as otherwise provided, all appropriation	36850
items (AI) in this act are appropriated out of any moneys in the	36851
state treasury to the credit of the designated fund that are not	36852
otherwise appropriated. For all appropriations made in this act,	36853
the amounts in the first column are for fiscal year 2002 and the	36854

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amounts in the second column are for fiscal year 2003.				36855				
				36856				
FND ALI	AI TITLE		FY 2002	FY 2003	36857			
Section 10. ACC ACCOUNTANCY BOARD OF OHIO				36858				
General Services Fund Group				36859				
4J8	889-601 CPA Education	\$	204,400	\$	209,510	36860		
	Assistance							
4K9	889-609 Operating Expenses	\$	870,318	\$	917,458	36861		
TOTAL GSF General Services Fund						36862		
Group				\$	1,074,718	\$	1,126,968	36863
TOTAL ALL BUDGET FUND GROUPS				\$	1,074,718	\$	1,126,968	36864
Section 11. PAY ACCRUED LEAVE LIABILITY						36866		
Accrued Leave Liability Fund Group						36867		
806	995-666 Accrued Leave Fund	\$	52,083,178	\$	56,760,331	36868		
807	995-667 Disability Fund	\$	42,843,384	\$	47,127,722	36869		
TOTAL ALF Accrued Leave Liability						36870		
Fund Group				\$	94,926,562	\$	103,888,053	36871
Agency Fund Group						36872		
808	995-668 State Employee Health	\$	163,866,236	\$	187,635,594	36873		
	Benefit Fund							
809	995-669 Dependent Care	\$	3,050,554	\$	3,355,609	36874		
	Spending Account							
810	995-670 Life Insurance	\$	2,109,592	\$	2,236,167	36875		
	Investment Fund							
811	995-671 Parental Leave Benefit	\$	4,914,815	\$	6,143,519	36876		
	Fund							
TOTAL AGY Agency Fund Group				\$	173,941,197	\$	199,370,889	36877
TOTAL ALL BUDGET FUND GROUPS				\$	268,867,759	\$	303,258,942	36878
ACCRUED LEAVE LIABILITY FUND							36879	

The foregoing appropriation item 995-666, Accrued Leave Fund, 36880
shall be used to make payments from the Accrued Leave Liability 36881
Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 36882
If it is determined by the Director of Budget and Management that 36883
additional amounts are necessary, the amounts are appropriated. 36884

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 36885

The foregoing appropriation item 995-667, Disability Fund, 36886
shall be used to make payments from the State Employee Disability 36887
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 36888
Revised Code. If it is determined by the Director of Budget and 36889
Management that additional amounts are necessary, the amounts are 36890
appropriated. 36891

STATE EMPLOYEE HEALTH BENEFIT FUND 36892

The foregoing appropriation item 995-668, State Employee 36893
Health Benefit Fund, shall be used to make payments from the State 36894
Employee Health Benefit Fund (Fund 808), pursuant to section 36895
124.87 of the Revised Code. If it is determined by the Director of 36896
Budget and Management that additional amounts are necessary, the 36897
amounts are appropriated. 36898

DEPENDENT CARE SPENDING ACCOUNT 36899

The foregoing appropriation item 995-669, Dependent Care 36900
Spending Account, shall be used to make payments from the 36901
Dependent Care Spending Account (Fund 809) to employees eligible 36902
for dependent care expenses. If it is determined by the Director 36903
of Budget and Management that additional amounts are necessary, 36904
the amounts are appropriated. 36905

LIFE INSURANCE INVESTMENT FUND 36906

The foregoing appropriation item 995-670, Life Insurance 36907
Investment Fund, shall be used to make payments from the Life 36908
Insurance Investment Fund (Fund 810) for the costs and expenses of 36909

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the state's life insurance benefit program pursuant to section				36910
125.212 of the Revised Code. If it is determined by the Director				36911
of Budget and Management that additional amounts are necessary,				36912
the amounts are appropriated.				36913
PARENTAL LEAVE BENEFIT FUND				36914
The foregoing appropriation item 995-671, Parental Leave				36915
Benefit Fund, shall be used to make payments from the Parental				36916
Leave Benefit Fund (Fund 811) to employees eligible for parental				36917
leave benefits pursuant to section 124.137 of the Revised Code. If				36918
it is determined by the Director of Budget and Management that				36919
additional amounts are necessary, the amounts are appropriated.				36920
Section 12. ADJ ADJUTANT GENERAL				36921
General Revenue Fund				36922
GRF 745-401 Ohio Military Reserve	\$	14,901	\$ 15,200	36923
GRF 745-403 Armory Deferred	\$	250,000	\$ 250,000	36924
Maintenance				
GRF 745-404 Air National Guard	\$	1,771,706	\$ 1,844,980	36925
GRF 745-409 Central Administration	\$	3,975,185	\$ 4,222,598	36926
GRF 745-499 Army National Guard	\$	3,723,726	\$ 3,828,978	36927
GRF 745-502 Ohio National Guard	\$	106,980	\$ 103,058	36928
Unit Fund				
TOTAL GRF General Revenue Fund	\$	9,842,498	10,264,814	36929
General Services Fund Group				36930
534 745-612 Armory Improvements	\$	529,014	\$ 534,304	36931
536 745-620 Camp Perry Clubhouse	\$	1,054,359	\$ 1,094,970	36932
and Rental				
537 745-604 ONG Maintenance	\$	214,464	\$ 219,826	36933
TOTAL GSF General Services Fund	\$	1,797,837	\$ 1,849,100	36934
Group				
Federal Special Revenue Fund Group				36935

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3E8	745-628	Air National Guard Operations and Maintenance Agreement	\$	11,821,084	\$	12,770,931	36936
3R8	745-603	Counter Drug Operations	\$	25,000	\$	25,000	36937
3S0	745-602	Higher Ground Training	\$	20,000	\$	20,000	36938
341	745-615	Air National Guard Base Security	\$	1,770,744	\$	1,841,573	36939
342	745-616	Army National Guard Service Agreement	\$	6,429,352	\$	6,749,210	36940
TOTAL FED	Federal Special Revenue		\$	20,066,180	\$	21,406,714	36941
Fund Group							
	State Special Revenue	Fund Group					36942
528	745-605	Marksmanship Activities	\$	64,466	\$	66,078	36943
TOTAL SSR	State Special Revenue		\$	64,466	\$	66,078	36944
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	31,770,981	\$	33,586,706	36945
	ARMORY DEFERRED MAINTENANCE						36946
	Of the foregoing appropriation item 745-403, Armory Deferred						36947
	Maintenance, all disbursements shall be made based on a spending						36948
	plan approved by the Director of Budget and Management.						36949
	ARMY NATIONAL GUARD SERVICE AGREEMENT AND ARMY NATIONAL GUARD						36950
	TRAINING SITE AGREEMENT						36951
	On July 1, 2001, or as soon thereafter as possible, the						36952
	Adjutant General shall certify to the Director of Budget and						36953
	Management the cash balance in Fund 343, Army National Guard						36954
	Training Site Agreement. The Director of Budget and Management						36955
	shall transfer the certified amount from Fund 343 to Fund 342,						36956
	Army National Guard Service Agreement. Any existing encumbrances						36957
	in appropriation item 745-619, Army National Guard Training Site						36958
	Agreement (Fund 343), shall be canceled and reestablished against						36959

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appropriation item 745-616, Army National Guard Service Agreement				36960
(Fund 342). The amounts of the reestablished encumbrances are				36961
appropriated, and Fund 343 is abolished.				36962
Section 13. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES				36963
General Revenue Fund				36964
GRF 100-402 Unemployment	\$	107,713	\$ 109,114	36965
Compensation				
GRF 100-405 Agency Audit Expenses	\$	662,147	\$ 614,704	36966
GRF 100-406 County & University	\$	850,133	\$ 838,777	36967
Human Resources				
Services				
GRF 100-409 Departmental	\$	948,332	\$ 975,481	36968
Information Services				
GRF 100-410 Veterans' Records	\$	480,000	\$ 480,000	36969
Conversion				
GRF 100-414 Ohio Geographically	\$	512,410	\$ 510,807	36970
Referenced Information				
Program				
GRF 100-416 Strategic Technology	\$	3,470,440	\$ 5,000,000	36971
Development Programs				
GRF 100-417 MARCS	\$	6,200,000	\$ 7,900,000	36972
GRF 100-419 Ohio SONET	\$	4,527,924	\$ 4,625,879	36973
GRF 100-420 Innovation Ohio	\$	144,000	\$ 144,000	36974
GRF 100-421 ERP Project	\$	600,000	\$ 624,000	36975
Implementation				
GRF 100-433 State of Ohio Computer	\$	5,003,580	\$ 5,027,234	36976
Center				
GRF 100-439 Equal Opportunity	\$	817,894	\$ 861,093	36977
Certification Programs				
GRF 100-447 OBA - Building Rent	\$	100,075,600	\$ 119,923,600	36978
Payments				
GRF 100-448 OBA - Building	\$	26,098,000	\$ 26,098,000	36979

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		Operating Payments				
GRF	100-449	DAS - Building	\$	5,126,955	\$	5,126,968 36980
		Operating Payments				
GRF	100-451	Minority Affairs	\$	119,706	\$	118,043 36981
GRF	100-734	Major Maintenance	\$	70,224	\$	68,376 36982
GRF	102-321	Construction	\$	1,392,590	\$	1,396,506 36983
		Compliance				
GRF	130-321	State Agency Support	\$	3,632,427	\$	3,740,888 36984
		Services				
TOTAL GRF		General Revenue Fund	\$	160,840,075	\$	184,183,470 36985
		General Services Fund Group				36986
112	100-616	DAS Administration	\$	5,243,105	\$	5,503,547 36987
115	100-632	Central Service Agency	\$	399,438	\$	376,844 36988
117	100-644	General Services	\$	5,790,000	\$	7,091,000 36989
		Division - Operating				
122	100-637	Fleet Management	\$	1,600,913	\$	1,652,189 36990
125	100-622	Human Resources	\$	23,895,125	\$	24,640,311 36991
		Division - Operating				
127	100-627	Vehicle Liability	\$	3,373,835	\$	3,487,366 36992
		Insurance				
128	100-620	Collective Bargaining	\$	3,242,859	\$	3,360,952 36993
130	100-606	Risk Management	\$	185,900	\$	197,904 36994
		Reserve				
131	100-639	State Architect's	\$	7,504,787	\$	7,772,789 36995
		Office				
132	100-631	DAS Building	\$	10,887,913	\$	11,362,872 36996
		Management				
188	100-649	Equal Opportunity	\$	1,214,691	\$	1,253,311 36997
		Programs				
201	100-653	General Services	\$	1,779,000	\$	1,833,000 36998
		Resale Merchandise				
210	100-612	State Printing	\$	6,648,503	\$	6,928,823 36999
4H2	100-604	Governor's Residence	\$	22,628	\$	23,194 37000

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		Gift				
4P3	100-603	Departmental MIS	\$	7,447,713	\$	7,761,365 37001
		Services				
427	100-602	Investment Recovery	\$	4,204,735	\$	4,179,184 37002
5C3	100-608	Skilled Trades	\$	2,237,200	\$	2,332,464 37003
5D7	100-621	Workforce Development	\$	12,000,000	\$	12,000,000 37004
5L7	100-610	Professional	\$	2,700,000	\$	2,700,000 37005
		Development				
		TOTAL GSF General Services Fund				37006
		Group	\$	100,378,345	\$	104,457,115 37007
		Intragovernmental Service Fund Group				37008
133	100-607	Information Technology	\$	104,482,097	\$	111,387,436 37009
		Fund				
4N6	100-617	Major Computer	\$	12,000,000	\$	4,500,000 37010
		Purchases				
		TOTAL ISF Intragovernmental				37011
		Service Fund Group	\$	116,482,097	\$	115,887,436 37012
		Agency Fund Group				37013
113	100-628	Unemployment	\$	3,500,000	\$	3,577,000 37014
		Compensation				
124	100-629	Payroll Deductions	\$	1,877,100,000	\$	1,999,100,000 37015
		TOTAL AGY Agency Fund Group	\$	1,880,600,000	\$	2,002,677,000 37016
		Holding Account Redistribution Fund Group				37017
R08	100-646	General Services	\$	20,000	\$	20,000 37018
		Refunds				
		TOTAL 090 Holding Account				37019
		Redistribution Fund Group	\$	20,000	\$	20,000 37020
		TOTAL ALL BUDGET FUND GROUPS	\$	2,258,320,517	\$	2,407,225,021 37021
		Section 13.01. AGENCY AUDIT EXPENSES				37023
		Of the foregoing appropriation item 100-405, Agency Audit				37024
		Expenses, up to \$145,261 in fiscal year 2002 and up to \$74,447 in				37025

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fiscal year 2003 shall be used to subsidize the operations of the
Central Service Agency. The Department of Administrative Services
shall transfer cash from appropriation item 100-405, Agency Audit
Expenses, to the Central Service Agency Fund (Fund 115) using an
intrastate transfer voucher.

Of the foregoing appropriation item 100-405, Agency Audit
Expenses, up to \$30,000 in fiscal year 2002 and \$30,000 in fiscal
year 2003 shall be used for the Department of Administrative
Services' GRF appropriation item-related auditing expenses. The
remainder of the appropriation shall be used for auditing expenses
designated in division (A)(1) of section 117.13 of the Revised
Code for those state agencies audited on a biennial basis.

Section 13.02. OHIO BUILDING AUTHORITY

The foregoing appropriation item 100-447, OBA - Building Rent
Payments, shall be used to meet all payments at the times they are
required to be made during the period from July 1, 2001, to June
30, 2003, by the Department of Administrative Services to the Ohio
Building Authority pursuant to leases and agreements under Chapter
152. of the Revised Code, but limited to the aggregate amount of
\$219,999,200. The foregoing appropriation item 100-448, OBA -
Building Operating Payments, shall be used to meet all payments at
the times that they are required to be made during the period from
July 1, 2001, to June 30, 2003, by the Department of
Administrative Services to the Ohio Building Authority pursuant to
leases and agreements under Chapter 152. of the Revised Code, but
limited to the aggregate amount of \$52,196,000. These
appropriations are the source of funds pledged for bond service
charges on obligations issued pursuant to Chapter 152. of the
Revised Code.

The payments to the Ohio Building Authority are for the
purpose of paying the expenses of agencies that occupy space in

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the various state facilities. The Department of Administrative Services may enter into leases and agreements with the Ohio Building Authority providing for the payment of these expenses. The Ohio Building Authority shall report to the Department of Administrative Services and the Office of Budget and Management not later than five months after the start of a fiscal year the actual expenses incurred by the Ohio Building Authority in operating the facilities and any balances remaining from payments and rentals received in the prior fiscal year. The Department of Administrative Services shall reduce subsequent payments by the amount of the balance reported to it by the Ohio Building Authority.

Section 13.03. DAS - BUILDING OPERATING PAYMENTS 37069

The foregoing appropriation item 100-449, DAS - Building Operating Payments, shall be used to pay the rent expenses of veterans organizations pursuant to section 123.024 of the Revised Code in fiscal years 2002 and 2003.

The foregoing appropriation item, 100-449, DAS - Building Operating Payments, may be used to provide funding for the cost of property appraisals that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be purchased by the state.

Of the foregoing appropriation item 100-449, DAS - Building Operating Payment, \$100,000 shall be used in fiscal year 2002 to fund the renovation of new office space for the State Library and the Ohioana Library Association.

Notwithstanding section 125.28 of the Revised Code, the remaining portion of the appropriation may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to

building tenants. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated due to building renovations. These payments shall be processed by the Department of Administrative Services through intrastate transfer vouchers and placed in the Facilities Management Fund (Fund 132).

Section 13.04. MINORITY AFFAIRS 37094

The foregoing appropriation item 100-451, Minority Affairs, shall be used to establish minority affairs programs within the Equal Opportunity Division. The office shall provide an access point and official representation to multi-cultural communities; research and reports on multi-cultural issues; and educational, governmental, and other services that foster multi-cultural opportunities and understanding in the state of Ohio.

Section 13.05. CENTRAL SERVICE AGENCY FUND 37102

In order to complete the migration of the licensing applications of the professional licensing boards to a local area network, the Director of Budget and Management may, at the request of the Director of Administrative Services, cancel related encumbrances in the Central Service Agency Fund (Fund 115) and reestablish these encumbrances in fiscal year 2002 for the same purpose and to the same vendor. The Director of Budget and Management shall reduce the appropriation balance in fiscal year 2001 by the amount of encumbrances canceled in Fund 115. As determined by the Director of Budget and Management, the amount necessary to reestablish such encumbrances or parts of encumbrances in fiscal year 2002 in the Central Service Agency Fund (Fund 115) is appropriated.

The Director of Budget and Management may transfer up to \$399,000 in fiscal year 2002 and up to \$354,000 in fiscal year

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2003 from the Occupational Licensing and Regulatory Fund (Fund 4K9) to the Central Service Agency Fund (Fund 115). The Director of Budget and Management may transfer up to \$34,000 in fiscal year 2002 and up to \$30,000 in fiscal year 2003 from the State Medical Board Operating Fund (Fund 5C6) to the Central Service Agency Fund (Fund 115). The appropriation item 100-632, Central Service Agency, shall be used to purchase the necessary equipment, products, and services to install and maintain a local area network for the professional licensing boards, and to support their licensing applications. The amount of the cash transfer is appropriated to appropriation item 100-632, Central Service Agency.

Section 13.06. TUITION REIMBURSEMENT

Of the foregoing appropriation item 100-622, Human Resources Division - Operating, \$350,000 in fiscal year 2002 and \$400,000 in fiscal year 2003 shall be set aside for the District 1199 Health Care Employees Tuition Reimbursement Program, per existing collective bargaining agreements. Of the foregoing appropriation item 100-622, Human Resources Division - Operating, \$75,000 in fiscal year 2002 and \$75,000 in fiscal year 2003 shall be set aside for the Ohio Education Association Tuition Reimbursement Program, per existing collective bargaining agreements. The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the District 1199 Health Care Employees Tuition Reimbursement Program and the Ohio Education Association Tuition Reimbursement Program. Receipts for these charges shall be deposited into the Human Resources Services Fund (Fund 125).

Section 13.07. COLLECTIVE BARGAINING ARBITRATION EXPENSES

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With approval of the Director of Budget and Management, the Department of Administrative Services may seek reimbursement from state agencies for the actual costs and expenses the department incurs in the collective bargaining arbitration process. The reimbursements shall be processed through intrastate transfer vouchers and placed in the Collective Bargaining Fund (Fund 128).

Section 13.08. EQUAL OPPORTUNITY PROGRAM 37154

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the activities supported by the Equal Opportunity Programs Fund (Fund 188). These charges shall be deposited to the credit of the Equal Opportunity Programs Fund (Fund 188) upon payment made by state agencies, state-supported or state-assisted institutions of higher education, and tax-supported agencies, municipal corporations, and other political subdivisions of the state, for services rendered.

Section 13.09. MERCHANDISE FOR RESALE 37164

The foregoing appropriation item 100-653, General Services Resale Merchandise, shall be used to account for merchandise for resale, which is administered by the General Services Division. Deposits to the fund may comprise the cost of merchandise for resale and shipping fees.

Section 13.10. GOVERNOR'S RESIDENCE GIFT 37170

The foregoing appropriation item 100-604, Governor's Residence Gift, shall be used to provide part or all of the funding related to construction, goods, or services for the Governor's residence. All receipts for this purpose shall be deposited into Fund 4H2.

Section 13.11. DEPARTMENTAL MIS 37176

The foregoing appropriation item 100-603, Departmental MIS 37177
Services, may be used to pay operating expenses of management 37178
information systems activities in the Department of Administrative 37179
Services. The Department of Administrative Services shall 37180
establish charges for recovering the costs of management 37181
information systems activities. These charges shall be deposited 37182
to the credit of the Departmental MIS Fund (Fund 4P3). 37183

Notwithstanding any other language to the contrary, the 37184
Director of Budget and Management may transfer up to \$3,000,000 of 37185
fiscal year 2002 appropriations and up to \$3,000,000 of fiscal 37186
year 2003 appropriations from appropriation item 100-603, 37187
Departmental MIS Services, to any Department of Administrative 37188
Services non-General Revenue Fund appropriation item. The 37189
appropriations transferred shall be used to make payments for 37190
management information systems services. Notwithstanding any other 37191
language to the contrary, the Director of Budget and Management 37192
may transfer up to \$217,313 of fiscal year 2002 appropriations and 37193
up to \$193,031 of fiscal year 2003 appropriations from 37194
appropriation item 100-409, Departmental Information Services, to 37195
any Department of Administrative Services appropriation item in 37196
the General Revenue Fund. The appropriations transferred shall be 37197
used to make payments for management information systems services. 37198
37199

Section 13.12. INVESTMENT RECOVERY FUND 37200

Notwithstanding division (B) of section 125.14 of the Revised 37201
Code, cash balances in the Investment Recovery Fund may be used to 37202
support the operating expenses of the Federal Surplus Operating 37203
Program created in sections 125.84 to 125.90 of the Revised Code. 37204

Notwithstanding division (B) of section 125.14 of the Revised 37205

Code, cash balances in the Investment Recovery Fund may be used to 37206
support the operating expenses of the State Property Inventory and 37207
Fixed Assets Management System Program. 37208

Of the foregoing appropriation item 100-602, Investment 37209
Recovery, up to \$2,045,302 in fiscal year 2002 and up to 37210
\$1,959,192 in fiscal year 2003 shall be used to pay the operating 37211
expenses of the State Surplus Property Program, the Surplus 37212
Federal Property Program, and the State Property Inventory and 37213
Fixed Assets Management System Program pursuant to Chapter 125. of 37214
the Revised Code and this section. If additional appropriations 37215
are necessary for the operations of these programs, the Director 37216
of Administrative Services shall seek increased appropriations 37217
from the Controlling Board under section 131.35 of the Revised 37218
Code. 37219

Of the foregoing appropriation item 100-602, Investment 37220
Recovery, \$2,045,302 in fiscal year 2002 and \$1,959,192 in fiscal 37221
year 2003 shall be used to transfer proceeds from the sale of 37222
surplus property from the Investment Recovery Fund to non-General 37223
Revenue Funds pursuant to division (A)(2) of section 125.14 of the 37224
Revised Code. If it is determined by the Director of 37225
Administrative Services that additional appropriations are 37226
necessary for the transfer of such sale proceeds, the Director of 37227
Administrative Services may request the Director of Budget and 37228
Management to increase the amounts. Such amounts are appropriated. 37229
37230

Notwithstanding division (B) of section 125.14 of the Revised 37231
Code, the Director of Budget and Management, at the request of the 37232
Director of Administrative Services, shall transfer up to 37233
\$2,500,000 of the amounts held for transfer to the General Revenue 37234
Fund from the Investment Recovery Fund (Fund 427) to the General 37235
Services Fund (Fund 117) during the biennium beginning July 1, 37236
2001, and ending June 30, 2003. The cash transferred to the 37237

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General Services Fund shall be used to pay the operating expenses 37238
of the Competitive Sealed Proposal Program. 37239

Section 13.13. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM 37240

Effective with the implementation of the Multi-Agency Radio 37241
Communications System, the Director of Administrative Services 37242
shall collect user fees from participants in the system. The 37243
Director of Administrative Services, with the advice of the 37244
Multi-Agency Radio Communications System Steering Committee and 37245
the Director of Budget and Management, shall determine the amount 37246
of the fees and the manner by which the fees shall be collected. 37247
Such user charges shall comply with the applicable cost principles 37248
issued by the federal Office of Management and Budget. All moneys 37249
from user charges and fees shall be deposited in the state 37250
treasury to the credit of the Multi-Agency Radio Communications 37251
System Administration Fund (Fund 5C2). 37252

Section 13.14. WORKFORCE DEVELOPMENT FUND 37253

There is hereby established in the state treasury the 37254
Workforce Development Fund (Fund 5D7). The foregoing appropriation 37255
item 100-621, Workforce Development, shall be used to make 37256
payments from the fund. The fund shall be under the supervision of 37257
the Department of Administrative Services, which may adopt rules 37258
with regard to administration of the fund. The fund shall be used 37259
to pay the costs of the Workforce Development Program established 37260
by Article 37 of the contract between the State of Ohio and 37261
OCSEA/AFSCME, Local 11, effective March 1, 2000. The program shall 37262
be administered in accordance with the contract. Revenues shall 37263
accrue to the fund as specified in the contract. The fund may be 37264
used to pay direct and indirect costs of the program that are 37265
attributable to staff, consultants, and service providers. All 37266
income derived from the investment of the fund shall accrue to the 37267

fund. 37268

If it is determined by the Director of Administrative 37269
Services that additional appropriation amounts are necessary, the 37270
Director of Administrative Services may request that the Director 37271
of Budget and Management increase such amounts. Such amounts are 37272
appropriated. 37273

Section 13.15. PROFESSIONAL DEVELOPMENT FUND 37274

The foregoing appropriation item 100-610, Professional 37275
Development, shall be used to make payments from the Professional 37276
Development Fund (Fund 5L7) pursuant to section 124.182 of the 37277
Revised Code. 37278

Section 13.16. COMPUTER EQUIPMENT PURCHASES 37279

The Director of Administrative Services shall compute the 37280
amount of revenue attributable to the amortization of all 37281
equipment purchases from appropriation item 100-607, Information 37282
Technology Fund; appropriation item 100-617, Major Computer 37283
Purchases; and appropriation item CAP-837, Major Equipment 37284
Purchases, which is recovered by the Department of Administrative 37285
Services as part of the rates charged by the Information 37286
Technology Fund (Fund 133) created in section 125.15 of the 37287
Revised Code. The Director of Budget and Management may transfer 37288
cash in an amount not to exceed the amount of amortization 37289
computed from the Information Technology Fund (Fund 133) to Major 37290
Computer Purchases (Fund 4N6). 37291

Section 13.17. INFORMATION TECHNOLOGY ASSESSMENT 37292

The Director of Administrative Services, with the approval of 37293
the Director of Budget and Management, may establish an 37294
information technology assessment for the purpose of recovering 37295
the cost of selected infrastructure development and statewide 37296

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programs. Such assessment shall comply with applicable cost 37297
 principles issued by the federal Office of Management and Budget. 37298
 During the fiscal year 2001-2003 biennium, the information 37299
 technology assessment may be used to partially fund the cost of 37300
 electronic-government infrastructure. The information technology 37301
 assessment shall be charged to all organized bodies, offices, or 37302
 agencies established by the laws of the state for the exercise of 37303
 any function of state government except for the General Assembly, 37304
 any legislative agency, the Supreme Court, the other courts of 37305
 record in Ohio, or any judicial agency, the Adjutant General, the 37306
 Bureau of Workers' Compensation, and institutions administered by 37307
 a board of trustees. Any state-entity exempted by this section my 37308
 utilize the infrastructure or statewide program by participating 37309
 in the information technology assessment. All charges for the 37310
 information technology assessment shall be deposited to the credit 37311
 of the Information Technology Fund (Fund 133) created in section 37312
 125.15 of the Revised Code. 37313

Section 13.18. E-GOVERNMENT DEVELOPMENT FUND 37314

The Director of Budget and Management shall transfer any cash 37315
 balances remaining in the E-Government Development Fund (Fund 5M6) 37316
 after November 30, 2001, from the E-Government Development Fund to 37317
 the Information Technology Fund (Fund 133) created in section 37318
 125.15 of the Revised Code. 37319

Section 13.19. UNEMPLOYMENT COMPENSATION FUND 37320

The foregoing appropriation item 100-628, Unemployment 37321
 Compensation, shall be used to make payments from the Unemployment 37322
 Compensation Fund (Fund 113), pursuant to section 4141.241 of the 37323
 Revised Code. If it is determined that additional amounts are 37324
 necessary, such amounts are appropriated. 37325

Section 13.20. PAYROLL WITHHOLDING FUND 37326

The foregoing appropriation item 100-629, Payroll Deductions, 37327
shall be used to make payments from the Payroll Withholding Fund 37328
(Fund 124). If it is determined by the Director of Budget and 37329
Management that additional appropriation amounts are necessary, 37330
such amounts are appropriated. 37331

Section 13.21. GENERAL SERVICES REFUNDS 37332

The foregoing appropriation item 100-646, General Services 37333
Refunds, shall be used to hold bid guarantee and building plans 37334
and specifications deposits until they are refunded. The Director 37335
of Administrative Services may request that the Director of Budget 37336
and Management transfer cash received for the costs of providing 37337
the building plans and specifications to contractors from the 37338
General Services Refund Fund to Fund 131, State Architect's 37339
Office. Prior to the transfer of cash, the Director of 37340
Administrative Services shall certify that such amounts are in 37341
excess of amounts required for refunding deposits and are directly 37342
related to costs of producing building plans and specifications. 37343
If it is determined that additional appropriations are necessary, 37344
such amounts are appropriated. 37345

Section 13.22. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 37346
SERVICE PAYMENTS 37347

The Director of Administrative Services, in consultation with 37348
the Multi-Agency Radio Communication System (MARCS) Steering 37349
Committee and the Director of Budget and Management, shall 37350
determine the share of debt service payments attributable to 37351
spending for MARCS components that are not specific to any one 37352
agency and that shall be charged to agencies supported by the 37353
motor fuel tax. Such share of debt service payments shall be 37354

As Reported by the House Finance and Appropriations Committee

calculated for MARCS capital disbursements made beginning July 1, 1997. Within thirty days of any payment made from appropriation item 100-447, OBA - Building Rent Payments, the Director of Administrative Services shall certify to the Director of Budget and Management the amount of this share. The Director of Budget and Management shall transfer such amounts to the General Revenue Fund from the Highway Operating Fund (Fund 002) established in section 5735.281 of the Revised Code.

Section 13.23. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 37363

Whenever the Director of Administrative Services declares a "Public Exigency," as provided in division (C) of section 123.15 of the Revised Code, the Director shall also notify the members of the Controlling Board.

Section 13.24. GENERAL SERVICE CHARGES 37368

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the programs in the General Services Fund (Fund 117) and the State Printing Fund (Fund 210).

Section 14. AAM COMMISSION ON AFRICAN AMERICAN MALES 37374

General Revenue Fund				37375
GRF 036-100 Personal Services	\$	254,538	\$ 267,265	37376
GRF 036-200 Maintenance	\$	47,500	\$ 47,175	37377
GRF 036-300 Equipment	\$	19,000	\$ 18,870	37378
GRF 036-501 CAAM Awards and Scholarships	\$	15,200	\$ 15,096	37379
GRF 036-502 Community Projects	\$	38,000	\$ 27,750	37380
TOTAL GRF General Revenue Fund	\$	374,238	\$ 376,156	37381
State Special Revenue Fund Group				37382

As Reported by the House Finance and Appropriations Committee

4H3 036-601	Commission on African American Males - Gifts/Grants	\$	10,000	\$	10,000	37383
TOTAL SSR	State Special Revenue Fund Group	\$	10,000	\$	10,000	37384
TOTAL ALL BUDGET FUND GROUPS		\$	384,238	\$	386,156	37385
COMMISSION ON AFRICAN AMERICAN MALES PROGRESS REVIEW						37386
No later than December 31, 2001, the Commission on African						37387
American Males shall submit to the chairperson and ranking						37388
minority member of the Human Services Subcommittee of the Finance						37389
and Appropriations Committee of the House of Representatives a						37390
report that demonstrates the progress that has been made toward						37391
meeting the Commission's mission statement.						37392
Section 15. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW						37393
General Revenue Fund						37394
GRF 029-321	Operating Expenses	\$	365,881	\$	365,881	37395
TOTAL GRF	General Revenue Fund	\$	365,881	\$	365,881	37396
TOTAL ALL BUDGET FUND GROUPS		\$	365,881	\$	365,881	37397
OPERATING						37398
The Chief Administrative Officer of the House of						37399
Representatives and the Clerk of the Senate shall determine, by						37400
mutual agreement, which of them shall act as fiscal agent for the						37401
Joint Committee on Agency Rule Review.						37402
Section 16. AGE DEPARTMENT OF AGING						37403
General Revenue Fund						37404
GRF 490-321	Operating Expenses	\$	2,798,946	\$	2,798,946	37405
GRF 490-403	PASSPORT	\$	60,630,444	\$	62,563,924	37406
GRF 490-404	Eldercare	\$	98,000	\$	78,400	37407
GRF 490-405	Golden Buckeye Card	\$	377,560	\$	377,560	37408
GRF 490-406	Senior Olympics	\$	39,862	\$	39,862	37409

As Reported by the House Finance and Appropriations Committee

GRF 490-407	Long-Term Care Consumer Guide	\$	622,799	\$	622,799	37410
GRF 490-408	STARS	\$	2,073,752	\$	2,083,552	37411
GRF 490-409	Ohio Community Service Council Operations	\$	311,640	\$	311,640	37412
GRF 490-410	Long-Term Care Ombudsman	\$	1,412,058	\$	1,412,058	37413
GRF 490-411	Senior Community Services	\$	13,684,750	\$	13,684,750	37414
GRF 490-412	Residential State Supplement	\$	12,534,591	\$	12,290,915	37415
GRF 490-414	Alzheimers Respite	\$	4,436,673	\$	4,436,673	37416
GRF 490-416	Transportation For Elderly	\$	183,000	\$	183,000	37417
GRF 490-499	Senior Employment Program	\$	15,574	\$	15,574	37418
GRF 490-504	Senior Facilities	\$	200,000	\$	200,000	37419
GRF 490-506	Senior Volunteers	\$	491,614	\$	496,580	37420
TOTAL GRF	General Revenue Fund	\$	99,911,263	\$	101,596,233	37421
	General Services Fund Group					37422
480 490-606	Senior Citizens Services Special Events	\$	363,587	\$	372,677	37423
TOTAL GSF	General Services Fund Group	\$	363,587	\$	372,677	37424 37425
	Federal Special Revenue Fund Group					37426
3C4 490-607	PASSPORT	\$	129,645,833	\$	144,875,065	37427
3M3 490-611	Federal Aging Nutrition	\$	22,943,588	\$	23,517,178	37428
3M4 490-612	Federal Supportive Services	\$	21,025,940	\$	21,545,338	37429
3R7 490-617	Ohio Community Service	\$	7,350,920	\$	7,350,920	37430

As Reported by the House Finance and Appropriations Committee

Council Programs					
322	490-618	Older Americans	\$ 10,873,661	\$ 11,144,778	37431
Support Services					
TOTAL FED Federal Special Revenue					37432
Fund Group			\$ 191,839,942	\$ 208,433,279	37433
State Special Revenue Fund Group					37434
4C4	490-609	Regional Long-Term	\$ 440,185	\$ 451,190	37435
Care Ombudsman Program					
4J4	490-610	PASSPORT/Residential	\$ 24,000,000	\$ 24,000,000	37436
State Supplement					
4U9	490-602	PASSPORT Fund	\$ 5,000,000	\$ 5,000,000	37437
5K9	490-613	Nursing Home Consumer	\$ 400,000	\$ 400,000	37438
Guide					
624	490-604	OCSC Community Support	\$ 2,500	\$ 2,500	37439
TOTAL SSR State Special Revenue					37440
Fund Group			\$ 29,842,685	\$ 29,853,690	37441
TOTAL ALL BUDGET FUND GROUPS			\$ 321,957,477	\$ 340,255,879	37442

Section 16.01. PRE-ADMISSION REVIEW FOR NURSING FACILITY 37444

ADMISSION 37445

Pursuant to sections 5101.751 and 5101.754 of the Revised 37446
Code and an interagency agreement, the Department of Job and 37447
Family Services shall designate the Department of Aging to perform 37448
assessments under sections 5101.75 and 5111.204 of the Revised 37449
Code. Of the foregoing appropriation item 490-403, PASSPORT, the 37450
Department of Aging may use not more than \$2,390,300 in fiscal 37451
year 2002 and \$2,450,058 in fiscal year 2003 to perform the 37452
assessments for persons not eligible for Medicaid in accordance 37453
with the department's interagency agreement with the Department of 37454
Job and Family Services and to assist individuals in planning for 37455
their long-term health care needs. 37456

Section 16.02. PASSPORT 37457

As Reported by the House Finance and Appropriations Committee

Appropriation item 490-403, PASSPORT, and the amounts set 37458
 aside for the PASSPORT Waiver Program in appropriation item 37459
 490-610, PASSPORT/Residential State Supplement, may be used to 37460
 assess clients regardless of Medicaid eligibility. 37461

The Director of Aging shall adopt rules under section 111.15 37462
 of the Revised Code governing the nonwaiver funded PASSPORT 37463
 program, including client eligibility. 37464

The Department of Aging shall administer the Medicaid Waiver 37465
 funded PASSPORT Home Care program as delegated by the Department 37466
 of Job and Family Services in an interagency agreement. The 37467
 foregoing appropriation item 490-403, PASSPORT, and the amounts 37468
 set aside for the PASSPORT Waiver Program in appropriation item 37469
 490-610, PASSPORT/Residential State Supplement, shall be used to 37470
 provide the required state match for federal Medicaid funds 37471
 supporting the Medicaid Waiver funded PASSPORT Home Care program. 37472
 Appropriation item 490-403, PASSPORT, and the amounts set aside 37473
 for the PASSPORT Waiver Program in appropriation item 490-610, 37474
 PASSPORT/Residential State Supplement, may also be used to support 37475
 the Department of Aging's administrative costs associated with 37476
 operating the PASSPORT program. 37477

The foregoing appropriation item 490-607, PASSPORT, shall be 37478
 used to provide the federal matching share for all PASSPORT 37479
 program costs determined by the Department of Job and Family 37480
 Services to be eligible for Medicaid reimbursement. 37481

ELDERCARE PILOT 37482

The foregoing appropriation item 490-404, Eldercare, shall be 37483
 used to fund the existing eldercare service programs and shall be 37484
 limited to providing services to those persons who are enrolled in 37485
 these programs on the effective date of this section. 37486

SENIOR COMMUNITY SERVICES 37487

The foregoing appropriation item 490-411, Senior Community 37488

As Reported by the House Finance and Appropriations Committee

Services, shall be used for services designated by the Department	37489
of Aging, including, but not limited to, home-delivered meals,	37490
transportation services, personal care services, respite services,	37491
home repair, and care coordination. Service priority shall be	37492
given to low income, frail, and cognitively impaired persons 60	37493
years of age and over. The department shall promote cost sharing	37494
by service recipients for those services funded with block grant	37495
funds, including, where possible, sliding-fee scale payment	37496
systems based on the income of service recipients.	37497
 ALZHEIMERS RESPITE	 37498
 The foregoing appropriation item 490-414, Alzheimers Respite,	 37499
shall be used only to fund Alzheimer's disease services under	37500
section 173.04 of the Revised Code.	37501
 TRANSPORTATION FOR ELDERLY	 37502
 The foregoing appropriation item 490-416, Transportation for	 37503
Elderly, shall be used for non-capital expenses related to	37504
transportation services for the elderly that provide access to	37505
such things as healthcare services, congregate meals,	37506
socialization programs, and grocery shopping. The appropriation	37507
shall be allocated to the following agencies:	37508
 (A) \$45,000 per fiscal year to the Cincinnati Jewish	 37509
Vocational Services;	37510
 (B) \$45,000 per fiscal year to the Cleveland Jewish Community	 37511
Center;	37512
 (C) \$45,000 per fiscal year to the Columbus Jewish	 37513
Federation;	37514
 (D) \$20,000 per fiscal year to the Dayton Jewish Family	 37515
Services;	37516
 (E) \$10,000 per fiscal year to the Akron Jewish Community	 37517
Center;	37518

(F) \$5,000 per fiscal year to the Youngstown Jewish Federation;	37519 37520
(G) \$3,000 per fiscal year to the Canton Jewish Federation;	37521
(H) \$10,000 per fiscal year to the Toledo Jewish Federation.	37522
Agencies receiving funding from appropriation item 490-XXX,	37523
Transportation for Elderly, shall coordinate services with other	37524
local service agencies.	37525
RESIDENTIAL STATE SUPPLEMENT	37526
Under the Residential State Supplement Program, the amount	37527
used to determine whether a resident is eligible for payment and	37528
for determining the amount per month the eligible resident will	37529
receive shall be as follows:	37530
(A) \$900 for a residential care facility, as defined in	37531
section 3721.01 of the Revised Code;	37532
(B) \$900 for an adult group home, as defined in Chapter 3722.	37533
of the Revised Code;	37534
(C) \$800 for an adult foster home, as defined in Chapter 173.	37535
of the Revised Code;	37536
(D) \$800 for an adult family home, as defined in Chapter	37537
3722. of the Revised Code;	37538
(E) \$800 for an adult community alternative home, as defined	37539
in Chapter 3724. of the Revised Code;	37540
(F) \$800 for an adult residential facility, as defined in	37541
Chapter 5119. of the Revised Code;	37542
(G) \$600 for adult community mental health housing services,	37543
as defined in division (B)(5) of section 173.35 of the Revised	37544
Code.	37545
The Departments of Aging and Job and Family Services shall	37546
reflect this amount in any applicable rules the departments adopt	37547

under section 173.35 of the Revised Code.	37548
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	37549
The Department of Aging may transfer cash by intrastate	37550
transfer vouchers from the foregoing appropriation items 490-412,	37551
Residential State Supplement, and 490-610, PASSPORT/Residential	37552
State Supplement, to the Department of Job and Family Services'	37553
Fund 4J5, Home and Community-Based Services for the Aged Fund. The	37554
funds shall be used to make benefit payments to Residential State	37555
Supplement recipients.	37556
LONG-TERM CARE OMBUDSMAN	37557
The foregoing appropriation item 490-410, Long-Term Care	37558
Ombudsman, shall be used for a program to fund ombudsman program	37559
activities in nursing homes, adult care facilities, boarding	37560
homes, and home and community care services.	37561
REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAMS	37562
The foregoing appropriation item 490-609, Regional Long-Term	37563
Care Ombudsman Programs, shall be used solely to pay the costs of	37564
operating the regional long-term care ombudsman programs.	37565
PASSPORT/RESIDENTIAL STATE SUPPLEMENT	37566
Of the foregoing appropriation item 490-610,	37567
PASSPORT/Residential State Supplement, up to \$2,835,000 each	37568
fiscal year shall be used to fund the Residential State Supplement	37569
Program. The remaining available funds shall be used to fund the	37570
PASSPORT program.	37571
Section 16.03. RESIDENTIAL STATE SUPPLEMENT	37572
If the Department of Aging, in consultation with the Director	37573
of Budget and Management, determines that available funding is	37574
insufficient to make payments to all eligible individuals, the	37575
department may establish priority policies to further limit	37576

As Reported by the House Finance and Appropriations Committee

eligibility criteria.				37577
TRANSFER OF APPROPRIATIONS - FEDERAL AGING NUTRITION, FEDERAL SUPPORTIVE SERVICES, AND OLDER AMERICANS SUPPORT SERVICES				37578 37579
Upon written request of the Director of Aging, the Director of Budget and Management may transfer appropriation authority among appropriation items 490-611, Federal Aging Nutrition, 490-612, Federal Supportive Services, and 490-618, Older Americans Support Services, in amounts not to exceed 30 per cent of the appropriation from which the transfer is made. The Department of Aging shall report such transfers to the Controlling Board at the next regularly scheduled meeting of the board.				37580 37581 37582 37583 37584 37585 37586 37587
OHIO COMMUNITY SERVICE COUNCIL				37588
The foregoing appropriation items 490-409, Ohio Community Service Council, and 490-617, Ohio Community Service Council Programs, shall be used in accordance with section 121.40 of the Revised Code.				37589 37590 37591 37592
Section 17. AGR DEPARTMENT OF AGRICULTURE				37593
General Revenue Fund				37594
GRF 700-321 Operating Expenses	\$	3,060,884	\$	3,034,073 37595
GRF 700-401 Animal Disease Control	\$	4,340,887	\$	4,385,108 37596
GRF 700-402 Amusement Ride Safety	\$	226,451	\$	230,769 37597
GRF 700-403 Dairy Division	\$	1,569,097	\$	1,707,877 37598
GRF 700-404 Ohio Proud	\$	222,856	\$	228,266 37599
GRF 700-405 Animal Damage Control	\$	86,780	\$	84,358 37600
GRF 700-406 Consumer Analytical	\$	889,058	\$	900,001 37601
Lab				
GRF 700-407 Food Safety	\$	1,422,998	\$	1,377,956 37602
GRF 700-409 Farmland Preservation	\$	176,892	\$	182,668 37603
GRF 700-410 Plant Industry	\$	1,517,969	\$	1,561,620 37604
GRF 700-411 International Trade	\$	989,620	\$	998,062 37605

As Reported by the House Finance and Appropriations Committee

		and Market Development				
GRF 700-412	Weights and Measures	\$	991,136	\$	996,634	37606
GRF 700-413	Gypsy Moth Prevention	\$	633,214	\$	634,279	37607
GRF 700-414	Concentrated Animal	\$	23,275	\$	22,663	37608
		Feeding Facilities				
		Advisory Committee				
GRF 700-415	Poultry Inspection	\$	322,256	\$	320,960	37609
GRF 700-418	Livestock Regulation	\$	1,157,487	\$	1,163,898	37610
		Program				
GRF 700-424	Livestock Testing and	\$	229,996	\$	228,438	37611
		Inspections				
GRF 700-499	Meat Inspection	\$	4,604,566	\$	4,927,168	37612
		Program - State Share				
GRF 700-501	County Agricultural	\$	466,842	\$	466,842	37613
		Societies				
GRF 700-503	Swine and Cattle	\$	113,160	\$	107,076	37614
		Breeder Awards				
TOTAL GRF	General Revenue Fund	\$	23,045,424	\$	23,558,716	37615
		Federal Special Revenue Fund Group				37616
3J4 700-607	Indirect Cost	\$	1,380,026	\$	1,314,020	37617
3R2 700-614	Federal Plant Industry	\$	1,607,887	\$	1,682,330	37618
326 700-618	Meat Inspection	\$	4,401,707	\$	4,959,973	37619
		Service - Federal				
		Share				
336 700-617	Ohio Farm Loan	\$	181,774	\$	181,774	37620
		Revolving Fund				
382 700-601	Cooperative Contracts	\$	1,027,692	\$	1,091,347	37621
TOTAL FED	Federal Special Revenue					37622
Fund Group		\$	8,599,086	\$	9,229,444	37623
		State Special Revenue Fund Group				37624
4C9 700-605	Feed, Fertilizer, and	\$	909,033	\$	975,244	37625
		Lime Inspection				

As Reported by the House Finance and Appropriations Committee

4E4	700-606	Utility Radiological Safety	\$	69,016	\$	73,059	37626
4P7	700-610	Food Safety Inspection	\$	559,611	\$	575,797	37627
4R0	700-636	Ohio Proud Marketing	\$	125,297	\$	133,614	37628
4R2	700-637	Dairy Inspection Fund	\$	1,183,358	\$	1,174,591	37629
4T6	700-611	Poultry and Meat Inspection	\$	47,294	\$	47,294	37630
4T7	700-613	International Trade and Market Development Rotary	\$	161,991	\$	166,356	37631
4V5	700-615	Animal Industry Lab Fees	\$	626,633	\$	633,097	37632
493	700-603	Fruits and Vegetables Inspection Fees	\$	212,764	\$	171,772	37633
494	700-612	Agricultural Commodity Marketing Program	\$	166,536	\$	169,867	37634
496	700-626	Ohio Grape Industries	\$	1,048,667	\$	1,071,099	37635
497	700-627	Commodity Handlers Regulatory Program	\$	566,862	\$	648,616	37636
5H2	700-608	Metrology Lab	\$	74,674	\$	138,624	37637
5L8	700-604	Livestock Management Program	\$	250,000	\$	250,000	37638
578	700-620	Ride Inspection Fees	\$	634,099	\$	650,774	37639
579	700-630	Scale Certification	\$	230,047	\$	230,047	37640
652	700-634	Laboratory Services	\$	1,179,560	\$	1,144,766	37641
669	700-635	Pesticide Program	\$	2,108,049	\$	2,181,491	37642
TOTAL SSR State Special Revenue							37643
Fund Group			\$	10,153,491	\$	10,436,108	37644
TOTAL ALL BUDGET FUND GROUPS			\$	41,798,001	\$	43,224,268	37645

THE DAIRY INDUSTRY FUND

37646

On July 1, 2001, or as soon thereafter as possible, the
Director of Budget and Management shall transfer the cash balance

37647

37648

As Reported by the House Finance and Appropriations Committee

in the License Fees (Fund 4V0) to the Dairy Inspection Fund (Fund 4R2). The director shall cancel any existing encumbrances against appropriation item 700-602, License Fees (Fund 4V0), and reestablish them against appropriation item 700-637, Dairy Inspection (Fund 4R2). The amounts of the reestablished encumbrances are appropriated.

Section 18. AIR AIR QUALITY DEVELOPMENT AUTHORITY				37655
Agency Fund Group				37656
4Z9	898-602	Small Business	\$ 222,719 \$ 233,482	37657
Ombudsman				
5A0	898-603	Small Business	\$ 192,647 \$ 197,463	37658
Assistance				
570	898-601	Operating Expenses	\$ 243,070 \$ 258,383	37659
TOTAL AGY Agency Fund Group				37660
TOTAL ALL BUDGET FUND GROUPS				37661

Section 19. ADA DEPARTMENT OF ALCOHOL AND				37663
DRUG ADDICTION SERVICES				37664
General Revenue Fund				37665
GRF	038-321	Operating Expenses	\$ 1,500,549 \$ 1,548,211	37666
GRF	038-401	Alcohol and Drug	\$ 29,742,355 \$ 28,946,504	37667
Addiction Services				
GRF	038-404	Prevention Services	\$ 1,327,357 \$ 1,292,427	37668
TOTAL GRF General Revenue Fund				37669
General Services Fund				37670
5B7	038-629	TANF Transfer -	\$ 3,500,000 \$ 3,500,000	37671
Treatment				
5EB	038-630	TANF Transfer -	\$ 1,500,000 \$ 1,500,000	37672
Mentoring				
TOTAL GSF General Services Fund				37673
Group				

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Federal Special Revenue Fund Group				37674
3G3 038-603 Drug Free Schools	\$	3,500,000	\$ 3,500,000	37675
3G4 038-614 Substance Abuse Block	\$	65,062,211	\$ 65,062,211	37676
Grant				
3H8 038-609 Demonstration Grants	\$	3,093,075	\$ 3,093,075	37677
3J8 038-610 Medicaid	\$	21,500,000	\$ 21,500,000	37678
3N8 038-611 Administrative	\$	500,000	\$ 500,000	37679
Reimbursement				
TOTAL FED Federal Special Revenue				37680
Fund Group	\$	93,655,286	\$ 93,655,286	37681
State Special Revenue Fund Group				37682
475 038-621 Statewide Treatment	\$	15,100,000	\$ 14,550,000	37683
and Prevention				
689 038-604 Education and	\$	245,000	\$ 245,000	37684
Conferences				
TOTAL SSR State Special Revenue				37685
Fund Group	\$	15,345,000	\$ 14,795,000	37686
TOTAL ALL BUDGET FUND GROUPS	\$	146,570,547	\$ 145,237,428	37687
AM. SUB. H.B. 484 OF THE 122nd GENERAL ASSEMBLY				37688
Of the foregoing appropriation item 038-401, Alcohol and Drug				37689
Addiction Services, \$4 million in each fiscal year shall be				37690
allocated for services to families, adults, and adolescents				37691
pursuant to the requirements of Am. Sub. H.B. 484 of the 122nd				37692
General Assembly.				37693
ALCOHOL AND DRUG ADDICTION SERVICES TRANSFER				37694
The foregoing appropriation item 038-629, TANF				37695
Transfer-Treatment, shall be used to provide substance abuse				37696
prevention and treatment services to children, or their families,				37697
whose income is at or below 200 per cent of the official income				37698
poverty guideline.				37699
The foregoing appropriation item 038-630, TANF				37700

Transfer-Mentoring, shall be used to fund adolescent youth 37701
mentoring programs for children, or their families, whose income 37702
is at or below 200 per cent of the official income poverty 37703
guideline. The Director of Alcohol and Drug Addiction Services and 37704
the Director of Job and Family Services shall develop operating 37705
and reporting guidelines for these programs. 37706

PARENT AWARENESS TASK FORCE 37707

The Parent Awareness Task Force shall study ways to engage 37708
more parents in activities, coalitions, and educational programs 37709
in Ohio relating to alcohol and other drug abuse prevention. Of 37710
the foregoing appropriation item 038-404, Prevention Services, 37711
\$30,000 in each fiscal year may be used to support the functions 37712
of the Parent Awareness Task Force. 37713

PLAN TO EVALUATE PER CAPITA FORMULA 37714

Not later than June 30, 2002, the Department of Alcohol and 37715
Drug Addiction Services shall establish a plan to evaluate the 37716
current per capita formula used in determining how state and 37717
federal funds for alcohol and drug addiction services are 37718
allocated under section 3793.04 of the Revised Code. The plan 37719
shall evaluate all of the following: 37720

(A) Whether population statistics alone should be used to 37721
quantify the need for funding in a county; 37722

(B) Whether other social and economic demographic indicators 37723
should be utilized; 37724

(C) The appropriateness of the current per capita formula. 37725

Section 20. AMB AMBULANCE LICENSING BOARD 37726

General Services Fund Group 37727

4N1 915-601 Operating Expenses \$ 240,894 \$ 251,255 37728

TOTAL GSF General Services 37729

As Reported by the House Finance and Appropriations Committee

Fund Group	\$	240,894	\$	251,255	37730
TOTAL ALL BUDGET FUND GROUPS	\$	240,894	\$	251,255	37731

Section 21. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS 37733

General Services Fund Group					37734
4K9 891-609 Operating Expenses	\$	461,465	\$	484,574	37735
TOTAL GSF General Services Fund					37736
Group	\$	461,465	\$	484,574	37737
TOTAL ALL BUDGET FUND GROUPS	\$	461,465	\$	484,574	37738

Section 22. ART OHIO ARTS COUNCIL 37740

General Revenue Fund					37741
GRF 370-100 Personal Services	\$	2,104,509	\$	2,176,032	37742
GRF 370-200 Maintenance	\$	517,233	\$	513,694	37743
GRF 370-300 Equipment	\$	21,843	\$	21,693	37744
GRF 370-502 Program Subsidies	\$	12,799,273	\$	12,799,273	37745
TOTAL GRF General Revenue Fund	\$	15,442,858	\$	15,510,692	37746
General Services Fund Group					37747
4B7 370-603 Per Cent for Art	\$	84,672	\$	86,366	37748
Acquisitions					
460 370-602 Gifts and Donations	\$	334,969	\$	345,012	37749
TOTAL GSF General Services Fund	\$	419,641	\$	431,378	37750
Group					
Federal Special Revenue Fund Group					37751
314 370-601 Federal Programs	\$	862,000	\$	862,000	37752
TOTAL FED Federal Special Revenue	\$	862,000	\$	862,000	37753
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	16,724,499	\$	16,804,070	37754

PER CENT FOR ART ACQUISITIONS 37755

The unobligated balance remaining from prior projects of					37756
appropriation item 370-603, Per Cent for Art Acquisitions, shall					37757

As Reported by the House Finance and Appropriations Committee

be used by the Ohio Arts Council to pay for start-up costs in 37758
 connection with the selection of artists of new Per Cent for Art 37759
 projects. 37760

Section 23. AFC OHIO ARTS AND SPORTS FACILITIES 37761

COMMISSION 37762

General Revenue Fund 37763

GRF 371-321 Operating Expenses \$ 100,000 \$ 100,000 37764

GRF 371-401 Lease Rental Payments \$ 33,526,100 \$ 36,413,200 37765

TOTAL GRF General Revenue Fund \$ 33,626,100 \$ 36,513,200 37766

State Special Revenue Fund Group 37767

4T8 371-601 Riffe Theatre \$ 22,628 \$ 23,194 37768

Equipment Maintenance

4T8 371-603 Project Administration \$ 924,075 \$ 921,868 37769

TOTAL SSR State Special Revenue \$ 946,703 \$ 945,062 37770

Group

TOTAL ALL BUDGET FUND GROUPS \$ 34,572,803 \$ 37,458,262 37771

OHIO BUILDING AUTHORITY LEASE PAYMENTS 37772

Appropriations to the Arts and Sports Facilities Commission 37773

from the General Revenue Fund include \$69,939,300 for the biennium 37774

for appropriation item 371-401, Lease Rental Payments. This 37775

appropriation shall be used for payments to the Ohio Building 37776

Authority for the period July 1, 2001, to June 30, 2003, pursuant 37777

to the primary leases and agreements for those buildings made 37778

under Chapter 152. of the Revised Code which are the source of 37779

funds pledged for bond service charges on related obligations 37780

issued pursuant to Chapter 152. of the Revised Code. 37781

OPERATING EXPENSES 37782

The foregoing appropriation item 371-603, Project 37783

Administration, shall be used by the Ohio Arts and Sports 37784

Facilities Commission to carry out its responsibilities pursuant 37785

to this section and Chapter 3383. of the Revised Code. 37786

Within ten days after the effective date of this section, or 37787
as soon as possible thereafter, the Executive Director of the Ohio 37788
Arts and Sports Facilities Commission shall certify to the 37789
Director of Budget and Management the amount of cash to be 37790
transferred from the Arts Facilities Building Fund (Fund 030) and 37791
the Sports Facilities Building Fund (Fund 024) to the Arts and 37792
Sports Facilities Commission Administration Fund (Fund 4T8). 37793

Section 24. ATH ATHLETIC COMMISSION 37794

General Services Fund Group 37795

4K9 175-609 Athletic Commission - \$ 140,088 \$ 144,343 37796

Operating

TOTAL GSF General Services Fund \$ 140,088 \$ 144,343 37797

Group

TOTAL ALL BUDGET FUND GROUPS \$ 140,088 \$ 144,343 37798

Section 25. AGO ATTORNEY GENERAL 37800

General Revenue Fund 37801

GRF 055-321 Operating Expenses \$ 59,120,482 \$ 61,775,856 37802

GRF 055-405 Law-Related Education \$ 199,790 \$ 204,785 37803

GRF 055-406 Community Police Match \$ 3,013,464 \$ 3,111,336 37804

and Law Enforcement

Assistance

GRF 055-411 County Sheriffs \$ 620,506 \$ 636,019 37805

GRF 055-415 County Prosecutors \$ 520,084 \$ 533,086 37806

TOTAL GRF General Revenue Fund \$ 63,474,326 \$ 66,261,082 37807

General Services Fund Group 37808

106 055-612 General Reimbursement \$ 14,997,546 \$ 15,786,163 37809

107 055-624 Employment Services \$ 1,211,307 \$ 1,284,396 37810

195 055-660 Workers' Compensation \$ 7,343,128 \$ 7,769,628 37811

Section

As Reported by the House Finance and Appropriations Committee

4Y7	055-608	Title Defect Rescission	\$	840,260	\$	870,623	37812
4Z2	055-609	BCI Asset Forfeiture and Cost Reimbursement	\$	324,009	\$	332,109	37813
418	055-615	Charitable Foundations	\$	1,841,113	\$	1,899,066	37814
420	055-603	Attorney General Antitrust	\$	435,560	\$	446,449	37815
421	055-617	Police Officers' Training Academy Fee	\$	1,134,861	\$	1,193,213	37816
5A9	055-618	Telemarketing Fraud Enforcement	\$	51,100	\$	52,378	37817
590	055-633	Peace Officer Private Security Fund	\$	94,784	\$	98,370	37818
629	055-636	Corrupt Activity Investigation and Prosecution	\$	105,590	\$	108,230	37819
631	055-637	Consumer Protection Enforcement	\$	1,254,020	\$	1,373,832	37820
TOTAL GSF General Services Fund							37821
Group			\$	29,633,278	\$	31,214,457	37822
Federal Special Revenue Fund Group							37823
3E5	055-638	Anti-Drug Abuse	\$	2,939,693	\$	2,939,693	37824
3R6	055-613	Attorney General Federal Funds	\$	1,929,110	\$	1,998,972	37825
306	055-620	Medicaid Fraud Control	\$	2,633,348	\$	2,765,015	37826
381	055-611	Civil Rights Legal Service	\$	334,249	\$	354,304	37827
383	055-634	Crime Victims Assistance	\$	14,500,000	\$	15,225,000	37828
TOTAL FED Federal Special Revenue							37829
Fund Group			\$	22,336,400	\$	23,282,984	37830
State Special Revenue Fund Group							37831

As Reported by the House Finance and Appropriations Committee

4L6	055-606	DARE	\$	3,830,137	\$	3,927,962	37832
402	055-616	Victims of Crime	\$	26,144,763	\$	27,933,893	37833
417	055-621	Domestic Violence Shelter	\$	14,139	\$	14,492	37834
419	055-623	Claims Section	\$	14,017,852	\$	14,749,954	37835
659	055-641	Solid and Hazardous Waste Background Investigations	\$	834,417	\$	880,751	37836
TOTAL SSR State Special Revenue							37837
Fund Group			\$	44,841,308	\$	47,507,052	37838
Holding Account Redistribution Fund Group							37839
R03	055-629	Bingo License Refunds	\$	5,200	\$	5,200	37840
R04	055-631	General Holding Account	\$	275,000	\$	275,000	37841
R05	055-632	Antitrust Settlements	\$	10,400	\$	10,400	37842
R18	055-630	Consumer Frauds	\$	750,000	\$	750,000	37843
R42	055-601	Organized Crime Commission Account	\$	200,000	\$	200,000	37844
TOTAL 090 Holding Account							37845
Redistribution Fund Group			\$	1,240,600	\$	1,240,600	37846
TOTAL ALL BUDGET FUND GROUPS			\$	161,525,912	\$	169,506,175	37847
LAW-RELATED EDUCATION							37848
The foregoing appropriation item 055-405, Law-Related							37849
Education, shall be distributed directly to the Ohio Center for							37850
Law-Related Education for the purposes of providing continuing							37851
citizenship education activities to primary and secondary students							37852
and accessing additional public and private money for new							37853
programs.							37854
WORKERS' COMPENSATION SECTION							37855
The Workers' Compensation Section Fund (Fund 195) shall							37856
receive payments from the Bureau of Workers' Compensation and the							37857
Ohio Industrial Commission at the beginning of each quarter of							37858

each fiscal year to fund legal services to be provided to the 37859
Bureau of Workers' Compensation and the Ohio Industrial Commission 37860
during the ensuing quarter. Such advance payment shall be subject 37861
to adjustment. 37862

In addition, the Bureau of Workers' Compensation shall 37863
transfer payments at the beginning of each quarter for the support 37864
of the Workers' Compensation Fraud Unit. 37865

All amounts shall be mutually agreed upon by the Attorney 37866
General, the Bureau of Workers' Compensation, and the Ohio 37867
Industrial Commission. 37868

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 37869

The foregoing appropriation item 055-636, Corrupt Activity 37870
Investigation and Prosecution, shall be used as provided by 37871
division (D)(2) of section 2923.35 of the Revised Code to dispose 37872
of the proceeds, fines, and penalties credited to the Corrupt 37873
Activity Investigation and Prosecution Fund, which is created in 37874
division (D)(1)(b) of section 2923.35 of the Revised Code. If it 37875
is determined that additional amounts are necessary, the amounts 37876
are appropriated. 37877

COMMUNITY POLICE MATCH AND LAW ENFORCEMENT ASSISTANCE 37878

In fiscal years 2002 and 2003, the Attorney General's Office 37879
may request that the Director of Budget and Management transfer 37880
appropriation authority from appropriation Item 055-321, Operating 37881
Expenses, to appropriation item 055-406, Community Police Match 37882
and Law Enforcement Assistance. The Director of Budget and 37883
Management shall then transfer appropriation authority from 37884
appropriation item 055-321, Operating Expenses, to appropriation 37885
item 055-406, Community Police Match and Law Enforcement 37886
Assistance. Moneys transferred to appropriation item 055-406 shall 37887
be used to pay operating expenses and to provide grants to local 37888
law enforcement agencies and communities for the purpose of 37889

As Reported by the House Finance and Appropriations Committee

supporting law enforcement-related activities.				37890	
Section 26. AUD AUDITOR OF STATE				37891	
General Revenue Fund				37892	
GRF 070-321 Operating Expenses	\$	34,052,713	\$	35,006,189	37893
GRF 070-403 Fiscal Watch/Emergency	\$	1,000,000	\$	1,000,000	37894
Technical Assistance					
GRF 070-405 Electronic Data	\$	1,030,137	\$	1,058,981	37895
Processing - Auditing					
and Administration					
GRF 070-406 Uniform Accounting	\$	2,423,314	\$	2,458,201	37896
Network/Technology					
Improvements Fund					
TOTAL GRF General Revenue Fund	\$	38,506,164	\$	39,523,371	37897
General Services Fund Group				37898	
109 070-601 Public Audit Expense -	\$	9,497,201	\$	9,629,588	37899
Intra-State					
422 070-601 Public Audit Expense -	\$	37,450,472	\$	37,617,072	37900
Local Government					
584 070-603 Training Program	\$	198,200	\$	217,000	37901
675 070-605 Uniform Accounting	\$	2,809,200	\$	2,741,600	37902
Network					
TOTAL GSF General Services Fund				37903	
Group	\$	49,955,073	\$	50,205,260	37904
Holding Account Redistribution Fund Group				37905	
R06 070-604 Continuous Receipts	\$	204,400	\$	209,510	37906
TOTAL 090 Holding Account				37907	
Redistribution Fund Group	\$	204,400	\$	209,510	37908
TOTAL ALL BUDGET FUND GROUPS	\$	88,665,637	\$	89,938,141	37909
FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE				37910	
The foregoing appropriation item 070-403, Fiscal				37911	

As Reported by the House Finance and Appropriations Committee

Watch/Emergency Technical Assistance, shall be used for all 37912
 expenses incurred by the Office of the Auditor of State in its 37913
 role relating to fiscal watch or fiscal emergency activities under 37914
 Chapters 118. and 3316. of the Revised Code. Expenses shall 37915
 include, but shall not be limited to, the following: duties 37916
 related to the determination or termination of fiscal watch or 37917
 fiscal emergency of municipal corporations, counties, or townships 37918
 as outlined in Chapter 118. of the Revised Code and of school 37919
 districts as outlined in Chapter 3316. of the Revised Code; 37920
 development of preliminary accounting reports; performance of 37921
 annual forecasts; provision of performance audits; and 37922
 supervisory, accounting, or auditing services for the mentioned 37923
 public entities and school districts. The unencumbered balance of 37924
 appropriation item 070-403, Fiscal Watch/Fiscal Emergency 37925
 Technical Assistance, at the end of fiscal year 2002 is 37926
 transferred to fiscal year 2003 for use under the same 37927
 appropriation item. 37928

ELECTRONIC DATA PROCESSING 37929

The unencumbered balance of appropriation item 070-405, 37930
 Electronic Data Processing-Auditing and Administration, at the end 37931
 of fiscal year 2002 is transferred to fiscal year 2003 for use 37932
 under the same appropriation item. 37933

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND 37934

The foregoing appropriation item 070-406, Uniform Accounting 37935
 Network/Technology Improvements Fund, shall be used to pay the 37936
 costs of developing and implementing the Uniform Accounting 37937
 Network and technology improvements for the Office of the Auditor 37938
 of State. The unencumbered balance of the appropriation at the end 37939
 of fiscal year 2002 is transferred to fiscal year 2003 to pay the 37940
 costs of the developing and implementing the Uniform Accounting 37941
 Network and technology improvements for the Office of the Auditor 37942
 of State. 37943

As Reported by the House Finance and Appropriations Committee

Section 27.	BRB BOARD OF BARBER EXAMINERS			37944
General Services Fund Group				37945
4K9 877-609	Operating Expenses	\$	479,264 \$	505,999 37946
TOTAL GSF	General Services Fund			37947
Group		\$	479,264 \$	505,999 37948
TOTAL ALL BUDGET FUND GROUPS		\$	479,264 \$	505,999 37949
Section 28.	OBM OFFICE OF BUDGET AND MANAGEMENT			37951
General Revenue Fund				37952
GRF 042-321	Budget Development and	\$	2,356,547 \$	2,492,956 37953
	Implementation			
GRF 042-401	Office of Quality	\$	583,551 \$	606,924 37954
	Services			
GRF 042-410	National Association	\$	24,522 \$	25,296 37955
	Dues			
GRF 042-412	Audit of Auditor of	\$	44,160 \$	46,080 37956
	State			
TOTAL GRF	General Revenue Fund	\$	3,008,780 \$	3,171,255 37957
General Services Fund Group				37958
105 042-603	State Accounting	\$	9,554,743 \$	9,934,755 37959
4C1 042-601	Quality Services	\$	125,000 \$	125,000 37960
	Academy			
TOTAL GSF	General Services Fund	\$	9,679,743 \$	10,059,755 37961
Group				
State Special Revenue Fund Group				37962
5N4 042-602	ERP Project	\$	6,600,000 \$	2,600,000 37963
	Implementation			
TOTAL SSR	State Special Revenue	\$	6,600,000 \$	2,600,000 37964
Fund Group				
TOTAL ALL BUDGET FUND GROUPS		\$	19,288,523 \$	15,831,011 37965
OFFICE OF QUALITY SERVICES				37966

As Reported by the House Finance and Appropriations Committee

A portion of the foregoing appropriation item 042-401, Office of Quality Services, may be used to provide financial sponsorship support for conferences and showcases that promote quality improvement efforts. These expenditures are not subject to Chapter 125. of the Revised Code.

OHIO'S QUALITY SHOWCASE

The Office of Quality Services may cosponsor Ohio's Quality Showcase. The office may grant funds to other sponsoring entities for the purpose of conducting this event, provided that the grants are used exclusively for the direct expenses of the event.

Any state agency, at the discretion and with the approval of the director or other executive authority of the agency, may provide financial or in-kind support for Ohio's Quality Showcase cosponsored by the Office of Quality Services. Any financial contribution made by an agency shall not exceed \$5,000 annually.

AUDIT COSTS

Of the foregoing appropriation item 042-603, State Accounting, not more than \$450,000 in fiscal year 2002 and \$350,000 in fiscal year 2003 shall be used to pay for centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state.

