

## As Passed by the House\*

124th General Assembly

Regular Session

2001-2002

Am. Sub. H. B. No. 94

REPRESENTATIVES Carey, Calvert, Core, Peterson, Husted, Grendell, Faber,  
Evans, Metzger, Buehrer, Hoops, Widowfield, Hughes, Clancy, Gilb, Raga,  
Webster, Womer Benjamin, DeWine, Collier, Setzer, Niehaus, Reidelbach,  
Flowers, Cates, Fessler, Schmidt, Hagan

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### A BILL

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  
indicated in parentheses, sections 3317.161 68  
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5108.08 (5108.06), 5111.34 (5111.206), and 5111.87 72  
(5111.871); to enact new sections 5101.852, 73  
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repeal sections 9.832, 105.45, 105.46, 121.51, 90  
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5101.851, 5101.852, 5111.341, 5111.88, 5126.054, 101  
and 5139.281 of the Revised Code; to amend the 102  
versions of sections 2152.43 and 5139.31 of the 103  
Revised Code that are scheduled to take effect 104  
January 1, 2002; and to amend the versions of 105  
sections 5139.01 and 5139.11 of the Revised Code 106  
that are scheduled to take effect January 1, 2002, 107  
and to amend Section 153 of Am. Sub. H.B. 117 of 108  
the 121st General Assembly, as subsequently 109  
amended; to amend Section 3 of Am. Sub. H.B. 440 of 110  
the 121st General Assembly, as subsequently 111  
amended; to amend Section 5 of Am. Sub. S.B. 50 of 112  
the 121st General Assembly, as subsequently 113  
amended; to amend Section 3 of Am. Sub. H.B. 215 of 114  
the 122nd General Assembly, as subsequently 115  
amended; to amend Section 3 of Am. Sub. H.B. 621 of 116  
the 122nd General Assembly, as subsequently 117  
amended; to amend Section 9 of Am. Sub. S.B. 192 of 118  
the 123rd General Assembly; to amend Section 4 of 119  
Am. S.B. 210 of the 123rd General Assembly; to 120  
amend Sections 129 and 180 of Am. Sub. H.B. 283 of 121

the 123rd General Assembly; to amend Sections 10 122  
and 13 of Am. Sub. S.B. 287 of the 123rd General 123  
Assembly to repeal Section 18 of Am. Sub. H.B. 650 124  
of the 122nd General Assembly, as subsequently 125  
amended; to repeal Section 17 of Am. Sub. H.B. 282 126  
of the 123rd General Assembly, as subsequently 127  
amended; to repeal Section 15 of Am. Sub. S.B. 287 128  
of the 123rd General Assembly and to repeal Section 129  
173 of this act on January 16, 2002 to make 130  
operating appropriations for the biennium beginning 131  
July 1, 2001, and ending June 30, 2003, and to 132  
provide authorization and conditions for the 133  
operation of 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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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  
5126.054 and sections 103.33, 340.16, 504.21, 991.20, 1502.12, 191  
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5123.0411, 5123.0412, 5123.0413, 5123.195, 5126.046, 5126.047, 201  
5126.055, and 5126.056 of the Revised Code be enacted to read as 202  
follows: 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 280  
to, sanitation, food service, safety, and health regulations. The 281  
contractor shall be required to send copies of reports of 282  
inspections completed by the appropriate authorities regarding 283  
compliance with rules and regulations to the director of 284  
rehabilitation and correction or the director's designee and, if 285  
contracting with a local public entity, to the governing authority 286  
of that entity. 287

(4) A requirement that the contractor report for 288  
investigation all crimes in connection with the facility to the 289  
public entity, to all local law enforcement agencies with 290  
jurisdiction over the place at which the facility is located, and, 291  
for a crime committed at a state correctional institution, to the 292  
state highway patrol; 293

(5) A requirement that the contractor immediately report all 294  
escapes from the facility, and the apprehension of all escapees, 295  
by telephone and in writing to all local law enforcement agencies 296  
with jurisdiction over the place at which the facility is located, 297  
to the prosecuting attorney of the county in which the facility is 298  
located, to the state highway patrol, to a daily newspaper having 299  
general circulation in the county in which the facility is 300  
located, and, if the ~~institution~~ facility is a state correctional 301  
institution, to the department of rehabilitation and correction. 302  
The written notice may be by either facsimile transmission or 303  
mail. A failure to comply with this requirement regarding an 304  
escape is a violation of section 2921.22 of the Revised Code. 305

(6) A requirement that, if the facility is a state 306  
correctional institution, the contractor provide a written report 307  
within specified time limits to the director of rehabilitation and 308  
correction or the director's designee of all unusual incidents at 309

the facility as defined in rules promulgated by the department of 310  
rehabilitation and correction or, if the facility is a local 311  
correctional institution, that the contractor provide a written 312  
report of all unusual incidents at the facility to the governing 313  
authority of the local public entity; 314

(7) A requirement that the contractor maintain proper control 315  
of inmates' personal funds pursuant to rules promulgated by the 316  
department of rehabilitation and correction, for state 317  
correctional institutions, or pursuant to the minimum standards 318  
for jails along with any additional standards established by the 319  
local public entity, for local correctional institutions, and that 320  
records pertaining to these funds be made available to 321  
representatives of the public entity for review or audit; 322

(8) A requirement that the contractor prepare and distribute 323  
to the director of rehabilitation and correction or, if 324  
contracting with a local public entity, to the governing authority 325  
of the local entity, annual budget income and expenditure 326  
statements and funding source financial reports; 327

(9) A requirement that the public entity appoint and 328  
supervise a full-time contract monitor, that the contractor 329  
provide suitable office space for the contract monitor at the 330  
facility, and that the contractor allow the contract monitor 331  
unrestricted access to all parts of the facility and all records 332  
of the facility except the contractor's financial records; 333

(10) A requirement that if the facility is a state 334  
correctional institution, designated department of rehabilitation 335  
and correction staff members be allowed access to the facility in 336  
accordance with rules promulgated by the department; 337

(11) A requirement that the contractor provide internal and 338  
perimeter security as agreed upon in the contract; 339

(12) If the facility is a state correctional institution, a 340

requirement that the contractor impose discipline on inmates 341  
housed in a state correctional institution, only in accordance 342  
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 amount of the imposed fine. 372  
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(18) A statement that all services provided or goods produced at the facility shall be subject to the same regulations, and the same distribution limitations, as apply to goods and services produced at other correctional institutions; 374  
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(19) Authorization for the department to establish one or more prison industries at a facility operated and managed by a contractor for the department; 378  
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(20) A requirement that, if the facility is an intensive program prison established pursuant to section 5120.033 of the Revised Code, the facility shall comply with all criteria for intensive program prisons of that type that are set forth in that section; 381  
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(21) If the institution is a state correctional institution, a requirement that the contractor provide clothing for all inmates housed in the facility that is conspicuous in its color, style, or color and style, that conspicuously identifies its wearer as an inmate, and that is readily distinguishable from clothing of a nature that normally is worn outside the facility by non-inmates, that the contractor require all inmates housed in the facility to wear the clothing so provided, and that the contractor not permit any inmate, while inside or on the premises of the facility or while being transported to or from the facility, to wear any clothing of a nature that does not conspicuously identify its wearer as an inmate and that normally is worn outside the facility by non-inmates. 386  
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(C) No contract entered into under this section may require, authorize, or imply a delegation of the authority or responsibility of the public entity to a contractor for any of the following: 399  
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(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 405  
written reports that have been prepared in the ordinary course of 406  
business; 407

(2) Developing or implementing procedures for calculating and 408  
awarding earned credits, approving the type of work inmates may 409  
perform and the wage or earned credits, if any, that may be 410  
awarded to inmates engaging in ~~such~~ that work, and granting, 411  
denying, or revoking earned credits; 412

(3) For inmates serving a term imposed for a felony offense 413  
committed prior to July 1, 1996, or for a misdemeanor offense, 414  
developing or implementing procedures for calculating and awarding 415  
good time, approving the good time, if any, that may be awarded to 416  
inmates engaging in work, and granting, denying, or revoking good 417  
time; 418

(4) For inmates serving a term imposed for a felony offense 419  
committed on or after July 1, 1996, extending an inmate's term 420  
pursuant to the provisions of law governing bad time; 421

(5) Classifying an inmate or placing an inmate in a more or a 422  
less restrictive custody than the custody ordered by the public 423  
entity; 424

(6) Approving inmates for work release; 425

(7) Contracting for local or long distance telephone services 426  
for inmates or receiving commissions from ~~such~~ those services at a 427  
facility that is owned by or operated under a contract with the 428  
department. 429

(D) A contractor that has been approved to operate a facility 430  
under this section, and a person or entity that enters into a 431  
contract for specialized services, as described in division (I) of 432  
this section, relative to an intensive program prison established 433

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

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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 indemnify and hold harmless the state, its  
officers, agents, and employees, and any local government entity  
in the state having jurisdiction over the facility or ownership of  
the facility, shall reimburse the state for its costs in defending  
the state or any of its officers, agents, or employees, and shall  
reimburse any local government entity of that nature for its costs  
in defending the local government entity, from all of the  
following:

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

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

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(3) Any constitutional, federal, state, or civil rights claim brought against the state related to the facility operated and managed by the contractor;

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

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

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

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



the escapee following recapture.

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

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

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

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

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(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 531  
relevant to the specialized services to be provided under the 532  
specialized services contract. Division (D) of this section 533  
applies in relation to each specialized services contract. 534

(J) As used in this section: 535

(1) "Public entity" means the department of rehabilitation 536  
and correction, or a county or municipal corporation or a 537  
combination of counties and municipal corporations, that has 538  
jurisdiction over a facility that is the subject of a contract 539  
entered into under this section. 540

(2) "Local public entity" means a county or municipal 541  
corporation, or a combination of counties and municipal 542  
corporations, that has jurisdiction over a jail, workhouse, or 543  
other correctional facility used only for misdemeanants that is 544  
the subject of a contract entered into under this section. 545

(3) "Governing authority of a local public entity" means, for 546  
a county, the board of county commissioners; for a municipal 547  
corporation, the legislative authority; for a combination of 548  
counties and municipal corporation, all the boards of county 549  
commissioners and municipal legislative authorities that joined to 550  
create the facility. 551

(4) "Contractor" means a person ~~who~~ or entity that enters 552  
into a contract under this section to operate and manage a jail, 553  
workhouse, or other correctional facility. 554

(5) "Facility" means the specific county, multicounty, 555  
municipal, municipal-county, or multicounty-municipal jail, 556  
workhouse, prison, or other type of correctional institution or 557  
facility used only for misdemeanants, or a state correctional 558  
institution, that is the subject of a contract entered into under 559

this section. 560

(6) "Person or entity" in the case of a contract for the 561  
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. 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

(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 591  
program for a particular class or subclass of state officer, 592  
employee, or agent, if, prior to the establishment and 593  
administration of this program, the director does both of the 594  
following: 595

(i) Holds a hearing in accordance with Chapter 119. of the 596  
Revised Code to determine whether fidelity bond insurance for that 597  
particular class or subclass of state officer, employee, or agent 598  
is available in the voluntary market; 599

(ii) If, as a result of that hearing, the director determines 600  
that fidelity bond insurance for a particular class or subclass of 601  
state officer, employee, or agent is unavailable in the voluntary 602  
market and that the absence of this insurance threatens the 603  
operation of state government and will be detrimental to the 604  
general welfare of the citizens of this state, adopts rules in 605  
accordance with Chapter 119. of the Revised Code to establish 606  
standards and procedures governing the establishment, 607  
administration, and termination of the fidelity bond program for 608  
that particular class or subclass of state officer, employee, or 609  
agent. 610

(b) Division (C)(6)(a) of this section does not apply to any 611  
self-insured blanket fidelity bond program that, on ~~the effective~~ 612  
~~date of this section~~ September 20, 1993, has been established 613  
pursuant to section 9.831 ~~or 9.832~~ of the Revised Code. 614

(7) Except as provided in division (C)(6) of this section, 615  
adopt and publish, in accordance with section 111.15 of the 616  
Revised Code, necessary rules and procedures governing the 617  
administration of the state's insurance and risk management 618  
activities. 619

(D) No state agency, except a state agency exempted under 620

section 125.02 or 125.04 of the Revised Code from the department's 621  
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  
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

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grievances and discipline of the supreme court and the ethics 682  
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; 716

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 717  
and except as otherwise provided in section 102.022 of the Revised 718  
Code, identification of every source of income, other than income 719  
from a legislative agent identified in division (A)(2)(b) of this 720  
section, received during the preceding calendar year, in the 721  
person's own name or by any other person for the person's use or 722  
benefit, by the person filing the statement, and a brief 723  
description of the nature of the services for which the income was 724  
received. If the person filing the statement is a member of the 725  
general assembly, the statement shall identify the amount of every 726  
source of income received in accordance with the following ranges 727  
of amounts: zero or more, but less than one thousand dollars; one 728  
thousand dollars or more, but less than ten thousand dollars; ten 729  
thousand dollars or more, but less than twenty-five thousand 730  
dollars; twenty-five thousand dollars or more, but less than fifty 731  
thousand dollars; fifty thousand dollars or more, but less than 732  
one hundred thousand dollars; and one hundred thousand dollars or 733  
more. Division (A)(2)(a) of this section shall not be construed to 734  
require a person filing the statement who derives income from a 735  
business or profession to disclose the individual items of income 736  
that constitute the gross income of that business or profession, 737  
except for those individual items of income that are attributable 738  
to the person's or, if the income is shared with the person, the 739  
partner's, solicitation of services or goods or performance, 740  
arrangement, or facilitation of services or provision of goods on 741  
behalf of the business or profession of clients, including 742  
corporate clients, who are legislative agents as defined in 743  
section 101.70 of the Revised Code. A person who files the 744  
statement under this section shall disclose the identity of and 745  
the amount of income received from a person who the public 746



official or employee knows or has reason to know is doing or  
seeking to do business of any kind with the public official's or  
employee's agency.

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(b) If the person filing the statement is a member of the  
general assembly, the statement shall identify every source of  
income and the amount of that income that was received from a  
legislative agent, as defined in section 101.70 of the Revised  
Code, 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. Division  
(A)(2)(b) of this section requires the disclosure of clients of  
attorneys or persons licensed under section 4732.12 of the Revised  
Code, or patients of persons certified under section 4731.14 of  
the Revised Code, if those clients or patients are legislative  
agents. Division (A)(2)(b) of this section requires a person  
filing the statement who derives income from a business or  
profession to disclose those individual items of income that  
constitute the gross income of that business or profession that  
are received from legislative agents.

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(c) Except as otherwise provided in division (A)(2)(c) of  
this section, division (A)(2)(a) of this section applies to  
attorneys, physicians, and other persons who engage in the  
practice of a profession and who, pursuant to a section of the  
Revised Code, the common law of this state, a code of ethics  
applicable to the profession, or otherwise, generally are required  
not to reveal, disclose, or use confidences of clients, patients,  
or other recipients of professional services except under  
specified circumstances or generally are required to maintain  
those types of confidences as privileged communications except  
under specified circumstances. Division (A)(2)(a) of this section  
does not require an attorney, physician, or other professional

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subject to a confidentiality requirement as described in division 779  
(A)(2)(c) of this section to disclose the name, other identity, or 780  
address of a client, patient, or other recipient of professional 781  
services if the disclosure would threaten the client, patient, or 782  
other recipient of professional services, would reveal details of 783  
the subject matter for which legal, medical, or professional 784  
advice or other services were sought, or would reveal an otherwise 785  
privileged communication involving the client, patient, or other 786  
recipient of professional services. Division (A)(2)(a) of this 787  
section does not require an attorney, physician, or other 788  
professional subject to a confidentiality requirement as described 789  
in division (A)(2)(c) of this section to disclose in the brief 790  
description of the nature of services required by division 791  
(A)(2)(a) of this section any information pertaining to specific 792  
professional services rendered for a client, patient, or other 793  
recipient of professional services that would reveal details of 794  
the subject matter for which legal, medical, or professional 795  
advice was sought or would reveal an otherwise privileged 796  
communication involving the client, patient, or other recipient of 797  
professional services. 798

(3) The name of every corporation on file with the secretary 799  
of state that is incorporated in this state or holds a certificate 800  
of compliance authorizing it to do business in this state, trust, 801  
business trust, partnership, or association that transacts 802  
business in this state in which the person filing the statement or 803  
any other person for the person's use and benefit had during the 804  
preceding calendar year an investment of over one thousand dollars 805  
at fair market value as of the thirty-first day of December of the 806  
preceding calendar year, or the date of disposition, whichever is 807  
earlier, or in which the person holds any office or has a 808  
fiduciary relationship, and a description of the nature of the 809  
investment, office, or relationship. Division (A)(3) of this 810

section does not require disclosure of the name of any bank, 811  
savings and loan association, credit union, or building and loan 812  
association with which the person filing the statement has a 813  
deposit or a withdrawable share account. 814

(4) All fee simple and leasehold interests to which the 815  
person filing the statement holds legal title to or a beneficial 816  
interest in real property located within the state, excluding the 817  
person's residence and property used primarily for personal 818  
recreation; 819

(5) The names of all persons residing or transacting business 820  
in the state to whom the person filing the statement owes, in the 821  
person's own name or in the name of any other person, more than 822  
one thousand dollars. Division (A)(5) of this section shall not be 823  
construed to require the disclosure of debts owed by the person 824  
resulting from the ordinary conduct of a business or profession or 825  
debts on the person's residence or real property used primarily 826  
for personal recreation, except that the superintendent of 827  
financial institutions shall disclose the names of all 828  
state-chartered savings and loan associations and of all service 829  
corporations subject to regulation under division (E)(2) of 830  
section 1151.34 of the Revised Code to whom the superintendent in 831  
the superintendent's own name or in the name of any other person 832  
owes any money, and that the superintendent and any deputy 833  
superintendent of banks shall disclose the names of all 834  
state-chartered banks and all bank subsidiary corporations subject 835  
to regulation under section 1109.44 of the Revised Code to whom 836  
the superintendent or deputy superintendent owes any money. 837

(6) The names of all persons residing or transacting business 838  
in the state, other than a depository excluded under division 839  
(A)(3) of this section, who owe more than one thousand dollars to 840  
the person filing the statement, either in the person's own name 841  
or to any person for the person's use or benefit. Division (A)(6) 842

of this section shall not be construed to require the disclosure  
of clients of attorneys or persons licensed under section 4732.12  
or 4732.15 of the Revised Code, or patients of persons certified  
under section 4731.14 of the Revised Code, nor the disclosure of  
debts owed to the person resulting from the ordinary conduct of a  
business or profession.

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

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

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(9) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a meeting or convention of a national or state organization to which either house of the general assembly, any legislative agency, a state institution of higher education as defined in section 3345.031 of the Revised Code, any other state agency, or any political subdivision or any office or agency of a political subdivision pays membership dues, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year;

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

A person may file a statement required by this section in person or by mail. A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy

is to be voted on, whichever election occurs soonest, except that  
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

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section. The appropriate ethics commission shall send the public 939  
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

(C) No person shall knowingly fail to file, on or before the 985  
applicable filing deadline established under this section, a 986  
statement that is required by this section. 987  
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(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
	<u>45</u>	1004
For city office	\$10	1005
	<u>20</u>	1006
For office of member of state board of education	\$10	1007 1008
	<u>20</u>	1009
For office of member of city, local, exempted village, or cooperative education board of education or educational service center governing board	\$ 5	1010 1011 1012 1013 1014
For position of business manager, treasurer, or superintendent of city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$ 5	1015 1016 1017 1018 1019 1020
<u>For office of member of the board of trustees of a state college or university</u>	<u>\$50</u>	1021 1022

(3) No judge of a court of record or candidate for judge of ~~such~~ a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.

(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.

(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the

appropriate ethics commission shall assess the person required to 1035  
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 statement. 1130  
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(C) Any time a bill is amended, the legislative ~~budget office~~ service commission shall, as soon as reasonably possible, revise the local impact statement to reflect changes made by amendment. 1132  
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(D) The legislative ~~budget office~~ service commission shall annually compile the final local impact statements completed for all laws passed by both houses of the general assembly in the preceding year. It shall send a copy of this compilation as a draft report ~~to the state and local government commission~~ and to associations or nonprofit organizations formed for the improvement of school districts or municipal, township, or county government or for their elected officials by the last day of July of each year. Upon receiving the draft report, ~~the state and local government commission shall solicit comments from these~~ associations and organizations may comment about the actual fiscal impact of bills passed during the year covered by the report. ~~The commission shall review and comment on the draft report before returning it to the legislative budget office, along with the~~ and forward those comments ~~of the associations and organizations, to the legislative service commission~~ by the last day of August. The legislative ~~budget office~~ service commission shall then prepare a final report consisting of the compiled local impact statements and all forwarded comments ~~returned by the state and local government commission~~. The final report shall be completed by the last day of September and copies of the report shall be sent to the governor, the speaker of the house of representatives, and the president of the senate. 1136  
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(E) As used in this section, "net additional cost" means any cost incurred or anticipated to be incurred by a school district, county, township, or municipal corporation in performing or 1159  
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administering a new or expanded program or service required by a state law other than any of the following:

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

(2) New duties or obligations that create only a minimal cost for affected school districts, counties, townships, or municipal corporations. The legislative ~~budget office~~ service commission shall determine what constitutes such a minimal cost. Before making this determination, the legislative ~~budget office~~ service commission shall notify the state organizations that represent school districts, counties, townships, and municipal corporations regarding the proposed determination and provide a thirty-day period for these organizations and individual school districts, counties, townships, and municipal corporations to comment on it.

(3) A cost arising from a law passed as a result of a federal mandate.

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

(a) Fees charged to the recipients of the program or service;

(b) State or federal aid paid specifically or categorically in connection with the program or service;

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

(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
<u>Sec. 103.33. This section shall be known as "The Community Organizations Access Procedure Act."</u>	1207 1208
<u>Any state agency that is eligible to receive federal funds under a federal grant program and that cannot or has decided that it will not participate fully in the program shall promptly report both of the following to the joint legislative committee on federal funds:</u>	1209 1210 1211 1212 1213
<u>(A) That the agency cannot or has decided that it will not participate fully in the program, along with the reason;</u>	1214 1215
<u>(B) Whether there is some means allowable under federal law by which counties or not-for-profit organizations can receive the federal funds to participate in the program, as by being agents or grantees of the agency.</u>	1216 1217 1218 1219
<u>If there is a means whereby counties or not-for-profit</u>	1220

organizations can so participate in the program, the agency shall 1221  
post on a generally accessible internet website detailed 1222  
information about the program and the means by which the counties 1223  
or not-for-profit organizations can participate in the program. 1224  
The information shall be posted within ample time for the counties 1225  
or not-for-profit organizations to participate fully in the 1226  
program. Any county interested in participating in the program 1227  
shall apply to the agency on its own behalf. Any county that is 1228  
willing to be the fiscal agent for a not-for-profit organization 1229  
interested in participating and qualified to participate in the 1230  
program, or that arranges with a responsible organization to be 1231  
the fiscal agent for the program in the county, shall advertise or 1232  
otherwise inform such organizations about the program and shall 1233  
apply to the agency in conjunction with or on behalf of the 1234  
not-for-profit organization. The agency shall accept applications 1235  
from the counties on a first-come, first-served basis, shall apply 1236  
to the federal government for the funds, and shall pay the federal 1237  
funds to the counties when available. 1238

As used in this section, "not-for-profit organizations" means 1239  
organizations, including faith-based organizations, exempt from 1240  
federal income taxation under section 501(c)(3) of the "Internal 1241  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as 1242  
amended. 1243

**Sec. 105.41.** (A) There is hereby created the capitol square 1244  
review and advisory board, consisting of nine members as follows: 1245