Section 29. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD

General Revenue Fund					37990
GRF 874-321 Operating Expenses	\$	4,099,572	\$	4,222,559	37991
TOTAL GRF General Revenue Fund	\$	4,099,572	\$	4,222,559	37992
General Services Fund Group					37993
4G5 874-603 Capitol Square	\$	15,000	\$	15,000	37994
Maintenance Expenses					
4S7 874-602 Statehouse Gift	\$	623,293	\$	670,484	37995

As Reported by the House Finance and Appropriations Committee

	Shop/Events				
4T2	874-604	Government Television/	\$	150,000	\$ 150,000 37996
		Telecommunications			
		Operating			
TOTAL	GSF	General Services			37997
Fund	Group		\$	788,293	\$ 835,484 37998
		Underground Parking Garage			37999
208	874-601	Underground Parking	\$	2,613,603	\$ 2,746,801 38000
		Garage Operating			
TOTAL	UPG	Underground Parking			38001
Garage			\$	2,613,603	\$ 2,746,801 38002
TOTAL	ALL BUDGET FUND GROUPS		\$	7,501,468	\$ 7,804,844 38003
		Section 30.			CHR STATE BOARD OF CHIROPRACTIC EXAMINERS 38005
		General Services Fund Group			38006
4K9	878-609	Operating Expenses	\$	561,949	\$ 591,724 38007
TOTAL	GSF	General Services Fund			38008
Group			\$	561,949	\$ 591,724 38009
TOTAL	ALL BUDGET FUND GROUPS		\$	561,949	\$ 591,724 38010
		Section 31.			CIV OHIO CIVIL RIGHTS COMMISSION 38012
		General Revenue Fund			38013
GRF	876-100	Personal Services	\$	9,159,420	\$ 9,159,421 38014
GRF	876-200	Maintenance	\$	987,372	\$ 987,372 38015
GRF	876-300	Equipment	\$	111,842	\$ 111,842 38016
TOTAL	GRF	General Revenue Fund	\$	10,258,634	\$ 10,258,635 38017
		Federal Special Revenue Fund Group			38018
334	876-601	Federal Programs	\$	3,327,577	\$ 3,884,113 38019
TOTAL	FED	Federal Special Revenue			38020
Fund	Group		\$	3,327,577	\$ 3,884,113 38021
		State Special Revenue Fund Group			38022
217	876-604	General Reimbursement	\$	20,440	\$ 20,951 38023

As Reported by the House Finance and Appropriations Committee

TOTAL SSR State Special				38024	
Revenue Fund Group	\$	20,440	\$	20,951	38025
TOTAL ALL BUDGET FUND GROUPS	\$	13,606,651	\$	14,163,699	38026
Section 32. COM DEPARTMENT OF COMMERCE					
General Revenue Fund				38028	
GRF 800-402 Grants-Volunteer Fire	\$	912,500	\$	793,750	38029
Departments					
GRF 800-410 Labor and Worker	\$	3,848,792	\$	4,042,587	38030
Safety					
Total GRF General Revenue Fund	\$	4,761,292	\$	4,836,337	38031
General Services Fund Group				38032	
163 800-620 Division of	\$	5,873,604	\$	6,189,578	38033
Administration					
5F1 800-635 Small Government Fire	\$	250,000	\$	250,000	38034
Departments					
TOTAL GSF General Services Fund				38035	
Group	\$	6,123,604	\$	6,439,578	38036
Federal Special Revenue Fund Group				38037	
348 800-622 Underground Storage	\$	195,008	\$	195,008	38038
Tanks					
348 800-624 Leaking Underground	\$	1,850,000	\$	1,850,000	38039
Storage Tanks					
349 800-626 OSHA Enforcement	\$	1,346,000	\$	1,386,380	38040
TOTAL FED Federal Special Revenue				38041	
Fund Group	\$	3,391,008	\$	3,431,388	38042
State Special Revenue Fund Group				38043	
4B2 800-631 Real Estate Appraisal	\$	69,870	\$	71,267	38044
Recovery					
4D2 800-605 Auction Education	\$	30,476	\$	30,476	38045
4H9 800-608 Cemeteries	\$	260,083	\$	273,465	38046
4L5 800-609 Fireworks Training and	\$	10,526	\$	10,976	38047
Education					

As Reported by the House Finance and Appropriations Committee

4X2	800-619	Financial Institutions	\$	2,020,646	\$	2,134,754	38048
5B8	800-628	Auctioneers	\$	346,769	\$	365,390	38049
5B9	800-632	PI & Security Guard Provider	\$	1,139,377	\$	1,188,716	38050
5K7	800-621	Penalty Enforcement	\$	2,000	\$	2,000	38051
543	800-602	Unclaimed Funds-Operating	\$	5,921,792	\$	6,151,051	38052
543	800-625	Unclaimed Funds-Claims	\$	24,890,602	\$	25,512,867	38053
544	800-612	Banks	\$	6,346,230	\$	6,657,997	38054
545	800-613	Savings Institutions	\$	2,790,960	\$	2,894,399	38055
546	800-610	Fire Marshal	\$	10,245,737	\$	10,777,694	38056
547	800-603	Real Estate Education/Research	\$	258,796	\$	264,141	38057
548	800-611	Real Estate Recovery	\$	150,000	\$	150,000	38058
549	800-614	Real Estate	\$	2,885,785	\$	3,039,837	38059
550	800-617	Securities	\$	4,611,800	\$	4,864,800	38060
552	800-604	Credit Union	\$	2,368,450	\$	2,477,852	38061
553	800-607	Consumer Finance	\$	2,305,339	\$	2,258,822	38062
556	800-615	Industrial Compliance	\$	21,426,840	\$	22,665,776	38063
6A4	800-630	Real Estate Appraiser-Operating	\$	522,125	\$	548,006	38064
653	800-629	UST Registration/Permit Fee	\$	1,072,795	\$	1,121,632	38065
TOTAL SSR State Special Revenue							38066
Fund Group			\$	89,676,998	\$	93,461,918	38067
Liquor Control Fund Group							38068
043	800-601	Merchandising	\$	322,741,245	\$	341,222,192	38069
043	800-627	Liquor Control Operating	\$	16,250,400	\$	15,801,163	38070
043	800-633	Development Assistance Debt Service	\$	16,134,800	\$	16,141,100	38071
043	800-636	Revitalization Debt	\$	1,600,000	\$	6,700,000	38072

Service

TOTAL LCF Liquor Control				38073	
Fund Group	\$	356,726,445	\$	379,864,455	38074
TOTAL ALL BUDGET FUND GROUPS	\$	460,679,347	\$	488,033,676	38075

GRANTS-VOLUNTEER FIRE DEPARTMENTS 38076

The foregoing appropriation item 800-402, Grants-Volunteer 38077
Fire Departments, shall be used to make annual grants to volunteer 38078
fire departments of up to \$10,000, or up to \$25,000 if the 38079
volunteer fire department provides service for an area affected by 38080
a natural disaster. The grant program shall be administered by the 38081
Fire Marshal under the Department of Commerce. The Fire Marshal 38082
shall adopt rules necessary for the administration and operation 38083
of the grant program. 38084

Notwithstanding division (A) of section 121.084 of the 38085
Revised Code, upon the request of the Director of Commerce, the 38086
Director of Budget and Management shall transfer \$200,000 cash in 38087
fiscal year 2002 and \$100,000 cash in fiscal year 2003 from the 38088
Industrial Compliance Fund (Fund 556) to the General Revenue Fund. 38089

LABOR AND WORKER SAFETY 38090

The Department of Commerce may designate a portion of 38091
appropriation item 800-410, Labor and Worker Safety, to be used to 38092
match federal funding for the OSHA on-site consultation program. 38093

SMALL GOVERNMENT FIRE DEPARTMENTS 38094

Upon the request of the Director of Commerce, the Director of 38095
Budget and Management shall transfer \$250,000 cash in each fiscal 38096
year from the Industrial Compliance Fund (Fund 556) within the 38097
State Special Revenue Fund Group to the Small Government Fire 38098
Departments Fund (Fund 5F1) within the General Services Fund 38099
Group. 38100

Notwithstanding section 3737.17 of the Revised Code, the 38101
foregoing appropriation item 800-635, Small Government Fire 38102

Departments, may be used to provide loans to private fire	38103
departments.	38104
PENALTY ENFORCEMENT	38105
The foregoing appropriation item 800-621, Penalty	38106
Enforcement, shall be used to enforce sections 4115.03 to 4115.16	38107
of the Revised Code.	38108
On July 1, 2001, or as soon thereafter as possible, the	38109
Director of Budget and Management shall transfer the cash balance	38110
in the Penalty Enforcement Fund that was in the custody of the	38111
state treasury to the Penalty Enforcement Fund (Fund 5K7) that is	38112
created in the state treasury by section 4115.10 of the Revised	38113
Code. The fund shall be used for deposit of moneys received from	38114
penalties paid under section 4115.10 of the Revised Code.	38115
UNCLAIMED FUNDS PAYMENTS	38116
The foregoing appropriation item 800-625, Unclaimed	38117
Funds-Claims, shall be used to pay claims pursuant to section	38118
169.08 of the Revised Code. If it is determined that additional	38119
amounts are necessary, the amounts are appropriated.	38120
INCREASED APPROPRIATION AUTHORITY - MERCHANDISING	38121
The Director of Commerce may, upon concurrence by the	38122
Director of Budget and Management, submit to the Controlling Board	38123
for approval a request for increased appropriation authority for	38124
appropriation item 800-601, Merchandising.	38125
CASH BALANCE TRANSFER	38126
On July 1, 2001, or as soon thereafter as possible, the	38127
Director of Budget and Management shall transfer the cash balance	38128
in the Salvage and Exchange Fund (Fund 861) to the Liquor Control	38129
Fund (Fund 043) created in section 4301.12 of the Revised Code.	38130
Upon the completion of the transfer, the Salvage and Exchange	38131
Fund, which was created by the Controlling Board during the	38132

1973-1975 biennium, is abolished. The director shall cancel any 38133
existing encumbrances against appropriation item 800-634, Salvage 38134
and Exchange, and reestablish them against appropriation item 38135
800-627, Liquor Control Operating. 38136

DEVELOPMENT ASSISTANCE DEBT SERVICE 38137

The foregoing appropriation item 800-633, Development 38138
Assistance Debt Service, shall be used to meet all payments at the 38139
times they are required to be made during the period from July 1, 38140
2001, to June 30, 2003, for bond service charges on obligations 38141
issued under section 166.08 of the Revised Code, but limited to 38142
the aggregate amount of \$32,275,900. If it is determined that 38143
additional appropriations are necessary for this purpose, such 38144
amounts are hereby appropriated, provided that the appropriation 38145
does not exceed \$25,000,000 in any fiscal year, except as may be 38146
needed for payments on obligations issued to meet guarantees. 38147

REVITALIZATION DEBT SERVICE 38148

The foregoing appropriation item 800-636, Revitalization Debt 38149
Service, shall be used to pay debt service and related financing 38150
costs during the period from July 1, 2001, to June 30, 2003, on 38151
obligations to be issued for revitalization purposes under Section 38152
2o of Article VIII, Ohio Constitution, and implementing 38153
legislation. If it is determined that additional appropriations 38154
are necessary for this purpose, such amounts are hereby 38155
appropriated. The General Assembly acknowledges: (A) the priority 38156
of the pledge of a portion of receipts from that source to 38157
obligations issued and to be issued and guarantees made and to be 38158
made under Chapter 166. of the Revised Code; and (B) that this 38159
appropriation is subject to further consideration pursuant to 38160
implementing legislation. 38161

ADMINISTRATIVE ASSESSMENTS 38162

Notwithstanding any other provision of law to the contrary, 38163

As Reported by the House Finance and Appropriations Committee

Fund 163, Administration, shall receive assessments from all 38164
operating funds of the department in accordance with procedures 38165
prescribed by the Director of Commerce and approved by the 38166
Director of Budget and Management. 38167

Section 33. OCC OFFICE OF CONSUMERS' COUNSEL 38168

General Services Fund Group 38169

5F5 053-601 Operating Expenses \$ 8,560,182 \$ 9,277,518 38170

TOTAL GSF General Services Fund \$ 8,560,182 \$ 9,277,518 38171

Group

TOTAL ALL BUDGET FUND GROUPS \$ 8,560,182 \$ 9,277,518 38172

CONSUMERS' COUNSEL TRANSFER 38173

On July 1, 2001, or as soon as possible thereafter, the 38174
Director of Budget and Management shall transfer \$349,758.12 in 38175
cash from Fund 5F5, Consumers' Counsel Operating Fund, to the 38176
General Revenue Fund. 38177

Section 34. CEB CONTROLLING BOARD 38178

General Revenue Fund 38179

GRF 911-404 Mandate Assistance \$ 2,000,000 \$ 2,000,000 38180

GRF 911-408 Ohio's Bicentennial \$ 5,000,000 \$ 7,500,000 38181

Celebration

GRF 911-441 Ballot Advertising \$ 600,000 \$ 600,000 38182

Costs

TOTAL GRF General Revenue Fund \$ 7,600,000 \$ 10,100,000 38183

State Special Revenue Fund Group 38184

5E2 911-601 Disaster Services \$ 8,000,000 \$ 4,000,000 38185

TOTAL SSR State Special 38186

Revenue Fund Group \$ 8,000,000 \$ 4,000,000 38187

TOTAL ALL BUDGET FUND GROUPS \$ 15,600,000 \$ 14,100,000 38188

FEDERAL SHARE 38189

In transferring appropriations to or from appropriation items 38190
that have federal shares identified in this act, the Controlling 38191
Board shall add or subtract corresponding amounts of federal 38192
matching funds at the percentages indicated by the state and 38193
federal division of the appropriations in this act. Such changes 38194
are appropriated. 38195

DISASTER SERVICES 38196

The foregoing appropriation item 911-601, Disaster Services, 38197
shall be used by the Controlling Board, pursuant to requests 38198
submitted by state agencies, to transfer cash and appropriation 38199
authority to any fund and appropriation item for the payment of 38200
state agency program expenses as follows: 38201

(A) The southern Ohio flooding, referred to as 38202
FEMA-DR-1164-OH; 38203

(B) The flood/storm disaster referred to as FEMA-DR-1227-OH; 38204

(C) The Southern Ohio flooding, referred to as 38205
FEMA-DR-1321-OH; 38206

(D) The flooding referred to as FEMA-DR-1339-OH; 38207

(E) The tornado/storms referred to as FEMA-DR-1343-OH; 38208

(F) Other disasters declared by the Governor, if the Director 38209
of Budget and Management determines that sufficient funds exist 38210
beyond the expected program costs of these disasters. 38211

MANDATE ASSISTANCE 38212

(A) The foregoing appropriation item 911-404, Mandate 38213
Assistance, shall be used to provide financial assistance to local 38214
units of government, school districts, and fire departments for 38215
the cost of the following three unfunded state mandates: 38216

(1) The cost to county prosecutors for prosecuting certain 38217
felonies that occur on the grounds of state institutions operated 38218

by the Department of Rehabilitation and Correction and the	38219
Department of Youth Services;	38220
(2) The cost, primarily to small villages and townships, of	38221
providing firefighter training and equipment or gear;	38222
(3) The cost to school districts of in-service training for	38223
child abuse detection.	38224
(B) The State and Local Government Commission may prepare and	38225
submit to the Controlling Board one or more requests to transfer	38226
appropriations from appropriation item 911-404, Mandate	38227
Assistance, to the state agencies charged with administering the	38228
state financial assistance to be provided under this section. The	38229
state agencies charged with this administrative responsibility are	38230
listed below, as well as the estimated annual amounts that the	38231
commission may propose be used for each program of state financial	38232
assistance.	38233
	38234
	38235
Prosecution Costs	38236
Firefighter Training	38238
Costs	38238
Child Abuse Detection	38239
Training Costs	38239
	38240
	38241
	38242
	38243
	38244
	38245
	38246
	38247

under this section back to appropriation item 911-404, Mandate	38248
Assistance, or to one or more of the other programs of state	38249
financial assistance identified under this section.	38250
(E) It is expected that not all costs incurred by local units	38251
of government, school districts, and fire departments under each	38252
of the three programs of state financial assistance identified	38253
under this section will be fully reimbursed by the state.	38254
Reimbursement levels may vary by program and shall be based on:	38255
the relationship between the appropriation transfers requested by	38256
the commission and provided by the Controlling Board for each of	38257
the programs; the rules and procedures established for each	38258
program by the commission and the administering state agency; and	38259
the actual costs incurred by local units of government, school	38260
districts, and fire departments.	38261
(F) Each of these programs of state financial assistance	38262
shall be carried out as follows:	38263
(1) PROSECUTION COSTS	38264
(a) Appropriations may be transferred to the Office of	38265
Criminal Justice Services to cover local prosecution costs for	38266
aggravated murder, murder, felonies of the first degree, and	38267
felonies of the second degree that occur on the grounds of	38268
institutions operated by the Department of Rehabilitation and	38269
Correction and the Department of Youth Services.	38270
(b) Upon a delinquency filing in juvenile court or the return	38271
of an indictment for aggravated murder, murder, or any felony of	38272
the first or second degree that was committed at a Department of	38273
Youth Services or a Department of Rehabilitation and Correction	38274
institution, the affected county may, in accordance with rules	38275
that the Office of Criminal Justice Services shall adopt, apply to	38276
the Office of Criminal Justice Services for a grant to cover all	38277
documented costs that are incurred by the county prosecutor's	38278

office. 38279

(c) Twice each year, the Office of Criminal Justice Services 38280
shall designate counties to receive grants from those counties 38281
that have submitted one or more applications in compliance with 38282
the rules that have been adopted by the Office of Criminal Justice 38283
Services for the receipt of such grants. In each year's first 38284
round of grant awards, if sufficient appropriations have been 38285
made, up to a total of \$100,000 may be awarded. In each year's 38286
second round of grant awards, the remaining appropriations 38287
available for this purpose may be awarded. 38288

(d) If for a given round of grants there are insufficient 38289
appropriations to make grant awards to all the eligible counties, 38290
the first priority shall be given to counties with cases involving 38291
aggravated murder and murder, second priority shall be given to 38292
cases involving a felony of the first degree, and third priority 38293
shall be given to cases involving a felony of the second degree. 38294
Within these priorities, the grant awards shall be based on the 38295
order in which the applications were received, except that 38296
applications for cases involving a felony of the first or second 38297
degree shall not be considered in more than two consecutive rounds 38298
of grant awards. 38299

(2) FIREFIGHTER TRAINING COSTS 38300

Appropriations may be transferred to the Department of 38301
Commerce for use as full or partial reimbursement to local units 38302
of government and fire departments for the cost of firefighter 38303
training and equipment or gear. In accordance with rules that the 38304
department shall adopt, a local unit of government or fire 38305
department may apply to the department for a grant to cover all 38306
documented costs that are incurred to provide firefighter training 38307
and equipment or gear. The department shall make grants within the 38308
limits of the funding provided, with priority given to fire 38309
departments that serve small villages and townships. 38310

(3) CHILD ABUSE DETECTION TRAINING COSTS 38311

Appropriations may be transferred to the Department of 38312
Education for disbursement to local school districts as full or 38313
partial reimbursement for the cost of providing in-service 38314
training for child abuse detection. In accordance with rules that 38315
the department shall adopt, a local school district may apply to 38316
the department for a grant to cover all documented costs that are 38317
incurred to provide in-service training for child abuse detection. 38318
The department shall make grants within the limits of the funding 38319
provided. 38320

(G) If, by the first day of June of each fiscal year, one of 38321
these three specified unfunded state mandates receives funding 38322
assistance directly from the General Revenue Fund, as opposed to 38323
receiving appropriations indirectly through the transfer mechanism 38324
described in this section, then this state mandate is no longer 38325
considered unfunded for the purposes of this section. In such a 38326
circumstance, the State and Local Government Commission may 38327
prepare and submit a request to the Controlling Board to replace 38328
this now funded state mandate with another unfunded state mandate. 38329
If approved by the Controlling Board, this replacement unfunded 38330
state mandate is eligible for the same amount of state financial 38331
assistance that the unfunded state mandate it is replacing was 38332
eligible for and under the same general conditions that govern the 38333
three unfunded state mandates specified in this section. The State 38334
and Local Government Commission's request to the Controlling Board 38335
for approval of this replacement unfunded state mandate shall 38336
include a description of how the program of state financial 38337
assistance for this replacement unfunded state mandate will be 38338
implemented. 38339

(H) Within thirty calendar days prior to the end of fiscal 38340
years 2002 and 2003, each administering agency shall file a report 38341
with the State and Local Government Commission and the Controlling 38342

Board providing detailed information on its expenditure of any 38343
mandate assistance funding that was transferred under this section 38344
over the course of the current biennium to the administering 38345
agency by the Controlling Board. 38346

(I) Any moneys allocated within appropriation item 911-404, 38347
Mandate Assistance, not fully utilized may, upon application of 38348
the State and Local Government Commission, and with the approval 38349
of the Controlling Board, be disbursed to boards of county 38350
commissioners to provide reimbursement for office space, 38351
equipment, and related mandated expenses for educational service 38352
centers. 38353

The amount to be disbursed to each county shall be allocated 38354
proportionately to the ADM of the educational service center for 38355
which a board of county commissioners is required to provide an 38356
office under section 3319.19 of the Revised Code. 38357

OHIO'S BICENTENNIAL CELEBRATION 38358

The foregoing appropriation item 911-408, Ohio's Bicentennial 38359
Celebration, shall be distributed according to a plan approved by 38360
the Ohio Bicentennial Commission. Pursuant to requests submitted 38361
by the Ohio Bicentennial Commission, the Controlling Board may 38362
approve transfers from the foregoing appropriation item 911-408, 38363
Ohio's Bicentennial Celebration, to appropriation item 360-503, 38364
Ohio Bicentennial Commission, or to other new or existing 38365
appropriation items of a state agency or other entity as specified 38366
by the commission. 38367

BALLOT ADVERTISING COSTS 38368

Pursuant to requests submitted by the Ohio Ballot Board, the 38369
Controlling Board shall approve transfers from the foregoing 38370
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 38371
Ballot Board appropriation item in order to reimburse county 38372
boards of elections for the cost of public notices associated with 38373

statewide ballot initiatives.				38374
Of the foregoing appropriation item 911-441, Ballot				38375
Advertising Costs, the Director of Budget and Management shall				38376
transfer any amounts that are not needed for the purpose of				38377
reimbursing county boards of elections for the cost of public				38378
notices associated with statewide ballot initiatives to				38379
appropriation item 911-404, Mandate Assistance.				38380
Section 35. COS STATE BOARD OF COSMETOLOGY				38381
General Services Fund Group				38382
4K9 879-609 Operating Expenses	\$	2,474,189	\$	2,674,059
TOTAL GSF General Services Fund				38384
Group	\$	2,474,189	\$	2,674,059
TOTAL ALL BUDGET FUND GROUPS	\$	2,474,189	\$	2,674,059
Section 36. CSW COUNSELOR AND SOCIAL WORKERS BOARD				38388
General Services Fund Group				38389
4K9 899-609 Operating Expenses	\$	907,772	\$	953,563
TOTAL GSF General Services Fund				38391
Group	\$	907,772	\$	953,563
TOTAL ALL BUDGET FUND GROUPS	\$	907,772	\$	953,563
Section 37. CLA COURT OF CLAIMS				38395
General Revenue Fund				38396
GRF 015-321 Operating Expenses	\$	2,953,045	\$	3,035,730
TOTAL GRF General Revenue Fund	\$	2,953,045	\$	3,035,730
State Special Revenue Fund Group				38399
5K2 015-603 CLA Victims of Crime	\$	1,891,183	\$	1,602,716
TOTAL SSR State Special Revenue				38401
Fund Group	\$	1,891,183	\$	1,602,716
TOTAL ALL BUDGET FUND GROUPS	\$	4,844,228	\$	4,638,446

As Reported by the House Finance and Appropriations Committee

Section 38. CJS OFFICE OF CRIMINAL JUSTICE SERVICES				38405	
General Revenue Fund				38406	
GRF 196-401 Criminal Justice	\$	772,236	\$	798,575	38407
Information System					
GRF 196-403 Violence Prevention	\$	292,891	\$	277,924	38408
GRF 196-405 Center for Violence	\$	375,000	\$	375,000	38409
Prevention					
GRF 196-424 Operating Expenses	\$	1,655,987	\$	1,840,186	38410
TOTAL GRF General Revenue Fund	\$	3,096,114	\$	3,291,685	38411
General Services Fund Group				38412	
4P6 196-601 General Services	\$	107,310	\$	109,992	38413
TOTAL GSF General Services Fund	\$	107,310	\$	109,992	38414
Group					
Federal Special Revenue Fund Group				38415	
3L5 196-604 Justice Programs	\$	29,464,972	\$	29,494,089	38416
TOTAL FED Federal Special Revenue	\$	29,464,972	\$	29,494,089	38417
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	32,668,396	\$	32,895,766	38418
INDIGENT DEFENSE				38419	
The Office of Criminal Justice Services shall make all				38420	
efforts to maximize the amount of funding available for the				38421	
defense of indigent persons.				38422	
CRIMINAL JUSTICE INFORMATION SYSTEM				38423	
The foregoing appropriation item 196-401, Criminal Justice				38424	
Information System, shall be used by the Office of Criminal				38425	
Justice Services to work on a plan to improve Ohio's criminal				38426	
justice information systems. The Director of Criminal Justice				38427	
Services shall evaluate the progress of this plan and issue a				38428	
report to the Governor, the Speaker and the Minority Leader of the				38429	
House of Representatives, the President and the Minority Leader of				38430	

As Reported by the House Finance and Appropriations Committee

the Senate, the Criminal Justice Policy Board, and the Legislative
 Service Commission by the first day of January of each year of the
 two-year biennium beginning July 1, 2001, and ending June 30,
 2003.

OPERATING EXPENSES

Of the foregoing appropriation item 196-424, Operating
 Expenses, up to \$577,642 in fiscal year 2002 and up to \$606,109 in
 fiscal year 2003 shall be used for the purpose of matching federal
 funds.

Section 39. DEN STATE DENTAL BOARD

General Services Fund Group				38441	
4K9 880-609 Operating Expenses	\$	1,250,703	\$	1,281,056	38442
TOTAL GSF General Services Fund				38443	
Group	\$	1,250,703	\$	1,281,056	38444
TOTAL ALL BUDGET FUND GROUPS	\$	1,250,703	\$	1,281,056	38445

Section 40. BDP BOARD OF DEPOSIT

General Services Fund Group				38448	
4M2 974-601 Board of Deposit	\$	838,000	\$	838,000	38449
TOTAL GSF General Services Fund				38450	
Group	\$	838,000	\$	838,000	38451
TOTAL ALL BUDGET FUND GROUPS	\$	838,000	\$	838,000	38452

BOARD OF DEPOSIT EXPENSE FUND

Upon receiving certification of expenses from the Treasurer
 of State, the Director of Budget and Management shall transfer
 cash from the Investment Earnings Redistribution Fund (Fund 608)
 to the Board of Deposit Expense Fund (Fund 4M2). The latter fund
 shall be used to pay for banking charges and fees required for the
 operation of the State of Ohio Regular Account.

Section 41. DEV DEPARTMENT OF DEVELOPMENT

38460

As Reported by the House Finance and Appropriations Committee

General Revenue Fund				38461	
GRF 195-100 Personal Services	\$	2,651,334	\$	2,920,941	38462
GRF 195-200 Maintenance	\$	589,524	\$	601,314	38463
GRF 195-300 Equipment	\$	108,161	\$	110,324	38464
GRF 195-401 Thomas Edison Program	\$	20,000,000	\$	20,000,000	38465
GRF 195-404 Small Business Development	\$	2,452,342	\$	2,529,843	38466
GRF 195-405 Minority Business Development Division	\$	2,278,888	\$	2,297,314	38467
GRF 195-406 Transitional and Permanent Housing	\$	2,770,145	\$	2,770,155	38468
GRF 195-407 Travel and Tourism	\$	6,345,500	\$	6,448,399	38469
GRF 195-408 Coal Research Development	\$	210,498	\$	233,237	38470
GRF 195-409 Utility Payment Administration	\$	666,033	\$	701,173	38471
GRF 195-412 Business Development Grants	\$	8,033,935	\$	9,092,851	38472
GRF 195-413 Marketing for Economic Development	\$	655,603	\$	1,578,110	38473
GRF 195-414 First Frontier Match	\$	490,000	\$	490,000	38474
GRF 195-415 Regional Offices and Economic Development	\$	6,420,675	\$	6,735,253	38475
GRF 195-416 Governor's Office of Appalachia	\$	5,466,954	\$	4,975,126	38476
GRF 195-417 Urban/Rural Initiative	\$	980,000	\$	980,000	38477
GRF 195-422 Technology Action	\$	15,100,000	\$	15,100,000	38478
GRF 195-431 Community Development Corporation Grants	\$	2,530,860	\$	2,530,860	38479
GRF 195-432 International Trade	\$	5,390,000	\$	5,551,700	38480
GRF 195-434 Investment in Training Grants	\$	12,500,000	\$	12,500,000	38481
GRF 195-436 Labor/Management	\$	1,146,805	\$	1,152,752	38482

As Reported by the House Finance and Appropriations Committee

	Cooperation				
GRF 195-440	Emergency Shelter	\$	2,768,313	\$ 2,841,441	38483
	Housing Grants				
GRF 195-441	Low and Moderate	\$	19,000,000	\$ 19,000,000	38484
	Income Housing				
GRF 195-497	CDBG Operating Match				38485
	State	\$	1,208,576	\$ 1,215,295	38486
	Federal	\$	5,200,000	\$ 6,500,000	38487
	CDBG Operating Match	\$	6,408,576	\$ 7,715,295	38488
	Total				
GRF 195-498	State Energy Match	\$	153,558	\$ 158,548	38489
GRF 195-501	Appalachian Local	\$	453,962	\$ 453,962	38490
	Development Districts				
GRF 195-502	Appalachian Regional	\$	219,912	\$ 219,912	38491
	Commission Dues				
GRF 195-505	Utility Bill Credits	\$	7,350,000	\$ 7,350,000	38492
GRF 195-507	Travel and Tourism	\$	1,274,000	\$ 1,274,000	38493
	Grants				
GRF 195-510	Issue 1 Implementation	\$	1,000,000	\$ 1,500,000	38494
GRF 195-906	Coal Research and	\$	8,971,700	\$ 9,420,300	38495
	Development General				
	Obligation Debt				
	Service				
TOTAL GRF	General Revenue Fund				38496
	State	\$	139,187,278	\$ 142,732,810	38497
	Federal	\$	5,200,000	\$ 6,500,000	38498
GRF TOTAL		\$	144,387,278	\$ 149,232,810	38499
	General Services Fund Group				
135 195-605	Supportive Services	\$	9,038,988	\$ 9,531,707	38501
136 195-621	International Trade	\$	100,000	\$ 24,915	38502
685 195-636	General Reimbursements	\$	1,275,234	\$ 1,323,021	38503
TOTAL GSF	General Services Fund				38504
Group		\$	10,414,222	\$ 10,879,643	38505

As Reported by the House Finance and Appropriations Committee

Federal Special Revenue Fund Group					38506
3K8 195-613 Community Development	\$	65,149,441	\$	65,088,961	38507
Block Grant					
3K9 195-611 Home Energy Assistance	\$	62,000,000	\$	62,000,000	38508
Block Grant					
3K9 195-614 HEAP Weatherization	\$	10,412,041	\$	10,412,041	38509
3L0 195-612 Community Services	\$	22,135,000	\$	22,135,000	38510
Block Grant					
3V1 195-601 HOME Program	\$	40,000,000	\$	40,000,000	38511
308 195-602 Appalachian Regional	\$	350,000	\$	350,200	38512
Commission					
308 195-603 Housing and Urban	\$	5,000,000	\$	5,000,000	38513
Development					
308 195-605 Federal Projects	\$	7,855,501	\$	7,855,501	38514
308 195-609 Small Business	\$	3,799,626	\$	3,799,626	38515
Administration					
308 195-618 Energy Federal Grants	\$	2,803,560	\$	2,803,560	38516
335 195-610 Oil Overcharge	\$	8,500,000	\$	8,500,000	38517
380 195-622 Housing Development	\$	4,507,212	\$	4,696,198	38518
Operating					
TOTAL FED Federal Special Revenue					38519
Fund Group	\$	232,512,381	\$	232,641,087	38520
State Special Revenue Fund Group					38521
4F2 195-639 State Special Projects	\$	1,052,762	\$	1,079,082	38522
4H4 195-641 First Frontier	\$	600,000	\$	650,000	38523
4S0 195-630 Enterprise Zone	\$	211,900	\$	211,900	38524
Operating					
4S1 195-634 Job Creation Tax	\$	372,700	\$	375,800	38525
Credit Operating					
4W1 195-646 Minority Business	\$	2,572,960	\$	2,580,597	38526
Enterprise Loan					
444 195-607 Water and Sewer	\$	511,000	\$	523,775	38527

As Reported by the House Finance and Appropriations Committee

		Commission Loans				
445	195-617	Housing Finance	\$	3,782,808	\$	3,968,184 38528
		Operating				
450	195-624	Minority Business	\$	13,232	\$	13,563 38529
		Bonding Program				
		Administration				
451	195-625	Economic Development	\$	2,062,451	\$	2,143,918 38530
		Financing Operating				
5M4	195-659	Universal Service	\$	160,000,000	\$	160,000,000 38531
5M5	195-660	Energy Efficiency	\$	12,000,000	\$	12,000,000 38532
		Revolving Loan				
611	195-631	Water and Sewer	\$	15,330	\$	15,713 38533
		Administration				
617	195-654	Volume Cap	\$	200,000	\$	200,000 38534
		Administration				
646	195-638	Low and Moderate	\$	21,539,552	\$	22,103,807 38535
		Income Housing Trust				
		Fund				
TOTAL SSR		State Special Revenue				38536
Fund Group			\$	204,934,695	\$	205,866,339 38537
		Facilities Establishment Fund				38538
037	195-615	Facilities	\$	56,701,684	\$	58,119,226 38539
		Establishment				
4Z6	195-647	Rural Industrial Park	\$	5,000,000	\$	5,000,000 38540
		Loan				
5D1	195-649	Port Authority Bond	\$	2,500,000	\$	2,500,000 38541
		Reserves				
5D2	195-650	Urban Redevelopment	\$	10,000,000	\$	10,475,000 38542
		Loans				
5H1	195-652	Family Farm Loan	\$	2,246,375	\$	2,246,375 38543
		Guarantee				
TOTAL 037		Facilities				38544
Establishment Fund			\$	76,448,059	\$	78,340,601 38545

As Reported by the House Finance and Appropriations Committee

Coal Research/Development Fund				38546
046 195-632 Coal Research and	\$	12,847,178	\$	13,168,357
Development Fund				38547
TOTAL 046 Coal Research/				38548
Development Fund	\$	12,847,178	\$	13,168,357
TOTAL ALL BUDGET FUND GROUPS	\$	681,543,813	\$	690,128,837

Section 41.01. WASHINGTON OFFICE 38552

Of the foregoing appropriation items 195-100, Personal Services, 195-200, Maintenance, and 195-300, Equipment, no more than \$335,700 in fiscal year 2002 and \$335,700 in fiscal year 2003 may be transferred to the General Reimbursement Fund (Fund 685) to support the Washington Office. The transfer shall be made using an intrastate transfer voucher.

THOMAS EDISON PROGRAM 38559

The foregoing appropriation item 195-401, Thomas Edison Program, shall be used for the purposes of sections 122.28 to 122.38 of the Revised Code in order to provide funds for cooperative public and private efforts in technological innovation to promote the development and transfer of technology by and to Ohio businesses that will lead to the creation of jobs, and to provide for the administration of this program by the Technology Division.

Of the foregoing appropriation item 195-401, Thomas Edison Program, not more than \$2,153,282 in fiscal year 2002 and \$2,228,537 in fiscal year 2003 shall be used for the Technology Division's operating expenses in administering this program.

Of the foregoing appropriation item 195-401, Thomas Edison Program, \$187,500 in each fiscal year shall be used for the establishment of an e-logistics port at Rickenbacker Port Authority.

Section 41.02. SMALL BUSINESS DEVELOPMENT 38576

The foregoing appropriation item 195-404, Small Business 38577
Development, shall be used to ensure that the unique needs and 38578
concerns of small businesses are addressed. 38579

The foregoing appropriation shall be used to provide grants 38580
to local organizations to support the operation of Small Business 38581
Development Centers, and other local economic development activity 38582
promoting small business and for the cost of administering the 38583
program. The centers shall provide technical, financial, and 38584
management consultation for small business, and facilitate access 38585
to state and federal programs. These funds shall be used as 38586
matching funds for grants from the United States Small Business 38587
Administration and other federal agencies, pursuant to Public Law 38588
No. 96-302 (1980) as amended by Public Law No. 98-395 (1984), and 38589
regulations and policy guidelines for these programs. 38590

In addition, the Office of Small Business shall operate the 38591
One-Stop Business Permit Center, the Women's Business Resource 38592
Program, support government procurement assistance, and implement 38593
and coordinate the duties imposed on the Department of Development 38594
by Am. Sub. S.B. 239 of the 115th General Assembly. 38595

MINORITY BUSINESS DEVELOPMENT DIVISION 38596

Of the foregoing appropriation item 195-405, Minority 38597
Business Development Division, no less than \$1,060,000 in each 38598
fiscal year shall be used to fund minority contractors and 38599
business assistance organizations. The Minority Business 38600
Development Division shall determine which cities need minority 38601
contractors and business assistance organizations by utilizing 38602
United States Census Bureau data and zip codes to locate the 38603
highest concentrations of minority businesses. The Minority 38604
Business Development Division also shall determine the numbers of 38605
minority contractors and business assistance organizations 38606

necessary and the amount of funding to be provided each. In 38607
addition, the Minority Business Development Division shall 38608
continue to plan and implement business conferences. 38609

Section 41.03. TRANSITIONAL AND PERMANENT HOUSING PROGRAM 38610

Of the foregoing appropriation item 195-406, Transitional and 38611
Permanent Housing, the Office of Housing and Community 38612
Partnerships shall make grants to local governments and nonprofit 38613
organizations for the acquisition, rehabilitation, renovation, 38614
construction, conversion, operating, and supportive services costs 38615
for both new and existing transitional and permanent housing for 38616
the homeless. 38617

COAL RESEARCH DEVELOPMENT 38618

The foregoing appropriation item 195-408, Coal Research 38619
Development, shall be used for the administrative costs of the 38620
Coal Development Office within the Technology Division and for 38621
grants that encourage, promote, and assist the use of Ohio coal 38622
pursuant to section 1551.32 of the Revised Code. 38623

UTILITY PAYMENT ADMINISTRATION 38624

The foregoing appropriation item 195-409, Utility Payment 38625
Administration, shall be used for the administrative costs 38626
necessary to provide utility and fuel assistance benefits to 38627
eligible low-income Ohio households with elderly and disabled 38628
members. 38629

Section 41.04. BUSINESS DEVELOPMENT 38630

The foregoing appropriation item 195-412, Business 38631
Development Grants, shall be used as an incentive for attracting 38632
and retaining business opportunities for the state. Any such 38633
business opportunity, whether new, expanding, or relocating in 38634
Ohio, is eligible for funding. The project must create or retain a 38635

significant number of jobs for Ohioans. Grant awards may be 38636
considered only when (1) the project's viability hinges on an 38637
award of appropriation item 195-412, Business Development Grants, 38638
funds; (2) all other public or private sources of financing have 38639
been considered; or (3) the funds act as a catalyst for the 38640
infusion into the project of other financing sources. 38641

The department's primary goal shall be to award funds to 38642
political subdivisions of the state for off-site infrastructure 38643
improvements. In order to meet the particular needs of economic 38644
development in a region, the department may elect to award funds 38645
directly to a business for on-site infrastructure improvements. 38646
Infrastructure improvements mean improvements to water system 38647
facilities, sewer and sewage treatment facilities, electric or gas 38648
service facilities, fiber optic facilities, rail facilities, site 38649
preparation, and parking facilities. The Director of Development 38650
may recommend the funds be used in an alternative manner when 38651
deemed appropriate to meet an extraordinary economic development 38652
opportunity or need. 38653

The foregoing appropriation item 195-412, Business 38654
Development Grants, may be expended only after the submission of a 38655
request to the Controlling Board by the Department of Development 38656
outlining the planned use of the funds, and the subsequent 38657
approval of the request by the Controlling Board. 38658

The foregoing appropriation item 195-412, Business 38659
Development Grants, may be used for, but is not limited to, 38660
construction, rehabilitation, and acquisition projects for rail 38661
freight assistance as requested by the Department of 38662
Transportation. The Director of Transportation shall submit the 38663
proposed projects to the Director of Development for an evaluation 38664
of potential economic benefit. 38665

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The foregoing appropriation item 195-414, First Frontier Match, shall be used as matching funds to targeted counties for the purpose of marketing state, regional, and local characteristics that may attract economic development. Targeted counties mean counties that have a population of less than 175,000 residents. The appropriation may be used either for marketing programs by individual targeted counties or regional marketing campaigns, which are marketing programs in which at least one targeted county is participating with one or more other targeted counties or larger counties.

REGIONAL OFFICES AND ECONOMIC DEVELOPMENT

The foregoing appropriation item 195-415, Regional Offices and Economic Development, shall be used for the operating expenses of the Economic Development Division and the regional economic development offices and for grants for cooperative economic development ventures.

Section 41.06. GOVERNOR'S OFFICE OF APPALACHIAN OHIO

The foregoing appropriation item 195-416, Governor's Office of Appalachia, shall be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachian Ohio. Funds not expended for liaison and training activities may be expended for special project grants within the Appalachian Region.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, up to \$250,000 each fiscal year shall be used to match federal funds from the Appalachian Development Commission to provide job training to impact the Appalachian Region.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, \$4,400,000 in each fiscal year shall be used

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in conjunction with other federal and state funds to provide 38697
 financial assistance to projects in Ohio's Appalachian counties in 38698
 order to further the goals of the Appalachian Regional Commission. 38699
 Such projects and project sponsors shall meet Appalachian Regional 38700
 Commission eligibility requirements. Grants shall be administered 38701
 by the Department of Development. 38702

Of the foregoing appropriation item 195-416, Governor's 38703
 Office of Appalachia, \$500,000 in fiscal year 2002 shall be used 38704
 by the Appalachian Energy Grant Authority to make grants to 38705
 eligible applicants to enhance and maintain the economic welfare 38706
 of the Appalachian Region through the support of manufacturing in 38707
 the region. 38708

URBAN/RURAL INITIATIVE 38709

The foregoing appropriation item 195-417, Urban/Rural 38710
 Initiative, shall be used to make grants in accordance with 38711
 sections 122.19 to 122.22 of the Ohio Revised Code. 38712

TECHNOLOGY ACTION 38713

Prior to the release of funds from appropriation item 38714
 195-422, Technology Action, each grant award shall first obtain 38715
 approval from eight members of the Technology Action Board and 38716
 from the Controlling Board. 38717

The Technology Action Board shall consist of fourteen members 38718
 appointed by the Governor with the advice and consent of the 38719
 Senate. Six members of the board shall be recognized technology 38720
 and business leaders from the following sectors covering the 38721
 state: Northeast, Southeast, Northwest, Central, Southwest, and 38722
 the Miami Valley Area. One member shall come from the Wright 38723
 Patterson Air Force Laboratory, one member from the NASA Glenn 38724
 Research Center, one member from the Inter-University Council, and 38725
 one member shall be the current Director of the Edison Centers 38726
 Technology Council. The chair of the Technology Action Board shall 38727

As Reported by the House Finance and Appropriations Committee

be the Governor's Science and Technology Advisor, with staff and 38728
 other support as needed from the Department of Development's 38729
 Technology Division and from the Board of Regents' Academic and 38730
 Access Division. In addition, the Directors of Development and 38731
 Transportation (or their designees), and the Chancellor of the 38732
 Board of Regents (or the Chancellor's designee) shall serve as 38733
 ex-officio members of the board. 38734

The Technology Action Board, in accordance with Chapter 119. 38735
 of the Revised Code, shall adopt program rules and develop 38736
 guidelines for the release of funds. 38737

Of the foregoing appropriation item 195-422, Technology 38738
 Action, not more than six per cent in each fiscal year shall be 38739
 used for operating expenditures in administering this program. 38740

In addition to the six per cent for operating expenditures, 38741
 an additional administrative amount, not to exceed \$1,500,000 38742
 within the biennium, shall be used for research, analyses, and 38743
 marketing efforts deemed necessary to receive and disseminate 38744
 information about science and technology related opportunities. 38745

Section 41.07. COMMUNITY DEVELOPMENT CORPORATIONS 38746

Of the foregoing appropriation item 195-431, Community 38747
 Development Corporation Grants, a portion of funds in each fiscal 38748
 year of the biennium shall be used to make grants to the Ohio 38749
 Community Development Finance Fund, a nonprofit corporation, in 38750
 order to leverage private-sector funds to assist nonprofit 38751
 development organizations to create affordable housing and 38752
 permanent jobs in distressed areas of the state. The remaining 38753
 moneys shall be used to provide funds to assist local community 38754
 development corporations to develop affordable housing programs 38755
 and economic development programs in their neighborhoods, and for 38756
 operating costs. 38757

Of the foregoing appropriation item 195-431, Community Development Corporation Grants, not less than \$100,000 in each fiscal year shall be used to provide training, technical assistance, and capacity building assistance to nonprofit development organizations in underserved areas of the state. For grants awarded in each fiscal year of the biennium, priority shall be given to proposals submitted by nonprofit development organizations from underserved areas of the state.

Section 41.08. INTERNATIONAL TRADE

The foregoing appropriation item 195-432, International Trade, shall be used to operate and to maintain Ohio's out-of-state trade offices.

The Director of Development may enter into contracts with foreign nationals to staff foreign offices. Such contracts may be paid in local currency or United States currency and shall be exempt from the provisions of section 127.16 of the Revised Code. The director also may establish foreign currency accounts in accordance with section 122.05 of the Revised Code for the payment of expenses related to the operation and maintenance of the foreign trade offices.

The foregoing appropriation item 195-432, International Trade, shall be used to fund the International Trade Division and to assist Ohio manufacturers and agricultural producers in exporting to foreign countries in conjunction with the Department of Agriculture.

Of the foregoing appropriation item 195-432, International Trade, up to \$35,000 may be used to purchase gifts for representatives of foreign governments or dignitaries of foreign countries.

Section 41.09. OHIO INVESTMENT IN TRAINING PROGRAM

The foregoing appropriation item 195-434, Investment in Training Grants, shall be used to promote industrial training through training grants for the reimbursement of eligible training expenses.

Section 41.10. EMERGENCY SHELTER HOUSING GRANTS

(A) As used in this section, "emergency shelter housing" means a structure suitable for the temporary housing of the homeless and the provision of, or referral to, supportive services. Shelters that restrict admission to victims of domestic violence, runaways, or alcohol or substance abusers shall not be considered emergency shelter housing.

(B) The foregoing appropriation item 195-440, Emergency Shelter Housing Grants, shall be used by the Office of Housing and Community Partnerships in the Department of Development to make grants to private, nonprofit organizations to provide emergency shelter housing for the homeless. The department shall distribute the grants pursuant to rules adopted by the Director of Development. The director may amend or rescind the rules and may adopt other rules necessary to implement this section. In awarding grants, the department shall give preference to organizations applying to fund existing emergency shelter housing.

The department shall notify each organization that applied for a grant under this section of the amount of its grant award, if any. To receive a grant, the organization shall provide matching funds equal to 50 per cent of the total grant it was awarded. The organization shall expend its grant for shelter operations and supportive services, which include employment assistance, case management, information and referral services, transportation, and clothing. In providing employment assistance, the organization shall, at a minimum, refer persons to the Department of Job and Family Services.

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LOW AND MODERATE INCOME HOUSING 38819

The Director of Budget and Management, after consulting with 38820
the Director of Development, shall transfer up to \$20,000,000 from 38821
appropriation item 195-441, Low and Moderate Income Housing, to 38822
appropriation item 195-638, Low and Moderate Income Housing Trust 38823
Fund. This transfer shall be made via an intrastate transfer 38824
voucher. 38825

TANF TRANSFER TO CDBG OPERATING MATCH 38826

The Office of Housing and Community Partnerships of the 38827
Department of Development shall use \$5,200,000 of appropriation 38828
authority transferred from appropriation item 600-689, TANF Block 38829
Grant, in the Department of Job and Family Services in fiscal year 38830
2002 to appropriation item 195-497, CDBG Operating Match, in the 38831
Department of Development, and \$6,500,000 of appropriation 38832
authority transferred from appropriation item 600-689, TANF Block 38833
Grant, in fiscal year 2003 to appropriation item 195-497, CDBG 38834
Operating Match, to provide grants supportive services for 38835
low-income families related to housing or homelessness, including 38836
housing counseling; to provide grants to nonprofit organizations 38837
to assist families with incomes at or below 200 per cent of the 38838
federal poverty guidelines with down payment assistance for 38839
homeownership, including the purchase of mobile homes; to provide 38840
emergency home repair funding for families with incomes at or 38841
below 200 per cent of the federal poverty guideline; to provide 38842
operating support for family emergency shelter programs; and to 38843
provide emergency rent and mortgage assistance for families with 38844
incomes at or below 200 per cent of the federal poverty guideline. 38845
TANF funds shall not be used to match federal funds. 38846

The Department of Development shall comply with all TANF 38847
requirements, including reporting requirements and timelines, as 38848
specified in state and federal laws, federal regulations, state 38849
rules, and the Title IV-A state plan, and is responsible for 38850

payment of any adverse audit finding, final disallowance of 38851
federal financial participation, or other sanction or penalty 38852
issued by the federal government or other entity concerning these 38853
funds. 38854

No more than five per cent of transferred funds may be used 38855
by the department for administrative expenses of these programs. 38856
Transfer of funds between these programs shall first obtain 38857
approval of the Controlling Board. 38858

As used in this section, "federal poverty guideline" means 38859
the poverty guideline as defined by the United States Office of 38860
Management and Budget and revised by the United States Secretary 38861
of Health and Human Services in accordance with section 673 of the 38862
"Community Services Block Grant Act," 95 Stat. 511 (1981), 42 38863
U.S.C.A. 9902, as amended. 38864

UTILITY BILL CREDIT 38865

The foregoing appropriation item 195-505, Utility Bill 38866
Credits, shall be used to provide utility and fuel assistance to 38867
eligible low-income Ohio households with elderly and disabled 38868
members. 38869

Section 41.11. TRAVEL AND TOURISM GRANTS 38870

The foregoing appropriation item 195-507, Travel and Tourism 38871
Grants, shall be used to provide grants to local organizations to 38872
support various local travel and tourism events in Ohio. 38873

Of the foregoing appropriation item 195-507, Travel and 38874
Tourism Grants, up to \$200,000 in each fiscal year of the biennium 38875
may be used to support the outdoor dramas Trumpet in the Land, 38876
Blue Jacket, Tecumseh, and the Becky Thatcher Showboat Drama; 38877
\$50,000 in each fiscal year shall be used for the Greater 38878
Cleveland Film Commission; \$50,000 in each fiscal year shall be 38879
used for the Cincinnati Film Commission; and \$500,000 in each 38880

fiscal year shall be used for grants to the International Center 38881
for the Preservation of Wild Animals. 38882

ISSUE 1 IMPLEMENTATION 38883

The foregoing appropriation item 195-510, Issue 1 38884
Implementation, shall be used to begin the implementation of 38885
Article VIII, Section 2o of the Ohio Constitution. 38886

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 38887

The foregoing appropriation item 195-906, Coal Research and 38888
Development General Obligation Debt Service shall be used to pay 38889
all debt service and financing costs at the times they are 38890
required to be made under sections 151.01 and 151.07 of the 38891
Revised Code during the period from July 1, 2001, to June 30, 38892
2003. The Office of the Sinking Fund or the Director of Budget and 38893
Management shall effectuate the required payments by an intrastate 38894
transfer voucher. 38895

Section 41.12. SUPPORTIVE SERVICES 38896

The Director of Development may assess divisions of the 38897
department for the cost of central service operations. Such an 38898
assessment shall be based on a plan submitted to and approved by 38899
the Office of Budget and Management by the first day of August of 38900
each fiscal year, and contain the characteristics of 38901
administrative ease and uniform application. 38902

A division's payments shall be credited to the Supportive 38903
Services Fund (Fund 135) using an intrastate transfer voucher. 38904

GENERAL REIMBURSEMENT 38905

The foregoing appropriation item 195-636, General 38906
Reimbursements, shall be used for conference and subscription fees 38907
and other reimbursable costs. Revenues to the General 38908
Reimbursement Fund (Fund 685) shall consist of fees and other 38909

moneys charged for conferences, subscriptions, and other 38910
administrative costs that are not central service costs. 38911

HEAP WEATHERIZATION 38912

Fifteen per cent of the federal funds received by the state 38913
for the Home Energy Assistance Block Grant shall be deposited in 38914
the Department of Development's Federal Special Revenue Fund (Fund 38915
3K9) and shall be used to provide home weatherization services in 38916
the state. 38917

HOME PROGRAM 38918

On July 1, 2001, or as soon as possible thereafter, the 38919
Director of Development shall certify to the Director of Budget 38920
and Management the cash balance and open encumbrances relating to 38921
the HOME Program located within Fund 308, appropriation item 38922
195-603, Housing and Urban Development. The Director of Budget and 38923
Management shall transfer the certified amount to newly created 38924
Fund 3V1, HOME Program. Any existing encumbrances in appropriation 38925
item 195-603 for the HOME Program shall be canceled and 38926
re-established against appropriation item 195-601, HOME Program. 38927
These re-established amounts are appropriated. 38928

STATE SPECIAL PROJECTS 38929

The foregoing appropriation item 195-639, State Special 38930
Projects, shall be used as a general account for the deposit of 38931
private-sector funds from utility companies and other 38932
miscellaneous state funds. Private-sector moneys shall be used to 38933
(1) pay the expenses of verifying the income-eligibility of HEAP 38934
applicants, (2) market economic development opportunities in the 38935
state, and (3) leverage additional federal funds. State funds 38936
shall be used to match federal housing grants for the homeless. 38937

Section 41.13. MINORITY BUSINESS ENTERPRISE LOAN 38938

All repayments from the Minority Development Financing 38939

As Reported by the House Finance and Appropriations Committee

Advisory Board loan program and the Ohio Mini-Loan Guarantee	38940
Program shall be deposited in the State Treasury, to the credit of	38941
the Minority Business Enterprise Loan Fund (Fund 4W1).	38942
All operating costs of administering the Minority Business	38943
Enterprise Loan Fund shall be paid from the Minority Business	38944
Enterprise Loan Fund (Fund 4WI).	38945
MINORITY BUSINESS BONDING FUND	38946
Notwithstanding Chapters 122., 169., and 175. of the Revised	38947
Code and other provisions of Am. Sub. H.B. 283 of the 123rd	38948
General Assembly, the Director of Development may, upon the	38949
recommendation of the Minority Development Financing Advisory	38950
Board, pledge up to \$10,000,000 in the 2001-2003 biennium of	38951
unclaimed funds administered by the Director of Commerce and	38952
allocated to the Minority Business Bonding Program pursuant to	38953
section 169.05 of the Revised Code. The transfer of any cash by	38954
the Director of Budget and Management from the Department of	38955
Commerce's Unclaimed Funds Fund (Fund 543) to the Department of	38956
Development's Minority Business Bonding Fund (Fund 449) shall	38957
occur, if requested by the Director of Development, only if such	38958
funds are needed for payment of losses arising from the Minority	38959
Business Bonding Program, and only after proceeds of the initial	38960
transfer of \$2,700,000 by the Controlling Board to the Minority	38961
Business Bonding Program has been used for that purpose. Moneys	38962
transferred by the Director of Budget and Management from the	38963
Department of Commerce for this purpose may be moneys in custodial	38964
funds held by the Treasurer of State. If expenditures are required	38965
for payment of losses arising from the Minority Business Bonding	38966
Program, such expenditures shall be made from appropriation item	38967
195-623, Minority Business Bonding Contingency in the Minority	38968
Business Bonding Fund, and such amounts are appropriated.	38969
	38970
MINORITY BUSINESS BONDING PROGRAM ADMINISTRATION	38971

As Reported by the House Finance and Appropriations Committee

Investment earnings of the Minority Business Bonding Fund 38972
 (Fund 449) shall be credited to the Minority Business Bonding 38973
 Program Administration Fund (Fund 450). 38974

Section 41.14. ECONOMIC DEVELOPMENT FINANCING OPERATING 38975

The foregoing appropriation item 195-625, Economic 38976
 Development Financing Operating, shall be used for the operating 38977
 expenses of financial assistance programs authorized under Chapter 38978
 166. of the Revised Code and under sections 122.43 and 122.45 of 38979
 the Revised Code. 38980

UNIVERSAL SERVICE FUND 38981

The foregoing appropriation item 195-659, Universal Service, 38982
 shall be used to provide electric utility assistance benefits to 38983
 Percentage of Income Payment Plan (PIPP) electric accounts, to 38984
 fund targeted energy efficiency and customer education services to 38985
 PIPP customers, and to cover the department's administrative costs 38986
 related to the Universal Service Fund Programs. 38987

ENERGY EFFICIENCY REVOLVING LOAN FUND 38988

The foregoing appropriation item 195-660, Energy Efficiency 38989
 Revolving Loan, shall be used to provide financial assistance to 38990
 customers for eligible energy efficiency projects for residential, 38991
 commercial and industrial business, local government, educational 38992
 institution, nonprofit, and agriculture customers, and to pay for 38993
 the program's administrative costs as provided in the Revised Code 38994
 and rules adopted by the Director of Development. 38995

VOLUME CAP ADMINISTRATION 38996

The foregoing appropriation item 195-654, Volume Cap 38997
 Administration, shall be used for expenses related to the 38998
 administration of the Volume Cap Program. Revenues received by the 38999
 Volume Cap Administration Fund (Fund 617) shall consist of 39000
 application fees, forfeited deposits, and interest earned from the 39001

custodial account held by the Treasurer of State. 39002

Section 41.15. FACILITIES ESTABLISHMENT FUND 39003

The foregoing appropriation item 195-615, Facilities 39004
Establishment (Fund 037), shall be used for the purposes of the 39005
Facilities Establishment Fund under Chapter 166. of the Revised 39006
Code. 39007

Of the foregoing appropriation item 195-615, Facilities 39008
Establishment (Fund 037), up to \$5,000,000 in each fiscal year 39009
shall be used for the implementation of H.B. 6 of the 124th 39010
General Assembly, if the bill is enacted. 39011

Notwithstanding Chapter 166. of the Revised Code, up to 39012
\$1,600,000 may be transferred each fiscal year from the Facilities 39013
Establishment Fund (Fund 037) to the Economic Development 39014
Financing Operating Fund (Fund 451). The transfer is subject to 39015
Controlling Board approval pursuant to division (B) of section 39016
166.03 of the Revised Code. 39017

Notwithstanding Chapter 166. of the Revised Code, up to 39018
\$3,800,000 may be transferred in each fiscal year of the biennium 39019
from the Facilities Establishment Fund (Fund 037) to the Minority 39020
Business Enterprise Loan Fund (Fund 4W1). The transfer is subject 39021
to Controlling Board approval pursuant to division (B) of section 39022
166.03 of the Revised Code. 39023

Notwithstanding Chapter 166. of the Revised Code, up to 39024
\$5,000,000 cash may be transferred during the biennium from the 39025
Facilities Establishment Fund (Fund 037) to the Port Authority 39026
Bond Reserves Fund (Fund 5D1) for use by any port authority in 39027
establishing or supplementing bond reserve funds for any bond 39028
issuance permitted under Chapter 4582. of the Revised Code. The 39029
Director of Development shall develop program guidelines for the 39030
transfer and release of funds, including, but not limited to, a 39031

provision that a port authority shall receive not more than 39032
\$2,000,000 total from the fund. The transfer and release of funds 39033
are subject to Controlling Board approval. 39034

Notwithstanding Chapter 166. of the Revised Code, up to 39035
\$20,475,000 cash may be transferred during the biennium from the 39036
Facilities Establishment Fund (Fund 037) to the Urban 39037
Redevelopment Loans Fund (Fund 5D2) for the purpose of removing 39038
barriers to urban core redevelopment. The Director of Development 39039
shall develop program guidelines for the transfer and release of 39040
funds, including, but not limited to, the completion of all 39041
appropriate environmental assessments before state assistance is 39042
committed to a project. 39043

Notwithstanding Chapter 166. of the Revised Code, up to 39044
\$5,000,000 per fiscal year in cash may be transferred from the 39045
Facilities Establishment Fund (Fund 037) to the Rural Industrial 39046
Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling 39047
Board approval pursuant to section 166.03 of the Revised Code. 39048

FAMILY FARM LOAN PROGRAM 39049

Notwithstanding Chapter 166. of the Revised Code, up to 39050
\$2,246,375 in each fiscal year shall be transferred from moneys in 39051
the Facilities Establishment Fund (Fund 037) to the Family Farm 39052
Loan Fund (Fund 5H1) in the Department of Development. These 39053
moneys shall be used for loan guarantees. The transfer is subject 39054
to Controlling Board approval. 39055

Financial assistance from the Family Farm Loan Fund (Fund 39056
5H1) shall be repaid to Fund 5H1. This fund is established in 39057
accordance with sections 166.031, 901.80, 901.81, 901.82, and 39058
901.83 of the Revised Code. 39059

When the Family Farm Loan Fund (Fund 5H1) ceases to exist, 39060
all outstanding balances, all loan repayments, and any other 39061
outstanding obligations shall revert to the Facilities 39062

Establishment Fund (Fund 037).				39063
Section 41.16. FUND 5F7 TRANSFER				39064
On July 1, 2001, or as soon as possible thereafter, the				39065
Director of Budget and Management shall transfer all cash in Fund				39066
5F7, Local Government Y2K Loan Program, to the General Revenue				39067
Fund. Upon completion of the transfer, Fund 5F7 is abolished.				39068
Section 42. OBD OHIO BOARD OF DIETETICS				39069
General Services Fund Group				39070
4K9 860-609 Operating Expenses	\$	300,591	\$ 317,617	39071
TOTAL GSF General Services Fund				39072
Group	\$	300,591	\$ 317,617	39073
TOTAL ALL BUDGET FUND GROUPS	\$	300,591	\$ 317,617	39074
Section 43. CDR COMMISSION ON DISPUTE RESOLUTION AND				39076
CONFLICT MANAGEMENT				39077
General Revenue Fund				39078
GRF 145-401 Commission on Dispute	\$	581,192	\$ 609,974	39079
Resolution/Management				
TOTAL GRF General Revenue Fund	\$	581,192	\$ 609,974	39080
General Services Fund Group				39081
4B6 145-601 Gifts and Grants	\$	160,590	\$ 164,605	39082
TOTAL GSF General Services Fund				39083
Group	\$	160,590	\$ 164,605	39084
Federal Special Revenue Fund Group				39085
3S6 145-602 Dispute Resolution:	\$	32,917	\$ 0	39086
Federal				
TOTAL FED Federal Special Revenue	\$	32,917	\$ 0	39087
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	774,699	\$ 774,579	39088

COMMISSION ON DISPUTE RESOLUTION/MANAGEMENT 39089

The foregoing appropriation item 145-401, Commission on 39090
 Dispute Resolution/Management, shall be used in each fiscal year 39091
 by the Commission on Dispute Resolution and Conflict Management 39092
 for the purpose of providing dispute resolution and conflict 39093
 management training, consultation, and materials for state and 39094
 local government, communities, school districts, and courts and, 39095
 in consultation with the Department of Education, for the purpose 39096
 of offering competitive school conflict programs to school 39097
 districts. 39098

The Commission shall assist the Department of Education in 39099
 the development and dissemination of the school conflict 39100
 management programs to school districts. 39101

Section 44. EDU DEPARTMENT OF EDUCATION 39102

General Revenue Fund 39103

GRF 200-100 Personal Services \$ 11,819,828 \$ 12,113,828 39104

GRF 200-320 Maintenance and \$ 5,052,866 \$ 5,185,051 39105

Equipment

GRF 200-406 Head Start \$ 98,843,825 \$ 98,843,825 39106

GRF 200-408 Public Preschool \$ 19,506,206 \$ 19,506,206 39107

GRF 200-410 Professional \$ 23,463,829 \$ 34,810,579 39108

Development

GRF 200-411 Family and Children \$ 10,642,188 \$ 10,642,188 39109

First

GRF 200-416 Vocational Education \$ 2,381,738 \$ 2,381,738 39110

Match

GRF 200-420 Technical Systems \$ 6,000,000 \$ 6,500,000 39111

Development

GRF 200-421 Alternative Education \$ 20,000,000 \$ 20,000,000 39112

Programs

GRF 200-422 School Management \$ 1,485,675 \$ 1,571,219 39113

As Reported by the House Finance and Appropriations Committee

		Assistance				
GRF	200-424	Policy Analysis	\$	642,756	\$	674,894 39114
GRF	200-425	Tech Prep	\$	2,431,012	\$	2,431,012 39115
		Administration				
GRF	200-426	Ohio Educational	\$	39,871,927	\$	39,871,927 39116
		Computer Network				
GRF	200-427	Academic Standards	\$	8,474,999	\$	8,862,500 39117
GRF	200-431	School Improvement	\$	15,850,000	\$	14,625,000 39118
		Initiatives				
GRF	200-432	School Conflict	\$	626,496	\$	657,821 39119
		Management				
GRF	200-433	Reading/Writing	\$	18,962,948	\$	19,276,694 39120
		Improvement				
GRF	200-437	Student Assessment	\$	23,692,045	\$	25,942,045 39121
GRF	200-438	Safe Schools	\$	2,050,000	\$	2,050,000 39122
GRF	200-441	American Sign Language	\$	232,073	\$	236,715 39123
GRF	200-442	Child Care Licensing	\$	1,517,751	\$	1,548,107 39124
GRF	200-444	Professional	\$	1,917,000	\$	1,705,800 39125
		Recruitment				
GRF	200-445	OhioReads	\$	5,485,440	\$	5,485,440 39126
		Admin/Volunteer				
		Support				
GRF	200-446	Education Management	\$	16,579,636	\$	16,573,430 39127
		Information System				
GRF	200-447	GED Testing/Adult High	\$	2,038,678	\$	2,079,451 39128
		School				
GRF	200-455	Community Schools	\$	4,728,935	\$	4,824,517 39129
GRF	200-500	School Finance Equity	\$	23,560,125	\$	19,975,864 39130
GRF	200-501	Base Cost Funding	\$	4,263,404,768	\$	4,432,102,815 39131
GRF	200-502	Pupil Transportation	\$	334,183,786	\$	377,305,465 39132
GRF	200-503	Bus Purchase Allowance	\$	36,735,279	\$	36,799,984 39133
GRF	200-505	School Lunch Match	\$	9,639,000	\$	9,831,780 39134
GRF	200-509	Adult Literacy	\$	7,387,249	\$	7,574,994 39135

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		Education				
GRF	200-511	Auxiliary Services	\$	122,782,475	\$	127,650,709 39136
GRF	200-513	Student Intervention	\$	31,900,000	\$	38,280,000 39137
		Services				
GRF	200-514	Post-Secondary/Adult	\$	23,230,243	\$	23,230,243 39138
		Career-Technical				
		Education				
GRF	200-520	Disadvantaged Pupil	\$	360,149,743	\$	360,149,743 39139
		Impact Aid				
GRF	200-521	Gifted Pupil Program	\$	45,930,131	\$	47,983,321 39140
GRF	200-525	Parity Aid	\$	95,263,845	\$	200,123,870 39141
GRF	200-532	Nonpublic	\$	53,533,703	\$	55,675,051 39142
		Administrative Cost				
		Reimbursement				
GRF	200-534	Desegregation Costs	\$	500,000	\$	500,000 39143
GRF	200-540	Special Education	\$	139,006,701	\$	141,950,428 39144
		Enhancements				
GRF	200-545	Career-Technical	\$	21,673,574	\$	22,406,349 39145
		Education Enhancements				
GRF	200-546	Charge-Off Supplement	\$	39,191,433	\$	28,684,104 39146
GRF	200-552	County MR/DD Boards	\$	1,666,204	\$	1,666,204 39147
		Vehicle Purchases				
GRF	200-553	County MR/DD Boards	\$	9,575,910	\$	9,575,910 39148
		Transportation				
		Operating				
GRF	200-558	Emergency Loan	\$	4,500,000	\$	3,300,000 39149
		Interest Subsidy				
GRF	200-566	OhioReads Grants	\$	27,148,000	\$	27,148,000 39150
GRF	200-570	School Improvement	\$	1,000,000	\$	1,000,000 39151
		Incentive Grants				
GRF	200-574	Substance Abuse	\$	1,948,200	\$	1,948,200 39152
		Prevention				
GRF	200-901	Property Tax	\$	707,700,000	\$	743,000,000 39153

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Allocation - Education			
GRF 200-906	Tangible Tax Exemption	\$ 73,500,000	\$ 75,700,000 39154
- Education			
TOTAL GRF	General Revenue Fund	\$ 6,779,408,220	\$ 7,151,963,021 39155
General Services Fund Group 39156			
138 200-606	Computer Services	\$ 6,629,469	\$ 6,761,034 39157
4D1 200-602	Ohio	\$ 345,000	\$ 345,000 39158
Prevention/Education			
Resource Center			
4L2 200-681	Teacher Certification	\$ 4,684,143	\$ 4,856,290 39159
and Licensure			
452 200-638	Miscellaneous Revenue	\$ 1,045,000	\$ 1,045,000 39160
5H3 200-687	School District	\$ 24,000,000	\$ 24,000,000 39161
Solvency Assistance			
596 200-656	Ohio Career	\$ 743,217	\$ 769,230 39162
Information System			
TOTAL GSF	General Services		39163
Fund Group		\$ 37,446,829	\$ 37,776,554 39164
Federal Special Revenue Fund Group 39165			
3C5 200-661	Federal Dependent Care	\$ 18,189,907	\$ 18,233,488 39166
Programs			
3D1 200-664	Drug Free Schools	\$ 20,621,375	\$ 20,660,570 39167
3D2 200-667	Honors Scholarship	\$ 2,454,688	\$ 2,540,602 39168
Program			
3H9 200-605	Head Start	\$ 250,000	\$ 250,000 39169
Collaboration Project			
3M0 200-623	ESEA Chapter One	\$ 320,505,063	\$ 330,172,277 39170
3M1 200-678	ESEA Chapter Two	\$ 13,595,978	\$ 14,059,555 39171
3M2 200-680	Ind W/Disab Education	\$ 186,000,000	\$ 206,000,000 39172
Act			
3L6 200-617	Federal School Lunch	\$ 175,274,000	\$ 180,181,672 39173
3L7 200-618	Federal School	\$ 45,746,000	\$ 47,026,888 39174

As Reported by the House Finance and Appropriations Committee

		Breakfast					
3L8	200-619	Child and Adult Care	\$	60,257,639	\$	61,966,125	39175
		Programs					
3L9	200-621	Vocational Education	\$	43,613,582	\$	45,142,330	39176
		Basic Grant					
3S2	200-641	Tech Literacy Transfer	\$	15,183,430	\$	15,183,430	39177
3T4	200-613	Public Charter Schools	\$	4,887,260	\$	5,055,185	39178
3T6	200-611	Class Size Reduction	\$	32,289,281	\$	33,903,747	39179
3U2	200-662	Teacher Quality	\$	1,300,501	\$	1,352,000	39180
		Enhancement Grants					
3U3	200-665	Reading Excellence	\$	10,018,756	\$	0	39181
		Grant Program					
3U6	200-675	Provision 2 & 3 Grant	\$	191,050	\$	0	39182
309	200-601	Educationally	\$	20,759,222	\$	21,425,345	39183
		Disadvantaged					
366	200-604	Adult Basic Education	\$	17,527,286	\$	18,140,740	39184
367	200-607	School Food Services	\$	10,089,884	\$	10,408,199	39185
368	200-614	Veterans' Training	\$	648,514	\$	671,212	39186
369	200-616	Vocational Education	\$	8,000,000	\$	8,000,000	39187
370	200-624	Education of All	\$	1,364,246	\$	1,410,908	39188
		Handicapped Children					
371	200-631	EEO Title IV	\$	1,155,361	\$	1,213,894	39189
374	200-647	E.S.E.A. Consolidated	\$	110,094	\$	110,094	39190
378	200-660	Math/Science	\$	12,696,055	\$	13,036,530	39191
		Technology Investments					
		TOTAL FED Federal Special					39192
		Revenue Fund Group	\$	1,022,729,172	\$	1,056,144,791	39193
		State Special Revenue Fund Group					39194
4R7	200-695	Indirect Cost Recovery	\$	3,942,779	\$	4,168,947	39195
4V7	200-633	Interagency Vocational	\$	695,197	\$	731,674	39196
		Support					
053	200-900	School District	\$	102,000,000	\$	120,605,324	39197
		Property Tax					

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Replacement					
454	200-610	Guidance and Testing	\$ 940,636	\$ 956,761	39198
455	200-608	Commodity Foods	\$ 10,000,000	\$ 11,000,000	39199
598	200-659	Auxiliary Services	\$ 1,328,910	\$ 1,328,910	39200
Mobile Units					
620	200-615	Educational Grants	\$ 1,525,000	\$ 1,525,000	39201
TOTAL SSR State Special Revenue					39202
Fund Group			\$ 120,432,522	\$ 140,316,616	39203
Lottery Profits Education Fund Group					39204
017	200-612	Base Cost Funding	\$ 604,000,000	\$ 596,000,000	39205
017	200-682	Lease Rental Payment	\$ 29,722,100	\$ 25,722,600	39206
Reimbursement					
TOTAL LPE Lottery Profits					39207
Education Fund Group			\$ 633,722,100	\$ 621,722,600	39208
TOTAL ALL BUDGET FUND GROUPS			\$ 8,593,738,843	\$ 9,007,923,582	39209

Section 44.01. MAINTENANCE AND EQUIPMENT 39211

Of the foregoing appropriation item 200-320, Maintenance and 39212
 Equipment, up to \$25,000 may be expended in each year of the 39213
 biennium for State Board of Education out-of-state travel. 39214

Section 44.02. HEAD START 39215

No later than July 15, 2001, the Director of Budget and 39216
 Management shall transfer \$76,156,175 from Fund 3W6, TANF 39217
 Education, to the General Revenue Fund. No later than July 15, 39218
 2002, the Director of Budget and Management shall transfer 39219
 \$98,843,825 from Fund 3W6, TANF Education, to the General Revenue 39220
 Fund. The transferred funds are appropriated for the appropriation 39221
 item 200-406, Head Start. The foregoing appropriation item 39222
 200-406, Head Start, includes transferred funds of \$76,156,175 in 39223
 fiscal year 2002 and \$98,843,825 in fiscal year 2003. 39224

The foregoing appropriation item 200-406, Head Start, shall 39225

As Reported by the House Finance and Appropriations Committee

be distributed by the Department of Education to Head Start 39226
agencies. A "Head Start agency" means an entity that has been 39227
approved to be an agency in accordance with Section 641 (42 U.S.C. 39228
9836) of the Head Start Act and amendments thereto, or an entity 39229
designated for state Head Start funding under this section. 39230
Participation in state-funded Head Start programs is voluntary. 39231

Moneys distributed under this heading shall not be used to 39232
reduce expenditures from funds received by a Head Start agency 39233
from any other sources. Section 3301.31 of the Revised Code does 39234
not apply to funds distributed under this heading. In lieu of 39235
section 3301.31 of the Revised Code, distribution of moneys under 39236
this heading shall be as follows: 39237

(A) In fiscal years 2002 and 2003, up to two per cent of the 39238
appropriation may be used by the department for administrative 39239
costs of complying with this section; developing program capacity; 39240
and assisting programs with facilities planning, construction, 39241
renovation, or lease agreements in combination with the Community 39242
Development Finance Fund (CDFF). Up to \$1,530,000 in fiscal year 39243
2002 and up to \$1,560,600 in fiscal year 2003 may be used for 39244
training in early literacy for Head Start classroom teachers and 39245
administrators to support the OhioReads Initiative. 39246

(B) The department shall provide an annual report to the 39247
Governor, the Speaker of the House of Representatives, the 39248
President of the Senate, the State Board of Education, Head Start 39249
grantees, and other interested parties. The report shall include 39250
the following: 39251

(1) The number and per cent of eligible children by county 39252
and by grantee; 39253

(2) The amount of state funds requested for continuation per 39254
grantee; 39255

(3) The amount of state funds received for continuation per 39256

grantee;	39257
(4) A summary of program performance on the state critical performance indicators;	39258 39259
(5) A summary of developmental progress of children participating in the state-funded Head Start program;	39260 39261
(6) Any other data reflecting the performance of Head Start that the department considers pertinent.	39262 39263
(C) For purposes of this section, "eligible child" means a child who is at least three years of age and not of compulsory school age whose family earns no more than 100 per cent of the federal poverty level, except as otherwise provided in this division.	39264 39265 39266 39267 39268
The Department of Education, in consultation with Head Start grantees or their designated representatives, shall establish criteria under which individual Head Start grantees may apply to the department for a waiver to include as "eligible children" those children from families earning up to 185 per cent of the federal poverty level when the children otherwise qualify as "eligible children" under this division.	39269 39270 39271 39272 39273 39274 39275
In order to serve children whose families receive child care subsidy and whose incomes do not exceed 185 per cent of the federal poverty guidelines, Head Start grantees may enroll children whose families receive child care subsidy from the Ohio Department of Job and Family Services. Head Start grantees providing full-day, full-year comprehensive services, or otherwise meeting the child care needs of working families, may partner with child care centers or family day care homes or may access child care subsidy directly. This provision is to meet the child care needs of low-income families who are working, in training or education programs, or participating in Ohio Works First approved activities.	39276 39277 39278 39279 39280 39281 39282 39283 39284 39285 39286 39287

The Department of Education, in consultation with the 39288
Department of Job and Family Services, interested parties, and 39289
Head Start agencies shall formulate a method for determining an 39290
estimate of the number of eligible children and the per cent 39291
served by grantee(s) in each county. 39292

(D) After setting aside amounts to make any payments due from 39293
the prior fiscal year, in fiscal years 2002 and 2003, funds shall 39294
first be distributed to recipients of Head Start funds during the 39295
preceding fiscal year. Awards under this division may be reduced 39296
by the amount received in that year for one-time start-up costs 39297
and may be adjusted for actual months of program operation or 39298
enrollment as reported during the first full week of December, and 39299
may be increased by a reasonable percentage for inflation to be 39300
determined by the Department of Education and in accordance with 39301
this section. The department may redistribute dollars to programs 39302
demonstrating an unmet need based on updated assessments of family 39303
needs and community resources, with special attention to the 39304
projected impact of welfare reform. In fiscal years 2002 and 2003, 39305
the department may authorize recipients to carry over funds to the 39306
subsequent fiscal year. 39307

The department may reallocate unobligated or unspent money to 39308
participating Head Start agencies for purposes of program 39309
expansion, improvement, or special projects to promote excellence 39310
and innovation. 39311

(E) Costs for developing and administering a Head Start 39312
program may not exceed fifteen per cent of the total approved 39313
costs of the program. 39314

All recipients of funds shall maintain such fiscal control 39315
and accounting procedures as may be necessary to ensure the 39316
disbursement of, and accounting for, these funds. The control of 39317
funds provided in this program, and title to property obtained 39318
therefrom, shall be under the authority of the approved recipient 39319

for purposes provided in the program. The approved recipient shall 39320
administer and use such property and funds for the purposes 39321
specified. 39322

Each recipient shall furnish the department an annual audit 39323
that includes the review of state funds received under this 39324
section. 39325

(F) The department shall prescribe target levels for critical 39326
performance indicators for the purpose of assessing Head Start 39327
programs. On-site reviews and follow-up visits shall be based on 39328
grantee progress in meeting the prescribed target levels. 39329

The department may audit a Head Start agency's financial and 39330
program records. Head Start agencies that have financial practices 39331
not in accordance with standard accounting principles, that fail 39332
to substantially meet the Head Start performance standards, or 39333
that exhibit below-average performance shall be subject to an 39334
on-site review. 39335

The department shall require corrective plans of action for 39336
programs not achieving target levels or financial and program 39337
standards. Action plans shall include activities to be conducted 39338
by the grantee and timelines for activities to be completed and 39339
timelines for additional data submission to the department 39340
demonstrating targets have been met. The Policy Council 39341
chairperson and the appropriate grantee board official shall sign 39342
the corrective plans of action. 39343

Programs not meeting performance targets in accordance with 39344
the plan of action and prescribed timelines may have their 39345
continuation funding reduced, be disqualified for expansion 39346
consideration until targets are met, or have all state funds 39347
withdrawn and a new grantee established. 39348

The department shall require school districts to collect 39349
"preschool" information by program type. All data shall be 39350

reported via the Education Management Information System (EMIS). 39351

(G) The department shall require Head Start grantees to 39352
document child progress, using a common instrument prescribed by 39353
the department, and report results annually. The department shall 39354
determine the dates for documenting and reporting. 39355

The State Board of Education shall adopt rules addressing the 39356
use of screening and assessment data, including, but not limited 39357
to, all the following: 39358

(1) Protection of the identity of individual children through 39359
assignment of a unique but not personally identifiable code; 39360
39361

(2) Parents' rights; 39362

(3) Use of the data by school personnel as it relates to 39363
kindergarten entrance. 39364

(H) New agencies may be designated for state Head Start 39365
funding if a Head Start agency voluntarily waives its right for 39366
funding or is de-funded based on performance. 39367

When such a condition exists, the department shall conduct a 39368
competitive bidding process to select a new agency to provide 39369
state funded continuation or expansion services. The bidding 39370
process shall include notices of competitive bidding mailed to 39371
delegate agencies in the affected area and to newspapers in the 39372
Head Start service area. 39373

Section 3313.646 of the Revised Code does not apply to funds 39374
distributed under this section. 39375

(I) It is the intent of the General Assembly that 39376
appropriations for appropriation items 200-406, Head Start, and 39377
200-408, Public Preschool, be available for transfer between Head 39378
Start and public preschool programs so that unallocated funds may 39379
be used between the two programs. 39380

(J) The Department of Education shall comply with all TANF requirements, including reporting requirements and timelines, as specified in state and federal laws, federal regulations, state rules, and the Title IV-A state plan, and is responsible for payment of any adverse audit finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government or other entity concerning these funds.

Section 44.03. PUBLIC PRESCHOOL

The Department of Education shall distribute the foregoing appropriation item 200-408, Public Preschool, to pay the costs of comprehensive preschool programs. As used in this section, "school district" means a city, local, exempted village, or joint vocational school district, or an educational service center.

(A) In fiscal years 2002 and 2003, up to two per cent of the total appropriation may be used by the department for administrative costs of complying with this section; developing program capacity; and assisting programs with facilities planning, construction, renovation, or lease agreements in conjunction with the Community Development Finance Fund (CDFF).

(B) The department shall provide an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, the State Board of Education, Head Start grantees, and other interested parties. The report shall include:

(1) The number and per cent of eligible children by county and by school district;

(2) The amount of state funds requested for continuation per school district;

(3) The amount of state funds received for continuation per school district;

(4) A summary of program performance on the state critical performance indicators in the public preschool program;	39411 39412
(5) A summary of developmental progress of children participating in the state-funded public preschool program;	39413 39414
(6) Any other data reflecting the performance of public preschool programs that the department considers pertinent.	39415 39416
(C) For purposes of this section, "eligible child" means a child who is at least three years of age whose family earns no more than 185 per cent of the federal poverty level.	39417 39418 39419
The Department of Education, in consultation with the Department of Job and Family Services, interested parties, and Head Start agencies shall formulate a method for determining an estimate of the number of eligible children and the percentage served by grantees in each county.	39420 39421 39422 39423 39424
(D) After setting aside amounts to make any payments due from the prior fiscal year, in fiscal years 2002 and 2003, funds shall first be distributed to recipients of funds during the preceding fiscal year. Awards under this division may be reduced by the amount received in that fiscal year for one-time start-up costs and may be adjusted for actual months of program operation or enrollment as reported during the first full week of December, and may be increased by a reasonable percentage to be determined by the Department of Education. The department may redistribute dollars to programs demonstrating an unmet need based on updated assessments of family needs and community resources, with special attention to the projected impact of welfare reform. In fiscal years 2002 and 2003, the department may authorize recipients to carry over funds to the subsequent fiscal year.	39425 39426 39427 39428 39429 39430 39431 39432 39433 39434 39435 39436 39437 39438
The department may reallocate unobligated or unspent money to participating school districts for purposes of program expansion, improvement, or special projects to promote excellence and	39439 39440 39441

innovation. 39442

(E) Costs for developing and administering a preschool 39443
program may not exceed fifteen per cent of the total approved 39444
costs of the program. 39445

All recipients of funds shall maintain such fiscal control 39446
and accounting procedures as may be necessary to ensure the 39447
disbursement of, and accounting for, these funds. The control of 39448
funds provided in this program, and title to property obtained 39449
therefrom, shall be under the authority of the approved recipient 39450
for purposes provided in the program. The approved recipient shall 39451
administer and use such property and funds for the purposes 39452
specified. 39453

(F) The department shall prescribe target levels for critical 39454
performance indicators for the purpose of assessing public 39455
preschool programs. On-site reviews and follow-up visits shall be 39456
based on progress in meeting the prescribed target levels. 39457
39458

The department may audit a school district's preschool 39459
financial and program records. School districts that have 39460
financial practices not in accordance with standard accounting 39461
principles, that operate preschool programs that fail to 39462
substantially meet the Head Start performance standards, or that 39463
exhibit below-average performance shall be subject to an on-site 39464
review. 39465

The department shall require corrective plans of action for 39466
programs not achieving target levels or financial and program 39467
standards. Action plans shall include activities to be conducted 39468
by the grantee and timelines for activities to be completed and 39469
timelines for additional data submission to the department 39470
demonstrating that targets have been met. The appropriate school 39471
board official shall sign the corrective plans of action. 39472

Public preschool programs not meeting performance targets in accordance with the plan of action and prescribed timelines may have their continuation funding reduced, be disqualified for expansion consideration until targets are met, or have all state funds withdrawn and a new program established.

(G) The department shall require public preschool programs to document child progress, using a common instrument prescribed by the department, and report results annually. The department shall determine the dates for documenting and reporting.

The State Board of Education shall adopt rules addressing the use of screening and assessment data, including, but not limited to, all of the following:

(1) Protection of the identity of individual children through assignment of a unique but not personally identifiable code;

(2) Parents' rights;

(3) Use of the data by school personnel as it relates to kindergarten entrance.

(H) Each school district shall develop a sliding fee scale based on family incomes in the district and shall charge families who earn more than the federal poverty level for preschool.

(I) It is the intent of the General Assembly that appropriations for appropriation items 200-406, Head Start, and 200-408, Public Preschool, be available for transfer between Head Start and Public Preschool programs so that unallocated funds may be used between the two programs.

Section 44.04. PROFESSIONAL DEVELOPMENT

Of the foregoing appropriation item 200-410, Professional Development, \$5,997,829 in each fiscal year shall be used by the

Department of Education to develop a statewide comprehensive 39502
system of twelve professional development centers that support 39503
local educators' ability to foster academic achievement in the 39504
students they serve. The centers shall include training teachers 39505
on site-based management concepts to encourage teachers to become 39506
involved in the management of their schools. 39507

Of the foregoing appropriation item 200-410, Professional 39508
Development, \$5,845,000 in fiscal year 2002 and \$6,000,000 in 39509
fiscal year 2003 shall be used by the Department of Education to 39510
pay the application fee for teachers from public and chartered 39511
nonpublic schools applying to the National Board for Professional 39512
Teaching Standards for professional teaching certificates or 39513
licenses that the board offers, and to provide grants in each 39514
fiscal year to recognize and reward teachers who become certified 39515
by the board pursuant to section 3319.55 of the Revised Code. 39516

These moneys shall be used to pay for the first 900 39517
applications in fiscal year 2002 and up to the first 550 39518
applications in fiscal year 2003 received by the department. Each 39519
prospective applicant for certification or licensure shall submit 39520
an application to the Department of Education. When the department 39521
has collected a group of applications, but not later than 30 days 39522
after receipt of the first application in a group, it shall send 39523
the applications to the National Board for Professional Teaching 39524
Standards along with a check to cover the cost of the application 39525
fee for all applicants in that group. 39526

Of the foregoing appropriation item 200-410, Professional 39527
Development, up to \$8,296,000 in fiscal year 2002 and up to 39528
\$19,387,750 in fiscal year 2003 shall be allocated for entry year 39529
programs. These funds shall be used to support mentoring services 39530
of beginning teachers, including chartered nonpublic beginning 39531
teachers. In fiscal year 2002, the Department of Education shall 39532
select eligible beginning teachers to participate in a year-long 39533

entry year program that provides mentoring by experienced school 39534
district and university faculty and Praxis III teacher performance 39535
assessment. In fiscal year 2003, the program shall also include 39536
the assessment of all beginning teachers with the Education 39537
Testing Service's Praxis III examination. 39538

Of the foregoing appropriation item 200-410, Professional 39539
Development, up to \$650,000 in each fiscal year shall be used to 39540
continue Ohio leadership academies to develop and train 39541
superintendents in new leadership and management practices to 39542
support high performance schools. This training shall be 39543
coordinated with other locally administered leadership programs. 39544

Of the foregoing appropriation item 200-410, Professional 39545
Development, up to \$850,000 in each fiscal year shall be used to 39546
support the Ohio Principal's Leadership Academy that will serve 39547
principals and their staff teams. An advisory panel comprised of 39548
national business and education experts shall advise the 39549
Department of Education on content and delivery of curriculum and 39550
instruction. 39551

Of the foregoing appropriation item 200-410, Professional 39552
Development, up to \$975,000 in each fiscal year shall be used to 39553
establish an entry year program for principals, including for 39554
chartered nonpublic principals. Grants in fiscal year 2002 shall 39555
be issued to pilot sites that shall develop prototypes of the 39556
program in a variety of contexts. These sites also shall pilot the 39557
School Leaders Licensure Assessment, which was developed by the 39558
Educational Testing Service at a cost of \$450 per assessment. 39559
Funds in fiscal year 2003 shall be used to implement an entry year 39560
program for principals. 39561

Of the foregoing appropriation item 200-410, Professional 39562
Development, up to \$500,000 in each fiscal year shall be used by 39563
the Rural Appalachian Initiative to create professional 39564
development academies for teachers, principals, and 39565

superintendents in the Appalachian region. No funding shall be 39566
released prior to the Department of Education receiving a 39567
satisfactory report of the activities conducted by these 39568
professional development academies during the previous year. 39569

Of the foregoing appropriation item 200-410, Professional 39570
Development, up to \$250,000 in fiscal year 2002 and up to \$350,000 39571
in fiscal year 2003 shall be used to support a Teacher Recognition 39572
Program. Funds awarded shall be used to recognize exemplary 39573
performance and support the professional development of educators 39574
across the educator life-cycle continuum, and may also be used to 39575
support the implementation of an educator-in-residence program. 39576

Of the foregoing appropriation item 200-410, Professional 39577
Development, up to \$25,000 in each fiscal year shall be used by 39578
the Ohio Teacher Education and Certification Commission to carry 39579
out the responsibilities of the 21-member Ohio Teacher Education 39580
and Certification Advisory Commission. The advisory commission is 39581
charged by the State Board of Education with considering all 39582
matters related to educator preparation and licensure, including 39583
standards for educator preparation and licensure, approval of 39584
institutions and programs, and recommending consideration of 39585
decisions to the State Board. 39586

Of the foregoing appropriation item 200-410, Professional 39587
Development, up to \$75,000 in each fiscal year shall be used to 39588
support the Ohio University Leadership Program. 39589

Section 44.05. FAMILY AND CHILDREN FIRST 39590

(A) Of the foregoing appropriation item 200-411, Family and 39591
Children First, the Department of Education shall transfer up to 39592
\$3,677,188 in each fiscal year by intrastate transfer voucher to 39593
the Department of Mental Retardation and Developmental 39594
Disabilities. These funds shall be spent on direct grants to 39595
county family and children first councils created under section 39596

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121.37 of the Revised Code. The funds shall be used as partial support payment and reimbursement for locally coordinated treatment plans for multineeds children that come to the attention of the Family and Children First Cabinet Council pursuant to section 121.37 of the Revised Code. The treatment plans shall include strategies to address each child's academic achievement. The Department of Mental Retardation and Developmental Disabilities shall administer the distribution of the direct grants to the county councils. The Department of Mental Retardation and Developmental Disabilities may use up to five per cent of this amount for administrative expenses associated with the distribution of funds to the county councils.

(B) Of the foregoing appropriation item 200-411, Family and Children First, up to \$1,775,000 in each fiscal year shall be used as administrative grants to county family and children first councils to provide a portion of the salary and fringe benefits necessary to fund county council coordinators, administrative support, training, or parental involvement. The total initial grant under this provision to any county family and children first council shall not exceed \$20,000. In the event that not all counties in the state have established a county council, at the beginning of the fourth quarter of a fiscal year, any remaining funds to be used as administrative grants may be redirected by the Family and Children First Cabinet Council to other priorities and activities. Up to \$15,000 of the \$1,775,000 in each fiscal year shall be used by the Family and Children First Cabinet Council for administrative costs, including stipends to family representatives participating in approved activities of the initiative, educational and informational forums, and technical assistance to local family and children first councils.