(1) Two members of the senate, appointed by the president of 1246  
the senate, both of whom shall not be members of the same 1247  
political party; 1248

(2) Two members of the house of representatives, appointed by 1249  
the speaker of the house of representatives, both of whom shall 1250  
not be members of the same political party; 1251



(3) Five members appointed by the governor, with the advice 1252  
and consent of the senate, not more than three of whom shall be 1253  
members of the same political party, one of whom shall represent 1254  
the office of the state architect and engineer, one of whom shall 1255  
represent the Ohio arts council, one of whom shall represent the 1256  
Ohio historical society, one of whom shall represent the Ohio 1257  
building authority, and one of whom shall represent the public at 1258  
large. 1259

(B) Terms of office of each appointed member of the board 1260  
shall be for three years, except that members of the general 1261  
assembly appointed to the board shall be members of the board only 1262  
so long as they are members of the general assembly. Each member 1263  
shall hold office from the date of the member's appointment until 1264  
the end of the term for which the member was appointed. In case of 1265  
a vacancy occurring on the board, the president of the senate, the 1266  
speaker of the house of representatives, or the governor, as the 1267  
case may be, shall in the same manner prescribed for the regular 1268  
appointment to the commission, fill the vacancy by appointing a 1269  
member. Any member appointed to fill a vacancy occurring prior to 1270  
the expiration of the term for which the member's predecessor was 1271  
appointed shall hold office for the remainder of the term. Any 1272  
member shall continue in office subsequent to the expiration date 1273  
of the member's term until the member's successor takes office, or 1274  
until a period of sixty days has elapsed, whichever occurs first. 1275

(C) The board shall hold meetings in a manner and at times 1277  
prescribed by the rules adopted by the board. A majority of the 1278  
board constitutes a quorum, and no action shall be taken by the 1279  
board unless approved by at least five voting members. At its 1280  
first meeting, the board shall adopt rules for the conduct of its 1281  
business and the election of its officers, and shall organize by 1282  
selecting a chairperson and other officers as it considers 1283

necessary. Board members shall serve without compensation but 1284  
shall be reimbursed for actual and necessary expenses incurred in 1285  
the performance of their duties. 1286

(D) The board may do any of the following: 1287

(1) Employ or hire on a consulting basis professional, 1288  
technical, and clerical employees as are necessary for the 1289  
performance of its duties; 1290

(2) Hold public hearings at times and places as determined by 1291  
the board; 1292

(3) Adopt, amend, or rescind rules necessary to accomplish 1293  
the duties of the board as set forth in this section; 1294

(4) Sponsor, conduct, and support such social events as the 1295  
board may authorize and consider appropriate for the employees of 1296  
the board, employees and members of the general assembly, 1297  
employees of persons under contract with the board or otherwise 1298  
engaged to perform services on the premises of capitol square, or 1299  
other persons as the board may consider appropriate. Subject to 1300  
the requirements of Chapter 4303. of the Revised Code, the board 1301  
may provide beer, wine, and intoxicating liquor, with or without 1302  
charge, for such those events and may use funds only from the sale 1303  
of goods and services fund to purchase the beer, wine, and 1304  
intoxicating liquor the board provides. 1305

(E) The board shall do all of the following: 1306

(1) Have sole authority to coordinate and approve any 1307  
improvements, additions, and renovations that are made to the 1308  
capitol square. The improvements shall include, but not be limited 1309  
to, the placement of monuments and sculpture on the capitol 1310  
grounds. 1311

(2) Operate the capitol square, and have sole authority to 1312  
regulate all uses of the capitol square. The uses shall include, 1313  
but not be limited to, the casual and recreational use of the 1314

capitol square. 1315

(3) Employ, fix the compensation of, and prescribe the duties 1316  
of the executive director of the board and ~~such~~ other employees ~~as~~ 1317  
the board considers necessary for the performance of its powers 1318  
and duties; 1319

(4) Establish and maintain the capitol collection trust. The 1320  
capitol collection trust shall consist of furniture, antiques, and 1321  
other items of personal property that the board shall store in 1322  
suitable facilities until they are ready to be placed in the 1323  
capitol square. 1324

(5) Perform ~~such~~ repair, construction, contracting, 1325  
purchasing, maintenance, supervisory, and operating activities ~~as~~ 1326  
the board determines are necessary for the operation and 1327  
maintenance of the capitol square; 1328

(6) Maintain and preserve the capitol square, in accordance 1329  
with guidelines issued by the United States secretary of the 1330  
interior for application of the secretary's standards for 1331  
rehabilitation adopted in 36 C.F.R. part 67. 1332

(F)(1) The ~~capitol square review and advisory~~ board shall 1333  
lease capital facilities improved or financed by the Ohio building 1334  
authority pursuant to Chapter 152. of the Revised Code for the use 1335  
of the board, and may enter into any other agreements with the 1336  
authority ancillary to improvement, financing, or leasing of ~~such~~ 1337  
those capital facilities, including, but not limited to, any 1338  
agreement required by the applicable bond proceedings authorized 1339  
by Chapter 152. of the Revised Code. Any lease of capital 1340  
facilities authorized by this section shall be governed by 1341  
division (D) of section 152.24 of the Revised Code. 1342

(2) Fees, receipts, and revenues received by the ~~capitol~~ 1343  
~~square review and advisory~~ board from the state underground 1344  
parking garage constitute available receipts as defined in section 1345

152.09 of the Revised Code, and may be pledged to the payment of 1346  
bond service charges on obligations issued by the Ohio building 1347  
authority pursuant to Chapter 152. of the Revised Code to improve 1348  
or finance capital facilities useful to the board. The authority 1349  
may, with the consent of the board, provide in the bond 1350  
proceedings for a pledge of all or ~~such a~~ portion of ~~such~~ those 1351  
fees, receipts, and revenues as the authority determines. The 1352  
authority may provide in the bond proceedings or by separate 1353  
agreement with the board for the transfer of ~~such~~ those fees, 1354  
receipts, and revenues to the appropriate bond service fund or 1355  
bond service reserve fund as required to pay the bond service 1356  
charges when due, and any such provision for the transfer of ~~such~~ 1357  
those fees, receipts, and revenues shall be controlling 1358  
notwithstanding any other provision of law pertaining to ~~such~~ 1359  
those fees, receipts, and revenues. 1360

(3) All moneys received by the treasurer of state on account 1361  
of the board and required by the applicable bond proceedings or by 1362  
separate agreement with the board to be deposited, transferred, or 1363  
credited to the bond service fund or bond service reserve fund 1364  
established by ~~such~~ the bond proceedings shall be transferred by 1365  
the treasurer of state to such fund, whether or not ~~such fund~~ it 1366  
is in the custody of the treasurer of state, without necessity for 1367  
further appropriation, upon receipt of notice from the Ohio 1368  
building authority as prescribed in the bond proceedings. 1369

(G) All fees, receipts, and revenues received by the ~~capital~~ 1370  
~~square review and advisory~~ board from the state underground 1371  
parking garage shall be deposited into the state treasury to the 1372  
credit of the underground parking garage operating fund, which is 1373  
hereby created, to be used for the purposes specified in division 1374  
(F) of this section and for the operation and maintenance of the 1375  
garage. All investment earnings of the fund shall be credited to 1376  
the fund. 1377

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

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

(2) To purchase art, antiques, and artifacts for display at the capitol square;

(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.

(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.

(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 1409  
~~this section,~~ for which money is not otherwise available to the 1410  
board. Whenever the board determines that there is a need to incur 1411  
~~such those~~ costs and that the unencumbered, unobligated balance to 1412  
the credit of the underground parking garage operating fund 1413  
exceeds the amount needed for the purposes specified in division 1414  
(F) of this section and for the operation and maintenance of the 1415  
garage, the board may request the director of budget and 1416  
management to transfer from the underground parking garage 1417  
operating fund to the capitol square ~~improvement~~ government 1418  
television and telecommunications operating fund the amount needed 1419  
to pay ~~such construction, renovation, or for the operations,~~ 1420  
improvements, and educational projects of, and the other costs 1421  
related to, the studio. The director then shall ~~thereupon~~ transfer 1422  
the amount needed from the excess balance of the underground 1423  
parking garage operating fund. 1424

(K) As the operation and maintenance of the capitol square 1425  
constitute essential government functions of a public purpose, the 1426  
board shall not be required to pay taxes or assessments upon the 1427  
square, ~~or~~ upon any property acquired or used by the board under 1428  
this section, or upon any income generated by the operation of the 1429  
square. 1430

(L) As used in this section, "capitol square" means the 1431  
capitol building, senate building, capitol atrium, capitol 1432  
grounds, and the state underground parking garage. 1433

(M) The capitol annex shall be known as the senate building. 1434

**Sec. 111.16.** The secretary of state shall charge and collect, 1435  
for the benefit of the state, the following fees: 1436

(A) For filing and recording articles of incorporation of a 1437  
domestic corporation, including designation of agent: 1438

(1) Wherein the corporation shall not be authorized to issue 1439

any shares of capital stock, <u>one hundred</u> twenty-five dollars-;	1440
(2) Wherein the corporation shall be authorized to issue	1441
shares of capital stock, with or without par value:	1442
(a) Ten cents for each share authorized up to and including	1443
one thousand shares;	1444
(b) Five cents for each share authorized in excess of one	1445
thousand shares up to and including ten thousand shares;	1446
(c) Two cents for each share authorized in excess of ten	1447
thousand shares up to and including fifty thousand shares;	1448
(d) One cent for each share authorized in excess of fifty	1449
thousand shares up to and including one hundred thousand shares;	1450
(e) One-half cent for each share authorized in excess of one	1451
hundred thousand shares up to and including five hundred thousand	1452
shares;	1453
(f) One-quarter cent for each share authorized in excess of	1454
five hundred thousand shares; provided no fee shall be less than	1455
<del>eighty-five</del> <u>one hundred twenty-five</u> dollars or greater than one	1456
hundred thousand dollars.	1457
(B) For filing and recording a certificate of amendment to or	1458
amended articles of incorporation of a domestic corporation, or	1459
for filing and recording a certificate of reorganization, a	1460
certificate of dissolution, or an amendment to a foreign license	1461
application:	1462
(1) If the domestic corporation is not authorized to issue	1463
any shares of capital stock, <del>twenty-five</del> <u>fifty</u> dollars;	1464
(2) If the domestic corporation is authorized to issue shares	1465
of capital stock, <del>thirty-five</del> <u>fifty</u> dollars, and in case of any	1466
increase in the number of shares authorized to be issued, a	1467
further sum computed in accordance with the schedule set forth in	1468
division (A)(2) of this section less a credit computed in the same	1469

manner for the number of shares previously authorized to be issued 1470  
by the corporation; provided no fee under division (B)(2) of this 1471  
section shall be greater than one hundred thousand dollars; 1472

(3) If the foreign corporation is not authorized to issue any 1473  
shares of capital stock, fifty dollars; 1474

(4) If the foreign corporation is authorized to issue shares 1475  
of capital stock, fifty dollars. 1476

(C) For filing and recording articles of incorporation of a 1477  
savings and loan association, one hundred ~~twenty-five~~ dollars; and 1478  
for filing and recording a certificate of amendment to or amended 1479  
articles of incorporation ~~that do not involve an increase in the~~ 1480  
~~authorized capital stock of such corporation of a savings and loan~~ 1481  
~~association, twenty-five~~ fifty dollars; ~~and for filing and~~ 1482  
~~recording a certificate of amendment to or amended articles of~~ 1483  
~~incorporation that do involve an increase in the authorized~~ 1484  
~~capital stock of such corporation, thirty-five~~ dollars; 1485

(D) For filing and recording a certificate of merger or 1486  
consolidation, ~~fifty~~ one hundred twenty-five dollars and, in the 1487  
case of any new corporation resulting from a consolidation or any 1488  
surviving corporation that has an increased number of shares 1489  
authorized to be issued resulting from a merger, an additional sum 1490  
computed in accordance with the schedule set forth in division 1491  
(A)(2) of this section less a credit computed in the same manner 1492  
for the number of shares previously authorized to be issued or 1493  
represented in this state by each of the corporations for which a 1494  
consolidation or merger is effected by the certificate; 1495

(E) For filing and recording articles of incorporation of a 1496  
credit union or the American credit union guaranty association, 1497  
~~thirty-five~~ one hundred twenty-five dollars, and for filing and 1498  
recording a certificate of increase in capital stock or any other 1499  
amendment of the articles of incorporation of a credit union or 1500  
the association, ~~twenty-five~~ fifty dollars; 1501



(F) For filing and recording articles of organization of a limited liability company ~~or, for filing and recording an application to become a registered foreign limited liability company,~~ for filing and recording a registration application to become a domestic limited liability partnership, ~~or for filing and recording an application to become a registered foreign limited liability partnership,~~ eighty-five one hundred twenty-five dollars; 1502  
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(G) For filing and recording a certificate of limited partnership or an application for registration as a foreign limited partnership ~~the following apply:~~ 1510  
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~~(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;~~ 1513  
1514  
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1516  
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~~(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, eighty-five, one hundred twenty-five dollars.~~ 1518  
1519  
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1521

(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 municipal corporation, the petitioners therefor, or their agent; 1522  
1523  
1524  
1525

(I) For filing and recording any of the following: 1526

(1) A license to transact business in this state by a foreign corporation for profit pursuant to section 1703.04 of the Revised Code or a foreign nonprofit corporation pursuant to section 1703.27 of the Revised Code, one hundred twenty-five dollars; 1527  
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1529  
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1531

(2) An annual report or annual statement pursuant to section 1532

1775.63 or 1785.06 of the Revised Code, ~~ten~~ twenty-five dollars; 1533

(3) ~~Any~~ Except as otherwise provided in this section or any 1534  
other section of the Revised Code, any other certificate or paper 1535  
that is required to be filed and recorded or is permitted ~~by any~~ 1536  
~~provision of the Revised Code~~ to be filed and recorded by any 1537  
provision of the Revised Code with the secretary of state, ~~ten~~ 1538  
twenty-five dollars. 1539

(J) For filing any certificate or paper not required to be 1540  
recorded, five dollars; 1541

(K)~~(1)~~ For making copies of any certificate or other paper 1542  
filed in the office of the secretary of state, ~~the cost shall a~~ 1543  
fee not to exceed one dollar per page, except as otherwise 1544  
provided in the Revised Code, and for creating and affixing the 1545  
seal of the office of the secretary of state to any good standing 1546  
or other certificate, five dollars, ~~except that for.~~ For copies of 1547  
certificates or papers required by state officers for official 1548  
purpose, no charge shall be made~~+~~. 1549

(2) For creating and affixing the seal of the office of the 1550  
secretary of state to the certificates described in division (E) 1551  
of section 1701.81, division (E) of section 1705.38, or division 1552  
(D) of section 1702.43 of the Revised Code, twenty-five dollars. 1553

(L) For a minister's license to solemnize marriages, ten 1554  
dollars; 1555

(M) For examining documents to be filed at a later date for 1556  
the purpose of advising as to the acceptability of the proposed 1557  
filing, ~~ten~~ fifty dollars; 1558

(N) ~~For expedited filing service for filings referred to in~~ 1559  
~~divisions (A), (B), (C), (D), (E), (F), and (G) of this section,~~ 1560  
~~ten dollars in addition to the fee for filing and recording~~ 1561  
provided in those divisions Fifty dollars for filing and recording 1562  
any of the following: 1563

<u>(1) A certificate of dissolution and accompanying documents,</u>	1564
<u>or a certificate of cancellation, under section 1701.86, 1702.47,</u>	1565
<u>1705.43, or 1782.10 of the Revised Code;</u>	1566
<u>(2) A notice of dissolution of a foreign licensed corporation</u>	1567
<u>or a certificate of surrender of license by a foreign licensed</u>	1568
<u>corporation under section 1703.17 of the Revised Code;</u>	1569
<u>(3) The withdrawal of registration of a foreign or domestic</u>	1570
<u>limited liability partnership under section 1775.61 or 1775.64 of</u>	1571
<u>the Revised Code, or the certificate of cancellation of</u>	1572
<u>registration of a foreign limited liability company under section</u>	1573
<u>1705.57 of the Revised Code;</u>	1574
<u>(4) The filing of a cancellation of disclaimer of general</u>	1575
<u>partner status under Chapter 1782. of the Revised Code.</u>	1576
<u>(O) Fees For filing a statement of continued existence by a</u>	1577
<u>nonprofit corporation, twenty-five dollars;</u>	1578
<u>(P) For filing a restatement under section 1705.08 or 1782.09</u>	1579
<u>of the Revised Code, an amendment to a certificate of cancellation</u>	1580
<u>under section 1782.10 of the Revised Code, an amendment under</u>	1581
<u>section 1705.08 or 1782.09 of the Revised Code, or a correction</u>	1582
<u>under section 1705.55, 1775.61, 1775.64, or 1782.52 of the Revised</u>	1583
<u>Code, fifty dollars;</u>	1584
<u>(Q) For filing for reinstatement of an entity cancelled by</u>	1585
<u>operation of law, by the secretary of state, by order of the</u>	1586
<u>department of taxation, or by order of a court, twenty-five</u>	1587
<u>dollars;</u>	1588
<u>(R) For filing a change of agent, resignation of agent, or</u>	1589
<u>change of agent's address under section 1701.07, 1702.06,</u>	1590
<u>1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, or 1782.04</u>	1591
<u>of the Revised Code, twenty-five dollars;</u>	1592
<u>(S) For filing and recording any of the following:</u>	1593

(1) An application for the exclusive right to use a name or an application to reserve a name for future use under section 1701.05, 1702.05, 1703.31, 1705.05, or 1746.06 of the Revised Code, fifty dollars; 1594  
1595  
1596  
1597

(2) A trade name or fictitious name registration or report, fifty dollars; 1598  
1599

(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; 1600  
1601  
1602

(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. 1603  
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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; 1608  
1609  
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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; 1614  
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1616

(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. 1617  
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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 1622  
1623  
1624

Revised Code. Any credit card number or the expiration date of any 1625  
credit card is not subject to disclosure under Chapter 149. of the 1626  
Revised Code. 1627

**Sec. 111.18.** (A) The secretary of state shall keep a record 1628  
of all fees collected by the secretary of state and, ~~except as~~ 1629  
~~otherwise provided in this~~ subject to division (B) of section and 1630  
~~in sections 1309.401 and 1329.68 and division (C)(2) of section~~ 1631  
3506.05 of the Revised Code and except as otherwise provided in 1632  
the Revised Code, shall pay, ~~through June 30, 2001, fifty per cent~~ 1633  
~~of them into the state treasury to the credit of the general~~ 1634  
~~revenue fund and fifty per cent of them into the state treasury to~~ 1635  
~~the credit of the~~ corporate and uniform commercial code filing 1636  
fund created under by section 1309.401 of the Revised Code and 1637  
~~shall pay, on and after July 1, 2001, all of them into the state~~ 1638  
~~treasury to the credit of the general revenue fund. Through June~~ 1639  
~~30, 2001, all of the fees collected under divisions (I)(2) and (N)~~ 1640  
~~of section 111.16 of the Revised Code shall be paid into the state~~ 1641  
~~treasury to the credit of that~~ corporate and uniform commercial 1642  
code filing fund. On and after July 1, 2001, the following fees 1643  
shall be paid into the state treasury to the credit of that 1644  
corporate and uniform commercial code filing fund: 1645

~~(1) Twenty five dollars of each fee collected under divisions~~ 1646  
~~(A)(2), (F), (G)(2), and (I)(1) of section 111.16 of the Revised~~ 1647  
~~Code;~~ 1648

~~(2) Twenty five dollars of each fee collected under division~~ 1649  
~~(C) of section 1703.031 of the Revised Code;~~ 1650

~~(3) All fees collected under divisions (I)(2) and (N) of~~ 1651  
~~section 111.16 of the Revised Code;~~ 1652

~~(4) All fees collected under section 1703.08 of the Revised~~ 1653  
~~Code;~~ 1654

~~(5) Each fifty-dollar fee for amendments filed by foreign~~ 1655

~~nonprofit corporations under section 1703.27 of the Revised Code.~~ 1656

(B) The secretary of state may implement a credit card 1657  
payment program ~~permitting that permits~~ payment of any fee charged 1658  
by the secretary of state by means of a credit card. The secretary 1659  
of state may open an account outside the state treasury in a 1660  
financial institution for the purpose of depositing credit card 1661  
receipts. Within forty-eight hours following the deposit of the 1662  
receipts, the financial institution shall make available to the 1663  
secretary of state funds in the amount of the receipts. The 1664  
secretary of state ~~then~~ shall ~~then~~ pay ~~these~~ those funds into the 1665  
state treasury to the credit of the ~~general revenue corporate and~~ 1666  
uniform commercial code filing fund, subject to division (B) of 1667  
section 1309.401 of the Revised Code and except as otherwise 1668  
provided ~~by~~ in the Revised Code. 1669

The secretary of state may pay the cost of any service charge 1670  
required by a financial institution or credit card company in 1671  
connection with a credit card payment program. 1672

The secretary of state shall adopt rules ~~as~~ necessary to 1673  
carry out the purposes of this division. The rules shall include 1674  
standards for determining eligible financial institutions and the 1675  
manner in which funds shall be made available and shall be 1676  
consistent with the standards contained in sections 135.03, 1677  
135.18, and 135.181 of the Revised Code. 1678

(C) The secretary of state may implement alternative payment 1679  
programs that permit payment of any fee charged by the secretary 1680  
of state by means other than cash, check, money order, or credit 1681  
card; an alternative payment program may include, but is not 1682  
limited to, one that permits a fee to be paid by electronic means 1683  
of transmission. The secretary of state may open an account 1684  
outside the state treasury in a financial institution for the 1685  
purpose of operating an alternative payment program. Within 1686  
forty-eight hours following the deposit of funds into such an 1687

account, the financial institution shall make available to the 1688  
secretary of state the deposited funds. The secretary of state 1689  
then shall pay those funds into the state treasury to the credit 1690  
of the corporate and uniform commercial code filing fund, subject 1691  
to division (B) of section 1309.401 of the Revised Code and except 1692  
as otherwise provided in the Revised Code. 1693

The secretary of state may pay the cost of any service charge 1694  
required by a financial institution or service company in 1695  
connection with an alternative payment program. 1696

The secretary of state shall adopt rules necessary to carry 1697  
out the purposes of this division. The rules shall include 1698  
standards for determining eligible financial institutions and the 1699  
manner in which funds shall be made available and shall be 1700  
consistent with the standards contained in sections 135.03, 1701  
135.18, and 135.181 of the Revised Code. 1702

**Sec. 111.23.** (A) The secretary of state, by rule, shall 1703  
establish, and prescribe guidelines and fees for the use of, an 1704  
"expedited filing service" that provides, at the option of the 1705  
person making such a filing, expeditious processing of any filing 1706  
with the secretary of state under ~~Chapters~~ Chapter 1309. and or 1707  
1329. and of any filing referred to in divisions (A), (B), (C), 1708  
(D), (E), (F), and (G) of section 111.16 or Title XVII of the 1709  
Revised Code. 1710

(B) The secretary of state may adopt rules establishing, and 1711  
prescribing guidelines and fees for the use of, a bulk filing 1712  
service that provides, at the option of the person making a 1713  
filing, a method for providing large amounts of information. The 1714  
secretary of state may charge and collect fees for filings made 1715  
through a bulk filing service at reduced amounts from those 1716  
otherwise specified in or authorized by the Revised Code. 1717

(C) The secretary of state may adopt rules establishing, and 1718

prescribing guidelines and fees for the use of, alternative filing 1719  
procedures in making filings with the secretary of state. Under 1720  
these rules, the secretary of state may accept any filing and 1721  
payment of associated fees through any electronic, digital, 1722  
facsimile, or other means of transmission. The filings shall be 1723  
made on a form prescribed by the secretary of state and shall 1724  
comply fully with any other requirements of the Revised Code 1725  
applicable to the type of filing being made. 1726