(C) Of the foregoing appropriation item 200-411, Family and Children First, up to \$5,190,000 in each fiscal year shall be used

to fund school-based or school-linked school readiness resource 39629
centers in school districts where there is a concentration of risk 39630
factors to school readiness and success, including indicators of 39631
poverty, health, and family stability. The purpose of these 39632
centers is to assist in providing services to families of 39633
school-age children who want and need support. 39634

School readiness resource centers shall be located in each of 39635
the state's 21 urban school districts as defined in division (O) 39636
of section 3317.02 of the Revised Code, as that section existed 39637
prior to July 1, 1998. The Ohio Family and Children First Cabinet 39638
Council, in consultation with the Department of Education and 39639
school districts, shall identify individual schools based on 39640
quantitative and qualitative factors that reflect both the need 39641
for school readiness resource centers and the local capacity for 39642
redesigning, as necessary, a delivery system of family support 39643
services. The council and the Department of Education shall 39644
organize and provide technical assistance to the school districts 39645
and communities in planning, developing, and implementing the 39646
centers. The council shall also negotiate a performance agreement 39647
that details required program characteristics, service options, 39648
and expected results. 39649

Each urban school district and community may receive up to 39650
\$240,000 to maintain three school readiness resource centers that 39651
are located in or linked to elementary, middle, and high school 39652
sites that are connected by student assignment patterns within the 39653
school districts. Each school district shall work with a 39654
representative of the local family and children first council and 39655
a representative cross-section of families and community leaders 39656
in the district to operate the school readiness resource centers 39657
based upon conditions agreed to in the performance agreement 39658
negotiated with the cabinet council. 39659

Up to \$50,000 in each fiscal year may be used by the Ohio 39660

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Family and Children First Cabinet Council for an evaluation of the 39661
effectiveness of the school readiness resource centers. Up to 39662
\$100,000 in each fiscal year may be used by the cabinet council to 39663
approve technical assistance and oversee the implementation of the 39664
centers. The administration and management of the school readiness 39665
resource centers may be contracted out through a competitive 39666
bidding process established by the cabinet council in consultation 39667
with the Department of Education. 39668

Section 44.06. VOCATIONAL EDUCATION MATCH 39669

The foregoing appropriation item 200-416, Vocational 39670
Education Match, shall be used by the Department of Education to 39671
provide vocational administration matching funds pursuant to 20 39672
U.S.C. 2311. 39673

TECHNICAL SYSTEMS DEVELOPMENT 39674

The foregoing appropriation item 200-420, Technical Systems 39675
Development, shall be used to support the development and 39676
implementation of information technology solutions designed to 39677
improve the performance and customer service of the Department of 39678
Education. Funds may be used for personnel, maintenance, and 39679
equipment costs related to the development and implementation of 39680
these technical system projects. Implementation of these systems 39681
shall allow the department to provide greater levels of assistance 39682
to school districts and to provide more timely information to the 39683
public, including school districts, administrators, and 39684
legislators. 39685

In each fiscal year, up to \$2,000,000 shall be used for EMIS 39686
conversion, including district support and technical assistance; 39687
up to \$350,000 in each year may be used for the department's 39688
annual maintenance contract for database management software; and 39689
up to \$200,000 in each year shall be used to support the data 39690
warehouse project. 39691

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ALTERNATIVE EDUCATION PROGRAMS 39692

There is hereby created the Alternative Education Advisory 39693
Council, which shall consist of one representative from each of 39694
the following agencies: the Ohio Department of Education; the 39695
Department of Youth Services; the Ohio Department of Alcohol and 39696
Drug Addiction Services; the Department of Mental Health; the 39697
Office of the Governor or, at the Governor's discretion, the 39698
Office of the Lieutenant Governor; and the Office of the Attorney 39699
General. 39700

Of the foregoing appropriation item 200-421, Alternative 39701
Education Programs, not less than \$9,200,107 in each fiscal year 39702
shall be used for the renewal of successful implementation grants 39703
and for competitive matching grants to the 21 urban school 39704
districts as defined in division (O) of section 3317.02 of the 39705
Revised Code as it existed prior to July 1, 1998, and not less 39706
than \$9,200,107 in each fiscal year shall be used for the renewal 39707
of successful implementation of grants and for competitive 39708
matching grants to rural and suburban school districts for 39709
alternative educational programs for existing and new at-risk and 39710
delinquent youth. Programs shall be focused on youth in one or 39711
more of the following categories: those who have been expelled or 39712
suspended, those who have dropped out of school or who are at risk 39713
of dropping out of school, those who are habitually truant or 39714
disruptive, or those on probation or on parole from a Department 39715
of Youth Services facility. Grants shall be awarded according to 39716
the criteria established by the Alternative Education Advisory 39717
Council in 1999. Grants shall be awarded only to programs where 39718
the grant would not serve as the program's primary source of 39719
funding. These grants shall be administered by the Department of 39720
Education. 39721

The Department of Education may waive compliance with any 39722
minimum education standard established under section 3301.07 of 39723

the Revised Code for any alternative school that receives a grant 39724
under this section on the grounds that the waiver will enable the 39725
program to more effectively educate students enrolled in the 39726
alternative school. 39727

Of the foregoing appropriation item 200-421, Alternative 39728
Education Programs, up to \$480,552 in each fiscal year may be used 39729
for program administration, monitoring, technical assistance, 39730
support, research, and evaluation. Any unexpended balance may be 39731
used to provide additional matching grants to urban, suburban, or 39732
rural school districts as outlined above. 39733

Of the foregoing appropriation item 200-421, Alternative 39734
Education Programs, \$313,386 in each fiscal year shall be used to 39735
contract with the Center for Learning Excellence at The Ohio State 39736
University to provide technical support for the project and the 39737
completion of formative and summative evaluation of the grants. 39738

Of the foregoing appropriation item 200-421, Alternative 39739
Education Programs, up to \$805,849 in each fiscal year shall be 39740
used to support Amer-I-Can. 39741

SCHOOL MANAGEMENT ASSISTANCE 39742

The foregoing appropriation item 200-422, School Management 39743
Assistance, shall be used by the Department of Education to 39744
provide fiscal technical assistance and inservice education for 39745
school district management personnel and to administer, monitor, 39746
and implement the fiscal watch and fiscal emergency provisions 39747
under Chapter 3316. of the Revised Code. 39748

POLICY ANALYSIS 39749

The foregoing appropriation item 200-424, Policy Analysis, 39750
shall be used by the Department of Education to support a system 39751
of administrative, statistical, and legislative education 39752
information to be used for policy analysis. Staff supported by 39753
this appropriation shall administer the development of reports, 39754

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analyses, and briefings to inform education policymakers of 39755
current trends in education practice, efficient and effective use 39756
of resources, and evaluation of programs to improve education 39757
results. The database shall be kept current at all times. These 39758
research efforts shall be used to supply information and analysis 39759
of data to the General Assembly and other state policymakers, 39760
including the Office of Budget and Management and the Legislative 39761
Service Commission. 39762

The Department of Education may use funding from this 39763
appropriation item to purchase or contract for the development of 39764
software systems or contract for policy studies that will assist 39765
in the provision and analysis of policy-related information. 39766
Funding from this appropriation item also may be used to monitor 39767
and enhance quality assurance for research-based policy analysis 39768
and program evaluation to enhance the effective use of education 39769
information to inform education policymakers. 39770

TECH PREP ADMINISTRATION 39771

The foregoing appropriation item 200-425, Tech Prep 39772
Administration, shall be used by the Department of Education to 39773
support state-level activities designed to support, promote, and 39774
expand tech prep programs. Use of these funds shall include, but 39775
not be limited to, administration of grants, program evaluation, 39776
professional development, curriculum development, assessment 39777
development, program promotion, communications, and statewide 39778
coordination of tech prep consortia. 39779

OHIO EDUCATIONAL COMPUTER NETWORK 39780

The foregoing appropriation item 200-426, Ohio Educational 39781
Computer Network, shall be used by the Department of Education to 39782
maintain a system of information technology throughout Ohio and to 39783
provide technical assistance for such a system in support of the 39784
State Education Technology Plan pursuant to section 3301.07 of the 39785

Revised Code. 39786

Of the foregoing appropriation item 200-426, Ohio Educational 39787
Computer Network, up to \$20,571,198 in fiscal year 2002 and up to 39788
\$21,188,334 in fiscal year 2003 shall be used by the Department of 39789
Education to support connection of all public school buildings to 39790
the state's education network, to each other, and to the Internet. 39791
In each fiscal year the Department of Education shall use these 39792
funds to help reimburse data acquisition sites or school districts 39793
for the operational costs associated with this connectivity. The 39794
Department of Education shall develop a formula and guidelines for 39795
the distribution of these funds to the data acquisition sites or 39796
individual school districts. As used in this section, "public 39797
school building" means a school building of any city, local, 39798
exempted village, or joint vocational school district, or any 39799
community school established under Chapter 3314. of the Revised 39800
Code, or any educational service center building used for 39801
instructional purposes. 39802

Of the foregoing appropriation item 200-426, Ohio Educational 39803
Computer Network, up to \$2,043,938 in fiscal year 2002 and up to 39804
\$2,095,037 in fiscal year 2003 shall be used for the Union Catalog 39805
and InfOhio Network. 39806

The Department of Education shall use up to \$4,590,000 in 39807
fiscal year 2002 and up to \$4,727,700 in fiscal year 2003 to 39808
assist designated data acquisition sites with operational costs 39809
associated with the increased use of the state's education network 39810
by chartered nonpublic schools. The Department of Education shall 39811
develop a formula and guidelines for distribution of these funds 39812
to designated data acquisition sites. 39813

The remainder in each fiscal year of appropriation item 39814
200-426, Ohio Educational Computer Network, shall be used to 39815
support development, maintenance, and operation of a network of 39816
uniform and compatible computer-based information and 39817

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instructional systems. The technical assistance shall include, but
 not be restricted to, development and maintenance of adequate
 computer software systems to support network activities. Program
 funds may be used, through a formula and guidelines devised by the
 department, to subsidize the activities of not more than 24
 designated data acquisition sites, as defined by State Board of
 Education rules, to provide school districts and chartered
 nonpublic schools with computer-based student and teacher
 instructional and administrative information services, including
 approved computerized financial accounting, and to ensure the
 effective operation of local automated administrative and
 instructional systems. To broaden the scope of the use of
 technology for education, the department may use up to \$250,000 in
 each fiscal year to coordinate the activities of the computer
 network with other agencies funded by the department or the state.
 In order to improve the efficiency of network activities, the
 department and data acquisition sites may jointly purchase
 equipment, materials, and services from funds provided under this
 appropriation for use by the network and, when considered
 practical by the department, may utilize the services of
 appropriate state purchasing agencies.

ACADEMIC STANDARDS

The foregoing appropriation item 200-427, Academic Standards,
 shall be used by the Department of Education to develop and
 disseminate academic content standards. These funds shall be used
 to develop academic content standards and curriculum models and to
 fund communication of expectations to teachers, school districts,
 parents, and communities.

Section 44.07. SCHOOL IMPROVEMENT INITIATIVES

Of the foregoing appropriation item 200-431, School
 Improvement Initiatives, up to \$3,700,000 in fiscal year 2002

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shall be used to continue previously awarded venture capital 39849
 grants of \$25,000 to 148 schools and up to \$975,000 in fiscal year 39850
 2003 shall be used to continue previously awarded venture capital 39851
 grants of \$25,000 to 39 schools. 39852

Of the foregoing appropriation item 200-431, School 39853
 Improvement Initiatives, \$4,500,000 in fiscal year 2002 and 39854
 \$5,000,000 in fiscal year 2003 shall be used for the development 39855
 and distribution of school report cards pursuant to section 39856
 3302.03 of the Revised Code, for the development of core 39857
 competencies for the proficiency tests, and to support the 39858
 recommendations of the Governor's Commission for Student Success. 39859

Of the foregoing appropriation item 200-431, School 39860
 Improvement Initiatives, \$7,500,000 in fiscal year 2002 and 39861
 \$8,500,000 in fiscal year 2003 shall be used to provide technical 39862
 assistance to school districts that are declared to be in a state 39863
 of academic watch or academic emergency under section 3302.03 of 39864
 the Revised Code to develop their continuous improvement plans as 39865
 required in section 3302.04 of the Revised Code. 39866

Of the foregoing appropriation item 200-431, School 39867
 Improvement Initiatives, up to \$150,000 in each fiscal year shall 39868
 be used to support a teacher-in-residence at the Governor's office 39869
 and related support staff, travel expenses, and administrative 39870
 overhead. 39871

SCHOOL CONFLICT MANAGEMENT 39872

Of the foregoing appropriation item 200-432, School Conflict 39873
 Management, amounts shall be used by the Department of Education 39874
 for the purpose of providing dispute resolution and conflict 39875
 management training, consultation, and materials for school 39876
 districts, and for the purpose of providing competitive school 39877
 conflict management grants to school districts. 39878

The Department of Education shall assist the Commission on 39879

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Dispute Resolution and Conflict Management in the development and 39880
dissemination of the school conflict management program. The 39881
assistance provided by the Department of Education shall include 39882
the assignment of a full-time employee of the department to the 39883
Commission on Dispute Resolution and Conflict Management to 39884
provide technical and administrative support to maximize the 39885
quality of dispute resolution and conflict management programs and 39886
services provided to school districts. 39887

Of the foregoing appropriation item 200-432, School Conflict 39888
Management, up to \$5,000 in fiscal year 2002 shall be used to 39889
support the Character Council Initiative. The Initiative works to 39890
instill character and values at all levels in the community. 39891

READING/WRITING IMPROVEMENT 39892

Of the foregoing appropriation item 200-433, Reading/Writing 39893
Improvement, up to \$12,396,970 in each fiscal year shall be used 39894
for professional development in literacy for classroom teachers, 39895
administrators, and literacy specialists. 39896

Of the foregoing appropriation item 200-433, Reading/Writing 39897
Improvement, up to \$1,780,268 in fiscal year 2002 and up to 39898
\$1,815,874 in fiscal year 2003 shall be used by the Department of 39899
Education to fund the Reading Recovery Training Network, to cover 39900
the cost of release time for the teacher trainers, and to provide 39901
grants to districts to implement other reading improvement 39902
programs on a pilot basis. Funds for this appropriation item may 39903
also be used to conduct evaluations of the impact and 39904
effectiveness of Reading Recovery and other reading improvement 39905
programs. 39906

The remainder of appropriation item 200-433, Reading/Writing 39907
Improvement, shall be used by the Department of Education to 39908
develop and support reading and writing improvement programs by 39909
providing a common assessment/profile instrument for elementary 39910

school buildings, literacy specialist support and training 39911
programs, and incentives for teachers to complete professional 39912
development programs. 39913

STUDENT ASSESSMENT 39914

The foregoing appropriation item 200-437, Student Assessment, 39915
shall be used to develop, field test, print, distribute, score, 39916
and report results from the tests required under sections 39917
3301.0710 and 3301.0711 of the Revised Code and for similar 39918
purposes as required by section 3301.27 of the Revised Code. 39919

SAFE SCHOOLS 39920

Of the foregoing appropriation item 200-438, Safe Schools, 39921
\$230,000 in each fiscal year shall be used for the development and 39922
operation of a Safe Schools Center. The Department of Education 39923
shall oversee the creation of a center to serve as a coordinating 39924
entity to assist school district personnel, parents, juvenile 39925
justice representatives, and law enforcement in identifying 39926
effective strategies and services for improving school safety and 39927
reducing threats to the security of students and school personnel. 39928

Of the foregoing appropriation item 200-438, Safe Schools, up 39929
to \$1,800,000 in each fiscal year shall be used for a safe-school 39930
help line program for students, parents, and the community to 39931
report threats to the safety of students or school personnel. The 39932
Department of Education shall establish criteria to distribute 39933
these funds to school districts whose superintendents indicate the 39934
program would be a meaningful aid to school security. 39935

Of the foregoing appropriation item 200-438, Safe Schools, up 39936
to \$20,000 in each fiscal year may be used by schools for the 39937
Eddie Eagle Gun Safety Pilot Program. School districts wishing to 39938
participate in the pilot program shall apply to the Department of 39939
Education under guidelines established by the Superintendent of 39940
Public Instruction. 39941

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AMERICAN SIGN LANGUAGE 39942

Of the foregoing appropriation item 200-441, American Sign 39943
Language, up to \$153,000 in fiscal year 2002 and up to \$156,060 in 39944
fiscal year 2003 shall be used to implement pilot projects for the 39945
integration of American Sign Language deaf language into the 39946
kindergarten through twelfth-grade curriculum. 39947

The remainder of the appropriation shall be used by the 39948
Department of Education to provide supervision and consultation to 39949
school districts in dealing with parents of handicapped children 39950
who are deaf or hard of hearing, in integrating American Sign 39951
Language as a foreign language, and in obtaining interpreters and 39952
improving their skills. 39953

CHILD CARE LICENSING 39954

The foregoing appropriation item 200-442, Child Care 39955
Licensing, shall be used by the Department of Education to license 39956
and to inspect preschool and school-age child care programs in 39957
accordance with sections 3301.52 to 3301.59 of the Revised Code. 39958

PROFESSIONAL RECRUITMENT 39959

Of the foregoing appropriation item 200-444, Professional 39960
Recruitment, \$1,300,000 in each fiscal year shall be used by the 39961
Department of Education to establish programs targeted at 39962
recruiting underrepresented populations into the teaching 39963
profession. In each year, the recruitment programs shall include, 39964
but not be limited to, alternative teacher licensure or 39965
certification programs emphasizing the recruitment of highly 39966
qualified minority candidates into teaching, including emphasizing 39967
the recruitment of highly qualified minority candidates into 39968
teaching positions in schools that have a high percentage of 39969
minority students. The recruitment programs also shall target 39970
recruiting qualified candidates available as a result of 39971
downsizing of the military and business sectors. Funding also 39972

shall be targeted to statewide, regional, and local programs that 39973
are competitively selected as promising programs demonstrating the 39974
potential of significantly increasing Ohio's minority teaching 39975
force. 39976

The remainder of appropriation item 200-444 shall be used by 39977
the Department of Education for recruitment programs targeting 39978
special needs areas: recruiting prospective mathematics and 39979
science teachers, recruiting special educators, recruiting 39980
principals, developing a web-based placement bureau, establishing 39981
a pre-collegiate program to target future teachers, and piloting 39982
paraeducators-to-teacher programs. 39983

OHIOREADS ADMIN/VOLUNTEER SUPPORT 39984

The foregoing appropriation item 200-445, OhioReads 39985
Admin/Volunteer Support, may be allocated by the OhioReads Council 39986
for volunteer coordinators in public school buildings, to 39987
educational service centers for costs associated with volunteer 39988
coordination, for background checks for volunteers, to evaluate 39989
the OhioReads Program, and for operating expenses associated with 39990
administering the program. 39991

Section 44.08. EDUCATION MANAGEMENT INFORMATION SYSTEM 39992

The foregoing appropriation item 200-446, Education 39993
Management Information System, shall be used by the Department of 39994
Education to provide school districts with the means to implement 39995
local automated information systems and to implement, develop, and 39996
improve the Education Management Information System (EMIS) for the 39997
common student information management software developed by the 39998
Department of Education. 39999

Of the foregoing appropriation item 200-446, Education 40000
Management Information System, up to \$1,100,000 in fiscal year 40001
2002 may be used by the Department of Education to assist 40002

designated data acquisition sites or school districts with 40003
deployment and implementation of the common student management 40004
record system software, and for hardware, personnel, equipment, 40005
staff development, software, and forms modification, as well as to 40006
support EMIS special report activities in the department. 40007

Of the foregoing appropriation item 200-446, Education 40008
Management Information System, up to \$2,213,639 in fiscal year 40009
2002 and up to \$1,476,760 in fiscal year 2003 shall be distributed 40010
to designated data acquisition sites for costs relating to 40011
processing, storing, and transferring data for the effective 40012
operation of the EMIS. These costs may include, but are not 40013
limited to, personnel, hardware, software development, 40014
communications connectivity, professional development, and support 40015
services, and to provide services to participate in the State 40016
Education Technology Plan pursuant to section 3301.07 of the 40017
Revised Code. 40018

Of the foregoing appropriation item 200-446, Education 40019
Management Information System, up to \$7,763,297 in fiscal year 40020
2002 and up to \$8,999,708 in fiscal year 2003 shall be distributed 40021
to school districts, community schools established under Chapter 40022
3314. of the Revised Code, education service centers, and joint 40023
vocational school districts on a per-pupil basis. From this 40024
funding, each school district or community school established 40025
under Chapter 3314. of the Revised Code with enrollment greater 40026
than 100 students and each vocational school district shall 40027
receive a minimum of \$5,000 for each year of the biennium. Each 40028
school district or community school established under Chapter 40029
3314. of the Revised Code with enrollment between one and one 40030
hundred and each education service center and each county board of 40031
MR/DD that submits data through EMIS shall receive \$3,000 for each 40032
year of the biennium. This money shall be used for costs 40033
associated with the development and operation of local automated 40034

record-based information systems that provide data as required by 40035
the education management information system, and facilitate local 40036
district, school, and classroom management activities. 40037

GED TESTING/ADULT HIGH SCHOOL 40038

The foregoing appropriation item 200-447, GED Testing/Adult 40039
High School, shall be used to provide General Educational 40040
Development (GED) testing at no cost to applicants, pursuant to 40041
rules adopted by the State Board of Education. The Department of 40042
Education shall reimburse school districts and community schools, 40043
created in accordance with Chapter 3314. of the Revised Code, for 40044
a portion of the costs incurred in providing summer instructional 40045
or intervention services to students who have not graduated due to 40046
their inability to pass one or more parts of the state's ninth 40047
grade proficiency test. School districts shall also provide such 40048
services to students who are residents of the district pursuant to 40049
section 3313.64 of the Revised Code, but who are enrolled in 40050
chartered, nonpublic schools. The services shall be provided in 40051
the public school, in nonpublic schools, in public centers, or in 40052
mobile units located on or off the nonpublic school premises. No 40053
school district shall provide summer instructional or intervention 40054
services to nonpublic school students as authorized by this 40055
section unless such services are available to students attending 40056
the public schools within the district. No school district shall 40057
provide services for use in religious courses, devotional 40058
exercises, religious training, or any other religious activity. 40059
Chartered, nonpublic schools shall pay for any unreimbursed costs 40060
incurred by school districts for providing summer costs incurred 40061
by school districts for providing summer instruction or 40062
intervention services to students enrolled in chartered, nonpublic 40063
schools. School districts may provide these services to students 40064
directly or contract with postsecondary or nonprofit 40065
community-based institutions in providing instruction. The 40066

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appropriation also shall be used for state reimbursement to school 40067
 districts for adult high school continuing education programs 40068
 pursuant to section 3313.531 of the Revised Code or for costs 40069
 associated with awarding adult high school diplomas under section 40070
 3313.611 of the Revised Code. 40071

COMMUNITY SCHOOLS 40072

Of the foregoing appropriation item 200-455, Community 40073
 Schools, up to \$100,000 in each fiscal year may be used by the 40074
 Lucas County Educational Service Center to pay for additional 40075
 services provided to community schools, subject to the reporting 40076
 by the service center of actual expenses incurred to the 40077
 Department of Education. Up to \$1,628,935 in fiscal year 2002 and 40078
 up to \$1,724,517 in fiscal year 2003 may be used by the Office of 40079
 School Options in the Department of Education for additional 40080
 services and responsibilities under section 3314.11 of the Revised 40081
 Code. 40082

The remaining appropriation may be used by the Department of 40083
 Education and the Lucas County Educational Service Center to make 40084
 grants of up to \$50,000 to each proposing group with a preliminary 40085
 agreement obtained under division (C)(2) of section 3314.02 of the 40086
 Revised Code in order to defray planning and initial start-up 40087
 costs. In the first year of operation of a community school, the 40088
 Department of Education and the Lucas County Educational Service 40089
 Center may make a grant of no more than \$100,000 to the governing 40090
 authority of the school to partially defray additional start-up 40091
 costs. The amount of the grant shall be based on a thorough 40092
 examination of the needs of the community school. The Department 40093
 of Education and the Lucas County Educational Service Center shall 40094
 not utilize moneys received under this section for any other 40095
 purpose other than those specified under this section. The 40096
 department shall allocate an amount to the Lucas County 40097
 Educational Service Center for grants to schools in the Lucas 40098

County area under this paragraph.	40099
A community school awarded start-up grants from appropriation	40100
item 200-613, Public Charter Schools (Fund 3T4), shall not be	40101
eligible for grants under this section.	40102
Section 44.09. SCHOOL FINANCE EQUITY	40103
The foregoing appropriation item 200-500, School Finance	40104
Equity, shall be distributed to school districts based on the	40105
formula specified in section 3317.0213 of the Revised Code.	40106
Section 44.10. BASE COST FUNDING	40107
The foregoing appropriation item 200-501, Base Cost Funding,	40108
includes \$86,794,676 in fiscal year 2003 for the state education	40109
aid offset due to the change in public utility valuation as a	40110
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd	40111
General Assembly. This amount represents the total state education	40112
aid offset due to the valuation change for school districts and	40113
joint vocational school districts from all relevant line item	40114
sources. If it is determined that the state education aid offset	40115
is more than \$86,794,676, the Controlling Board may increase the	40116
appropriation for item 200-501, Base Cost Funding, by the	40117
difference amount if presented with such a request from the	40118
Department of Education. The appropriation increase, if any, is	40119
hereby appropriated. If it is determined that the state education	40120
aid offset is less than \$86,794,676, the Director of Budget and	40121
Management shall then reduce the appropriation for item 200-501,	40122
Base Cost Funding, by the difference amount and notify the	40123
Controlling Board of this action. The appropriation decrease	40124
determined by the Director of Budget and Management, if any, is	40125
hereby approved, and appropriations are hereby reduced by the	40126
amount determined.	40127
Of the foregoing appropriation item 200-501, Base Cost	40128

Funding, up to \$425,000 shall be expended in each year of the 40129
biennium for court payments pursuant to section 2151.357 of the 40130
Revised Code; an amount shall be available each year of the 40131
biennium for the cost of the reappraisal guarantee pursuant to 40132
section 3317.04 of the Revised Code; an amount shall be available 40133
in each year of the biennium to fund up to 225 full-time 40134
equivalent approved GRADS teacher grants pursuant to division (R) 40135
of section 3317.024 of the Revised Code; an amount shall be 40136
available in each year of the biennium to make payments to school 40137
districts pursuant to division (A)(2) of section 3317.022 of the 40138
Revised Code; an amount shall be available in fiscal year 2003 to 40139
make payments to school districts pursuant to division (F) of 40140
section 3317.022 of the Revised Code; and up to \$15,000,000 in 40141
each year of the biennium shall be reserved for payments pursuant 40142
to sections 3317.026, 3317.027, and 3317.028 of the Revised Code 40143
except that the Controlling Board may increase the \$15,000,000 40144
amount if presented with such a request from the Department of 40145
Education. Of the foregoing appropriation item 200-501, Base Cost 40146
Funding, up to \$14,000,000 shall be used in each fiscal year to 40147
provide additional state aid to school districts for special 40148
education students pursuant to division (C)(4) of section 3317.022 40149
of the Revised Code; up to \$2,000,000 in each year of the biennium 40150
shall be reserved for Youth Services tuition payments pursuant to 40151
section 3317.024 of the Revised Code; and up to \$52,000,000 in 40152
each fiscal year shall be reserved to fund the state reimbursement 40153
of educational service centers pursuant to section 3317.11 of the 40154
Revised Code. 40155

Of the foregoing appropriation item 200-501, Base Cost 40156
Funding, up to \$1,000,000 in each fiscal year shall be used by the 40157
Department of Education for a pilot program to pay for educational 40158
services for youth who have been assigned by a juvenile court or 40159
other authorized agency to any of the facilities described in 40160

division (A) of the section titled "Private Treatment Facility Pilot Project." 40161
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The remaining portion of appropriation item 200-501, Base Cost Funding, shall be expended for the public schools of city, local, exempted village, and joint vocational school districts, including base cost funding, special education weight funding, special education speech service enhancement funding, career-technical education weight funding, career-technical education associated service funding, guarantee funding, and teacher training and experience funding pursuant to sections 3317.022, 3317.023, 3317.0212, and 3317.16 of the Revised Code. 40163
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Appropriation items 200-500, School Finance Equity, 200-501, Base Cost Funding, 200-502, Pupil Transportation, 200-520, Disadvantaged Pupil Impact Aid, 200-521, Gifted Pupil Program, 200-525, Parity Aid, and 200-546, Charge-Off Supplement, other than specific set-asides, are collectively used to pay state formula aid obligations for school districts and joint vocational school districts pursuant to Chapter 3317. of the Revised Code. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations under Chapter 3317. of the Revised Code. It may be necessary to reallocate funds among these appropriation items in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items to meet state formula aid obligations, the Department of Education shall seek approval from the Controlling Board to transfer funds among these appropriation items. 40172
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Section 44.11. SUPPLEMENTAL PAYMENT 40188

Upon the recommendation of the Superintendent of Public Instruction, and subject to the approval of the Controlling Board, the Department of Education shall pay a school district in fiscal 40189
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year 2002 an amount not greater than the difference between the 40192
following: 40193

(A) The cost of increasing teachers' salaries above the 40194
district's salary schedule to comply with division (C) of section 40195
3317.13 of the Revised Code as amended by this act, multiplied by 40196
one hundred fourteen per cent; 40197

(B) The district's increases in state funds for fiscal year 40198
2002. 40199

The increases in state funds for fiscal year 2002 shall be 40200
calculated by determining additional state funds received for 40201
fiscal year 2002 under sections 3317.022, 3317.023, 3317.029, 40202
3317.0212, and 3317.053 and division (P) of section 3317.024 of 40203
the Revised Code and uncodified sections of this act, above the 40204
amount of state funds the district received for fiscal year 2001 40205
under sections 3317.022, 3317.023, 3317.029, 3317.0212, and 40206
3317.162 and division (P) of section 3317.024 of the Revised Code 40207
and uncodified sections of Am. Sub. H.B. 282 of the 123rd General 40208
Assembly. 40209

The Department shall determine application procedures and a 40210
schedule for applications and payments under this section, which 40211
shall be subject to the approval of the Controlling Board. The 40212
Department may pay one-half of an estimated amount of a district's 40213
payment under this section during the first half of fiscal year 40214
2002, and the remainder of the actual calculated amount during the 40215
second half of the fiscal year. Subject to the approval of the 40216
Controlling Board, the amount of any overpayments under this 40217
section shall be deducted from payments made to the school 40218
district under Chapter 3317. of the Revised Code for the remainder 40219
of the fiscal year. 40220

Section 44.12. PUPIL TRANSPORTATION 40221

As Reported by the House Finance and Appropriations Committee

Of the foregoing appropriation item 200-502, Pupil Transportation, up to \$800,000 in fiscal year 2002 and up to \$822,400 in fiscal year 2003 may be used by the Department of Education for training prospective and experienced school bus drivers in accordance with training programs prescribed by the department; an amount shall be available in each year of the biennium to be used for special education transportation reimbursements. The reimbursement rate in each year shall be based on the rate defined in division (D) of section 3317.022 of the Revised Code. The remainder of appropriation item 200-502, Pupil Transportation, shall be used for the state reimbursement of public school districts' costs in transporting pupils to and from the school they attend in accordance with the district's policy, State Board of Education standards, and the Revised Code.

BUS PURCHASE ALLOWANCE

The foregoing appropriation item 200-503, Bus Purchase Allowance, shall be distributed to school districts and educational service centers pursuant to rules adopted under section 3317.07 of the Revised Code. Up to 25 per cent of the amount appropriated may be used to reimburse school districts and educational service centers for the purchase of buses to transport handicapped and nonpublic school students.

SCHOOL LUNCH

The foregoing appropriation item 200-505, School Lunch Match, shall be used to provide matching funds to obtain federal funds for the school lunch program.

Section 44.13. ADULT LITERACY EDUCATION

The foregoing appropriation item 200-509, Adult Literacy Education, shall be used to support adult basic and literacy education instructional programs and the State Literacy Resource

Center Program. 40252

Of the foregoing appropriation item 200-509, Adult Literacy 40253
Education, up to \$543,150 in fiscal year 2002 and up to \$554,013 40254
in fiscal year 2003 shall be used for the support and operation of 40255
the State Literacy Resource Center. 40256

The remainder shall be used to continue to satisfy the state 40257
match and maintenance of effort requirements for the support and 40258
operation of the Department of Education-administered 40259
instructional grant program for adult basic and literacy education 40260
in accordance with the department's state plan for adult basic and 40261
literacy education as approved by the State Board of Education and 40262
the Secretary of the United States Department of Education. 40263

AUXILIARY SERVICES 40264

The foregoing appropriation item 200-511, Auxiliary Services, 40265
shall be used by the State Board of Education for the purpose of 40266
implementing section 3317.06 of the Revised Code. Of the 40267
appropriation, up to \$1,250,000 in fiscal year 2002 and up to 40268
\$1,500,000 in fiscal year 2003 may be used for payment of the 40269
Post-Secondary Enrollment Options Program for nonpublic students 40270
pursuant to section 3365.10 of the Revised Code. 40271

STUDENT INTERVENTION SERVICES 40272

The foregoing appropriation item 200-513, Student 40273
Intervention Services, shall be used to assist districts providing 40274
the intervention services specified in section 3313.608 of the 40275
Revised Code. The Department of Education shall establish 40276
guidelines for the use and distribution of these moneys. School 40277
districts receiving funds from this appropriation shall report to 40278
the Department of Education on how funds were used. 40279

No later than July 15, 2002, the Director of Budget and 40280
Management shall transfer \$35,000,000 from Fund 3W6, TANF 40281
Education, to the General Revenue Fund. The transferred funds are 40282

appropriated for the appropriation item 200-513, Student
Intervention Services. The foregoing appropriation item 200-513,
Student Intervention Services, includes transferred funds of
\$35,000,000 in fiscal year 2003.

The Department of Education shall comply with all TANF
requirements, including reporting requirements and timelines, as
specified in state and federal laws, federal regulations, state
rules, and the Title IV-A state plan, and is responsible for
payment of any adverse audit finding, final disallowance of
federal financial participation, or other sanction or penalty
issued by the federal government or other entity concerning these
funds.

POST-SECONDARY/ADULT CAREER-TECHNICAL EDUCATION 40295

The foregoing appropriation item 200-514,
Post-Secondary/Adult Career-Technical Education, shall be used by
the State Board of Education to provide post-secondary/adult
career-technical education under sections 3313.52 and 3313.53 of
the Revised Code.

Of the foregoing appropriation item 200-514,
Post-Secondary/Adult Career-Technical Education, up to \$500,000 in
each fiscal year shall be allocated for the Ohio Career
Information System (OCIS) and used for the dissemination of career
information data to public schools, libraries, rehabilitation
centers, two- and four-year colleges and universities, and other
governmental units.

Of the foregoing appropriation item 200-514,
Post-Secondary/Adult Career-Technical Education, up to \$30,000 in
each fiscal year shall be used for the statewide coordination of
the activities of the Ohio Young Farmers.

DISADVANTAGED PUPIL IMPACT AID 40312

The foregoing appropriation item 200-520, Disadvantaged Pupil 40313

Impact Aid, shall be distributed to school districts according to 40314
section 3317.029 of the Revised Code. However, no money shall be 40315
distributed for all-day kindergarten to any school district whose 40316
three-year average formula ADM exceeds 17,500 but whose DPIA index 40317
is not at least equal to 1.00 in each fiscal year, unless the 40318
Department of Education certifies that sufficient funds exist in 40319
this appropriation to make all other payments required by section 40320
3317.029 of the Revised Code. 40321

The Department of Education shall pay all-day, everyday 40322
kindergarten funding to all school districts in fiscal year 2002 40323
and fiscal year 2003 that qualified for and provided the service 40324
in a preceding fiscal year pursuant to section 3317.029 of the 40325
Revised Code, regardless of changes to such districts' DPIA 40326
indexes in fiscal year 2002 and fiscal year 2003. 40327

The Department of Education shall pay to community schools an 40328
amount for all-day kindergarten if the school district in which 40329
the student is entitled to attend school is eligible but does not 40330
receive a payment for all-day kindergarten, pursuant to division 40331
(B) of section 3314.13 of the Revised Code, and the student is 40332
reported by the community school as enrolled in all-day 40333
kindergarten at the community school. 40334

Of the foregoing appropriation item 200-520, Disadvantaged 40335
Pupil Impact Aid, up to \$3,200,000 in fiscal year 2002 and up to 40336
\$3,300,000 in fiscal year 2003 shall be used for school breakfast 40337
programs. Of these amounts, up to \$500,000 shall be used each year 40338
by the Department of Education to provide start-up grants to rural 40339
school districts and to school districts with less than 1,500 ADM 40340
that start school breakfast programs. The remainder of the 40341
appropriation shall be used to: (1) partially reimburse school 40342
buildings within school districts that are required to have a 40343
school breakfast program pursuant to section 3313.813 of the 40344
Revised Code, at a rate decided by the department, for each 40345

breakfast served to any pupil enrolled in the district; (2) 40346
partially reimburse districts participating in the National School 40347
Lunch Program that have at least 20 per cent of students who are 40348
eligible for free and reduced meals according to federal 40349
standards, at a rate decided by the department; and (3) to 40350
partially reimburse districts participating in the National School 40351
Lunch Program for breakfast served to children eligible for free 40352
and reduced meals enrolled in the district, at a rate decided by 40353
the department. 40354

Of the portion of the funds distributed to the Cleveland City 40355
School District under section 3317.029 of the Revised Code 40356
calculated under division (F)(2) of that section, up to 40357
\$14,903,943 in fiscal year 2002 and up to \$18,066,820 in fiscal 40358
year 2003 shall be used to operate the pilot school choice program 40359
in the Cleveland City School District pursuant to sections 40360
3313.974 to 3313.979 of the Revised Code. 40361

Of the foregoing appropriation item 200-520, Disadvantaged 40362
Pupil Impact Aid, \$1,000,000 in each fiscal year shall be used to 40363
support dropout recovery programs administered by the Department 40364
of Education, Jobs for Ohio's Graduates Program. 40365

Section 44.14. GIFTED PUPIL PROGRAM 40366

The foregoing appropriation item 200-521, Gifted Pupil 40367
Program, shall be used for gifted education units not to exceed 40368
1,050 in fiscal year 2002 and 1,100 in fiscal year 2003 pursuant 40369
to division (P) of section 3317.024 and division (F) of section 40370
3317.05 of the Revised Code. 40371

Of the foregoing appropriation item 200-521, Gifted Pupil 40372
Program, up to \$5,000,000 in each fiscal year of the biennium may 40373
be used as an additional supplement for identifying gifted 40374
students pursuant to Chapter 3324. of the Revised Code. 40375

As Reported by the House Finance and Appropriations Committee

Of the foregoing appropriation item 200-521, Gifted Pupil Program, the Department of Education may expend up to \$1,000,000 each year for the Summer Honors Institute for gifted freshman and sophomore high school students. Up to \$600,000 in each fiscal year shall be used for research and demonstration projects. The Department of Education shall research and evaluate the effectiveness of gifted education programs in Ohio. Up to \$70,000 in each year shall be used for the Ohio Summer School for the Gifted (Martin Essex Program).

Section 44.15. PARITY AID

The foregoing appropriation item 200-525, Parity Aid, shall be distributed to school districts based on the formulas specified in section 3317.0217 of the Revised Code.

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT

The foregoing appropriation item 200-532, Nonpublic Administrative Cost Reimbursement, shall be used by the State Board of Education for the purpose of implementing section 3317.063 of the Revised Code.

DESEGREGATION COSTS

The foregoing appropriation item 200-534, Desegregation Costs, shall be used to pay the legal fees associated with desegregation cases brought against the state.

As part of managing state desegregation costs, any board of education of a school district subject to a federal court desegregation order that requires the district board to bus students for the purpose of racial balance shall, within one year after the effective date of this section:

(1) Update its plan required under Am. Sub. H.B. 298 of the 119th General Assembly designed to satisfy the court so as to obtain release from the court's desegregation order; and

(2) Submit an updated copy of the plan to the State Board of Education. 40406
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Upon request of the district board, the State Board shall provide technical assistance to the school district board in developing a plan. 40408
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Within ninety days after the date on which the plan is submitted to the State Board of Education, the district board, or the district board and the State Board of Education jointly if both are parties to the desegregation case, shall submit the plan to the court and apply for release from the court's desegregation order. 40411
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Section 44.16. SPECIAL EDUCATION ENHANCEMENTS 40417

Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$45,295,000 in fiscal year 2002 and up to \$47,809,750 in fiscal year 2003 shall be used to fund special education and related services at county boards of mental retardation and developmental disabilities for eligible students under section 3317.20 of the Revised Code. Up to \$2,500,000 shall be used in each fiscal year to fund up to 57 special education classroom and related services units at institutions. 40418
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Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$3,293,959 in fiscal year 2002 and up to \$3,425,717 in fiscal year 2003 shall be used for home instruction for handicapped children; up to \$1,500,000 in each fiscal year shall be used for parent mentoring programs; and up to \$2,744,966 in fiscal year 2002 and up to \$2,854,764 in fiscal year 2003 may be used for school psychology interns. 40426
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Of the foregoing appropriation item 200-540, Special Education Enhancements, \$3,852,160 in fiscal year 2002 and up to \$4,006,246 in fiscal year 2003 shall be used by the Department of 40433
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40435

Education to assist school districts in funding aides pursuant to 40436
paragraph (A)(3)(c)(i)(b) of rule 3301-51-04 of the Administrative 40437
Code. 40438

Of the foregoing appropriation item 200-540, Special 40439
Education Enhancements, \$78,623,506 in each fiscal year shall be 40440
distributed by the Department of Education to county boards of 40441
mental retardation and developmental disabilities, educational 40442
service centers, and school districts for preschool special 40443
education units and preschool supervisory units in accordance with 40444
section 3317.161 of the Revised Code. The department may reimburse 40445
county boards of mental retardation and developmental 40446
disabilities, educational service centers, and school districts 40447
for related services as defined in rule 3301-31-05 of the 40448
Administrative Code, for preschool occupational and physical 40449
therapy services provided by a physical therapy assistant and 40450
certified occupational therapy assistant, and for an instructional 40451
assistant. To the greatest extent possible, the Department of 40452
Education shall allocate these units to school districts and 40453
educational service centers. The Controlling Board may approve the 40454
transfer of unallocated funds from appropriation item 200-501, 40455
Base Cost Funding, to appropriation item 200-540, Special 40456
Education Enhancements, to fully fund existing units as necessary 40457
or to fully fund additional units. The Controlling Board may 40458
approve the transfer of unallocated funds from appropriation item 40459
200-540, Special Education Enhancements, to appropriation item 40460
200-501, Base Cost Funding, to fully fund the special education 40461
weight cost funding. 40462

The Department of Education shall require school districts, 40463
educational service centers, and county MR/DD boards serving 40464
preschool children with disabilities to document child progress 40465
using a common instrument prescribed by the department and report 40466
results annually. The reporting dates and methodology shall be 40467

determined by the department. 40468

The department shall adopt rules addressing the use of 40469
screening and assessment data including, but not limited to: 40470

(1) Protection of the identity of individual children through 40471
assignment of a unique, but not personally identifiable, code; 40472
40473

(2) Parents' rights; and 40474

(3) Use of the child data by school personnel as it relates 40475
to kindergarten entrance. 40476

Of the foregoing appropriation item 200-540, Special 40477
Education Enhancements, up to \$808,081 in fiscal year 2002 and up 40478
to \$832,323 in fiscal year 2003 shall be allocated to provide 40479
grants to research-based reading mentoring programs for students 40480
with disabilities in kindergarten through fourth grade. Priority 40481
shall be given to mentoring programs that have been recognized by 40482
the Education Commission of the States as promising educational 40483
practices for accelerating student achievement, are easily 40484
replicated, have strong evaluative components, and have goals 40485
aligned to the Ohio Proficiency Test. Programs may be implemented 40486
at times deemed most appropriate. Certified staff shall administer 40487
these programs and testing of participants shall be required prior 40488
to, during, and after participation in these programs. The results 40489
of the tests shall be reported to the Governor, Superintendent of 40490
Public Instruction, and General Assembly. 40491

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Of the foregoing appropriation item 200-540, Special 40493
Education Enhancements, up to \$86,000 in each fiscal year shall be 40494
used to conduct a collaborative pilot program to provide 40495
educational services and develop best educational practices for 40496
autistic children. The pilot program shall include, but not be 40497
limited to, the involvement of the Wood County Board of Mental 40498

Retardation and Developmental Disabilities, Wood County 40499
Educational Services Center, Children's Resource Center of Wood 40500
County, and the Family and Children First Council of Wood County. 40501

Of the foregoing appropriation item 200-540, Special 40502
Education Enhancements, up to \$303,030 in fiscal year 2002 and up 40503
to \$312,121 in fiscal year 2003 shall be expended to conduct a 40504
demonstration project involving language and literacy intervention 40505
teams supporting student acquisition of language and literacy 40506
skills. The demonstration project shall demonstrate improvement of 40507
language and literacy skills of at-risk learners under the 40508
instruction of certified speech language pathologists and 40509
educators. Baseline data shall be collected and comparison data 40510
for fiscal year 2002 and fiscal year 2003 shall be collected and 40511
reported to the Governor, OhioReads Council, Department of 40512
Education, and the General Assembly. 40513

Section 44.17. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 40514

Of the foregoing appropriation item 200-545, Career-Technical 40515
Education Enhancements, up to \$2,616,001 in each fiscal year shall 40516
be used to fund career-technical education units at institutions. 40517
Up to \$4,200,000 in fiscal year 2002 and up to \$4,182,775 in 40518
fiscal year 2003 shall be used to fund the Jobs for Ohio Graduates 40519
(JOG) program. 40520

Of the foregoing appropriation item 200-545, Career-Technical 40521
Education Enhancements, up to \$5,250,000 in fiscal year 2002 and 40522
up to \$6,000,000 in fiscal year 2003 shall be used by the 40523
Department of Education to fund competitive grants to tech prep 40524
consortia that expand the number of students enrolled in tech prep 40525
programs. These grant funds shall be used to directly support 40526
expanded tech prep programs provided to students enrolled in 40527
school districts, including joint vocational school districts, and 40528
affiliated higher education institutions. 40529

If federal funds for career-technical education cannot be used for local school district leadership without being matched by state funds, then an amount as determined by the Superintendent of Public Instruction shall be made available from state funds appropriated for career-technical education. If any state funds are used for this purpose, federal funds in an equal amount shall be distributed for career-technical education in accordance with authorization of the state plan for vocational education for Ohio as approved by the Secretary of the United States Department of Education.

Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, \$5,707,573 in each fiscal year shall be used to provide an amount to each eligible school district for the replacement or updating of equipment essential for the instruction of students in job skills taught as part of a career-technical program or programs approved for such instruction by the State Board of Education. School districts replacing or updating career-technical education equipment may purchase or lease such equipment. The Department of Education shall review and approve all equipment requests and may allot appropriated funds to eligible school districts on the basis of the number of full-time equivalent workforce development teachers in all eligible districts making application for funds.

The State Board of Education may adopt standards of need for equipment allocation. Pursuant to the adoption of any such standards of need by the State Board of Education, appropriated funds may be allotted to eligible districts according to such standards. Equipment funds allotted under either process shall be provided to a school district on a 30, 40, or 50 per cent of cost on the basis of a district career-technical priority index rating developed by the Department of Education for all districts each year. The career-technical priority index shall give preference to

districts with a large percentage of disadvantaged students and 40562
shall include other socio-economic factors as determined by the 40563
State Board of Education. 40564

Of the foregoing appropriation item 200-545, Career-Technical 40565
Education Enhancements, up to \$3,900,000 in each fiscal year shall 40566
be used to support existing High Schools That Work (HSTW) sites, 40567
develop new sites, fund technical assistance, and support regional 40568
centers and middle school programs. The purpose of HSTW is to 40569
combine challenging academic courses and modern vocational and 40570
technical studies to raise the academic achievement of students. 40571
It provides intensive technical assistance, focused staff 40572
development, targeted assessment services, and ongoing 40573
communications and networking opportunities. 40574

Section 44.18. CHARGE-OFF SUPPLEMENT 40575

The foregoing appropriation item 200-546, Charge-Off 40576
Supplement, shall be used by the Department of Education to make 40577
payments pursuant to section 3317.0216 of the Revised Code. 40578

COUNTY MR/DD BOARDS - VEHICLE PURCHASES 40579

The foregoing appropriation item 200-552, County MR/DD Boards 40580
Vehicle Purchases, shall be used to provide financial assistance 40581
to MR/DD boards for the purchase of vehicles as permitted in 40582
section 3317.07 of the Revised Code. 40583

COUNTY MR/DD BOARDS - TRANSPORTATION 40584

The foregoing appropriation item 200-553, County MR/DD Boards 40585
Transportation Operating, shall be used to provide financial 40586
assistance for transportation operating costs as provided in 40587
division (M) of section 3317.024 of the Revised Code. 40588

EMERGENCY LOAN INTEREST SUBSIDY 40589

The foregoing appropriation item 200-558, Emergency Loan 40590

As Reported by the House Finance and Appropriations Committee

Interest Subsidy, shall be used to provide a subsidy to school districts receiving emergency school loans pursuant to section 3313.484 of the Revised Code. The subsidy shall be used to pay these districts the difference between the amount of interest the district is paying on an emergency loan, and the interest that the district would have paid if the interest rate on the loan had been two per cent.

Section 44.19. OHIOREADS GRANTS 40598

Of the foregoing appropriation item 200-566, OhioReads Grants, \$22,148,000 each year shall be disbursed by the OhioReads Office in the Department of Education at the direction of the OhioReads Council to provide classroom grants to public schools in city, local, and exempted village school districts; community schools; and educational service centers serving kindergarten through fourth grade students.

Of the foregoing appropriation item 200-566, OhioReads Grants, \$5,000,000 each year shall be disbursed by the OhioReads Office in the Department of Education at the direction of the OhioReads Council to provide community matching grants to community organizations and associations, libraries, and others for tutoring, tutor recruitment and training, and parental involvement.

Grants awarded by the OhioReads Council are intended to improve reading outcomes, especially on the fourth grade reading proficiency test.

SCHOOL IMPROVEMENT INCENTIVE GRANTS 40616

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, up to \$750,000 shall be used to provide grants of up to \$50,000 each to educational best practices award winners selected for superior performance by BEST, Building

As Reported by the House Finance and Appropriations Committee

Excellent Schools for Today and the 21st Century. 40621

Any grants awarded from the foregoing appropriation item 40622
 200-570, School Improvement Incentive Grants, shall be awarded to 40623
 individual school buildings, educational service centers, or joint 40624
 vocational school districts, as appropriate. Grant awards shall be 40625
 expended for staff development, classroom equipment, materials, 40626
 and books. The principal or administrator of each grantee shall 40627
 decide how best to use the grant award, with input from staff 40628
 members, consistent with the budget and grant award for the grant. 40629

Of the foregoing appropriation item 200-570, School 40630
 Improvement Incentive Grants, \$50,000 in each fiscal year shall be 40631
 used to support the Bellefaire Jewish Children's Bureau. 40632

Of the foregoing appropriation item 200-570, School 40633
 Improvement Incentive Grants, \$50,000 in each fiscal year shall be 40634
 used to support the Cleveland School of Art. 40635

Of the foregoing appropriation item 200-570, School 40636
 Improvement Incentive Grants, \$50,000 in each fiscal year shall be 40637
 used to support the Tuscarawas County Educational Service Center. 40638

Of the foregoing appropriation item 200-570, School 40639
 Improvement Incentive Grants, \$50,000 in each fiscal year shall be 40640
 used to support LEAF. 40641

Of the foregoing appropriation item 200-570, School 40642
 Improvement Incentive Grants, \$50,000 in each fiscal year shall be 40643
 used to support the Toledo Institute. 40644

SUBSTANCE ABUSE PREVENTION 40645

Of the foregoing appropriation item 200-574, Substance Abuse 40646
 Prevention, up to \$1,660,200 in each fiscal year shall be used for 40647
 the Safe and Drug Free Schools Coordinators Program. Of the 40648
 foregoing appropriation item 200-574, Substance Abuse Prevention, 40649
 up to \$288,000 in each fiscal year of the biennium shall be used 40650

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for the Substance Abuse Prevention Student Assistance Program. The 40651
Department of Education and the Department of Alcohol and Drug 40652
Addiction Services shall jointly develop and approve a plan for 40653
the expenditure of these funds including, but not limited to, the 40654
development of position descriptions and training specifications 40655
for safe and drug free schools coordinators. Safe and drug free 40656
schools coordinators shall possess or be in the process of 40657
obtaining credentials issued by the Ohio Credentialing Board for 40658
Chemical Dependency Professionals or other credentials recognized 40659
by that board. 40660

AUXILIARY SERVICES MOBILE REPAIR 40661

Notwithstanding section 3317.064 of the Revised Code, if the 40662
unobligated cash balance is sufficient, the Treasurer of State 40663
shall transfer \$1,500,000 in fiscal year 2002 within thirty days 40664
after the effective date of this section and \$1,500,000 in fiscal 40665
year 2003 by August 1, 2002, from the Auxiliary Services Personnel 40666
Unemployment Compensation Fund to the Department of Education's 40667
Auxiliary Services Mobile Repair Fund (Fund 598). 40668

Section 44.20. LOTTERY PROFITS EDUCATION FUND 40669

Appropriation item 200-612, Base Cost Funding (Fund 017), 40670
shall be used in conjunction with appropriation item 200-501, Base 40671
Cost Funding (GRF), to provide payments to school districts 40672
pursuant to Chapter 3317. of the Revised Code. 40673

Of the foregoing appropriation item 200-612, Base Cost 40674
Funding (Fund 017), \$25,000,000 in each fiscal year shall be used 40675
from the funds transferred from the Unclaimed Prizes Trust Fund 40676
pursuant to the section entitled "Transfers from the Unclaimed 40677
Prizes Fund" of this act. 40678

The Department of Education, with the approval of the 40679
Director of Budget and Management, shall determine the monthly 40680

distribution schedules of appropriation item 200-501, Base Cost
Funding (GRF), and appropriation item 200-612, Base Cost Funding
(Fund 017). If adjustments to the monthly distribution schedule
are necessary, the Department of Education shall make such
adjustments with the approval of the Director of Budget and
Management.

The Director of Budget and Management shall transfer via
intrastate transfer voucher the amount appropriated under the
Lottery Profits Education Fund for appropriation item 200-682,
Lease Rental Payment Reimbursement, to the General Revenue Fund on
a schedule determined by the director. These funds shall support
the appropriation item 230-428, Lease Rental Payments (GRF), of
the School Facilities Commission.

LOTTERY PROFITS TRANSFERS* 40694

On the fifteenth day of May of each fiscal year, the Director
of Budget and Management shall determine if lottery profits
transfers will meet the appropriation amounts from the Lottery
Profits Education Fund.

On or after the date specified in each fiscal year, if the
director determines that lottery profits will not meet
appropriations and if other funds are not available to meet the
shortfall, the Superintendent of Public Instruction shall take the
actions specified under the "Reallocation of Funds" section of
this act.

TRANSFERS FROM THE UNCLAIMED PRIZES FUND 40705

By the fifteenth day of January of fiscal year 2002 and
fiscal year 2003, the Director of Budget and Management shall
transfer \$25,000,000 from the State Lottery Commission's Unclaimed
Prizes Fund to the Lottery Profits Education Fund, to be used
solely for purposes specified in the Department of Education's
budget. Transfers of unclaimed prizes under this provision shall

not count as lottery profits in the determination made concerning 40712
excess profits titled "Lottery Profits" under the Department of 40713
Education in this act. 40714

TEACHER CERTIFICATION AND LICENSURE 40715

The foregoing appropriation item 200-681, Teacher 40716
Certification and Licensure, shall be used by the Department of 40717
Education in each year of the biennium to administer teacher 40718
certification and licensure functions pursuant to sections 40719
3301.071, 3301.074, 3301.50, 3301.51, 3319.088, 3319.22, 3319.24 40720
to 3319.28, 3319.281, 3319.282, 3319.29, 3319.301, 3319.31, and 40721
3319.51 of the Revised Code. 40722

Section 44.21. LOTTERY PROFITS 40723

(A) There is hereby created the Lottery Profits Education 40724
Reserve Fund (Fund 018) in the State Treasury. At no time shall 40725
the amount to the credit of the fund exceed \$75,000,000. 40726
Investment earnings of the Lottery Profits Education Reserve Fund 40727
shall be credited to the fund. Notwithstanding any provisions of 40728
law to the contrary, for fiscal years 2002 and 2003, there is 40729
appropriated to the Department of Education, from the Lottery 40730
Profits Education Reserve Fund, an amount necessary to make loans 40731
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 40732
Revised Code. All loan repayments from loans made in fiscal years 40733
1992, 1993, 1994, 1995, 1996, 1997, 1998, or 1999 shall be 40734
deposited into the credit of the Lottery Profits Education Reserve 40735
Fund. 40736

(B)(1) On or before July 15, 2001, the Director of Budget and 40737
Management shall determine the amount by which lottery profit 40738
transfers received by the Lottery Profits Education Fund for 40739
fiscal year 2001 exceed \$665,200,000. The amount so certified 40740
shall be distributed in fiscal year 2002 pursuant to divisions (C) 40741
and (D) of this section. 40742

(2) On or before July 15, 2002, the Director of Budget and Management shall determine the amount by which lottery profit transfers received by the Lottery Profits Education Fund for fiscal year 2002 exceed \$608,722,100. The amount so determined shall be distributed in fiscal year 2003 pursuant to divisions (E) and (F) of this section.

The Director of Budget and Management shall annually certify the amounts determined pursuant to this section to the Speaker of the House of Representatives and the President of the Senate.

(C) Not later than June 15, 2002, the Department of Education, in consultation with the Director of Budget and Management, shall determine, based upon estimates, if a reallocation of funds as described in the section of this act titled "Reallocation of Funds" is required.

If a reallocation of funds is required, then the Superintendent of Public Instruction shall request Controlling Board approval for a release of any balances in the Lottery Profits Education Fund available for the purpose of this division and pursuant to divisions (C)(1) and (2) of the section of this act titled "Reallocation of Funds." Any moneys so released are appropriated.

(D) In fiscal year 2002, if the Department of Education does not determine that a reallocation of funds is necessary by the fifteenth day of June, as provided in division (C) of this section, or if there is a balance in the Lottery Profits Education Fund after the release of any amount needed to preclude a reallocation of funds as provided in division (C) of this section, the moneys in the Lottery Profits Education Fund shall be allocated as provided in this division. Any amounts so allocated are appropriated.

An amount equal to five per cent of the estimated lottery

profits of \$665,200,000 in fiscal year 2001 or the amount 40774
remaining in the fund, whichever is the lesser amount, shall be 40775
transferred to the Lottery Profits Education Reserve Fund within 40776
the limitations specified in division (A) of this section and be 40777
reserved and shall not be available for allocation or distribution 40778
during fiscal year 2002. Any amounts exceeding \$75,000,000 shall 40779
be distributed pursuant to division (G) of this section. 40780

(E) Not later than June 15, 2003, the Department of 40781
Education, in consultation with the Director of Budget and 40782
Management, shall determine, based upon estimates, if a 40783
reallocation of funds as described in the section of this act 40784
titled "Reallocation of Funds" is required. 40785

If a reallocation of funds is required, then the 40786
Superintendent of Public Instruction shall request Controlling 40787
Board approval for a release of any balances in the Lottery 40788
Profits Education Fund available for the purpose of this division 40789
and pursuant to divisions (C)(1) and (2) of the section of this 40790
act titled "Reallocation of Funds." Any moneys so released are 40791
appropriated. 40792

(F) In fiscal year 2003, if the Department of Education does 40793
not determine that a reallocation of funds is necessary by the 40794
fifteenth day of June, as provided in division (E) of this 40795
section, or if there is a balance in the Lottery Profits Education 40796
Fund after the release of any amount needed to preclude a 40797
reallocation of funds as provided in division (E) of this section, 40798
the moneys in the Lottery Profits Education Fund shall be 40799
allocated as provided in this division. Any amounts so allocated 40800
are appropriated. 40801

An amount equal to five per cent of the estimated lottery 40802
profits transfers of \$608,722,100 in fiscal year 2002 or the 40803
amount remaining in the fund, whichever is the lesser amount, 40804
shall be transferred to the Lottery Profits Education Reserve Fund 40805

within the limitations specified in division (A) of this section 40806
and be reserved and shall not be available for allocation or 40807
distribution during fiscal year 2003. Any amounts exceeding 40808
\$75,000,000 shall be distributed pursuant to division (G) of this 40809
section. 40810

(G) In the appropriate fiscal year, any remaining amounts 40811
after the operations required by division (D) or (F) of this 40812
section, respectively, shall be transferred to the Public School 40813
Building Fund (Fund 021) and such amount is appropriated to 40814
appropriation item CAP-622, Public School Buildings, in the School 40815
Facilities Commission. 40816

Section 44.22. PROPERTY TAX ALLOCATION 40817

The Superintendent of Public Instruction shall not request, 40818
and the Controlling Board shall not approve, the transfer of funds 40819
from appropriation item 200-901, Property Tax 40820
Allocation-Education, to any other appropriation item. 40821

SCHOOL DISTRICT SOLVENCY ASSISTANCE 40822

Of the foregoing appropriation item 200-687, School District 40823
Solvency Assistance, \$12,000,000 in each fiscal year shall be 40824
allocated to the School District Shared Resource Account and 40825
\$12,000,000 in each fiscal year shall be allocated to the 40826
Catastrophic Expenditures Account. These funds shall be used to 40827
provide assistance and grants to school districts to enable them 40828
to remain solvent pursuant to section 3316.20 of the Revised Code. 40829
Assistance and grants shall be subject to approval by the 40830
Controlling Board. Any required reimbursements from school 40831
districts for solvency assistance shall be made to the appropriate 40832
account in the School District Solvency Assistance Fund. 40833

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT 40834

The foregoing appropriation item 200-900, School District 40835

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Property Tax Replacement, shall be used by the Department of
Education, in consultation with the Department of Taxation, to
make payments to school districts and joint vocational school
districts pursuant to section 5727.85 of the Revised Code.

Section 44.23. PROPERTY TAX ALLOCATION - EDUCATION 40840

The appropriation item 200-901, Property Tax Allocation -
Education, is appropriated to pay for the state's costs incurred
due to the homestead exemption and the property tax rollback. In
cooperation with the Department of Taxation, the Department of
Education shall distribute these funds directly to the appropriate
school districts of the state, notwithstanding sections 321.24 and
323.156 of the Revised Code, which provide for payment of the
homestead exemption and property tax rollback by the Tax
Commissioner to the appropriate county treasurer and the
subsequent redistribution of these funds to the appropriate local
taxing districts by the county auditor.

Appropriation item 200-906, Tangible Tax Exemption -
Education is appropriated to pay for the state's costs incurred
due to the tangible personal property tax exemption required by
division (C)(3) of section 5709.01 of the Revised Code. In
cooperation with the Department of Taxation, the Department of
Education shall distribute to each county treasurer the total
amount certified by the county treasurer pursuant to section
319.311 of the Revised Code, for all school districts located in
the county, notwithstanding the provision in section 319.311 of
the Revised Code which provides for payment of the \$10,000
tangible personal property tax exemption by the Tax Commissioner
to the appropriate county treasurer for all local taxing districts
located in the county. Pursuant to division (G) of section 321.24
of the Revised Code, the county auditor shall distribute the
amount paid by the Department of Education among the appropriate

school districts. 40867

Upon receipt of these amounts, each school district shall 40868
distribute the amount among the proper funds as if it had been 40869
paid as real or tangible personal property taxes. Payments for the 40870
costs of administration shall continue to be paid to the county 40871
treasurer and county auditor as provided for in sections 319.54, 40872
321.26, and 323.156 of the Revised Code. 40873

Any sums, in addition to the amounts specifically 40874
appropriated in appropriation items 200-901, Property Tax 40875
Allocation - Education, for the homestead exemption and the 40876
property tax rollback payments, and 200-906, Tangible Tax 40877
Exemption - Education, for the \$10,000 tangible personal property 40878
tax exemption payments, which are determined to be necessary for 40879
these purposes, are appropriated. 40880

Section 44.24. DISTRIBUTION FORMULAS* 40881

The Department of Education shall report the following to the 40882
Director of Budget and Management, the Legislative Office of 40883
Education Oversight, and the Legislative Service Commission: 40884

(A) Changes in formulas for distributing state 40885
appropriations, including administratively defined formula 40886
factors; 40887

(B) Discretionary changes in formulas for distributing 40888
federal appropriations; 40889

(C) Federally mandated changes in formulas for distributing 40890
federal appropriations. 40891

Any such changes shall be reported two weeks prior to the 40892
effective date of the change. 40893

Section 44.25. DISTRIBUTION - SCHOOL DISTRICT SUBSIDY 40894
PAYMENTS 40895

This section shall not take effect unless the Director of Budget and Management adopts an order putting it into effect and certifies a copy of the order to the Superintendent of Public Instruction and the Controlling Board.

Notwithstanding any other provision of the Revised Code, the monthly distribution of payments made to school districts and educational service centers pursuant to section 3317.01 of the Revised Code for the first six months of each fiscal year shall equal, as nearly as possible, six and two-thirds per cent of the estimate of the amounts payable for each fiscal year. The monthly distribution of payments for the last six months of each fiscal year shall equal, as nearly as possible, ten per cent of the final calculation of the amounts payable to each school district for that fiscal year.

The treasurer of each school district or educational service center may accrue, in addition to the payments defined in this section, to the accounts of the calendar years that end during each fiscal year, the difference between the sum of the first six months' payments in each fiscal year and the amounts the district would have received had the payments been made in, as nearly as possible in each fiscal year, twelve equal monthly payments.

Notwithstanding the limitations on the amount of borrowing and time of payment provided for in section 133.10 of the Revised Code but subject to sections 133.26 and 133.30 of the Revised Code, a board of education of a school district may at any time between July 1, 2001, and December 31, 2001, or at any time between July 1, 2002, and December 31, 2002, borrow money to pay any necessary and actual expenses of the school district during the last six months of calendar years 2001 and 2002 and in anticipation of the receipt of any portion of the payments to be received by that district in the first six months of calendar years 2002 and 2003 representing the respective amounts accrued

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pursuant to the preceding paragraph, and issue notes to evidence 40928
that borrowing to mature no later than the thirtieth day of June 40929
of the calendar year following the calendar year in which such 40930
amount was borrowed. The principal amount borrowed in the last six 40931
months of calendar years 2001 or 2002 under this paragraph may not 40932
exceed the entire amount accrued or to be accrued by the district 40933
treasurer in those calendar years pursuant to the preceding 40934
paragraph. The proceeds of the notes shall be used only for the 40935
purposes for which the anticipated receipts are lawfully 40936
appropriated by the board of education. No board of education 40937
shall be required to use the authority granted by this paragraph. 40938
The receipts so anticipated, and additional amounts from 40939
distributions to the districts in the first six months of calendar 40940
years 2002 and 2003 pursuant to Chapter 3317. of the Revised Code 40941
needed to pay the interest on the notes, shall be deemed 40942
appropriated by the board of education to the extent necessary for 40943
the payment of the principal of and interest on the notes at 40944
maturity, and the amounts necessary to make those monthly 40945
distributions are appropriated from the General Revenue Fund. For 40946
the purpose of better ensuring the prompt payment of principal of 40947
and interest on the notes when due, the resolution of the board of 40948
education authorizing the notes may direct that the amount of the 40949
receipts anticipated, together with those additional amounts 40950
needed to pay the interest on the borrowed amounts, shall be 40951
deposited and segregated, in trust or otherwise, to the extent, at 40952
the time or times, and in the manner provided in that resolution. 40953
The borrowing authorized by this section does not constitute debt 40954
for purposes of section 133.04 of the Revised Code. School 40955
districts shall be reimbursed by the state for all necessary and 40956
actual costs to districts arising from this provision, including, 40957
without limitation, the interest paid on the notes while the notes 40958
are outstanding. The Department of Education shall adopt rules 40959
that are not inconsistent with this section for school district 40960

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eligibility and application for reimbursement of such costs. 40961
Payments of these costs shall be made out of any anticipated 40962
balances in appropriation items distributed under Chapter 3317. of 40963
the Revised Code. The department shall submit all requests for 40964
reimbursement under these provisions to the Controlling Board for 40965
approval. 40966

During the last six months of each calendar year, instead of 40967
deducting the amount the Superintendent of Public Instruction 40968
would otherwise deduct from a school district's or educational 40969
service center's state aid payments in accordance with the 40970
certifications made for such year pursuant to sections 3307.56 and 40971
3309.51 of the Revised Code, the superintendent shall deduct an 40972
amount equal to forty per cent of the amount so certified. The 40973
secretaries of the retirement systems shall compute the 40974
certifications for the ensuing year under such sections as if the 40975
entire amounts certified as due in the calendar year ending the 40976
current fiscal year, but not deducted pursuant to this paragraph, 40977
had been deducted and paid in that calendar year. During the first 40978
six months of the ensuing calendar year, in addition to deducting 40979
the amounts the Superintendent of Public Instruction is required 40980
to deduct under such sections during such period, the 40981
superintendent shall deduct from a district's or educational 40982
service center's state aid payments an additional amount equal to 40983
the amount that was certified as due from the district for the 40984
calendar year that ends during the fiscal year, but that was not 40985
deducted because of this paragraph. The superintendent's 40986
certifications to the Director of Budget and Management during the 40987
first six months of the calendar year shall reflect such 40988
additional deduction. 40989

Section 44.26. REALLOCATION OF FUNDS 40990

(A) As used in this section: 40991

(1) "Basic aid" means the amount calculated for the school district received for the fiscal year under divisions (A) and (C) of section 3317.022 and sections 3317.023, 3317.025 to 3317.029, 3317.0212, and 3317.0213 of the Revised Code and the amount computed for a joint vocational school district under section 3317.16 of the Revised Code.

(2) "Nonbasic aid" means the amount computed for a school district for fiscal year 2002 or fiscal year 2003 under Chapter 3317. of the Revised Code and this act, excluding the district's basic aid and the amount computed under such chapter and acts for educational service centers, MR/DD boards, and institutions.

(B) If in either fiscal year of the biennium the Governor issues an order under section 126.05 of the Revised Code to reduce expenditures and incurred obligations and the order requires the superintendent to reduce such state education payments, or if lottery profits transfers are insufficient to meet the amounts appropriated from the Lottery Profits Education Fund for base cost funding, and if other funds are not sufficient to offset the shortfall, the superintendent shall reduce nonbasic aid payments so that the total amount expended in the fiscal year will not exceed the amount available for expenditure pursuant to the Governor's order. Subject to Controlling Board approval, the superintendent shall reallocate appropriations not yet expended from one program to another.

(C)(1) If further reductions in nonbasic aid are necessary following the reallocations implemented pursuant to division (B) of this section, the superintendent shall request the Controlling Board to approve the use of the money appropriated by this division. The superintendent shall include with the superintendent's request a report listing the amount of reductions that each school district will receive if the request is not approved, and also the amount of the reduction, if any, that will

still be required if the use of the money appropriated by this section is approved. 41024
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(2) In accordance with division (C)(1) of this section, there is appropriated to the Department of Education from the unobligated balance remaining in the Lottery Profits Education Fund at the end of fiscal year 2001 the lesser of: the unobligated balance in the fund, or the amount needed to preclude a reallocation pursuant to this section. The money appropriated by this division may be spent or distributed by the department only with the approval of the Controlling Board. 41026
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(D) If reductions in nonbasic aid are still necessary following the actions taken pursuant to divisions (B) and (C) of this section, the superintendent shall determine by what percentage expenditures for nonbasic aid must be reduced for the remainder of the fiscal year to make the total amount distributed for the year equal the amount appropriated or available for distribution. The superintendent shall reduce by that percentage the amount to be paid in nonbasic aid to each city, exempted village, local, and joint vocational school district, to each educational service center, to each county board of mental retardation and developmental disabilities, and to each institution providing special education programs under section 3323.091 of the Revised Code for the remainder of the fiscal year. 41034
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Section 44.27. EDUCATIONAL SERVICE CENTERS FUNDING 41047

Notwithstanding division (B) of section 3317.11 of the Revised Code, no funds shall be provided to an educational service center in either fiscal year for any pupils of a city or exempted village school district unless an agreement to provide services under section 3313.843 of the Revised Code was entered into by January 1, 1997, except that funds shall be provided to an educational service center for any pupils of a city school 41048
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district if the agreement to provide services was entered into 41055
within one year of the date upon which such district changed from 41056
a local school district to a city school district. If insufficient 41057
funds are appropriated in fiscal year 2002 or fiscal year 2003 for 41058
the purposes of division (B) of section 3317.11 of the Revised 41059
Code, the department shall first distribute to each educational 41060
service center \$37 per pupil in its service center ADM, as defined 41061
in that section. The remaining funds in each fiscal year shall be 41062
distributed proportionally, on a per-student basis, to each 41063
educational service center for its client ADM, as defined in that 41064
section, that is attributable to each city and exempted village 41065
school district that had entered into an agreement with an 41066
educational service center for that fiscal year under section 41067
3313.843 of the Revised Code by January 1, 1997. 41068

Section 44.28. * For the school year commencing July 1, 2001, 41069
or the school year commencing July 1, 2002, or both, the 41070
Superintendent of Public Instruction may waive for the board of 41071
education of any school district the ratio of teachers to pupils 41072
in kindergarten through fourth grade required under paragraph 41073
(A)(3) of rule 3301-35-03 of the Administrative Code if the 41074
following conditions apply: 41075

(A) The board of education requests the waiver. 41076

(B) After the Department of Education conducts an on-site 41077
evaluation of the district related to meeting the required ratio, 41078
the board of education demonstrates to the satisfaction of the 41079
Superintendent of Public Instruction that providing the facilities 41080
necessary to meet the required ratio during the district's regular 41081
school hours with pupils in attendance would impose an extreme 41082
hardship on the district. 41083

(C) The board of education provides assurances that are 41084
satisfactory to the Superintendent of Public Instruction that the 41085

board will act in good faith to meet the required ratio as soon as possible. 41086
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Section 44.29. PRIVATE TREATMENT FACILITY PILOT PROJECT 41088

(A) As used in this section: 41089

(1) The following are "participating residential treatment centers": 41090
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(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the department and which, in fiscal year 2002 or 2003 or both, the department pays through appropriation item 470-401, Care and Custody; 41092
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(b) Abraxas, in Shelby; 41098

(c) Paint Creek, in Bainbridge; 41099

(d) Act One, in Akron; 41100

(e) Friars Club, in Cincinnati. 41101

(2) "Education program" means an elementary or secondary education program or a special education program and related services. 41102
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(3) "Served child" means any child receiving an education program pursuant to division (B) of this section. 41105
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(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition. 41107
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(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an 41112
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educational program under division (B) of this section. 41114

(B) A youth who is a resident of the state and has been 41115
assigned by a juvenile court or other authorized agency to a 41116
residential treatment facility specified in division (A) of this 41117
section shall be enrolled in an approved educational program 41118
located in or near the facility. Approval of the educational 41119
program shall be contingent upon compliance with the criteria 41120
established for such programs by the Department of Education. The 41121
educational program shall be provided by a school district or 41122
educational service center, or by the residential facility itself. 41123
Maximum flexibility shall be given to the residential treatment 41124
facility to determine the provider. In the event that a voluntary 41125
agreement cannot be reached and the residential facility does not 41126
choose to provide the educational program, the educational service 41127
center in the county in which the facility is located shall 41128
provide the educational program at the treatment center to 41129
children under twenty-two years of age residing in the treatment 41130
center. 41131

(C) Any school district responsible for tuition for a 41132
residential child shall, notwithstanding any conflicting provision 41133
of the Revised Code regarding tuition payment, pay tuition for the 41134
child for fiscal years 2002 and 2003 to the education program 41135
provider and in the amount specified in this division. If there is 41136
no school district responsible for tuition for a residential child 41137
and if the participating residential treatment center to which the 41138
child is assigned is located in the city, exempted village, or 41139
local school district that, if the child were not a resident of 41140
that treatment center, would be the school district where the 41141
child is entitled to attend school under sections 3313.64 and 41142
3313.65 of the Revised Code, that school district shall, 41143
notwithstanding any conflicting provision of the Revised Code, pay 41144
tuition for the child for fiscal years 2002 and 2003 under this 41145

division unless that school district is providing the educational program to the child under division (B) of this section. 41146
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A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child. 41149
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The amount of tuition paid shall be: 41152

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code; 41153
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(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related services to the student pursuant to the student's individualized education program, minus the tuition paid for the child under division (C)(1) of this section. 41155
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A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code. 41164
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(D) In each of fiscal years 2002 and 2003, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of the reimbursement in either fiscal year shall be the formula amount specified in section 3317.022 of the Revised Code, except 41168
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that the department shall proportionately reduce this 41177
reimbursement if sufficient funds are not available to pay this 41178
amount to all qualified providers. 41179

(E) Funds provided to a school district, educational service 41180
center, or residential treatment facility under this section shall 41181
be used to supplement, not supplant, funds from other public 41182
sources for which the school district, service center, or 41183
residential treatment facility is entitled or eligible. 41184

(F) The Department of Education shall track the utilization 41185
of funds provided to school districts, educational service 41186
centers, and residential treatment facilities under this section 41187
and monitor the effect of the funding on the educational programs 41188
they provide in participating residential treatment facilities. 41189
The department shall monitor the programs for educational 41190
accountability. 41191

Section 44.30. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 41192
ASSESSMENT OF EDUCATION PROGRESS 41193

The General Assembly intends for the Superintendent of Public 41194
Instruction to provide for school district participation in the 41195
administration of the National Assessment of Education Progress in 41196
fiscal years 2002 and 2003 in accordance with section 3301.27 of 41197
the Revised Code. 41198

Section 44.31. Notwithstanding Chapter 3318. of the Revised 41199
Code, for purposes of complying with the local share and repayment 41200
tax requirements of section 3318.05 of the Revised Code, any 41201
school district given conditional approval for classroom 41202
facilities assistance under section 3318.04 of the Revised Code as 41203
of January 1, 1993, that approved a replacement permanent 41204
improvement levy at the November 5, 1996, election shall be 41205
permitted to use the proceeds of such levy, and any notes issued 41206

or to be issued in anticipation thereof, as available funds, 41207
within the meaning specified under section 3318.03 of the Revised 41208
Code, to pay the local share of the cost of the approved classroom 41209
facilities project. Notwithstanding the local share as previously 41210
determined for purposes of the conditional approval of the 41211
project, the local share shall be equal to the amount of proceeds 41212
to be obtained by the district under such replacement permanent 41213
improvement levy. Such school districts shall not be required to 41214
obtain approval of either of the propositions described in 41215
division (A) or (B) of section 3318.051 of the Revised Code. The 41216
agreement required under section 3318.08 of the Revised Code for 41217
the construction and sale of the project shall include provisions 41218
for the transfer of the proceeds of the replacement permanent 41219
improvement levy, and any notes issued in anticipation thereof, to 41220
the school district's project construction account, and for the 41221
levy of the replacement permanent improvement levy. 41222

Section 44.32. The Superintendent of Public Instruction shall 41223
contract with an independent research entity to evaluate the pilot 41224
project approved pursuant to section 3313.975 of the Revised Code. 41225
The evaluation shall study the impact of scholarships on student 41226
attendance, conduct, commitment to education, and standardized 41227
test scores; parental involvement; the school district's ability 41228
to provide services to district students; and the availability of 41229
alternative educational opportunities. The evaluation shall also 41230
study the economic impact of scholarships on the school district. 41231

Section 44.33. Notwithstanding division (C)(1) of section 41233
3313.975 of the Revised Code, in addition to students in 41234
kindergarten through third grade, initial scholarships may be 41235
awarded to fourth, fifth, sixth, seventh, and eighth grade 41236
students in fiscal year 2002 and in fiscal year 2003. 41237

As Reported by the House Finance and Appropriations Committee

Section 44.34. (A) As used in this section, "pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. 215 of the 122nd General Assembly.

(B) Any teacher or nonteaching employee of a school district in the pilot project area who, on the effective date of this section, is taking a leave of absence from the district pursuant to a policy adopted under former Section 50.52.13 of that act to work at a community school established under the pilot project and located in another school district may continue the leave under the terms of that policy and former section. Upon termination of the leave, the district shall return the teacher or nonteaching employee to a position, salary, and level of seniority as required by that former section.

Section 44.35. As required by Section 50.52.2 of Am. Sub. H.B. 215 of the 122nd General Assembly, as subsequently amended, the Legislative Office of Education Oversight shall complete, by June 1, 2003, its final report on community schools with recommendations as to the future of community schools in Ohio. Copies of the report shall be delivered to the President of the Senate and the Speaker of the House of Representatives.