**Sec. 111.25.** (A) The secretary of state shall prescribe the 1727  
following forms for persons to use in complying with the 1728  
requirements of Chapter 1309. of the Revised Code for the filing 1729  
of financing statements and related documents: 1730

~~(A)~~(1) The financing statement described in division (A) of 1731  
section 1309.39 of the Revised Code; 1732

~~(B)~~(2) A form for the amendment of a financing statement 1733  
described in division (C) of section 1309.39 of the Revised Code; 1734

~~(C)~~(3) A continuation statement described in division (C) of 1735  
section 1309.40 of the Revised Code; 1736

~~(D)~~(4) A termination statement described in division (A) of 1737  
section 1309.41 of the Revised Code; 1738

~~(E)~~(5) A form for an assignment of rights under a financing 1739  
statement described in section 1309.42 of the Revised Code; 1740

~~(F)~~(6) A statement of release described in section 1309.43 of 1741  
the Revised Code. 1742

(B) The secretary of state shall prescribe the forms for 1743  
persons to use in complying with the requirements of Title XVII of 1744  
the Revised Code to the extent that those requirements relate to 1745  
filings with the secretary of state's office. 1746

**Sec. 118.08.** (A) The members of the financial planning and 1747



supervision commission shall serve without compensation, but shall 1748  
be paid by the commission their necessary and actual expenses 1749  
incurred while engaged in the business of the commission. 1750

(B) All expenses incurred for services rendered by the 1751  
financial supervisor for a period of twenty-four months shall be 1752  
paid by the commission pursuant to an appropriation made by the 1753  
general assembly for this purpose. Expenses incurred for services 1754  
rendered by the financial supervisor beyond this period shall be 1755  
borne by the municipal corporation, county, or township unless the 1756  
director of budget and management waives the costs and allows 1757  
payment in accordance with the following: 1758

(1) If the continued performance of the financial supervisor 1759  
is required for a period of twenty-five to thirty months, the 1760  
municipal corporation, county, or township is responsible for 1761  
twenty per cent of the compensation due. 1762

(2) If the continued performance of the financial supervisor 1763  
is required for a period of thirty-one to thirty-six months, the 1764  
municipal corporation, county, or township is responsible for 1765  
fifty per cent of the compensation due. 1766

(3) If the continued performance of the financial supervisor 1767  
is required for a period of thirty-seven months or more, the 1768  
municipal corporation, county, or township is responsible for one 1769  
hundred per cent of the compensation due except as otherwise 1770  
provided in division (B)(4) of this section. 1771

(4) ~~Beginning in fiscal year 2000, if~~ If the continued 1772  
performance of the financial supervisor has been required longer 1773  
than eight fiscal years for any municipal corporation, county, or 1774  
township declared to be in a fiscal emergency prior to fiscal year 1775  
1996, that municipal corporation, county, or township is 1776  
responsible for fifty per cent of the compensation due in its 1777  
ninth fiscal year ~~2000~~ while in fiscal emergency and one hundred 1778  
per cent of the compensation due in its tenth fiscal year ~~2001~~ and 1779

every fiscal year thereafter while in fiscal emergency. 1780

(C) If the municipal corporation, county, or township fails 1781  
to make any payment to the financial supervisor as required by 1782  
this chapter, the financial supervisor may certify to the county 1783  
auditor the amount due, and that amount shall be withheld from the 1784  
municipal corporation, county, or township from any fund or funds 1785  
in the custody of the county auditor for distribution to the 1786  
municipal corporation, county, or township, except for those 1787  
reserved for payment of local government fund notes. Upon 1788  
receiving ~~such~~ the certification from the ~~auditor of state~~ 1789  
financial supervisor, the county auditor shall draw a voucher for 1790  
the amount against ~~such~~ those fund or funds in favor of the 1791  
financial supervisor. 1792

**Sec. 120.06.** (A)(1) The state public defender, when 1793  
designated by the court or requested by a county public defender 1794  
or joint county public defender, may provide legal representation 1795  
in all courts throughout the state to indigent adults and 1796  
juveniles who are charged with the commission of an offense or act 1797  
for which the penalty or any possible adjudication includes the 1798  
potential loss of liberty. 1799

(2) The state public defender may provide legal 1800  
representation to any indigent person who, while incarcerated in 1801  
any state correctional institution, is charged with a felony 1802  
offense, for which the penalty or any possible adjudication that 1803  
may be imposed by a court upon conviction includes the potential 1804  
loss of liberty. 1805

(3) The state public defender may provide legal 1806  
representation to any person incarcerated in any correctional 1807  
institution of the state, in any matter in which the person 1808  
asserts the person is unlawfully imprisoned or detained. 1809

(4) The state public defender, in any case in which the state 1810

public defender has provided legal representation or is requested 1811  
to do so by a county public defender or joint county public 1812  
defender, may provide legal representation on appeal. 1813

(5) The state public defender, when designated by the court 1814  
or requested by a county public defender, joint county public 1815  
defender, or the director of rehabilitation and correction, shall 1816  
provide legal representation in parole and probation revocation 1817  
matters, unless the state public defender finds that the alleged 1818  
parole or probation violator has the financial capacity to retain 1819  
the alleged violator's own counsel. 1820

(6) If the state public defender contracts with a county 1821  
public defender commission, a joint county public defender 1822  
commission, or a board of county commissioners for the provision 1823  
of services, under authority of division (C)(7) of section 120.04 1824  
of the Revised Code, the state public defender shall provide legal 1825  
representation in accordance with the contract. 1826

(B) The state public defender shall not be required to 1827  
prosecute any appeal, postconviction remedy, or other proceeding 1828  
pursuant to division (A)(3), (4), or (5) of this section, unless 1829  
the state public defender first is satisfied that there is 1830  
arguable merit to the proceeding. 1831

(C) A court may appoint counsel or allow an indigent person 1832  
to select the indigent's own personal counsel to assist the state 1833  
public defender as co-counsel when the interests of justice so 1834  
require. When co-counsel is appointed to assist the state public 1835  
defender, the co-counsel shall receive any compensation that the 1836  
court may approve, not to exceed the amounts provided for in 1837  
section 2941.51 of the Revised Code. 1838

(D) When the state public defender is designated by the court 1839  
or requested by a county public defender or joint county public 1840  
defender to provide legal representation for an indigent person in 1841

any case, other than pursuant to a contract entered into under  
authority of division (C)(7) of section 120.04 of the Revised  
Code, the state public defender shall send to the county in which  
the case is filed an itemized bill for fifty per cent of the  
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 1874  
responsibilities derived pursuant to this chapter, if the state 1875  
public defender determines, in good faith, that the defendant in 1876  
the civil action or proceeding did not act manifestly outside the 1877  
scope of the defendant's employment or official responsibilities, 1878  
with malicious purpose, in bad faith, or in a wanton or reckless 1879  
manner. If the state public defender elects not to contract 1880  
pursuant to this division for private legal counsel in a civil 1881  
action or proceeding, then, in accordance with sections 109.02, 1882  
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 1883  
attorney general shall represent or provide for the representation 1884  
of the Ohio public defender commission, the state public defender, 1885  
assistant state public defenders, other employees of the 1886  
commission or the state public defender, or attorneys described in 1887  
division (C) of section 120.41 of the Revised Code in the civil 1888  
action or proceeding. 1889

(2)(a) Subject to division (E)(2)(b) of this section, payment 1890  
from the state treasury for the services of private legal counsel 1891  
with whom the state public defender has contracted pursuant to 1892  
division (E)(1) of this section shall be accomplished only through 1893  
the following procedure: 1894

(i) The private legal counsel shall file with the attorney 1895  
general a copy of the contract; a request for an award of legal 1896  
fees, court costs, and expenses earned or incurred in connection 1897  
with the defense of the Ohio public defender commission, the state 1898  
public defender, an assistant state public defender, an employee, 1899  
or an attorney in a specified civil action or proceeding; a 1900  
written itemization of those fees, costs, and expenses, including 1901  
the signature of the state public defender and the state public 1902  
defender's attestation that the fees, costs, and expenses were 1903  
earned or incurred pursuant to division (E)(1) of this section to 1904  
the best of the state public defender's knowledge and information; 1905

a written statement whether the fees, costs, and expenses are for  
all legal services to be rendered in connection with that defense,  
are only for legal services rendered to the date of the request  
and additional legal services likely will have to be provided in  
connection with that defense, or are for the final legal services  
rendered in connection with that defense; a written statement  
indicating whether the private legal counsel previously submitted  
a request for an award under division (E)(2) of this section in  
connection with that defense and, if so, the date and the amount  
of each award granted; and, if the fees, costs, and expenses are  
for all legal services to be rendered in connection with that  
defense or are for the final legal services rendered in connection  
with that defense, a certified copy of any judgment entry in the  
civil action or proceeding or a signed copy of any settlement  
agreement entered into between the parties to the civil action or  
proceeding.

(ii) Upon receipt of a request for an award of legal fees,  
court costs, and expenses and the requisite supportive  
documentation described in division (E)(2)(a)(i) of this section,  
the attorney general shall review the request and documentation;  
determine whether any of the limitations specified in division  
(E)(2)(b) of this section apply to the request; and, if an award  
of legal fees, court costs, or expenses is permissible after  
applying the limitations, prepare a document awarding legal fees,  
court costs, or expenses to the private legal counsel. The  
document shall name the private legal counsel as the recipient of  
the award; specify the total amount of the award as determined by  
the attorney general; itemize the portions of the award that  
represent legal fees, court costs, and expenses; specify any  
limitation applied pursuant to division (E)(2)(b) of this section  
to reduce the amount of the award sought by the private legal  
counsel; state that the award is payable from the state treasury

pursuant to division (E)(2)(a)(iii) of this section; and be 1938  
approved by the inclusion of the signatures of the attorney 1939  
general, the state public defender, and the private legal counsel. 1940

(iii) The attorney general shall forward a copy of the 1941  
document prepared pursuant to division (E)(2)(a)(ii) of this 1942  
section to the director of budget and management. The award of 1943  
legal fees, court costs, or expenses shall be paid out of the 1944  
state public defender's appropriations, to the extent there is a 1945  
sufficient available balance in those appropriations. If the state 1946  
public defender does not have a sufficient available balance in 1947  
the state public defender's appropriations to pay the entire award 1948  
of legal fees, court costs, or expenses, the director shall make 1949  
application for a transfer of appropriations out of the emergency 1950  
purposes account or any other appropriation for emergencies or 1951  
contingencies in an amount equal to the portion of the award that 1952  
exceeds the sufficient available balance in the state public 1953  
defender's appropriations. A transfer of appropriations out of the 1954  
emergency purposes account or any other appropriation for 1955  
emergencies or contingencies shall be authorized if there are 1956  
sufficient moneys greater than the sum total of then pending 1957  
emergency purposes account requests, or requests for releases from 1958  
the other appropriation. If a transfer of appropriations out of 1959  
the emergency purposes account or other appropriation for 1960  
emergencies or contingencies is made to pay an amount equal to the 1961  
portion of the award that exceeds the sufficient available balance 1962  
in the state public defender's appropriations, the director shall 1963  
cause the payment to be made to the private legal counsel. If 1964  
sufficient moneys do not exist in the emergency purposes account 1965  
or other appropriation for emergencies or contingencies to pay an 1966  
amount equal to the portion of the award that exceeds the 1967  
sufficient available balance in the state public defender's 1968  
appropriations, the private legal counsel shall request the 1969

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 succeeding biennium until a sufficient appropriation is made.

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

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

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

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

(c) If, pursuant to division (E)(2)(a) of this section, the attorney general denies a request for an award of legal fees, court costs, or expenses to private legal counsel because of the application of a limitation specified in division (E)(2)(b) of



this section, the attorney general shall notify the private legal  
counsel in writing of the denial and of the limitation applied.

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

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offense for which the death penalty can be or has been imposed. 2034

**Sec. 120.16.** (A)(1) The county public defender shall provide 2035  
legal representation to indigent adults and juveniles who are 2036  
charged with the commission of an offense or act that is a 2037  
violation of a state statute and for which the penalty or any 2038  
possible adjudication includes the potential loss of liberty and 2039  
in postconviction proceedings as defined in this section. 2040

(2) The county public defender may provide legal 2041  
representation to indigent adults and juveniles charged with the 2042  
violation of an ordinance of a municipal corporation for which the 2043  
penalty or any possible adjudication includes the potential loss 2044  
of liberty, if the county public defender commission has 2045  
contracted with the municipal corporation to provide legal 2046  
representation for indigent persons charged with a violation of an 2047  
ordinance of the municipal corporation. 2048

(B) The county public defender shall provide the legal 2049  
representation authorized by division (A) of this section at every 2050  
stage of the proceedings following arrest, detention, service of 2051  
summons, or indictment. 2052

(C) The county public defender may request the state public 2053  
defender to prosecute any appeal or other remedy before or after 2054  
conviction that the county public defender decides is in the 2055  
interests of justice, and may provide legal representation in 2056  
parole and probation revocation matters. 2057

(D) The county public defender shall not be required to 2058  
prosecute any appeal, postconviction remedy, or other proceeding, 2059  
unless the county public defender is first satisfied there is 2060  
arguable merit to the proceeding. 2061

(E) Nothing in this section shall prevent a court from 2062  
appointing counsel other than the county public defender or from 2063  
allowing an indigent person to select the indigent person's own 2064

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  
the 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.

(G) If a court appoints the office of the 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 county public defender or the county public 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. 120.26.** (A)(1) The joint 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 joint 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 joint 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. 2096  
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(B) The joint 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. 2098  
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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. 2102  
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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. 2107  
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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. 2111  
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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. 2119  
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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 2124  
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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  
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.

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**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.

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

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

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

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(2) The court having jurisdiction over the proceeding in a

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county that adopts a resolution to pay counsel shall, after 2158  
determining that the person is indigent and entitled to legal 2159  
representation under this section, do either of the following: 2160

(a) By signed journal entry recorded on its docket, enter the 2161  
name of the lawyer selected by the indigent person as counsel of 2162  
record; 2163

(b) Appoint counsel for the indigent person if the person has 2164  
requested the court to appoint counsel and, by signed journal 2165  
entry recorded on its dockets, enter the name of the lawyer 2166  
appointed for the indigent person as counsel of record. 2167

(3) The board of county commissioners shall establish a 2168  
schedule of fees by case or on an hourly basis to be paid to 2169  
counsel for legal services provided pursuant to a resolution 2170  
adopted under this section. Prior to establishing the schedule, 2171  
the board of county commissioners shall request the bar 2172  
association or associations of the county to submit a proposed 2173  
schedule. The schedule submitted shall be subject to the review, 2174  
amendment, and approval of the board of county commissioners. 2175

(4) Counsel selected by the indigent person or appointed by 2176  
the court at the request of an indigent person in a county that 2177  
adopts a resolution to pay counsel, except for counsel appointed 2178  
to represent a person charged with any violation of an ordinance 2179  
of a municipal corporation that has not contracted with the county 2180  
commissioners for the payment of appointed counsel, shall be paid 2181  
by the county and shall receive the compensation and expenses the 2182  
court approves. Each request for payment shall be accompanied by a 2183  
financial disclosure form and an affidavit of indigency that are 2184  
completed by the indigent person on forms prescribed by the state 2185  
public defender. Compensation and expenses shall not exceed the 2186  
amounts fixed by the board of county commissioners in the schedule 2187  
adopted pursuant to division (A)(3) of this section. No court 2188  
shall approve compensation and expenses that exceed the amount 2189

fixed pursuant to division (A)(3) of this section. 2190

The fees and expenses approved by the court shall not be 2191  
taxed as part of the costs and shall be paid by the county. 2192

However, if the person represented has, or may reasonably be 2193  
expected to have, the means to meet some part of the cost of the 2194  
services rendered to the person, the person shall pay the county 2195  
an amount that the person reasonably can be expected to pay. 2196

Pursuant to section 120.04 of the Revised Code, the county shall 2197  
pay to the state public defender a percentage of the payment 2198  
received from the person in an amount proportionate to the 2199  
percentage of the costs of the person's case that were paid to the 2200  
county by the state public defender pursuant to this section. The 2201  
money paid to the state public defender shall be credited to the 2202  
client payment fund created pursuant to division (B)(5) of section 2203  
120.04 of the Revised Code. 2204

The county auditor shall draw a warrant on the county 2205  
treasurer for the payment of counsel in the amount fixed by the 2206  
court, plus the expenses the court fixes and certifies to the 2207  
auditor. The county auditor shall report periodically, but not 2208  
less than annually, to the board of county commissioners and to 2209  
the Ohio public defender commission the amounts paid out pursuant 2210  
to the approval of the court. The board of county commissioners, 2211  
after review and approval of the auditor's report, may then 2212  
certify it to the state public defender for reimbursement. If a 2213  
request for reimbursement is not accompanied by a financial 2214  
disclosure form and an affidavit of indigency completed by the 2215  
indigent person on forms prescribed by the state public defender, 2216  
the state public defender shall not pay the requested 2217  
reimbursement. If a request for the reimbursement of the cost of 2218  
counsel in any case is not received by the state public defender 2219  
within ninety days after the end of the calendar month in which 2220  
the case is finally disposed of by the court, unless the county 2221

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  
standards, guidelines, and maximums established pursuant to  
divisions (B)(7) and (8) of section 120.04 of the Revised Code,  
prepare a voucher for fifty per cent of the total cost of each  
county appointed counsel system in the period of time covered by  
the certified report and a voucher for fifty per cent of the costs  
and expenses that are reimbursable under section 120.35 of the  
Revised Code, if any, or, if the amount of money appropriated by  
the general assembly to reimburse counties for the operation of  
county public defender offices, joint county public defender  
offices, and county appointed counsel systems is not sufficient to  
pay fifty per cent of the total cost of all of the offices and  
systems other than costs and expenses that are reimbursable under  
section 120.35 of the Revised Code, for the lesser amount required  
by section 120.34 of the Revised Code.

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

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

(C) If a court appoints an attorney pursuant to this section 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, the attorney who represents the petitioner in the proceeding pursuant to the appointment 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. 121.40.** (A) There is hereby created the ~~governor's~~ Ohio community service council consisting of twenty-one members including the superintendent of public instruction or the superintendent's designee, the chancellor of the Ohio board of regents or the chancellor's designee, the director of natural resources or the director's designee, the director of youth services or the director's designee, the director of aging or the director's designee, the director of job and family services or the director's designee, the chairperson of the committee of the house of representatives dealing with education or the chairperson's designee, the chairperson of the committee of the senate dealing with education or the chairperson's designee, and

thirteen members who shall be appointed by the governor with the 2286  
advice and consent of the senate and who shall serve terms of 2287  
office of three years. The appointees shall include educators, 2288  
including teachers and administrators; representatives of youth 2289  
organizations; students and parents; representatives of 2290  
organizations engaged in volunteer program development and 2291  
management throughout the state, including youth and conservation 2292  
programs; and representatives of business, government, nonprofit 2293  
organizations, social service agencies, veterans organizations, 2294  
religious organizations, or philanthropies that support or 2295  
encourage volunteerism within the state. Members of the council 2296  
shall receive no compensation, but shall be reimbursed for actual 2297  
and necessary expenses incurred in the performance of their 2298  
official duties. 2299

(B) The council shall appoint an executive director for the 2300  
council, who shall be in the unclassified civil service. The 2301  
executive director shall supervise the council's activities and 2302  
report to the council on the progress of those activities. The 2303  
executive director shall do all things necessary for the efficient 2304  
and effective implementation of the duties of the council. 2305

The responsibilities assigned to the executive director do 2306  
not relieve the members of the council from final responsibility 2307  
for the proper performance of the requirements of this ~~division~~ 2308  
section. 2309

(C) The council or its designee shall do all of the 2310  
following: 2311

(1) Employ, promote, supervise, and remove all employees as 2312  
needed in connection with the performance of its duties under this 2313  
section and may assign duties to those employees as necessary to 2314  
achieve the most efficient performance of its functions, and to 2315  
that end may establish, change, or abolish positions, and assign 2316  
and reassign duties and responsibilities of any employee of the 2317

council. Personnel employed by the council who are subject to 2318  
Chapter 4117. of the Revised Code shall retain all of their rights 2319  
and benefits conferred pursuant to that chapter. Nothing in this 2320  
chapter shall be construed as eliminating or interfering with 2321  
Chapter 4117. of the Revised Code or the rights and benefits 2322  
conferred under that chapter to public employees or to any 2323  
bargaining unit. 2324

(2) Maintain its office in Columbus, and may hold sessions at 2325  
any place within the state; 2326

(3) Acquire facilities, equipment, and supplies necessary to 2327  
house the council, its employees, and files and records under its 2328  
control, and to discharge any duty imposed upon it by law. The 2329  
expense of these acquisitions shall be audited and paid for in the 2330  
same manner as other state expenses. For that purpose, the council 2331  
shall prepare and submit to the office of budget and management a 2332  
budget for each biennium according to sections 101.532 and 107.03 2333  
of the Revised Code. The budget submitted shall cover the costs of 2334  
the council and its staff in the discharge of any duty imposed 2335  
upon the council by law. The council shall not delegate any 2336  
authority to obligate funds. 2337

(4) Pay its own payroll and other operating expenses from 2338  
line items designated by the general assembly; 2339

(5) Retain its fiduciary responsibility as appointing 2340  
authority. Any transaction instructions shall be certified by the 2341  
appointing authority or its designee. 2342

(6) Establish the overall policy and management of the 2343  
council in accordance with this chapter; 2344

(7) Assist in coordinating and preparing the state 2345  
application for funds under sections 101 to 184 of the "National 2346  
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 2347  
U.S.C.A. 12411 to 12544, ~~and amendments thereto~~ as amended, assist 2348

in administering and overseeing the "National and Community Service Trust Act of 1993," P.L. 103-82, 107 Stat. 785, and the americorps program in this state, and assist in developing objectives for a comprehensive strategy to encourage and expand community service programs throughout the state;

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

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

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

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

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

(D) The department of aging shall serve as the council's 2381  
fiscal agent. Beginning on July 1, 1997, whenever reference is 2382  
made in any law, contract, or document to the functions of the 2383  
department of youth services as fiscal agent to the council, the 2384  
reference shall be deemed to refer to the department of aging. The 2385  
department of aging shall have no responsibility for or obligation 2386  
to the council prior to July 1, 1997. Any validation, cure, right, 2387  
privilege, remedy, obligation, or liability shall be retained by 2388  
the council. 2389

As used in this section, "fiscal agent" means technical 2390  
support and includes the following technical support services: 2391

(1) Preparing and processing payroll and other personnel 2392  
documents that the council executes as the appointing authority. 2393  
The department of aging shall not approve any payroll or other 2394  
personnel-related documents. 2395

(2) Maintaining ledgers of accounts and reports of account 2396  
balances, and monitoring budgets and allotment plans in 2397  
consultation with the council. The department shall not approve 2398  
any biennial budget, grant, expenditure, audit, or fiscal-related 2399  
document. 2400

(3) Performing other routine support services that the 2401  
director of aging or the director's designee and the council or 2402  
its designee consider appropriate to achieve efficiency. 2403

(E) The council or its designee has the following authority 2404  
and responsibility relative to fiscal matters: 2405

(1) Sole authority to draw funds for any and all federal 2406  
programs in which the council is authorized to participate; 2407

(2) Sole authority to expend funds from their accounts for 2408  
programs and any other necessary expenses the council may incur 2409  
and its subgrantees may incur; 2410

(3) Responsibility to cooperate with and inform the 2411  
department of aging as fiscal agent to ensure that the department 2412  
is fully apprised of all financial transactions. 2413