Section 45. OEB OHIO EDUCATIONAL TELECOMMUNICATIONS

NETWORK COMMISSION

General Revenue Fund

GRF 374-100	Personal Services	\$	1,585,648	\$	1,705,463	41262
GRF 374-200	Maintenance	\$	902,477	\$	891,968	41263
GRF 374-300	Equipment	\$	46,760	\$	45,313	41264
GRF 374-401	Statehouse News Bureau	\$	253,175	\$	245,344	41265
GRF 374-404	Telecommunications	\$	5,239,754	\$	5,051,174	41266

Operating Subsidy

As Reported by the House Finance and Appropriations Committee

TOTAL GRF General Revenue Fund	\$	8,027,814	\$	7,939,262	41267
General Services Fund Group					41268
4F3 374-603 Affiliate Services	\$	2,941,810	\$	3,067,586	41269
TOTAL GSF General Services					41270
Fund Group	\$	2,941,810	\$	3,067,586	41271
TOTAL ALL BUDGET FUND GROUPS	\$	10,969,624	\$	11,006,848	41272
STATEHOUSE NEWS BUREAU					41273
The foregoing appropriation item 374-401, Statehouse News					41274
Bureau, shall be used solely to support the operations of the Ohio					41275
Statehouse News Bureau.					41276
TELECOMMUNICATIONS OPERATING SUBSIDY					41277
The foregoing appropriation item 374-404, Telecommunications					41278
Operating Subsidy, shall be distributed by the Ohio Educational					41279
Telecommunications Network Commission to Ohio's qualified public					41280
educational television stations, radio reading services, and					41281
educational radio stations to support their operations. The funds					41282
shall be distributed pursuant to an allocation developed by the					41283
Ohio Educational Telecommunications Network Commission.					41284
Section 46. ELC OHIO ELECTIONS COMMISSION					41285
General Revenue Fund					41286
GRF 051-321 Operating Expenses	\$	298,660	\$	307,022	41287
TOTAL GRF General Revenue Fund	\$	298,660	\$	307,022	41288
State Special Revenue Fund Group					41289
4P2 051-601 Ohio Elections					41290
Commission Fund	\$	298,660	\$	312,923	41291
TOTAL SSR State Special					41292
Revenue Fund Group	\$	298,660	\$	312,923	41293
TOTAL ALL BUDGET FUND GROUPS	\$	597,320	\$	619,945	41294
Section 47. FUN STATE BOARD OF EMBALMERS AND FUNERAL					41296

As Reported by the House Finance and Appropriations Committee

	DIRECTORS			41297
General Services Fund Group				41298
4K9 881-609 Operating Expenses	\$	507,667	\$ 533,541	41299
TOTAL GSF General Services				41300
Fund Group	\$	507,667	\$ 533,541	41301
TOTAL ALL BUDGET FUND GROUPS	\$	507,667	\$ 533,541	41302
Section 48. ERB STATE EMPLOYMENT RELATIONS BOARD				41304
General Revenue Fund				41305
GRF 125-321 Operating Expenses	\$	3,622,827	\$ 3,724,266	41306
TOTAL GRF General Revenue Fund	\$	3,622,827	\$ 3,724,266	41307
General Services Fund Group				41308
572 125-603 Training and	\$	73,699	\$ 75,541	41309
Publications				
TOTAL GSF General Services				41310
Fund Group	\$	73,699	\$ 75,541	41311
TOTAL ALL BUDGET FUND GROUPS	\$	3,696,526	\$ 3,799,807	41312
Section 49. ENG STATE BOARD OF ENGINEERS AND SURVEYORS				41314
General Services Fund Group				41315
4K9 892-609 Operating Expenses	\$	919,315	\$ 956,188	41316
TOTAL GSF General Services				41317
Fund Group	\$	919,315	\$ 956,188	41318
TOTAL ALL BUDGET FUND GROUPS	\$	919,315	\$ 956,188	41319
Section 50. EPA ENVIRONMENTAL PROTECTION AGENCY				41320
General Revenue Fund				41321
GRF 715-501 Local Air Pollution	\$	1,364,111	\$ 1,444,068	41322
Control				
GRF 717-321 Surface Water	\$	10,005,388	\$ 11,104,082	41323
GRF 718-321 Groundwater	\$	1,430,912	\$ 1,540,938	41324
GRF 719-321 Air Pollution Control	\$	2,838,394	\$ 3,015,444	41325

As Reported by the House Finance and Appropriations Committee

GRF 721-321	Drinking Water	\$	3,043,210	\$	3,216,737	41326
GRF 723-321	Hazardous Waste	\$	142,080	\$	142,080	41327
GRF 724-321	Pollution Prevention	\$	927,221	\$	986,633	41328
GRF 725-321	Laboratory	\$	1,411,197	\$	1,551,342	41329
GRF 726-321	Corrective Actions	\$	1,890,915	\$	1,912,937	41330
TOTAL GRF	General Revenue Fund	\$	23,053,428	\$	24,914,261	41331
General Services Fund Group						41332
199 715-602	Laboratory Services	\$	1,003,616	\$	1,042,081	41333
219 715-604	Central Support	\$	14,935,955	\$	16,462,642	41334
Indirect						
4A1 715-640	Operating Expenses	\$	3,214,075	\$	3,304,835	41335
TOTAL GSF	General Services					41336
Fund Group		\$	19,153,646	\$	20,809,558	41337
Federal Special Revenue Fund Group						41338
3F2 715-630	Revolving Loan Fund -	\$	33,700	\$	80,000	41339
Operating						
3F3 715-632	Fed Supported Cleanup	\$	4,551,830	\$	4,600,910	41340
and Response						
3F4 715-633	Water Quality	\$	702,849	\$	702,849	41341
Management						
3F5 715-641	Nonpoint Source	\$	5,820,330	\$	5,820,330	41342
Pollution Management						
3J1 715-620	Urban Stormwater	\$	522,000	\$	348,000	41343
3J5 715-615	Maumee River	\$	61,196	\$	0	41344
3K2 715-628	Clean Water Act 106	\$	3,769,255	\$	3,769,254	41345
3K4 715-634	DOD Monitoring and	\$	1,388,552	\$	1,487,341	41346
Oversight						
3K6 715-639	Remedial Action Plan	\$	600,000	\$	270,000	41347
3N4 715-657	DOE Monitoring and	\$	4,080,203	\$	4,162,907	41348
Oversight						
3T1 715-668	Rural Hardship Grant	\$	50,000	\$	50,000	41349
3V7 715-606	Agencywide Grants	\$	360,000	\$	80,000	41350

As Reported by the House Finance and Appropriations Committee

352	715-611	Wastewater Pollution	\$	200,000	\$	278,000	41351
353	715-612	Public Water Supply	\$	2,489,460	\$	2,489,460	41352
354	715-614	Hazardous Waste Management - Federal	\$	3,900,000	\$	3,900,000	41353
357	715-619	Air Pollution Control - Federal	\$	4,919,683	\$	4,835,600	41354
362	715-605	Underground Injection Control - Federal	\$	107,856	\$	107,856	41355
TOTAL FED Federal Special Revenue							41356
Fund Group			\$	33,556,914	\$	32,982,507	41357
State Special Revenue Fund Group							41358
3T3	715-669	Drinking Water SRF	\$	5,577,473	\$	5,839,217	41359
4J0	715-638	Underground Injection Control	\$	377,268	\$	394,097	41360
4K2	715-648	Clean Air - Non Title V	\$	3,558,719	\$	3,725,707	41361
4K3	715-649	Solid Waste	\$	12,883,012	\$	13,578,411	41362
4K4	715-650	Surface Water Protection	\$	9,052,930	\$	9,053,183	41363
4K5	715-651	Drinking Water Protection	\$	5,420,914	\$	5,780,021	41364
4P5	715-654	Cozart Landfill	\$	140,404	\$	143,914	41365
4R5	715-656	Scrap Tire Management	\$	5,526,050	\$	5,607,911	41366
4R9	715-658	Voluntary Action Program	\$	760,038	\$	880,324	41367
4T3	715-659	Clean Air - Title V Permit Program	\$	16,330,021	\$	16,919,482	41368
4U7	715-660	Construction & Demolition Debris	\$	136,347	\$	143,435	41369
5H4	715-664	Groundwater Support	\$	1,718,659	\$	1,820,773	41370
500	715-608	Immediate Removal Special Account	\$	508,000	\$	428,547	41371
503	715-621	Hazardous Waste	\$	10,274,613	\$	11,045,132	41372

As Reported by the House Finance and Appropriations Committee

		Facility Management					
503	715-662	Hazardous Waste	\$	688,634	\$	725,713	41373
		Facility Board					
505	715-623	Hazardous Waste	\$	12,786,201	\$	13,427,443	41374
		Cleanup					
541	715-670	Site Specific Cleanup	\$	2,206,952	\$	2,345,990	41375
542	715-671	Risk Management	\$	174,924	\$	185,605	41376
		Reporting					
592	715-627	Anti-Tampering	\$	10,000	\$	10,000	41377
		Settlement					
6A1	715-645	Environmental	\$	1,500,000	\$	1,500,000	41378
		Education					
602	715-626	Motor Vehicle	\$	2,653,217	\$	2,795,062	41379
		Inspection and					
		Maintenance					
644	715-631	ER Radiological Safety	\$	242,446	\$	255,947	41380
660	715-629	Infectious Waste	\$	138,899	\$	145,271	41381
		Management					
676	715-642	Water Pollution	\$	4,874,302	\$	5,252,873	41382
		Control Loan					
		Administration					
678	715-635	Air Toxic Release	\$	394,489	\$	413,938	41383
679	715-636	Emergency Planning	\$	2,000,708	\$	2,054,868	41384
696	715-643	Air Pollution Control	\$	750,000	\$	750,000	41385
		Administration					
699	715-644	Water Pollution	\$	250,000	\$	250,000	41386
		Control Administration					
TOTAL SSR		State Special Revenue					41387
Fund Group			\$	100,935,220	\$	105,472,864	41388
TOTAL ALL BUDGET FUND GROUPS			\$	176,699,208	\$	184,179,190	41389

Section 50.01. AREAWIDE PLANNING AGENCIES 41391

Of the foregoing appropriation item 717-321, Surface Water, 41392

As Reported by the House Finance and Appropriations Committee

\$250,000 in fiscal year 2002 and \$250,000 in fiscal year 2003 41393
 shall be divided evenly between the following six areawide 41394
 planning agencies for the purpose of regional water management 41395
 planning: Eastgate Regional Council of Governments, Miami Valley 41396
 Regional Planning Commission, Northeast Ohio Four County Regional 41397
 Planning and Development Organization, Northeast Ohio Areawide 41398
 Coordinating Agency, Ohio-Kentucky-Indiana Regional Council of 41399
 Governments, and Toledo Metropolitan Area Council of Governments. 41400

BETHEL LOCAL SCHOOL DISTRICT 41401

Of the foregoing appropriation item 721-321, Drinking Water, 41402
 \$65,000 in fiscal year 2002 and \$65,000 in fiscal year 2003 shall 41403
 be used for the Bethel Local School District in Miami County. The 41404
 moneys shall be used to purchase water for the school and four 41405
 adjacent households, for expenses incurred by Bethel Local School 41406
 District for well-monitoring activities and water-system 41407
 conversions, and for expenses incurred by the Ohio Environmental 41408
 Protection Agency as the Agency continues to monitor activities 41409
 associated with the Bethel Local School District water supply. 41410

CENTRAL SUPPORT INDIRECT 41411

Notwithstanding any other provision of law to the contrary, 41412
 the Director of Environmental Protection, with the approval of the 41413
 Director of Budget and Management, shall utilize a methodology for 41414
 determining each division's payments into the Central Support 41415
 Indirect Fund (Fund 219). The methodology used shall contain the 41416
 characteristics of administrative ease and uniform application. 41417
 Payments to the Central Support Indirect Fund (Fund 219) shall be 41418
 made using an intrastate transfer voucher. 41419

Not later than November 30, 2001, the Director of 41420
 Environmental Protection shall certify to the Director of Budget 41421
 and Management the cash balances in Fund 356, Indirect Costs, and 41422
 Fund 4C3, Central Support Indirect, and may request the Director 41423

of Budget and Management to transfer up to the certified amounts 41424
into Fund 219, Central Support Indirect. The amount transferred is 41425
hereby appropriated. 41426

SOLID WASTE FUND TRANSFER 41427

Not later than March 1, 2002, the Director of Environmental 41428
Protection shall certify to the Director of Budget and Management 41429
the amount expended from Fund 4K3, Solid Waste, during fiscal 41430
years 2000 and 2001 for emergency expenses incurred as a result of 41431
the fire at the Kirby Tire site. In fiscal years 2002 and 2003, 41432
the Director of Environmental Protection shall request the 41433
Director of Budget and Management to transfer up to one-half of 41434
the certified amount during fiscal year 2002 and the balance of 41435
the certified amount during fiscal year 2003 from Fund 4R5, Scrap 41436
Tire Management, to Fund 4K3, Solid Waste. The amounts transferred 41437
are hereby appropriated. 41438

Moneys transferred from Fund 4R5, Scrap Tire Management, to 41439
Fund 4K3, Solid Waste, shall not consist of any moneys generated 41440
under division (A)(2) of section 3734.901 of the Revised Code as 41441
amended by this act. 41442

KIRBY TIRE SITE 41443

Of the moneys collected under division (A)(2) of section 41444
3734.901 of the Revised Code as amended by this act and deposited 41445
into the Scrap Tire Management Fund, at least eighty per cent 41446
shall be expended for cleanup and removal activities at the Kirby 41447
Tire site in Wyandot County during fiscal years 2002 and 2003. 41448

Section 50.02. There is hereby created the E-Check New Car 41449
Exemption Working Group consisting of a representative of the 41450
Governor's office appointed by the Governor, the Director of 41451
Environmental Protection or the Director's designee, a member of 41452
the House of Representatives appointed by the Speaker of the House 41453

of Representatives, and a member of the Senate appointed by the 41454
 President of the Senate. The member from the House of 41455
 Representatives and the member from the Senate shall be from 41456
 different political parties. Appointments shall be made not later 41457
 than five days after the effective date of this section. The 41458
 Working Group shall begin meeting not later then two weeks after 41459
 the effective date of this section. 41460

The Working Group shall enter into communications with the 41461
 contractor hired under section 3704.14 of the Revised Code to 41462
 conduct emissions inspections under the motor vehicle inspection 41463
 and maintenance program in order to determine all implementing 41464
 costs and contract-related costs associated with expanding the 41465
 current new car exemption under that program from two years to 41466
 five years through a three-year phase-in process. The Working 41467
 Group shall issue a report of its findings to the Speaker of the 41468
 House of Representatives and the President of the Senate not later 41469
 than four weeks after the effective date of this section. Upon 41470
 submittal of its report, the Working Group shall cease to exist. 41471

Section 51. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 41472

General Revenue Fund				41473
GRF 172-321 Operating Expenses	\$	465,008	\$ 481,221	41474
TOTAL GRF General Revenue Fund	\$	465,008	\$ 481,221	41475
TOTAL ALL BUDGET FUND GROUPS	\$	465,008	\$ 481,221	41476

Section 52. ETH OHIO ETHICS COMMISSION 41478

General Revenue Fund				41479
GRF 146-321 Operating Expenses	\$	1,272,684	\$ 1,358,405	41480
TOTAL GRF General Revenue Fund	\$	1,272,684	\$ 1,358,405	41481
General Services Fund Group				41482
4M6 146-601 Operating Expenses	\$	386,485	\$ 409,543	41483

As Reported by the House Finance and Appropriations Committee

TOTAL GSF General Services				41484
Fund Group	\$	386,485	\$ 409,543	41485
TOTAL ALL BUDGET FUND GROUPS	\$	1,659,169	\$ 1,767,948	41486
FEE REVENUE TRANSFER				41487
If the fee revenue that is raised and deposited into Fund 4M6				41488
146-601, Operating Expenses, exceeds the amount appropriated each				41489
fiscal year, the extra fee revenue shall be hereby appropriated				41490
into Fund 4M6 146-601, Operating Expenses, and OBM shall reduce				41491
the GRF appropriation item 146-321, Operating Expenses, in an				41492
amount equal to the amount of the extra fee revenue generated each				41493
fiscal year.				41494
Section 53. EXP OHIO EXPOSITIONS COMMISSION				41495
General Revenue Fund				41496
GRF 723-403 Junior Fair Subsidy	\$	525,000	\$ 25,000	41497
TOTAL GRF General Revenue Fund	\$	525,000	\$ 25,000	41498
State Special Revenue Fund Group				41499
506 723-601 Operating Expenses	\$	14,411,437	\$ 14,875,658	41500
4N2 723-602 Ohio State Fair	\$	511,000	\$ 520,000	41501
Harness Racing				
640 723-603 State Fair Reserve	\$	700,000	\$ 0	41502
TOTAL SSR State Special Revenue				41503
Fund Group	\$	15,622,437	\$ 15,395,658	41504
TOTAL ALL BUDGET FUND GROUPS	\$	16,147,437	\$ 15,420,658	41505
STATE FAIR RESERVE				41506
The foregoing appropriation item 723-603, State Fair Reserve,				41507
shall serve as a budget reserve fund for the Ohio Expositions				41508
Commission in the event of a significant decline in attendance due				41509
to inclement weather or extraordinary circumstances during the				41510
Ohio State Fair and resulting in a loss of revenue. The State Fair				41511
Reserve may be used by the Ohio Expositions Commission to pay				41512

bills resulting from the Ohio State Fair only if all the following 41513
criteria are met: 41514

(A) Admission revenues for the 2001 Ohio State Fair are less 41515
than \$2,920,000 or admission revenues for the 2002 Ohio State Fair 41516
are less than \$3,010,000 due to inclement weather or extraordinary 41517
circumstances. These amounts are ninety per cent of the projected 41518
admission revenues for each year. 41519

(B) The Ohio Expositions Commission declares a state of 41520
fiscal exigency and requests release of funds by the Director of 41521
Budget and Management. 41522

(C) The Director of Budget and Management releases the funds. 41523
The Director of Budget and Management may approve or disapprove 41524
the request for release of funds, may increase or decrease the 41525
amount of release, and may place such conditions as the director 41526
deems necessary on the use of the released funds. The Director of 41527
Budget and Management may transfer appropriation authority from 41528
fiscal year 2002 to fiscal year 2003 as needed. 41529

In the event that the Ohio Expositions Commission faces a 41530
temporary cash shortage that will preclude them from meeting 41531
current obligations, the Commission may request the Director of 41532
Budget and Management to approve use of the State Fair Reserve to 41533
meet those obligations. The request shall include a plan 41534
describing how the Commission will eliminate the cash shortage. If 41535
the Director of Budget and Management approves the expenditures, 41536
the Commission shall reimburse Fund 640 by the thirtieth day of 41537
June of that same fiscal year through an intrastate transfer 41538
voucher. The amount reimbursed is appropriated. 41539

Section 54. GOV OFFICE OF THE GOVERNOR 41540

General Revenue Fund 41541

GRF 040-321 Operating Expenses \$ 4,608,731 \$ 4,748,556 41542

As Reported by the House Finance and Appropriations Committee

GRF 040-403	National Governors Conference	\$	174,001	\$	179,224	41543
GRF 040-408	Office of Veterans' Affairs	\$	271,599	\$	279,748	41544
TOTAL GRF	General Revenue Fund	\$	5,054,331	\$	5,207,528	41545
	General Services Fund Group					41546
412 040-607	Notary Commission	\$	166,284	\$	171,273	41547
TOTAL GSF	General Services Fund Group	\$	166,284	\$	171,273	41548 41549
TOTAL ALL BUDGET FUND GROUPS		\$	5,220,615	\$	5,378,801	41550
	APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR					41551
	The Governor may expend a portion of the foregoing					41552
	appropriation item 040-321, Operating Expenses, to hire or appoint					41553
	legal counsel to be used in proceedings involving the Governor in					41554
	the Governor's official capacity or the Governor's office only,					41555
	without the approval of the Attorney General, notwithstanding					41556
	sections 109.02 and 109.07 of the Revised Code.					41557
	Section 55. DOH DEPARTMENT OF HEALTH					41558
	General Revenue Fund					41559
GRF 440-406	Hemophilia Services	\$	1,230,492	\$	1,230,492	41560
GRF 440-407	Animal Borne Disease and Prevention	\$	2,643,874	\$	2,598,297	41561
GRF 440-412	Cancer Incidence Surveillance System	\$	898,978	\$	1,104,175	41562
GRF 440-413	Ohio Health Care Policy and Data	\$	3,456,959	\$	3,557,200	41563
GRF 440-416	Child and Family Health Services	\$	10,937,078	\$	10,789,187	41564
GRF 440-418	Immunizations	\$	9,403,469	\$	9,616,514	41565
GRF 440-444	AIDS Prevention and Treatment	\$	9,142,101	\$	9,476,508	41566

As Reported by the House Finance and Appropriations Committee

GRF 440-446	Infectious Disease Prevention	\$	642,821	\$	649,291	41567
GRF 440-451	Public Health Prevention Programs	\$	7,708,440	\$	7,212,245	41568
GRF 440-452	Child and Family Health Care Operations	\$	1,316,947	\$	1,320,455	41569
GRF 440-453	Health Care Facility Protection and Safety	\$	12,466,643	\$	12,662,779	41570
GRF 440-454	Local Environmental Health	\$	1,243,340	\$	1,244,824	41571
GRF 440-459	Help Me Grow	\$	12,500,000	\$	12,500,000	41572
GRF 440-461	Vital Statistics	\$	3,891,580	\$	3,863,425	41573
GRF 440-501	Local Health Districts	\$	3,991,111	\$	3,991,111	41574
GRF 440-504	Poison Control Network	\$	388,000	\$	388,000	41575
GRF 440-505	Medically Handicapped Children	\$	7,634,095	\$	7,540,879	41576
GRF 440-507	Cystic Fibrosis	\$	768,131	\$	768,131	41577
GRF 440-508	Migrant Health	\$	120,767	\$	118,049	41578
GRF 440-510	Arthritis Care	\$	75,000	\$	75,000	41579
TOTAL GRF	General Revenue Fund	\$	90,459,826	\$	90,706,562	41580
	General Services Fund Group					41581
142 440-618	General Operations	\$	2,764,557	\$	2,892,340	41582
211 440-613	Central Support Indirect Costs	\$	25,527,855	\$	26,149,512	41583
473 440-622	Lab Operating Expenses	\$	4,006,440	\$	4,154,045	41584
5C1 440-642	TANF Family Planning	\$	255,500	\$	261,888	41585
683 440-633	Employee Assistance Program	\$	1,017,408	\$	1,062,965	41586
698 440-634	Nurse Aide Training	\$	240,000	\$	265,808	41587
TOTAL GSF	General Services Fund Group	\$	33,811,760	\$	34,786,558	41588 41589
	Federal Special Revenue Fund Group					41590

As Reported by the House Finance and Appropriations Committee

320	440-601	Maternal Child Health Block Grant	\$	32,702,100	\$	34,335,562	41591
387	440-602	Preventive Health Block Grant	\$	9,278,173	\$	9,278,173	41592
389	440-604	Women, Infants, and Children	\$	185,850,000	\$	195,142,500	41593
391	440-606	Medicaid/Medicare	\$	24,297,017	\$	25,778,700	41594
392	440-618	General Operations	\$	74,384,890	\$	77,720,166	41595
TOTAL FED Federal Special Revenue							41596
Fund Group			\$	326,512,180	\$	342,255,101	41597
State Special Revenue Fund Group							41598
3W5	440-611	Title XX Transfer	\$	500,000	\$	500,000	41599
4D6	440-608	Genetics Services	\$	2,725,894	\$	2,799,641	41600
4F9	440-610	Sickle Cell Disease Control	\$	1,010,091	\$	1,035,344	41601
4G0	440-636	Heirloom Birth Certificate	\$	1,000	\$	1,000	41602
4G0	440-637	Birth Certificate Surcharge	\$	5,000	\$	5,000	41603
4L3	440-609	Miscellaneous Expenses	\$	257,548	\$	258,570	41604
4T4	440-603	Child Highway Safety	\$	224,855	\$	233,894	41605
4V6	440-641	Save Our Sight	\$	1,232,421	\$	1,266,900	41606
470	440-618	General Operations	\$	12,364,273	\$	12,941,359	41607
471	440-619	Certificate of Need	\$	352,598	\$	370,524	41608
477	440-627	Medically Handicapped Children Audit	\$	4,400,452	\$	4,640,498	41609
5B5	440-616	Quality, Monitoring, and Inspection	\$	802,502	\$	838,479	41610
5C0	440-615	Alcohol Testing and Permit	\$	1,395,439	\$	1,455,405	41611
5D6	440-620	Second Chance Trust	\$	831,924	\$	852,723	41612
5L1	440-623	Nursing Facility Technical Assistance	\$	1,080,000	\$	1,157,150	41613

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	Program					
610	440-626	Radiation Emergency	\$	870,505	\$ 923,315	41614
		Response				
666	440-607	Medically Handicapped	\$	14,039,889	\$ 14,039,889	41615
		Children - County				
		Assessments				
TOTAL SSR State Special Revenue						41616
Fund Group			\$	42,094,391	\$ 43,319,691	41617
Holding Account Redistribution Fund Group						41618
R14	440-631	Vital Statistics	\$	49,000	\$ 49,000	41619
R48	440-625	Refunds, Grants	\$	20,000	\$ 20,000	41620
		Reconciliation, and				
		Audit Settlements				
TOTAL 090 Holding Account						41621
Redistribution Fund Group			\$	69,000	\$ 69,000	41622
TOTAL ALL BUDGET FUND GROUPS			\$	492,947,157	\$ 511,136,912	41623

Section 55.01. HEMOPHILIA SERVICES 41625

Of the foregoing appropriation item 440-406, Hemophilia Services, \$205,000 in each fiscal year shall be used to implement the Hemophilia Insurance Pilot Project. 41626
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Of the foregoing appropriation item 440-406, Hemophilia Services, up to \$245,000 in each fiscal year shall be used by the Department of Health to provide grants to the nine hemophilia treatment centers to provide prevention services for persons with hemophilia and their family members affected by AIDS and other bloodborne pathogens. 41629
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CANCER REGISTRY SYSTEM 41635

Of the foregoing appropriation item 440-412, Cancer Incidence Surveillance System, \$50,000 in each fiscal year shall be provided to the Northern Ohio Cancer Resource Center. 41636
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The remaining moneys in appropriation item 440-412, Cancer Incidence Surveillance System, shall be used to maintain and operate the Ohio Cancer Incidence Surveillance System pursuant to sections 3701.261 to 3701.263 of the Revised Code.

No later than March 1, 2002, the Ohio Cancer Incidence Surveillance Advisory Board shall report to the General Assembly on the effectiveness of the cancer incidence surveillance system and the partnership between the Department of Health and the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute of The Ohio State University.

CHILD AND FAMILY HEALTH SERVICES

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$1,700,000 in each fiscal year shall be used for family planning services. None of the funds received through these family planning grants shall be used to provide abortion services. None of the funds received through these family planning grants shall be used for counseling for or referrals for abortion, except in the case of a medical emergency. These funds shall be distributed on the basis of the relative need in the community served by the Director of Health to family planning programs, which shall include family planning programs funded under Title V of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and Title X of the "Public Health Services Act," 58 Stat. 682 (1946), 42 U.S.C.A. 201, as amended, as well as to other family planning programs that the Department of Health also determines will provide services that are physically and financially separate from abortion-providing and abortion-promoting activities, and that do not include counseling for or referrals for abortion, other than in the case of medical emergency, with state moneys, but that otherwise substantially comply with the quality standards for such programs under Title V and Title X.

The Director of Health, by rule, shall provide reasonable 41671
methods by which a grantee wishing to be eligible for federal 41672
funding may comply with these requirements for state funding 41673
without losing its eligibility for federal funding, while ensuring 41674
that a family planning program receiving a family planning grant 41675
must be organized so that it is physically and financially 41676
separate from the provision of abortion services and from 41677
activities promoting abortion as a method of family planning. 41678

Of the foregoing appropriation item 440-416, Child and Family 41679
Health Services, \$150,000 in each fiscal year shall be used to 41680
provide malpractice insurance for physicians and other health 41681
professionals providing prenatal services in programs funded by 41682
the Department of Health. 41683

Of the foregoing appropriation item 440-416, Child and Family 41684
Health Services, \$279,000 shall be used in each fiscal year for 41685
the OPTIONS dental care access program. 41686

Of the foregoing appropriation item 440-416, Child and Family 41687
Health Services, \$600,000 in each fiscal year shall be used by 41688
local child and family health services clinics to provide services 41689
to uninsured low-income persons. 41690

Of the foregoing appropriation item 440-416, Child and Family 41691
Health Services, \$900,000 in each fiscal year shall be used by 41692
federally qualified health centers and federally designated 41693
look-alikes to provide services to uninsured low-income persons. 41694

IMMUNIZATIONS 41695

Of the foregoing appropriation item 440-418, Immunizations, 41696
\$125,000 per fiscal year shall be used to provide vaccinations for 41697
Hepatitis B to all qualified underinsured students in the seventh 41698
grade who have not been previously immunized. 41699

Of the foregoing appropriation item 440-418, Immunizations, 41700
\$150,000 in each fiscal year shall be used to provide vaccinations 41701

for pneumococcal disease for children between the ages of two and 41702
five. 41703

HIV/AIDS PREVENTION/TREATMENT 41704

Of the foregoing appropriation item 440-444, AIDS Prevention 41705
and Treatment, \$6.97 million in fiscal year 2002 and \$7.4 million 41706
in fiscal year 2003 shall be used to assist persons with HIV/AIDS 41707
in acquiring HIV-related medications. 41708

The HIV Drug Assistance Program is pursuant to section 41709
3701.241 of the Revised Code and Title XXVI of the "Public Health 41710
Services Act," 104 Stat. 576 (1990), 42 U.S.C.A. 2601, as amended. 41711
The Department of Health may adopt rules pursuant to Chapter 119. 41712
of the Revised Code as necessary for the administration of the 41713
program. 41714

INFECTIOUS DISEASE PREVENTION 41715

Notwithstanding section 339.77 of the Revised Code, \$60,000 41716
of the foregoing appropriation item 440-446, Infectious Disease 41717
Prevention, shall be used by the Director of Health to reimburse 41718
Boards of County Commissioners for the cost of detaining indigent 41719
persons with tuberculosis. Any portion of the \$60,000 allocated 41720
for detainment not used for that purpose shall be used to make 41721
payments to counties pursuant to section 339.77 of the Revised 41722
Code. 41723

Of the foregoing appropriation item 440-446, Infectious 41724
Disease Prevention, \$200,000 in each fiscal year shall be used for 41725
the purchase of drugs for sexually transmitted diseases. 41726

HELP ME GROW 41727

The foregoing appropriation item 440-459, Help Me Grow, shall 41728
be used by the Department of Health to distribute subsidies to 41729
counties to implement the Ohio Early Start, Early Intervention, 41730
and Welcome Home Programs. Counties that receive subsidies from 41731

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appropriation item 440-459 shall use the funds to provide 41732
home-visiting services to newborn infants and their families, and 41733
services to infants and toddlers under three years of age who are 41734
at risk for, or with a, developmental delay or disability, and 41735
their families. Appropriation item 440-459 may be used in 41736
conjunction with Temporary Assistance for Needy Families from the 41737
Department of Job and Family Services, Even Start from the 41738
Department of Education, and in conjunction with other early 41739
childhood funds and services to promote the optimal development of 41740
young children. Local contacts shall be developed between local 41741
departments of job and family services and family and children 41742
first councils for the administration of TANF funding for the Help 41743
Me Grow Program. The Department of Health shall enter into an 41744
interagency agreement with the Department of Education to 41745
coordinate the planning, design, and grant selection process for 41746
any new Even Start grants and to ensure that all new and existing 41747
programs within Help Me grow are school linked. 41748

POISON CONTROL NETWORK 41749

The foregoing appropriation item 440-504, Poison Control 41750
Network, shall be used in each fiscal year by the Department of 41751
Health for grants to the consolidated Ohio Poison Control Center 41752
to provide poison control services to Ohio citizens. 41753

TANF FAMILY PLANNING 41754

The Director of Budget and Management shall transfer by 41755
intrastate transfer voucher, no later than the fifteenth day of 41756
July of each fiscal year, cash from the General Revenue Fund, 41757
appropriation item 600-410, TANF State, to General Services Fund 41758
5C1 in the Department of Health, in an amount of \$250,000 in each 41759
fiscal year for the purpose of family planning services for 41760
children or their families whose income is at or below 200 per 41761
cent of the official poverty guideline. 41762

As used in this section, "poverty guideline" means the 41763
official poverty guideline as revised annually by the United 41764
States Secretary of Health and Human Services in accordance with 41765
section 673 of the "Community Services Block Grant Act," 95 Stat. 41766
511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal 41767
to the size of the family of the person whose income is being 41768
determined. 41769

MATERNAL CHILD HEALTH BLOCK GRANT 41770

Of the foregoing appropriation item 440-601, Maternal Child 41771
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 41772
fiscal year for the purposes of abstinence-only education. The 41773
Director of Health shall develop guidelines for the establishment 41774
of abstinence programs for teenagers with the purpose of 41775
decreasing unplanned pregnancies and abortion. Such guidelines 41776
shall be pursuant to Title V of the "Social Security Act," 42 41777
U.S.C.A. 510, and shall include, but are not limited to, 41778
advertising campaigns and direct training in schools and other 41779
locations. 41780

A portion of the foregoing appropriation item 440-601, 41781
Maternal Child Health Block Grant (Fund 320), may be used to 41782
ensure that current information on sudden infant death syndrome is 41783
available for distribution by local health districts. 41784

TITLE XX TRANSFER 41785

Of the foregoing appropriation item 440-611, Title XX 41786
Transfer (Fund 3W5), \$500,000 in each fiscal year shall be used 41787
for the purposes of abstinence-only education. The Director of 41788
Health shall develop guidelines for the establishment of 41789
abstinence programs for teenagers with the purpose of decreasing 41790
unplanned pregnancies and abortion. The guidelines shall be 41791
developed pursuant to Title V of the "Social Security Act," 42 41792
U.S.C. 510, and shall include, but are not to be limited to, 41793

advertising campaigns and direct training in schools and other	41794
locations.	41795
GENETICS SERVICES	41796
The foregoing appropriation item 440-608, Genetics Services	41797
(Fund 4D6), shall be used by the Department of Health to	41798
administer programs authorized by sections 3701.501 and 3701.502	41799
of the Revised Code.	41800
SICKLE CELL FUND	41801
The foregoing appropriation item 440-610, Sickle Cell Disease	41802
Control (Fund 4F9), shall be used by the Department of Health to	41803
administer programs authorized by section 3701.131 of the Revised	41804
Code. The source of the funds is as specified in section 3701.23	41805
of the Revised Code.	41806
SAFETY AND QUALITY OF CARE STANDARDS	41807
The Department of Health may use Fund 471, Certificate of	41808
Need, for administering sections 3702.11 to 3702.20 and 3702.30 of	41809
the Revised Code in each fiscal year.	41810
MEDICALLY HANDICAPPED CHILDREN AUDIT	41811
The Medically Handicapped Children Audit Fund (Fund 477)	41812
shall receive revenue from audits of hospitals and recoveries from	41813
third-party payors. Moneys may be expended for payment of audit	41814
settlements and for costs directly related to obtaining recoveries	41815
from third-party payors and for encouraging Medically Handicapped	41816
Children's Program recipients to apply for third-party benefits.	41817
Moneys also may be expended for payments for diagnostic and	41818
treatment services on behalf of medically handicapped children, as	41819
defined in division (A) of section 3701.022 of the Revised Code,	41820
and Ohio residents who are twenty-one or more years of age and who	41821
are suffering from cystic fibrosis. Moneys may also be expended	41822
for administrative expenses incurred in operating the Medically	41823

Handicapped Children's Program.	41824
CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND PERMIT FUND	41825 41826
The Director of Budget and Management, pursuant to a plan submitted by the Department of Health, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Liquor Control Fund (Fund 043) to the Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating needs of the Alcohol Testing and Permit program.	41827 41828 41829 41830 41831 41832
The Director of Budget and Management shall transfer to the Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control Fund (Fund 043) established in section 4301.12 of the Revised Code such amounts at such times as determined by the transfer schedule.	41833 41834 41835 41836
MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS	41837
The foregoing appropriation item 440-607, Medically Handicapped Children - County Assessments (Fund 666), shall be used to make payments pursuant to division (E) of section 3701.023 of the Revised Code.	41838 41839 41840 41841
Section 55.02. (A) There is hereby created the Health Care Workforce Shortage Task Force to study the shortage of health care professionals and health care workers in the health care workforce and to propose a state plan to address the problem. For the purposes of the Task Force, "health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.	41842 41843 41844 41845 41846 41847 41848
(B) The Director of Health shall serve as chair of the Health Care Workforce Shortage Task Force. The Task Force shall consist of not more than seventeen members, who shall serve without compensation. One member of the Senate, appointed by the President of the Senate, and one member of the House of Representatives,	41849 41850 41851 41852 41853

appointed by the Speaker of the House of Representatives, shall 41854
serve on the Task Force. The member from the House of 41855
Representatives and the member from the Senate shall be from 41856
different political parties. The Director of Health shall appoint 41857
health care professionals and health care workers representing 41858
each of the following organizations: 41859

(1) Ohio Hospital Association; 41860

(2) Ohio Association of Children's Hospitals; 41861

(3) Ohio Council for Home Care; 41862

(4) Ohio Health Care Association; 41863

(5) Ohio Hospice and Palliative Care Organization; 41864

(6) Ohio Association of Philanthropic Homes; 41865

(7) Ohio Commission on Minority Health; 41866

(8) Ohio Nurses Association; 41867

(9) Ohio Pharmacists Association; 41868

(10) Ohio State Medical Association; 41869

(11) Families for Improved Care; 41870

(12) Ohio Association of Health Care Quality. 41871

(C) The Department of Health shall provide the Task Force 41872
with office space, staff, supplies, services, and other support as 41873
needed. 41874

(D) The Task Force shall do all of the following: 41875

(1) Review the licensing standards for all health care 41876
professionals; 41877

(2) Identify strategies to increase recruitment, retention, 41878
and development of qualified health care professionals and health 41879
care workers in health care settings; 41880

(3) Develop recommendations for improving scopes of practice 41881

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to remove unnecessary barriers to high quality provision of health				41882
care;				41883
(4) Develop possible demonstration projects to present				41884
technology's potential to increase the efficiency of health care				41885
personnel;				41886
(5) Recommend education strategies to meet health care				41887
workforce needs.				41888
(E) The Task Force shall submit a report of its findings and				41889
recommendations to the Speaker and Minority Leader of the House of				41890
Representatives and to the President and Minority Leader of the				41891
Senate not later than July 1, 2002. On submission of the report,				41892
the Task Force shall cease to exist.				41893
Section 56. HEF HIGHER EDUCATIONAL FACILITY COMMISSION				41894
Agency Fund Group				41895
461 372-601 Operating Expenses	\$	12,000	\$ 12,000	41896
TOTAL AGY Agency Fund Group	\$	12,000	\$ 12,000	41897
TOTAL ALL BUDGET FUND GROUPS	\$	12,000	\$ 12,000	41898
Section 57. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS				41900
General Revenue Fund				41901
GRF 148-100 Personal Services	\$	171,161	\$ 176,004	41902
GRF 148-200 Maintenance	\$	35,821	\$ 35,751	41903
GRF 148-300 Equipment	\$	3,648	\$ 3,552	41904
TOTAL GRF General Revenue Fund	\$	210,630	\$ 215,307	41905
General Services Fund Group				41906
601 148-602 Gifts and	\$	8,485	\$ 8,697	41907
Miscellaneous				
TOTAL GSF General Services				41908
Fund Group	\$	8,485	\$ 8,697	41909
TOTAL ALL BUDGET FUND GROUPS	\$	219,115	\$ 224,004	41910

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COMMISSION ON HISPANIC/LATINO AFFAIRS PROGRESS REVIEW				41911	
No later than December 31, 2001, the Commission on				41912	
Hispanic/Latino Affairs shall submit to the chairperson and				41913	
ranking minority member of the Human Services Subcommittee of the				41914	
Finance and Appropriations Committee of the House of				41915	
Representatives a report that demonstrates the progress that has				41916	
been made toward meeting the Commission's mission statement.				41917	
Section 58. OHS OHIO HISTORICAL SOCIETY				41918	
General Revenue Fund				41919	
GRF 360-501 Operating Subsidy	\$	3,784,283	\$	3,816,047	41920
GRF 360-502 Site Operations	\$	7,471,775	\$	7,458,843	41921
GRF 360-503 Ohio Bicentennial	\$	2,000,000	\$	2,000,000	41922
Commission					
GRF 360-504 Ohio Preservation	\$	400,575	\$	383,704	41923
Office					
GRF 360-505 Afro-American Museum	\$	1,049,836	\$	1,030,641	41924
GRF 360-506 Hayes Presidential	\$	708,203	\$	695,253	41925
Center					
GRF 360-508 Historical Grants	\$	50,000	\$	50,000	41926
TOTAL GRF General Revenue Fund	\$	15,464,672	\$	15,434,488	41927
TOTAL ALL BUDGET FUND GROUPS	\$	15,464,672	\$	15,434,488	41928
SUBSIDY APPROPRIATION				41929	
Upon approval by the Director of Budget and Management, the				41930	
foregoing appropriation items shall be released to the Ohio				41931	
Historical Society in quarterly amounts that in total do not				41932	
exceed the annual appropriations. The funds and fiscal records of				41933	
the society for fiscal years 2002 and 2003 shall be examined by				41934	
independent certified public accountants approved by the Auditor				41935	
of State, and a copy of the audited financial statements shall be				41936	
filed with the Office of Budget and Management. The society shall				41937	
prepare and submit to the Office of Budget and Management the				41938	

following:	41939
(A) An estimated operating budget for each fiscal year of the biennium. The operating budget shall be submitted at or near the beginning of each year.	41940 41941 41942
(B) Financial reports, indicating actual receipts and expenditures for the fiscal year to date. These reports shall be filed at least semiannually during the fiscal biennium.	41943 41944 41945
The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio Historical Society under section 149.30 of the Revised Code.	41946 41947 41948 41949
OPERATING SUBSIDY	41950
The Director of Budget and Management shall not release the second quarterly payment for FY 2002 of the foregoing appropriation item GRF 360-501, Operating Subsidy, to the Ohio Historical Society until the release of these moneys is approved by the Controlling Board. The Controlling Board shall not approve such release until the Ohio Historical Society submits a plan to the Controlling Board containing a detailed budget with current and projected costs of operating each state memorial by category, the sources and amounts of non-state income used at each site, and the Ohio Historical Society's management plan for each site during the biennium. The Controlling Board shall consult with the Ohio Historic Preservation Advisory Board and determine the Ohio Historical Society's submitted plan to adequately meet the state's goal of historic preservation prior to the approval of the release of moneys from GRF 360-501, Operating Subsidy, to the Ohio Historical Society.	41951 41952 41953 41954 41955 41956 41957 41958 41959 41960 41961 41962 41963 41964 41965 41966
SITE OPERATIONS	41967
Of the foregoing appropriation item 360-502, Site Operations, no money shall be used for the operation of the Ohio Historical	41968 41969

Center.				41970
Of the foregoing appropriation item 360-502, Site Operations,				41971
no more than 3 per cent shall be used for expenses not directly				41972
allocated to an individual state memorial.				41973
 HAYES PRESIDENTIAL CENTER				41974
If a United States government agency, including, but not				41975
limited to, the National Park Service, chooses to take over the				41976
operations or maintenance of the Hayes Presidential Center, in				41977
whole or in part, the Ohio Historical Society shall make				41978
arrangements with the National Park Service or other United States				41979
government agency for the efficient transfer of operations or				41980
maintenance.				41981
 HISTORICAL GRANTS				41982
Of the foregoing appropriation item 360-508, Historical				41983
Grants, \$50,000 in each fiscal year shall be distributed to the				41984
Hebrew Union College in Cincinnati for the Holocaust Education				41985
Project.				41986
 Section 59. REP OHIO HOUSE OF REPRESENTATIVES				41987
General Revenue Fund				41988
GRF 025-321 Operating Expenses	\$	18,654,083	\$	19,562,481
TOTAL GRF General Revenue Fund	\$	18,654,083	\$	19,562,481
 General Services Fund Group				41991
103 025-601 House Reimbursement	\$	1,287,500	\$	1,287,500
4A4 025-602 Miscellaneous Sales	\$	33,990	\$	33,990
TOTAL GSF General Services				41994
Fund Group	\$	1,321,490	\$	1,321,490
TOTAL ALL BUDGET FUND GROUPS	\$	19,975,573	\$	20,883,971
 Section 60. IGO OFFICE OF THE INSPECTOR GENERAL				41998

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General Revenue Fund				41999
GRF 965-321 Operating Expenses	\$	605,121	\$ 637,322	42000
TOTAL GRF General Revenue Fund	\$	605,121	\$ 637,322	42001
State Special Revenue Fund Group				42002
4Z3 965-602 Special Investigations	\$	100,000	\$ 100,000	42003
TOTAL SSR State Special Revenue	\$	100,000	\$ 100,000	42004
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	705,121	\$ 737,322	42005

Of the foregoing appropriation item 965-602, Special
Investigations, up to \$100,000 in each fiscal year may be used for
investigative costs, pursuant to section 121.481 of the Revised
Code.

Section 61. INS DEPARTMENT OF INSURANCE 42010

Federal Special Revenue Fund Group				42011
3U5 820-602 OSHIIP Operating Grant	\$	400,000	\$ 400,000	42012
TOTAL FED Federal Special				42013
Revenue Fund Group	\$	400,000	\$ 400,000	42014
State Special Revenue Fund Group				42015
554 820-601 Operating Expenses -	\$	543,101	\$ 601,773	42016
OSHIIP				
554 820-606 Operating Expenses	\$	20,090,984	\$ 22,350,783	42017
555 820-605 Examination	\$	6,581,705	\$ 6,963,535	42018
TOTAL SSR State Special Revenue				42019
Fund Group	\$	27,215,790	\$ 29,916,091	42020
TOTAL ALL BUDGET FUND GROUPS	\$	27,615,790	\$ 30,316,091	42021

MARKET CONDUCT EXAMINATION 42022

When conducting a market conduct examination of any insurer
doing business in this state, the Superintendent of Insurance may
assess the costs of the examination against the insurer. The
superintendent may enter into consent agreements to impose

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administrative assessments or fines for conduct discovered that 42027
 may be violations of statutes or regulations administered by the 42028
 superintendent. All costs, assessments, or fines collected shall 42029
 be deposited to the credit of the Department of Insurance 42030
 Operating Fund (Fund 554). 42031

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 42032

The Superintendent of Insurance may transfer funds from the 42033
 Department of Insurance Operating Fund (Fund 554), established by 42034
 section 3901.021 of the Revised Code, to the Superintendent's 42035
 Examination Fund (Fund 555), established by section 3901.071 of 42036
 the Revised Code, only for the expenses incurred in examining 42037
 domestic fraternal benefit societies as required by section 42038
 3921.28 of the Revised Code. 42039

Section 62. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 42040

General Revenue Fund 42041

GRF 600-100 Personal Services 42042

State \$ 56,614,143 \$ 58,715,838 42043

Federal \$ 18,645,558 \$ 19,317,882 42044

Personal Services \$ 75,259,701 \$ 78,033,720 42045

Total

GRF 600-200 Maintenance 42046

State \$ 30,439,164 \$ 24,320,541 42047

Federal \$ 7,295,237 \$ 5,828,810 42048

Maintenance Total \$ 37,734,401 \$ 30,149,351 42049

GRF 600-300 Equipment 42050

State \$ 5,469,830 \$ 979,504 42051

Federal \$ 179,026 \$ 32,059 42052

Equipment Total \$ 5,648,856 \$ 1,011,563 42053

GRF 600-402 Electronic Benefits 42054

Transfer (EBT)

State \$ 7,551,305 \$ 7,715,079 42055

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	Federal	\$	7,551,305	\$	7,715,079	42056
	EBT Total	\$	15,102,610	\$	15,430,158	42057
GRF 600-410	TANF State	\$	268,636,561	\$	268,619,061	42058
GRF 600-413	Day Care	\$	84,120,606	\$	84,120,606	42059
	Match/Maintenance of Effort					
GRF 600-416	Computer Projects					42060
	State	\$	112,583,171	\$	117,908,736	42061
	Federal	\$	26,680,697	\$	28,637,135	42062
	Computer Projects	\$	139,263,868	\$	146,545,871	42063
	Total					
GRF 600-420	Child Support Administration	\$	7,919,511	\$	7,885,309	42064
GRF 600-426	Children's Health Insurance Plan (CHIP)					42065
	State	\$	7,071,338	\$	8,570,373	42066
	Federal	\$	17,473,395	\$	21,177,537	42067
	CHIP Total	\$	24,544,733	\$	29,747,910	42068
GRF 600-427	Child and Family Services Activities	\$	7,169,086	\$	6,980,427	42069
GRF 600-435	Unemployment Compensation Review Commission	\$	3,759,151	\$	3,785,380	42070
GRF 600-436	Medicaid Systems Enhancements	\$	4,445,384	\$	1,853,611	42071
GRF 600-502	Child Support Match	\$	17,383,992	\$	16,814,103	42072
GRF 600-504	Non-TANF County Administration	\$	70,554,373	\$	68,697,679	42073
GRF 600-511	Disability Assistance/Other Assistance	\$	79,562,017	\$	89,752,408	42074
GRF 600-512	Non-TANF Emergency Assistance	\$	2,079,000	\$	2,079,000	42075

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GRF 600-525	Health Care/Medicaid				42076
	State	\$ 2,871,181,745	\$ 3,083,234,875		42077
	Federal	\$ 4,121,323,704	\$ 4,416,002,794		42078
	Health Care Total	\$ 6,992,505,449	\$ 7,499,237,669		42079
GRF 600-527	Child Protective Services	\$ 59,592,059	\$ 64,047,479		42080
GRF 600-528	Adoption Services				42081
	State	\$ 31,385,023	\$ 34,597,562		42082
	Federal	\$ 30,506,168	\$ 33,628,748		42083
	Adoption Services Total	\$ 61,891,191	\$ 68,226,310		42084
GRF 600-534	Adult Protective Services	\$ 2,850,975	\$ 2,775,950		42085
GRF 600-552	County Social Services	\$ 11,354,550	\$ 11,055,746		42086
TOTAL GRF	General Revenue Fund				42087
	State	\$ 3,741,722,984	\$ 3,964,509,267		42088
	Federal	\$ 4,229,655,090	\$ 4,532,340,044		42089
	GRF Total	\$ 7,971,378,074	\$ 8,496,849,311		42090
	General Services Fund Group				42091
4A8 600-658	Child Support Collections	\$ 42,389,027	\$ 42,389,027		42092
4R4 600-665	BCII Service Fees	\$ 124,522	\$ 136,974		42093
5C9 600-671	Medicaid Program Support	\$ 50,846,239	\$ 59,226,893		42094
5R1 600-677	County Computers	\$ 5,000,000	\$ 5,000,000		42095
613 600-645	Training Activities	\$ 1,462,626	\$ 1,157,525		42096
TOTAL GSF	General Services Fund Group	\$ 99,822,414	\$ 107,910,419		42097
	Federal Special Revenue Fund Group				42099
3A2 600-641	Emergency Food Distribution	\$ 2,018,844	\$ 2,018,844		42100
3D3 600-648	Children's Trust Fund	\$ 2,040,524	\$ 2,040,524		42101

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		Federal				
3F0	600-623	Health Care Federal	\$	175,148,990	\$	168,503,630 42102
3F0	600-650	Hospital Care	\$	292,915,017	\$	276,736,571 42103
		Assurance Match				
3G5	600-655	Interagency	\$	852,461,818	\$	860,986,436 42104
		Reimbursement				
3G9	600-657	Special Activities	\$	522,500	\$	190,000 42105
		Self Sufficiency				
3H7	600-617	Day Care Federal	\$	299,156,430	\$	337,848,130 42106
3N0	600-628	IV-E Foster Care	\$	152,981,760	\$	173,963,142 42107
		Maintenance				
3S5	600-622	Child Support Projects	\$	534,050	\$	534,050 42108
3V0	600-688	Workforce Investment	\$	112,830,660	\$	112,830,661 42109
		Act				
3V4	600-678	Federal Unemployment	\$	74,025,525	\$	74,025,525 42110
		Programs				
3V4	600-679	Unemployment	\$	2,286,421	\$	2,286,421 42111
		Compensation Review				
		Commission - Federal				
3V6	600-689	TANF Block Grant	\$	654,410,661	\$	677,098,311 42112
3V6	600-690	Wellness	\$	14,337,515	\$	14,337,515 42113
316	600-602	State and Local	\$	10,166,587	\$	10,325,460 42114
		Training				
327	600-606	Child Welfare	\$	34,594,191	\$	34,592,977 42115
331	600-686	Federal Operating	\$	41,600,896	\$	41,640,897 42116
365	600-681	JOB Training Program	\$	25,000,000	\$	5,469,259 42117
384	600-610	Food Stamps and State	\$	160,371,358	\$	161,716,857 42118
		Administration				
385	600-614	Refugee Services	\$	4,388,503	\$	4,559,632 42119
395	600-616	Special	\$	9,491,000	\$	9,491,000 42120
		Activities/Child and				
		Family Services				
396	600-620	Social Services Block	\$	51,195,100	\$	51,297,478 42121

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		Grant				
397	600-626	Child Support	\$	248,001,590	\$	247,353,041 42122
398	600-627	Adoption Maintenance/ Administration	\$	277,806,175	\$	341,298,661 42123
		TOTAL FED Federal Special Revenue				42124
		Fund Group	\$	3,498,286,115	\$	3,611,145,022 42125
		State Special Revenue Fund Group				42126
198	600-647	Children's Trust Fund	\$	4,368,785	\$	4,379,333 42127
3W3	600-695	Adult Protective Services	\$	120,227	\$	120,227 42128
3W3	600-696	Non-TANF Adult Assistance	\$	1,000,000	\$	1,000,000 42129
3W8	600-638	Hippy Program	\$	62,500	\$	62,500 42130
3W9	600-640	Adoption Connection	\$	50,000	\$	50,000 42131
4A9	600-607	Unemployment Compensation Admin Fund	\$	9,420,000	\$	9,420,000 42132
4E3	600-605	Nursing Home Assessments	\$	95,511	\$	95,511 42133
4E7	600-604	Child and Family Services Collections	\$	145,805	\$	149,450 42134
4F1	600-609	Foundation Grants/Child and Family Services	\$	116,400	\$	119,310 42135
4J5	600-613	Nursing Facility Bed Assessments	\$	31,179,798	\$	31,279,798 42136
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000 42137
4K1	600-621	ICF/MR Bed Assessments	\$	21,604,331	\$	22,036,418 42138
4R3	600-687	Banking Fees	\$	592,937	\$	592,937 42139
4V2	600-612	Child Support Activities	\$	124,993	\$	124,993 42140
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000 42141

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5A5	600-685	Unemployment Benefit Automation	\$	19,607,027	\$	13,555,667	42142
5E4	600-615	Private Child Care Agencies Training	\$	10,568	\$	10,568	42143
5E6	600-634	State Option Food Stamps	\$	5,010,000	\$	5,010,000	42144
5P4	600-691	TANF Child Welfare	\$	7,500,000	\$	7,500,000	42145
5P5	600-692	Health Care Services	\$	223,847,498	\$	255,386,713	42146
651	600-649	Hospital Care Assurance Program Fund	\$	203,298,801	\$	192,070,088	42147
TOTAL SSR State Special Revenue							42148
Fund Group			\$	553,855,181	\$	568,663,513	42149
Agency Fund Group							42150
192	600-646	Support Intercept - Federal	\$	80,000,000	\$	82,000,000	42151
5B6	600-601	Food Stamp Intercept	\$	5,283,920	\$	5,283,920	42152
583	600-642	Support Intercept - State	\$	20,162,335	\$	20,565,582	42153
TOTAL AGY Agency Fund Group			\$	105,446,255	\$	107,849,502	42154
Holding Account Redistribution Fund Group							42155
R12	600-643	Refunds and Audit Settlements	\$	200,000	\$	200,000	42156
R13	600-644	Forgery Collections	\$	700,000	\$	700,000	42157
TOTAL 090 Holding Account Redistribution							42158
Fund Group			\$	900,000	\$	900,000	42159
TOTAL ALL BUDGET FUND GROUPS			\$	12,229,688,039	\$	12,893,317,767	42160

Section 62.01. JOB AND FAMILY SERVICES REPORT TO THE GENERAL ASSEMBLY 42162
ASSEMBLY 42163

In addition to other reporting requirements established in 42164
the Revised Code, the Department of Job and Family Services shall, 42165

not later than June 30, 2002, at the request of the Finance and
Appropriations Committee of the House of Representatives, report
to the General Assembly on the department's performance in
carrying out its mission and include in the report at least the
following: the long-term planning and vision for the various
elements of the Department of Job and Family Services, and an
analysis of the fund balances and cash flow in the department's
budget.

Section 62.02. ALCOHOL AND DRUG ADDICTION SERVICES TRANSFER 42174

Each fiscal year, the Director of Budget and Management shall
transfer \$3,500,000 in appropriation authority from appropriation
item 600-410, TANF State, to State Special Revenue Fund 5B7
appropriation item 038-629, TANF Transfer-Treatment, and
\$1,500,000 in appropriation authority from appropriation item
600-410, TANF State, to State Special Revenue Fund 5E8
appropriation item 038-630, TANF Transfer-Mentoring, in the
Department of Alcohol and Drug Addiction Services. The Department
of Alcohol and Drug Addiction Services shall comply with all TANF
reporting requirements and timelines specified by the Department
of Job and Family Services.

Section 62.03. DISABILITY ASSISTANCE 42186

The following schedule shall be used to determine monthly
grant levels in the Disability Assistance Program effective July
1, 2001.

Persons in Assistance Group	Monthly Grant	
1	\$115	42192
2	159	42193
3	193	42194
4	225	42195

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5	251	42196
6	281	42197
7	312	42198
8	361	42199
9	394	42200
10	426	42201
11	458	42202
12	490	42203
13	522	42204
14	554	42205
For each additional person add	40	42206
 Section 62.04. ADULT EMERGENCY ASSISTANCE PROGRAM		42207
Appropriations in appropriation item 600-512, Non-TANF		42208
Emergency Assistance, in each fiscal year shall be used for the		42209
Adult Emergency Assistance Program established under section		42210
5101.86 of the Revised Code.		42211
 Section 62.05. HEALTH CARE/MEDICAID		42212
The foregoing appropriation item 600-525, Health		42213
Care/Medicaid, shall not be limited by the provisions of section		42214
131.33 of the Revised Code.		42215
 BREAST AND CERVICAL CANCER TREATMENT PROGRAM		42216
Of the foregoing appropriation item 600-525, Health		42217
Care/Medicaid, \$450,000 in state share and \$1,119,038 in federal		42218
share in fiscal year 2002, and \$450,000 in state share and		42219
\$1,119,038 in federal share in fiscal year 2003, shall be used to		42220
fund medical assistance provided under the Medicaid Program		42221
pursuant to section 5111.0110 of the Revised Code.		42222
 Section 62.06. CHILD SUPPORT COLLECTIONS/TANF MOE		42223
The foregoing appropriation item 600-658, Child Support		42224

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Collections, shall be used by the Department of Job and Family
 Services to meet the TANF maintenance of effort requirements of
 Pub. L. No. 104-193. After the state has met the maintenance of
 effort requirement, the Department of Job and Family Services may
 use funds from appropriation item 600-658 to support public
 assistance activities.

Section 62.07. MEDICAID PROGRAM SUPPORT FUND - STATE 42231

The foregoing appropriation item 600-671, Medicaid Program
 Support, shall be used by the Department of Job and Family
 Services to pay for Medicaid services and contracts.

Section 62.08. HOSPITAL CARE ASSURANCE MATCH FUND 42235

Appropriation item 600-650, Hospital Care Assurance Match,
 shall be used by the Department of Job and Family Services in
 accordance with division (B) of section 5112.18 of the Revised
 Code.

Section 62.09. TANF 42240

TANF COUNTY INCENTIVES 42241

Of the foregoing appropriation item 600-689, TANF Block
 Grant, the Department of Job and Family Services may provide
 financial incentives to those county departments of job and family
 services that have exceeded performance standards adopted by the
 state department, and where the board of county commissioners has
 entered into a written agreement with the state department under
 section 5101.21 of the Revised Code governing the administration
 of the county department. Any financial incentive funds provided
 pursuant to this division shall be used by the county department
 for additional or enhanced services for families eligible for
 assistance under Chapter 5107. or benefits and services under
 Chapter 5108. of the Revised Code or, on request by the county and

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approval by the Department of Job and Family Services, be 42254
transferred to the Child Care and Development Fund or the Social 42255
Services Block Grant. The county departments of job and family 42256
services may retain and expend such funds without regard to the 42257
state or county fiscal year in which the financial incentives were 42258
earned or paid. Each county department of job and family services 42259
shall file an annual report with the Department of Job and Family 42260
Services providing detailed information on the expenditure of 42261
these financial incentives and an evaluation of the effectiveness 42262
of the county department's use of these funds in achieving 42263
self-sufficiency for families eligible for assistance under 42264
Chapter 5107. or benefits and services under Chapter 5108. of the 42265
Revised Code. 42266

TANF FATHERHOOD PROGRAMS 42267

From the foregoing appropriation item 600-689, TANF Block 42268
Grant, up to \$5,000,000 in each fiscal year shall be used to 42269
support local fatherhood programs. Of the foregoing \$5,000,000, 42270
\$300,000 in each fiscal year shall be used to operate a Fatherhood 42271
Commission. Of the foregoing \$5,000,000, \$310,000 in each fiscal 42272
year shall be provided to the Cuyahoga County Department of Job 42273
and Family Services to contract with the Center for Families and 42274
Children for the purpose of providing allowable services to 42275
TANF-eligible individuals. The Cuyahoga County Department of Job 42276
and Family Services and the Center for Families and Children shall 42277
agree on reporting requirements to be incorporated into the 42278
contract. Of the foregoing \$5,000,000, up to \$500,000 in each 42279
fiscal year shall be used by the Department of Job and Family 42280
Services to support expenditures and grants of the Ohio Alliance 42281
of Boys and Girls Clubs to provide allowable services to 42282
TANF-eligible individuals. The Department of Job and Family 42283
Services and the Ohio Alliance of Boys and Girls Clubs shall agree 42284
on reporting requirements to be incorporated into the grant 42285

agreement. 42286

TANF EDUCATION 42287

Not later than July 15, 2002, the Director of Budget and 42288
Management shall transfer \$35,000,000 in appropriation authority 42289
from appropriation item 600-689, TANF Block Grant (Fund 3V6), to 42290
Fund 3W6, TANF Education, in the Department of Education, which is 42291
created in the State Treasury. The transferred funds shall be used 42292
for the purpose of providing allowable services to TANF-eligible 42293
individuals. 42294

Not later than July 15, 2001, the Director of Budget and 42295
Management shall transfer \$76,156,175 from Fund 3V6, TANF Block 42296
Grant, to Fund 3W6, TANF Education, in the Department of 42297
Education. Not later than July 15, 2002, the Director of Budget 42298
and Management shall transfer \$98,843,825 from Fund 3V6, TANF 42299
Block Grant, to Fund 3W6, TANF Education, in the Department of 42300
Education. The transferred funds shall be used for the purpose of 42301
providing allowable services to TANF-eligible individuals. The 42302
Department of Education shall comply with all TANF requirements, 42303
including reporting requirements and timelines, as specified in 42304
state and federal laws, federal regulations, state rules, and the 42305
Title IV-A state plan, and is responsible for payment of any 42306
adverse audit finding, final disallowance of federal financial 42307
participation, or other sanction or penalty issued by the federal 42308
government or other entity concerning these funds. 42309

TANF ADULT LITERACY AND CHILD READING PROGRAMS 42310

From the foregoing appropriation item 600-689, TANF Block 42311
Grant, up to \$5,000,000 in each fiscal year shall be used to 42312
support local adult literacy and child reading programs. 42313

TALBERT HOUSE 42314

In each fiscal year, the Director of Job and Family Services 42315
shall provide \$100,500 from appropriation item 600-689, TANF Block 42316

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Grant, to the Hamilton County Department of Job and Family
 Services to contract with the Talbert House for the purpose of
 providing allowable servcies to TANF-eligible individuals. The
 Hamilton County Department of Job and Family Services and the
 Talbert House shall agree on reporting requirements that meet all
 TANF reporting requirements and timelines specified by the
 Department of Job and Family Services to be incorporated into the
 contract.

APPALACHIAN WORKFORCE DEVELOPMENT AND JOB TRAINING

From the foregoing appropriation item 600-689, TANF Block
 Grant, the Director of Job and Family Services shall provide up to
 \$15,000,000 in each fiscal year to be awarded to the county
 departments of job and family services in the twenty-nine
 Appalachian counties, contingent upon passage of H.B. 6 of the
 124th General Assembly. These funds shall be used by the county
 department of job and family services, in coordination with the
 Governor's Office of Appalachia, the Governor's Regional Economic
 Office, and local development districts. These funds shall be used
 for the following activities: workforce development and supportive
 services; economic development; technology expansion, technical
 assistance, and training; youth job training; organizational
 development for workforce development partners; and improving
 existing technology centers, workforce development, job creation
 and retention, purchasing technology, and technology and
 technology infrastructure upgrades.

As a condition on the use of these funds, each county
 department of job and family services shall submit a plan for the
 intended use of these funds to the Department of Job and Family
 Services. The plan shall also be reviewed by the Governor's Office
 of Appalachia, the Governor's Regional Economic Office, and local
 development districts. Also as a condition on the use of these
 funds, each county and contract agency shall acknowledge that

these funds are a one-time allocation, not intended to fund 42349
services beyond September 30, 2002. 42350

In fiscal year 2002, the TANF Allocation to each of the 42351
Appalachian counties shall not be less than the TANF allocation 42352
amount for fiscal year 2001, as allocated according to the 42353
methodology set forth in paragraph (I) of rule 5101-6-03 of the 42354
Administrative Code. 42355

In fiscal year 2003, the Department of Job and Family 42356
Services shall provided from appropriation item 600-689, TANF 42357
Block Grant, up to \$1,000,000 additional funding for special 42358
projects on the recommendation of the Governor's Office of 42359
Appalachia. 42360

The use of these funds shall comply with all TANF 42361
requirements, including reporting requirements and timelines, as 42362
specified in state and federal laws, federal regulations, state 42363
rules, and the Title IV-A state plan. 42364

42365

DYS COMPREHENSIVE STRATEGIES 42366

No later than July 15, 2001, the Director of Budget and 42367
Management shall transfer \$5,000,000 in appropriation authority 42368
from appropriation item 600-689, TANF Block Grant, to Federal 42369
Special Revenue Fund 321 appropriation item 470-614, TANF Transfer 42370
- Comprehensive Strategies, in the Department of Youth Services. 42371
These funds shall be used by the Department of Youth Services to 42372
make grants to local communities to establish models of 42373
inter-system collaboration to prevent children from entering the 42374
juvenile justice system. In making the grants, the Department of 42375
Youth Services shall require that grantees use the funds only to 42376
plan, develop, or enhance collaborative models. Funds provided to 42377
grantees may not be used for any type of direct or purchased 42378
services. The Department of Youth Services shall comply with all 42379

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TANF requirements, including reporting requirements and timelines, 42380
as specified in state and federal laws, federal regulations, state 42381
rules, and the Title IV-A state plan, and is responsible for 42382
payment of any adverse audit finding, final disallowance of 42383
federal financial participation, or other sanction or penalty 42384
issued by the federal government or other entity concerning these 42385
funds. 42386

TANF TRANSFER DOWN PAYMENT ASSISTANCE AND FAMILY SHELTER 42387
PROGRAM 42388

No later than July 15, 2001, the Director of Budget and 42389
Management shall transfer \$5,200,000 in appropriation authority 42390
from appropriation item 600-689, TANF Block Grant, to 42391
appropriation item 195-497, CDBG Operating Match, in the 42392
Department of Development. No later than July 15, 2002, the 42393
Director of Budget and Management shall transfer \$6,500,000 in 42394
appropriation authority from appropriation item 600-689, TANF 42395
Block Grant, to appropriation item 195-497, CDBG Operating Match, 42396
in the Department of Development. These funds shall be used to 42397
provide supportive services for low-income families related to 42398
housing or homelessness, including housing counseling; to provide 42399
grants to nonprofit organizations to assist families with incomes 42400
at or below 200 per cent of the federal poverty guidelines with 42401
down-payment assistance for homeownership, including the purchase 42402
of mobile homes; to provide emergency home repair funding for 42403
families with incomes at or below 200 per cent of the federal 42404
poverty guidelines; to provide operating support for family 42405
emergency shelter programs; and to provide emergency rent and 42406
mortgage assistance for families with incomes at or below 200 per 42407
cent of the federal poverty guidelines. The funds shall not be 42408
used to match federal funds. The Department of Development shall 42409
comply with all TANF requirements, including reporting 42410
requirements and timelines, as specified in state and federal 42411

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laws, federal regulations, state rules, and the Title IV-A state
 plan, and is responsible for payment of any adverse audit finding,
 final disallowance of federal financial participation, or other
 sanction or penalty issued by the federal government or other
 entity concerning these funds.

TANF FEDERAL BLOCK GRANT FUNDS AND TRANSFERS 42417

From the foregoing appropriation items 600-410, TANF State;
 600-658, Child Support Collections; or 600-689, TANF Block Grant,
 or a combination of these appropriation items, no less than
 \$369,040,735 in each fiscal year shall be allocated to county
 departments of job and family services as follows:

County Allocations	\$276,586,957	42423
WIA Supplement	\$35,109,178	42424
Early Start - Statewide	\$38,034,600	42425
Transportation	\$5,000,000	42426
County Training	\$3,050,000	42427
Adult Literacy and Child		42428
Reading Programs	\$5,000,000	42429
Disaster Relief	\$5,000,000	42430
School Readiness Centers	\$1,260,000	42431

Upon the request of the Department of Job and Family
 Services, the Director of Budget and Management may seek
 Controlling Board approval to increase appropriations in
 appropriation item 600-689, TANF Block Grant, provided sufficient
 Federal TANF Block Grant funds exist to do so, without any
 corresponding decrease in other appropriation items. The
 Department of Job and Family Services shall provide the Office of
 Budget and Management and the Controlling Board with documentation
 to support the need for the increased appropriation.

All transfers of moneys from or charges against TANF Federal
 Block Grant awards for use in the Social Services Block Grant or
 the Child Care and Development Block Grant from either unobligated

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prior year appropriation authority in appropriation item 400-411, 42444
TANF Federal Block Grant, or 600-411, TANF Federal Block Grant, or 42445
from fiscal year 2002 and fiscal year 2003 appropriation authority 42446
in item 600-689, TANF Block Grant, shall be done ten days after 42447
the Department of Job and Family Services gives written notice to 42448
the Office of Budget and Management. The Department of Job and 42449
Family Services shall first provide the Office of Budget and 42450
Management with documentation to support the need for such 42451
transfers or charges for use in the Social Services Block Grant or 42452
in the Child Care Development Block Grant. 42453

The Department of Job and Family Services shall in each 42454
fiscal year of the biennium transfer the maximum amount of funds 42455
from the federal TANF Block Grant to the federal Social Services 42456
Block Grant as permitted under federal law. Not later than July 42457
15, 2001, the Director of Budget and Management shall transfer 42458
\$60,000,000 in receipts from TANF Block Grant funds that have been 42459
credited to the Social Services Block Grant to State Special 42460
Revenue Fund XXX, in the Office of Budget and Management. Not 42461
later than June 1, 2002, the Director of Budget and Management 42462
shall determine the amount of funds in State Special Revenue Fund 42463
XXX that is needed for the purpose of balancing the General 42464
Revenue Fund, and may transfer that amount to the General Revenue 42465
Fund. Any moneys remaining in State Special Revenue Fund XXX on 42466
June 15, 2002, shall be transferred not later than June 20, 2002 42467
to Fund 3V6, TANF Block Grant, in the Department of Job and Family 42468
Services. Not later than July 15, 2002, the Director of Budget and 42469
Management shall transfer to State Special Revenue Fund XXX, from 42470
Fund 3V6 in the Department of Job and Family Services, the amount 42471
of funds that remained in Special Revenue Fund XXX on June 15, 42472
2002, and that were transferred to Fund 3V6. Not later than June 42473
1, 2003, the Director of Budget and Management shall determine the 42474
amount of funds in State Special Revenue Fund XXX that is needed 42475

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for the purpose of balancing the General Revenue Fund, and may
 transfer that amount to the General Revenue Fund. Any moneys
 remaining in State Special Revenue Fund XXX on June 15, 2003,
 shall be transferred not later than June 20, 2003, to Fund 3V6,
 TANF Block Grant, in the Department of Job and Family Services.

Before the thirtieth day of September of each fiscal year,
 the Department of Job and Family Services shall file claims with
 the United States Department of Health and Human Services for
 reimbursement for all allowable expenditures for services provided
 by the Department of Job and Family Services, or other agencies
 that may qualify for Social Services Block Grant funding pursuant
 to Title XX of the Social Security Act. The Department of Job and
 Family Services shall deposit, during each fiscal year, into Fund
 5E6, State Option Food Stamps, \$6 million, into Fund 5P4, TANF
 Child Welfare, \$7.5 million, into Fund 3W5, Health Care Services,
 \$500,000, into Fund 3W8, Hippy Program, \$62,500, and into Fund
 3W9, Adoption Connection, \$50,000 and deposit in fiscal year 2002,
 into Fund 3W2, Title XX Vocational Rehabilitation, \$600,000, into
 Fund 162 in the Department of Natural Resources, \$7,885,349, and
 into Fund 3W3, Adult Special Needs, \$2,920,227 and deposit in
 fiscal year 2003, into Fund 3W2, Title XX Vocational
 Rehabilitation, \$897,052, into Fund 162 in the Department of
 Natural Resources, \$8,058,715, and into Fund 3W3, Adult Special
 Needs, \$6,520,227 in receipts from TANF Block Grant funds credited
 to the Social Services Block Grant. On verification of the receipt
 of the above revenue, the funds provided by these transfers shall
 be used as follows:

Fund 5E6		42504
Second Harvest Food Bank	\$3,500,000	42505
Child Nutrition Services	\$2,500,000	42506
Fund 5P4		42507
Support and Expansion for PCSA Activities	\$5,500,000	42508

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Pilot Projects for Violent and Aggressive Youth	\$2,000,000	42509
Fund 3W2		42510
Title XX Vocational Rehabilitation in fiscal year 2002	\$600,000	42511
Title XX Vocational Rehabilitation in fiscal year 2003	\$897,052	42512
Fund 3W3		42513
Adult Protective Services in fiscal year 2002	\$120,227	42514
Adult Protective Services in fiscal year 2003	\$120,227	42515
Non-TANF Adult Assistance in fiscal year 2002	\$1,000,000	42516
Non-TANF Adult Assistance in fiscal year 2003	\$1,000,000	42517
Community-Based Correctional Facilities in fiscal year 2002	\$1,800,000	42518
Community-Based Correctional Facilities in fiscal year 2003	\$5,400,000	42519
Fund 3W5		42520
Abstinence-only Education	\$500,000	42521
Fund 162		42522
CCC Operations in fiscal year 2002	\$7,885,349	42523
CCC Operations in fiscal year 2003	\$8,058,715	42524
Fund 3W8		42525
Hippy Program	\$62,500	42526
Fund 3W9		42527
Adoption Connection	\$50,000	42528
Section 62.10. OHIO ASSOCIATION OF SECOND HARVEST FOOD BANKS		42529
The Department of Job and Family Services may use up to		42530
\$3,500,000 of appropriation item 600-634, State Options Food		42531
Stamps (Fund 5E6), in each fiscal year of the biennium to support		42532
expenditures to the Ohio Association of Second Harvest Food Banks		42533
pursuant to the following criteria.		42534
As used in this section, "federal poverty guidelines" has the		42535
same meaning as in section 5101.46 of the Revised Code.		42536

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The Department of Job and Family Services shall provide an annual grant of \$3,500,000 in each of the fiscal years 2002 and 2003 to the Ohio Association of Second Harvest Food Banks. In each fiscal year, the Ohio Association of Second Harvest Food Banks shall use \$2,500,000 for the purchase of food products for the Ohio Food Program, of which up to \$105,000 may be used for food storage and transport, and shall use \$1,000,000 for the Agricultural Surplus Production Alliance Project. Funds provided for the Ohio Food Program shall be used to purchase food products and distribute those food products to agencies participating in the emergency food distribution program. No funds provided through this grant may be used for administrative expenses other than funds provided for food storage and transport. As soon as possible after entering into a grant agreement at the beginning of the fiscal year, the Department of Job and Family Services shall distribute the grant funds in one single payment. The Ohio Association of Second Harvest Food Banks shall develop a plan for the distribution of the food products to local food distribution agencies. Agencies receiving these food products shall ensure that individuals and families who receive any of the food products purchased with these funds have an income at or below 150 per cent of the federal poverty guidelines. The Department of Job and Family Services and the Ohio Association of Second Harvest Food Banks shall agree on reporting requirements to be incorporated into the grant agreement.

The Ohio Association of Second Harvest Food Banks shall return any fiscal year 2002 funds from this grant remaining unspent on June 30, 2002, to the Department of Job and Family Services no later than November 1, 2002. The Ohio Association of Second Harvest Food Banks shall return any fiscal year 2003 funds from this grant remaining unspent on June 30, 2003, to the Department no later than November 1, 2003.