The council shall follow all state procurement requirements. 2414

The department of aging shall determine fees to be charged to 2415  
the council, which shall be in proportion to the services 2416  
performed for the council. 2417

The council shall pay fees owed to the department of aging 2418  
from a general revenue fund of the council or from any other fund 2419  
from which the operating expenses of the council are paid. Any 2420  
amounts set aside for a fiscal year for the payment of ~~such~~ these 2421  
fees shall be used only for the services performed for the council 2422  
by the department of aging in that fiscal year. 2423

**Sec. 122.011.** (A) The department of development shall develop 2424  
and promote plans and programs designed to assure that state 2425  
resources are efficiently used, economic growth is properly 2426  
balanced, community growth is developed in an orderly manner, and 2427  
local governments are coordinated with each other and the state, 2428  
and for such purposes may do all of the following: 2429

(1) Serve as a clearinghouse for information, data, and other 2430  
materials that may be helpful or necessary to persons or local 2431  
governments, as provided in section 122.07 of the Revised Code; 2432  
2433

(2) Prepare and activate plans for the retention, 2434  
development, expansion, and use of the resources and commerce of 2435  
the state, as provided in section 122.04 of the Revised Code; 2436

(3) Assist and cooperate with federal, state, and local 2437  
governments and agencies of federal, state, and local governments 2438  
in the coordination of programs to carry out the functions and 2439  
duties of the department; 2440

- (4) Encourage and foster research and development activities, 2441  
conduct studies related to the solution of community problems, and 2442  
develop recommendations for administrative or legislative actions, 2443  
as provided in section 122.03 of the Revised Code; 2444  
2445
- (5) Serve as the economic and community development planning 2446  
agency, which shall prepare and recommend plans and programs for 2447  
the orderly growth and development of this state and which shall 2448  
provide planning assistance, as provided in section 122.06 of the 2449  
Revised Code; 2450
- (6) Cooperate with and provide technical assistance to state 2451  
departments, political subdivisions, regional and local planning 2452  
commissions, tourist associations, councils of government, 2453  
community development groups, community action agencies, and other 2454  
appropriate organizations for carrying out the functions and 2455  
duties of the department or for the solution of community 2456  
problems; 2457
- (7) Coordinate the activities of state agencies that have an 2458  
impact on carrying out the functions and duties of the department; 2459
- (8) Encourage and assist the efforts of and cooperate with 2460  
local governments to develop mutual and cooperative solutions to 2461  
their common problems that relate to carrying out the purposes of 2462  
this section; 2463
- (9) Study existing structure, operations, and financing of 2464  
regional or local government and those state activities that 2465  
involve significant relations with regional or local governmental 2466  
units, recommend to the governor and to the general assembly such 2467  
changes in these provisions and activities as will improve the 2468  
operations of regional or local government, and conduct other 2469  
studies of legal provisions that affect problems related to 2470  
carrying out the purposes of this section; 2471

(10) Appoint, with the approval of the governor, technical 2472  
and other advisory councils as it considers appropriate, as 2473  
provided in section 122.09 of the Revised Code; 2474

(11) Create and operate a division of community development 2475  
to develop and administer programs and activities that are 2476  
authorized by federal statute or the Revised Code; 2477

~~(12) Until July 1, 2001, review, analyze, and summarize 2478  
applications and information regarding the family farm loan 2479  
program forwarded to the department by a financial institution 2480  
pursuant to section 901.81 of the Revised Code, and forward the 2481  
applications, information, analyses, and summaries to the director 2482  
of agriculture; 2483~~

~~(13) Until July 1, 2001~~ 2003, establish fees and charges, in 2484  
consultation with the director of agriculture, for purchasing 2485  
loans from financial institutions and providing loan guarantees 2486  
under the family farm loan program created under sections 901.80 2487  
to 901.83 of the Revised Code; 2488

~~(14)~~ (13) Provide loan servicing for the loans purchased and 2489  
loan guarantees provided under section 901.80 of the Revised Code 2490  
as that section existed prior to July 1, ~~2001~~ 2003; 2491

~~(15)~~ (14) Until July 1, ~~2001~~ 2003, and upon approval by the 2492  
controlling board under division (A)(3) of section 901.82 of the 2493  
Revised Code of the release of money to be used for purchasing a 2494  
loan or providing a loan guarantee, request the release of that 2495  
money in accordance with division (B) of section 166.03 of the 2496  
Revised Code for use for the purposes of the fund created by 2497  
section 166.031 of the Revised Code. 2498

(B) The department, by rule, shall establish criteria 2499  
defining nonprofit corporations that are eligible for appointment 2500  
as qualified agents pursuant to sections 135.81 to 135.88 of the 2501  
Revised Code. The criteria shall require that a corporation be 2502



organized pursuant to Chapter 1702. of the Revised Code and have 2503  
as its primary purpose the promotion of economic development or 2504  
the creation or retention of jobs and job opportunities. The 2505  
criteria may include a specification as to the professional 2506  
qualifications of the corporation employees, a minimum elapsed 2507  
period of time since the corporation was organized, current and 2508  
former activities of the corporation, and such other criteria 2509  
reasonably related to the foregoing that relate to the ability of 2510  
the corporation to act as a qualified agent for the purposes of 2511  
sections ~~135.51~~ 135.81 to 135.88 of the Revised Code. 2512

(C) The director of development may request the attorney 2513  
general to, and the attorney general, in accordance with section 2514  
109.02 of the Revised Code, shall bring a civil action in any 2515  
court of competent jurisdiction. The director may be sued in the 2516  
director's official capacity, in connection with this chapter, in 2517  
accordance with Chapter 2743. of the Revised Code. 2518

**Sec. 122.71.** As used in sections 122.71 to 122.83 of the 2519  
Revised Code: 2520

(A) "Financial institution" means any banking corporation, 2521  
trust company, insurance company, savings and loan association, 2522  
building and loan association, or corporation, partnership, 2523  
federal lending agency, foundation, or other institution engaged 2524  
in lending or investing funds for industrial or business purposes. 2525

(B) "Project" means any real or personal property connected 2526  
with or being a part of an industrial, distribution, commercial, 2527  
or research facility to be acquired, constructed, reconstructed, 2528  
enlarged, improved, furnished, or equipped, or any combination 2529  
thereof, with the aid provided under sections 122.71 to 122.83 of 2530  
the Revised Code, for industrial, commercial, distribution, and 2531  
research development of the state. 2532

(C) "Mortgage" means the lien imposed on a project by a 2533

mortgage on real property, or by financing statements on personal 2534  
property, or a combination of a mortgage and financing statements 2535  
when a project consists of both real and personal property. 2536

(D) "Mortgagor" means the principal user of a project or the 2537  
person, corporation, partnership, or association unconditionally 2538  
guaranteeing performance by the principal user of its obligations 2539  
under the mortgage. 2540

(E)(1) "Minority business enterprise" means an individual who 2541  
is a United States citizen and owns and controls a business, or a 2542  
partnership, corporation, or joint venture of any kind that is 2543  
owned and controlled by United States citizens who, which citizen 2544  
or citizens are residents of this state ~~or nonresidents of this~~ 2545  
~~state who have a significant presence in this state,~~ and who are 2546  
members of one of the following economically disadvantaged groups: 2547  
Blacks, American Indians, Hispanics, and Orientals. 2548

(2) "Owned and controlled" means that at least fifty-one per 2549  
cent of the business, including corporate stock if a corporation, 2550  
is owned by persons who belong to one or more of the groups set 2551  
forth in division (E)(1) of this section, and that those owners 2552  
have control over the management and day-to-day operations of the 2553  
business and an interest in the capital, assets, and profits and 2554  
losses of the business proportionate to their percentage of 2555  
ownership. In order to qualify as a minority business enterprise, 2556  
a business shall have been owned and controlled by those persons 2557  
at least one year prior to being awarded a contract pursuant to 2558  
this section. 2559

(F) "Community improvement corporation" means a corporation 2560  
organized under Chapter 1724. of the Revised Code. 2561

(G) "Ohio development corporation" means a corporation 2562  
organized under Chapter 1726. of the Revised Code. 2563

(H) "Minority contractors business assistance organization" 2564

means an entity engaged in the provision of management and 2565  
technical business assistance to minority business enterprise 2566  
entrepreneurs. 2567

(I) "Minority business supplier development council" means a 2568  
nonprofit organization established as an affiliate of the national 2569  
minority supplier development council. 2570

**Sec. 122.76.** (A) The director of development, with 2571  
controlling board approval, may lend funds to minority business 2572  
enterprises and to community improvement corporations and, Ohio 2573  
development corporations, minority contractors business assistance 2574  
organizations, and minority business supplier development councils 2575  
for the purpose of loaning funds to minority business enterprises 2576  
and for the purpose of procuring or improving real or personal 2577  
property, or both, for the establishment, location, or expansion 2578  
of industrial, distribution, commercial, or research facilities in 2579  
the state, if the director determines, in the director's sole 2580  
discretion, that all of the following apply: 2581

(1) The project is economically sound and will benefit the 2582  
people of the state by increasing opportunities for employment, by 2583  
strengthening the economy of the state, or expanding minority 2584  
business enterprises~~+~~. 2585

(2) The proposed minority business enterprise borrower is 2586  
unable to finance the proposed project through ordinary financial 2587  
channels at comparable terms~~+~~. 2588

(3) The value of the project is~~+~~ or~~+~~ upon completion ~~thereof~~, 2589  
will be~~+~~ at least equal to the total amount of the money expended 2590  
in the procurement or improvement of the project, ~~and of which~~ 2591  
~~amount~~ one or more financial institutions or other governmental 2592  
entities have loaned not less than thirty per cent~~+~~ of that 2593  
amount. 2594

(4) The amount to be loaned by the director will not exceed 2595  
sixty per cent of the total amount expended in the procurement or 2596  
improvement of the project~~+~~. 2597

(5) The amount to be loaned by the director will be 2598  
adequately secured by a first or second mortgage upon the project~~+~~ 2599  
or by mortgages, leases, liens, assignments, or pledges on or of 2600  
other property or contracts as the director requires~~+~~ and ~~that~~ 2601  
such mortgage will not be subordinate to any other liens or 2602  
mortgages except the liens securing loans or investments made by 2603  
financial institutions referred to in division (A)(3) of this 2604  
section, and the liens securing loans previously made by any 2605  
financial institution in connection with the procurement or 2606  
expansion of all or part of a project. 2607

(B) Any proposed minority business enterprise borrower 2608  
submitting an application for assistance under this section shall 2609  
not have defaulted on a previous loan from the director, and no 2610  
full or limited partner, ~~or~~ major shareholder, or holder of an 2611  
equity interest of the proposed minority business enterprise 2612  
borrower shall have defaulted on a loan from the director~~+~~. 2613

(C) The proposed minority business enterprise borrower shall 2614  
demonstrate to the satisfaction of the director that it is able to 2615  
successfully compete in the private sector if it obtains the 2616  
necessary financial, technical, or managerial support and that 2617  
support is available through the director, the minority business 2618  
development office of the department of development, or other 2619  
identified and acceptable sources. In determining whether a 2620  
minority business enterprise borrower will be able to successfully 2621  
compete, the director may give consideration to such factors as 2622  
the successful completion of or participation in courses of study, 2623  
recognized by the board of regents as providing financial, 2624  
technical, or managerial skills related to the operation of the 2625  
business, by the economically disadvantaged individual, owner, or 2626

partner, and the prior success of the individual, owner, or 2627  
partner in personal, career, or business activities, as well as to 2628  
other factors identified by the director. 2629

(D) The director shall not lend funds for the purpose of 2630  
procuring or improving motor vehicles, power-driven vehicles, 2631  
office equipment, raw materials, small tools, supplies, 2632  
inventories, or accounts receivable. 2633

**Sec. 122.92.** There is hereby created in the department of 2634  
development a minority business development division. The division 2635  
shall do all of the following: 2636

(A) Provide technical, managerial, and counseling services 2637  
and assistance to minority business enterprises; 2638