Section 62.11. CHILD NUTRITION SERVICES 42569

The Department of Job and Family Services may use up to 42570
\$2,500,000 in each fiscal year of appropriation item 600-634, 42571
State Option Food Stamps(Fund 5E6), to support Child Nutrition 42572
Services in the Department of Education. As soon as possible after 42573
the effective date of this section, the Department of Job and 42574
Family Services shall enter into an interagency agreement with the 42575
Department of Education to reimburse the 19 pilot programs that 42576
provide nutritional evening meals to adolescents 13 through 18 42577
years of age participating in educational or enrichment activities 42578
at youth development centers. Such funds shall not be used as 42579
matching funds. Eligibility and reporting guidelines shall be 42580
detailed in the interagency agreement. 42581

Section 62.12. PRESCRIPTION DRUG REBATE FUND 42582

The foregoing appropriation item 600-692, Health Care 42583
Services, shall be used by the Department of Job and Family 42584
Services in accordance with section 5111.081 of the Revised Code. 42585

Section 62.13. ODJFS FUNDS 42586

AGENCY FUND GROUP 42587

The Agency Fund Group shall be used to hold revenues until 42588
the appropriate fund is determined or until they are directed to 42589
the appropriate governmental agency other than the Department of 42590
Job and Family Services. If it is determined that additional 42591
appropriation authority is necessary, such amounts are 42592
appropriated. 42593

HOLDING ACCOUNT REDISTRIBUTION GROUP 42594

The foregoing appropriation items 600-643, Refunds and Audit 42595
Settlements, and 600-644, Forgery Collections, Holding Account 42596

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Redistribution Fund Group, shall be used to hold revenues until 42597
they are directed to the appropriate accounts or until they are 42598
refunded. If it is determined that additional appropriation 42599
authority is necessary, such amounts are appropriated. 42600

Section 62.14. SINGLE ALLOCATION FOR COUNTY DEPARTMENTS OF 42601
JOB AND FAMILY SERVICES 42602

Using the foregoing appropriation items 600-504, Non-TANF 42603
County Administration; 600-610, Food Stamps and State 42604
Administration; 600-410, TANF State; 600-689, TANF Block Grant; 42605
600-620, Social Services Block Grant; 600-552, County Social 42606
Services; 600-413, Day Care Match/Maintenance of Effort; 600-617, 42607
Day Care Federal; 600-534, Adult Protective Services; and 600-614, 42608
Refugees Services, the Department of Job and Family Services may 42609
establish a single allocation for county departments of job and 42610
family services that are subject to a partnership agreement 42611
between a board of county commissioners and the department under 42612
section 5101.21 of the Revised Code. The county department is not 42613
required to use all the money from one or more of the 42614
appropriation items listed in this paragraph for the purpose for 42615
which the specific appropriation item is made so long as the 42616
county department uses the money for a purpose for which at least 42617
one of the other of those appropriation items is made. The county 42618
department may not use the money in the allocation for a purpose 42619
other than a purpose any of those appropriation items are made. If 42620
the spending estimates used in establishing the single allocation 42621
are not realized and the county department uses money in one or 42622
more of those appropriation items in a manner for which federal 42623
financial participation is not available, the department shall use 42624
state funds available in one or more of those appropriation items 42625
to ensure that the county department receives the full amount of 42626
its allocation. The single allocation is the maximum amount the 42627
county department shall receive from those appropriation items. 42628

As Reported by the House Finance and Appropriations Committee

ADULT PROTECTIVE SERVICES	42629
The foregoing appropriation item 600-695, Adult Protective Services, shall be used to provide adult protective services in accordance with section 5101.62 of the Revised Code.	42630 42631 42632
NON-TANF ADULT ASSISTANCE	42633
The foregoing appropriation item 600-696, Non-TANF Adult Assistance, shall be used to provide funding for the Adult Emergency Assistance Program in accordance with section 5101.86 of the Revised Code.	42634 42635 42636 42637
HIPPY PROGRAM	42638
The Department of Job and Family Services may use up to \$62,500 of appropriation item 600-638, Hippy Program (Fund 3W8), in each fiscal year to support expenditures to the Hippy Program in Hamilton County. The Department of Job and Family Services and the Hippy Program shall agree on reporting requirements to be incorporated into the grant agreement.	42639 42640 42641 42642 42643 42644
ADOPTION CONNECTION	42645
The Department of Job and Family Services may use up to \$62,500 of appropriation item 600-640, Adoption Connection (Fund 3W9), in each fiscal year to support expenditures to the Adoption Connection Program in Hamilton County. The Department of Job and Family Services and the Adoption Connection Program shall agree on reporting requirements to be incorporated into the grant agreement.	42646 42647 42648 42649 42650 42651 42652
Section 62.15. TRANSFER OF FUNDS	42653
The Department of Job and Family Services shall transfer through intrastate transfer vouchers, cash from State Special Revenue Fund 4K1, ICF/MR Bed Assessments, to fund 4K8, Home and Community-Based Services, in the Ohio Department of Mental	42654 42655 42656 42657

Retardation and Developmental Disabilities. The sum of the 42658
transfers shall equal \$12,783,463 in fiscal year 2002 and 42659
\$13,039,133 in fiscal year 2003. The transfer may occur on a 42660
quarterly basis or on a schedule developed and agreed to by both 42661
departments. 42662

The Department of Job and Family Services shall transfer, 42663
through intrastate transfer vouchers, cash from the State Special 42664
Revenue Fund 4J5, Home and Community-Based Services for the Aged, 42665
to Fund 4J4, PASSPORT, in the Department of Aging. The sum of the 42666
transfers shall be equal to the amounts appropriated in fiscal 42667
year 2002 and fiscal year 2003 in appropriation item 490-610, 42668
PASSPORT/Residential State Supplement. The transfer may occur on a 42669
quarterly basis or on a schedule developed and agreed to by both 42670
departments. 42671

TRANSFERS OF IMD/DSH CASH 42672

The Department of Job and Family Services shall transfer, 42673
through intrastate transfer voucher, cash from fund 5C9, Medicaid 42674
Program Support, to the Department of Mental Health's Fund 4X5, 42675
OhioCare, in accordance with an interagency agreement which 42676
delegates authority from the Department of Job and Family Services 42677
to the Department of Mental Health to administer specified 42678
Medicaid services. 42679

Section 62.16. CONSOLIDATION OF STATE GRANTS 42680

With the consent of a county, the Department of Job and 42681
Family Services may combine into a single and consolidated grant 42682
of state aid, funds that would otherwise be provided to that 42683
county pursuant to the operation of section 5101.14 of the Revised 42684
Code and other funds that would otherwise be provided to that 42685
county for the purpose of providing kinship care. In fiscal year 42686
2003, the grant shall also include unspent funds remaining from 42687
any grant provided to the county under this section in fiscal year 42688

2002. 42689

Funds contained in any such consolidation grant shall not be 42690
subject to either statutory or administrative rules that would 42691
otherwise govern allowable uses from such funds, except that such 42692
funds shall continue to be used by the county to meet the expenses 42693
of its children services program under Chapter 5153. of the 42694
Revised Code. Funds contained in a consolidation grant shall be 42695
paid to each county within thirty days after the beginning of each 42696
calendar quarter. Funds provided to a county under this section 42697
shall be deposited in the children services fund, established in 42698
section 5101.144 of the Revised Code, and shall be used for no 42699
other purpose than to meet the expenses of the children services 42700
program. Within ninety days after the end of fiscal year 2003, 42701
each county shall return to the Department of Job and Family 42702
Services any unspent balance in the consolidated grant, unless 42703
this section is renewed for a subsequent period of time. 42704

Section 62.17. EMPLOYER SURCHARGE 42705

The surcharge and the interest on the surcharge amounts due 42706
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 42707
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 42708
118th General Assembly, and section 4141.251 of the Revised Code 42709
as it existed prior to Sub. H.B. 478 of the 122nd General 42710
Assembly, again shall be assessed and collected by, accounted for, 42711
and made available to the Department of Job and Family Services in 42712
the same manner as set forth in section 4141.251 of the Revised 42713
Code as it existed prior to Sub. H.B. 478 of the 122nd General 42714
Assembly, notwithstanding the repeal of the surcharge for calendar 42715
years after 1990, pursuant to Sub. H.B. 478 of the 122nd General 42716
Assembly, except that amounts received by the Director on or after 42717
July 1, 2001, shall be deposited into the special administrative 42718
fund established pursuant to section 4141.11 of the Revised Code. 42719

Effective July 1, 2001, the balance of the unemployment 42720
compensation surcharge trust funds created in custody of the 42721
Treasurer of State pursuant to section 4141.251 of the Revised 42722
Code shall be transferred into the special administrative fund 42723
established pursuant to section 4141.11 of the Revised Code. 42724

Section 62.18. OHIO ACCESS PROJECT 42725

(A) As used in this section, "nursing facility" has the same 42726
meaning as in section 5111.20 of the Revised Code. 42727

(B) To the extent funds are available as provided in this 42728
act, the Director of Job and Family Services may establish the 42729
Ohio Access Project to help Medicaid recipients make the 42730
transition from residing in a nursing facility to residing in a 42731
community setting. If the Director establishes the Project, the 42732
Director shall provide one-time benefits to not more than 42733
seventy-five Medicaid recipients in fiscal year 2002 and not more 42734
than one hundred twenty-five Medicaid recipients in fiscal year 42735
2003. To be eligible for benefits under the Project, a Medicaid 42736
recipient must satisfy all of the following requirements: 42737

(1) At the time of applying for the benefits, be a recipient 42738
of Medicaid-funded nursing facility care; 42739

(2) Have resided continuously in a nursing facility since at 42740
least January 1, 2000; 42741

(3) Need the level of care provided by nursing facilities; 42742

(4) Need benefits whose projected cost does not exceed eighty 42743
per cent of the average monthly Medicaid cost of individual 42744
Medicaid recipients' nursing facility care. 42745

(C) If the Director of Job and Family Services establishes 42746
the Ohio Access Project, the benefits provided under the Project 42747
may include payment of all of the following: 42748

(1) The first month's rent in a community setting;	42749
(2) Rental deposits;	42750
(3) Utility deposits;	42751
(4) Moving expenses;	42752
(5) Other expenses not covered by the Medicaid program that facilitate a Medicaid recipient's move from a nursing facility to a community setting.	42753 42754 42755
(D) No person may receive more than two thousand dollars worth of benefits under the Ohio Access Project.	42756 42757

Section 62.19. FUNDING FOR OHIO ACCESS SUCCESS PILOT 42758

Notwithstanding any limitations contained in sections 5112.31 and 5112.37 of the Revised Code, in each fiscal year, cash from State Special Revenue Fund 4K1, ICF/MR Bed Assessments, in excess of the amounts needed for transfers to Fund 4K8 may be used by the Department of Job and Family Services to cover costs of care provided to participants in the Ohio Home Care Waiver. Expenses to be paid from this fund by the Department of Job and Family Services shall be limited to costs for habilitative services that either exceed the regular service levels of the Ohio Home Care Waiver or are for habilitative services for individuals who are not determined to be eligible for county board of MR/DD services, and are provided to participants of Ohio Home Care Waiver who require a level of care that is routinely provided through intermediate care facilities for the mentally retarded or through ICF/MR waivers administered by the Department of Mental Retardation and Developmental Disabilities.	42759 42760 42761 42762 42763 42764 42765 42766 42767 42768 42769 42770 42771 42772 42773 42774
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Section 62.20. FUNDING FOR INSTITUTIONAL FACILITY AUDITS 42775

Notwithstanding any limitations in sections 3721.51 and 3721.56 of the Revised Code, in each fiscal year, cash from the	42776 42777
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State Special Revenue Fund 4J5, Home and Community-Based Services 42778
for the Aged, in excess of the amounts needed for the transfers 42779
may be used by the Department of Job and Family Services for the 42780
following purposes: (A) up to \$1.0 million in each fiscal year to 42781
fund the state share of audits of Medicaid cost reports filed with 42782
the Department of Job and Family Services by nursing facilities 42783
and intermediate care facilities for the mentally retarded; and 42784
(B) up to \$150,000 in fiscal year 2002 and up to \$250,000 in 42785
fiscal year 2003 to provide one-time transitional benefits under 42786
the Ohio Access Project that the Director of Job and Family 42787
Services may establish under the section of this act titled "Ohio 42788
Access Project." 42789

Section 62.21. WAIVER REDESIGN 42790

(A) The Director of Job and Family Services may submit a 42791
request to the United States Secretary of Health and Human 42792
Services pursuant to section 1915 of the "Social Security Act," 79 42793
Stat. 286 (1965), 42 U.S.C.A. 1396n, as amended, to create a 42794
Medicaid home and community-based services waiver program, or 42795
modify a current Medicaid home and community-based services waiver 42796
program, to serve individuals with mental retardation or a 42797
developmental disability who meet all of the following 42798
requirements: 42799

(1) Need the level of care provided by intermediate care 42800
facilities for the mentally retarded; 42801

(2) Need habilitation services; 42802

(3) Are transferred from the Ohio Home Care Waiver Program to 42803
the new or modified home and community-based services waiver 42804
program. 42805

(B) If the United States Secretary of Health and Human 42806
Services grants a waiver request submitted under division (A) of 42807

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this section, the Director of Job and Family Services may create a new, or modify an existing, home and community-based services waiver program in accordance with the waiver. The new or modified waiver program shall specify the maximum amount that the program may spend per individual enrolled in the program. The Department of Job and Family Services may administer the waiver program or enter into an interagency agreement with the Department of Mental Retardation and Developmental Disabilities for the Department of Mental Retardation and Developmental Disabilities to administer the waiver program under the Department of Job and Family Services' supervision.

(C) The Director of Job and Family Services may reduce the maximum number of individuals the Ohio Home Care Waiver Program may serve by the number of individuals transferred from that program to the new or modified home and community-based services waiver program provided for by this section.

(D) An interagency agreement between the Departments of Job and Family Services and Mental Retardation and Developmental Disabilities under this section, if any, shall specify the maximum number of individuals who may be transferred from the Ohio Home Care Waiver Program to the new, or modified, waiver program and the estimated cost of services under the new, or modified, waiver program to the transferred individuals. The departments may not enter into the interagency agreement without approval of the Director of Budget and Management. If the departments enter into the interagency agreement, the Director of Budget and Management may reduce the amount of the appropriation in line item 600-525, Health Care/Medicaid, by the estimated cost specified in the interagency agreement. If the Director makes the reduction, the state share of the estimated costs are appropriated to the Department of Mental Retardation and Developmental Disabilities in a new appropriation item that shall be established for this

purpose. The Director of Budget and Management may increase the 42840
appropriation in appropriation item 322-639, Medicaid Waiver, by 42841
the corresponding non-GRF federal share of the estimated costs. 42842

Section 62.22. MEDICAID WAIVER 42843

(A) With the assistance of the Department of Mental Health 42844
and after consulting with community mental health facilities that 42845
provide mental health services included in the state Medicaid plan 42846
pursuant to section 5111.022 of the Revised Code, the Department 42847
of Job and Family Services shall develop and submit to the Health 42848
Care Financing Administration of the United States Department of 42849
Health and Human Services an application for a waiver under which 42850
any of the federal Medicaid statutes and regulations that are 42851
subject to being waived may be waived as necessary for purposes of 42852
better ensuring both of the following: 42853

(1) That Medicaid coverage and payment methods for mental 42854
health services provided under section 5111.022 of the Revised 42855
Code are consistent with the service priorities established 42856
pursuant to Chapters 340. and 5119. of the Revised Code; 42857

(2) That the services provided under section 5111.022 of the 42858
Revised Code can be provided in a manner that maximizes the 42859
effectiveness of resources available to the Department of Mental 42860
Health and boards of alcohol, drug addiction, and mental health 42861
services. 42862

(B) The actions taken by the Department of Mental Health and 42863
Department of Job and Family Services to develop and submit the 42864
application for the waiver specified in division (A) of this 42865
section shall be taken in a manner that allows the provisions of 42866
the waiver to be implemented not later than July 1, 2002. 42867

Section 62.23. REFUND OF SETS PENALTY 42868

Any and all refunds received for penalties that were paid 42869
directly or indirectly by the state for the Support Enforcement 42870
Tracking System (SETS) shall be deposited in their entirety to the 42871
General Revenue Fund. 42872

Section 62.24. As used in this section, "Medicaid waiver 42873
component" has the same meaning as in section 5111.85 of the 42874
Revised Code. 42875

A rule adopted by the Director of Job and Family Services 42876
governing a Medicaid waiver component that is in effect on the 42877
effective date of this section shall remain in effect until 42878
amended or rescinded as part of the adoption of rules under 42879
section 5111.85 of the Revised Code. 42880

Section 62.25. The Health Care Compliance Fund created by 42881
section 5111.171 of the Revised Code is the same fund as the 42882
Health Care Compliance Fund created by the Controlling Board in 42883
October 1998. 42884

Section 62.26. Not later than October 31, 2001, the Director 42885
of Job and Family Services shall submit to the United States 42886
Secretary of Health and Human Services an amendment to the state 42887
Medicaid Plan to provide for the Department of Job and Family 42888
Services to continue the Program of All-Inclusive Care for the 42889
Elderly, known as PACE, in accordance with 42 U.S.C. 1396u-4. The 42890
Director may submit to the United States Secretary a request to 42891
transfer the day-to-day administration of PACE to the Department 42892
of Aging. If the United States Secretary approves the amendment, 42893
the Directors of Job and Family Services and Aging may enter into 42894
an interagency agreement under section 5111.86 of the Revised Code 42895
to transfer responsibility for the day-to-day administration of 42896
PACE from the Department of Job and Family Services to the 42897
Department of Aging. The interagency agreement is subject to the 42898

approval of the Director of Budget and Management and shall 42899
include an estimated cost of services to be provided under PACE. 42900

If the Directors of Job and Family Services and Aging enter 42901
into the interagency agreement, the Director of Budget and 42902
Management shall reduce the amount in appropriation item 600-525, 42903
Health Care/Medicaid, by the estimated costs of PACE services 42904
included in the interagency agreement. If the Director of Budget 42905
and Management makes the reduction, the state and federal share of 42906
the estimated costs of PACE services is hereby appropriated to the 42907
Department of Aging. The Director of Budget and Management shall 42908
establish a new appropriation item for the appropriation. 42909

Section 62.27. (A) The authority of the Director of Job and 42910
Family Services under section 5111.02 of the Revised Code to adopt 42911
a rule excluding drugs for the treatment of obesity from coverage 42912
under the Medicaid program is revoked. Therefore, the Director 42913
shall rescind paragraph (D)(1) of rule 5101:3-9-03 of the 42914
Administrative Code. Paragraph (D)(1) of rule 5101:3-9-03 of the 42915
Administrative Code is suspended pending the rescission. This 42916
division does not require the Medicaid program to cover drugs for 42917
the treatment of obesity. 42918

The rule of this act that items in uncodified sections do not 42919
have effect after June 30, 2003, does not apply to this division. 42920

(B) Not later than six months after the effective date of 42921
this section, the Director of Job and Family Services shall 42922
complete an evaluation and issue a report on whether the Medicaid 42923
program should cover anti-obesity agents that have been approved 42924
by the United States Food and Drug Administration for the 42925
treatment of obesity and obesity's related co-morbidities. At a 42926
minimum, the evaluation shall consider the safety, efficacy, and 42927
cost-effectiveness of having the Medicaid program cover such 42928
anti-obesity agents. The Director shall submit the report to the 42929

chairperson and ranking minority member of the House of
Representatives Finance and Appropriations Committee and the
chairperson and ranking minority member of the Senate Finance and
Financial Institutions Committee.

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Section 62.28. CHILD PROTECTIVE SERVICES 42934

Of the foregoing appropriation item 600-527, Child Protective
Services, \$15,000 in each fiscal year shall be provided to the
Children?s Advocacy Center in Portage County.

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Section 62.29. The Director of Job and Family Services may
apply to the United States Secretary of Health and Human Services
to increase the number of individuals that the Individual Options
Medicaid home or community-based services waiver program may serve
as follows:

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(A) For fiscal year 2002, that the waiver program serve at
least five hundred more individuals than the waiver program served
in fiscal year 2001;

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(B) For fiscal year 2003, that the waiver program serve at
least five hundred more individuals than the waiver program served
in fiscal year 2002.

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Section 62.30. PREFERRED OPTION EVALUATION 42949

The Director of Job and Family Services shall evaluate the
Medicaid managed care enrollment alternative known as Preferred
Option. As part of the evaluation, the Director shall examine
whether Preferred Option should be expanded to additional
counties. Not later than June 30, 2003, the Director shall submit
a report on the evaluation to the Governor, Speaker of the House
of Representatives, and President of the Senate. The Director
shall include in the report any findings made pursuant to the
evaluation, including the Director's conclusions as to whether

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Preferred Option should be expanded to additional counties. The 42959
Director may not expand Preferred Option to any additional county 42960
before the Director submits the report. 42961

Section 62.31. (A) The Director of Job and Family Services 42962
shall continue operations through each of the local public 42963
employment offices described in section 4141.04 of the Revised 42964
Code that exist on the effective date of this section until 42965
January 1, 2002. 42966

(B) The Director shall present a detailed report to the 42967
members of the Finance and Appropriations Committee of the House 42968
of Representatives and of the Finance and Financial Institutions 42969
Committee of the Senate on or before October 1, 2001, that 42970
describes the Director's plan to cease the Department of Job and 42971
Family Services operations at the offices described in division 42972
(A) of this section and instead commence operations at telephone 42973
registration centers, mail claims centers, and one-stop employment 42974
centers. The report shall include all of the following 42975
information: 42976

(1) A description of plans to employ personnel for telephone 42977
registration centers and mail claims centers, including plans to 42978
possibly reassign personnel employed at the offices described in 42979
division (A) of this section to the telephone registration 42980
centers, mail claims centers, or one-stop employment centers, and 42981
a description of model plans and actual plans detailing the manner 42982
in which personnel would be employed in each telephone 42983
registration center, mail claims center, or one-stop employment 42984
center; 42985

(2) A fiscal analysis of the impact of the transition, 42986
including all of the following information that is presented in a 42987
manner so that the costs described in division (B)(2)(a) of this 42988
section can be readily compared to the costs described in division 42989

(B)(2)(b) of this section:	42990
(a) The cost of operating the existing offices described in division (A) of this section, including the costs for administration, facilities, and employing personnel;	42991 42992 42993
(b) The number of proposed telephone registration centers and mail claims centers and the projected operational costs of those centers, including, but not limited to, the cost of employing personnel for those centers, the administrative overhead costs of those centers, the initial costs to establish those centers, the long-term costs of maintaining those centers, and the cost of renting facilities for those centers, if rental is necessary.	42994 42995 42996 42997 42998 42999 43000 43001
(3) The estimated cost projections of the initial start-up costs of transitioning from the existing offices described in division (A) of this section to the telephone registration centers, mail claims centers, and one-stop employment centers and the long-term operational costs of both operating those centers and assisting in providing personnel to staff the one-stop employment centers;	43002 43003 43004 43005 43006 43007 43008
(4) Funding projections that clearly indicate the amount of funding expected from federal, state, and local sources for the transition, and for maintaining the telephone registration centers and mail claims centers, and for assisting in providing personnel to staff the one-stop employment centers, with the amounts from each source stated separately;	43009 43010 43011 43012 43013 43014
(5) Steps that the Director plans to take to assist local communities in improving services at one-stop employment centers so that service to unemployed individuals, other job seekers, and employers is not interrupted.	43015 43016 43017 43018
(C) It is the intention of the General Assembly that during the period beginning on the effective date of this section and	43019 43020

As Reported by the House Finance and Appropriations Committee

ending on January 1, 2002, the Director be strongly encouraged to 43021
negotiate with boards of county commissioners, local workforce 43022
policy boards, and other interested local officials in developing 43023
a plan to transfer operations from the offices described in 43024
division (A) of this section to telephone registration centers, 43025
mail claims centers, and one-stop employment centers. It is also 43026
the intention of the General Assembly that those negotiations 43027
include a process for agreeing to the division of resources and 43028
the allocation of costs between the Department of Job and Family 43029
Services, boards of county commissioners, and local workforce 43030
policy boards. 43031

Section 63. JCO JUDICIAL CONFERENCE OF OHIO 43032

General Revenue Fund 43033

GRF 018-321 Operating Expenses \$ 1,110,240 \$ 1,141,327 43034

TOTAL GRF General Revenue Fund \$ 1,110,240 \$ 1,141,327 43035

General Services Fund Group 43036

403 018-601 Ohio Jury Instructions \$ 200,000 \$ 200,000 43037

TOTAL GSF General Services Fund \$ 200,000 \$ 200,000 43038

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,310,240 \$ 1,341,327 43039

STATE COUNCIL OF UNIFORM STATE LAWS 43040

Notwithstanding section 105.26 of the Revised Code, of the 43041

foregoing appropriation item 018-321, Operating Expenses, up to 43042

\$60,000 in fiscal year 2002 and up to \$63,000 in fiscal year 2003 43043

may be used to pay the expenses of the State Council of Uniform 43044

State Laws, including membership dues to the National Conference 43045

of Commissioners on Uniform State Laws. 43046

OHIO JURY INSTRUCTIONS FUND 43047

The Ohio Jury Instructions Fund (Fund 403) shall consist of 43048

grants, royalties, dues, conference fees, bequests, devises, and 43049

As Reported by the House Finance and Appropriations Committee

other gifts received for the purpose of supporting costs incurred 43050
 by the Judicial Conference of Ohio in dispensing education and 43051
 informational data to the state's judicial system. Fund 403 shall 43052
 be used by the Judicial Conference of Ohio to pay expenses 43053
 incurred in dispensing educational and informational data to the 43054
 state's judicial system. All moneys accruing to Fund 403 in excess 43055
 of \$200,000 in fiscal year 2002 and in excess of \$200,000 in 43056
 fiscal year 2003 are hereby appropriated for the purposes 43057
 authorized. 43058

No money in the Ohio Jury Instructions Fund shall be 43059
 transferred to any other fund by the Director of Budget and 43060
 Management or the Controlling Board. 43061

Section 64. JSC THE JUDICIARY/SUPREME COURT 43062

General Revenue Fund 43063

GRF 005-321 Operating Expenses - \$ 98,524,655 \$ 103,540,214 43064
 Judiciary/Supreme
 Court

GRF 005-401 State Criminal \$ 294,096 \$ 304,881 43065
 Sentencing Council

GRF 005-406 Law-Related Education \$ 200,802 \$ 206,826 43066

GRF 005-502 Commission for Legal \$ 0 \$ 657,600 43067
 Education Opportunity

TOTAL GRF General Revenue Fund \$ 99,019,553 \$ 104,709,521 43068

General Services Fund Group 43069

672 005-601 Continuing Judicial \$ 235,000 \$ 265,000 43070
 Education

TOTAL GSF General Services Fund \$ 235,000 \$ 265,000 43071
 Group

State Special Revenue Fund Group 43072

4C8 005-605 Attorney Registration \$ 1,971,100 \$ 2,030,233 43073

6A8 005-606 Supreme Court \$ 1,042,536 \$ 1,089,111 43074

As Reported by the House Finance and Appropriations Committee

	Admissions				
643	005-607	Commission on	\$	573,268	\$ 590,016 43075
		Continuing Legal			
		Education			
TOTAL SSR	State Special Revenue		\$	3,586,904	\$ 3,709,360 43076
	Fund Group				
	Federal Special Revenue	Fund Group			43077
3J0	005-603	Federal Grants	\$	1,093,306	\$ 964,484 43078
TOTAL FED	Federal Special Revenue		\$	1,093,306	\$ 964,484 43079
	Fund Group				
TOTAL ALL BUDGET	FUND GROUPS		\$	103,934,763	\$ 109,648,365 43080
	LAW-RELATED EDUCATION				43081
	The foregoing appropriation item 005-406, Law-Related				43082
	Education, shall be distributed directly to the Ohio Center for				43083
	Law-Related Education for the purposes of providing continuing				43084
	citizenship education activities to primary and secondary				43085
	students, expanding delinquency prevention programs, increasing				43086
	activities for at-risk youth, and accessing additional public and				43087
	private money for new programs.				43088
	OHIO COMMISSION FOR LEGAL EDUCATION OPPORTUNITY				43089
	The foregoing appropriation item 005-502, Commission for				43090
	Legal Education Opportunity, shall be used to fund the activities				43091
	of the Commission for Legal Education Opportunity created by the				43092
	Chief Justice of the Supreme Court of Ohio for the purpose of				43093
	assisting minority, low-income, and educationally disadvantaged				43094
	college graduates in the transition to legal education. Moneys				43095
	appropriated to the Commission for Legal Education Opportunity may				43096
	be used to establish and provide an intensive course of study				43097
	designed to prepare eligible college graduates for law school				43098
	education, provide annual stipends for students who successfully				43099
	complete the course of study and are admitted to and maintain				43100
	satisfactory academic standing in an Ohio law school, and pay the				43101

administrative costs associated with the program. 43102

CONTINUING JUDICIAL EDUCATION 43103

The Continuing Judicial Education Fund (Fund 672) shall 43104
consist of fees paid by judges and court personnel for attending 43105
continuing education courses and other gifts and grants received 43106
for the purpose of continuing judicial education. The foregoing 43107
appropriation item 005-601, Continuing Judicial Education, shall 43108
be used to pay expenses for continuing education courses for 43109
judges and court personnel. If it is determined by the 43110
Administrative Director of the Supreme Court that additional 43111
appropriations are necessary, the amounts are appropriated. 43112

No money in the Continuing Judicial Education Fund shall be 43113
transferred to any other fund by the Director of Budget and 43114
Management or the Controlling Board. Interest earned on moneys in 43115
the Continuing Judicial Education Fund shall be credited to the 43116
fund. 43117

ATTORNEY REGISTRATION 43118

In addition to funding other activities considered 43119
appropriate by the Supreme Court, the foregoing appropriation item 43120
005-605, Attorney Registration, may be used to compensate 43121
employees and fund the appropriate activities of the following 43122
offices established by the Supreme Court pursuant to the Rules for 43123
the Government of the Bar of Ohio: the Office of Disciplinary 43124
Counsel, the Board of Commissioners on Grievances and Discipline, 43125
the Clients' Security Fund, the Board of Commissioners on the 43126
Unauthorized Practice of Law, and the Office of Attorney 43127
Registration. If it is determined by the Administrative Director 43128
of the Supreme Court that additional appropriations are necessary, 43129
the amounts are hereby appropriated. 43130

No moneys in the Attorney Registration Fund shall be 43131
transferred to any other fund by the Director of Budget and 43132

Management or the Controlling Board. Interest earned on moneys in 43133
the Attorney Registration Fund shall be credited to the fund. 43134

SUPREME COURT ADMISSIONS 43135

The foregoing appropriation item 005-606, Supreme Court 43136
Admissions, shall be used to compensate Supreme Court employees 43137
who are primarily responsible for administering the attorney 43138
admissions program, pursuant to the Rules for the Government of 43139
the Bar of Ohio, and to fund any other activities considered 43140
appropriate by the court. Moneys shall be deposited into the 43141
Supreme Court Admissions Fund (Fund 6A8) pursuant to the Supreme 43142
Court Rules for the Government of the Bar of Ohio. If it is 43143
determined by the Administrative Director of the Supreme Court 43144
that additional appropriations are necessary, the amounts are 43145
appropriated. 43146

No moneys in the Supreme Court Admissions Fund shall be 43147
transferred to any other fund by the Director of Budget and 43148
Management or the Controlling Board. Interest earned on moneys in 43149
the Supreme Court Admissions Fund shall be credited to the fund. 43150

CONTINUING LEGAL EDUCATION 43151

The foregoing appropriation item 005-607, Commission on 43152
Continuing Legal Education, shall be used to compensate employees 43153
of the Commission on Continuing Legal Education, established 43154
pursuant to the Supreme Court Rules for the Government of the Bar 43155
of Ohio, and to fund other activities of the commission considered 43156
appropriate by the court. If it is determined by the 43157
Administrative Director of the Supreme Court that additional 43158
appropriations are necessary, the amounts are appropriated. 43159

No moneys in the Continuing Legal Education Fund shall be 43160
transferred to any other fund by the Director of Budget and 43161
Management or the Controlling Board. Interest earned on moneys in 43162
the Continuing Legal Education Fund shall be credited to the fund. 43163

FEDERAL MISCELLANEOUS				43164	
The Federal Miscellaneous Fund (3J0) shall consist of grants				43165	
and other moneys awarded to the Supreme Court of Ohio (The				43166	
Judiciary) by the United States Government, the State Justice				43167	
Institute, or other entities that receive the moneys directly from				43168	
the United States Government or the State Justice Institute and				43169	
distribute those moneys to the Supreme Court of Ohio (The				43170	
Judiciary). The foregoing appropriation item 005-603, Federal				43171	
Grants, shall be used in a manner consistent with the purpose of				43172	
the grant or award. If it is determined by the Administrative				43173	
Director of the Supreme Court that additional appropriations are				43174	
necessary, the amounts are appropriated.				43175	
No money in the Federal Miscellaneous Fund shall be				43176	
transferred to any other fund by the Director of Budget and				43177	
Management or the Controlling Board. However, interest earned on				43178	
moneys in the Federal Miscellaneous Fund shall be credited or				43179	
transferred to the General Revenue Fund.				43180	
Section 65. LEC LAKE ERIE COMMISSION				43181	
State Special Revenue Fund Group				43182	
4C0 780-601 Lake Erie Protection	\$	1,044,854	\$	1,070,975	43183
Fund					
5D8 780-602 Lake Erie Resources	\$	661,009	\$	689,004	43184
Fund					
TOTAL SSR State Special Revenue					43185
Fund Group	\$	1,705,863	\$	1,759,979	43186
TOTAL ALL BUDGET FUND GROUPS	\$	1,705,863	\$	1,759,979	43187
CASH TRANSFER					43188
Not later than the thirtieth day of November of each fiscal					43189
year, the Executive Director of the Ohio Lake Erie Office, with					43190
the approval of the Lake Erie Commission, shall certify to the					43191

As Reported by the House Finance and Appropriations Committee

Director of Budget and Management the cash balance in the Lake Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet operating expenses of the Lake Erie Office. The Ohio Lake Erie Office may request the Director of Budget and Management to transfer up to the certified amount from the Lake Erie Resources Fund (Fund 5D8) to the Lake Erie Protection Fund (Fund 4C0). The Director of Budget and Management may transfer the requested amount, or the Director may transfer a different amount up to the certified amount. Cash transferred shall be used for the purposes described in division (A) of section 1506.23 of the Revised Code. The amount transferred by the director is appropriated to the foregoing appropriation item 780-601, Lake Erie Protection Fund, which shall be increased by the amount transferred.

Section 66. LRS LEGAL RIGHTS SERVICE

General Revenue Fund				43205
GRF 054-100 Personal Services	\$	274,718	\$ 269,974	43206
GRF 054-200 Maintenance	\$	45,278	\$ 46,184	43207
GRF 054-300 Equipment	\$	2,476	\$ 2,526	43208
GRF 054-401 Ombudsman	\$	321,769	\$ 318,491	43209
TOTAL GRF General Revenue Fund	\$	644,241	\$ 637,175	43210
General Services Fund Group				43211
416 054-601 Gifts and Donations	\$	1,319	\$ 1,352	43212
5M0 054-610 Settlements	\$	75,000	\$ 75,000	43213
524 054-608 Traumatic Brain Injury	\$	21,550	\$ 0	43214
TOTAL GSF General Services				43215
Fund Group	\$	97,869	\$ 76,352	43216
Federal Special Revenue Fund Group				43217
3B8 054-603 Protection and Advocacy - Mentally Ill	\$	810,314	\$ 810,314	43218
3N3 054-606 Protection and	\$	468,445	\$ 468,445	43219

As Reported by the House Finance and Appropriations Committee

	Advocacy - Individual				
	Rights				
3N9	054-607 Assistive Technology	\$	50,000	\$	50,000
					43221
3R9	054-604 Family Support	\$	242,500	\$	242,500
					43222
	Collaborative				
3T2	054-609 Client Assistance	\$	406,772	\$	406,772
					43223
	Program				
305	054-602 Protection and	\$	1,068,109	\$	1,068,109
					43224
	Advocacy -				
	Developmentally				
	Disabled				
	TOTAL FED Federal Special Revenue				43225
	Fund Group	\$	3,046,140	\$	3,046,140
					43226
	TOTAL ALL BUDGET FUND GROUPS	\$	3,788,250	\$	3,759,667
					43227
	Section 67. JLE JOINT LEGISLATIVE ETHICS COMMITTEE				43229
	General Revenue Fund				43230
GRF	028-321 Legislative Ethics	\$	579,490	\$	595,715
					43231
	Committee				
	TOTAL GRF General Revenue Fund	\$	579,490	\$	595,715
					43232
	State Special Revenue Fund Group				43233
4G7	028-601 Joint Legislative	\$	50,000	\$	50,000
					43234
	Ethics Committee				
	TOTAL SSR State Special Revenue	\$	50,000	\$	50,000
					43235
	Fund				
	TOTAL ALL BUDGET FUND GROUPS	\$	629,490	\$	645,715
					43236
	Section 68. LSC LEGISLATIVE SERVICE COMMISSION				43238
	General Revenue Fund				43239
GRF	035-321 Operating Expenses	\$	13,325,000	\$	14,470,000
					43240
GRF	035-402 Legislative Interns	\$	953,500	\$	993,500
					43241
GRF	035-404 Legislative Office of	\$	1,192,146	\$	1,239,832
					43242

As Reported by the House Finance and Appropriations Committee

	Education Oversight				
GRF 035-405	Correctional	\$	525,000	\$	540,000
	Institution Inspection				43243
	Committee				
GRF 035-406	ATMS Replacement	\$	90,000	\$	90,000
	Project				43244
GRF 035-407	Legislative Task Force	\$	2,000,000	\$	0
	on Redistricting				43245
GRF 035-409	National Associations	\$	417,906	\$	427,381
GRF 035-410	Legislative	\$	4,343,000	\$	4,690,000
	Information Systems				43247
TOTAL GRF	General Revenue Fund	\$	22,846,552	\$	22,450,713
	General Services Fund Group				43248
4F6 035-603	Legislative Budget	\$	140,000	\$	145,000
	Services				43250
410 035-601	Sale of Publications	\$	25,000	\$	25,000
TOTAL GSF	General Services				43251
Fund Group		\$	165,000	\$	170,000
TOTAL ALL BUDGET FUND GROUPS		\$	23,011,552	\$	22,620,713
	OPERATING EXPENSES				43252
	On or before August 1, 2001, the Director of Budget and				43253
	Management shall determine and certify to the Director of the				43254
	Legislative Service Commission the total amount of unexpended,				43255
	unobligated appropriations made to the Commission for fiscal year				43256
	2001 in appropriation items 035-321 and 035-403. Additional				43257
	appropriation authority equal to the amount certified by the				43258
	Director of Budget and Management to the Director of the				43259
	Legislative Service Commission, not to exceed \$500,000, is hereby				43260
	appropriated to appropriation item 035-321 Operating Expenses, for				43261
	fiscal year 2002.				43262
	ATMS REPLACEMENT PROJECT				43263
	Of the foregoing appropriation item 035-406, ATMS Replacement				43264

Project, any amounts not used for the ATMS project may be used to				43268
pay the operating expenses of the Legislative Service Commission.				43269
LEGISLATIVE TASK FORCE ON REDISTRICTING				43270
On or before August 1, 2001, the Director of Budget and				43271
Management shall determine and certify to the Director of the				43272
Legislative Service Commission the total amount of unexpended,				43273
unobligated appropriations made to the Commission for fiscal year				43274
2001 in appropriation item 035-407, Legislative Task Force on				43275
Redistricting. Additional appropriation authority equal to the				43276
amount certified by the Director of Budget and Management to the				43277
Director of the Legislative Service Commission is hereby				43278
appropriated to appropriation item 035-407, Legislative Task Force				43279
on Redistricting, for fiscal year 2002.				43280
NATIONAL ASSOCIATIONS				43281
Of the foregoing appropriation item 035-409, National				43282
Associations, \$10,000 in each fiscal year shall be used for the				43283
State and Local Legal Center.				43284
LEGISLATIVE OFFICE OF EDUCATION OVERSIGHT				43285
The foregoing appropriation item 035-404, Legislative Office				43286
of Education Oversight, shall be used to support the legislative				43287
oversight activities of the Legislative Committee on Education				43288
Oversight established in section 3301.68 of the Revised Code.				43289
Section 69. LIB STATE LIBRARY BOARD				43290
General Revenue Fund				43291
GRF 350-321 Operating Expenses	\$	7,645,422	\$ 7,969,585	43292
GRF 350-401 Ohioana Rental	\$	116,133	\$ 116,133	43293
Payments				
GRF 350-501 Cincinnati Public	\$	716,221	\$ 711,321	43294
Library				
GRF 350-502 Regional Library	\$	1,792,357	\$ 1,780,093	43295

As Reported by the House Finance and Appropriations Committee

Systems					
GRF 350-503	Cleveland Public	\$	1,083,455	\$ 1,076,042	43296
Library					
TOTAL GRF	General Revenue Fund	\$	11,353,588	\$ 11,653,174	43297
General Services Fund Group					43298
139 350-602	Intra-Agency Service	\$	14,148	\$ 14,502	43299
Charges					
4S4 350-604	OPLIN Technology	\$	7,661,095	\$ 7,777,962	43300
459 350-602	Interlibrary Service	\$	845,896	\$ 1,239,661	43301
Charges					
TOTAL GSF	General Services				43302
Fund Group		\$	8,521,139	\$ 9,032,125	43303
Federal Special Revenue Fund Group					43304
313 350-601	LSTA Federal	\$	5,241,306	\$ 5,241,306	43305
TOTAL FED	Federal Special Revenue				43306
Fund Group		\$	5,241,306	\$ 5,241,306	43307
TOTAL ALL BUDGET FUND GROUPS		\$	25,116,033	\$ 25,926,605	43308
OHIOANA RENTAL PAYMENTS					43309
The foregoing appropriation item 350-401, Ohioana Rental					43310
Payments, shall be used to pay the rental expenses of the Martha					43311
Kinney Cooper Ohioana Library Association pursuant to section					43312
3375.61 of the Revised Code.					43313
REGIONAL LIBRARY SYSTEMS					43314
The foregoing appropriation item 350-502, Regional Library					43315
Systems, shall be used to support regional library systems					43316
eligible for funding under section 3375.90 of the Revised Code.					43317
OHIO PUBLIC LIBRARY INFORMATION NETWORK					43318
The foregoing appropriation item 350-604, OPLIN Technology,					43319
shall be used for an information telecommunications network					43320
linking public libraries in the state and such others as may be					43321
certified as participants by the Ohio Public Library Information					43322

Network Board.

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The Ohio Public Library Information Network Board shall
consist of eleven members appointed by the State Library Board
from among the staff of public libraries and past and present
members of boards of trustees of public libraries, based on the
recommendations of the Ohio library community. The Ohio Public
Library Information Network Board in consultation with the State
Library shall develop a plan of operations for the network. The
Board shall have the authority to make decisions regarding the use
of the foregoing appropriation item 350-604, OPLIN Technology, and
to receive and expend grants to carry out the operations of the
network in accordance with state law and the authority to appoint
and fix the compensation of a director and necessary staff. The
State Library will be the fiscal agent for the network and shall
have fiscal accountability for the expenditure of funds. The Ohio
Public Library Information Network Board members shall be
reimbursed for actual travel and necessary expenses incurred in
the carrying out of their responsibilities.

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In order to limit access to obscene and illegal materials
through internet use at Ohio Public Library Information Network
(OPLIN) terminals, local libraries with OPLIN computer terminals
shall adopt policies that control access to obscene and illegal
materials. These policies may include use of technological systems
to select or block certain internet access. The OPLIN shall
condition provision of its funds, goods, and services on
compliance with these policies. The OPLIN board shall also adopt
and communicate specific recommendations to local libraries on
methods to control such improper usage. These methods may include
each library implementing a written policy controlling such
improper use of library terminals and requirements for parental
involvement or written authorization for juvenile internet usage.

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The OPLIN board shall research and assist or advise local

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libraries with emerging technologies and methods that may be 43355
effective means to control access to obscene and illegal 43356
materials. The OPLIN Executive Director shall biannually provide 43357
written reports to the Governor, the Speaker and Minority Leader 43358
of the House of Representatives, and the President and Minority 43359
Leader of the Senate on any steps being taken by OPLIN and public 43360
libraries in this state to limit and control such improper usage 43361
as well as information on technological, legal, and law 43362
enforcement trends nationally and internationally affecting this 43363
area of public access and service. 43364

The Ohio Public Library Information Network, InfOhio, and 43365
OhioLink shall, to the extent feasible, coordinate and cooperate 43366
in their purchase or other acquisition of the use of electronic 43367
databases for their respective users and shall contribute funds in 43368
an equitable manner to such effort. 43369

TRANSFER TO OPLIN TECHNOLOGY FUND 43370

Notwithstanding sections 5747.03 and 5747.47 of the Revised 43371
Code and any other provision of law to the contrary, in accordance 43372
with a schedule established by the Director of Budget and 43373
Management, (A) in fiscal year 2002, the Director of Budget and 43374
Management shall transfer \$6,361,095 from the Library and Local 43375
Government Support Fund (Fund 065) to the OPLIN Technology Fund 43376
(Fund 4S4); and (B) in fiscal year 2003, the Director of Budget 43377
and Management shall transfer \$6,477,962 from the Library and 43378
Local Government Support Fund (Fund 065) to the OPLIN Technology 43379
Fund (Fund 4S4). 43380

Section 70. LCO LIQUOR CONTROL COMMISSION 43381

Liquor Control Fund Group 43382
043 970-321 Operating Expenses \$ 738,135 \$ 756,472 43383
TOTAL LCF Liquor Control Fund Group \$ 738,135 \$ 756,472 43384
TOTAL ALL BUDGET FUND GROUPS \$ 738,135 \$ 756,472 43385

As Reported by the House Finance and Appropriations Committee

Section 71. LOT STATE LOTTERY COMMISSION				43387
State Lottery Fund Group				43388
044	950-100	Personal Services	\$ 23,990,502 \$ 25,164,204	43389
044	950-200	Maintenance	\$ 24,167,162 \$ 24,698,840	43390
044	950-300	Equipment	\$ 4,131,719 \$ 3,664,576	43391
044	950-402	Game and Advertising	\$ 64,913,869 \$ 64,624,331	43392
Contracts				
044	950-601	Prizes, Bonuses, and	\$ 136,371,980 \$ 132,532,125	43393
Commissions				
871	950-602	Annuity Prizes	\$ 185,454,636 \$ 188,275,991	43394
872	950-603	Unclaimed Prize Awards	\$ 13,093,114 \$ 13,354,976	43395
TOTAL SLF State Lottery Fund				43396
Group				
				\$ 452,122,982 \$ 452,315,043
TOTAL ALL BUDGET FUND GROUPS				\$ 452,122,982 \$ 452,315,043
OPERATING EXPENSES				43399
The foregoing appropriation items include all amounts				43400
necessary for the purchase and printing of tickets, consultant				43401
services, and advertising. The Controlling Board may, at the				43402
request of the State Lottery Commission, authorize additional				43403
appropriations for operating expenses of the State Lottery				43404
Commission from the State Lottery Fund up to a maximum of 15 per				43405
cent of anticipated total revenue accruing from the sale of				43406
lottery tickets.				43407
PRIZES, BONUSSES, AND COMMISSIONS				43408
Any amounts, in addition to the amounts appropriated in				43409
appropriation item 950-601, Prizes, Bonuses, and Commissions, that				43410
are determined by the Director of the State Lottery Commission to				43411
be necessary to fund prizes, bonuses, and commissions are				43412
appropriated.				43413
ANNUITY PRIZES				43414

As Reported by the House Finance and Appropriations Committee

With the approval of the Office of Budget and Management, the State Lottery Commission shall transfer cash from the State Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund (Fund 871) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 871) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950-602, Annuity Prizes, that are determined by the Director of the State Lottery Commission to be necessary to fund deferred prizes and interest earnings are appropriated.

Section 72. MED STATE MEDICAL BOARD

General Services Fund Group					43427
5C6 883-609 State Medical Board	\$	6,344,740	\$	6,728,301	43428
Operating					
TOTAL GSF General Services Fund Group	\$	6,344,740	\$	6,728,301	43430
TOTAL ALL BUDGET FUND GROUPS	\$	6,344,740	\$	6,728,301	43431

Section 73. DMH DEPARTMENT OF MENTAL HEALTH

Division of General Administration Intragovernmental Service Fund Group					43433
151 235-601 General Administration	\$	76,095,310	\$	78,181,973	43435
TOTAL ISF Intragovernmental Service Fund Group	\$	76,095,310	\$	78,181,973	43437
Division of Mental Health--					43438
Psychiatric Services to Correctional Facilities					43439
General Revenue Fund					43440
GRF 332-401 Forensic Services	\$	4,259,513	\$	4,338,858	43441
TOTAL GRF General Revenue Fund	\$	4,259,513	\$	4,338,858	43442
TOTAL ALL BUDGET FUND GROUPS	\$	80,354,823	\$	82,520,831	43443

As Reported by the House Finance and Appropriations Committee

FORENSIC SERVICES 43444

The foregoing appropriation item 322-401, Forensic Services, 43445
 shall be used to provide psychiatric services to courts of common 43446
 pleas. The appropriation shall be allocated through community 43447
 mental health boards to certified community agencies and shall be 43448
 distributed according to the criteria delineated in rule 43449
 5122:4-1-01 of the Administrative Code. These community forensic 43450
 funds may also be used to provide forensic training to community 43451
 mental health boards and to forensic psychiatry residency programs 43452
 in hospitals operated by the Department of Mental Health and to 43453
 provide evaluations of patients of forensic status in facilities 43454
 operated by the Department of Mental Health prior to conditional 43455
 release to the community. 43456

In addition, appropriation item 332-401, Forensic Services, 43457
 may be used to support projects involving mental health, substance 43458
 abuse, courts, and law enforcement to identify and develop 43459
 appropriate alternative services to institutionalization for 43460
 nonviolent mentally ill offenders, and to provide linkage to 43461
 community services for severely mentally disabled offenders 43462
 released from institutions operated by the Department of 43463
 Rehabilitation and Correction. Funds may also be utilized to 43464
 provide forensic monitoring and tracking in addition to community 43465
 programs serving persons of forensic status on conditional release 43466
 or probation. 43467

Division of Mental Health-- 43468

Administration and Statewide Programs 43469

General Revenue Fund 43470

GRF 333-100 Personal Services - \$ 17,024,323 \$ 16,807,353 43471

Central Administration

GRF 333-200 Maintenance - Central \$ 2,276,155 \$ 2,318,555 43472

Administration

GRF 333-300 Equipment - Central \$ 490,894 \$ 500,038 43473

As Reported by the House Finance and Appropriations Committee

		Administration				
GRF	333-402	Resident Trainees	\$	1,472,858	\$	1,500,294 43474
GRF	333-403	Pre-Admission	\$	638,246	\$	650,135 43475
		Screening Expenses				
GRF	333-415	Lease-Rental Payments	\$	24,754,900	\$	26,275,300 43476
GRF	333-416	Research Program	\$	956,224	\$	972,178 43477
		Evaluation				
TOTAL GRF		General Revenue Fund	\$	47,613,600	\$	49,023,853 43478
		General Services Fund Group				43479
149	333-609	Central Office Rotary	\$	2,013,823	\$	2,037,918 43480
		- Operating				
TOTAL		General Services Fund Group	\$	2,013,823	\$	2,037,918 43481
		Federal Special Revenue Fund Group				43482
3A7	333-612	Social Services Block	\$	25,000	\$	25,000 43483
		Grant				
3A8	333-613	Federal Grant -	\$	87,000	\$	58,000 43484
		Administration				
3A9	333-614	Mental Health Block	\$	642,264	\$	642,264 43485
		Grant				
3B1	333-635	Community Medicaid	\$	6,550,000	\$	5,550,000 43486
		Expansion				
324	333-605	Medicaid/Medicare	\$	379,009	\$	375,219 43487
TOTAL		Federal Special Revenue				43488
Fund Group			\$	7,683,273	\$	6,650,483 43489
		State Special Revenue Fund Group				43490
4X5	333-607	Behavioral Health	\$	2,759,400	\$	2,828,385 43491
		Medicaid Services				
485	333-632	Mental Health	\$	130,959	\$	134,233 43492
		Operating				
5M2	333-602	PWLC Campus	\$	1,000,000	\$	0 43493
		Improvement				
TOTAL		State Special Revenue				43494

As Reported by the House Finance and Appropriations Committee

Fund Group	\$	3,890,359	\$	2,962,618	43495
TOTAL ALL BUDGET FUND GROUPS	\$	61,201,055	\$	60,674,872	43496

RESIDENCY TRAINEESHIP PROGRAMS 43497

The foregoing appropriation item 333-402, Resident Trainees, 43498
 shall be used to fund training agreements entered into by the 43499
 Department of Mental Health for the development of curricula and 43500
 the provision of training programs to support public mental health 43501
 services. 43502

PRE-ADMISSION SCREENING EXPENSES 43503

The foregoing appropriation item 333-403, Pre-Admission 43504
 Screening Expenses, shall be used to pay for costs to ensure that 43505
 uniform statewide methods for pre-admission screening are in place 43506
 to perform assessments for persons in need of mental health 43507
 services or for whom institutional placement in a hospital or in 43508
 another inpatient facility is sought. Pre-admission screening 43509
 includes the following activities: pre-admission assessment, 43510
 consideration of continued stay requests, discharge planning and 43511
 referral, and adjudication of appeals and grievance procedures. 43512

RENTAL PAYMENTS TO THE OHIO PUBLIC FACILITIES COMMISSION 43513

The foregoing appropriation item 333-415, Lease-Rental 43514
 Payments, shall be used to meet all payments at the times they are 43515
 required to be made during the period from July 1, 2001, to June 43516
 30, 2003, by the Department of Mental Health pursuant to leases 43517
 and agreements made under section 154.20 of the Revised Code, but 43518
 limited to the aggregate amount of \$51,030,200. Nothing in this 43519
 act shall be deemed to contravene the obligation of the state to 43520
 pay, without necessity for further appropriation, from the sources 43521
 pledged thereto, the bond service charges on obligations issued 43522
 pursuant to section 154.20 of the Revised Code. 43523

Section 73.01. DIVISION OF MENTAL HEALTH - HOSPITALS 43524

As Reported by the House Finance and Appropriations Committee

General Revenue Fund				43525	
GRF 334-408 Community and Hospital	\$	356,469,071	\$	352,719,838	43526
Mental Health Services					
GRF 334-506 Court Costs	\$	958,791	\$	976,652	43527
TOTAL GRF General Revenue Fund	\$	357,427,862	\$	353,696,490	43528
General Services Fund Group				43529	
149 334-609 Hospital Rotary -	\$	10,451,492	\$	10,451,492	43530
Operating Expenses					
150 334-620 Special Education	\$	152,500	\$	152,500	43531
TOTAL GSF General Services				43532	
Fund Group	\$	10,603,992	\$	10,603,992	43533
Federal Special Revenue Fund Group				43534	
3A8 334-613 Federal Letter of	\$	9,000	\$	0	43535
Credit					
3B0 334-617 Elementary and	\$	202,774	\$	214,340	43536
Secondary Education					
Act					
324 334-605 Medicaid/Medicare	\$	8,791,748	\$	9,043,700	43537
5L2 334-619 Health	\$	131,600	\$	94,869	43538
Foundation/Greater					
Cincinnati					
TOTAL FED Federal Special Revenue				43539	
Fund Group	\$	9,135,122	\$	9,352,909	43540
State Special Revenue Fund Group				43541	
485 334-632 Mental Health	\$	1,991,448	\$	1,989,912	43542
Operating					
692 334-636 Community Mental	\$	361,323	\$	370,356	43543
Health Board Risk Fund					
TOTAL SSR State Special Revenue				43544	
Fund Group	\$	2,352,771	\$	2,360,268	43545
TOTAL ALL BUDGET FUND GROUPS	\$	379,519,747	\$	376,013,659	43546

As Reported by the House Finance and Appropriations Committee

COMMUNITY MENTAL HEALTH BOARD RISK FUND				43547	
The foregoing appropriation item 334-636, Community Mental				43548	
Health Board Risk Fund, shall be used to make payments pursuant to				43549	
section 5119.62 of the Revised Code.				43550	
Section 73.02. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT				43551	
SERVICES				43552	
General Revenue Fund				43553	
GRF 335-419 Community Medication	\$	7,682,295	\$	7,701,549	43554
Subsidy					
GRF 335-502 Community Mental	\$	38,166,674	\$	38,166,674	43555
Health Programs					
GRF 335-508 Services for Severely	\$	60,405,135	\$	60,905,135	43556
Mentally Disabled					
TOTAL GRF General Revenue Fund	\$	106,254,104	\$	106,773,358	43557
General Services Fund Group				43558	
4N8 335-606 Family Stability	\$	7,460,600	\$	7,647,115	43559
Incentive					
TOTAL GSF General Services				43560	
Fund Group	\$	7,460,600	\$	7,647,115	43561
Federal Special Revenue Fund Group				43562	
3A7 335-612 Social Services Block	\$	9,314,108	\$	9,314,108	43563
Grant					
3A8 335-613 Federal Grant -	\$	960,000	\$	960,000	43564
Community Mental					
Health Board Subsidy					
3A9 335-614 Mental Health Block	\$	12,754,654	\$	12,737,654	43565
Grant					
3B1 335-635 Community Medicaid	\$	157,480,000	\$	165,355,000	43566
Expansion					
State Special Revenue Fund Group				43567	

As Reported by the House Finance and Appropriations Committee

632 335-616 Community Capital	\$	250,000	\$	250,000	43568
Replacement					
TOTAL SSR State Special Revenue	\$	250,000	\$	250,000	43569
Fund Group					
TOTAL FED Federal Special Revenue					43570
Fund Group	\$	180,508,762	\$	188,366,762	43571
TOTAL ALL BUDGET FUND GROUPS	\$	294,473,466	\$	303,037,235	43572
DEPARTMENT TOTAL					43573
GENERAL REVENUE FUND	\$	515,555,079	\$	513,832,559	43574
DEPARTMENT TOTAL					43575
GENERAL SERVICES FUND GROUP	\$	20,078,415	\$	20,289,025	43576
DEPARTMENT TOTAL					43577
FEDERAL SPECIAL REVENUE					43578
FUND GROUP	\$	197,327,157	\$	204,370,154	43579
DEPARTMENT TOTAL					43580
STATE SPECIAL REVENUE FUND GROUP	\$	6,493,130	\$	5,572,886	43581
DEPARTMENT TOTAL					43582
INTRAGOVERNMENTAL FUND GROUP	\$	76,095,310	\$	78,181,973	43583
TOTAL DEPARTMENT OF MENTAL HEALTH	\$	815,549,091	\$	822,246,597	43584

Section 73.03. COMMUNITY MEDICATION SUBSIDY 43586

The foregoing appropriation item 335-419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and to provide subsidized support for methadone costs.

GENERAL COMMUNITY MENTAL HEALTH PROGRAMS 43592

The foregoing appropriation item 335-502, Community Mental Health Programs, shall be distributed by the Department of Mental Health on a per capita basis to community mental health boards.

The purpose of the appropriation is to provide subsidized support for general mental health services to Ohioans. The range

As Reported by the House Finance and Appropriations Committee

of mental health services eligible for funding shall be defined in 43598
a Department of Mental Health rule. Community mental health boards 43599
shall allocate funds in support of these services in accordance 43600
with the mental health needs of the community. 43601

MENTAL HEALTH SERVICES FOR SEVERELY MENTALLY DISABLED PERSONS 43602

The foregoing appropriation item 335-508, Services for 43603
Severely Mentally Disabled, shall be used to fund mental health 43604
services for adults and children who meet or have formerly met 43605
criteria established by the Department of Mental Health under its 43606
definition of severely mentally disabled. Those adults and 43607
children who constitute severely mentally disabled include those 43608
with a history of recent or chronic psychiatric hospitalizations, 43609
a history of psychosis, a prognosis of continued severe social and 43610
adaptive functioning impairment, or those certified impaired by 43611
the Social Security Administration for reasons of mental illness. 43612
In addition to the above, children and adolescents who are 43613
currently determined to be severely mentally disabled, or who are 43614
at risk of becoming severely mental disabled, and who are already 43615
in or about to enter the juvenile justice system, or child welfare 43616
system, or receiving special education services within the 43617
education system may also receive services funded by appropriation 43618
item 335-508, Services for Severely Mentally Disabled. 43619

Of the foregoing appropriation item 335-508, Services for 43620
Severely Mentally Disabled, \$100,000 in each fiscal year shall be 43621
used to fund family and consumer education and support. 43622

Of the foregoing appropriation item 335-508, Services for 43623
Severely Mentally Disabled, \$2.7 million in each fiscal year shall 43624
be used to transfer cash from the General Revenue Fund to Fund 43625
4N8, Family Stability Incentive. This transfer shall be made using 43626
an intrastate transfer voucher. 43627

MENTAL HEALTH SERVICES TO JUVENILE OFFENDERS PROJECTS 43628

As Reported by the House Finance and Appropriations Committee

Any cash transferred for juvenile offenders projects from the Department of Youth Services, the Department of Job and Family Services, the Office of Criminal Justice Services, or other state agencies to the Department of Mental Health (Fund 149) shall be used by the Department of Mental Health to fund local mental health services to juvenile offenders projects that are designed to address the mental health needs of juvenile offenders with serious mental illness.

BEHAVIORAL HEALTH MEDICAID SERVICES

The Department of Mental Health shall administer specified Medicaid Services as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 333-607, Behavioral Health Medicaid Services, may be used to make payments for free-standing psychiatric hospital inpatient services as defined in an interagency agreement with the Department of Job and Family Services.

Section 74. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

Section 74.01. GENERAL ADMINISTRATION AND STATEWIDE SERVICES

General Revenue Fund				43649	
GRF 320-321 Central Administration	\$	11,001,218	\$	11,361,253	43650
GRF 320-411 Special Olympics	\$	190,000	\$	185,000	43651
GRF 320-412 Protective Services	\$	1,354,920	\$	1,487,129	43652
GRF 320-415 Lease-Rental Payments	\$	24,754,900	\$	26,275,300	43653
TOTAL GRF General Revenue Fund	\$	37,301,038	\$	39,308,682	43654
General Services Fund Group				43655	
4B5 320-640 Conference/Training	\$	826,463	\$	864,496	43656
TOTAL GSF General Services				43657	
Fund Group	\$	826,463	\$	864,496	43658

As Reported by the House Finance and Appropriations Committee

Federal Special Revenue Fund Group				43659
3A4 320-605 Administrative Support	\$	11,964,698	\$ 12,492,892	43660
3A5 320-613 DD Council Operating	\$	992,486	\$ 992,486	43661
Expenses				43662
TOTAL FED Federal Special Revenue				43663
Fund Group	\$	12,957,184	\$ 13,485,378	43664
TOTAL ALL GENERAL ADMINISTRATION				43665
AND STATEWIDE SERVICES				43666
BUDGET FUND GROUPS	\$	51,084,685	\$ 53,658,556	43667
LEASE-RENTAL PAYMENTS				43668
The foregoing appropriation item 320-415, Lease-Rental				43669
Payments, shall be used to meet all payments at the times they are				43670
required to be made during the period from July 1, 2001, to June				43671
30, 2003, by the Department of Mental Retardation and				43672
Developmental Disabilities pursuant to leases and agreements made				43673
under section 154.20 of the Revised Code, but limited to the				43674
aggregate amount of \$51,030,200. Nothing in this act shall be				43675
deemed to contravene the obligation of the state to pay, without				43676
necessity for further appropriation, from the sources pledged				43677
thereto, the bond service charges on obligations issued pursuant				43678
to section 154.20 of the Revised Code.				43679
Section 74.02. COMMUNITY SERVICES				43680
General Revenue Fund				43681
GRF 322-405 State Use Program	\$	264,685	\$ 264,685	43682
GRF 322-413 Residential and	\$	153,668,317	\$ 164,409,554	43683
Support				
Services				43684
GRF 322-451 Family Support	\$	7,975,870	\$ 7,975,870	43685
Services				
GRF 322-452 Case Management	\$	8,984,491	\$ 9,874,628	43686
GRF 322-501 County Boards	\$	45,366,297	\$ 45,766,039	43687

As Reported by the House Finance and Appropriations Committee

Subsidies					
TOTAL GRF General Revenue Fund	\$	216,259,660	\$	228,290,776	43688
General Services Fund Group					43689
4J6 322-645 Intersystem Services	\$	5,000,000	\$	5,000,000	43690
for					
Children					43691
4U4 322-606 Community MR and DD	\$	125,000	\$	131,250	43692
Trust					
4V1 322-611 Program Support	\$	2,000,000	\$	2,000,000	43693
488 322-603 Residential Services	\$	2,499,188	\$	2,499,188	43694
Refund					43695
TOTAL GSF General Services					43696
Fund Group	\$	9,624,188	\$	9,630,438	43697
Federal Special Revenue Fund Group					43698
3A4 322-605 Community Program	\$	3,024,047	\$	3,326,452	43699
Support					
3A4 322-610 Community Residential	\$	5,924,858	\$	5,924,858	43700
Support					43701
3A5 322-613 DD Council Grants	\$	3,358,290	\$	3,358,290	43702
3G6 322-639 Medicaid Waiver	\$	148,304,949	\$	151,754,169	43703
3M7 322-650 CAFS Medicaid	\$	163,747,903	\$	172,568,939	43704
325 322-608 Federal Grants -	\$	1,360,000	\$	1,360,000	43705
Operating Expenses					43706
325 322-612 Social Service Block	\$	11,500,000	\$	11,500,000	43707
Grant					43708
325 322-617 Education Grants -	\$	115,000	\$	115,000	43709
Operating					43710
TOTAL FED Federal Special Revenue					43711
Fund Group	\$	337,335,047	\$	349,907,708	43712
State Special Revenue Fund Group					43713
4K8 322-604 Waiver - Match	\$	13,783,463	\$	14,039,133	43714
5H0 322-619 Medicaid Repayment	\$	562,080	\$	576,132	43715

As Reported by the House Finance and Appropriations Committee

TOTAL SSR State Special Revenue				43716	
Fund Group	\$	14,345,543	\$	14,615,265	43717
TOTAL ALL COMMUNITY SERVICES				43718	
BUDGET FUND GROUPS	\$	577,564,438	\$	602,444,187	43719
RESIDENTIAL AND SUPPORT SERVICES				43720	
The foregoing appropriation item 322-413, Residential and Support Services, shall be used for any of the following:				43721	
				43722	
(A) Home and community-based waiver services pursuant to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended;				43723	
				43724	
				43725	
(B) Services contracted by county boards of mental retardation and developmental disabilities;				43726	
				43727	
(C) Supported living services contracted by county boards of mental retardation and developmental disabilities in accordance with sections 5126.40 to 5126.47 of the Revised Code;				43728	
				43729	
				43730	
(D) Sermak Class Services used to implement the requirements of the consent decree in <i>Sermak v. Manuel</i> , Case No. c-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;				43731	
				43732	
				43733	
				43734	
(E) Other Medicaid-reimbursed programs, in an amount not to exceed \$1,000,000 in each fiscal year, that enable persons with mental retardation and developmental disabilities to live in the community.				43735	
				43736	
				43737	
				43738	
Notwithstanding Chapters 5123. and 5126. of the Revised Code, the Department of Mental Retardation and Developmental Disabilities may develop residential and support service programs that enable persons with mental retardation and developmental disabilities to live in the community. Notwithstanding Chapter 5121. and section 5123.122 of the Revised Code, the department may waive the support collection requirements of those statutes for persons in community programs developed by the department under				43739	
				43740	
				43741	
				43742	
				43743	
				43744	
				43745	
				43746	

this section. The department shall adopt rules under Chapter 119. 43747
of the Revised Code or may use existing rules for the 43748
implementation of these programs. 43749

The Department of Mental Retardation and Developmental 43750
Disabilities may designate a portion of appropriation item 43751
332-413, Residential and Support Services, to county boards of 43752
mental retardation and developmental disabilities that have 43753
greater need for various residential and support services due to a 43754
low percentage of residential and support services development in 43755
comparison to the number of individuals with mental retardation or 43756
developmental disabilities in the county. 43757

Of the foregoing appropriation item 322-413, Residential and 43758
Support Services, \$9,700,000 in fiscal year 2002 and \$9,850,000 in 43759
fiscal year 2003 shall be distributed by the Department to county 43760
boards of mental retardation and developmental disabilities to 43761
support Medicaid activities provided for in the component of a 43762
county board's plan developed under division (A)(2) of section 43763
5126.054 of the Revised Code and approved under section 5123.046 43764
of the Revised Code. Up to \$3,000,000 of these funds in each 43765
fiscal year may be used to implement day-to-day program management 43766
services under division (A)(2) of section 5126.054 of the Revised 43767
Code. Up to \$4,200,000 in each fiscal year may be used to 43768
implement the program and health and welfare requirements of 43769
division (A)(2) of section 5126.054 of the Revised Code. 43770

In fiscal years 2002 and 2003, not less than \$2,500,000 and 43771
\$2,650,000, respectively, of these funds shall be used to recruit 43772
and retain, under division (A)(2) of section 5126.054 of the 43773
Revised Code, the direct care staff necessary to implement the 43774
services included in an individualized service plan in a manner 43775
that ensures the health and welfare of the individuals being 43776
served. 43777

FAMILY SUPPORT SERVICES 43778

Notwithstanding sections 5123.171, 5123.19, 5123.20, and 43779
5126.11 of the Revised Code, the Department of Mental Retardation 43780
and Developmental Disabilities may implement programs funded by 43781
appropriation item 322-451, Family Support Services, to provide 43782
assistance to persons with mental retardation or developmental 43783
disabilities and their families who are living in the community. 43784
The department shall adopt rules to implement these programs. 43785

CASE MANAGEMENT 43786

The foregoing appropriation item 322-452, Case Management, 43787
shall be allocated to county boards of mental retardation and 43788
developmental disabilities for the purpose of providing case 43789
management services and to assist in bringing state funding for 43790
all department-approved case managers within county boards of 43791
mental retardation and developmental disabilities to the level 43792
authorized in division (D) of section 5126.15 of the Revised Code. 43793
The department may request approval from the Controlling Board to 43794
transfer any unobligated appropriation authority from other state 43795
General Revenue Fund appropriation items within the department's 43796
budget to appropriation item 322-452, Case Management, to be used 43797
to meet the statutory funding level in division (D) of section 43798
5126.15 of the Revised Code. 43799

Notwithstanding division (D) of section 5126.15 of the 43800
Revised Code and subject to funding in appropriation item 322-452, 43801
Case Management, no county may receive less than its allocation in 43802
fiscal year 1995. 43803

STATE SUBSIDIES TO MR/DD BOARDS 43804

Of the foregoing appropriation item 322-501, County Boards 43805
Subsidies, \$6,500,000 in fiscal year 2002 and \$13,000,000 in 43806
fiscal year 2003 shall be used to fund the tax equalization 43807
program created under sections 5126.16 to 5126.18 of the Revised 43808
Code for county boards of mental retardation and developmental 43809

disabilities. The tax equalization program shall utilize the 43810
average daily membership of adults 22 years of age and older in 43811
habilitation and community employment services only for the yield 43812
on 1/2 mills. 43813

After funding the tax equalization program, the Department of 43814
Mental Retardation and Developmental Disabilities shall distribute 43815
the remaining appropriation authority in appropriation item 43816
322-501, County Boards Subsidies, to county boards of mental 43817
retardation and developmental disabilities for subsidies 43818
distributed pursuant to section 5126.12 of the Revised Code to the 43819
limit of the lesser of the amount required by that section or the 43820
remaining balance of the appropriation authority in appropriation 43821
item 322-501 prorated to all county boards of mental retardation 43822
and developmental disabilities. 43823

INTERSYSTEM SERVICES FOR CHILDREN 43824

The foregoing appropriation item 322-645, Intersystem 43825
Services for Children, shall be used to support direct grants to 43826
county family and children first councils created under section 43827
121.37 of the Revised Code. The funds shall be used as partial 43828
support payment and reimbursement for locally coordinated 43829
treatment plans for multi-needs children that come to the 43830
attention of the Family and Children First Cabinet Council 43831
pursuant to section 121.37 of the Revised Code. Any child referred 43832
for funding under this program must have an individualized 43833
educational plan (IEP) in place. The Department of Mental 43834
Retardation and Developmental Disabilities may use up to five per 43835
cent of this amount for administrative expenses associated with 43836
the distribution of funds to the county councils. 43837

WAIVER - MATCH 43838

The foregoing appropriation item 322-604, Waiver-Match (Fund 43839
4K8), shall be used as state matching funds for the home and 43840

community-based waivers.				43841
The Department of Job and Family Services may enter into an				43842
interagency agreement with the Department of Mental Retardation				43843
and Developmental Disabilities providing for the Department of				43844
Mental Retardation and Developmental Disabilities to operate the				43845
program.				43846
DEVELOPMENTAL CENTER PROGRAM TO DEVELOP A MODEL BILLING FOR				43847
SERVICES RENDERED				43848
Developmental centers of the Department of Mental Retardation				43849
and Developmental Disabilities may provide services to persons				43850
with mental retardation or developmental disabilities living in				43851
the community or to providers of services to these persons. The				43852
department may develop a methodology for recovery of all costs				43853
associated with the provisions of these services.				43854
Section 74.03. RESIDENTIAL FACILITIES				43855
General Revenue Fund				43856
GRF 323-321 Residential Facilities \$ 99,765,232 \$ 99,917,289				43857
Operations				43858
TOTAL GRF General Revenue Fund \$ 99,765,232 \$ 99,917,289				43859
General Services Fund Group				43860
152 323-609 Residential Facilities \$ 889,929 \$ 912,177				43861
Support				43862
TOTAL GSF General Services				43863
Fund Group \$ 889,929 \$ 912,177				43864
Federal Special Revenue Fund Group				43865
3A4 323-605 Residential Facilities \$ 120,985,419 \$ 120,985,419				43866
Reimbursement				43867
325 323-608 Federal Grants - \$ 532,000 \$ 536,000				43868
Subsidies				43869
325 323-617 Education Grants - \$ 411,000 \$ 411,000				43870

As Reported by the House Finance and Appropriations Committee

Residential Facilities				43871	
TOTAL FED Federal Special Revenue				43872	
Fund Group	\$	121,928,419	\$	121,932,419	43873
State Special Revenue Fund Group				43874	
489 323-632 Operating Expense	\$	11,506,603	\$	12,125,628	43875
TOTAL SSR State Special Revenue				43876	
Fund Group	\$	11,506,603	\$	12,125,628	43877
TOTAL ALL RESIDENTIAL FACILITIES				43878	
BUDGET FUND GROUPS	\$	234,090,183	\$	234,887,513	43879
DEPARTMENT TOTAL				43880	
GENERAL REVENUE FUND	\$	353,325,930	\$	367,516,747	43881
DEPARTMENT TOTAL				43882	
GENERAL SERVICES FUND GROUP	\$	11,340,580	\$	11,407,111	43883
DEPARTMENT TOTAL				43884	
FEDERAL SPECIAL REVENUE FUND GROUP	\$	472,220,650	\$	485,325,505	43885
DEPARTMENT TOTAL				43886	
STATE SPECIAL REVENUE FUND GROUP	\$	25,852,146	\$	26,740,893	43887
TOTAL DEPARTMENT OF MENTAL				43888	
RETARDATION AND DEVELOPMENTAL				43889	
DISABILITIES	\$	862,739,306	\$	890,990,256	43890
Section 75. MIH COMMISSION ON MINORITY HEALTH				43892	
General Revenue Fund				43893	
GRF 149-321 Operating Expenses	\$	635,218	\$	638,229	43894
GRF 149-501 Minority Health Grants	\$	954,360	\$	951,348	43895
GRF 149-502 Lupus Program	\$	179,206	\$	179,206	43896
TOTAL GRF General Revenue Fund	\$	1,768,784	\$	1,768,783	43897
Federal Special Revenue Fund Group				43898	
3J9 149-602 Federal Grants	\$	155,000	\$	150,000	43899
TOTAL FED Federal Special Revenue				43900	
Fund Group	\$	155,000	\$	150,000	43901
State Special Revenue Fund Group				43902	

As Reported by the House Finance and Appropriations Committee

4C2 149-601	Minority Health	\$	369,194	\$	320,776	43903
	Conference					
TOTAL SSR	State Special Revenue					43904
Fund Group		\$	369,194	\$	320,776	43905
TOTAL ALL BUDGET FUND GROUPS		\$	2,292,978	\$	2,239,559	43906
	LUPUS PROGRAM					43907
	The foregoing appropriation item 149-502, Lupus Program,					43908
	shall be used to provide grants for programs in patient, public,					43909
	and professional education on the subject of systemic lupus					43910
	erythematosus; to encourage and develop local centers on lupus					43911
	information gathering and screening; and to provide outreach to					43912
	minority women.					43913
	Section 76. CRB MOTOR VEHICLE COLLISION REPAIR					43914
	REGISTRATION BOARD					43915
	General Service Fund Group					43916
5H9 865-609	Operating Expenses	\$	250,025	\$	262,952	43917
TOTAL GSF	General Services					43918
Fund Group		\$	250,025	\$	262,952	43919
TOTAL ALL BUDGET FUND GROUPS		\$	250,025	\$	262,952	43920
	Section 77. DNR DEPARTMENT OF NATURAL RESOURCES					43922
	General Revenue Fund					43923
GRF 725-401	Wildlife - GRF Central	\$	750,000	\$	750,000	43924
	Support					
GRF 725-404	Fountain Square Rental	\$	1,092,400	\$	1,089,100	43925
	Payments - OBA					
GRF 725-407	Conservation Reserve	\$	1,920,400	\$	1,920,400	43926
	Enhancement Program					
GRF 725-412	Reclamation Commission	\$	67,123	\$	70,971	43927
GRF 725-413	OPFC Lease Rental	\$	16,211,500	\$	14,279,000	43928
	Payments					

As Reported by the House Finance and Appropriations Committee

GRF 725-415	Mine Examining Board	\$	120,556	\$	126,439	43929
GRF 725-423	Stream and Ground Water Gauging	\$	448,745	\$	478,214	43930
GRF 725-425	Wildlife License Reimbursement	\$	1,000,000	\$	1,000,000	43931
GRF 725-456	Canal Lands	\$	397,811	\$	407,756	43932
GRF 725-502	Soil and Water Districts	\$	12,126,462	\$	12,621,123	43933
GRF 725-903	Natural Resources General Obligation Debt Service	\$	19,001,100	\$	22,101,900	43934
GRF 725-904	Conservation General Obligation Debt Service	\$	1,595,000	\$	6,695,000	43935
GRF 727-321	Division of Forestry	\$	10,209,173	\$	10,888,345	43936
GRF 728-321	Division of Geological Survey	\$	2,269,911	\$	2,432,974	43937
GRF 729-321	Office of Information Technology	\$	1,072,960	\$	1,985,667	43938
GRF 730-321	Division of Parks and Recreation	\$	35,651,542	\$	37,972,382	43939
GRF 733-321	Division of Water	\$	4,035,213	\$	4,234,581	43940
GRF 736-321	Division of Engineering	\$	3,709,501	\$	3,918,766	43941
GRF 737-321	Division of Soil and Water	\$	4,675,812	\$	4,879,744	43942
GRF 738-321	Division of Real Estate and Land Management	\$	2,540,554	\$	2,669,042	43943
GRF 741-321	Division of Natural Areas and Preserves	\$	3,439,427	\$	3,616,940	43944
GRF 744-321	Division of Mineral Resources Management	\$	3,826,169	\$	4,036,443	43945

As Reported by the House Finance and Appropriations Committee

TOTAL GRF General Revenue Fund	\$	126,161,359	\$	138,174,787	43946
General Services Fund Group					43947
155 725-601 Departmental Projects	\$	1,951,594	\$	1,913,242	43948
157 725-651 Central Support	\$	8,009,551	\$	8,423,094	43949
Indirect					
158 725-604 Natural Resources	\$	94,198	\$	94,595	43950
Publication Center					
Intrastate					
161 725-635 Parks Facilities	\$	2,993,169	\$	3,063,124	43951
Maintenance					
162 725-625 Civilian Conservation	\$	7,885,349	\$	8,058,715	43952
Corps Operations					
204 725-687 Information Services	\$	2,277,686	\$	2,377,723	43953
206 725-689 REALM Support Services	\$	475,000	\$	475,000	43954
207 725-690 Real Estate Services	\$	50,000	\$	54,000	43955
4D5 725-618 Recycled Materials	\$	50,000	\$	50,000	43956
4S9 725-622 NatureWorks Personnel	\$	759,143	\$	832,528	43957
4X8 725-662 Water Resources	\$	275,633	\$	282,524	43958
Council					
430 725-671 Canal Lands	\$	1,215,441	\$	1,259,511	43959
508 725-684 Natural Resources	\$	239,538	\$	245,808	43960
Publication Center					
Interstate					
510 725-631 Maintenance -	\$	224,926	\$	229,710	43961
state-owned residences					
516 725-620 Water Management	\$	2,459,256	\$	2,522,146	43962
635 725-664 Fountain Square	\$	2,755,109	\$	2,821,999	43963
Facilities Management					
697 725-670 Submerged Lands	\$	589,315	\$	615,000	43964
TOTAL GSF General Services					43965
Fund Group	\$	32,304,908	\$	33,318,719	43966
Federal Special Revenue Fund Group					43967

As Reported by the House Finance and Appropriations Committee

3B3	725-640	Federal Forest Pass-Thru	\$	55,000	\$	55,000	43968
3B4	725-641	Federal Flood Pass-Thru	\$	190,000	\$	190,000	43969
3B5	725-645	Federal Abandoned Mine Lands	\$	9,908,408	\$	10,125,056	43970
3B6	725-653	Federal Land and Water Conservation Grants	\$	650,000	\$	780,000	43971
3B7	725-654	Reclamation - Regulatory	\$	1,788,579	\$	1,799,459	43972
3P0	725-630	Natural Areas and Preserves - Federal	\$	230,000	\$	230,000	43973
3P1	725-632	Geological Survey - Federal	\$	381,910	\$	366,303	43974
3P2	725-642	Oil and Gas-Federal	\$	189,701	\$	190,289	43975
3P3	725-650	Real Estate and Land Management - Federal	\$	2,980,975	\$	3,184,300	43976
3P4	725-660	Water - Federal	\$	180,000	\$	180,000	43977
3R5	725-673	Acid Mine Drainage Abatement/Treatment	\$	600,000	\$	613,200	43978
328	725-603	Forestry Federal	\$	1,200,000	\$	1,200,000	43979
332	725-669	Federal Mine Safety Grant	\$	136,423	\$	141,880	43980
TOTAL FED Federal Special Revenue							43981
Fund Group			\$	18,490,996	\$	19,055,487	43982
State Special Revenue Fund Group							43983
4J2	725-628	Injection Well Review	\$	51,742	\$	61,638	43984
4M7	725-631	Wildfire Suppression	\$	150,310	\$	150,000	43985
4U6	725-668	Scenic Rivers Protection	\$	500,000	\$	510,000	43986
5B3	725-674	Mining Regulation	\$	35,000	\$	35,000	43987
5K1	725-626	Urban Forestry Grant	\$	400,000	\$	400,000	43988
5P2	725-634	Wildlife Boater Angler	\$	1,500,000	\$	1,500,000	43989

As Reported by the House Finance and Appropriations Committee

Administration					
509	725-602	State Forest	\$ 1,489,013	\$ 1,536,595	43990
511	725-646	Ohio Geologic Mapping	\$ 1,010,933	\$ 1,070,899	43991
512	725-605	State Parks Operations	\$ 28,844,322	\$ 29,915,146	43992
514	725-606	Lake Erie Shoreline	\$ 1,171,052	\$ 1,446,305	43993
518	725-643	Oil and Gas Permit	\$ 1,821,252	\$ 1,821,325	43994
Fees					
518	725-677	Oil and Gas Well	\$ 800,000	\$ 800,000	43995
Plugging					
521	725-627	Off-Road Vehicle	\$ 66,213	\$ 68,490	43996
Trails					
522	725-656	Natural Areas Checkoff	\$ 1,508,080	\$ 1,860,670	43997
Funds					
526	725-610	Strip Mining	\$ 1,480,566	\$ 1,449,459	43998
Administration Fees					
527	725-637	Surface Mining	\$ 2,963,272	\$ 3,093,938	43999
Administration					
529	725-639	Unreclaimed Land Fund	\$ 1,964,744	\$ 2,040,327	44000
531	725-648	Reclamation Forfeiture	\$ 1,455,835	\$ 1,491,087	44001
532	725-644	Litter Control and	\$ 13,137,680	\$ 13,311,365	44002
Recycling					
586	725-633	Scrap Tire Program	\$ 1,000,000	\$ 1,000,000	44003
615	725-661	Dam Safety	\$ 244,442	\$ 259,758	44004
TOTAL SSR State Special Revenue					
Fund Group			\$ 61,594,456	\$ 63,822,002	44006
Wildlife Fund Group					
					44007
015	740-401	Division of Wildlife	\$ 46,177,752	\$ 48,713,747	44008
Conservation					
815	725-636	Cooperative Management	\$ 156,536	\$ 160,449	44009
Projects					
816	725-649	Wetlands Habitat	\$ 943,303	\$ 966,885	44010
817	725-655	Wildlife Conservation	\$ 1,435,567	\$ 1,472,755	44011
Checkoff Fund					

As Reported by the House Finance and Appropriations Committee

818	725-629	Cooperative Fisheries Research	\$	964,470	\$	988,582	44012
819	725-685	Ohio River Management	\$	125,448	\$	128,584	44013
TOTAL WLF Wildlife Fund Group			\$	49,803,076	\$	52,431,002	44014
Waterways Safety Fund Group							44015
086	725-414	Waterways Improvement	\$	3,301,688	\$	3,472,497	44016
086	725-416	Natural Areas Marine Patrol	\$	25,000	\$	0	44017
086	725-417	Parks Marine Patrol	\$	25,000	\$	0	44018
086	725-418	Buoy Placement	\$	41,153	\$	42,182	44019
086	725-501	Waterway Safety Grants	\$	134,504	\$	137,867	44020
086	725-506	Watercraft Marine Patrol	\$	562,100	\$	576,153	44021
086	725-513	Watercraft Educational Grants	\$	357,700	\$	366,643	44022
086	739-401	Division of Watercraft	\$	15,829,526	\$	16,624,158	44023
TOTAL WSF Waterways Safety Fund Group			\$	20,276,671	\$	21,219,500	44024 44025
Holding Account Redistribution Fund Group							44026
R17	725-659	Performance Cash Bond Refunds	\$	251,500	\$	252,000	44027
R43	725-624	Forestry	\$	1,750,000	\$	1,750,000	44028
TOTAL 090 Holding Account Redistribution Fund Group			\$	2,001,500	\$	2,002,000	44029 44030
Accrued Leave Liability Fund Group							44031
4M8	725-675	FOP Contract	\$	19,609	\$	20,844	44032
TOTAL ALF Accrued Leave Liability Fund Group			\$	19,609	\$	20,844	44033 44034
TOTAL ALL BUDGET FUND GROUPS			\$	310,652,575	\$	330,044,341	44035
Section 77.01. NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE							44037 44038

As Reported by the House Finance and Appropriations Committee

The foregoing appropriation item 725-903, Natural Resources
 General Obligation Debt Service, shall be used to pay all debt
 service and financing costs at the times they are required to be
 made pursuant to sections 151.01 and 151.05 of the Revised Code
 during the period from July 1, 2001, to June 30, 2003. The Office
 of the Sinking Fund or the Director of Budget and Management shall
 effectuate the required payments by an intrastate transfer
 voucher.

CONSERVATION GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 725-904, Conservation
 General Obligation Debt Service, shall be used to pay all debt
 service and financing costs at the times they are required to be
 made pursuant to section 151.01 of the Revised Code and other
 implementing legislation during the period from July 1, 2001, to
 June 30, 2003. The Office of the Sinking Fund or the Director of
 Budget and Management shall effectuate the required payments by an
 intrastate transfer voucher.

LEASE RENTAL PAYMENTS

The foregoing appropriation item 725-413, OPFC Lease Rental
 Payments, shall be used to meet all payments at the times they are
 required to be made during the period from July 1, 2001, to June
 30, 2003, by the Department of Natural Resources pursuant to
 leases and agreements made under section 154.22 of the Revised
 Code, but limited to the aggregate amount of \$30,490,500. Nothing
 in this act shall be deemed to contravene the obligation of the
 state to pay, without necessity for further appropriation, from
 the sources pledged thereto, the bond service charges on
 obligations issued pursuant to section 154.22 of the Revised Code.

FOUNTAIN SQUARE

The foregoing appropriation item 725-404, Fountain Square
 Rental Payments - OBA, shall be used by the Department of Natural

Resources to meet all payments required to be made to the Ohio
Building Authority during the period from July 1, 2001, to June
30, 2003, pursuant to leases and agreements with the Ohio Building
Authority under section 152.241 of the Revised Code, but limited
to the aggregate amount of \$2,181,500.

The Director of Natural Resources, using intrastate transfer
vouchers, shall make payments to the General Revenue Fund from
funds other than the General Revenue Fund to reimburse the General
Revenue Fund for the other funds' shares of the lease rental
payments to the Ohio Building Authority. The transfers from the
non-General Revenue funds shall be made within 10 days of the
payment to the Ohio Building Authority for the actual amounts
necessary to fulfill the leases and agreements pursuant to section
152.241 of the Revised Code.

The foregoing appropriation item 725-664, Fountain Square
Facilities Management (Fund 635), shall be used for payment of
repairs, renovation, utilities, property management, and building
maintenance expenses for the Fountain Square Complex. Cash
transferred by intrastate transfer vouchers from various
department funds and rental income received by the Department of
Natural Resources shall be deposited to the Fountain Square
Facilities Management Fund (Fund 635).

Section 77.02. CENTRAL SUPPORT INDIRECT

With the exception of the Division of Wildlife, whose
indirect central support charges shall be paid out of the General
Revenue Fund from the foregoing appropriation item 725-401,
Wildlife - GRF Central Support, the Department of Natural
Resources, with the approval of the Director of Budget and
Management, shall utilize a methodology for determining each
division's payments into the Central Support Indirect Fund (Fund
157). The methodology used shall contain the characteristics of

administrative ease and uniform application. Payments to the 44101
Central Support Indirect Fund shall be made using an intrastate 44102
transfer voucher. 44103

WILDLIFE LICENSE REIMBURSEMENT 44104

Notwithstanding the limits of the transfer from the General 44105
Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 44106
of the Revised Code, up to the amount available in appropriation 44107
item 725-425, Wildlife License Reimbursement, may be transferred 44108
from the General Revenue Fund to the Wildlife Fund (Fund 015). 44109
Pursuant to the certification of the Director of Budget and 44110
Management of the amount of foregone revenue in accordance with 44111
section 1533.15 of the Revised Code, the foregoing appropriation 44112
item in the General Revenue Fund, appropriation item 725-425, 44113
Wildlife License Reimbursement, shall be used to reimburse the 44114
Wildlife Fund (Fund 015) for the cost of hunting and fishing 44115
licenses and permits issued after June 30, 1990, to individuals 44116
who are exempted under the Revised Code from license, permit, and 44117
stamp fees. 44118

SOIL AND WATER DISTRICTS 44119

In addition to state payments to soil and water conservation 44120
districts authorized by section 1515.10 of the Revised Code, the 44121
Department of Natural Resources may pay to any soil and water 44122
conservation district, from authority in appropriation item 44123
725-502, Soil and Water Districts, an annual amount not to exceed 44124
\$30,000, upon receipt of a request and justification from the 44125
district and approval by the Ohio Soil and Water Conservation 44126
Commission. The county auditor shall credit the payments to the 44127
special fund established under section 1515.10 of the Revised Code 44128
for the local soil and water conservation district. Moneys 44129
received by each district shall be expended for the purposes of 44130
the district. 44131

Of the foregoing appropriation item 725-502, Soil and Water 44132
Districts, \$150,000 in each fiscal year shall be distributed to 44133
the Muskingum Watershed Conservancy District and \$50,000 in each 44134
fiscal year shall be distributed to the Livestock Assurance 44135
Program. 44136

Of the foregoing appropriation 725-502, Soil and Water 44137
Districts, \$136,000 shall be earmarked in fiscal year 2002 for 44138
Indian Lake, \$56,000 per fiscal year for the Conservation Action 44139
Program, \$48,000 in fiscal year 2002 for Millcreek Valley 44140
Conservation District, \$40,000 per fiscal year for Wills Creek 44141
Reservoir, \$120,000 in fiscal year 2002 for the relocation of 44142
Route 30, and \$100,000 per fiscal year for Rush Creek Conservancy 44143
District. 44144

DIVISION OF SOIL AND WATER 44145

Of the foregoing appropriation item 737-321, Division of Soil 44146
and Water, \$220,000 in each fiscal year shall be distributed to 44147
the Water Quality Laboratory located at Heidelberg College. 44148

CANAL LANDS 44149

The foregoing appropriation item 725-456, Canal Lands, shall 44150
be used to transfer funds to the Canal Lands Fund (Fund 430) to 44151
provide operating expenses for the State Canal Lands Program. The 44152
transfer shall be made using an intrastate transfer voucher and 44153
shall be subject to the approval of the Director of Budget and 44154
Management. 44155

WATERCRAFT MARINE PATROL 44156

Of the foregoing appropriation item 739-401, Division of 44157
Watercraft, not more than \$200,000 in each fiscal year shall be 44158
expended for the purchase of equipment for marine patrols 44159
qualifying for funding from the Department of Natural Resources 44160
pursuant to section 1547.67 of the Revised Code. Proposals for 44161
equipment shall accompany the submission of documentation for 44162

receipt of a marine patrol subsidy pursuant to section 1547.67 of 44163
the Revised Code and shall be loaned to eligible marine patrols 44164
pursuant to a cooperative agreement between the Department of 44165
Natural Resources and the eligible marine patrol. 44166

FUND CONSOLIDATION 44167

On July 15, 2001, or as soon thereafter as possible, the 44168
Director of Budget and Management shall transfer the cash balances 44169
of the Wildlife Education Fund (Fund 81A) as of June 30, 2001, and 44170
any amounts that accrue to that fund after that date, to the 44171
Wildlife Education Fund (Fund 015). The Director shall cancel any 44172
remaining outstanding encumbrances against appropriation item 44173
725-612, Wildlife Education, and reestablish them against 44174
appropriation item 740-401, Division of Wildlife Conservation. The 44175
amounts of any encumbrances canceled and reestablished are 44176
appropriated. 44177

On July 15, 2001, or as soon thereafter as possible, the 44178
Director of Budget and Management shall transfer the cash balances 44179
of the Cooperative Boat Harbor Projects Fund (Fund 880) as of June 44180
30, 2001, and any amounts that accrue to that fund after that 44181
date, to the Waterways Safety Fund (Fund 086). The director shall 44182
cancel any remaining outstanding encumbrances against 44183
appropriation item 725-614, Cooperative Boat Harbor Projects, and 44184
reestablish them against appropriation item 739-401, Division of 44185
Watercraft. The amounts of any encumbrances canceled and 44186
reestablished are hereby appropriated. 44187

On July 15, 2001, or as soon thereafter as possible, the 44188
Director of Budget and Management shall transfer the cash balances 44189
of the Forestry Development Fund (Fund 4B8) as of June 30, 2001, 44190
and any amounts that accrue to that fund after that date, to the 44191
State Forest Fund (Fund 509). The director shall cancel any 44192
remaining outstanding encumbrances against appropriation item 44193
725-617, Forestry Development Fund, and reestablish them against 44194

As Reported by the House Finance and Appropriations Committee

appropriation item 725-602, State Forest. The amounts of any 44195
 encumbrances canceled and reestablished are appropriated. No 44196
 interest shall be credited to Fund 4B8 after June 30, 2001. 44197

On July 15, 2001, or as soon thereafter as possible, the 44198
 Director of Budget and Management shall transfer the cash balance 44199
 in the Burr Oak Water Plant Fund (Fund 519), which is abolished by 44200
 the repeal of section 1507.12 of the Revised Code in this act, to 44201
 the Burr Oak Regional Water District. 44202

OIL AND GAS WELL PLUGGING 44203

The foregoing appropriation item 725-677, Oil and Gas Well 44204
 Plugging, shall be used exclusively for the purposes of plugging 44205
 wells and to properly restore the land surface of idle and orphan 44206
 oil and gas wells pursuant to section 1509.071 of the Revised 44207
 Code. No funds from the appropriation item shall be used for 44208
 salaries, maintenance, equipment, or other administrative 44209
 purposes, except for those costs directly attributed to the 44210
 plugging of an idle or orphan well. Appropriation authority from 44211
 this line item shall not be transferred to any other fund or line 44212
 item. 44213

Section 78. NUR STATE BOARD OF NURSING 44214

General Services Fund Group 44215

4K9 884-609 Operating Expenses	\$	4,816,241	\$	5,205,776	44216
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5P8 884-601 Nursing Special Issues	\$	5,000	\$	5,000	44217
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TOTAL GSF General Services 44218

Fund Group	\$	4,821,241	\$	5,210,776	44219
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TOTAL ALL BUDGET FUND GROUPS	\$	4,821,241	\$	5,210,776	44220
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NURSING SPECIAL ISSUES 44221

The foregoing appropriation item 884-601, Nursing Special 44222
 Issues (Fund 5P8), shall be used to pay the costs the Board of 44223
 Nursing incurs in implementing section 4723.062 of the Revised 44224

Code.				44225
Section 79.	PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,			44226
	AND ATHLETIC TRAINERS BOARD			44227
General Services Fund Group				44228
4K9 890-609 Operating Expenses	\$	681,020	\$	703,201 44229
TOTAL GSF General Services				44230
Fund Group	\$	681,020	\$	703,201 44231
TOTAL ALL BUDGET FUND GROUPS	\$	681,020	\$	703,201 44232
Section 80.	OLA OHIOANA LIBRARY ASSOCIATION			44234
General Revenue Fund				44235
GRF 355-501 Library Subsidy	\$	243,367	\$	248,786 44236
TOTAL GRF General Revenue Fund	\$	243,367	\$	248,786 44237
TOTAL ALL BUDGET FUND GROUPS	\$	243,367	\$	248,786 44238
Section 81.	ODB OHIO OPTICAL DISPENSERS BOARD			44240
General Services Fund Group				44241
4K9 894-609 Operating Expenses	\$	280,391	\$	295,277 44242
TOTAL GSF General Services				44243
Fund Group	\$	280,391	\$	295,277 44244
TOTAL ALL BUDGET FUND GROUPS	\$	280,391	\$	295,277 44245
Section 82.	OPT STATE BOARD OF OPTOMETRY			44247
General Services Fund Group				44248
4K9 885-609 Operating Expenses	\$	289,600	\$	306,051 44249
TOTAL GSF General Services				44250
Fund Group	\$	289,600	\$	306,051 44251
TOTAL ALL BUDGET FUND GROUPS	\$	289,600	\$	306,051 44252
Section 83.	PBR STATE PERSONNEL BOARD OF REVIEW			44254
General Revenue Fund				44255

As Reported by the House Finance and Appropriations Committee

GRF 124-321 Operating	\$	1,015,059	\$	1,059,243	44256
TOTAL GRF General Revenue Fund	\$	1,015,059	\$	1,059,243	44257
General Services Fund Group					44258
636 124-601 Transcript and Other	\$	39,598	\$	40,587	44259
TOTAL GSF General Services					44260
Fund Group	\$	39,598	\$	40,587	44261
TOTAL ALL BUDGET FUND GROUPS	\$	1,054,657	\$	1,099,830	44262

TRANSCRIPT AND OTHER 44263

The foregoing appropriation item 124-601, Transcript and 44264
 Other, may be used to produce and distribute transcripts and other 44265
 documents. Revenues generated by charges for transcripts and other 44266
 documents shall be deposited in the Transcripts and Other Fund 44267
 (Fund 636). 44268

Section 84. PRX STATE BOARD OF PHARMACY 44269

General Services Fund Group					44270
4A5 887-605 Drug Law Enforcement	\$	72,900	\$	75,550	44271
4K9 887-609 Operating Expenses	\$	4,353,629	\$	4,744,594	44272
TOTAL GSF General Services					44273
Fund Group	\$	4,426,529	\$	4,820,144	44274
TOTAL ALL BUDGET FUND GROUPS	\$	4,426,529	\$	4,820,144	44275

Section 85. SCR STATE BOARD OF PROPRIETARY SCHOOL 44277

REGISTRATION 44278

General Revenue Fund					44279
GRF 233-100 Personal Services	\$	326,400	\$	333,429	44280
GRF 233-200 Maintenance	\$	77,760	\$	78,776	44281
GRF 233-300 Equipment	\$	4,286	\$	4,279	44282
TOTAL GRF General Revenue Fund	\$	408,446	\$	416,484	44283
TOTAL ALL BUDGET FUND GROUPS	\$	408,446	\$	416,484	44284

Section 86. PSY STATE BOARD OF PSYCHOLOGY 44286

As Reported by the House Finance and Appropriations Committee

General Services Fund Group				44287
4K9 882-609 Operating Expenses	\$	459,382	\$ 486,184	44288
TOTAL GSF General Services				44289
Fund Group	\$	459,382	\$ 486,184	44290
TOTAL ALL BUDGET FUND GROUPS	\$	459,382	\$ 486,184	44291
Section 87. PUB OHIO PUBLIC DEFENDER COMMISSION				44293
General Revenue Fund				44294
GRF 019-321 Public Defender	\$	1,772,373	\$ 1,772,373	44295
Administration				
GRF 019-401 State Legal Defense	\$	6,983,914	\$ 7,259,931	44296
Services				
GRF 019-403 Multi-County: State	\$	1,110,254	\$ 1,104,920	44297
Share				
GRF 019-404 Trumbull County-State	\$	364,686	\$ 363,917	44298
Share				
GRF 019-405 Training Account	\$	48,000	\$ 48,000	44299
GRF 019-501 County Reimbursement -	\$	33,893,062	\$ 34,512,523	44300
Non-Capital Cases				
GRF 019-503 County Reimbursements	\$	935,868	\$ 1,000,000	44301
- Capital Cases				
TOTAL GRF General Revenue Fund	\$	45,108,157	\$ 46,061,664	44302
General Services Fund Group				44303
101 019-602 Inmate Legal	\$	67,172	\$ 71,020	44304
Assistance				
101 019-607 Juvenile Legal	\$	458,767	\$ 481,462	44305
Assistance				
406 019-603 Training and	\$	16,000	\$ 16,000	44306
Publications				
407 019-604 County Representation	\$	213,778	\$ 240,556	44307
408 019-605 Client Payments	\$	260,584	\$ 285,533	44308
TOTAL GSF General Services				44309

As Reported by the House Finance and Appropriations Committee

Fund Group	\$	1,016,301	\$	1,094,571	44310
Federal Special Revenue Fund Group					44311
3S8 019-608 Federal Representation	\$	564,929	\$	594,247	44312
3U7 019-614 Juvenile JAIBG Grant		51,516		54,601	44313
3U8 019-615 Juvenile Challenge		118,658		124,984	44314
Grant					
TOTAL FED Federal Special Revenue					44315
Fund Group	\$	735,103	\$	773,832	44316
State Special Revenue Fund Group					44317
4C7 019-601 Multi-County: County	\$	1,603,064	\$	1,714,575	44318
Share					
4X7 019-610 Trumbull County-County	\$	526,560	\$	564,714	44319
Share					
5P9 019-616 County Public Defender	\$	4,772,000	\$	4,772,000	44320
Reimbursement					
574 019-606 Legal Services	\$	15,725,233	\$	16,275,558	44321
Corporation					
TOTAL SSR State Special Revenue					44322
Fund Group	\$	22,626,857	\$	23,326,847	44323
TOTAL ALL BUDGET FUND GROUPS	\$	69,486,418	\$	71,256,914	44324
INDIGENT DEFENSE OFFICE					44325
The foregoing appropriation items 019-404, Trumbull County -					44326
State Share, and 019-610, Trumbull County - County Share, shall be					44327
used to support an indigent defense office for Trumbull County.					44328
MULTI-COUNTY OFFICE					44329
The foregoing appropriation items 019-403, Multi-County:					44330
State Share, and 019-601, Multi-County: County Share, shall be					44331
used to support the Office of the Ohio Public Defender's					44332
Multi-County Branch Office program.					44333
TRAINING ACCOUNT					44334
The foregoing appropriation item 019-405, Training Account,					44335

As Reported by the House Finance and Appropriations Committee

shall be used by the Ohio Public Defender to provide legal 44336
 training programs at no cost for private appointed counsel who 44337
 represent at least one indigent defendant at no cost, and for 44338
 state and county public defenders and attorneys who contract with 44339
 the Ohio Public Defender to provide indigent defense services. 44340

FEDERAL REPRESENTATION 44341

The foregoing appropriation item 019-608, Federal 44342
 Representation, shall be used to receive reimbursements from the 44343
 federal courts when the Ohio Public Defender provides 44344
 representation on federal court cases. 44345

Section 88. DHS DEPARTMENT OF PUBLIC SAFETY 44346

General Revenue Fund 44347

GRF 763-403 Operating Expenses - \$ 3,851,927 \$ 4,225,628 44348

EMA

GRF 763-507 Individual and Family \$ 90,014 \$ 89,398 44349

Grants

GRF 764-404 Transportation \$ 2,438,979 \$ 2,491,606 44350

Enforcement Operations

GRF 769-321 Food Stamp Trafficking \$ 935,817 \$ 981,422 44351

Enforcement Operations

TOTAL GRF General Revenue Fund \$ 7,316,737 \$ 7,788,054 44352

TOTAL ALL BUDGET FUND GROUPS \$ 7,316,737 \$ 7,788,054 44353

OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT 44354

Of the foregoing appropriation item 763-403, Operating 44355
 Expenses - EMA, \$200,000 in each fiscal year shall be used to fund 44356
 the Ohio Task Force One - Urban Search and Rescue Unit and other 44357
 urban search and rescue programs around the state to create a 44358
 stronger search and rescue capability statewide. 44359

IFG STATE MATCH 44360

The foregoing appropriation item 763-507, Individual and 44361

As Reported by the House Finance and Appropriations Committee

Family Grants, shall be used to fund the state share of costs to				44362	
provide grants to individuals and families in cases of disaster.				44363	
Section 89. PUC PUBLIC UTILITIES COMMISSION OF OHIO				44364	
General Services Fund Group				44365	
5F6 870-622 Utility and Railroad	\$	29,104,298	\$	30,622,222	44366
Regulation					
5F6 870-624 NARUC/NRRI Subsidy	\$	167,233	\$	167,233	44367
5F6 870-625 Motor Transportation	\$	4,578,771	\$	4,811,239	44368
Regulation					
558 870-602 Salvage and Exchange	\$	32,474	\$	33,285	44369
TOTAL GSF General Services					44370
Fund Group	\$	33,882,776	\$	35,633,979	44371
Federal Special Revenue Fund Group				44372	
3V3 870-604 Commercial Vehicle	\$	2,500,000	\$	0	44373
Information					
Systems/Networks					
333 870-601 Gas Pipeline Safety	\$	461,920	\$	485,332	44374
350 870-608 Motor Carrier Safety	\$	6,749,153	\$	7,027,712	44375
TOTAL FED Federal Special Revenue					44376
Fund Group	\$	9,711,073	\$	7,513,044	44377
State Special Revenue Fund Group				44378	
4A3 870-614 Grade Crossing	\$	1,311,986	\$	1,349,757	44379
Protection					
Devices-State					
4L8 870-617 Pipeline Safety-State	\$	177,323	\$	187,621	44380
4S6 870-618 Hazardous Material	\$	449,927	\$	464,325	44381
Registration					
4S6 870-621 Hazardous Materials	\$	364,240	\$	373,346	44382
Base State					
Registration					
4U8 870-620 Civil Forfeitures	\$	269,426	\$	284,986	44383

As Reported by the House Finance and Appropriations Committee

559	870-605	Public Utilities	\$	4,000	\$	4,000	44384
		Territorial					
		Administration					
560	870-607	Special Assessment	\$	100,000	\$	100,000	44385
561	870-606	Power Siting Board	\$	319,839	\$	337,210	44386
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000	44387
661	870-612	Hazardous Materials	\$	800,000	\$	800,000	44388
		Transportation					
TOTAL SSR State Special Revenue							44389
Fund Group			\$	3,836,741	\$	3,941,245	44390
Agency Fund Group							44391
4G4	870-616	Base State	\$	6,500,000	\$	6,500,000	44392
		Registration Program					
TOTAL AGY Agency Fund Group			\$	6,500,000	\$	6,500,000	44393
TOTAL ALL BUDGET FUND GROUPS			\$	53,930,590	\$	53,588,268	44394
BIOMASS ENERGY PROGRAM FUND							44395
The Biomass Energy Program Fund created by section 4905.87 of							44396
the Revised Code is the same fund, with a new name, as the							44397
Biofuels/Municipal Waste Technology Fund created by the							44398
Controlling Board in January 1988.							44399
Section 90. PWC PUBLIC WORKS COMMISSION							44400
General Revenue Fund							44401
GRF	150-907	State Capital	\$	135,693,200	\$	146,210,200	44402
		Improvements					
		General Obligation					44403
		Debt					
		Service					44404
TOTAL GRF General Revenue Fund			\$	135,693,200	\$	146,210,200	44405
TOTAL ALL BUDGET FUND GROUPS			\$	135,693,200	\$	146,210,200	44406
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE							44407

As Reported by the House Finance and Appropriations Committee

The foregoing appropriation item 150-907, State Capital
 Improvements General Obligation Debt Service, shall be used to pay
 all debt service and financing costs at the times they are
 required to be made pursuant to sections 151.01, 151.08, and
 164.10 of the Revised Code during the period from July 1, 2001, to
 June 30, 2003. The Office of the Sinking Fund or the Director of
 Budget and Management shall effectuate the required payments by an
 intrastate transfer voucher.

Section 91. RAC STATE RACING COMMISSION				44416
State Special Revenue Fund Group				44417
5C4	875-607	Simulcast Horse Racing	\$ 16,301,749 \$ 18,025,043	44418
Purse				
562	875-601	Thoroughbred Race Fund	\$ 4,529,149 \$ 4,642,378	44419
563	875-602	Standardbred	\$ 2,022,797 \$ 2,200,810	44420
Development Fund				
564	875-603	Quarterhorse	\$ 1,000 \$ 1,000	44421
Development Fund				
565	875-604	Racing Commission	\$ 4,109,513 \$ 4,314,143	44422
Operating				
TOTAL SSR State Special Revenue				44423
Fund Group				
			\$ 26,964,208 \$ 29,183,374	44424
Holding Account Redistribution Fund Group				44425
R21	875-605	Bond Reimbursements	\$ 212,900 \$ 212,900	44426
TOTAL 090 Holding Account				44427
Redistribution				
Fund Group			\$ 212,900 \$ 212,900	44428
TOTAL ALL BUDGET FUND GROUPS				44429
			\$ 27,177,108 \$ 29,396,274	

Section 92. BOR BOARD OF REGENTS 44431

General Revenue Fund				44432
GRF	235-321	Operating Expenses	\$ 3,200,141 \$ 3,264,144	44433

As Reported by the House Finance and Appropriations Committee

GRF 235-401	Lease-Rental Payments	\$	295,058,500	\$	268,910,500	44434
GRF 235-402	Sea Grants	\$	299,940	\$	299,940	44435
GRF 235-403	Math/Science Teaching Improvement	\$	1,734,000	\$	1,768,680	44436
GRF 235-404	College Readiness Initiatives	\$	2,500,000	\$	2,500,000	44437
GRF 235-406	Articulation and Transfer	\$	800,000	\$	800,000	44438
GRF 235-408	Midwest Higher Education Compact	\$	82,500	\$	82,500	44439
GRF 235-409	Information System	\$	1,389,263	\$	1,417,049	44440
GRF 235-414	State Grants and Scholarship Administration	\$	1,400,888	\$	1,428,907	44441
GRF 235-415	Jobs Challenge	\$	10,100,000	\$	10,200,000	44442
GRF 235-417	Ohio Learning Network	\$	3,920,000	\$	3,920,000	44443
GRF 235-418	Access Challenge	\$	68,531,400	\$	71,958,000	44444
GRF 235-420	Success Challenge	\$	48,741,000	\$	48,741,000	44445
GRF 235-428	Appalachian New Economy Partnership	\$	1,000,000	\$	1,500,000	44446
GRF 235-454	Research Challenge	\$	21,568,440	\$	21,568,440	44447
GRF 235-455	Productivity Improvement Challenge	\$	1,694,947	\$	1,728,845	44448
GRF 235-474	Area Health Education Centers Program Support	\$	2,093,727	\$	2,135,601	44449
GRF 235-477	Access Improvement Projects	\$	1,088,661	\$	1,088,661	44450
GRF 235-501	State Share of Instruction	\$	1,681,450,071	\$	1,684,734,168	44451
GRF 235-502	Student Support Services	\$	1,000,000	\$	1,000,000	44452
GRF 235-503	Ohio Instructional	\$	98,000,000	\$	111,500,000	44453

As Reported by the House Finance and Appropriations Committee

	Grants					
GRF 235-504	War Orphans	\$	4,652,548	\$	4,792,124	44454
	Scholarships					
GRF 235-507	OhioLINK	\$	7,668,731	\$	7,668,731	44455
GRF 235-508	Air Force Institute of	\$	3,000,000	\$	3,000,000	44456
	Technology					
GRF 235-509	Displaced Homemakers	\$	240,096	\$	240,096	44457
GRF 235-510	Ohio Supercomputer	\$	4,833,574	\$	4,833,574	44458
	Center					
GRF 235-511	Cooperative Extension	\$	28,262,696	\$	28,827,949	44459
	Service					
GRF 235-513	OU Voinovich Center	\$	367,500	\$	367,500	44460
GRF 235-514	Central State	\$	12,044,956	\$	12,044,956	44461
	Supplement					
GRF 235-515	Case Western Reserve	\$	4,280,224	\$	4,365,827	44462
	University School of					
	Medicine					
GRF 235-519	Family Practice	\$	6,538,471	\$	6,669,240	44463
GRF 235-520	Shawnee State	\$	1,800,000	\$	944,000	44464
	Supplement					
GRF 235-521	OSU Glenn Institute	\$	367,500	\$	367,500	44465
GRF 235-523	Center for Labor	\$	93,100	\$	93,100	44466
	Research					
GRF 235-524	Police and Fire	\$	240,096	\$	240,096	44467
	Protection					
GRF 235-525	Geriatric Medicine	\$	1,087,195	\$	1,108,939	44468
GRF 235-526	Primary Care	\$	3,166,168	\$	3,229,491	44469
	Residencies					
GRF 235-527	Ohio Aerospace	\$	2,383,334	\$	2,383,334	44470
	Institute					
GRF 235-530	Academic Scholarships	\$	8,400,000	\$	8,820,000	44471
GRF 235-531	Student Choice Grants	\$	52,428,000	\$	53,476,560	44472
GRF 235-535	Ohio Agricultural	\$	39,505,502	\$	40,295,612	44473

As Reported by the House Finance and Appropriations Committee

	Research and Development Center				
GRF 235-536	Ohio State University	\$	15,989,883	\$	16,309,680 44474
	Clinical Teaching				
GRF 235-537	University of Cincinnati	\$	13,151,461	\$	13,414,491 44475
	Clinical Teaching				
GRF 235-538	Medical College of Ohio at Toledo	\$	10,250,851	\$	10,455,868 44476
	Clinical Teaching				
GRF 235-539	Wright State University	\$	4,980,064	\$	5,079,665 44477
	Clinical Teaching				
GRF 235-540	Ohio University	\$	4,814,378	\$	4,910,666 44478
	Clinical Teaching				
GRF 235-541	Northeastern Ohio Universities College of Medicine	\$	4,951,583	\$	5,050,615 44479
	Clinical Teaching				
GRF 235-543	Ohio College of Podiatric Medicine	\$	499,800	\$	509,796 44480
	Clinical Subsidy				
GRF 235-547	School of International Business	\$	1,708,764	\$	1,708,764 44481
GRF 235-549	Part-time Student Instructional Grants	\$	13,311,638	\$	13,977,219 44482
GRF 235-552	Capital Component	\$	14,537,639	\$	14,537,639 44483
GRF 235-553	Dayton Area Graduate Studies Institute	\$	3,779,088	\$	3,779,088 44484
GRF 235-554	Computer Science Graduate Education	\$	3,482,368	\$	3,482,368 44485
GRF 235-555	Library Depositories	\$	1,999,200	\$	2,039,184 44486
GRF 235-556	Ohio Academic	\$	3,510,777	\$	3,580,993 44487

As Reported by the House Finance and Appropriations Committee

	Resources Network				
GRF 235-558	Long-term Care	\$	312,004	\$	312,004
	Research				44488
GRF 235-561	Bowling Green State	\$	164,289	\$	164,289
	University Canadian				44489
	Studies Center				
GRF 235-572	Ohio State University	\$	2,060,314	\$	2,101,520
	Clinic Support				44490
GRF 235-583	Urban University	\$	6,503,559	\$	6,503,559
	Programs				44491
GRF 235-585	Ohio University	\$	48,750	\$	48,750
	Innovation Center				44492
GRF 235-587	Rural University	\$	1,375,552	\$	1,375,552
	Projects				44493
GRF 235-588	Ohio Resource Center	\$	980,000	\$	980,000
	for Mathematics,				44494
	Science, and Reading				
GRF 235-595	International Center	\$	185,593	\$	185,593
	for Water Resources				44495
	Development				
GRF 235-596	Hazardous Materials	\$	240,096	\$	240,096
	Program				44496
GRF 235-599	National Guard	\$	12,048,106	\$	12,048,106
	Scholarship Program				44497
GRF 235-909	Higher Education	\$	50,055,100	\$	74,344,100
	General Obligation				44498
	Debt Service				
TOTAL GRF	General Revenue Fund	\$	2,597,954,026	\$	2,621,454,669
	General Services Fund Group				44500
456 235-603	Publications	\$	43,050	\$	44,342
					44501
456 235-613	Job Preparation	\$	144,383	\$	144,383
	Initiative				44502
TOTAL GSF	General Services				44503

As Reported by the House Finance and Appropriations Committee

Fund Group		\$	187,433	\$	188,725	44504
Federal Special Revenue Fund Group						44505
3H2 235-608 Human Services Project		\$	1,000,000	\$	1,000,000	44506
3N6 235-605 State Student Incentive Grants		\$	2,000,000	\$	2,000,000	44507
3T0 235-610 NHSC Ohio Loan Repayment		\$	100,000	\$	100,000	44508
312 235-609 Tech Prep		\$	183,852	\$	183,852	44509
312 235-611 Gear-up Grant		\$	1,590,986	\$	1,690,434	44510
312 235-612 Carl D. Perkins Grant/Plan Administration		\$	112,960	\$	112,960	44511
312 235-631 Federal Grants		\$	2,055,511	\$	0	44512
TOTAL FED Federal Special Revenue Fund Group		\$	7,043,309	\$	5,087,246	44514
State Special Revenue Fund Group						44515
4E8 235-602 HEFC Administration		\$	12,000	\$	12,000	44516
4P4 235-604 Physician Loan Repayment		\$	416,067	\$	436,870	44517
649 235-607 Ohio State University Highway/Transportation Research		\$	511,000	\$	523,775	44518
682 235-606 Nursing Loan Program		\$	870,000	\$	893,000	44519
TOTAL SSR State Special Revenue Fund Group		\$	1,809,067	\$	1,865,645	44521
TOTAL ALL BUDGET FUND GROUPS		\$	2,606,993,835	\$	2,628,596,285	44522

Section 92.01. STATE SHARE OF INSTRUCTION 44524

As soon as practicable during each fiscal year of the 44525
2001-2003 biennium in accordance with instructions of the Board of 44526
Regents, each state-assisted institution of higher education shall 44527
report its actual enrollment to the Board of Regents. 44528

The Board of Regents shall establish procedures required by 44529
the system of formulas set out below and for the assignment of 44530
individual institutions to categories described in the formulas. 44531
The system of formulas establishes the manner in which aggregate 44532
expenditure requirements shall be determined for each of the three 44533
components of institutional operations. In addition to other 44534
adjustments and calculations described below, the subsidy 44535
entitlement of an institution shall be determined by subtracting 44536
from the institution's aggregate expenditure requirements income 44537
to be derived from the local contributions assumed in calculating 44538
the subsidy entitlements. The local contributions for purposes of 44539
determining subsidy support shall not limit the authority of the 44540
individual boards of trustees to establish fee levels. 44541

The General Studies and Technical models shall be adjusted by 44542
the Board of Regents so that the share of state subsidy earned by 44543
those models is not altered by changes in the overall local share. 44544
A lower-division fee differential shall be used to maintain the 44545
relationship that would have occurred between these models and the 44546
baccalaureate models had an assumed share of thirty-seven per cent 44547
been funded. 44548

In defining the number of full-time equivalent (FTE) students 44549
for state subsidy purposes, the Board of Regents shall exclude all 44550
undergraduate students who are not residents of Ohio, except those 44551
charged in-state fees in accordance with reciprocity agreements 44552
made pursuant to section 3333.17 or employer contracts entered 44553
into pursuant to section 3333.32 of the Revised Code. 44554

(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT 44555

(1) INSTRUCTION AND SUPPORT SERVICES 44556

MODEL	FY 2002	FY 2003	
General Studies I	\$ 4,481	\$ 4,904	44557
General Studies II	\$ 5,046	\$ 5,299	44558
General Studies III	\$ 6,101	\$ 6,652	44559

As Reported by the House Finance and Appropriations Committee

Technical I	\$ 5,353	\$ 5,696	44561
Technical III	\$ 8,854	\$ 9,044	44562
Baccalaureate I	\$ 7,031	\$ 7,517	44563
Baccalaureate II	\$ 7,875	\$ 8,310	44564
Baccalaureate III	\$ 11,480	\$ 12,193	44565
Masters and Professional I	\$ 13,338	\$ 13,875	44566
Masters and Professional II	\$ 19,084	\$ 19,652	44567
Masters and Professional III	\$ 25,869	\$ 26,577	44568
Medical I	\$ 28,800	\$ 29,934	44569
Medical II	\$ 40,152	\$ 40,981	44570
Blended MPD I	\$ 14,163	\$ 14,877	44571

(2) STUDENT SERVICES 44572

For this purpose, FTE counts shall be weighted to reflect 44573
differences among institutions in the numbers of students enrolled 44574
on a part-time basis. 44575

MODEL	FY 2002	FY 2003	
General Studies I	\$ 694	\$ 747	44577
General Studies II	\$ 704	\$ 747	44578
General Studies III	\$ 687	\$ 747	44579
Technical I	\$ 669	\$ 747	44580
Technical III	\$ 675	\$ 747	44581
Baccalaureate I	\$ 666	\$ 747	44582
Baccalaureate II	\$ 663	\$ 747	44583
Baccalaureate III	\$ 675	\$ 747	44584
Masters and Professional I	\$ 680	\$ 747	44585
Masters and Professional II	\$ 685	\$ 747	44586
Masters and Professional III	\$ 694	\$ 747	44587
Medical I	\$ 668	\$ 747	44588
Medical II	\$ 668	\$ 747	44589
Blended MPD I	\$ 668	\$ 747	44590

(B) PLANT OPERATION AND MAINTENANCE (POM) 44591

(1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY 44592

Space undergoing renovation shall be funded at the rate 44593
allowed for storage space. 44594

In the calculation of square footage for each campus, square 44595
footage shall be weighted to reflect differences in space 44596
utilization. 44597

The space inventories for each campus shall be those 44598
determined in the fiscal year 1999 instructional subsidy, adjusted 44599
for changes attributable to the construction or renovation of 44600
facilities for which state appropriations were made or local 44601
commitments were made prior to January 1, 1995. 44602

Only 50 per cent of the space permanently taken out of 44603
operation in fiscal year 2002 or fiscal year 2003 that is not 44604
otherwise replaced by a campus shall be deleted from the fiscal 44605
year 1997 inventory. 44606

The square-foot-based plant operation and maintenance subsidy 44607
for each campus shall be determined as follows: 44608

(a) For each standard room type category shown below, the 44609
subsidy-eligible net assignable square feet (NASF) for each campus 44610
shall be multiplied by the following rates, and the amounts summed 44611
for each campus to determine the total gross square-foot-based POM 44612
expenditure requirement: 44613

	FY 2002	FY 2003	
Classrooms	\$5.33	\$5.56	44615
Laboratories	\$6.65	\$6.93	44616
Offices	\$5.33	\$5.56	44617
Audio Visual Data Processing	\$6.65	\$6.93	44618
Storage	\$2.36	\$2.46	44619
Circulation	\$6.73	\$7.01	44620
Other	\$5.33	\$5.56	44621

(b) The total gross square-foot POM expenditure requirement 44622
shall be allocated to models in proportion to FTE enrollments as 44623

reported in enrollment data for all models except Doctoral I and 44624
Doctoral II. 44625

(c) The amounts allocated to models in division (B)(1)(b) of 44626
this section shall be multiplied by the ratio of subsidy-eligible 44627
FTE students to total FTE students reported in each model, and the 44628
amounts summed for all models. To this total amount shall be added 44629
an amount to support roads and grounds expenditures to produce the 44630
total square-foot-based POM subsidy. 44631

(2) DETERMINATION OF THE ACTIVITY-BASED POM SUBSIDY 44632

(a) The number of subsidy-eligible FTE students in each model 44633
shall be multiplied by the following rates for each campus for 44634
each fiscal year. 44635

	FY 2002	FY 2003	
General Studies I	\$ 537	\$ 543	44636
General Studies II	\$ 669	\$ 686	44637
General Studies III	\$1,424	\$1,565	44638
Technical I	\$ 649	\$ 750	44639
Technical II	\$1,315	\$1,436	44640
Baccalaureate I	\$ 671	\$ 692	44641
Baccalaureate II	\$1,175	\$1,263	44642
Baccalaureate III	\$1,606	\$1,674	44643
Masters and Professional I	\$1,138	\$1,217	44644
Masters and Professional II	\$2,447	\$2,928	44645
Masters and Professional III	\$3,363	\$3,932	44646
Medical I	\$2,568	\$2,653	44647
Medical II	\$3,470	\$3,581	44648
Blended MPD I	\$1,135	\$1,192	44649

(b) The sum of the products for each campus determined in 44651
division (B)(2)(a) of this section for all models except Doctoral 44652
I and Doctoral II for each fiscal year shall be weighted by a 44653
factor to reflect sponsored research activity and job 44654
training-related public services expenditures to determine the 44655

total activity-based POM subsidy. 44656

(C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS 44657

(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS 44658

The calculation of the core subsidy entitlement shall consist 44659
of the following components: 44660

(a) For each campus and for each fiscal year, the core 44661
subsidy entitlement shall be determined by multiplying the amounts 44662
listed above in divisions (A)(1) and (2) and (B)(2) of this 44663
section less assumed local contributions, by (i) average 44664
subsidy-eligible FTEs for the two-year period ending in the prior 44665
year for all models except Doctoral I and Doctoral II; and (ii) 44666
average subsidy-eligible FTEs for the five-year period ending in 44667
the prior year for all models except Doctoral I and Doctoral II. 44668

(b) In calculating the core subsidy entitlements for Medical 44669
II models only, the Board of Regents shall use the following count 44670
of FTE students in place of the two-year average and five-year 44671
average of subsidy-eligible students: 44672

(i) For those medical schools whose current year enrollment 44673
is below the base enrollment, the Medical II FTE enrollment shall 44674
equal: 65 per cent of the base enrollment plus 35 per cent of the 44675
current year enrollment, where the base enrollment is: 44676

The Ohio State University	1010	44677
University of Cincinnati	833	44678
Medical College of Ohio at Toledo	650	44679
Wright State University	433	44680
Ohio University	433	44681
Northeastern Ohio Universities	433	44682
College of Medicine		

(ii) For those medical schools whose current year enrollment 44683
is equal to or greater than the base enrollment, the Medical II 44684
FTE enrollment shall equal the current enrollment. 44685

(c) For all FTE-based subsidy calculations involving 44686
annualized FTE data, FTE-based allowances shall be converted from 44687
annualized to all-terms rates to ensure equity and consistency of 44688
subsidy determination. 44689

(d) The Board of Regents shall compute the sum of the two 44690
calculations listed in division (C)(1)(a) of this section and use 44691
the greater sum as the core subsidy entitlement. 44692

The POM subsidy for each campus shall equal the greater of 44693
the square-foot-based subsidy or the activity-based POM subsidy 44694
component of the core subsidy entitlement. 44695

(e) The state share of instruction provided for doctoral 44696
students shall be based on a fixed percentage of the total 44697
appropriation. In fiscal year 2002, not more than 10.34 per cent 44698
of the total state share of instruction shall be reserved to 44699
implement the recommendations of the Graduate Funding Commission. 44700
In fiscal year 2003, not more than 10.25 per cent of the total 44701
state share of instruction shall be reserved for the same purpose. 44702
It is the intent of the General Assembly that the doctoral reserve 44703
be reduced 0.25 percentage points each year thereafter until no 44704
more than 10.0 per cent of the total state share of instruction is 44705
reserved to implement the recommendations of the Graduate Funding 44706
Commission. The Board of Regents shall reallocate 0 per cent in 44707
fiscal year 2002 and 2 per cent in fiscal year 2003 of the reserve 44708
among the state-assisted universities on the basis of a quality 44709
review as specified in the recommendations of the Graduate Funding 44710
Commission. 44711

The amount so reserved shall be allocated to universities in 44712
proportion to their share of the total number of Doctoral I 44713
equivalent FTEs as calculated on an institutional basis using the 44714
greater of the two-year or five-year FTEs for the period fiscal 44715
year 1994 through fiscal year 1998 with annualized FTEs for fiscal 44716
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as 44717

adjusted to reflect the effects of doctoral review. For the 44718
purposes of this calculation, Doctoral I equivalent FTEs shall 44719
equal the sum of Doctoral I FTEs plus 1.5 times the sum of 44720
Doctoral II FTEs. 44721

(2) ANNUAL HOLD HARMLESS PROVISION 44722

In addition to and after the other adjustment noted above, in 44723
fiscal year 2002 each campus shall have its state share of 44724
instruction adjusted to the extent necessary to provide an amount 44725
that is not less than 100 per cent of the state share of 44726
instruction received by the campus in fiscal year 2001. In fiscal 44727
year 2003, each campus shall have its state share of instruction 44728
adjusted to the extent necessary to provide an amount that is not 44729
less than 100 per cent of the state share of instruction received 44730
by the campus in fiscal year 2002. 44731

(3) CAPITAL COMPONENT DEDUCTION 44732

After all other adjustments have been made, instructional 44733
subsidy earnings shall be reduced for each campus by the amount, 44734
if any, by which debt service charged in Am. H.B. No. 748 of the 44735
121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd General 44736
Assembly, and Am. H.B. No. 640 of the 123rd General Assembly for 44737
that campus exceeds that campus's capital component earnings. 44738

(D) REDUCTIONS IN EARNINGS 44739

If the total state share of instruction earnings in any 44740
fiscal year exceed the total appropriations available for such 44741
purposes, the Board of Regents shall proportionately reduce the 44742
state share of instruction earnings for all campuses by a uniform 44743
percentage so that the systemwide sum equals available 44744
appropriations. 44745

(E) EXCEPTIONAL CIRCUMSTANCES 44746

Adjustments may be made to the state share of instruction 44747

As Reported by the House Finance and Appropriations Committee

payments and other subsidies distributed by the Board of Regents 44748
to state-assisted colleges and universities for exceptional 44749
circumstances. No adjustments for exceptional circumstances may be 44750
made without the recommendation of the Chancellor and the approval 44751
of the Controlling Board. 44752

DISTRIBUTION OF STATE SHARE OF INSTRUCTION 44753

The state share of instruction payments to the institutions 44754
shall be in substantially equal monthly amounts during the fiscal 44755
year, unless otherwise determined by the Director of Budget and 44756
Management pursuant to section 126.09 of the Revised Code. 44757
Payments during the first six months of the fiscal year shall be 44758
based upon the state share of instruction appropriation estimates 44759
made for the various institutions of higher education according to 44760
Board of Regents enrollment estimates. Payments during the last 44761
six months of the fiscal year shall be distributed after approval 44762
of the Controlling Board upon the request of the Board of Regents. 44763

44764

LAW SCHOOL SUBSIDY 44765

The state share of instruction to state-supported 44766
universities for students enrolled in law schools in fiscal year 44767
2002 and fiscal year 2003 shall be calculated by using the number 44768
of subsidy-eligible FTE law school students funded by state 44769
subsidy in fiscal year 1995 or the actual number of 44770
subsidy-eligible FTE law school students at the institution in the 44771
fiscal year, whichever is less. 44772

Section 92.02. MISSION-BASED CORE FUNDING FOR HIGHER 44773
EDUCATION 44774

JOBS CHALLENGE 44775

Funds appropriated to appropriation item 235-415, Jobs 44776
Challenge, shall be distributed to state-assisted community and 44777

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technical colleges, regional campuses of state-assisted 44778
universities, and other organizationally distinct and identifiable 44779
member campuses of the EnterpriseOhio Network in support of 44780
noncredit job-related training. In fiscal years 2002 and 2003, 44781
\$2,114,673 and \$1,981,841, respectively, shall be distributed as 44782
performance grants to EnterpriseOhio Network campuses based upon 44783
each campus's documented performance according to criteria 44784
established by the Board of Regents for increasing training and 44785
related services to businesses, industries, and public sector 44786
organizations. 44787

Of the foregoing appropriation item 235-415, Jobs Challenge, 44788
\$3,130,087 in fiscal year 2002 and \$2,875,953 in fiscal year 2003 44789
shall be allocated to the Targeted Industries Training Grant 44790
Program to attract, develop, and retain business and industry 44791
strategically important to the state's economy. 44792

Also, in fiscal years 2002 and 2003, \$2,991,513 and 44793
\$3,629,797, respectively, shall be allocated to the Non-credit 44794
Incentives Grant Program to reward two-year campuses for 44795
increasing the amount of non-credit skill upgrading services 44796
provided to Ohio employers and employees. The funds shall be 44797
distributed to campuses in proportion to each campus's share of 44798
noncredit job-related training revenues received by all campuses 44799
for the previous fiscal year. It is the intent of the General 44800
Assembly that this workforce development incentive component of 44801
the Jobs Challenge Program reward campus noncredit job-related 44802
training efforts in the same manner that the Research Challenge 44803
Program rewards campuses for their ability to obtain sponsored 44804
research revenues. 44805

Of the foregoing appropriation item 235-415, Jobs Challenge, 44806
\$1,863,726 in fiscal year 2002 and \$1,712,409 in fiscal year 2003 44807
shall be allocated as an incentive to support local EnterpriseOhio 44808
Network Campus/Adult Workforce Education Center Partnerships. The 44809

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purpose of the partnerships is to promote and deliver coordinated, 44810
comprehensive training to local employers. Each partnership shall 44811
include a formal agreement between one or more EnterpriseOhio 44812
Network campus and one or more adult workforce education center 44813
for the delivery of training services. The Department of Education 44814
and Board of Regents shall jointly award funds to certified 44815
EnterpriseOhio campus/adult workforce education center 44816
partnerships to offer training grants to eligible companies. A 44817
certified EnterpriseOhio Network/adult workforce education center 44818
partnership is one that has been documented and approved by the 44819
Board of Regents and the Department of Education according to 44820
partnership criteria established jointly by those agencies. An 44821
eligible company is one that meets the funding criteria of the 44822
Targeted Industries Training Grant Program. The amount set aside 44823
for the partnerships is designed to match an equal appropriation 44824
in the Department of Education's appropriation item 200-514, 44825
Post-Secondary/Adult Career-Technical Education. The Department of 44826
Education's appropriation also serves as a partnership-building 44827
incentive by allocating funds to local EnterpriseOhio Network 44828
campus/adult workforce education center partnerships. 44829

ACCESS CHALLENGE 44830

In each fiscal year, the foregoing appropriation item 44831
235-418, Access Challenge, shall be distributed to Ohio's 44832
state-assisted access colleges and universities. For the purposes 44833
of this allocation, "access campuses" includes state-assisted 44834
community colleges, state community colleges, technical colleges, 44835
Shawnee State University, Central State University, Cleveland 44836
State University, the regional campuses of state-assisted 44837
universities, and, where they are organizationally distinct and 44838
identifiable, the community-technical colleges located at the 44839
University of Cincinnati, Youngstown State University, and the 44840
University of Akron. 44841

In each year of the biennium, Access Challenge appropriations 44842
shall be allocated to eligible campuses according to the following 44843
methodology: 44844

(A) Each campus shall receive an amount equal to four per 44845
cent of the product of its subsidy-eligible lower-division FTE 44846
student enrollments for the prior fiscal year multiplied by the 44847
unweighted average of in-state undergraduate instructional and 44848
general fees for community colleges, state community colleges, 44849
technical colleges, and regional campuses in fiscal year 2001. 44850

(B) All remaining appropriations shall be allocated to each 44851
campus proportionate to its share of the sum of FTEs used in the 44852
distribution of access funds in the prior fiscal year updated with 44853
the most recent FTE data available. 44854

For the purposes of this calculation, Cleveland State 44855
University's and Youngstown State University's enrollments shall 44856
be adjusted by the ratio of the sum of subsidy-eligible 44857
lower-division FTE student enrollments eligible for access funding 44858
to the sum of subsidy-eligible General Studies FTE student 44859
enrollments at Central State University and Shawnee State 44860
University, and for the following universities and their regional 44861
campuses: Ohio State University, Ohio University, Kent State 44862
University, Bowling Green State University, Miami University, the 44863
University of Cincinnati, the University of Akron, and Wright 44864
State University. 44865

Boards of trustees of access colleges and universities shall 44866
limit resident lower-division undergraduate instructional and 44867
general fee increases for an academic year over the amounts 44868
charged in the prior academic year to no more than three per cent. 44869
These fee increase limitations apply even if an institutional 44870
board of trustees has, prior to the effective date of this 44871
section, voted to assess a higher fee for the 2001-2002 academic 44872
year. 44873

SUCCESS CHALLENGE 44874

The foregoing appropriation item 235-420, Success Challenge, 44875
shall be used by the Board of Regents to promote degree completion 44876
by students enrolled at a main campus of a state-assisted 44877
university. 44878

In each fiscal year, two-thirds of the appropriations shall 44879
be distributed to state-assisted university main campuses in 44880
proportion to each campus's share of the total statewide 44881
bachelor's degrees granted by university main campuses to 44882
"at-risk" students. In fiscal years 2002 and 2003, an "at-risk" 44883
student means any undergraduate student who has received an Ohio 44884
Instructional Grant during the past ten years. An eligible 44885
institution shall not receive its share of this distribution until 44886
it has submitted a plan that addresses how the subsidy will be 44887
used to better serve at-risk students and increase their 44888
likelihood of successful completion of a bachelor's degree 44889
program. The Board of Regents shall disseminate to all 44890
state-supported institutions of higher education all such plans 44891
submitted by institutions that received Success Challenge funds. 44892

In each fiscal year, one-third of the appropriations shall be 44893
distributed to university main campuses in proportion to each 44894
campus's share of the total bachelor's degrees granted by 44895
university main campuses to undergraduate students who completed 44896
their bachelor's degrees in a "timely manner" in the previous 44897
fiscal year. For the purposes of this section, "timely manner" 44898
means the normal time it would take for a full-time degree-seeking 44899
undergraduate student to complete the student's degree. Generally, 44900
for such students pursuing a bachelor's degree, "timely manner" 44901
means four years. Exceptions to this general rule shall be 44902
permitted for students enrolled in programs specifically designed 44903
to be completed in a longer time period. The Board of Regents 44904
shall collect base-line data beginning with the 1998-99 academic 44905

year to assess the timely completion statistics by university main 44906
campuses. 44907

RESEARCH CHALLENGE 44908

The foregoing appropriation item 235-454, Research Challenge, 44909
shall be used to enhance the basic research capabilities of public 44910
colleges and universities and accredited Ohio institutions of 44911
higher education holding certificates of authorization issued 44912
pursuant to section 1713.02 of the Revised Code, in order to 44913
strengthen academic research for pursuing Ohio's economic 44914
redevelopment goals. The Board of Regents, in consultation with 44915
the colleges and universities, shall administer the Research 44916
Challenge Program and utilize a means of matching, on a fractional 44917
basis, external funds attracted in the previous year by 44918
institutions for basic research. The program may include 44919
incentives for increasing the amount of external research funds 44920
coming to eligible institutions and for focusing research efforts 44921
upon critical state needs. Colleges and universities shall submit 44922
for review and approval to the Board of Regents plans for the 44923
institutional allocation of state dollars received through the 44924
program. The institutional plans shall provide the rationale for 44925
the allocation in terms of the strategic targeting of funds for 44926
academic and state purposes, for strengthening research programs, 44927
and for increasing the amount of external research funds, and 44928
shall include an evaluation process to provide results of the 44929
increased support. 44930

The Board of Regents shall submit a biennial report of 44931
progress to the General Assembly. 44932

COMPUTER SCIENCE GRADUATE EDUCATION 44933

The foregoing appropriation item 235-554, Computer Science 44934
Graduate Education, shall be used by the Board of Regents to 44935
support improvements in graduate programs in computer science at 44936

state-assisted universities. In each fiscal year, up to \$200,000 44937
may be used to support collaborative efforts in graduate education 44938
in this program area. 44939

Section 92.03. HIGHER EDUCATION - BOARD OF TRUSTEES 44940

Funds appropriated for instructional subsidies at colleges 44941
and universities may be used to provide such branch or other 44942
off-campus undergraduate courses of study and such master's degree 44943
courses of study as may be approved by the Board of Regents. 44944

In providing instructional and other services to students, 44945
boards of trustees of state-assisted institutions of higher 44946
education shall supplement state subsidies by income from charges 44947
to students. Each board shall establish the fees to be charged to 44948
all students, including an instructional fee for educational and 44949
associated operational support of the institution and a general 44950
fee for noninstructional services, including locally financed 44951
student services facilities used for the benefit of enrolled 44952
students. The instructional fee and the general fee shall 44953
encompass all charges for services assessed uniformly to all 44954
enrolled students. Each board may also establish special purpose 44955
fees, service charges, and fines as required; such special purpose 44956
fees and service charges shall be for services or benefits 44957
furnished individual students or specific categories of students 44958
and shall not be applied uniformly to all enrolled students. A 44959
tuition surcharge shall be paid by all students who are not 44960
residents of Ohio. 44961

Boards of trustees of individual state-assisted universities 44962
shall limit combined university main campus in-state undergraduate 44963
instructional and general fee increases for the academic year 44964
2001-2002 over the amounts charged in the prior academic year to 44965
no more than six per cent. The boards of trustees of individual 44966
state-assisted universities shall not authorize combined 44967

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university main campus in-state undergraduate instructional and 44968
general fee increases for the academic year 2001-2002 of more than 44969
four per cent in a single vote. These fee increase limitations 44970
apply even if an institutional board of trustees has, prior to the 44971
effective date of this section, voted to assess a higher fee for 44972
the 2001-2002 academic year. These limitations shall not apply to 44973
increases required to comply with institutional covenants related 44974
to their obligations or to meet unfunded legal mandates or legally 44975
binding obligations incurred or commitments made prior to the 44976
effective date of this section with respect to which the 44977
institution had identified such fee increases as the source of 44978
funds. Any increase required by such covenants and any such 44979
mandates, obligations, or commitments shall be reported by the 44980
Board of Regents to the Controlling Board. These limitations may 44981
also be modified by the Board of Regents, with the approval of the 44982
Controlling Board, to respond to exceptional circumstances as 44983
identified by the Board of Regents. 44984

The board of trustees of a state-assisted institution of 44985
higher education shall not authorize a waiver or nonpayment of 44986
instructional fees or general fees for any particular student or 44987
any class of students other than waivers specifically authorized 44988
by law or approved by the Chancellor. This prohibition is not 44989
intended to limit the authority of boards of trustees to provide 44990
for payments to students for services rendered the institution, 44991
nor to prohibit the budgeting of income for staff benefits or for 44992
student assistance in the form of payment of such instructional 44993
and general fees. 44994

Each state-assisted institution of higher education in its 44995
statement of charges to students shall separately identify the 44996
instructional fee, the general fee, the tuition charge, and the 44997
tuition surcharge. Fee charges to students for instruction shall 44998
not be considered to be a price of service but shall be considered 44999

to be an integral part of the state government financing program 45000
in support of higher educational opportunity for students. 45001

In providing the appropriations in support of instructional 45002
services at state-assisted institutions of higher education and 45003
the appropriations for other instruction it is the intent of the 45004
General Assembly that faculty members shall devote a proper and 45005
judicious part of their work week to the actual instruction of 45006
students. Total class credit hours of production per quarter per 45007
full-time faculty member is expected to meet the standards set 45008
forth in the budget data submitted by the Board of Regents. 45009

The authority of government vested by law in the boards of 45010
trustees of state-assisted institutions of higher education shall 45011
in fact be exercised by those boards. Boards of trustees may 45012
consult extensively with appropriate student and faculty groups. 45013
Administrative decisions about the utilization of available 45014
resources, about organizational structure, about disciplinary 45015
procedure, about the operation and staffing of all auxiliary 45016
facilities, and about administrative personnel shall be the 45017
exclusive prerogative of boards of trustees. Any delegation of 45018
authority by a board of trustees in other areas of responsibility 45019
shall be accompanied by appropriate standards of guidance 45020
concerning expected objectives in the exercise of such delegated 45021
authority and shall be accompanied by periodic review of the 45022
exercise of this delegated authority to the end that the public 45023
interest, in contrast to any institutional or special interest, 45024
shall be served. 45025

OSU LIMITED TUITION CAP EXEMPTION 45026

In addition to the six per cent main campus in-state 45027
undergraduate instructional and general fee increase limit 45028
established in this section, the board of trustees of The Ohio 45029
State University may authorize an additional university main 45030
campus in-state undergraduate instructional and general fee 45031

increase for academic year 2002 over the amounts charged in the 45032
prior academic years of no more than a \$4 per credit hour per 45033
quarter increase, or \$144 for a full-time student for an academic 45034
year. 45035

The amount of this increase above the six per cent main 45036
campus in-state undergraduate instructional and graduate fee 45037
increase limit established in this section shall be used 45038
exclusively to enhance undergraduate education. Areas of 45039
enhancement shall include increased financial aid for 45040
undergraduate students and improvements in academic programming 45041
and support services for undergraduate students pursuant to a plan 45042
approved by the board of trustees of The Ohio State University. 45043
The Ohio State University shall ensure that the additional 45044
increases above the six per cent main campus in-state 45045
undergraduate instructional and general fee increase limit do not 45046
limit access to academically qualified financial aid-eligible 45047
students. 45048

By December 30, 2002, The Ohio State University shall provide 45049
a report to the Board of Regents that indicates how the additional 45050
funds have been utilized to enhance undergraduate education during 45051
that period. 45052

Section 92.04. MEDICAL SCHOOL SUBSIDIES 45053

The foregoing appropriation item 235-515, Case Western 45054
Reserve University School of Medicine, shall be disbursed to Case 45055
Western Reserve University through the Board of Regents in 45056
accordance with agreements entered into as provided for by section 45057
3333.10 of the Revised Code, provided that the state support per 45058
full-time medical student shall not exceed that provided to 45059
full-time medical students at state universities. 45060

The foregoing appropriation items 235-536, Ohio State 45061
University Clinical Teaching; 235-537, University of Cincinnati 45062

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Clinical Teaching; 235-538, Medical College of Ohio at Toledo 45063
 Clinical Teaching; 235-539, Wright State University Clinical 45064
 Teaching; 235-540, Ohio University Clinical Teaching; and 235-541, 45065
 Northeastern Ohio Universities College of Medicine Clinical 45066
 Teaching, shall be distributed through the Board of Regents. 45067

The foregoing appropriation item 235-572, Ohio State 45068
 University Clinic Support, shall be distributed through the Board 45069
 of Regents to The Ohio State University for support of dental and 45070
 veterinary medicine clinics. 45071

The Board of Regents shall develop plans consistent with 45072
 existing criteria and guidelines as may be required for the 45073
 distribution of appropriation items 235-519, Family Practice, 45074
 235-525, Geriatric Medicine, and 235-526, Primary Care 45075
 Residencies. 45076

Of the foregoing appropriation item 235-539, Wright State 45077
 University Clinical Teaching, \$160,000 in each fiscal year shall 45078
 be for the use of Wright State University's Ellis Institute for 45079
 Clinical Teaching Studies to operate the clinical facility to 45080
 serve the Greater Dayton area. 45081

PERFORMANCE STANDARDS FOR MEDICAL EDUCATION 45082

The Board of Regents, in consultation with the state-assisted 45083
 medical colleges, shall develop performance standards for medical 45084
 education. Special emphasis in the standards shall be placed on 45085
 attempting to ensure that at least 50 per cent of the aggregate 45086
 number of students enrolled in state-assisted medical colleges 45087
 continue to enter residency as primary care physicians. Primary 45088
 care physicians are general family practice physicians, general 45089
 internal medicine practitioners, and general pediatric care 45090
 physicians. The Board of Regents shall monitor medical school 45091
 performance in relation to their plans for reaching the 50 per 45092
 cent systemwide standard for primary care physicians. 45093

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The foregoing appropriation item 235-526, Primary Care Residencies, shall be distributed in each fiscal year of the biennium, based on whether the institution has submitted and gained approval for a plan. If the institution does not have an approved plan, it shall receive five per cent less funding per student than it would have received from its annual allocation. The remaining funding shall be distributed among those institutions that meet or exceed their targets.

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AREA HEALTH EDUCATION CENTERS 45103

The foregoing appropriation item 235-474, Area Health Education Centers Program Support, shall be used by the Board of Regents to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center Program.

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Of the foregoing appropriation item 235-474, Area Health Education Centers Program Support, \$200,000 in each fiscal year shall be disbursed to the Ohio University College of Osteopathic Medicine for the establishment of a mobile health care unit to serve the southeastern area of the state. Of the foregoing appropriation item 235-474, Area Health Education Centers Program Support, \$150,000 in each fiscal year shall be used to support the Ohio Valley Community Health Information Network (OVCHIN) project.

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Section 92.05. MIDWEST HIGHER EDUCATION COMPACT 45118

The foregoing appropriation item 235-408, Midwest Higher Education Compact, shall be distributed by the Board of Regents pursuant to section 3333.40 of the Revised Code.

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COLLEGE READINESS INITIATIVES 45122

Appropriation item 235-404, College Readiness Initiatives, 45123

shall be used by the Board of Regents to support programs designed 45124
to improve the ability of high school students to enroll and 45125
succeed in higher education. 45126

MATHEMATICS AND SCIENCE TEACHING IMPROVEMENT 45127

Appropriation item 235-403, Math/Science Teaching 45128
Improvement, shall be used by the Board of Regents to support 45129
programs designed to raise the quality of mathematics and science 45130
teaching in primary and secondary education. 45131

OHIO LEARNING NETWORK 45132

Appropriation item 235-417, Ohio Learning Network, shall be 45133
used by the Board of Regents to support the continued 45134
implementation of the Ohio Learning Network, a statewide 45135
electronic collaborative effort designed to promote degree 45136
completion of students, workforce training of employees, and 45137
professional development through the use of advanced 45138
telecommunications and distance education initiatives. 45139

DISPLACED HOMEMAKERS 45140

Out of the foregoing appropriation item 235-509, Displaced 45141
Homemakers, the Board of Regents shall continue funding pilot 45142
projects authorized in Am. Sub. H.B. No. 291 of the 115th General 45143
Assembly for the following centers: Cuyahoga Community College, 45144
University of Toledo, Southern State Community College, and Stark 45145
Technical College. The amount of \$30,000 in each fiscal year shall 45146
be used for the Baldwin-Wallace Single Parents Reaching Out for 45147
Unassisted Tomorrows program. 45148

OHIO AEROSPACE INSTITUTE 45149

The foregoing appropriation item 235-527, Ohio Aerospace 45150
Institute, shall be distributed by the Board of Regents under 45151
section 3333.042 of the Revised Code. 45152

PRODUCTIVITY IMPROVEMENT CHALLENGE 45153

As Reported by the House Finance and Appropriations Committee

The foregoing appropriation item 235-455, Productivity Improvement Challenge, shall be allocated by the Board of Regents to continue increasing the capabilities of the EnterpriseOhio Network to meet the ongoing training needs of Ohio employers. Funds shall support multicampus collaboration, best practice dissemination, and capacity building projects. The Regents Advisory Committee for Workforce Development, in its advisory role, shall advise in the development of plans and activities.

Of the foregoing appropriation item 235-455, Productivity Improvement Challenge, \$208,000 in each fiscal year shall be used by the Dayton Business/Sinclair College Jobs Profiling Program.

ACCESS IMPROVEMENT PROJECTS

The foregoing appropriation item 235-477, Access Improvement Projects, shall be used by the Board of Regents to develop innovative statewide strategies to increase student access and retention for specialized populations, and to provide for pilot projects that will contribute to improving access to higher education by specialized populations. The funds may be used for projects that improve access for nonpublic secondary students.

Of the foregoing appropriation item 235-477, Access Improvement Projects, \$740,000 in each fiscal year shall be distributed to the Appalachian Center for Higher Education at Shawnee State University. The board of directors of the center shall consist of the presidents of Shawnee State University, Ohio University, Belmont Technical College, Hocking Technical College, Jefferson Community College, Muskingum Area Technical College, Rio Grande Community College, Southern State Community College, and Washington State Community College; the dean of either the Salem or East Liverpool regional campus of Kent State University, as designated by the president of Kent State University; a representative of the Board of Regents designated by the Chancellor; and other members as may be determined by the Board of

Regents.	45186
Of the foregoing appropriation item 235-477, Access Improvement Projects, \$50,000 in fiscal year 2002 shall be distributed to the University of Rio Grande Site Improvement Planning project.	45187 45188 45189 45190
Of the foregoing appropriation item 235-477, Access Improvement Projects, \$135,000 in fiscal year 2002 shall be used to support the Access Appalachia Project.	45191 45192 45193
OHIO SUPERCOMPUTER CENTER	45194
The foregoing appropriation item 235-510, Ohio Supercomputer Center, shall be used by the Board of Regents to support the operation of the center, located at The Ohio State University, as a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate. Policies of the center shall be established by a governance committee, representative of Ohio's research universities and private industry, to be appointed by the Chancellor of the Board of Regents and established for this purpose.	45195 45196 45197 45198 45199 45200 45201 45202 45203 45204
OHIO ACADEMIC RESOURCES NETWORK (OARNET)	45205
The foregoing appropriation item 235-556, Ohio Academic Resources Network, shall be used to support the operations of the Ohio Academic Resources Network, which shall include support for Ohio's state-assisted colleges and universities in maintaining and enhancing network connections.	45206 45207 45208 45209 45210
Section 92.06. PLEDGE OF FEES*	45211
Any new pledge of fees, or new agreement for adjustment of fees, made in the 2001-2003 biennium to secure bonds or notes of a state-assisted institution of higher education for a project for which bonds or notes were not outstanding on the effective date of	45212 45213 45214 45215

this section shall be effective only after approval by the Board of Regents, unless approved in a previous biennium. 45216
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HIGHER EDUCATION GENERAL OBLIGATION DEBT SERVICE 45218

The foregoing appropriation item 235-909, Higher Education General Obligation Debt Service, shall be used to pay all debt service and financing costs at the times they are required to be made pursuant to sections 151.01 and 151.04 of the Revised Code during the period from July 1, 2001, to June 30, 2003. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by an interstate transfer voucher. 45219
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LEASE RENTAL PAYMENTS 45227

The foregoing appropriation item 235-401, Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2001, to June 30, 2003, by the Board of Regents pursuant to leases and agreements made under section 154.21 of the Revised Code, but limited to the aggregate amount of \$563,969,000. Nothing in this act shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the sources pledged thereto, the bond service charges on obligations issued pursuant to section 154.21 of the Revised Code. 45228
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Section 92.07. OHIO INSTRUCTIONAL GRANTS 45238

Notwithstanding section 3333.12 of the Revised Code, in lieu of the tables in that section, instructional grants for all full-time students shall be made for fiscal year 2002 using the tables under this heading. 45239
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The tables under this heading prescribe the maximum grant amounts covering two semesters, three quarters, or a comparable portion of one academic year. The grant amount for a full-time 45243
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45245

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student enrolled in an eligible institution for a semester or 45246
 quarter in addition to the portion of the academic year covered by 45247
 a grant determined under these tables shall be a percentage of the 45248
 maximum prescribed in the applicable table. The maximum grant for 45249
 a fourth quarter shall be one-third of the maximum amount 45250
 prescribed under the table. The maximum grant for a third semester 45251
 shall be one-half of the maximum amount prescribed under the 45252
 table. 45253

For a full-time student who is a dependent and enrolled in a 45254
 nonprofit educational institution that is not a state-assisted 45255
 institution and that has a certificate of authorization issued 45256
 pursuant to Chapter 1713. of the Revised Code, the amount of the 45257
 instructional grant for two semesters, three quarters, or a 45258
 comparable portion of the academic year shall be determined in 45259
 accordance with the following table: 45260

Private Institution 45261

Table of Grants 45262

Maximum Grant \$5,160 45263

Gross Income Number of Dependents 45264

	1	2	3	4	5 or more	
Under \$14,000	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160	45265
\$14,001 - \$15,000	4,644	5,160	5,160	5,160	5,160	45266
\$15,001 - \$16,000	4,116	4,644	5,160	5,160	5,160	45267
\$16,001 - \$17,000	3,612	4,116	4,644	5,160	5,160	45268
\$17,001 - \$18,000	3,102	3,612	4,116	4,644	5,160	45269
\$18,001 - \$21,000	2,586	3,102	3,612	4,116	4,644	45270
\$21,001 - \$24,000	2,058	2,586	3,102	3,612	4,116	45271
\$24,001 - \$27,000	1,536	2,058	2,586	3,102	3,612	45272
\$27,001 - \$30,000	1,272	1,536	2,058	2,586	3,102	45273
\$30,001 - \$31,000	1,020	1,272	1,536	2,058	2,586	45274
\$31,001 - \$32,000	930	1,020	1,272	1,536	2,058	45275

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\$32,001 - \$33,000	840	930	1,020	1,272	1,536	45277
\$33,001 - \$34,000	420	840	930	1,020	1,272	45278
\$34,001 - \$35,000	--	420	840	930	1,020	45279
\$35,001 - \$36,000	--	--	420	840	930	45280
\$36,001 - \$37,000	--	--	--	420	840	45281
\$37,001 - \$38,000	--	--	--	--	420	45282

For a full-time student who is financially independent and 45283
 enrolled in a nonprofit educational institution that is not a 45284
 state-assisted institution and that has a certificate of 45285
 authorization issued pursuant to Chapter 1713. of the Revised 45286
 Code, the amount of the instructional grant for two semesters, 45287
 three quarters, or a comparable portion of the academic year shall 45288
 be determined in accordance with the following table: 45289

Private Institution 45290

Table of Grants 45291

Maximum Grant \$5,160 45292

Gross Income Number of Dependents 45293

	0	1	2	3	4	5 or more	
Under \$4,500	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160	45294
\$4,501 - \$5,000	4,644	5,160	5,160	5,160	5,160	5,160	45295
\$5,001 - \$5,500	4,116	4,644	5,160	5,160	5,160	5,160	45296
\$5,501 - \$6,000	3,612	4,116	4,644	5,160	5,160	5,160	45297
\$6,001 - \$6,500	3,102	3,612	4,116	4,644	5,160	5,160	45298
\$6,501 - \$7,000	2,586	3,102	3,612	4,116	4,644	5,160	45299
\$7,001 - \$8,000	2,058	2,586	3,102	3,612	4,116	4,644	45300
\$8,001 - \$9,000	1,536	2,058	2,586	3,102	3,612	4,116	45301
\$9,001 - \$10,000	1,272	1,536	2,058	2,586	3,102	3,612	45302
\$10,001 - \$11,500	1,020	1,272	1,536	2,058	2,586	3,102	45303
\$11,501 - \$13,000	930	1,020	1,272	1,536	2,058	2,586	45304
\$13,001 - \$14,500	840	930	1,020	1,272	1,536	2,058	45305
\$14,501 - \$16,000	420	840	930	1,020	1,272	1,536	45306
\$16,001 - \$19,000	--	420	840	930	1,020	1,272	45307

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\$19,001 - \$22,000	--	--	420	840	930	1,020	45309
\$22,001 - \$25,000	--	--	--	420	840	930	45310
\$25,001 - \$30,000	--	--	--	--	420	840	45311
\$30,001 - \$35,000	--	--	--	--	--	420	45312

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of proprietary school registration, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Proprietary Institution

Table of Grants

Maximum Grant \$4,374

Gross Income Number of Dependents

	1	2	3	4	5 or more	
Under \$14,000	\$4,374	\$4,374	\$4,374	\$4,374	\$4,374	45324
\$14,001 - \$15,000	3,948	4,374	4,374	4,374	4,374	45325
\$15,001 - \$16,000	3,480	3,948	4,374	4,374	4,374	45326
\$16,001 - \$17,000	3,042	3,480	3,948	4,374	4,374	45327
\$17,001 - \$18,000	2,634	3,042	3,480	3,948	4,374	45328
\$18,001 - \$21,000	2,166	2,634	3,042	3,480	3,948	45329
\$21,001 - \$24,000	1,752	2,166	2,634	3,042	3,480	45330
\$24,001 - \$27,000	1,338	1,752	2,166	2,634	3,042	45331
\$27,001 - \$30,000	1,074	1,338	1,752	2,166	2,634	45332
\$30,001 - \$31,000	858	1,074	1,338	1,752	2,166	45333
\$31,001 - \$32,000	804	858	1,074	1,338	1,752	45334
\$32,001 - \$33,000	708	804	858	1,074	1,338	45335
\$33,001 - \$34,000	354	708	804	858	1,074	45336
\$34,001 - \$35,000	--	354	708	804	858	45337
\$35,001 - \$36,000	--	--	354	708	804	45338
\$36,001 - \$37,000	--	--	--	354	708	45339
\$37,001 - \$38,000	--	--	--	--	354	45340

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For a full-time student who is financially independent and enrolled in an educational institution that holds a certificate of registration from the state board of proprietary school registration, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Proprietary Institution							
Table of Grants							
Gross Income	Maximum Grant \$4,374						
	Number of Dependents						
	0	1	2	3	4	5 or more	
Under \$4,500	\$4,374	\$4,374	\$4,374	\$4,374	\$4,374	\$4,374	45352
\$4,501 - \$5,000	3,948	4,374	4,374	4,374	4,374	4,374	45353
\$5,001 - \$5,500	3,480	3,948	4,374	4,374	4,374	4,374	45354
\$5,501 - \$6,000	3,042	3,480	3,948	4,374	4,374	4,374	45355
\$6,001 - \$6,500	2,634	3,042	3,480	3,948	4,374	4,374	45356
\$6,501 - \$7,000	2,166	2,634	3,042	3,480	3,948	4,374	45357
\$7,001 - \$8,000	1,752	2,166	2,634	3,042	3,480	3,948	45358
\$8,001 - \$9,000	1,338	1,752	2,166	2,634	3,042	3,480	45359
\$9,001 - \$10,000	1,074	1,338	1,752	2,166	2,634	3,042	45360
\$10,001 - \$11,500	858	1,074	1,338	1,752	2,166	2,634	45361
\$11,501 - \$13,000	804	858	1,074	1,338	1,752	2,166	45362
\$13,001 - \$14,500	708	804	858	1,074	1,338	1,752	45363
\$14,501 - \$16,000	354	708	804	858	1,074	1,338	45364
\$16,001 - \$19,000	--	354	708	804	858	1,074	45365
\$19,001 - \$22,000	--	--	354	708	804	858	45366
\$22,001 - \$25,000	--	--	--	354	708	804	45367
\$25,001 - \$30,000	--	--	--	--	354	708	45368
\$30,001 - \$35,000	--	--	--	--	--	354	45369

For a full-time student who is a dependent and enrolled in a state-assisted educational institution, the amount of the

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instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution						45372
Table of Grants						45373
Maximum Grant \$2,070						45374
Gross Income	Number of Dependents					45375
	1	2	3	4	5 or more	45376
Under \$14,000	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	45377
\$14,001 - \$15,000	1,866	2,070	2,070	2,070	2,070	45378
\$15,001 - \$16,000	1,644	1,866	2,070	2,070	2,070	45379
\$16,001 - \$17,000	1,458	1,644	1,866	2,070	2,070	45380
\$17,001 - \$18,000	1,248	1,458	1,644	1,866	2,070	45381
\$18,001 - \$21,000	1,020	1,248	1,458	1,644	1,866	45382
\$21,001 - \$24,000	816	1,020	1,248	1,458	1,644	45383
\$24,001 - \$27,000	612	816	1,020	1,248	1,458	45384
\$27,001 - \$30,000	492	612	816	1,020	1,248	45385
\$30,001 - \$31,000	396	492	612	816	1,020	45386
\$31,001 - \$32,000	366	396	492	612	816	45387
\$32,001 - \$33,000	336	366	396	492	612	45388
\$33,001 - \$34,000	168	336	366	396	492	45389
\$34,001 - \$35,000	--	168	336	366	396	45390
\$35,001 - \$36,000	--	--	168	336	366	45391
\$36,001 - \$37,000	--	--	--	168	336	45392
\$37,001 - \$38,000	--	--	--	--	168	45393

For a full-time student who is financially independent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution 45402

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Table of Grants							45403
Maximum Grant \$2,070							45404
Gross Income	Number of Dependents						45405
	0	1	2	3	4	5 or more	45406
Under \$4,500	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	45407
\$4,501 - \$5,000	1,866	2,070	2,070	2,070	2,070	2,070	45408
\$5,001 - \$5,500	1,644	1,866	2,070	2,070	2,070	2,070	45409
\$5,501 - \$6,000	1,458	1,644	1,866	2,070	2,070	2,070	45410
\$6,001 - \$6,500	1,248	1,458	1,644	1,866	2,070	2,070	45411
\$6,501 - \$7,000	1,020	1,248	1,458	1,644	1,866	2,070	45412
\$7,001 - \$8,000	816	1,020	1,248	1,458	1,644	1,866	45413
\$8,001 - \$9,000	612	816	1,020	1,248	1,458	1,644	45414
\$9,001 - \$10,000	492	612	816	1,020	1,248	1,458	45415
\$10,001 - \$11,500	396	492	612	816	1,020	1,248	45416
\$11,501 - \$13,000	366	396	492	612	816	1,020	45417
\$13,001 - \$14,500	336	366	396	492	612	816	45418
\$14,501 - \$16,000	168	336	366	396	492	612	45419
\$16,001 - \$19,000	--	168	336	366	396	492	45420
\$19,001 - \$22,000	--	--	168	336	366	396	45421
\$22,001 - \$25,000	--	--	--	168	336	366	45422
\$25,001 - \$30,000	--	--	--	--	168	336	45423
\$30,001 - \$35,000	--	--	--	--	--	168	45424

The foregoing appropriation item 235-503, Ohio Instructional Grants, shall be used to make the payments authorized by division (C) of section 3333.26 of the Revised Code to the institutions described in that division. In addition, this appropriation shall be used to reimburse the institutions described in division (B) of section 3333.26 of the Revised Code for the cost of the waivers required by that division.

WAR ORPHANS SCHOLARSHIPS 45432

The foregoing appropriation item 235-504, War Orphans 45433

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Scholarships, shall be used to reimburse state-assisted 45434
institutions of higher education for waivers of instructional fees 45435
and general fees provided by them, to provide grants to 45436
institutions that have received a certificate of authorization 45437
from the Ohio Board of Regents under Chapter 1713. of the Revised 45438
Code, in accordance with the provisions of section 5910.04 of the 45439
Revised Code, and to fund additional scholarship benefits provided 45440
by section 5910.032 of the Revised Code. 45441

PART-TIME STUDENT INSTRUCTIONAL GRANTS 45442

The foregoing appropriation item 235-549, Part-time Student 45443
Instructional Grants, shall be used to support a grant program for 45444
part-time undergraduate students who are Ohio residents and who 45445
are enrolled in degree granting programs. 45446

Eligibility for participation in the program shall include 45447
degree granting educational institutions that hold a certificate 45448
of registration from the State Board of Proprietary School 45449
Registration, and nonprofit institutions that have a certificate 45450
of authorization issued pursuant to Chapter 1713. of the Revised 45451
Code, as well as state-assisted colleges and universities. Grants 45452
shall be given to students on the basis of need, as determined by 45453
the college, which, in making these determinations, shall give 45454
special consideration to single-parent heads-of-household and 45455
displaced homemakers who enroll in an educational degree program 45456
that prepares the individual for a career. In determining need, 45457
the college also shall consider the availability of educational 45458
assistance from a student's employer. It is the intent of the 45459
General Assembly that these grants not supplant such assistance. 45460

Section 92.08. STUDENT CHOICE GRANTS 45461

The foregoing appropriation item 235-531, Student Choice 45462
Grants, shall be used to support the Student Choice Grant Program 45463
created by section 3333.27 of the Revised Code. 45464

ACADEMIC SCHOLARSHIPS 45465

The foregoing appropriation item 235-530, Academic 45466
Scholarships, shall be used to provide academic scholarships to 45467
students under section 3333.22 of the Revised Code. The annual 45468
scholarship amount awarded to any student who receives a 45469
scholarship for the 2001-2002 academic year shall be \$2,100, and 45470
the annual scholarship amount awarded to any student who receives 45471
a scholarship for the 2002-2003 academic year shall be \$2,205. 45472

PHYSICIAN LOAN REPAYMENT 45473

The foregoing appropriation item 235-604, Physician Loan 45474
Repayment, shall be used in accordance with sections 3702.71 to 45475
3702.81 of the Revised Code. 45476

NURSING LOAN PROGRAM 45477

The foregoing appropriation item 235-606, Nursing Loan 45478
Program, shall be used to administer the nurse education 45479
assistance program. Up to \$159,600 in fiscal year 2002 and 45480
\$167,580 in fiscal year 2003 may be used for operating expenses 45481
associated with the program. Any additional funds needed for the 45482
administration of the program are subject to Controlling Board 45483
approval. 45484

Section 92.09. COOPERATIVE EXTENSION SERVICE 45485

Of the foregoing appropriation item 235-511, Cooperative 45486
Extension Service, \$210,000 in each fiscal year shall be used for 45487
additional staffing for county agents for expanded 4-H activities. 45488
Of the foregoing appropriation item 235-511, Cooperative Extension 45489
Service, \$210,000 in each fiscal year shall be used by the 45490
Cooperative Extension Service, through the Enterprise Center for 45491
Economic Development in cooperation with other agencies, for a 45492
public-private effort to create and operate a small business 45493
economic development program to enhance the development of 45494

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alternatives to the growing of tobacco, and implement, through 45495
 applied research and demonstration, the production and marketing 45496
 of other high-value crops and value-added products. Of the 45497
 foregoing appropriation item 235-511, Cooperative Extension 45498
 Service, \$65,000 in each fiscal year shall be used for farm labor 45499
 mediation and education programs. Of the foregoing appropriation 45500
 item 235-511, Cooperative Extension Service, \$215,000 in each 45501
 fiscal year shall be used to support the Ohio State University 45502
 Marion Enterprise Center. 45503

Of the foregoing appropriation item 235-511, Cooperative 45504
 Extension Service, \$910,500 in each fiscal year shall be used to 45505
 support the Ohio Watersheds Initiative. 45506

OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER 45507

Of the foregoing appropriation item 235-535, Ohio 45508
 Agricultural Research and Development Center, \$950,000 in each 45509
 fiscal year shall be distributed to the Piketon Agricultural 45510
 Research and Extension Center. 45511

Of the foregoing appropriation item 235-535, Ohio 45512
 Agricultural Research and Development Center, \$250,000 in each 45513
 fiscal year shall be distributed to the 45514
 Raspberry/Strawberry-Ellagic Acid Research program at the Ohio 45515
 State University Medical College in cooperation with the Ohio 45516
 State University College of Agriculture. 45517

Of the foregoing appropriation item 235-535, Ohio 45518
 Agricultural Research and Development Center, \$50,000 in each 45519
 fiscal year shall be used to support the Ohio Berry Administrator. 45520

Of the foregoing appropriation item 235-535, Ohio 45521
 Agricultural Research and Development Center, \$100,000 in each 45522
 fiscal year shall be used for the development of agricultural 45523
 crops and products not currently in widespread production in Ohio, 45524
 in order to increase the income and viability of family farmers. 45525

COOPERATIVE EXTENSION SERVICE AND OHIO AGRICULTURAL RESEARCH 45526
AND DEVELOPMENT CENTER 45527

The foregoing appropriation items 235-511, Cooperative 45528
Extension Service, and 235-535, Ohio Agricultural Research and 45529
Development Center, shall be disbursed through the Board of 45530
Regents to The Ohio State University in monthly payments, unless 45531
otherwise determined by the Director of Budget and Management 45532
pursuant to section 126.09 of the Revised Code. Of the foregoing 45533
appropriation item 235-535, Ohio Agricultural Research and 45534
Development Center, \$540,000 in each fiscal year shall be used to 45535
purchase equipment. 45536

The Ohio Agricultural Research and Development Center shall 45537
not be required to remit payment to The Ohio State University 45538
during the 2001-2003 biennium for cost reallocation assessments. 45539
The cost reallocation assessments include, but are not limited to, 45540
any assessment on state appropriations to the center. 45541

Section 92.10. SEA GRANTS 45542

The foregoing appropriation item 235-402, Sea Grants, shall 45543
be disbursed to The Ohio State University and shall be used to 45544
conduct research on fish in Lake Erie. 45545

INFORMATION SYSTEM 45546

The foregoing appropriation item 235-409, Information System, 45547
shall be used by the Board of Regents to operate the higher 45548
education information data system known as the Higher Education 45549
Information System. 45550

STUDENT SUPPORT SERVICES 45551

The foregoing appropriation item 235-502, Student Support 45552
Services, shall be distributed by the Board of Regents to Ohio's 45553
state-assisted colleges and universities that incur 45554
disproportionate costs in the provision of support services to 45555

disabled students.	45556
CENTRAL STATE SUPPLEMENT	45557
The foregoing appropriation item 235-514, Central State Supplement, shall be used by Central State University to keep undergraduate fees below the statewide average, consistent with its mission of service to many first-generation college students from groups historically underrepresented in higher education and from families with limited incomes.	45558 45559 45560 45561 45562 45563
SHAWNEE STATE SUPPLEMENT	45564
The foregoing appropriation item 235-520, Shawnee State Supplement, shall be used by Shawnee State University as detailed by both of the following:	45565 45566 45567
(A) To allow Shawnee State University to keep its undergraduate fees below the statewide average, consistent with its mission of service to an economically depressed Appalachian region;	45568 45569 45570 45571
(B) To allow Shawnee State University to employ new faculty to develop and teach in new degree programs that meet the needs of Appalachians.	45572 45573 45574
POLICE AND FIRE PROTECTION	45575
The foregoing appropriation item 235-524, Police and Fire Protection, shall be used for police and fire services in the municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, Portsmouth, Xenia Township (Greene County), and Rootstown Township, which may be used to assist these local governments in providing police and fire protection for the central campus of the state-affiliated university located therein. Each participating municipality and township shall receive at least five thousand dollars per year. Funds shall be distributed by the Board of Regents.	45576 45577 45578 45579 45580 45581 45582 45583 45584 45585

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SCHOOL OF INTERNATIONAL BUSINESS 45586

Of the foregoing appropriation item 235-547, School of 45587
International Business, \$1,218,764 in each fiscal year shall be 45588
used for the continued development and support of the School of 45589
International Business of the state universities of northeast 45590
Ohio. The money shall go to the University of Akron. These funds 45591
shall be used by the university to establish a School of 45592
International Business located at the University of Akron. It may 45593
confer with Kent State University, Youngstown State University, 45594
and Cleveland State University as to the curriculum and other 45595
matters regarding the school. 45596

Of the foregoing appropriation item 235-547, School of 45597
International Business, \$245,000 in each fiscal year shall be used 45598
by the University of Toledo College of Business for expansion of 45599
its international business programs. 45600

Of the foregoing appropriation item 235-547, School of 45601
International Business, \$245,000 in each fiscal year shall be used 45602
by to support the Ohio State University MUCIA program. 45603

CAPITAL COMPONENT 45604

The foregoing appropriation item 235-552, Capital Component, 45605
shall be used by the Board of Regents to implement the capital 45606
funding policy for state-assisted colleges and universities 45607
established in Am. H.B. No. 748 of the 121st General Assembly. 45608
Appropriations from this item shall be distributed to all campuses 45609
for which the estimated campus debt service attributable to new 45610
qualifying capital projects is less than the campus's 45611
formula-determined capital component allocation. Campus 45612
allocations shall be determined by subtracting the estimated 45613
campus debt service attributable to new qualifying capital 45614
projects from the campus formula-determined capital component 45615
allocation. Moneys distributed from this appropriation item shall 45616

be restricted to capital-related purposes. 45617

DAYTON AREA GRADUATE STUDIES INSTITUTE 45618

The foregoing appropriation item 235-553, Dayton Area 45619
Graduate Studies Institute, shall be used by the Board of Regents 45620
to support the Dayton Area Graduate Studies Institute, an 45621
engineering graduate consortium of three universities in the 45622
Dayton area: Wright State University, the University of Dayton, 45623
and the Air Force Institute of Technology, with the participation 45624
of the University of Cincinnati and The Ohio State University. 45625

LONG-TERM CARE RESEARCH 45626

The foregoing appropriation item 235-558, Long-term Care 45627
Research, shall be disbursed to Miami University for long-term 45628
care research. 45629

BOWLING GREEN STATE UNIVERSITY CANADIAN STUDIES CENTER 45630

The foregoing appropriation item 235-561, Bowling Green State 45631
University Canadian Studies Center, shall be used by the Canadian 45632
Studies Center at Bowling Green State University to study 45633
opportunities for Ohio and Ohio businesses to benefit from the 45634
Free Trade Agreement between the United States and Canada. 45635

URBAN UNIVERSITY PROGRAMS 45636

Of the foregoing appropriation item 235-583, Urban University 45637
Programs, universities receiving funds that are used to support an 45638
ongoing university unit shall certify periodically in a manner 45639
approved by the Board of Regents that program funds are being 45640
matched on a one-to-one basis with equivalent resources. Overhead 45641
support may not be used to meet this requirement. Where Urban 45642
University Program funds are being used to support an ongoing 45643
university unit, matching funds must come from continuing rather 45644
than one-time sources. At each participating state-assisted 45645
institution of higher education, matching funds must be within the 45646

substantial control of the individual designated by the 45647
institution's president as the Urban University Program 45648
representative. 45649

Of the foregoing appropriation item 235-583, Urban University 45650
Programs, \$372,400 in each fiscal year shall be used to support a 45651
public communication outreach program (WCPN). The primary purpose 45652
of the program shall be to develop a relationship between 45653
Cleveland State University and nonprofit communications entities. 45654

Of the foregoing appropriation item 235-583, Urban University 45655
Programs, \$176,400 in each fiscal year shall be used to support 45656
the Center for the Interdisciplinary Study of Education and the 45657
Urban Child at Cleveland State University. These funds shall be 45658
distributed according to rules adopted by the Board of Regents and 45659
shall be used by the center for interdisciplinary activities 45660
targeted toward increasing the chance of lifetime success of the 45661
urban child, including interventions beginning with the prenatal 45662
period. The primary purpose of the center is to study issues in 45663
urban education and to systematically map directions for new 45664
approaches and new solutions by bringing together a cadre of 45665
researchers, scholars, and professionals representing the social, 45666
behavioral, education, and health disciplines. 45667

Of the foregoing appropriation item 235-583, Urban University 45668
Programs, \$254,800 in each fiscal year shall be used to support 45669
the Kent State University Learning and Technology Project. This 45670
project is a kindergarten through university collaboration between 45671
schools surrounding Kent's eight campuses in northeast Ohio, and 45672
corporate partners who will assist in development and delivery. 45673

The Kent State University Project shall provide a faculty 45674
member who has a full-time role in the development of 45675
collaborative activities and teacher instructional programming 45676
between Kent and the K-12th grade schools that surround its eight 45677
campuses; appropriate student support staff to facilitate these 45678

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programs and joint activities; and hardware and software to 45679
schools that will make possible the delivery of instruction to 45680
pre-service and in-service teachers, and their students, in their 45681
own classrooms or school buildings. This shall involve the 45682
delivery of low-bandwidth streaming video and web-based 45683
technologies in a distributed instructional model. 45684

Of the foregoing appropriation item 235-583, Urban University 45685
Programs, \$98,000 in each fiscal year shall be used to support the 45686
Ameritech Classroom/Center for Research at Kent State University. 45687

Of the foregoing appropriation item 235-583, Urban University 45688
Programs, \$980,000 in each fiscal year shall be used to support 45689
the Polymer Distance Learning Project at the University of Akron. 45690

Of the foregoing appropriation item 235-583, Urban University 45691
Programs, \$49,000 in each fiscal year shall be distributed to the 45692
Kent State University/Cleveland Design Center program. 45693

Of the foregoing appropriation item 235-583, Urban University 45694
Programs, \$245,000 in each fiscal year shall be used to support 45695
the Bliss Institute of Applied Politics at the University of 45696
Akron. 45697

Of the foregoing appropriation item 235-583, Urban University 45698
Programs, \$14,700 in each fiscal year shall be used for the 45699
Advancing-Up Program at the University of Akron. 45700

Of the foregoing appropriation item 235-583, Urban University 45701
Programs, in each fiscal year \$2,156,629 shall be distributed by 45702
the Board of Regents to Cleveland State University in support of 45703
the Maxine Goodman Levin College of Urban Affairs. 45704

Of the foregoing appropriation item 235-583, Urban University 45705
Programs, in each fiscal year \$2,156,630 shall be distributed to 45706
the Northeast Ohio Research Consortium, the Urban Linkages 45707
Program, and the Urban Research Technical Assistance Grant 45708
Program. The distribution among the three programs shall be 45709

determined by the chair of the Urban University Program. 45710

INTERNATIONAL CENTER FOR WATER RESOURCES DEVELOPMENT 45711

The foregoing appropriation item 235-595, International 45712
Center for Water Resources Development, shall be used to support 45713
the International Center for Water Resources Development at 45714
Central State University. The center shall develop methods to 45715
improve the management of water resources for Ohio and for 45716
emerging nations. 45717

RURAL UNIVERSITY PROJECTS 45718

Of the foregoing appropriation item 235-587, Rural University 45719
Projects, Bowling Green State University shall receive \$212,072 in 45720
each fiscal year, Miami University shall receive \$324,503 in each 45721
fiscal year, and Ohio University shall receive \$740,977 in each 45722
fiscal year. These funds shall be used to support the Institute 45723
for Local Government Administration and Rural Development at Ohio 45724
University, the Center for Public Management and Regional Affairs 45725
at Miami University, and the Center for Policy Analysis and Public 45726
Service at Bowling Green State University. 45727

Of the foregoing appropriation item 235-587, Rural University 45728
Projects, \$24,500 in each fiscal year shall be used to support the 45729
Washington State Community College day care center. 45730

Of the foregoing appropriation item 235-587, Rural University 45731
Projects, \$73,500 in each fiscal year shall be used to support the 45732
COAD/ILGARD/GOA Appalachian Leadership Initiative. 45733

A small portion of the funds provided to Ohio University 45734
shall also be used for the Institute for Local Government 45735
Administration and Rural Development State and Rural Policy 45736
Partnership with the Governor's Office of Appalachia and the 45737
Appalachian delegation of the General Assembly. 45738

OHIO RESOURCE CENTER FOR MATHEMATICS, SCIENCE, AND READING 45739

The foregoing appropriation item 235-588, Ohio Resource Center for Mathematics, Science, and Reading, shall be used to support a resource center for mathematics, science, and reading to be located at a state-assisted university for the purpose of identifying best educational practices in primary and secondary schools and establishing methods for communicating them to colleges of education and school districts.

HAZARDOUS MATERIALS PROGRAM 45747

The foregoing appropriation item 235-596, Hazardous Materials Program, shall be disbursed to Cleveland State University for the operation of a program to certify firefighters for the handling of hazardous materials. Training shall be available to all Ohio firefighters.

NATIONAL GUARD SCHOLARSHIP PROGRAM 45753

The Board of Regents shall disburse funds from appropriation item 235-599, National Guard Scholarship Program, at the direction of the Adjutant General.

OHIO HIGHER EDUCATIONAL FACILITY COMMISSION SUPPORT 45757

The foregoing appropriation item 235-602, HEFC Administration, shall be used by the Board of Regents for operating expenses related to the Board of Regents' support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the chancellor, the Director of Budget and Management shall transfer up to \$12,000 cash from Fund 461 to Fund 4E8 in each fiscal year of the biennium.

Section 92.11. BREAKTHROUGH INVESTMENTS 45765

OHIO PLAN STUDY COMMITTEE 45766

There is established the Ohio Plan Study Committee, which shall determine appropriate ways to fund the Ohio Plan for

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Technology and Development. The Study Committee shall consist of 45769
the Director of Budget and Management, the Chancellor of the Board 45770
of Regents, three members of the House of Representatives 45771
appointed by the Speaker, of whom no more than two shall be of the 45772
same political party, and three members of the Senate appointed by 45773
the President, of whom no more than two shall be of the same 45774
political party. Administrative support for the Study Committee 45775
shall be provided by the Board of Regents. The Study Committee 45776
shall report its recommendations to the Governor and the General 45777
Assembly no later than December 31, 2001. After it submits its 45778
report, the Study Committee shall cease to exist. The Ohio Plan 45779
for Technology and Development is intended to promote 45780
collaborative efforts among state government, higher education, 45781
and business and industry that will lead to the development of New 45782
Economy applications of science and technology and, ultimately, 45783
new business start-ups in the state and increased economic 45784
prosperity for the citizens of Ohio. 45785

APPALACHIAN NEW ECONOMY PARTNERSHIP 45786

The foregoing appropriation item 235-428, Appalachian New 45787
Economy Partnership, shall be used by the Board of Regents to 45788
begin a multicampus and multiagency coordinated effort to link 45789
Appalachia to the new economy. Funds shall be distributed to Ohio 45790
University to provide leadership in the development and 45791
implementation of initiatives in the areas of entrepreneurship, 45792
technology, education, and management. 45793

Section 92.12. REPAYMENT OF RESEARCH FACILITY INVESTMENT FUND 45794
MONEYS 45795

Notwithstanding any provision of law to the contrary, all 45796
repayments of Research Facility Investment Fund loans shall be 45797
made to the Bond Service Trust Fund. All Research Facility 45798
Investment Fund loan repayments made prior to the effective date 45799

of this section shall be transferred by the Director of Budget and Management to the Bond Service Trust Fund within sixty days of the effective date of this section.

Campuses shall make timely repayments of Research Facility Investment Fund loans, according to the schedule established by the Board of Regents. In the case of late payments, the Board of Regents may deduct from an institution's periodic subsidy distribution an amount equal to the amount of the overdue payment for that institution, transfer such amount to the Bond Service Trust Fund, and credit the appropriate institution for the repayment.

VETERANS' PREFERENCES

The Board of Regents shall work with the Governor's Office of Veterans' Affairs to develop specific veterans' preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans' preference laws.

Section 92.13. CENTRAL STATE UNIVERSITY

(A) Notwithstanding sections 3345.72, 3345.74, 3345.75, and 3345.76 of the Revised Code and rule 126:3-1-01 of the Administrative Code, Central State University shall adhere to the following fiscal standards:

(1) Maintenance of a balanced budget and filing of quarterly reports on an annualized budget with the Board of Regents, comparing the budget to actual spending and revenues with projected expenditures and revenues for the remainder of the year. Such reports shall include narrative explanations as appropriate and be filed within 30 days of the end of the quarter.

(2) Timely and accurate assessment of the current and projected cash flow of university funds, by fund type;

(3) Timely reconciliation of all university cash and general ledger accounts, by fund; 45830
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(4) Submission to the Auditor of State of financial statements consistent with audit requirements prescribed by the Auditor of State within four months after the end of the fiscal year; 45832
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(5) Completion of an audit within six months after the end of the fiscal year. 45836
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The Director of Budget and Management shall provide clarification to the university on these fiscal standards as deemed necessary. The director also may take such actions as are necessary to ensure that the university adheres to these standards and other fiscal standards consistent with generally accepted accounting principles and the requirements of external entities providing funding to the university. Such actions may include the appointment of a financial consultant to assist Central State University in the continuous process of design and implementation of responsible systems of financial management and accounting. 45838
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(B) The director's fiscal oversight shall continue until such time as the university meets the same criteria as those created in paragraph (F) of rule 126:3-1-01 of the Administrative Code for the termination of a fiscal watch. At that time Central State University shall be relieved of the requirements of this section and subject to the requirements of sections 3345.72, 3345.74, 3345.75, and 3345.76 of the Revised Code. 45848
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Any encumbered funds remaining from appropriation item 042-407, Central State Deficit, as appropriated in Am. Sub. S.B. 6 of the 122nd General Assembly shall be released during the 2001-2003 biennium for nonrecurring expenses contingent upon the approval of the Director of Budget and Management. 45855
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Section 93. DRC DEPARTMENT OF REHABILITATION AND				45860
CORRECTION				45861
General Revenue Fund				45862
GRF 501-321	Institutional	\$ 803,742,214	\$ 845,948,431	45863
	Operations			
GRF 501-403	Prisoner Compensation	\$ 8,837,616	\$ 8,837,616	45864
GRF 501-405	Halfway House	\$ 36,873,018	\$ 36,873,018	45865
GRF 501-406	Lease Rental Payments	\$ 147,288,300	\$ 151,594,300	45866
GRF 501-407	Community	\$ 15,150,792	\$ 15,150,792	45867
	Nonresidential			
	Programs			
GRF 501-408	Community Misdemeanor	\$ 7,942,211	\$ 7,942,211	45868
	Programs			
GRF 501-501	Community Residential			45869
	Programs - CBCF			
	State	\$ 51,215,353	\$ 54,815,353	45870
GRF 502-321	Mental Health Services	\$ 74,444,329	\$ 78,261,520	45871
GRF 503-321	Parole and Community	\$ 73,332,328	\$ 78,711,552	45872
	Operations			
GRF 504-321	Administrative	\$ 27,673,600	\$ 27,465,740	45873
	Operations			
GRF 505-321	Institution Medical	\$ 132,610,379	\$ 138,122,584	45874
	Services			
GRF 506-321	Institution Education	\$ 22,858,645	\$ 23,917,493	45875
	Services			
GRF 507-321	Institution Recovery	\$ 6,642,352	\$ 6,951,387	45876
	Services			
TOTAL GRF General Revenue Fund				45877
	State	\$ 1,408,611,137	\$ 1,474,591,997	45878
General Services Fund Group				45879
4B0 501-601	Penitentiary Sewer	\$ 1,535,919	\$ 1,614,079	45880
	Treatment Facility			

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Services					
4D4	501-603	Prisoner Programs	\$ 21,872,497	\$ 23,135,230	45881
4L4	501-604	Transitional Control	\$ 401,772	\$ 417,032	45882
4S5	501-608	Education Services	\$ 3,727,680	\$ 3,894,150	45883
483	501-605	Property Receipts	\$ 361,230	\$ 373,628	45884
5H8	501-617	Offender Financial	\$ 435,000	\$ 440,000	45885
Responsibility					
5L6	501-611	Information Technology	\$ 5,474,800	\$ 3,561,670	45886
Services					
571	501-606	Training Academy	\$ 71,567	\$ 71,567	45887
Receipts					
593	501-618	Laboratory Services	\$ 4,277,711	\$ 4,469,231	45888
TOTAL	GSF	General Services Fund	\$ 38,158,176	\$ 37,976,587	45889
Group					
Federal Special Revenue Fund Group					45890
3S1	501-615	Truth-In-Sentencing	\$ 22,906,042	\$ 23,432,796	45891
Grants					
323	501-619	Federal Grants	\$ 10,246,790	\$ 10,246,790	45892
TOTAL	FED	Federal Special Revenue			45893
Fund	Group		\$ 33,152,832	\$ 33,679,586	45894
Intragovernmental Service Fund Group					45895
148	501-602	Services and	\$ 95,102,123	\$ 98,634,008	45896
Agricultural					
200	501-607	Ohio Penal Industries	\$ 43,131,254	\$ 44,425,724	45897
TOTAL	ISF	Intragovernmental			45898
Service	Fund	Group	\$ 138,233,377	\$ 143,059,732	45899
TOTAL	ALL	BUDGET FUND GROUPS	\$ 1,618,155,522	\$ 1,689,307,902	45900
INSTITUTIONAL OPERATIONS					45901
The Department of Rehabilitation and Correction originally					45902
submitted a biennial budget request to the Office of Budget and					45903
Management that included GRF funding totaling \$835,248,064 in					45904
fiscal year 2002 and \$881,385,043 in fiscal year 2003 for its					45905

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appropriation item 501-321, Institutional Operations, for the purpose of funding the cost of its fiscal year 2001 level of institutional programs and services in fiscal years 2002 and 2003. The executive budget then recommended appropriations in appropriation item 501-321 of \$812,303,733 in fiscal year 2002 and \$854,722,041 in fiscal year 2003, which were less than what the department requested for the purpose of funding the cost of its fiscal year 2001 level of institutional programs and services in fiscal years 2002 and 2003 by \$22,944,331 and \$26,663,002, respectively. Subsequent to the appropriation amounts recommended in the executive budget, the appropriations in appropriation item 501-321 were reduced to \$808,242,214 in fiscal year 2002 and \$850,448,431 in fiscal year 2003. These appropriation amounts in appropriation item 501-321 were subsequently reduced a second time to \$803,742,214 in fiscal year 2002 and \$845,948,431 in fiscal year 2003. This second reduction in the appropriations in appropriation item 501-321 shall not be used by the department as a justification to reduce the department's institutional operating expenses by closing any of the department's thirty-four existing correctional institutions or by reducing the number of correction officers currently working in those correctional institutions.

OHIO BUILDING AUTHORITY LEASE PAYMENTS

The foregoing appropriation item 501-406, Lease Rental Payments, shall be used for payments to the Ohio Building Authority for the period July 1, 2001, to June 30, 2003, pursuant to the primary leases and agreements for those buildings made under Chapter 152. of the Revised Code in the amount of \$298,882,600, which are the source of funds pledged for bond service charges on related obligations issued pursuant to Chapter 152. of the Revised Code.

PRISONER COMPENSATION

Money from the foregoing appropriation item 501-403, Prisoner

Compensation, shall be transferred on a quarterly basis by 45938
intrastate transfer voucher to Fund 148 for the purposes of paying 45939
prisoner compensation. 45940

CBCF TANF FUNDS 45941

Not later than July 15, 2001, the Director of Budget and 45942
Management shall transfer \$1,800,000 from Fund 3W3, Adult Special 45943
Needs, to the General Revenue Fund. Not later than July 15, 2002, 45944
the Director of Budget and Management shall transfer \$5,400,000 45945
from Fund 3W3, Adult Special Needs, to the General Revenue Fund. 45946
Of the federal portion of the foregoing appropriation item 45947
501-501, Community Residential Programs - CBCF, the Department of 45948
Rehabilitation and Correction shall comply with all TANF reporting 45949
requirements and timelines specified by the Department of Job and 45950
Family Services. 45951

INMATE DEVELOPMENT PROGRAM 45952

Of the foregoing appropriation item 503-321, Parole and 45953
Community Operations, at least \$30,000 in each fiscal year shall 45954
be used for an inmate development program. 45955

INSTITUTION RECOVERY SERVICES 45956

Of the foregoing appropriation item 507-321, Institution 45957
Recovery Services, \$50,000 in each fiscal year shall be used to 45958
fund a demonstration project using innovative alcohol and 45959
substance abuse treatment methods. 45960

Section 94. RSC REHABILITATION SERVICES COMMISSION 45961

General Revenue Fund 45962

GRF 415-100 Personal Services \$ 8,506,587 \$ 8,949,644 45963

GRF 415-401 Personal Care \$ 943,374 \$ 943,374 45964

Assistance

GRF 415-402 Independent Living \$ 398,582 \$ 398,582 45965

Council

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GRF 415-403	Mental Health Services	\$	754,473	\$	754,473	45966
GRF 415-404	MR/DD Services	\$	1,326,302	\$	1,326,301	45967
GRF 415-405	Vocational Rehabilitation/Job and Family Services	\$	564,799	\$	564,799	45968
GRF 415-431	Office for People with Brain Injury	\$	196,856	\$	197,745	45969
GRF 415-506	Services for People with Disabilities	\$	11,785,245	\$	12,082,297	45970
GRF 415-508	Services for the Deaf	\$	145,040	\$	145,040	45971
GRF 415-509	Services for the Elderly	\$	378,043	\$	378,044	45972
GRF 415-520	Independent Living Services	\$	61,078	\$	61,078	45973
TOTAL GRF	General Revenue Fund	\$	25,060,379	\$	25,801,377	45974
	General Services Fund Group					45975
4W5 415-606	Administrative Expenses	\$	18,775,759	\$	19,649,829	45976
467 415-609	Business Enterprise Operating Expenses	\$	1,585,602	\$	1,493,586	45977
TOTAL GSF	General Services Fund Group	\$	20,361,361	\$	21,143,415	45978 45979
	Federal Special Revenue Fund Group					45980
3L1 415-601	Social Security Personal Care Assistance	\$	3,044,146	\$	3,044,146	45981
3L1 415-605	Social Security Community Centers for the Deaf	\$	1,100,488	\$	1,100,488	45982
3L1 415-607	Social Security Administration Cost	\$	163,596	\$	171,085	45983
3L1 415-608	Social Security	\$	16,949,140	\$	7,309,984	45984

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		Special					
		Programs/Assistance					
3L1	415-610	Social Security	\$	1,338,324	\$	1,338,324	45985
		Vocational					
		Rehabilitation					
3L4	415-612	Federal-Independent	\$	681,726	\$	681,726	45986
		Living Centers or					
		Services					
3L4	415-615	Federal - Supported	\$	1,753,738	\$	1,753,738	45987
		Employment					
3L4	415-617	Independent	\$	1,033,853	\$	1,035,196	45988
		Living/Vocational					
		Rehabilitation					
		Programs					
317	415-620	Disability	\$	68,752,767	\$	71,452,334	45989
		Determination					
379	415-616	Federal-Vocational	\$	107,747,928	\$	110,980,366	45990
		Rehabilitation					
TOTAL FED		Federal Special					45991
Revenue Fund Group			\$	202,565,706	\$	198,867,387	45992
State Special Revenue Fund Group							45993
4L1	415-619	Services for	\$	5,698,621	\$	5,260,262	45994
		Rehabilitation					
468	415-618	Third Party Funding	\$	1,231,465	\$	892,991	45995
TOTAL SSR		State Special					45996
Revenue Fund Group			\$	6,930,086	\$	6,153,253	45997
TOTAL ALL BUDGET FUND GROUPS			\$	254,917,532	\$	251,965,432	45998
		STAND CONCESSIONS FUND - CREDITING OF INCOME					45999
		In crediting interest and other income earned on moneys					46000
		deposited in the Stand Concessions Fund (Fund 467), the Treasurer					46001
		of State and Director of Budget and Management shall ensure that					46002
		the requirements of section 3304.35 of the Revised Code are met.					46003

PERSONAL CARE ASSISTANCE 46004

The foregoing appropriation item 415-401, Personal Care 46005
Assistance, shall be used in addition to Social Security 46006
reimbursement funds to provide personal care assistance services. 46007
These funds shall not be used in lieu of Social Security 46008
reimbursement funds. 46009

MR/DD SERVICES 46010

The foregoing appropriation item 415-404, MR/DD Services, 46011
shall be used as state matching funds to provide vocational 46012
rehabilitation services to mutually eligible clients between the 46013
Rehabilitation Services Commission and the Department of Mental 46014
Retardation and Developmental Disabilities. The Rehabilitation 46015
Services Commission shall report to the Department of Mental 46016
Retardation and Developmental Disabilities, as outlined in an 46017
interagency agreement, on the number and status of mutually 46018
eligible clients and the status of the funds and expenditures for 46019
these clients. 46020

VOCATIONAL REHABILITATION/JOB AND FAMILY SERVICES 46021

The foregoing appropriation item 415-405, Vocational 46022
Rehabilitation/Job and Family Services, shall be used as state 46023
matching funds to provide vocational rehabilitation services to 46024
mutually eligible clients between the Rehabilitation Services 46025
Commission and the Department of Job and Family Services. The 46026
Rehabilitation Services Commission shall report to the Department 46027
of Job and Family Services, as outlined in an interagency 46028
agreement, on the number and status of mutually eligible clients 46029
and the status of the funds and expenditures for these clients. 46030

OFFICE FOR PEOPLE WITH BRAIN INJURY 46031

Of the foregoing appropriation item 415-431, Office for 46032
People with Brain Injury, \$100,000 in each fiscal year shall be 46033
used for the state match for a federal grant awarded through the 46034

Traumatic Brain Injury Act, Pub. L. No. 104-166. The remaining 46035
appropriation in this item shall be used to plan and coordinate 46036
head-injury-related services provided by state agencies and other 46037
government or private entities, to assess the needs for such 46038
services, and to set priorities in this area. 46039

SERVICES FOR PEOPLE WITH DISABILITIES 46040

On verification of the receipt of revenue in Fund 3W2, Title 46041
XX Vocational Rehabilitation, the Director of Budget and 46042
Management shall transfer those funds to the General Revenue Fund. 46043
The transferred funds are appropriated to appropriation item 46044
415-506, Services for People with Disabilities. The foregoing 46045
appropriation item 415-506, Services for People with Disabilities, 46046
includes transferred funds of \$600,000 in fiscal year 2002 and 46047
\$897,052 in fiscal year 2003. 46048

SERVICES FOR THE DEAF 46049

The foregoing appropriation item 415-508, Services for the 46050
Deaf, shall be used to supplement Social Security reimbursement 46051
funds used to provide grants to community centers for the deaf. 46052
These funds shall not be used in lieu of Social Security 46053
reimbursement funds. 46054

SERVICES FOR THE ELDERLY 46055

The foregoing appropriation item 415-509, Services for the 46056
Elderly, shall be used as matching funds for vocational 46057
rehabilitation services for eligible elderly citizens with a 46058
disability. 46059

SOCIAL SECURITY REIMBURSEMENT FUNDS 46060

Reimbursement funds received from the Social Security 46061
Administration, United States Department of Health and Human 46062
Services, for the costs of providing services and training to 46063
return disability recipients to gainful employment, shall be used 46064

in the Social Security Reimbursement Fund (Fund 3L1), as follows:	46065
(A) Appropriation item 415-601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;	46066 46067 46068
(B) Appropriation item 415-605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments;	46069 46070 46071 46072
(C) Appropriation item 415-607, Social Security Administration Cost, to provide administrative services needed to administer the Social Security reimbursement program;	46073 46074 46075
(D) Appropriation item 415-608, Social Security Special Programs/Assistance, to provide vocational rehabilitation services to individuals with severe disabilities, who are Social Security beneficiaries, to achieve competitive employment. This item also includes funds to assist the Personal Care Assistance, Community Centers for the Deaf, and Independent Living Programs to pay their share of indirect costs as mandated by federal OMB Circular A-87.	46076 46077 46078 46079 46080 46081 46082
(E) Appropriation item 415-610, Social Security Vocational Rehabilitation, to provide vocational rehabilitation services to individuals with severe disabilities to achieve a noncompetitive employment goal such as homemaker.	46083 46084 46085 46086
ADMINISTRATIVE EXPENSES	46087
The foregoing appropriation item 415-606, Administrative Expenses, shall be used to support the administrative functions of the commission related to the provision of vocational rehabilitation, disability determination services, and ancillary programs.	46088 46089 46090 46091 46092
INDEPENDENT LIVING COUNCIL	46093
The foregoing appropriation items 415-402, Independent Living	46094

Council, shall be used to fund the operations of the State 46095
Independent Living Council. 46096

MENTAL HEALTH SERVICES 46097

The foregoing appropriation item 415-403, Mental Health 46098
Services, shall be used for the provision of vocational 46099
rehabilitation services to mutually eligible consumers of the 46100
Rehabilitation Services Commission and the Department of Mental 46101
Health. 46102

The Department of Mental Health shall receive a quarterly 46103
report from the Rehabilitation Services Commission stating the 46104
numbers served, numbers placed in employment, average hourly wage, 46105
and average hours worked. 46106

INDEPENDENT LIVING SERVICES 46107

The foregoing appropriation items 415-520, Independent Living 46108
Services, and 415-612, Federal-Independent Living Centers or 46109
Services, shall be used to support state independent living 46110
centers or independent living services pursuant to Title VII of 46111
the Independent Living Services and Centers for Independent Living 46112
of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 46113
U.S.C. 796d. 46114

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 46115

The foregoing appropriation item 415-617, Independent 46116
Living/Vocational Rehabilitation Programs, shall be used to 46117
support vocational rehabilitation programs, including, but not 46118
limited to, Projects with Industry and Training Grants. 46119

Section 95. RCB RESPIRATORY CARE BOARD 46120

General Services Fund Group 46121
4K9 872-609 Operating Expenses \$ 287,191 \$ 305,030 46122
TOTAL GSF General Services 46123

As Reported by the House Finance and Appropriations Committee

Fund Group	\$	287,191	\$	305,030	46124
TOTAL ALL BUDGET FUND GROUPS	\$	287,191	\$	305,030	46125
Section 96. REVENUE DISTRIBUTION FUNDS					46127
Volunteer Firefighters' Dependents Fund					46128
085 800-900 Volunteer	\$	200,000	\$	200,000	46129
Firefighters'					
Dependents Fund					
TOTAL 085 Volunteer Firefighters'					46130
Dependents Fund	\$	200,000	\$	200,000	46131
Agency Fund Group					46132
062 110-900 Resort Area Excise Tax	\$	500,000	\$	500,000	46133
063 110-900 Permissive Tax	\$	1,398,200,000	\$	1,447,100,000	46134
Distribution					
067 110-900 School District Income	\$	156,800,000	\$	166,200,000	46135
Tax Fund					
4P8 001-698 Cash Management	\$	2,000,000	\$	2,000,000	46136
Improvement Fund					
608 001-699 Investment Earnings	\$	406,700,000	\$	398,300,000	46137
TOTAL AGY Agency Fund Group	\$	1,964,200,000	\$	2,014,100,000	46138
Holding Account Redistribution					46139
R45 110-617 International Fuel Tax	\$	40,000,000	\$	41,000,000	46140
Distribution					
TOTAL R45 Holding Account	\$	40,000,000	\$	41,000,000	46141
Redistribution Fund					
Revenue Distribution Fund Group					46142
049 038-900 Indigent Drivers	\$	2,100,000	\$	2,300,000	46143
Alcohol Treatment					
050 762-900 International	\$	58,000,000	\$	65,000,000	46144
Registration Plan					
Distribution					
051 762-901 Auto Registration	\$	490,000,000	\$	515,000,000	46145
Distribution					

As Reported by the House Finance and Appropriations Committee

054	110-900	Local Government	\$	43,700,000	\$	88,800,000	46146
		Property Tax					
		Replacement					
060	110-900	Gasoline Excise Tax	\$	116,027,000	\$	118,348,000	46147
		Fund					
064	110-900	Local Government	\$	100,600,000	\$	100,900,000	46148
		Revenue Assistance					
065	110-900	Library/Local	\$	506,700,000	\$	508,100,000	46149
		Government Support					
		Fund					
066	800-900	Undivided Liquor	\$	13,500,000	\$	13,750,000	46150
		Permit Fund					
068	110-900	State/Local Government	\$	233,750,000	\$	238,893,000	46151
		Highway Distribution					
		Fund					
069	110-900	Local Government Fund	\$	718,700,000	\$	720,400,000	46152
082	110-900	Horse Racing Tax	\$	200,000	\$	200,000	46153
083	700-900	Ohio Fairs Fund	\$	3,000,000	\$	3,000,000	46154
TOTAL RDF Revenue Distribution							46155
Fund Group			\$	2,286,277,000	\$	2,374,691,000	46156
TOTAL ALL BUDGET FUND GROUPS			\$	4,290,677,000	\$	4,429,991,000	46157
ADDITIONAL APPROPRIATIONS							46158
Appropriation items in this section are to be used for the							46159
purpose of administering and distributing the designated revenue							46160
distributions fund according to the Revised Code. If it is							46161
determined that additional appropriations are necessary, such							46162
amounts are appropriated.							46163
Section 97. SAN BOARD OF SANITARIAN REGISTRATION							46164
General Services Fund Group							46165
4K9	893-609	Operating Expenses	\$	109,512	\$	115,074	46166
TOTAL GSF General Services							46167

As Reported by the House Finance and Appropriations Committee

Fund Group	\$	109,512	\$	115,074	46168
TOTAL ALL BUDGET FUND GROUPS	\$	109,512	\$	115,074	46169
Section 98. OSB OHIO STATE SCHOOL FOR THE BLIND					46171
General Revenue Fund					46172
GRF 226-100 Personal Services	\$	5,880,065	\$	6,157,563	46173
GRF 226-200 Maintenance	\$	700,437	\$	717,948	46174
GRF 226-300 Equipment	\$	139,288	\$	142,770	46175
TOTAL GRF General Revenue Fund	\$	6,719,790	\$	7,018,281	46176
General Services Fund Group					46177
4H8 226-602 Education Reform	\$	30,652	\$	31,476	46178
Grants					
TOTAL GSF General Services					46179
Fund Group	\$	30,652	\$	31,476	46180
State Special Revenue Fund Group					46181
4M5 226-601 Work Study &	\$	41,854	\$	42,919	46182
Technology Investments					
TOTAL SSR State Special Revenue					46183
Fund Group	\$	41,854	\$	42,919	46184
Federal Special Revenue Fund Group					46185
3P5 226-643 Medicaid Professional	\$	125,000	\$	125,000	46186
Services Reimbursement					
310 226-626 Coordinating Unit	\$	1,274,274	\$	1,278,475	46187
TOTAL FED Federal Special					46188
Revenue Fund Group	\$	1,399,274	\$	1,403,475	46189
TOTAL ALL BUDGET FUND GROUPS	\$	8,191,570	\$	8,496,151	46190
Section 99. OSD OHIO STATE SCHOOL FOR THE DEAF					46192
General Revenue Fund					46193
GRF 221-100 Personal Services	\$	7,662,763	\$	8,022,913	46194
GRF 221-200 Maintenance	\$	998,197	\$	1,018,160	46195
GRF 221-300 Equipment	\$	270,867	\$	276,284	46196

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TOTAL GRF General Revenue Fund	\$	8,931,827	\$	9,317,357	46197
General Services Fund Group					46198
4M1 221-602 Education Reform	\$	68,107	\$	70,701	46199
Grants					
TOTAL GSF General Services					46200
Fund Group	\$	68,107	\$	70,701	46201
State Special Revenue Fund Group					46202
4M0 221-601 Educational Program	\$	35,320	\$	33,188	46203
Expenses					46204
5H6 221-609 Even Start Fees &	\$	157,723	\$	122,989	46205
Gifts					
TOTAL SSR State Special Revenue					46206
Fund Group	\$	193,043	\$	156,177	46207
Federal Special Revenue Fund Group					46208
3R0 221-684 Medicaid Professional	\$	90,464	\$	111,377	46209
Services Reimbursement					46210
3U4 221-603 Even Start	\$	125,000	\$	104,625	46211
311 221-625 Coordinating Unit	\$	910,000	\$	933,400	46212
TOTAL FED Federal Special					46213
Revenue Fund Group	\$	1,125,464	\$	1,149,402	46214
TOTAL ALL BUDGET FUND GROUPS	\$	10,318,441	\$	10,693,637	46215
Section 100. SFC SCHOOL FACILITIES COMMISSION					46217
General Revenue Fund					46218
GRF 230-428 Lease Rental Payments	\$	41,645,300	\$	37,654,300	46219
GRF 230-908 Common Schools General	\$	36,418,800	\$	55,336,300	46220
Obligation Debt					
Service					
TOTAL GRF General Revenue Fund	\$	78,064,100	\$	92,990,600	46221
State Special Revenue Fund Group					46222
5E3 230-644 Operating Expenses	\$	6,096,521	\$	6,409,766	46223
TOTAL SSR State Special Revenue					46224

As Reported by the House Finance and Appropriations Committee

Fund Group	\$	6,096,521	\$	6,409,766	46225
TOTAL ALL BUDGET FUND GROUPS	\$	84,160,621	\$	99,400,366	46226

Section 100.01. LEASE RENTAL PAYMENTS 46228

The foregoing appropriation item 230-428, Lease Rental 46229
 Payments, shall be used to meet all payments at the times they are 46230
 required to be made during the period from July 1, 2001, to June 46231
 30, 2003, by the School Facilities Commission pursuant to leases 46232
 and agreements made under section 3318.26 of the Revised Code, but 46233
 limited to the aggregate amount of \$79,299,600. Nothing in this 46234
 act shall be deemed to contravene the obligation of the state to 46235
 pay, without necessity for further appropriation, from the sources 46236
 pledged thereto, the bond service charges on obligations issued 46237
 pursuant to Chapter 3318. of the Revised Code. 46238

COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE 46239

The foregoing appropriation item 230-908, Common Schools 46240
 General Obligation Debt Service, shall be used to pay all debt 46241
 service and financing costs at the times they are required to be 46242
 made pursuant to sections 151.01 and 151.03 of the Revised Code 46243
 during the period from July 1, 2001, to June 30, 2003. The Office 46244
 of the Sinking Fund or the Director of Budget and Management shall 46245
 effectuate the required payments by an intrastate transfer 46246
 voucher. 46247

OPERATING EXPENSES 46248

The foregoing appropriation item 230-644, Operating Expenses, 46249
 shall be used by the Ohio School Facilities Commission to carry 46250
 out its responsibilities pursuant to this section and Chapter 46251
 3318. of the Revised Code. 46252

Within ten days after the effective date of this section, or 46253
 as soon as possible thereafter, the Executive Director of the Ohio 46254
 School Facilities Commission shall certify to the Director of 46255

Budget and Management the amount of cash to be transferred from 46256
the School Building Assistance Fund (Fund 032) or the Public 46257
School Building Fund (Fund 021) to the Ohio School Facilities 46258
Commission Fund (Fund 5E3). 46259

By July 10, 2002, the Executive Director of the Ohio School 46260
Facilities Commission shall certify to the Director of Budget and 46261
Management the amount of cash to be transferred from the School 46262
Building Assistance Fund (Fund 032) or the Public School Building 46263
Fund (Fund 021) to the Ohio School Facilities Commission Fund 46264
(Fund 5E3). 46265

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 46266

At the request of the Executive Director of the Ohio School 46267
Facilities Commission, the Director of Budget and Management may 46268
cancel encumbrances for school district projects from a previous 46269
biennium if the district has not raised its local share of project 46270
costs within one year of receiving Controlling Board approval in 46271
accordance with section 3318.05 of the Revised Code. The Executive 46272
Director of the Ohio School Facilities Commission shall certify 46273
the amounts of these canceled encumbrances to the Director of 46274
Budget and Management on a quarterly basis. The amounts of the 46275
canceled encumbrances are appropriated. 46276

DISABILITY ACCESS PROJECTS 46277

The unencumbered and unallotted balances as of June 30, 2001, 46278
in appropriation item 230-649, Disability Access Project, are 46279
hereby reappropriated. The unencumbered and unallotted balances of 46280
the appropriation at the end of fiscal year 2002 are hereby 46281
reappropriated in fiscal year 2003 to fund capital projects 46282
pursuant to this section. 46283

(A) As used in this section: 46284

(1) "Percentile" means the percentile in which a school 46285
district is ranked according to the fiscal year 1998 ranking of 46286

school districts with regard to income and property wealth under 46287
division (B) of section 3318.011 of the Revised Code. 46288

(2) "School district" means a city, local, or exempted 46289
village school district, but excluding a school district that is 46290
one of the state's 21 urban school districts as defined in 46291
division (O) of section 3317.02 of the Revised Code, as that 46292
section existed prior to July 1, 1998. 46293

(3) "Valuation per pupil" means a district's total taxable 46294
value as defined in section 3317.02 of the Revised Code divided by 46295
the district's ADM as defined in division (A) of section 3317.02 46296
of the Revised Code as that section existed prior to July 1, 1998. 46297

(B) The School Facilities Commission shall adopt rules for 46298
awarding grants to school districts with a valuation per pupil of 46299
less than \$200,000, to be used for construction, reconstruction, 46300
or renovation projects in classroom facilities, the purpose of 46301
which is to improve access to such facilities by physically 46302
handicapped persons. The rules shall include application 46303
procedures. No school district shall be awarded a grant under this 46304
section in excess of \$100,000. In addition, any school district 46305
shall be required to pay a percentage of the cost of the project 46306
or which the grant is being awarded equal to the percentile in 46307
which the district is ranked. 46308

(C) The School Facilities Commission is hereby authorized to 46309
transfer a portion of appropriation item CAP-622, Public School 46310
Buildings, contained in Am. Sub. H.B. No. 283 of the 123rd General 46311
Assembly, to CAP-777, Disability Access Projects, to provide funds 46312
to make payments resulting from the approval of applications for 46313
disability access grants received prior to January 1, 1999. The 46314
amounts transferred are appropriated. 46315

Section 100.02. In fiscal year 2002, the Director of Budget 46316
and Management shall deposit into the Community School Classroom 46317

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Facilities Loan Guarantee Fund, established under section 3318.52 46318
of the Revised Code, not less than ten million dollars from the 46319
moneys that have been appropriated to the Ohio School Facilities 46320
Commission for capital projects. The moneys so deposited shall be 46321
used by the Commission to guarantee loans to community schools 46322
under section 3318.50 of the Revised Code. 46323

Section 101. NET OHIO SCHOOLNET COMMISSION 46324

General Revenue Fund 46325

GRF 228-404 Operating Expenses \$ 7,255,189 \$ 7,117,741 46326

GRF 228-406 Technical and \$ 10,475,898 \$ 10,172,630 46327

Instructional

Professional

Development

GRF 228-539 Education Technology \$ 6,161,096 \$ 5,910,596 46328

Total GRF General Revenue Fund \$ 23,892,183 \$ 23,200,967 46329

General Services Fund Group 46330

5D4 228-640 Conference/Special \$ 510,700 \$ 521,382 46331

Purpose Expenses

5G0 228-650 Interactive Distance \$ 4,086,000 \$ 0 46332

Learning

TOTAL GSF General Services 46333

Fund Group \$ 4,596,700 \$ 521,382 46334

State Special Revenue Fund Group 46335

4W9 228-630 Ohio SchoolNet \$ 547,615 \$ 447,615 46336

Telecommunity Fund

4X1 228-634 Distance Learning \$ 2,930,000 \$ 2,930,000 46337

4Y4 228-698 SchoolNet Plus \$ 2,707,605 \$ 2,826,540 46338

TOTAL SSR State Special Revenue 46339

Fund Group \$ 6,185,220 \$ 6,204,155 46340

Federal Special Revenue Fund Group 46341

3S3 228-655 Technology Literacy \$ 15,918,780 \$ 15,918,780 46342

Challenge

TOTAL FED Federal Special Revenue				46343	
Fund Group	\$	15,918,780	\$	15,918,780	46344
TOTAL ALL BUDGET FUND GROUPS	\$	50,592,833	\$	45,845,284	46345

Section 101.01. INTERACTIVE VIDEO DISTANCE LEARNING PROGRAM 46347

The unencumbered and unallotted balances as of June 30, 2001, 46348
in appropriation item 228-650, Interactive Distance Learning, are 46349
reappropriated to fund projects pursuant to this section. The 46350
unencumbered and unallotted balances as of June 30, 2002, in 46351
appropriation item 228-650, Interactive Distance learning, are 46352
reappropriated for fiscal year 2003 to continue projects started 46353
in fiscal year 2002. The foregoing appropriation item 228-650, 46354
Interactive Distance Learning shall be used to extend the 46355
Interactive Video Distance Learning Program in accordance with the 46356
statewide educational technology strategic plan. Not later than 46357
the fifteenth day of July 2001, the Director of Budget and 46358
Management shall transfer \$4,086,000 from the General Revenue Fund 46359
to Fund 5G0, Interactive Distance Learning. The commission shall 46360
adopt procedures for the administration and implementation of the 46361
Interactive Video Distance Learning Program, which shall include 46362
application procedures, specifications for distance learning 46363
technology, and terms and conditions for participation in the 46364
program. The commission shall not approve any application for 46365
participation unless it determines that the applicant can 46366
effectively and efficiently integrate the proposed distance 46367
learning technology into schools or the selected schools or 46368
classrooms for the phase of the program. The commission shall 46369
consider the Interactive Video Distance Learning Pilot established 46370
in Am. Sub. H.B. 215 of the 122nd General Assembly, and the Ohio 46371
SchoolNet Telecommunity program in Am. Sub. H. B. 627 of the 121st 46372
General Assembly, in developing application procedures and 46373
criteria for the Interactive Video Distance Learning Program. The 46374

commission shall give preference to lower wealth districts or
consortia of such districts that do not have existing video
teleconferencing technology.

SCHOOLNET PLUS PROGRAM

All appropriations that are unencumbered and unallotted in
appropriation item 228-698, SchoolNet Plus, as of June 30, 2001,
are hereby reappropriated for the same purpose in fiscal year 2002
upon the request of the Executive Director of the Ohio SchoolNet
Commission and the approval of the Director of Budget and
Management.

Not later than the fifteenth day of July 2001, the Director
of Budget and Management shall transfer \$2,707,605 cash from the
Human Resources Services Fund (Fund 125) within the General
Services Fund Group to Fund 4Y4, SchoolNet Plus. Not later than
the fifteenth day of July 2002, the Director of Budget and
Management shall transfer \$2,826,540 cash from the Human Resources
Services Fund (Fund 125) within the General Services Fund Group to
Fund 4Y4, SchoolNet Plus.

Of the foregoing appropriation item 228-698, SchoolNet Plus,
up to \$1,841,655 in fiscal year 2002 and up to \$1,917,293 in
fiscal year 2003 shall be used to fund the ONENet Ohio project to
link all public K-12 classrooms to each other and the Internet,
and to provide access to voice, video, and data educational
resources for students and teachers.

Of the foregoing appropriation item 228-698, SchoolNet Plus,
up to \$865,950 in fiscal year 2002 and up to \$909,247 in fiscal
year 2003 shall be provided by the Ohio SchoolNet Commission to
the INFOhio Network of library resources to support the provision
of electronic resources to all public schools with preference
given to elementary schools. Consideration should be given to
coordinating the allocation of these moneys with the efforts of

OhioLINK and the Ohio Public Information Network. 46406

TECHNICAL AND INSTRUCTIONAL PROFESSIONAL DEVELOPMENT 46407

The foregoing appropriation item 228-406, Technical and 46408
Instructional Professional Development, shall be used by the Ohio 46409
SchoolNet Commission to make grants to qualifying schools, 46410
including the State School for the Blind and the Ohio School for 46411
the Deaf, for the provision of hardware, software, 46412
telecommunications services, and staff development to support 46413
educational uses of technology in the classroom. 46414

The Ohio SchoolNet Commission shall consider the professional 46415
development needs associated with the OhioReads Program when 46416
making funding allocations and program decisions. 46417

The Ohio Educational Telecommunications Network Commission, 46418
with the advice of the Ohio SchoolNet Commission, shall make 46419
grants totaling up to \$1,400,000 in each year of the biennium for 46420
research development and production of interactive instructional 46421
programming series and teleconferences to support SchoolNet. Up to 46422
\$55,000 of this amount shall be used in each year of the biennium 46423
to provide for the administration of these activities by the Ohio 46424
Educational Telecommunications Network Commission. The programming 46425
shall be targeted to the needs of the poorest 200 school districts 46426
as determined by the district's adjusted valuation per pupil as 46427
defined in section 3317.0213 of the Revised Code. 46428
46429

Of the foregoing appropriation item 228-406, Technical and 46430
Instructional Professional Development, \$2,900,000 in each fiscal 46431
year shall be distributed by the Ohio SchoolNet Commission to 46432
low-wealth districts or consortia including low-wealth school 46433
districts, as determined by the district's adjusted valuation per 46434
pupil as defined in section 3317.0213 of the Revised Code, or the 46435
State School for the Blind or the Ohio School for the Deaf. 46436

The remaining appropriation allocated in appropriation item 46437
228-406, Technical and Instructional Professional Development, 46438
shall be used by the Ohio SchoolNet Commission for professional 46439
development for teachers and administrators for the use of 46440
educational technology. The commission shall make grants to 46441
provide technical assistance and professional development on the 46442
use of educational technology to school districts. 46443

Eligible recipients of grants include regional training 46444
centers, county offices of education, data collection sites, 46445
instructional technology centers, institutions of higher 46446
education, public television stations, special education resource 46447
centers, area media centers, or other nonprofit educational 46448
organizations. Services provided through these grants may include 46449
use of private entities subcontracting through the grant 46450
recipient. 46451

Grants shall be made to entities on a contractual basis with 46452
the Ohio SchoolNet Commission. Contracts shall include provisions 46453
that demonstrate how services will benefit technology use in the 46454
schools, and in particular will support SchoolNet efforts to 46455
support technology in the schools. Contracts shall specify the 46456
scope of assistance being offered and the potential number of 46457
professionals who will be served. Contracting entities may be 46458
awarded more than one grant at a time. 46459

Grants shall be awarded in a manner consistent with the goals 46460
of SchoolNet. Special emphasis in the award of grants shall be 46461
placed on collaborative efforts among service providers. 46462

Application for grants from this appropriation in 46463
appropriation item 228-406, Technical and Instructional 46464
Professional Development, shall be consistent with a school 46465
district's technology plan that shall meet the minimum 46466
specifications for school district technology plans as prescribed 46467
by the Ohio SchoolNet Commission. Funds allocated through these 46468

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grants may be combined with funds received through other state or federal grants for technology so long as the school district's technology plan specifies the use of these funds. The commission may combine the application for these grants with the SchoolNet application process authorized in Am. Sub. H.B. 790 of the 120th General Assembly.

EDUCATION TECHNOLOGY

The foregoing appropriation item 228-539, Education Technology, shall be used to provide funding to suppliers of information services to school districts for the provision of hardware, software, and staff development in support of educational uses of technology in the classroom as prescribed by the State Plan for Technology pursuant to section 3301.07 of the Revised Code, and to support assistive technology for children and youth with disabilities.

Up to \$5,200,000 in each fiscal year shall be used by the Ohio SchoolNet Commission to contract with instructional television, and \$850,000 in fiscal year 2002, and \$840,000 in fiscal year 2003 shall be used by the commission to contract with education media centers to provide Ohio schools with instructional resources and services.

Resources may include, but not be limited to, the following: pre-recorded video materials (including videotape, laser discs, and CD-ROM discs); computer software for student use or student access to electronic communication, databases, spreadsheet, and word processing capability; live student courses or courses delivered electronically; automated media systems; and instructional and professional development materials for teachers. The commission shall cooperate with education technology agencies in the acquisition, development, and delivery of such educational resources to ensure high-quality and educational soundness at the lowest possible cost. Delivery of such resources may utilize a

variety of technologies, with preference given to a high-speed
integrated information network that can transport video, voice,
data, and graphics simultaneously.

Services shall include presentations and technical assistance
that will help students and teachers integrate educational
materials that support curriculum objectives, match specific
learning styles, and are appropriate for individual interests and
ability levels.

Such instructional resources and services shall be made
available for purchase by chartered nonpublic schools or by public
school districts for the benefit of pupils attending chartered
nonpublic schools.

DISTANCE LEARNING

Appropriation item 228-634, Distance Learning, shall be
distributed by the Ohio SchoolNet Commission on a grant basis to
eligible school districts to establish "distance learning" in the
school district. Per the agreement with Ameritech, school
districts are eligible for funds if they are within an Ameritech
service area. Funds to administer the program shall be expended by
the commission up to the amount specified in the agreement with
Ameritech.

Within 30 days after the effective date of this section, the
Director of Budget and Management shall transfer to fund 4X1 in
the State Special Revenue Fund Group any investment earnings from
moneys paid to the office or to the SchoolNet Commission by any
telephone company as part of a settlement agreement between the
company and the Public Utilities Commission in fiscal year 1995.

ELECTRICAL INFRASTRUCTURE

The unencumbered and unallotted balances of June 30, 2001, in
appropriation item 228-690, SchoolNet Electrical Infrastructure,
are reappropriated to fund projects pursuant to this section. The

foregoing appropriation item may be distributed by the Ohio
SchoolNet Commission for use by school districts to renovate
existing buildings with sufficient electrical service to safely
operate educational technology consistent with their SchoolNet and
SchoolNet Plus technology plans. The Executive Director of the
Ohio SchoolNet Commission shall review grant proposals from school
districts for the use of these funds. In evaluating grant
proposals, the executive director shall consider the ability and
commitment of school districts to contribute local public and
private resources to upgrade their electrical service and shall
give consideration to consortia of school districts that have
formed to optimize resources to upgrade electrical service. In no
case shall grant awards exceed \$1,000,000 for a single school
district. Funding recommendations for this appropriation made by
the executive director are subject to the review of the Ohio
SchoolNet Commission.

Section 101.02. There is hereby created the Ohio Schools
Technology Implementation Task Force. The Task Force shall develop
recommendations based upon the findings from the Independent
Review and Strategic Plan authorized to be completed in divisions
(A)(3) and (4) of Section 11 of Am. Sub. H.B. 282 of the 123rd
General Assembly, for a comprehensive framework for coordinating
the planning and implementation of technology in Ohio schools. The
Task Force shall examine and make long-term recommendations for
technology funding for Ohio's primary and secondary schools as
well as for the operational costs of the Ohio SchoolNet
Commission.

The Task Force shall be composed of six voting members, three
of whom shall be members of the Senate appointed by the President
of the Senate and three of whom shall be members of the House of
Representatives appointed by the Speaker of the House of
Representatives. Not more than two members from each house shall

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be members of the same political party. From among these six 46564
 voting members, the President of the Senate and the Speaker of the 46565
 House of Representatives jointly shall appoint a chairperson of 46566
 the Task Force. The Task Force shall include as ex officio 46567
 nonvoting members the Superintendent of Public Instruction or the 46568
 Superintendent's designee, the Director of Budget and Management 46569
 or the Director's designee, the Director of Administrative 46570
 Services or the Director's designee, the Executive Director of the 46571
 Ohio SchoolNet Commission or the Executive Director's designee, a 46572
 representative designated by the head of the Ohio Education 46573
 Computer Network, a representative designated by the Chairperson 46574
 of the Public Utilities Commission of Ohio, a representative 46575
 appointed by the Chairperson of the Ohio Educational 46576
 Telecommunications Network Commission, a representative of Ohio's 46577
 business community appointed by the President of the Senate, and a 46578
 representative from an educational service center appointed by the 46579
 Speaker of the House of Representatives. The voting members may, 46580
 by majority vote, elect to include any number of additional 46581
 nonvoting members. 46582

The Legislative Service Commission shall provide any staffing 46583
 assistance requested by the Task Force. The Task Force shall issue 46584
 a report not later than December 1, 2002. Upon issuing its report, 46585
 the Task Force shall cease to exist. 46586

Section 102. SOS SECRETARY OF STATE 46587

General Revenue Fund				46588
GRF 050-321	Operating Expenses	\$ 3,300,000	\$ 3,300,000	46589
GRF 050-403	Election Statistics	\$ 146,963	\$ 154,882	46590
GRF 050-407	Pollworkers Training	\$ 231,400	\$ 327,600	46591
GRF 050-409	Litigation	\$ 26,210	\$ 27,622	46592
Expenditures				
TOTAL GRF	General Revenue Fund	\$ 3,704,573	\$ 3,810,104	46593

As Reported by the House Finance and Appropriations Committee

General Services Fund Group				46594
4S8 050-610 Board of Voting	\$	7,200	\$ 7,200	46595
Machine Examiners				
413 050-601 Information Systems	\$	153,300	\$ 157,133	46596
414 050-602 Citizen Education Fund	\$	80,000	\$ 70,000	46597
TOTAL General Services Fund Group	\$	240,500	\$ 234,333	46598
State Special Revenue Fund Group				46599
5N9 050-607 Technology	\$	120,000	\$ 121,000	46600
Improvements				
599 050-603 Business Services	\$	11,880,000	\$ 11,979,000	46601
Operating Expenses				
TOTAL SSR State Special Revenue				46602
Fund Group	\$	12,000,000	\$ 12,100,000	46603
Holding Account Redistribution Fund Group				46604
R01 050-605 Uniform Commercial	\$	65,000	\$ 65,000	46605
Code Refunds				
R02 050-606 Corporate/Business	\$	185,000	\$ 185,000	46606
Filing Refunds				
TOTAL 090 Holding Account				46607
Redistribution Fund Group	\$	250,000	\$ 250,000	46608
TOTAL ALL BUDGET FUND GROUPS	\$	16,195,073	\$ 16,394,437	46609
BOARD OF VOTING MACHINE EXAMINERS				46610
The foregoing appropriation item 050-610, Board of Voting				46611
Machine Examiners, shall be used to pay for the services and				46612
expenses of the members of the Board of Voting Machine Examiners,				46613
and for other expenses that are authorized to be paid from the				46614
Board of Voting Machine Examiners Fund, which is created in				46615
section 3506.05 of the Revised Code. Moneys not used shall be				46616
returned to the person or entity submitting the equipment for				46617
examination. If it is determined that additional appropriations				46618
are necessary, such amounts are appropriated.				46619

As Reported by the House Finance and Appropriations Committee

HOLDING ACCOUNT REDISTRIBUTION GROUP				46620	
The foregoing appropriation items 050-605 and 050-606,				46621	
Holding Account Redistribution Fund Group, shall be used to hold				46622	
revenues until they are directed to the appropriate accounts or				46623	
until they are refunded. If it is determined that additional				46624	
appropriations are necessary, such amounts are appropriated.				46625	
Section 103. SEN THE OHIO SENATE				46626	
General Revenue Fund				46627	
GRF 020-321 Operating Expenses	\$	11,289,045	\$	11,289,045	46628
TOTAL GRF General Revenue Fund	\$	11,289,045	\$	11,289,045	46629
General Services Fund Group				46630	
102 020-602 Senate Reimbursement	\$	402,744	\$	402,744	46631
409 020-601 Miscellaneous Sales	\$	30,980	\$	30,980	46632
TOTAL GSF General Services				46633	
Fund Group	\$	433,724	\$	433,724	46634
TOTAL ALL BUDGET FUND GROUPS	\$	11,722,769	\$	11,722,769	46635
Section 104. CSF COMMISSIONERS OF THE SINKING FUND				46637	
Debt Service Fund Group				46638	
071 155-901 Highway Obligations	\$	49,614,300	\$	47,572,500	46639
Bond Retirement Fund					
072 155-902 Highway Capital	\$	137,730,500	\$	152,120,700	46640
Improvements Bond					
Retirement Fund					
073 155-903 Natural Resources Bond	\$	19,001,100	\$	22,101,900	46641
Retirement					
076 155-906 Coal Research and	\$	8,971,700	\$	9,420,300	46642
Development Bond					
Retirement Fund					
077 155-907 State Capital	\$	135,693,200	\$	146,210,200	46643
Improvements Bond					

As Reported by the House Finance and Appropriations Committee

	Retirement Fund					
078	155-908	Common Schools Capital	\$	36,418,800	\$ 55,336,300	46644
		Facilities Bond				
		Retirement Fund				
079	155-909	Higher Education	\$	50,055,100	\$ 74,344,100	46645
		Capital Facilities				
		Bond Retirement Fund				
TOTAL DSF		Debt Service Fund Group	\$	437,484,700	\$ 507,106,000	46646
TOTAL ALL BUDGET FUND GROUPS			\$	437,484,700	\$ 507,106,000	46647
		ADDITIONAL APPROPRIATIONS				46648
		Appropriation items in this section are for the purpose of				46649
		paying on bonds or other instruments of indebtedness of this state				46650
		issued pursuant to the Ohio Constitution and acts of the General				46651
		Assembly. If it is determined that additional appropriations are				46652
		necessary, such amounts are appropriated.				46653
		Section 105. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY				46654
		& AUDIOLOGY				46655
		General Services Fund Group				46656
4K9	886-609	Operating Expenses	\$	352,727	\$ 372,348	46657
TOTAL GSF		General Services				46658
Fund Group			\$	352,727	\$ 372,348	46659
TOTAL ALL BUDGET FUND GROUPS			\$	352,727	\$ 372,348	46660
		Section 106. BTA BOARD OF TAX APPEALS				46662
		General Revenue Fund				46663
GRF	116-321	Operating Expenses	\$	2,499,741	\$ 2,569,734	46664
TOTAL GRF		General Revenue Fund	\$	2,499,741	\$ 2,569,734	46665
		General Services Fund Group				46666
439	116-602	Reproduction of	\$	7,500	\$ 7,500	46667
		Decisions				
TOTAL GSF		General Services				46668

As Reported by the House Finance and Appropriations Committee

Fund Group	\$	7,500	\$	7,500	46669
TOTAL ALL BUDGET FUND GROUPS	\$	2,507,241	\$	2,577,234	46670
Section 107. TAX DEPARTMENT OF TAXATION					46672
General Revenue Fund					46673
GRF 110-321 Operating Expenses	\$	87,611,076	\$	89,566,509	46674
GRF 110-412 Child Support	\$	92,939	\$	90,006	46675
Administration					
GRF 110-901 Property Tax	\$	380,200,000	\$	399,300,000	46676
Allocation - Taxation					
GRF 110-906 Tangible Tax Exemption	\$	30,000,000	\$	30,900,000	46677
- Taxation					
TOTAL GRF General Revenue Fund	\$	497,904,015	\$	519,856,515	46678
Agency Fund Group					46679
425 110-635 Tax Refunds	\$	860,000,000	\$	875,000,000	46680
TOTAL AGY Agency Fund Group	\$	860,000,000	\$	875,000,000	46681
General Services Fund Group					46682
433 110-602 Tape File Account	\$	92,082	\$	96,165	46683
TOTAL GSF General Services					46684
Fund Group	\$	92,082	\$	96,165	46685
State Special Revenue Fund Group					46686
4C6 110-616 International	\$	669,561	\$	706,855	46687
Registration Plan					
4R6 110-610 Tire Tax	\$	65,000	\$	65,000	46688
Administration					
435 110-607 Local Tax	\$	29,517,404	\$	24,189,026	46689
Administration					
436 110-608 Motor Vehicle Audit	\$	1,687,249	\$	1,600,000	46690
437 110-606 Litter Tax and Natural	\$	594,726	\$	625,232	46691
Resource Tax					
Administration					
438 110-609 School District Income	\$	2,873,446	\$	2,599,999	46692

As Reported by the House Finance and Appropriations Committee

		Tax				
5N6	110-618	Kilowatt Hour Tax	\$	85,000	\$	85,000 46693
		Administration				
5N7	110-619	Municipal Internet	\$	10,000	\$	10,000 46694
		Site				
639	110-614	Cigarette Tax	\$	161,168	\$	168,925 46695
		Enforcement				
642	110-613	Ohio Political Party	\$	800,000	\$	800,000 46696
		Distributions				
688	110-615	Local Excise Tax	\$	300,000	\$	300,000 46697
		Administration				
TOTAL SSR State Special Revenue						46698
Fund Group			\$	36,763,554	\$	31,150,037 46699
Federal Special Revenue Fund Group						46700
3J6	110-601	Motor Fuel Compliance	\$	33,000	\$	33,000 46701
TOTAL FED Federal Special Revenue						46702
Fund Group			\$	33,000	\$	33,000 46703
Holding Account Redistribution Fund Group						46704
R10	110-611	Tax Distributions	\$	2,000	\$	2,000 46705
R11	110-612	Miscellaneous Income	\$	5,000	\$	5,000 46706
		Tax Receipts				
TOTAL 090 Holding Account						46707
Redistribution Fund Group			\$	7,000	\$	7,000 46708
TOTAL ALL BUDGET FUND GROUPS						46709
		LITTER CONTROL TAX ADMINISTRATION FUND				46710
		Notwithstanding section 5733.12 of the Revised Code, during				46711
		the period from July 1, 2001, to June 30, 2002, the amount of				46712
		\$594,726, and during the period from July 1, 2002, to June 30,				46713
		2003, the amount of \$625,232, received by the Treasurer of State				46714
		under Chapter 5733. of the Revised Code, shall be credited to the				46715
		Litter Control Tax Administration Fund (Fund 437).				46716
		INTERNATIONAL REGISTRATION PLAN AUDIT				46717

The foregoing appropriation item 110-616, International Registration Plan, shall be used pursuant to section 5703.12 of the Revised Code for audits of persons with vehicles registered under the International Registration Plan.

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX EXEMPTION

The foregoing appropriation item 110-901, Property Tax Allocation - Taxation, is appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts of the state, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

The foregoing appropriation item 110-906, Tangible Tax Exemption - Taxation, is appropriated to pay for the state's costs incurred due to the tangible personal property tax exemption required by division (C)(3) of section 5709.01 of the Revised Code. The Tax Commissioner shall distribute to each county treasurer the total amount certified by the county treasurer pursuant to section 319.311 of the Revised Code for all local taxing districts located in the county except for school districts, notwithstanding the provision in section 319.311 of the Revised Code which provides for payment of the \$10,000 tangible personal property tax exemption by the Tax Commissioner to the appropriate county treasurer for all local taxing districts located in the county including school districts. Pursuant to

division (G) of section 321.24 of the Revised Code, the county auditor shall distribute the amount paid by the Tax Commissioner among the appropriate local taxing districts except for school districts. 46750
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Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code. 46754
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Any sums, in addition to the amounts specifically appropriated in appropriation items 110-901, Property Tax Allocation - Taxation, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, and 110-906, Tangible Tax Exemption, for the \$10,000 tangible personal property tax exemption payments, which are determined to be necessary for these purposes, are appropriated. 46760
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TAX REFUNDS 46768

The foregoing appropriation item 110-635, Tax Refunds, shall be used to pay refunds as provided in section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary, such amounts are appropriated. 46769
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Section 108. DOT DEPARTMENT OF TRANSPORTATION 46773

Transportation Modes 46774

General Revenue Fund 46775

GRF 775-451 Public Transportation \$ 25,000,000 \$ 25,000,000 46776

- State

GRF 775-453 Waterfront Line Lease \$ 1,786,000 \$ 0 46777

Payments - State

As Reported by the House Finance and Appropriations Committee

GRF 775-458	Elderly and Disabled	\$	3,364,000	\$	3,364,000	46778
	Fare Assistance					
GRF 776-465	Ohio Rail Development	\$	5,000,000	\$	5,000,000	46779
	Commission					
GRF 776-466	Railroad Crossing and	\$	1,000,000	\$	1,000,000	46780
	Grade Separation					
GRF 777-471	Airport Improvements -	\$	2,909,876	\$	3,000,576	46781
	State					
GRF 777-473	Rickenbacker Lease	\$	600,000	\$	600,000	46782
	Payments - State					
TOTAL GRF	General Revenue Fund	\$	39,659,876	\$	37,964,576	46783
	Federal Special Revenue Fund Group					46784
3B9 776-662	Rail Transportation -	\$	600,000	\$	600,000	46785
	Federal					
TOTAL FSR	Federal Special Revenue					46786
	Fund Group	\$	600,000	\$	600,000	46787
	State Special Revenue Fund Group					46788
4N4 776-663	Panhandle Lease	\$	770,000	\$	770,000	46789
	Reserve Payments					
4N4 776-664	Rail Transportation -	\$	850,720	\$	1,745,000	46790
	Other					
TOTAL SSR	State Special Revenue					46791
	Fund Group	\$	1,620,720	\$	2,515,000	46792
TOTAL ALL BUDGET FUND GROUPS		\$	41,880,596	\$	41,079,576	46793

AVIATION LEASE PAYMENTS

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The foregoing appropriation item 777-473, Rickenbacker Lease 46795
Payments - State, shall be used to meet scheduled payments for the 46796
Rickenbacker Port Authority. The Director of Transportation shall 46797
certify to the Director of Budget and Management any 46798
appropriations in appropriation item 777-473, Rickenbacker Lease 46799
Payments - State, that are not needed to make lease payments for 46800
the Rickenbacker Port Authority. Notwithstanding section 127.14 of 46801

the Revised Code, the amount certified may be transferred by the 46802
 Director of Budget and Management to appropriation item 777-471, 46803
 Airport Improvements - State. 46804

TRANSFER OF APPROPRIATIONS - PUBLIC TRANSPORTATION 46805

The Director of Budget and Management may approve requests 46806
 from the Department of Transportation for the transfer of 46807
 appropriations between appropriation item 775-451, Public 46808
 Transportation - State, and appropriation item 775-458, Elderly 46809
 and Disabled Fare Assistance. Transfers between appropriation 46810
 items shall be made upon the written request of the Director of 46811
 Transportation and with the approval of the Director of Budget and 46812
 Management. Such transfers shall be reported to the Controlling 46813
 Board. 46814

RAILROAD CROSSING AND GRADE SEPARATION 46815

The foregoing appropriation item 776-466, Railroad Crossing 46816
 and Grade Separation, shall be used to fund the Rail Crossing 46817
 Safety Initiative, which will provide improvements to communities 46818
 most affected by rail traffic and related issues. 46819

Section 109. TOS TREASURER OF STATE 46820

General Revenue Fund 46821

GRF 090-321 Operating Expenses \$ 10,510,560 \$ 12,717,120 46822

GRF 090-401 Office of the Sinking \$ 596,736 \$ 614,640 46823

Fund 46824

GRF 090-402 Continuing Education \$ 460,150 \$ 513,600 46825

GRF 090-524 Police and Fire \$ 43,000 \$ 40,000 46826

Disability Pension 46827

GRF 090-534 Police & Fire Ad Hoc \$ 280,000 \$ 260,000 46828

Cost

of Living 46829

GRF 090-544 Police and Fire State \$ 1,200,000 \$ 1,200,000 46830

Contribution 46831

As Reported by the House Finance and Appropriations Committee

GRF 090-554	Police and Fire	\$	1,550,000	\$	1,500,000	46832
	Survivor					
	Benefits					46833
GRF 090-575	Police and Fire Death	\$	23,000,000	\$	24,000,000	46834
	Benefits					46835
TOTAL GRF	General Revenue Fund	\$	37,640,446	\$	40,845,360	46836
	Agency Fund Group					46837
425 090-635	Tax Refunds	\$	655,000,000	\$	675,000,000	46838
TOTAL Agency	Fund Group	\$	655,000,000	\$	675,000,000	46839
	General Services Fund Group					46840
182 090-608	Financial Planning	\$	12,944	\$	13,682	46841
	Commissions					46842
4E9 090-603	Securities Lending	\$	3,773,177	\$	970,000	46843
	Income					
4NO 090-611	Treasury Education	\$	27,500	\$	27,500	46844
577 090-605	Investment Pool	\$	662,000	\$	600,000	46845
	Reimbursement					46846
605 090-609	Treasurer of State	\$	760,000	\$	1,270,000	46847
	Administrative Fund					46848
TOTAL GSF	General Services					46849
	Fund Group	\$	5,235,621	\$	2,881,182	46850
	State Special Revenue Fund Group					46851
5C5 090-602	County Treasurer	\$	92,000	\$	88,000	46852
	Education					
TOTAL SSR	State Special Revenue					46853
	Fund Group	\$	92,000	\$	88,000	46854
TOTAL ALL BUDGET	FUND GROUPS	\$	697,968,067	\$	718,814,542	46855

Section 109.01. OFFICE OF THE SINKING FUND 46857

The foregoing appropriation item 090-401, Office of the 46858
Sinking Fund, shall be used for all costs incurred by order of, or 46859
on behalf of, the Commissioners of the Sinking Fund, the Ohio 46860

As Reported by the House Finance and Appropriations Committee

Public Facilities Commission, or the Treasurer of State, with 46861
 respect to the issuance, sale, and payment of State of Ohio 46862
 general obligation bonds or notes, including, but not limited to, 46863
 printing, advertising, delivery, rating fees and the procurement 46864
 of ratings, and other services set forth in division (D) of 46865
 section 151.01 of the Revised Code. The General Revenue Fund shall 46866
 be reimbursed for such costs by intrastate transfer voucher 46867
 pursuant to a certification by the Office of the Sinking Fund of 46868
 the actual amounts used. The amounts necessary to make such 46869
 reimbursements are appropriated from the general obligation bond 46870
 retirement funds created by the Constitution and laws to the 46871
 extent such costs are incurred. 46872

Section 109.02. POLICE AND FIRE DEATH BENEFIT FUND 46873

The foregoing appropriation item 090-575, Police and Fire 46874
 Death Benefits, shall be disbursed annually by the Treasurer of 46875
 State at the beginning of each fiscal year to the Board of 46876
 Trustees of the Ohio Police and Fire Pension Fund. By the 46877
 twentieth day of June of each year, the Board of Trustees of the 46878
 Ohio Police and Fire Pension Fund shall certify to the Treasurer 46879
 of State the amount disbursed in the current fiscal year to make 46880
 the payments required by section 742.63 of the Revised Code and 46881
 shall return to the Treasurer of State moneys received from this 46882
 item but not disbursed. 46883

Section 110. UST PETROLEUM UNDERGROUND STORAGE TANK 46884

RELEASE COMPENSATION BOARD 46885

State Special Revenue Fund Group				46886	
691 810-632 PUSTRCB Staff	\$	1,011,437	\$	1,075,158	46887
TOTAL SSR State Special Revenue				46888	
Fund Group	\$	1,011,437	\$	1,075,158	46889
TOTAL ALL BUDGET FUND GROUPS	\$	1,011,437	\$	1,075,158	46890

As Reported by the House Finance and Appropriations Committee

Section 111. TTA OHIO TUITION TRUST AUTHORITY				46892
State Special Revenue Fund Group				46893
645 095-601 Operating Expenses	\$	4,630,385	\$ 4,734,800	46894
TOTAL SSR State Special Revenue				46895
Fund Group	\$	4,630,385	\$ 4,734,800	46896
TOTAL ALL BUDGET FUND GROUPS				46897
 Section 112. OVH OHIO VETERANS' HOME				46899
General Revenue Fund				46900
GRF 430-100 Personal Services	\$	13,592,576	\$ 14,508,734	46901
GRF 430-200 Maintenance	\$	5,099,666	\$ 5,199,159	46902
TOTAL GRF General Revenue Fund				46903
Federal Special Revenue Fund Group				46904
3L2 430-601 Federal Grants	\$	9,823,259	\$ 10,059,342	46905
TOTAL FED Federal Special Revenue				46906
Fund Group	\$	9,823,259	\$ 10,059,342	46907
State Special Revenue Fund Group				46908
4E2 430-602 Veterans Home	\$	5,288,525	\$ 5,583,806	46909
Operating				
484 430-603 Rental and Service	\$	457,060	\$ 509,737	46910
Revenue				
604 430-604 Veterans Home	\$	725,699	\$ 670,096	46911
Improvement				
TOTAL SSR State Special Revenue				46912
Fund Group	\$	6,471,284	\$ 6,763,639	46913
TOTAL ALL BUDGET FUND GROUPS				46914
 Section 113. VET VETERANS' ORGANIZATIONS				46916
General Revenue Fund				46917
VAP AMERICAN EX-PRISONERS OF WAR				46918
GRF 743-501 State Support	\$	25,030	\$ 25,030	46919

As Reported by the House Finance and Appropriations Committee

	VAN ARMY AND NAVY UNION, USA, INC.			46920
GRF 746-501	State Support	\$ 55,012	\$ 55,012	46921
	VKW KOREAN WAR VETERANS			46922
GRF 747-501	State Support	\$ 49,453	\$ 49,453	46923
	VJW JEWISH WAR VETERANS			46924
GRF 748-501	State Support	\$ 29,715	\$ 29,715	46925
	VCW CATHOLIC WAR VETERANS			46926
GRF 749-501	State Support	\$ 57,990	\$ 57,990	46927
	VPH MILITARY ORDER OF THE PURPLE HEART			46928
GRF 750-501	State Support	\$ 56,377	\$ 56,377	46929
	VVV VIETNAM VETERANS OF AMERICA			46930
GRF 751-501	State Support	\$ 185,954	\$ 185,954	46931
	VAL AMERICAN LEGION OF OHIO			46932
GRF 752-501	State Support	\$ 252,328	\$ 252,328	46933
	VII VETERANS OF WORLD WAR II-KOREA-VIETNAM			46934
GRF 753-501	State Support	\$ 237,919	\$ 237,919	46935
	VAV DISABLED AMERICAN VETERANS			46936
GRF 754-501	State Support	\$ 166,308	\$ 166,308	46937
	VOH RAINBOW DIVISION VETERANS' ASSOCIATION, OHIO			46938
GRF 755-501	State Support	\$ 4,226	\$ 4,226	46939
	VMC MARINE CORPS LEAGUE			46940
GRF 756-501	State Support	\$ 85,972	\$ 85,972	46941
	V37 37TH DIVISION AEF VETERANS' ASSOCIATION			46942
GRF 757-501	State Support	\$ 5,946	\$ 5,946	46943
	VFW VETERANS OF FOREIGN WARS			46944
GRF 758-501	State Support	\$ 196,615	\$ 196,615	46945
	VWI VETERANS OF WORLD WAR I			46946
GRF 759-501	State Support	\$ 24,780	\$ 24,780	46947
TOTAL GRF	General Revenue Fund	\$ 1,433,625	\$ 1,433,625	46948
TOTAL ALL BUDGET FUND GROUPS		\$ 1,433,625	\$ 1,433,625	46949
	RELEASE OF FUNDS			46950
	The foregoing appropriation items 743-501, 746-501, 747-501,			46951

748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501, 46952
 755-501, 756-501, 757-501, 758-501, and 759-501, State Support, 46953
 shall be released upon approval by the Director of Budget and 46954
 Management. 46955

AMERICAN EX-PRISONERS OF WAR 46956

The American Ex-Prisoners of War shall be permitted to share 46957
 an office with the Veterans of World War I. 46958

CENTRAL OHIO UNITED SERVICES ORGANIZATION 46959

Of the foregoing appropriation item 751-501, State Support, 46960
 Vietnam Veterans of America, \$50,000 in each fiscal year shall be 46961
 used to support the activities of the Central Ohio USO. 46962

VETERANS SERVICE COMMISSION EDUCATION 46963

Of the foregoing appropriation item 753-501, State Support, 46964
 Veterans of World War II-Korea-Vietnam, up to \$20,000 in each 46965
 fiscal year may be used to provide moneys to the Association of 46966
 County Veterans Service Commissioners to reimburse its member 46967
 county veterans service commissions for costs incurred in carrying 46968
 out educational and outreach duties required under divisions (E) 46969
 and (F) of section 5901.03 of the Revised Code. Upon the 46970
 presentation of an itemized statement to the Office of Veterans 46971
 Affairs, the office shall direct the Auditor of State to issue a 46972
 warrant upon the state treasury to the association to reimburse 46973
 member commissions for reasonable and appropriate expenses 46974
 incurred performing these duties. The association shall establish 46975
 uniform procedures for reimbursing member commissions. 46976

Section 114. DVM STATE VETERINARY MEDICAL BOARD 46977

General Services Fund Group				46978
4K9 888-609 Operating Expenses	\$	471,003	\$ 496,731	46979
TOTAL GSF General Services				46980
Fund Group	\$	471,003	\$ 496,731	46981

As Reported by the House Finance and Appropriations Committee

TOTAL ALL BUDGET FUND GROUPS	\$	471,003	\$	496,731	46982
Section 115. DYS DEPARTMENT OF YOUTH SERVICES					46984
General Revenue Fund					46985
GRF 470-401 RECLAIM Ohio	\$	160,808,723	\$	164,415,944	46986
GRF 470-402 Community Program	\$	740,907	\$	839,490	46987
Services					
GRF 470-412 Lease Rental Payments	\$	17,376,700	\$	18,739,900	46988
GRF 470-502 Detention Subsidies	\$	6,163,213	\$	6,433,035	46989
GRF 470-510 Youth Services	\$	18,791,205	\$	21,307,671	46990
GRF 472-321 Parole Operations	\$	16,680,042	\$	17,246,018	46991
GRF 477-321 Administrative	\$	14,814,953	\$	15,934,443	46992
Operations					
GRF 477-406 Interagency	\$	252,450	\$	261,299	46993
Collaborations					
TOTAL GRF General Revenue Fund	\$	235,628,193	\$	245,177,800	46994
General Services Fund Group					46995
175 470-613 Education	\$	8,461,407	\$	8,817,598	46996
Reimbursement					
4A2 470-602 Child Support	\$	450,000	\$	400,000	46997
4G6 470-605 General Operational	\$	10,000	\$	10,000	46998
Funds					
479 470-609 Employee Food Service	\$	143,349	\$	146,933	46999
523 470-621 Wellness Program	\$	192,954	\$	197,778	47000
TOTAL GSF General Services					47001
Fund Group	\$	9,257,710	\$	9,572,309	47002
Federal Special Revenue Fund Group					47003
3U1 470-607 Criminal Justice	\$	10,584,798	\$	11,025,908	47004
Federal Programs					
3V5 470-604 Juvenile	\$	5,159,202	\$	5,998,092	47005
Justice/Delinquency					
Prevention					

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321	470-601	Education	\$	1,298,156	\$	1,334,122	47006
321	470-603	Juvenile Justice Prevention	\$	2,973,733	\$	2,973,733	47007
321	470-606	Nutrition	\$	2,800,000	\$	2,800,000	47008
321	470-610	Rehabilitation Programs	\$	83,500	\$	83,500	47009
321	470-614	Title IV-E Reimbursements	\$	5,700,000	\$	5,700,000	47010
321	470-617	Americorps Programs	\$	407,860	\$	418,444	47011
TOTAL FED Federal Special Revenue							47012
Fund Group			\$	29,007,249	\$	30,333,799	47013
State Special Revenue Fund Group							47014
147	470-612	Vocational Education	\$	2,012,665	\$	2,090,392	47015
4W3	470-618	Help Me Grow	\$	10,900	\$	11,587	47016
5J7	470-623	Residential Treatment Services	\$	0	\$	500,000	47017
TOTAL SSR State Special Revenue							47018
Fund Group			\$	2,023,565	\$	2,601,979	47019
TOTAL ALL BUDGET FUND GROUPS			\$	275,916,717	\$	287,685,887	47020
OHIO BUILDING AUTHORITY LEASE PAYMENTS							47021
The foregoing appropriation item 470-412, Lease Rental							47022
Payments, in the Department of Youth Services, shall be used for							47023
payments, limited to the aggregate amount of \$36,116,600, to the							47024
Ohio Building Authority for the period from July 1, 2001, to June							47025
30, 2003, pursuant to the primary leases and agreements for							47026
facilities made under Chapter 152. of the Revised Code, which are							47027
the source of funds pledged for bond service charges on related							47028
obligations issued pursuant to Chapter 152. of the Revised Code.							47029
RECLAIM OHIO							47030
In determining the amount of moneys necessary to fund the							47031
foregoing appropriation item 470-401, RECLAIM Ohio, in fiscal							47032
years 2002 and 2003, the Department of Youth Services shall							47033

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compute the number of state target youth for each fiscal year. As 47034
defined in section 5139.01 of the Revised Code, "state target 47035
youth" means twenty-five per cent of the projected total number of 47036
felony-level delinquency adjudications in the juvenile courts for 47037
each year of a biennium, factoring in revocations and 47038
recommitments. The foregoing appropriation item 470-401, RECLAIM 47039
Ohio, shall provide for an amount not less than \$98 per day for 47040
each state target youth or not less than \$20,000 per year for each 47041
state target youth for each year of the biennium. 47042

EMPLOYEE FOOD SERVICE AND EQUIPMENT 47043

Notwithstanding section 125.14 of the Revised Code, the 47044
foregoing appropriation item 470-609, Employee Food Service, may 47045
be used to purchase any food operational items with funds received 47046
into the fund from reimbursement for state surplus property. 47047

EDUCATION REIMBURSEMENT 47048

The foregoing appropriation item 470-613, Education 47049
Reimbursement, shall be used to fund the operating expenses of 47050
providing educational services to youth supervised by the 47051
Department of Youth Services. Operating expenses include, but are 47052
not limited to, teachers' salaries, maintenance costs, and 47053
educational equipment. This appropriation item shall not be used 47054
for capital expenses. 47055

FINANCIAL ASSISTANCE FOR JUVENILE DETENTION FACILITIES 47056

Pursuant to section 5139.281 of the Revised Code, funding 47057
provided to a county for the operation and maintenance of each 47058
home shall be in an amount of fifty per cent of the approved 47059
annual operating cost, but shall not be in excess of \$156,928 in 47060
each fiscal year. 47061

FEDERAL PROGRAM TRANSFER OF JUVENILE JUSTICE FROM THE OFFICE 47062
OF CRIMINAL JUSTICE SERVICES 47063

On July 1, 2001, responsibility for a federal juvenile justice program is transferred from the Office of Criminal Justice Services to the Department of Youth Services. The Department of Youth Services thereupon and thereafter is successor to, assumes the obligations of, and otherwise provides for the continuation of a federal juvenile justice program.

Any business relating to a federal juvenile justice program commenced but not completed by the Office of Criminal Justice Services or its director prior to July 1, 2001, shall be completed by the Department of Youth Services or its director in the same manner, and with the same effect, as if completed by the Office of Criminal Justice Services or its director. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer. All of the Office of Criminal Justice Services' rules, orders, and determinations continue in effect as rules, orders, and determinations of the Department of Youth Services, until modified or rescinded by the Department of Youth Services. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber the Office of Criminal Justice Services' rules for a federal juvenile justice program to reflect the transfer of the program to the Department of Youth Services.

The employees of the Office of Criminal Justice Services assigned to work with a federal juvenile justice program are transferred to the Department of Youth Services and shall retain their positions and all the benefits accruing thereto.

No action or proceeding pending on July 1, 2001, is affected by the transfer, and any action or proceeding pending on July 1, 2001, shall be prosecuted or defended in the name of the Department of Youth Services or its director. In all such actions and proceedings, the Department of Youth Services or its director

upon application to the court shall be substituted as a party. 47096

Section 116. EXPENDITURES AND APPROPRIATION INCREASES 47097
APPROVED BY THE CONTROLLING BOARD 47098

Any money that the Controlling Board approves for expenditure 47099
or any increase in appropriation authority that the Controlling 47100
Board approves pursuant to the provisions of sections 127.14, 47101
131.35, and 131.39 of the Revised Code or any other provision of 47102
law is appropriated for the period ending June 30, 2003. 47103

Section 117. PERSONAL SERVICE EXPENSES 47104

Unless otherwise prohibited by law, any appropriation from 47105
which personal service expenses are paid shall bear the employer's 47106
share of public employees' retirement, workers' compensation, 47107
disabled workers' relief, and all group insurance programs; the 47108
costs of centralized accounting, centralized payroll processing, 47109
and related personnel reports and services; the cost of the Office 47110
of Collective Bargaining; the cost of the Personnel Board of 47111
Review; the cost of the Employee Assistance Program; the cost of 47112
the Equal Opportunity Center; the costs of interagency information 47113
management infrastructure; and the cost of administering the state 47114
employee merit system as required by section 124.07 of the Revised 47115
Code. These costs shall be determined in conformity with 47116
appropriate sections of law and paid in accordance with procedures 47117
specified by the Office of Budget and Management. Expenditures 47118
from appropriation item 070-601, Public Audit Expense - Local 47119
Government, in Fund 422 may be exempted from the requirements of 47120
this section. 47121

Section 118. REISSUANCE OF VOIDED WARRANTS 47122

In order to provide funds for the reissuance of voided 47123
warrants pursuant to section 117.47 of the Revised Code, there is 47124

appropriated, out of moneys in the state treasury from the fund 47125
credited as provided in section 117.47 of the Revised Code, that 47126
amount sufficient to pay such warrants when approved by the Office 47127
of Budget and Management. 47128

Section 119. * CAPITAL PROJECT SETTLEMENTS 47129

This section specifies an additional and supplemental 47130
procedure to provide for payments of judgments and settlements if 47131
the Director of Budget and Management determines, pursuant to 47132
division (C)(4) of section 2743.19 of the Revised Code, that 47133
sufficient unencumbered moneys do not exist in the particular 47134
appropriation to pay the amount of a final judgment rendered 47135
against the state or a state agency, including the settlement of a 47136
claim approved by a court, in an action upon and arising out of a 47137
contractual obligation for the construction or improvement of a 47138
capital facility if the costs under the contract were payable in 47139
whole or in part from a state capital projects appropriation. In 47140
such a case, the director may either proceed pursuant to division 47141
(C)(4) of section 2743.19 of the Revised Code, or apply to the 47142
Controlling Board to increase an appropriation or create an 47143
appropriation out of any unencumbered moneys in the state treasury 47144
to the credit of the capital projects fund from which the initial 47145
state appropriation was made. The Controlling Board may approve or 47146
disapprove the application as submitted or modified. The amount of 47147
an increase in appropriation or new appropriation specified in an 47148
application approved by the Controlling Board is hereby 47149
appropriated from the applicable capital projects fund and made 47150
available for the payment of the judgment or settlement. 47151

If the director does not make the application authorized by 47152
this section or the Controlling Board disapproves the application, 47153
and the director does not make application pursuant to division 47154
(C)(4) of section 2743.19 of the Revised Code, the director shall 47155

for the purpose of making that payment request to the General Assembly as provided for in division (C)(5) of that section. 47156
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Section 120. INCOME TAX DISTRIBUTION TO COUNTIES 47158

There are hereby appropriated out of any moneys in the state treasury to the credit of the General Revenue Fund, which are not otherwise appropriated, funds sufficient to make any payment required by division (B)(2) of section 5747.03 of the Revised Code. 47159
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Section 121. SATISFACTION OF JUDGMENTS AND SETTLEMENTS AGAINST THE STATE 47164
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Any appropriation may be used for the purpose of satisfying judgments or settlements in connection with civil actions against the state in federal court not barred by sovereign immunity or the Eleventh Amendment to the Constitution of the United States, or for the purpose of satisfying judgments, settlements, or administrative awards ordered or approved by the Court of Claims in connection with civil actions against the state, pursuant to section 2743.15, 2743.19, or 2743.191 of the Revised Code. This authorization does not apply to appropriations to be applied to or used for payment of guarantees by or on behalf of the state, for or relating to lease payments or debt service on bonds, notes, or similar obligations and those from the Sports Facilities Building Fund (Fund 024), the Highway Safety Building Fund (Fund 025), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), the Transportation Building Fund (Fund 029), the Arts Facilities Building Fund (Fund 030), the Natural Resources Projects Fund (Fund 031), the School Building Program Assistance Fund (Fund 032), the Mental Health Facilities Improvement Fund (Fund 033), the Higher Education Improvement Fund (Fund 034), the 47166
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Parks and Recreation Improvement Fund (Fund 035), the State
 Capital Improvements Fund (Fund 038), the Highway Obligation Fund
 (Fund 041), the Coal Research/Development Fund (Fund 046), and any
 other fund into which proceeds of obligations are deposited.
 Nothing contained in this section is intended to subject the state
 to suit in any forum in which it is not otherwise subject to suit,
 nor is it intended to waive or compromise any defense or right
 available to the state in any suit against it.

Section 122. * UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 47194

The maximum amounts that may be assessed against nuclear
 electric utilities in accordance with division (B)(2) of section
 4937.05 of the Revised Code are as follows:

	FY 2002	FY 2003	
Department of Agriculture			47199
Fund 4E4 Utility Radiological Safety	\$69,016	\$73,059	47200
Department of Health			47201
Fund 610 Radiation Emergency Response	\$870,505	\$923,315	47202
Environmental Protection Agency			47203
Fund 644 ER Radiological Safety	\$242,446	\$255,947	47204
Emergency Management Agency			47205
Fund 657 Utility Radiological Safety	\$874,602	\$927,241	47206

Section 123. UNCLAIMED FUNDS TRANSER 47207

Notwithstanding division (A) of section 169.05 of the Revised
 Code, prior to June 30, 2003, upon the request of the Director of
 Budget and Management, the Director of Commerce shall transfer to
 the General Revenue Fund up to \$30,000,000 of the unclaimed funds
 that have been reported by the holder of unclaimed funds as
 provided by section 169.05 of the Revised Code, irrespective of
 the allocation of the unclaimed funds under that section.

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Section 124. GRF TRANSER TO FUND 5N4, ERP PROJECT	47215
IMPLEMENTATION	47216
On July 1, 2001, or as soon thereafter as possible, the	47217
Director of Budget and Management shall transfer \$2,432,110 in	47218
cash from the General Revenue Fund to Fund 5N4, ERP Project	47219
Implementation. On July 1, 2002, or as soon thereafter as	47220
possible, the Director of Budget and Management shall transfer	47221
\$2,535,770 in cash from the General Revenue Fund to Fund 5N4, ERP	47222
Project Implementation.	47223
Section 125. UCC FILING FUND TRANSFER TO GRF	47224
No later than the first day of August in each year of the	47225
biennium, the Director of Budget and Management shall transfer	47226
\$1,000,000 from the Uniform Commercial Code Filing Fund to the	47227
General Revenue Fund.	47228
Section 126. GENERAL OBLIGATION DEBT SERVICE PAYMENTS	47229
Certain appropriations are in this act for the purpose of	47230
paying debt service and financing costs on general obligation	47231
bonds or notes of the state issued pursuant to the Ohio	47232
Constitution and acts of the General Assembly. If it is determined	47233
that additional appropriations are necessary for this purpose,	47234
such amounts are appropriated.	47235
Section 127. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF	47236
STATE	47237
Certain appropriations are in this act for the purpose of	47238
making lease payments pursuant to leases and agreements relating	47239
to bonds or notes issued by the Ohio Building Authority of the	47240
Treasurer of State or, previously, by the Ohio Public Facilities	47241
Commission, pursuant to the Ohio Constitution and acts of the	47242

General Assembly. If it is determined that additional 47243
appropriations are necessary for this purpose, such amounts are 47244
appropriated. 47245

Section 128. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO 47246
EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 47247

The Office of Budget and Management shall initiate and 47248
process disbursements from lease rental payment appropriation 47249
items during the period from July 1, 2001, to June 30, 2003, 47250
pursuant to leases and agreements for bonds or notes issued under 47251
Section 2i of Article VIII, Ohio Constitution, and Chapters 154. 47252
and 3318. of the Revised Code. Disbursements shall be made upon 47253
certification by the Treasurer of State of the dates and amounts 47254
due on those dates to the various bond service fund trust funds 47255
created under sections 154.20, 154.21, 154.22, and 3318.26 of the 47256
Revised Code. 47257

Section 129. STATE AND LOCAL REBATE AUTHORIZATION 47258

There is hereby appropriated, from those funds designated by 47259
or pursuant to the applicable proceedings authorizing the issuance 47260
of state obligations, amounts computed at the time to represent 47261
the portion of investment income to be rebated or amounts in lieu 47262
of or in addition to any rebate amount to be paid to the federal 47263
government in order to maintain the exclusion from gross income 47264
for federal income tax purposes of interest on those state 47265
obligations pursuant to section 148(f) of the Internal Revenue 47266
Code. 47267

Rebate payments shall be approved and vouchered by the Office 47268
of Budget and Management. 47269

Section 130. TRANSFERS FROM SPECIFIED FUNDS 47270

Notwithstanding any other provision of law to the contrary, 47271

the Commissioners of the Sinking Fund shall transfer the balance 47272
remaining after provision for payment of all outstanding bonds or 47273
notes, coupons, and charges, from the Improvement Bond Retirement 47274
Fund, the Public Improvement Bond Retirement Fund, and the 47275
Development Bond Retirement Fund, to the General Revenue Fund as 47276
expeditiously as possible upon this act taking effect. 47277

Notwithstanding any other provision of law to the contrary, 47278
the Commissioners of the Sinking Fund shall transfer the balance 47279
remaining after provision for payment of all outstanding bonds or 47280
notes, coupons, and charges, from the Highway Improvement Bond 47281
Retirement Fund, to the Highway Operating Fund as expeditiously as 47282
possible upon taking effect of this act. 47283

Section 131. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 47284
REESTABLISHMENT OF ENCUMBRANCES 47285

Any cash transferred by the Director of Budget and Management 47286
as provided by section 126.15 of the Revised Code is appropriated. 47287
Any amounts necessary to reestablish appropriations or 47288
encumbrances as provided in section 126.15 of the Revised Code are 47289
appropriated. 47290

Section 132. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 47291

Pursuant to the plan for compliance with the Federal Cash 47292
Management Improvement Act required by section 131.36 of the 47293
Revised Code, the Director of Budget and Management is authorized 47294
to cancel and reestablish all or parts of encumbrances in like 47295
amounts within the funds identified by the plan. The amounts 47296
necessary to reestablish all or parts of encumbrances are 47297
appropriated. 47298

Section 133. STATEWIDE INDIRECT COST RECOVERY 47299

Whenever the Director of Budget and Management determines 47300

that an appropriation made to a state agency from a fund of the state is insufficient to provide for the recovery of statewide indirect costs pursuant to section 126.12 of the Revised Code, the amount required for such purpose is appropriated from the available receipts of such fund.

**Section 134. GRF TRANSFERS ON BEHALF OF THE STATEWIDE
INDIRECT COST ALLOCATION PLAN**

The total transfers made from the General Revenue Fund by the Director of Budget and Management pursuant to this section shall not exceed the amounts transferred into the General Revenue Fund pursuant to division (B) of section 126.12 of the Revised Code.

A director of an agency may certify to the Director of Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation plan pursuant to federal regulations, from any fund included in the Statewide Indirect Cost Allocation plan, prepared as required by section 126.12 of the Revised Code.

Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may transfer from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared pursuant to section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

**Section 135. REAPPROPRIATION OF UNEXPENDED ENCUMBERED
BALANCES OF OPERATING APPROPRIATIONS**

An unexpended balance of an operating appropriation or reappropriation that a state agency lawfully encumbered prior to

the close of a fiscal year is reappropriated on the first day of 47331
July of the following fiscal year from the fund from which it was 47332
originally appropriated or reappropriated for the following period 47333
and shall remain available only for the purpose of discharging the 47334
encumbrance: 47335

(A) For an encumbrance for personal services, maintenance, 47336
equipment, or items for resale, other than an encumbrance for an 47337
item of special order manufacture not available on term contract 47338
or in the open market or for reclamation of land or oil and gas 47339
wells for a period of not more than five months from the end of 47340
the fiscal year; 47341

(B) For an encumbrance for an item of special order 47342
manufacture not available on term contract or in the open market, 47343
for a period of not more than five months from the end of the 47344
fiscal year or, with the written approval of the Director of 47345
Budget and Management, for a period of not more than twelve months 47346
from the end of the fiscal year; 47347

(C) For an encumbrance for reclamation of land or oil and gas 47348
wells, for a period ending when the encumbered appropriation is 47349
expended or for a period of two years, whichever is less; 47350

(D) For an encumbrance for any other expense, for such period 47351
as the director approves, provided such period does not exceed two 47352
years. 47353

Any operating appropriations for which unexpended balances 47354
are reappropriated beyond a five-month period from the end of the 47355
fiscal year, pursuant to division (B) of this section, shall be 47356
reported to the Controlling Board by the Director of Budget and 47357
Management by the thirty-first day of December of each year. The 47358
report on each such item shall include the item, the cost of the 47359
item, and the name of the vendor. This report to the board shall 47360
be updated on a quarterly basis for encumbrances remaining open. 47361

Upon the expiration of the reappropriation period set out in 47362
divisions (A), (B), (C), or (D) of this section, a reappropriation 47363
made pursuant to this section lapses, and the Director of Budget 47364
and Management shall cancel the encumbrance of the unexpended 47365
reappropriation no later than the end of the weekend following the 47366
expiration of the reappropriation period. 47367

Notwithstanding the preceding paragraph, with the approval of 47368
the Director of Budget and Management, an unexpended balance of an 47369
encumbrance that was reappropriated on the first day of July 47370
pursuant to this section for a period specified in division (C) or 47371
(D) of this section and that remains encumbered at the close of 47372
the fiscal biennium is hereby reappropriated pursuant to this 47373
section on the first day of July of the following fiscal biennium 47374
from the fund from which it was originally appropriated or 47375
reappropriated for the applicable period specified in division (C) 47376
or (D) of this section and shall remain available only for the 47377
purpose of discharging the encumbrance. 47378

If the Controlling Board approved a purchase, that approval 47379
remains in effect as long as the appropriation used to make that 47380
purchase remains encumbered. 47381

Section 136. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 47382

Notwithstanding any provision of law to the contrary, on or 47383
before the first day of September of each fiscal year, the 47384
Director of Budget and Management, in order to reduce the payment 47385
of adjustments to the federal government, as determined by the 47386
plan prepared pursuant to division (A) of section 126.12 of the 47387
Revised Code, may designate such funds as the director considers 47388
necessary to retain their own interest earnings. 47389

Section 137. FAMILY SERVICES STABILIZATION FUND 47390

The Director of Budget and Management shall transfer the \$100 47391

million balance in the Family Services Stabilization Fund at the 47392
end of fiscal year 2001 to the General Revenue Fund. 47393

Section 138. TEMPORARY STABILIZATION OF LOCAL GOVERNMENT 47394
DISTRIBUTIONS 47395

(A) On or before the third day of each month of the period 47396
July 2001 through May 2002, the Tax Commissioner shall determine 47397
the amounts credited under sections 5727.45, 5733.12, 5739.21, 47398
5741.03, and 5747.03 of the Revised Code, respectively, to the 47399
Local Government Fund, to the Library and Local Government Support 47400
Fund, and to the Local Government Revenue Assistance Fund in the 47401
twelfth preceding month. On or before June 3, 2002, the Tax 47402
Commissioner shall determine the amounts credited under sections 47403
5727.45, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised 47404
Code, respectively, to the Local Government Fund, to the Library 47405
and Local Government Support Fund, and to the Local Government 47406
Revenue Assistance Fund in June 2000. For purposes of this 47407
section, any amount transferred during the period January 1, 2001, 47408
through June 30, 2001 to the Local Government Fund, to the Local 47409
Government Revenue Assistance Fund, or to the Library and Local 47410
Government Support Fund under section 131.44 of the Revised Code 47411
shall be considered to be an amount credited to that respective 47412
fund under section 5747.03 of the Revised Code. 47413

Notwithstanding sections 5727.45, 5733.12, 5739.21, 5741.03, 47414
and 5747.03 of the Revised Code to the contrary, for each month in 47415
the period July 1, 2001, through June 30, 2003, from the public 47416
utility excise, corporate franchise, sales, use, and personal 47417
income taxes collected: 47418

(1) An amount shall first be credited to the Local Government 47419
Fund that equals the amount credited to that fund from that tax 47420
according to the schedule in division (B) of this section. 47421

(2) An amount shall next be credited to the Local Government 47422

Revenue Assistance Fund that equals the amount credited to that	47423
fund from that tax according to the schedule in division (B) of	47424
this section.	47425
(3) An amount shall next be credited to the Library and Local	47426
Government Support Fund that equals the amount credited to that	47427
fund from that tax according to the schedule in division (B) of	47428
this section.	47429
(B) The amounts shall be credited from each tax to each	47430
respective fund as follows:	47431
(1) In July 2001 and July 2002, the amounts credited in July	47432
2000;	47433
(2) In August 2001 and August 2002, the amounts credited in	47434
August 2000;	47435
(3) In September 2001 and September 2002, the amounts	47436
credited in September 2000;	47437
(4) In October 2001 and October 2002, the amounts credited in	47438
October 2000;	47439
(5) In November 2001 and November 2002, the amounts credited	47440
in November 2000;	47441
(6) In December 2001 and December 2002, the amounts credited	47442
in December 2000;	47443
(7) In January 2002 and January 2003, the amounts credited in	47444
January 2001;	47445
(8) In February 2002 and February 2003, the amounts credited	47446
in February 2001;	47447
(9) In March 2002 and March 2003, the amounts credited in	47448
March 2001;	47449
(10) In April 2002 and April 2003, the amounts credited in	47450
April 2001;	47451

(11) In May 2002 and May 2003, the amounts credited in May 2001; 47452
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(12) In June 2002 and June 2003, the amounts credited in June 2000. 47454
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(C) Notwithstanding section 5727.84 of the Revised Code to the contrary, for the period July 1, 2001, through June 30, 2003, no amounts shall be credited to the Local Government Fund or to the Local Government Revenue Assistance Fund from the kilowatt hour tax, and such amounts that would have otherwise been required to be credited to such funds shall instead be credited to the General Revenue Fund. Notwithstanding section 131.44 of the Revised Code to the contrary, for the period July 1, 2001, through June 30, 2003, no amounts shall be transferred to the Local Government Fund, the Local Government Revenue Assistance Fund, or the Library and Local Government Support Fund from the Income Tax Reduction Fund, and such amounts that would have otherwise been transferred to such funds from the Income Tax Reduction Fund shall instead be transferred to the General Revenue Fund. 47456
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Notwithstanding any other provision of law to the contrary, the Tax Commissioner shall compute separate adjustments to the amounts credited from the public utility excise, corporate franchise, sales, use, and personal income taxes to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund during July 2001. The adjustments shall equal the amount credited to each respective fund from each respective tax during June 2000 minus the amount credited to that fund from that tax during June 2001. If an adjustment is a positive amount, during July 2001, such amount shall be credited to the Local Government Fund, the Local Government Revenue Assistance Fund, or the Library and Local Government Support Fund, as appropriate, and shall be deducted from the General Revenue Fund. If an adjustment is a negative 47470
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amount, during July 2001, such amount shall be deducted from the
Local Government Fund, the Local Government Revenue Assistance
Fund, or the Library and Local Government Support Fund, as
appropriate, and shall be credited to the General Revenue Fund.
Any amount remaining in the Local Government Fund, the Local
Government Revenue Assistance Fund, or the Library and Local
Government Support Fund after the distributions from such funds
are made to local governments in August 2001, shall be certified
by the Tax Commissioner to the Director of Budget and Management
by August 15, 2001, and the Director of Budget and Management
shall transfer such amount from each respective fund to the
General Revenue Fund by August 31, 2001.

For purposes of this section, "pro rata share" means the
percentage calculated for each county and used in each month of
the period July 2000 through June 2001 to distribute the amounts
credited to the Library and Local Government Support Fund in
accordance with section 5747.47 of the Revised Code.

Notwithstanding any other provision of law to the contrary,
in July 2001, each county undivided library and local government
support fund shall receive from the Library and Local Government
Support Fund an amount equal to the amount it would have received
pursuant to section 5747.47 of the Revised Code for that month,
minus its pro rata share of any amount that has been or shall be
transferred from the Library and Local Government Support Fund to
the OPLIN Technology Fund in that month. In August 2001, each
county undivided library and local government support fund shall
receive from the Library and Local Government Support Fund an
amount equal to the amount it received from that fund in July 2000
and August 2000 minus the amount it received from that fund in
July 2001 and minus its pro rata share of any amount transferred
from that fund to the OPLIN Technology Fund in July 2001 or August
2001. In August 2001, each county undivided local government fund

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shall receive from the Local Government Fund, each municipality 47516
that receives a distribution directly from the Local Government 47517
Fund shall receive from that fund, and each county undivided local 47518
government revenue assistance fund shall receive from the Local 47519
Government Revenue Assistance Fund an amount equal to the amount 47520
it received from that respective fund in July 2000 and August 2000 47521
minus the amount it received from that respective fund in July 47522
2001. In each month of the periods September 1, 2001, through June 47523
30, 2002, and September 1, 2002, through June 30, 2003, each 47524
county undivided local government fund shall receive from the 47525
Local Government Fund, each municipality that receives a 47526
distribution directly from the Local Government Fund shall receive 47527
from that fund, each county undivided local government revenue 47528
assistance fund shall receive from the Local Government Revenue 47529
Assistance Fund, and each county undivided library and local 47530
government support fund shall receive from the Library and Local 47531
Government Support Fund, the same amount it received from that 47532
respective fund in the corresponding month of the period September 47533
1, 2000, through June 2001. In each month of the period July 1, 47534
2002, through August 31, 2002, and in the month of July 2003, each 47535
county undivided local government fund shall receive from the 47536
Local Government Fund, each municipality that receives a 47537
distribution directly from the Local Government Fund shall receive 47538
from that fund, each county undivided local government revenue 47539
assistance fund shall receive from the Local Government Revenue 47540
Assistance Fund, and each county undivided library and local 47541
government support fund shall receive from the Library and Local 47542
Government Support Fund, the same amount it received from that 47543
respective fund in the corresponding month of the period July 1, 47544
2000, through August 31, 2000. If during any month of the period 47545
September 1, 2001, through July 31, 2003, a transfer is made from 47546
the Library and Local Government Support Fund to the OPLIN 47547
Technology Fund, the amount distributed to each county undivided 47548

library and local government support fund shall be reduced by its 47549
pro rata share of the amount transferred. 47550

During the period July 1, 2001, through July 31, 2003, the 47551
Director of Budget and Management shall issue those directives to 47552
state agencies that are necessary to ensure that the appropriate 47553
amounts are distributed to the Local Government Fund, to the Local 47554
Government Revenue Assistance Fund, and to the Library and Local 47555
Government Support Fund to accomplish the purposes of this 47556
section. 47557

Section 139. BUDGET STABILIZATION FUND TRANSFERS FOR THE 47558
DEPARTMENT OF JOB AND FAMILY SERVICES 47559

Notwithstanding section 131.43 and division (D) of section 47560
127.14 of the Revised Code, if the Director of Budget and 47561
Management, in consultation with the Director of the Department of 47562
Job and Family Services, determines that Medicaid caseload 47563
expenditures for the biennium are likely to exceed the amounts 47564
appropriated in the Department of Job and Family Services line 47565
600-525, Health Care/Medicaid, the Director of Budget and 47566
Management may, with Controlling Board approval, transfer up to 47567
\$100 million from the Budget Stabilization Fund to the General 47568
Revenue Fund and increase the appropriation to line 600-525, 47569
Health Care/Medicaid, accordingly. Before any transfers are 47570
authorized, the Director of Budget and Management shall exhaust 47571
the possibilities for transfers of moneys within the Department of 47572
Job and Family Services to meet the identified shortfall. 47573

Notwithstanding section 131.43 and division (D) of section 47574
127.14 of the Revised Code, the Director of Budget and Management, 47575
in consultation with the Director of the Department of Job and 47576
Family Services, may, with Controlling Board approval, transfer up 47577
to \$50 million during the biennium from the Budget Stabilization 47578
Fund to the General Revenue Fund to be used for computer projects 47579

in the Department of Job and Family Services. Upon approval of any 47580
such transfer, the Director of Budget and Management shall 47581
increase the appropriation to Department of Job and Family 47582
Services line 600-416, Computer Projects, by the amount of the 47583
transfer. 47584

Section 140. TRANSFERS TO THE GENERAL REVENUE FUND 47585

Notwithstanding any other provision of law to the contrary, 47586
if the Director of Budget and Management determines that revenues 47587
to the General Revenue Fund in fiscal years 2002 and 2003 are 47588
insufficient to cover agency appropriations for fiscal years 2002 47589
and 2003, the Director of Budget and Management is hereby 47590
authorized to selectively transfer to the General Revenue Fund up 47591
to \$30 million from non-federal, non-General Revenue Fund funds 47592
that are not constitutionally restricted and that have sufficient 47593
balances to support the transfer. 47594

Section 141. That Section 5 of Am. Sub. S.B. 50 of the 121st 47595
General Assembly, as most recently amended by Am. Sub. H.B. 283 of 47596
the 123rd General Assembly, be amended to read as follows: 47597

"**Sec. 5.** Sections 3 and 4 of Am. Sub. S.B. 50 of the 121st 47598
General Assembly shall take effect ~~July 1, 2001~~ October 16, 2003." 47599

Section 142. That existing Section 5 of Am. Sub. S.B. 50 of 47600
the 121st General Assembly, as most recently amended by Am. Sub. 47601
H.B. 283 of the 123rd General Assembly, is hereby repealed. 47602

Section 143. That Section 153 of Am. Sub. H.B. 117 of the 47603
121st General Assembly, as most recently amended by Am. Sub. H.B. 47604
283 of the 123rd General Assembly, be amended to read as follows: 47605

"**Sec. 153.** (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 47606

5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.17, 47607
5112.18, 5112.19, 5112.21, and 5112.99 of the Revised Code are 47608
hereby repealed, effective ~~July 1~~ October 16, 2001 2003. 47609

(B) Any money remaining in the Legislative Budget Services 47610
Fund on ~~July 1~~ October 16, 2001 2003, the date that section 47611
5112.19 of the Revised Code is repealed by division (A) of this 47612
section, shall be used solely for the purposes stated in then 47613
former section 5112.19 of the Revised Code. When all money in the 47614
Legislative Budget Services Fund has been spent after then former 47615
section 5112.19 of the Revised Code is repealed under division (A) 47616
of this section, the fund shall cease to exist." 47617

Section 144. That existing Section 153 of Am. Sub. H.B. 117 47618
of the 121st General Assembly, as most recently amended by Am. 47619
Sub. H.B. 283 of the 123rd General Assembly, is hereby repealed. 47620

Section 145. That Section 3 of Am. Sub. H.B. 440 of the 121st 47621
General Assembly, as most recently amended by Sub. S.B. 245 of the 47622
123rd General Assembly, be amended to read as follows: 47623

"**Sec. 3.** Sections 122.23, 122.24, 122.25, 122.26, and 122.27 47624
of the Revised Code are hereby repealed, effective July 1, ~~2001~~ 47625
2003." 47626

Section 146. That existing Section 3 of Am. Sub. H.B. 440 of 47627
the 121st General Assembly, as most recently amended by Sub. S.B. 47628
245 of the 123rd General Assembly, is hereby repealed. 47629

Section 147. That Section 3 of Am. Sub. H.B. 215 of the 122nd 47630
General Assembly, as amended by Am. Sub. H.B. 283 of the 123rd 47631
General Assembly, be amended to read as follows: 47632

"**Sec. 3.** Section 1751.68 of the Revised Code is hereby 47633

repealed, effective ~~July 1, 2001~~ October 16, 2003." 47634

Section 148. That existing Section 3 of Am. Sub. H.B. 215 of 47635
the 122nd General Assembly, as amended by Am. Sub. H.B. 283 of the 47636
123rd General Assembly, is hereby repealed. 47637

Section 149. That Section 3 of Am. Sub. H.B. 621 of the 122nd 47638
General Assembly, as most recently amended by Am. Sub. H.B. 283 of 47639
the 123rd General Assembly, be amended to read as follows: 47640

"**Sec. 3.** That sections 166.031, 901.80, 901.81, 901.82, and 47641
901.83 of the Revised Code are hereby repealed, effective July 1, 47642
~~2001~~ 2003." 47643

Section 150. That existing Section 3 of Am. Sub. H.B. 621 of 47644
the 122nd General Assembly, as most recently amended by Am. Sub. 47645
H.B. 283 of the 123rd General Assembly, is hereby repealed. 47646

Section 151. That Section 9 of Am. Sub. S.B. 192 of the 123rd 47647
General Assembly be amended to read as follows: 47648

"**Sec. 9.** All items set forth in this section are hereby 47649
appropriated out of any moneys in the state treasury to the credit 47650
of the Law Enforcement Improvements Trust Fund (Fund J87) that are 47651
not otherwise appropriated. 47652

		Appropriations		
AGO ATTORNEY GENERAL				47653
CAP-716	Lab and Training Facility Improvements	\$	2,000,000	47654
			<u>5,200,000</u>	47655
TOTAL	Attorney General	\$	2,000,000	47656
			<u>5,200,000</u>	47657
TOTAL	Law Enforcement Improvements Trust Fund	\$	2,000,000	47658
			<u>5,200,000"</u>	47659

Section 152. That existing Section 9 of Am. Sub. S.B. 192 of 47661
the 123rd General Assembly is hereby repealed. 47662

Section 153. That Section 4 of Am. S.B. 210 of the 123rd 47663
General Assembly be amended to read as follows: 47664

"Sec. 4. (A) There is hereby created the Civil Service Review 47665
Commission. The Commission shall consist of the following members: 47666
47667

(1) Three members of the Senate appointed by the President of 47668
the Senate, with at least one member from the minority party; 47669

(2) Three members of the House of Representatives appointed 47670
by the Speaker of the House of Representatives, with at least one 47671
member from the minority party; 47672

(3) Nine members appointed by the Governor, of whom one shall 47673
be the Director of Administrative Services or the Director's 47674
designee, one shall be from a union representing the largest 47675
number of state employees, one shall be from a union representing 47676
the largest number of local government employees, two shall be 47677
recommended by a statewide organization representing counties, two 47678
shall be recommended by a statewide organization representing 47679
municipal corporations, and two shall represent the public. 47680

All appointments shall be made not later than one month after 47681
~~the effective date of this section~~ September 22, 2000. The 47682
Commission shall be co-chaired by a member of the House of 47683
Representatives designated by the Speaker of the House of 47684
Representatives and a member of the Senate designated by the 47685
President of the Senate. The co-chairs shall alternate chairing 47686
meetings of the Commission by agreement of the co-chairs. 47687

(B) The Commission shall review civil service laws and 47688
practice under those laws in Ohio. In conducting the review, the 47689

Commission shall conduct a comprehensive analysis of Ohio's civil 47690
service laws as set forth in the Revised Code and associated 47691
rules, including an analysis of how the laws and any associated 47692
rules are applied in practice by public entities across Ohio. 47693
Additionally, the Commission may review decisions of the Personnel 47694
Board of Review created in section 124.05 of the Revised Code or 47695
other administrative and judicial bodies to determine how 47696
decisions of the Board or those other bodies influence the 47697
interpretation or application of civil service laws. The 47698
Commission also may review practices and innovations of public 47699
entities in other states. The Commission may call witnesses and 47700
review any other information that it determines to be appropriate 47701
and may consider recommendations of the Governor's Management 47702
Improvement Commission. 47703

(C) Upon completion of its review under division (B) of this 47704
section, but not later than ~~nine months after all of the~~ 47705
~~appointments have been made under division (A) of this section~~ 47706
December 31, 2001, the Commission shall issue a report to the 47707
President of the Senate and the Speaker of the House of 47708
Representatives. The report shall identify current statutes, 47709
rules, practices, and procedures and shall make recommendations 47710
for changes to those statutes, rules, practices, and procedures 47711
that the Commission determines necessary to improve them. Upon 47712
issuance of the report under this division, the Commission ceases 47713
to exist." 47714

Section 154. That existing Section 4 of Am. S.B. 210 of the 47715
123rd General Assembly is hereby repealed. 47716

Section 155. That Sections 10 and 13 of Am. Sub. S.B. 287 of 47717
the 123rd General Assembly be amended to read as follows: 47718

"**Sec. 10.** The excise tax imposed by section 5727.811 of the 47719

Revised Code shall ~~first~~ apply to every natural gas ~~distributed~~ 47720
distribution company for all natural gas volumes billed by, or on 47721
behalf of, the company on and after July 1, 2001. Before that 47722
date, a natural gas distribution company shall register with the 47723
Tax Commissioner in accordance with section 5727.93 of the Revised 47724
Code, as amended by ~~this act~~ Am. Sub. S.B. 287 of the 123rd 47725
General Assembly. 47726

Sec. 13. (A) The amendment or enactment by ~~this act~~ Am. Sub. 47727
S.B. 287 of the 123rd General Assembly of sections 5733.053, 47728
5733.06, ~~5733.40~~, 5747.221, and 5747.24 of the Revised Code first 47729
applies to tax year 2002. 47730

(B) The amendment by Am. Sub. S.B. 287 of the 123rd General 47731
Assembly of section 5733.40 of the Revised Code applies to taxable 47732
years beginning in 2001 or thereafter." 47733

Section 156. That existing Sections 10 and 13 of Am. Sub. 47734
S.B. 287 of the 123rd General Assembly are hereby repealed. 47735

Section 157. That Sections 129 and 180 of Am. Sub. H.B. 283 47736
of the 123rd General Assembly be amended to read as follows: 47737

"**Sec. 129.** MORATORIUM FOR NEW MR/DD RESIDENTIAL FACILITY BEDS 47738
47739

(A) ~~During~~ Notwithstanding sections 5123.042 and 5123.19 of 47740
the Revised Code, during the period beginning July 1, ~~1999~~ 2001, 47741
and ending ~~June 30, 2001~~ October 15, 2003, the ~~Department~~ Director 47742
of Mental Retardation and Developmental Disabilities shall ~~not~~ 47743
issue refuse to approve a proposal for the development approval 47744
for, nor of residential facility beds or to issue a license under 47745
section 5123.19 of the Revised Code, ~~new residential facility if~~ 47746
the approval or issuance will result in an increase in the number 47747

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~~of residential facility beds for persons with mental retardation 47748
or developmental disabilities, except that the department may 47749
approve the development or licensure, or both, of such new beds in 47750
an emergency. The department shall adopt rules in accordance with 47751
Chapter 119. of the Revised Code specifying what constitutes an 47752
emergency for the purposes of this section including those 47753
certified as intermediate care facility for the mentally retarded 47754
beds under Title XIX of the "Social Security Act," 79 Stat. 286 47755
(1965), 42 U.S.C.A. 1396, as amended. A modification, replacement, 47756
or relocation of existing beds in a residential facility licensed 47757
under section 5123.19 of the Revised Code shall not be considered 47758
an increase described in this division. The director shall adopt 47759
rules in accordance with Chapter 119. of the Revised Code 47760
specifying what constitutes a modification or replacement of 47761
existing beds. 47762~~

~~(B) For the purposes of Notwithstanding division (A) of this 47763
section, the following shall not be considered new beds: 47764~~

~~(1) Beds relocated from one facility to another, if the 47765
facility from which the beds are relocated reduces the number of 47766
its beds by the same number of beds that are relocated to the 47767
other facility; 47768~~

~~(2) Beds to replace others that the Director of Health 47769
determines no longer comply with the standards of the Medical 47770
Assistance Program established under Chapter 5111. of the Revised 47771
Code and Title XIX of the "Social Security Act," 49 Stat. 620 47772
(1935), 42 U.S.C.A. 301, as amended during the period beginning on 47773
July 1, 2001, and ending on October 15, 2003, the director may 47774
issue a license under section 5123.19 of the Revised Code to a 47775
nursing home described in section 5123.192 of the Revised Code if 47776
the sole purpose of the issuance is the relocation of existing 47777
beds within the same county. The director shall authorize under 47778
this division no additional beds beyond those being relocated. 47779~~

Sec. 180. (A) Divisions (A)(12) and (13) of section 5733.98 47780
of the Revised Code, as amended by ~~this act~~ Am. Sub. H.B. 283 of 47781
the 123rd General Assembly, and section 5733.42 of the Revised 47782
Code, as enacted by ~~this act~~ Am. Sub. H.B. 283 of the 123rd 47783
General Assembly, shall first apply to eligible training costs 47784
paid or incurred on or after January 1, 2000. Section 5733.351 of 47785
the Revised Code, as enacted by ~~this act~~ Am. Sub. H.B. 283 of the 47786
123rd General Assembly, shall first apply to qualified research 47787
expenses paid or incurred on or after January 1, ~~2001~~ 2003. 47788

(B) Notwithstanding division (C) of section 5733.42 of the 47789
Revised Code, as enacted by ~~this act~~ Am. Sub. H.B. 283 of the 47790
123rd General Assembly, applications for a tax credit certificate 47791
filed pursuant to that section prior to the date the Department of 47792
Job and Family Services comes into existence shall be filed with 47793
the Director of Development, and the Director of Development shall 47794
perform the duties otherwise assigned to the Director of Job and 47795
Family Services under that section until that date. Rules adopted 47796
pursuant to division (F) of that section by the Director of 47797
Development shall continue in effect on and after that date, 47798
unless rescinded or amended by the Director of Job and Family 47799
Services thereafter." 47800

Section 158. That existing Sections 129 and 180 of Am. Sub. 47801
H.B. 283 of the 123rd General Assembly are hereby repealed. 47802

Section 159. That Section 18 of Am. Sub. H.B. 650 of the 47803
122nd General Assembly, as most recently amended by Sub. S.B. 245 47804
of the 123rd General Assembly, is hereby repealed. 47805

Section 160. That Section 17 of Am. Sub. H.B. 282 of the 47806
123rd General Assembly, as most recently amended by Sub. S.B. 245 47807
of the 123rd General Assembly, is hereby repealed. 47808

Section 161. That Section 15 of Am. Sub. S.B. 287 of the 123rd General Assembly is hereby repealed.

Section 162. The Office of Criminal Justice Services and the Department of Job and Family Services shall enter into an interagency agreement for the transfer to the Office of the Department's duties, records, assets, and liabilities related to the administration of funds received under the "Family Violence Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as amended. Subject to the layoff provisions of sections 124.321 to 124.328 of the Revised Code and of any applicable collective bargaining agreement, employees of the Department of Job and Family Services whose primary duties relate to the administration of those funds are hereby transferred to the Office of Criminal Justice Services and shall retain their positions and all of the benefits accruing to them.

Section 163. WOMEN'S POLICY AND RESEARCH COMMISSION FUND TRANSFERS

Notwithstanding any other provision of law to the contrary, the Director of Budget and Management shall transfer any remaining amounts of cash from the specified obsolete fund to the General Revenue Fund (Fund GRF) within thirty days after the effective date of this section: Women's Policy and Research Commission, Fund 4V9, Women's Policy and Research Commission Fund.

Section 164. OHIO FAMILY AND CHILDREN FIRST CABINET COUNCIL.
The Ohio Family and Children First Cabinet Council shall conduct an assessment of the need for and resources available for services and programs that serve children under six years of age. The assessment shall include identifying supports available to those services and programs and gaps in services across Ohio, as

well as a review of existing state laws and administrative 47838
procedures related to those services and programs. Based on its 47839
assessment, the Cabinet Council shall develop, in consultation 47840
with early childhood, business, and community organizations, a 47841
strategic plan that does both of the following: 47842

(1) Identifies goals for developing an integrated system of 47843
early care and education for families with children under six 47844
years of age. 47845

(2) Recommends specific steps that must be taken to 47846
accomplish those goals, including establishing linkages between 47847
schools and early childhood programs to ensure successful 47848
transitions for children and their families. The recommendations 47849
included in the strategic plan shall maximize opportunities for 47850
existing programs and services to blend funding sources and work 47851
together. 47852

The Cabinet Council shall provide copies of the strategic 47853
plan to the Governor, Speaker and Minority Leader of the House of 47854
Representatives, and the President and Minority Leader of the 47855
Senate not later than June 30, 2002. 47856

Section 165. The Director of Agriculture shall create a task 47857
force to study and make recommendations on methods to avert 47858
bio-terrorism, including actions by foreign countries against the 47859
state. The task force shall submit its findings and 47860
recommendations to the Speaker of the House of Representatives, 47861
the President of the Senate, and the chairpersons of the standing 47862
committees in the House of Representatives and the Senate that are 47863
primarily responsible for considering agricultural matters. 47864

Section 166. EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL 47865
FACILITIES 47866

Notwithstanding any other provisions of law to the contrary, 47867

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the School Facilities Commission may provide assistance under the
Exceptional Needs Pilot Program to any school district and not
exclusively a school district in the lowest 50 per cent of
adjusted valuation per pupil on the fiscal year 1999 ranking of
school districts established pursuant to section 3317.02 of the
Revised Code, for the purpose of the relocation or replacement of
school facilities required as a result of extreme environmental
contamination. If in the assessment of the school district's
classroom facilities needs conducted under the Exceptional Needs
Pilot Program pursuant to Section 26 of Am. Sub. H.B. 850 of the
122nd General Assembly, the commission determines that all the
school district's classroom facilities ultimately will require
replacement under sections 3318.01 to 3318.20 of the Revised Code,
then the commission may undertake a district-wide project under
sections 3318.01 to 3318.20 of the Revised Code.

The School Facilities Commission shall contract with an
independent environmental consultant to conduct a study and to
report to the commission as to the seriousness of the
environmental contamination, whether the contamination violates
applicable state and federal standards, and whether the facilities
are no longer suitable for use as school facilities. The
commission then shall make a determination regarding funding for
the relocation or replacement of the school facilities. If the
federal government or other public or private entity provides
funds for restitution of costs incurred by the state or school
district in the relocation or replacement of the school
facilities, the school district shall use such funds in excess of
the school district's share to refund the state for the state's
contribution to the environmental contamination portion of the
project. The school district may apply an amount of such
restitution funds up to an amount equal to the school district's
portion of the project, as defined by the commission, toward

paying its portion of that project to reduce the amount of bonds 47900
the school district otherwise must issue to receive state 47901
assistance under sections 3318.01 to 3318.20 of the Revised Code. 47902

Section 167. (A) The Ohio School Facilities Commission may 47903
commit up to thirty-five million dollars to the Canton City School 47904
District for construction of a facility described in this section, 47905
in lieu of a high school that would otherwise be authorized under 47906
Chapter 3318. of the Revised Code. The commission shall not commit 47907
funds under this section unless all of the following conditions 47908
are met: 47909

(1) The district has entered into a cooperative agreement 47910
with a state-assisted technical college. 47911

(2) The district has received an irrevocable commitment of 47912
additional funding from nonpublic sources. 47913

(3) The facility is intended to serve both secondary and 47914
postsecondary instructional purposes. 47915

(B) The commission shall enter into an agreement with the 47916
district for the construction of the facility authorized under 47917
this section that is separate from and in addition to the 47918
agreement required for the district's participation in the 47919
Classroom Facilities Assistance Program under section 3318.08 of 47920
the Revised Code. Notwithstanding that section and sections 47921
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 47922
agreement shall provide, but not be limited to, the following: 47923

(1) The commission shall not have any oversight 47924
responsibilities over the construction of the facility. 47925

(2) The facility need not comply with the specifications for 47926
plans and materials for high schools adopted by the commission. 47927

(3) The commission may decrease the basic project cost that 47928
would otherwise be calculated for a high school under Chapter 47929

3318. of the Revised Code.	47930
(4) The state shall not share in any increases in the basic project cost for the facility above the amount authorized under this section.	47931 47932 47933
All other provisions of Chapter 3318. of the Revised Code apply to the approval and construction of a facility authorized under this section.	47934 47935 47936
The state funds committed to the facility authorized by this section shall be part of the total amount the state commits to the Canton City School District under Chapter 3318. of the Revised Code. All additional state funds committed to the Canton City School District for classroom facilities assistance shall be subject to all provisions of Chapter 3318. of the Revised Code.	47937 47938 47939 47940 47941 47942
Section 168. Not later than July 1, 2001, the Tax Commissioner shall certify to the Department of Education for each city, local, and exempted village school district the total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for each of the three most recent years for which this information is available. The Department shall use the information certified under this section to compute each district's state parity aid funding under section 3317.0217 of the Revised Code in fiscal year 2002.	47943 47944 47945 47946 47947 47948 47949 47950 47951 47952
Section 169. The Legislative Office of Education Oversight shall review and evaluate the plans adopted by school districts for the identification of gifted students under section 3324.04 of the Revised Code. Not later than November 30, 2002, the Office shall issue a report that summarizes the results of the evaluations and recommends reasonable methods of funding educational services for gifted students. The Office shall submit	47953 47954 47955 47956 47957 47958 47959

its report to the President of the Senate, the Speaker of the 47960
House of Representatives, the Minority Leader of the Senate, the 47961
Minority Leader of the House of Representatives, and the Governor. 47962

Section 170. The Department of Education shall consider the 47963
feasibility and desirability of relocating the department staff 47964
responsible for gifted education from the Center for Students, 47965
Families, and Communities to the Center for Curriculum and 47966
Assessment. 47967

Section 171. The Department of Education shall conduct the 47968
following analyses and, not later than June 30, 2002, shall report 47969
to the General Assembly its research findings and recommendations: 47970
47971

(A) A cost-based analysis of state and federal laws that 47972
mandate special education services in addition to the mandates of 47973
Chapter 3301-51 of the Ohio Administrative Code, commonly known as 47974
the "Blue Book"; 47975

(B) An analysis of the manner in which federal special 47976
education funds may be spent, including an examination of whether 47977
and how federal funds may be used to fund the increased costs of 47978
state and federal special education mandates; 47979

(C) An analysis of the costs to school districts of complying 47980
with the mandate to provide handicapped children the least 47981
restrictive environment through mainstreaming. 47982

Section 172. The Arts Facilities Building Fund and Sports 47983
Facilities Building Fund created by section 3383.09 of the Revised 47984
Code are the same as the Arts Facilities Building Fund and the 47985
Sports Facilities Building Fund from which appropriations are made 47986
in Am. Sub. H.B. 640 of the 123rd General Assembly. 47987

Section 173. (A) Notwithstanding section 4717.07 of the Revised Code as amended by this act, the Board of Embalmers and Funeral Directors shall charge and collect the following fees for the renewal of licenses that expire on December 31, 2001:

(1) Sixty dollars for renewal of an embalmer's or funeral director's license;

(2) One hundred twenty-five dollars for renewal of a license to operate a funeral home;

(3) One hundred dollars for renewal of a license to operate an embalming facility;

(4) One hundred dollars for renewal of a license to operate a crematory facility.

(B) Notwithstanding section 4717.08 of the Revised Code as amended by this act, every license issued under Chapter 4717. of the Revised Code expires on December 31, 2001, and shall be renewed on or before that date according to the standard license renewal procedure set forth in Chapter 4745. of the Revised Code.

Section 174. Unless five licensed embalmers and practicing funeral directors are serving on the Board of Embalmers and Funeral Directors on the effective date of this section, the first person appointed to fill a vacancy occurring on the Board on or after that date under section 4717.02 of the Revised Code, as amended by this act, shall be a licensed embalmer and practicing funeral director with at least ten consecutive years of experience in this state immediately preceding the date of the person's appointment.

Section 175. Notwithstanding section 4775.08 of the Revised Code, as amended by this act, during calendar year 2001, the initial and annual renewal fee for a motor vehicle collision

repair registration certificate and for a temporary motor vehicle 48017
collision repair registration certificate is one hundred dollars 48018
for each business location at which the motor vehicle collision 48019
repair operator conducts business as an operator. However, the 48020
Board of Motor Vehicle Collision Repair Registration may adjust 48021
the fee in the same manner as provided in division (A) of section 48022
4775.08 of the Revised Code, as amended by this act. 48023

Section 176. (A) As used in this section: 48024

(1) "Amnesty" means forgiving a taxpayer's liability for 48025
penalties and one-half of the interest that accrue on account of 48026
the late payment, nonpayment, underreporting, or unreporting of 48027
delinquent taxes. 48028

(2) "Delinquent taxes" means taxes imposed under section 48029
5727.24 or 5727.30 (public utility excise tax), 5733.06 or 5733.41 48030
(corporation franchise tax), 5739.02 or 5741.02 (state sales and 48031
use taxes), or 5747.02 or 5747.41 (personal income tax) of the 48032
Revised Code, that were due and payable from a taxpayer, that were 48033
unreported or underreported, and that remain unpaid. "Delinquent 48034
taxes" does not include taxes for which, on October 15, 2001, a 48035
notice of assessment or audit has been issued, a bill has been 48036
issued, or an audit is currently being conducted. 48037

(3) "Taxpayer" means any individual or other person, as 48038
defined in section 5701.01 of the Revised Code, that is subject to 48039
taxes imposed under section 5727.24, 5727.30, 5733.06, 5733.41, 48040
5739.02, 5741.02, 5747.02, or 5747.41 of the Revised Code, 48041
including any vendor subject to sections 5739.03 and 5739.12 of 48042
the Revised Code, any seller subject to section 5741.04 or 5741.12 48043
of the Revised Code, any employer subject to section 5747.07 of 48044
the Revised Code, and any qualifying entity as defined in section 48045
5733.40 of the Revised Code. 48046

(B)(1) Beginning on October 15, 2001, and ending on January 15, 2002, if a taxpayer that owes delinquent taxes pays the full amount of delinquent taxes and one-half of any interest to the Treasurer of State, in the form and manner prescribed by the Tax Commissioner, the Tax Commissioner shall grant amnesty for any penalties and one-half of the interest that otherwise are imposed as a result of delinquency in the payment of those taxes.

(2) The Tax Commissioner shall prescribe forms on which taxpayers may apply for amnesty. The Tax Commissioner may require taxpayers applying for amnesty to file returns or reports, including amended returns and reports, that otherwise would be required.

(C) If a taxpayer pays delinquent taxes as prescribed in division (B) of this section, no criminal prosecution or civil action shall be brought thereafter against the taxpayer and no assessment shall be issued thereafter against the taxpayer on account of the delinquent taxes paid.

(D) Delinquent taxes and interest collected under this section shall be credited to the General Revenue Fund.

(E) This section is hereby repealed, effective January 16, 2002.

Section 177. MOTOR FUEL TAX TASK FORCE

(A) There is hereby created the Motor Fuel Tax Task Force. The Task Force shall study the adequacy and distribution of the motor fuel tax and the method of funding the State Highway Patrol. The Task Force shall issue a report of its findings to the General Assembly and the Governor on December 2, 2002. The Task Force shall include in the report a recommendation for a direct funding source for the State Highway Patrol. Upon issuing its report, the Task Force shall cease to exist.

As Reported by the House Finance and Appropriations Committee

(B) The Task Force shall consist of the following members:	48077
(1) Three members of the House of Representatives appointed by the Speaker of the House of Representatives, not more than two of whom shall be from the same political party as the Speaker;	48078 48079 48080
(2) Three members of the Senate appointed by the President of the Senate, not more than two of whom shall be from the same political party as the President;	48081 48082 48083
(3) The Director of Public Safety or the Director's designee;	48084 48085
(4) The Director of Transportation or the Director's designee;	48086 48087
(5) The Tax Commissioner or the Commissioner's designee;	48088
(6) The Director of Budget and Management or the Director's designee;	48089 48090
(7) One person appointed by the Speaker of the House of Representatives to represent the general public;	48091 48092
(8) One person appointed by the President of the Senate to represent the general public;	48093 48094
(9) Eight members appointed jointly by the Speaker of the House of Representatives and the President of the Senate, one from each of eight lists of three individuals recommended by the County Commissioners Association of Ohio, the Ohio Municipal League, the Ohio Township Association, the County Engineers Association of Ohio, the Ohio Public Expenditure Council, the State Highway Patrol troopers' collective bargaining unit, the Ohio Contractors Association, and the Ohio Petroleum Council, respectively.	48095 48096 48097 48098 48099 48100 48101 48102
A vacancy on the Task Force shall be filled in the manner provided for the original appointment.	48103 48104
(C) The Speaker of the House of Representatives and the	48105

President of the Senate each shall appoint a co-chairperson of the Task Force from among the appointees who are members of their respective chambers. The co-chairpersons shall call the first meeting of the Task Force within thirty days after the last member is appointed.

(D) The Legislative Service Commission shall provide staff services for the Task Force.

Section 178. Except as otherwise specifically provided in this act, the codified sections of law amended or enacted in this act, and the items of law of which the codified sections of law amended or enacted in this act are composed, are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the codified sections of law amended or enacted by this act, and the items of law of which the codified sections of law as amended or enacted by this act are composed, take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such codified section of law as amended or enacted by this act, or against any item of law of which any such codified section of law as amended or enacted by this act is composed, the codified section of law as amended or enacted, or item of law, unless rejected at the referendum, takes effect at the earliest time permitted by law.

Section 179. Except as otherwise specifically provided in this act, the repeal by this act of a codified section of law is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the repeal by this act of a codified section of law takes effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such repeal, the repeal, unless rejected at the referendum, takes

effect at the earliest time permitted by law. 48137

Section 180. The repeals of sections 166.032, 1329.68, 48138
5101.143, 5101.52, 5101.851, 5101.852, 5111.341, 5111.88, and 48139
5126.054 of the Revised Code constitute items of law that are not 48140
subject to the referendum. Therefore, under Ohio Constitution, 48141
Article II, Section 1d and section 1.471 of the Revised Code, the 48142
repeals go into immediate effect when this act becomes law. 48143

Section 181. Sections 105.41, 111.16, 111.18, 111.23, 111.25, 48144
121.40, 122.011, 133.06, 166.03, 181.52, 901.43, 901.63, 901.81, 48145
901.82, 917.07, 917.99, 1309.40, 1309.401, 1309.402, 1309.42, 48146
1329.01, 1329.04, 1329.06, 1329.07, 1329.42, 1329.421, 1329.45, 48147
1329.56, 1329.58, 1329.60, 1329.601, 1501.40, 1502.12, 1701.05, 48148
1701.07, 1701.81, 1702.05, 1702.06, 1702.43, 1702.59, 1703.04, 48149
1703.041, 1703.15, 1703.17, 1703.27, 1705.05, 1705.06, 1705.38, 48150
1705.55, 1746.04, 1746.06, 1746.15, 1747.03, 1747.04, 1747.10, 48151
1775.63, 1775.64, 1782.04, 1782.08, 1782.09, 1782.433, 1785.06, 48152
3301.70, 3302.041, 3313.603, 3314.08, 3314.09, 3314.091, 3317.012, 48153
3317.013, 3317.014, 3317.02, 3317.021, 3317.022, 3317.024, 48154
3317.029, 3317.0212, 3317.0213, 3317.0216, 3317.0217, 3317.03, 48155
3317.05, 3317.051, 3317.064, 3317.161 (3317.052), 3317.162 48156
(3317.053), 3317.11, 3317.13, 3317.16, 3317.19, 3317.20, 3318.042, 48157
3318.52, 3323.09, 3323.091, 3333.043, 3333.21, 3333.22, 3702.68, 48158
3721.07, 3734.57, 3745.014, 3745.11, 3745.22, 3769.08, 3769.20, 48159
3923.28, 3923.30, 4115.10, 4301.43, 4511.81, 4905.87, 5101.071 48160
(5101.251), 5101.521, 5101.821, 5101.85, 5101.853 (5101.851), 48161
5101.852, 5101.854 (5101.853), 5103.07, 5111.041, 5111.042, 48162
5111.081, 5111.171, 5111.20, 5111.23, 5111.231, 5111.25, 5111.251, 48163
5111.255, 5111.28, 5111.29, 5111.34 (5111.206), 5111.341, 48164
5111.342, 5111.343, 5111.344, 5111.345, 5111.346, 5111.347, 48165
5111.348, 5111.349, 5111.3410, 5111.3411, 5111.3412, 5111.3413, 48166
5111.3414, 5111.3415, 5111.58, 5111.87 (5111.871), 5111.872, 48167

5111.873, 5123.01, 5123.041, 5123.044, 5123.045, 5123.046, 48168
5123.047, 5123.048, 5123.049, 5123.0410, 5123.0411, 5123.0412, 48169
5123.0413, 5123.195, 5123.71, 5123.76, 5126.01, 5126.042, 48170
5126.046, 5126.047, 5126.05, 5126.051, 5126.054, 5126.055, 48171
5126.056, 5126.12, 5126.18, 5126.357, 5126.431, 5139.11, 5705.091, 48172
5705.41, 5705.44, 5725.31, 5727.84, 5727.85, 5729.07, 5733.122, 48173
5733.42, 5747.39, and 6109.21 of the Revised Code as amended or 48174
enacted by this act, and the items of law of which such sections 48175
as amended or enacted by this act are composed, are not subject to 48176
the referendum. Therefore, under Ohio Constitution, Article II, 48177
Section 1d and section 1.471 of the Revised Code, such sections as 48178
amended or enacted by this act, and the items of law of which such 48179
sections as amended or enacted by this act are composed, go into 48180
immediate effect when this act becomes law. 48181

Section 182. (A) The amendment by this act removing language 48182
from division (B)(1)(e) of section 125.22 of the Revised Code 48183
constitutes an item of law that is subject to the referendum. 48184
Therefore, under Ohio Constitution, Article II, Section 1c and 48185
section 1.471 of the Revised Code, the item takes effect on the 48186
ninety-first day after this act is filed with the Secretary of 48187
State. If, however, a referendum petition is filed against the 48188
item, the item, unless rejected at the referendum, takes effect at 48189
the earliest time permitted by law. 48190

(B) The amendment by this act inserting division (A)(20) into 48191
section 125.22 of the Revised Code constitutes an item of law that 48192
is not subject to the referendum. Therefore, under Ohio 48193
Constitution, Article II, Section 1d and section 1.471 of the 48194
Revised Code, the item goes into immediate effect when this act 48195
becomes law. 48196

Section 183. (A) The amendment by this act removing language 48197

from division (B)(2) of section 3318.04 of the Revised Code 48198
constitutes an item of law that is subject to the referendum. 48199
Therefore, under Ohio Constitution, Article II, Section 1c and 48200
section 1.471 of the Revised Code, the item takes effect on the 48201
ninety-first day after this act is filed with the Secretary of 48202
State. If, however, a referendum petition is filed against the 48203
item, the item, unless rejected at the referendum, takes effect at 48204
the earliest time permitted by law. 48205

(B) The amendment by this act inserting division (B)(3) into 48206
section 3318.04 of the Revised Code constitutes an item of law 48207
that is not subject to the referendum. Therefore, under Ohio 48208
Constitution, Article II, Section 1d and section 1.471 of the 48209
Revised Code, the item goes into immediate effect when this act 48210
becomes law. 48211

Section 184. (A) The amendment by this act removing language 48212
from divisions (G)(2) and (4) and (H)(1) and (2), and inserting 48213
language into what are now divisions (G)(3) and (H), of section 48214
3734.82 of the Revised Code constitutes an item of law that is 48215
subject to the referendum. Therefore, under Ohio Constitution, 48216
Article II, Section 1c and section 1.471 of the Revised Code, the 48217
item takes effect on the ninety-first day after this act is filed 48218
with the Secretary of State. If, however, a referendum petition is 48219
filed against the item, the item, unless rejected at the 48220
referendum, takes effect at the earliest time permitted by law. 48221

(B) The amendment by this act to former division (G)(3) (now 48222
division (G)(2)) of section 3734.82 of the Revised Code 48223
constitutes an item of law that is not subject to the referendum. 48224
Therefore, under Ohio Constitution, Article II, Section 1d and 48225
section 1.471 of the Revised Code, the item goes into immediate 48226
effect when this act becomes law. 48227

Section 185. (A) The amendment by this act inserting language into division (G) of section 5119.01 of the Revised Code constitutes an item of law that is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the item takes effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against the item, the item, unless rejected at the referendum, takes effect at the earliest time permitted by law.

(B) The amendment by this act removing language from division (I) of section 5119.01 of the Revised Code constitutes an item of law that is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the item goes into immediate effect when this act becomes law.

Section 186. The repeal by this act of section 3317.0215 of the Revised Code is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the repeal goes into immediate effect when this act becomes law.

Section 187. The amendment by this act of sections 126.21, 131.01, 183.09, and 183.17 of the Revised Code applies to fiscal years beginning with fiscal year 2003.

Section 188. Except as otherwise specifically provided in this act, the uncodified sections of law amended or enacted in this act, and the items of law of which the uncodified sections of law amended or enacted in this act are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the uncodified

sections of law amended or enacted in this act, and the items of 48257
law of which the uncodified sections of law amended or enacted in 48258
this act are composed, go into immediate effect when this act 48259
becomes law. 48260

Section 189. Uncodified sections of law amended or enacted in 48261
this act, and items of law contained within the uncodified 48262
sections of law amended or enacted in this act, that are marked 48263
with an asterisk are subject to the referendum. Therefore, under 48264
Ohio Constitution, Article II, Section 1c and section 1.471 of the 48265
Revised Code, the uncodified sections and items of law marked with 48266
an asterisk take effect on the ninety-first day after this act is 48267
filed with the Secretary of State. If, however, a referendum 48268
petition is filed against an uncodified section or item of law 48269
marked with an asterisk, the uncodified section or item of law 48270
marked with an asterisk, unless rejected at the referendum, takes 48271
effect at the earliest time permitted by law. 48272

If the amending and existing repeal clauses commanding the 48273
amendment of an uncodified section of law are both marked with 48274
asterisks, the uncodified section as amended is deemed also to 48275
have been marked with an asterisk. 48276

An asterisk marking an uncodified section or item of law has 48277
the form *. 48278

This section defines the meaning and form of, but is not 48279
itself to be considered marked with, an asterisk. 48280

Section 190. The amendment to Section 10 of Am. Sub. S.B. 287 48281
of the 123rd General Assembly constitutes an item of law that is 48282
subject to the referendum. Therefore, under Ohio Constitution, 48283
Article II, Section 1c and section 1.471 of the Revised Code, the 48284
item takes effect on the ninety-first day after this act is filed 48285
with the Secretary of State. If, however, a referendum petition is 48286

filed against the item, the item, unless rejected at the 48287
referendum, takes effect at the earliest time permitted by law. 48288

Section 191. The amendments by this act to Section 5 of Am. 48289
Sub. S.B. 50 of the 121st General Assembly, to Section 153 of Am. 48290
Sub. H.B. 117 of the 121st General Assembly, to Section 3 of Am. 48291
Sub. H.B. 440 of the 121st General Assembly, to Section 3 of Am. 48292
Sub. H.B. 621 of the 122nd General Assembly, to Section 3 of Am. 48293
Sub. H.B. 215 of the 123rd General Assembly, to Section 4 of Am. 48294
S.B. 210 of the 123rd General Assembly, and to Section 129 of Am. 48295
Sub. H.B. 283 of the 123rd General Assembly constitute items of 48296
law that are not subject to the referendum. Therefore, under Ohio 48297
Constitution, Article II, Section 1d and section 1.471 of the 48298
Revised Code, the items go into immediate effect when this act 48299
becomes law. 48300

Section 192. The repeals by this act of Section 18 of Am. 48301
Sub. H.B. 650 of the 122nd General Assembly and of Section 17 of 48302
Am. Sub. H.B. 282 of the 123rd General Assembly are not subject to 48303
the referendum. Therefore, under Ohio Constitution, Article II, 48304
Section 1d and section 1.471 of the Revised Code, the repeals go 48305
into immediate effect when this act becomes law. 48306

Section 193. If the amendment or enactment in this act of a 48307
codified or uncodified section of law is subject to the 48308
referendum, the corresponding indications in the amending, 48309
enacting, or existing repeal clauses commanding the amendment or 48310
enactment also are subject to the referendum, along with the 48311
amendment or enactment. If the amendment or enactment by this act 48312
of a codified or uncodified section of law is not subject to the 48313
referendum, the corresponding indications in the amending, 48314
enacting, or existing repeal clauses commanding the amendment or 48315
enactment also are not subject to the referendum, the same as the 48316

amendment or enactment. 48317

Section 194. An item, other than an amending, enacting, or 48318
repealing clause, that composes the whole or part of an uncodified 48319
section contained in this act has no effect after June 30, 2003, 48320
unless its context clearly indicates otherwise. 48321

Section 195. Section 901.63 of the Revised Code is presented 48322
in this act as a composite of the section as amended by both Sub. 48323
H.B. 19 and Am. Sub. H.B. 283 of the 123rd General Assembly. The 48324
General Assembly, applying the principle stated in division (B) of 48325
section 1.52 of the Revised Code that amendments are to be 48326
harmonized if reasonably capable of simultaneous operation, finds 48327
that the composite is the resulting version of the section in 48328
effect prior to the effective date of the section as presented in 48329
this act. 48330

Section 196. * Section 2317.02 of the Revised Code is 48331
presented in this act as a composite of the section as amended by 48332
both Sub. H.B. 506 and Am. Sub. S.B. 180 of the 123rd General 48333
Assembly. The General Assembly, applying the principle stated in 48334
division (B) of section 1.52 of the Revised Code that amendments 48335
are to be harmonized if reasonably capable of simultaneous 48336
operation, finds that the composite is the resulting version of 48337
the section in effect prior to the effective date of the section 48338
as presented in this act. 48339

Section 197. * Section 2953.21 of the Revised Code is 48340
presented in this act as a composite of the section as amended by 48341
both Sub. S.B. 258 and Am. Sub. S.B. 269 of the 121st General 48342
Assembly. The General Assembly, applying the principle stated in 48343
division (B) of section 1.52 of the Revised Code that amendments 48344
are to be harmonized if reasonably capable of simultaneous 48345

operation, finds that the composite is the resulting version of 48346
the section in effect prior to the effective date of the section 48347
as presented in this act. 48348

Section 198. Section 3317.03 of the Revised Code is presented 48349
in this act as a composite of the section as amended by both Am. 48350
Sub. H.B. 640 and Sub. S.B. 173 of the 123rd General Assembly. The 48351
General Assembly, applying the principle stated in division (B) of 48352
section 1.52 of the Revised Code that amendments are to be 48353
harmonized if reasonably capable of simultaneous operation, finds 48354
that the composite is the resulting version of the section in 48355
effect prior to the effective date of the section as presented in 48356
this act. 48357

Section 199. * Section 5101.141 of the Revised Code is 48358
presented in this act as a composite of the section as amended by 48359
both Sub. H.B. 332 and Sub. H.B. 448 of the 123rd General 48360
Assembly. The General Assembly, applying the principle stated in 48361
division (B) of section 1.52 of the Revised Code that amendments 48362
are to be harmonized if reasonably capable of simultaneous 48363
operation, finds that the composite is the resulting version of 48364
the section in effect prior to the effective date of the section 48365
as presented in this act. 48366

Section 200. * Section 5101.80 of the Revised Code is 48367
presented in this act as a composite of the section as amended by 48368
both Am. Sub. H.B. 470 and H.B. 471 of the 123rd General Assembly. 48369
The General Assembly, applying the principle stated in division 48370
(B) of section 1.52 of the Revised Code that amendments are to be 48371
harmonized if reasonably capable of simultaneous operation, finds 48372
that the composite is the resulting version of the section in 48373
effect prior to the effective date of the section as presented in 48374
this act. 48375

Section 201. Section 5111.20 of the Revised Code is presented 48376
in this act as a composite of the section as amended by both Sub. 48377
H.B. 403 and Sub. H.B. 448 of the 123rd General Assembly. The 48378
General Assembly, applying the principle stated in division (B) of 48379
section 1.52 of the Revised Code that amendments are to be 48380
harmonized if reasonably capable of simultaneous operation, finds 48381
that the composite is the resulting version of the section in 48382
effect prior to the effective date of the section as presented in 48383
this act. 48384

Section 202. * Section 5119.61 of the Revised Code is 48385
presented in this act as a composite of the section as amended by 48386
both Am. H.B. 264 and Am. Sub. H.B. 283 of the 123rd General 48387
Assembly. The General Assembly, applying the principle stated in 48388
division (B) of section 1.52 of the Revised Code that amendments 48389
are to be harmonized if reasonably capable of simultaneous 48390
operation, finds that the composite is the resulting version of 48391
the section in effect prior to the effective date of the section 48392
as presented in this act. 48393

Section 203. Section 5123.71 of the Revised Code is presented 48394
in this act as a composite of the section as amended by both Sub. 48395
H.B. 629 and Am. Sub. S.B. 285 of the 121st General Assembly. The 48396
General Assembly, applying the principle stated in division (B) of 48397
section 1.52 of the Revised Code that amendments are to be 48398
harmonized if reasonably capable of simultaneous operation, finds 48399
that the composite is the resulting version of the section in 48400
effect prior to the effective date of the section as presented in 48401
this act. 48402

Section 204. Section 5123.76 of the Revised Code is presented 48403
in this act as a composite of the section as amended by both Sub. 48404

H.B. 629 and Am. Sub. S.B. 285 of the 121st General Assembly. The 48405
General Assembly, applying the principle stated in division (B) of 48406
section 1.52 of the Revised Code that amendments are to be 48407
harmonized if reasonably capable of simultaneous operation, finds 48408
that the composite is the resulting version of the section in 48409
effect prior to the effective date of the section as presented in 48410
this act. 48411

Section 205. * Section 5739.02 of the Revised Code is 48412
presented in this act as a composite of the section as amended by 48413
Am. Sub. H.B. 138, H.B. 612, and Am. Sub. H.B. 640 of the 123rd 48414
General Assembly. The General Assembly, applying the principle 48415
stated in division (B) of section 1.52 of the Revised Code that 48416
amendments are to be harmonized if reasonably capable of 48417
simultaneous operation, finds that the composite is the resulting 48418
version of the section in effect prior to the effective date of 48419
the section as presented in this act. 48420

Section 206. If any item of law that constitutes the whole or 48421
part of a codified or uncodified section of law contained in this 48422
act, or if any application of any item of law that constitutes the 48423
whole or part of a codified or uncodified section of law contained 48424
in this act, is held invalid, the invalidity does not affect other 48425
items of law or applications of items of law that can be given 48426
effect without the invalid item of law or application. To this 48427
end, the items of law of which the codified and uncodified 48428
sections contained in this act are composed, and their 48429
applications, are independent and severable. 48430