(B) Provide procurement and bid packaging assistance to 2639  
minority business enterprises; 2640

(C) Provide bonding technical assistance to minority business 2641  
enterprises; 2642

(D) Participate with other state departments and agencies as 2643  
appropriate in developing specific plans and specific program 2644  
goals for programs to assist in the establishment and development 2645  
of minority business enterprises and establish regular performance 2646  
monitoring and reporting systems to ensure that those goals are 2647  
being achieved; 2648

(E) Implement state law and policy supporting minority 2649  
business enterprise development, and assist in the coordination of 2650  
plans, programs, and operations of state government which affect 2651  
or may contribute to the establishment, preservation, and 2652  
strengthening of minority business enterprises; 2653

(F) Assist in the coordination of activities and resources of 2654  
state agencies and local governments, business and trade 2655  
associations, universities, foundations, professional 2656

organizations, and volunteer and other groups, to promote the 2657  
growth of minority business enterprises; 2658

(G) Establish a center for the development, collection, and 2659  
dissemination of information that will be helpful to persons in 2660  
establishing or expanding minority business enterprises in this 2661  
state; 2662

(H) Design, implement, and assist in experimental and 2663  
demonstration projects designed to overcome the special problems 2664  
of minority business enterprises; 2665

(I) Coordinate reviews of all proposed state training and 2666  
technical assistance activities in direct support of minority 2667  
business enterprise programs to ensure consistency with program 2668  
goals and to preclude duplication of efforts by other state 2669  
agencies; 2670

(J) Recommend appropriate legislative or executive actions to 2671  
enhance minority business enterprise opportunities in the state; 2672  
2673

(K) Assist minority business enterprises in obtaining 2674  
governmental or commercial financing for business expansion, 2675  
establishment of new businesses, or industrial development 2676  
projects; 2677

(L) Assist minority business enterprises in contract 2678  
procurement from government and commercial sources; 2679

(M) Establish procedures to identify groups who have been 2680  
disadvantaged because of racial, cultural, or ethnic circumstances 2681  
without regard to the individual qualities of the members of the 2682  
group; 2683

(N) Establish procedures to identify persons who have been 2684  
economically disadvantaged; 2685

(O) Provide grant assistance to nonprofit entities that 2686

promote economic development, development corporations, community 2687  
improvement corporations, and incubator business entities, if the 2688  
entities or corporations focus on business, technical, and 2689  
financial assistance to minority business enterprises to assist 2690  
the enterprises with fixed asset financing; 2691

(P) Do all acts and things necessary or proper to carry out 2692  
the powers expressly granted and duties imposed by sections 122.92 2693  
to 122.94 of the Revised Code. 2694

**Sec. 125.22.** (A) The department of administrative services 2695  
shall establish the central service agency to perform routine 2696  
support for the following boards and commissions: 2697

- (1) State board of examiners of architects; 2698
- (2) Barber board; 2699
- (3) State chiropractic board; 2700
- (4) State board of cosmetology; 2701
- (5) Accountancy board; 2702
- (6) State dental board; 2703
- (7) State board of optometry; 2704
- (8) Ohio occupational therapy, physical therapy, and athletic 2705  
trainers board; 2706
- (9) State board of registration for professional engineers 2707  
and surveyors; 2708
- (10) State board of sanitarian registration; 2709
- (11) Board of embalmers and funeral directors; 2710
- (12) State board of psychology; 2711
- (13) Ohio optical dispensers board; 2712
- (14) Board of speech pathology and audiology; 2713

(15) Counselor and social worker board;	2714
(16) State veterinary medical licensing board;	2715
(17) Ohio board of dietetics;	2716
(18) Commission on Hispanic-Latino affairs;	2717
(19) Ohio respiratory care board;	2718
<u>(20) Ohio commission on African-American males.</u>	2719
(B)(1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:	2720 2721 2722 2723 2724 2725
(a) Preparing and processing payroll and other personnel documents;	2726 2727
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	2728 2729
(c) Maintaining ledgers of accounts and balances;	2730
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	2731 2732
(e) <del>Maintaining information required by section 3729.40 of the Revised Code;</del>	2733 2734
<del>(f)</del> Other routine support services that the director of administrative services considers appropriate to achieve efficiency.	2735 2736 2737
(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts.	2738 2739 2740
(3) The agency may perform any service for any professional	2741



or occupational licensing board not named in division (A) of this 2742  
section or any commission if the board or commission requests such 2743  
service and the agency accepts. 2744

(C) The director of administrative services shall be the 2745  
appointing authority for the agency. 2746

(D) The agency shall determine the fees to be charged to the 2747  
boards and commissions, which shall be in proportion to the 2748  
services performed for each board or commission. 2749

(E) Each board or commission named in division (A) of this 2750  
section and any other board or commission requesting services from 2751  
the agency shall pay these fees to the agency from the general 2752  
revenue fund maintenance account of the board or commission or 2753  
from such other fund as the operating expenses of the board or 2754  
commission are paid. Any amounts set aside for a fiscal year by a 2755  
board or commission to allow for the payment of fees shall be used 2756  
only for the services performed by the agency in that fiscal year. 2757  
All receipts collected by the agency shall be deposited in the 2758  
state treasury to the credit of the central service agency fund, 2759  
which is hereby created. All expenses incurred by the agency in 2760  
performing services for the boards or commissions shall be paid 2761  
from the fund. 2762

(F) Nothing in this section shall be construed as a grant of 2763  
authority for the central service agency to initiate or deny 2764  
personnel or fiscal actions for the boards and commissions. 2765

**Sec. 126.11.** (A)(1) The director of budget and management 2766  
shall, upon consultation with the treasurer of state, coordinate 2767  
and approve the scheduling of initial sales of publicly offered 2768  
securities of the state and of publicly offered fractionalized 2769  
interests in or securitized issues of public obligations of the 2770  
state. The director shall from time to time develop and distribute 2771  
to state issuers an approved sale schedule for each of the 2772

obligations covered by ~~this~~ Division (A) of this section. ~~This~~ 2773  
~~division~~ Division (A) of this section applies only to those 2774  
nonconduit obligations on which the state or a state agency is the 2775  
direct obligor or obligor on any backup security or related credit 2776  
enhancement facility or source of money subject to state 2777  
appropriations that is intended for payment of those obligations. 2778

(2) The issuers of obligations pursuant to section 151.03, 2779  
151.04, 151.05, or 151.07 or Chapter 152. of the Revised Code 2780  
shall submit to the director: 2781

(a) For review and approval: the projected sale date, amount, 2782  
and type of obligations proposed to be sold; their purpose, 2783  
security, and source of payment; and the proposed structure and 2784  
maturity schedule; 2785

(b) For review and comment: the authorizing order or 2786  
resolution; preliminary and final offering documents; method of 2787  
sale; preliminary and final pricing information; and any written 2788  
reports or recommendations of financial advisors or consultants 2789  
relating to those obligations; 2790

(c) Promptly after each sale of those obligations: final 2791  
terms, including sale price, maturity schedule and yields, and 2792  
sources and uses; names of the original purchasers or 2793  
underwriters; a copy of the final offering document and of the 2794  
transcript of proceedings; and any other pertinent information 2795  
requested by the director. 2796

(3) The issuer of obligations pursuant to section 151.06 or 2797  
151.08 or Chapter 154. ~~or 3318.~~ of the Revised Code shall submit 2798  
to the director: 2799

(a) For review and mutual agreement: the projected sale date, 2800  
amount, and type of obligations proposed to be sold; their 2801  
purpose, security, and source of payment; and the proposed 2802  
structure and maturity schedule; 2803

(b) For review and comment: the authorizing order or 2804  
resolution; preliminary and final offering documents; method of 2805  
sale; preliminary and final pricing information; and any written 2806  
reports or recommendations of financial advisors or consultants 2807  
relating to those obligations; 2808

(c) Promptly after each sale of those obligations: final 2809  
terms, including sale price, maturity schedule and yields, and 2810  
sources and uses; names of the original purchasers or 2811  
underwriters; a copy of the final offering document and of the 2812  
transcript of proceedings; and any other pertinent information 2813  
requested by the director. 2814

(4) The issuers of obligations pursuant to Chapter 166., 2815  
4981., 5540., or 6121., or section 5531.10, of the Revised Code 2816  
shall submit to the director: 2817

(a) For review and comment: the projected sale date, amount, 2818  
and type of obligations proposed to be sold; the purpose, 2819  
security, and source of payment; and preliminary and final 2820  
offering documents; 2821

(b) Promptly after each sale of those obligations: final 2822  
terms, including a maturity schedule; names of the original 2823  
purchasers or underwriters; a copy of the complete continuing 2824  
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 2825  
rule as from time to time in effect; and any other pertinent 2826  
information requested by the director. 2827

(5) Not later than thirty days after the end of a fiscal 2828  
year, each issuer of obligations subject to divisions (A) and (B) 2829  
of this section shall submit to the director and to the treasurer 2830  
of state a sale plan for the then current fiscal year for each 2831  
type of obligation, projecting the amount and term of each 2832  
issuance, the method of sale, and the month of sale. 2833

(B) Issuers of obligations pursuant to section 3318.085 or 2834

Chapter ~~122., 166., 175., 3345., 3347., 3366., 3377., 3706.,~~ 2835  
3737., 5537., 6121., or 6123. of the Revised Code, ~~and issuers of~~ 2836  
~~securities issued pursuant to Chapter 165. of the Revised Code~~ 2837  
~~other than a county or municipal corporation,~~ shall submit to the 2838  
director copies of the preliminary and final offering documents 2839  
upon their availability if not previously submitted pursuant to 2840  
division (A) of this section. 2841

(C) Not later than the first day of January of each year, 2842  
every state agency obligated to make payments on outstanding 2843  
public obligations with respect to which fractionalized interests 2844  
have been publicly issued, such as certificates of participation, 2845  
shall submit a report to the director of the amounts payable from 2846  
state appropriations under those public obligations during the 2847  
then current and next two fiscal years, identifying the 2848  
appropriation or intended appropriation from which payment is 2849  
expected to be made. 2850

(D)(1) Information relating generally to the historic, 2851  
current, or future demographics or economy or financial condition 2852  
or funds or general operations of the state, and descriptions of 2853  
any state contractual obligations relating to public obligations, 2854  
to be contained in any offering document, continuing disclosure 2855  
document, or written presentation prepared, approved, or provided, 2856  
or committed to be provided, by an issuer in connection with the 2857  
original issuance and sale of, or rating, remarketing, or credit 2858  
enhancement facilities relating to, public obligations referred to 2859  
in division (A) of this section shall be approved as to format and 2860  
accuracy by the director before being presented, published, or 2861  
disseminated in preliminary, draft, or final form, or publicly 2862  
filed in paper, electronic, or other format. 2863

(2) Except for information described in division (D)(1) of 2864  
this section that is to be contained in an offering document, 2865  
continuing disclosure document, or written presentation, division 2866

(D)(1) of this section does not inhibit direct communication 2867  
between an issuer and a rating agency, remarketing agent, or 2868  
credit enhancement provider concerning an issuance of public 2869  
obligations referred to in division (A) of this section or matters 2870  
associated with that issuance. 2871

(3) The materials approved and provided pursuant to division 2872  
(D) of this section are the information relating to the particular 2873  
subjects provided by the state or state agencies that are required 2874  
or contemplated by any applicable state or federal securities laws 2875  
and any commitments by the state or state agencies made under 2876  
those laws. Reliance for the purpose should not be placed on any 2877  
other information publicly provided, in any format including 2878  
electronic, by any state agency for other purposes, including 2879  
general information provided to the public or to portions of the 2880  
public. A statement to that effect shall be included in those 2881  
materials so approved or provided. 2882

(E) Issuers of obligations referred to in division (A) of 2883  
this section may take steps, by formal agreement, covenants in the 2884  
proceedings, or otherwise, as may be necessary or appropriate to 2885  
comply or permit compliance with applicable lawful disclosure 2886  
requirements relating to those obligations, and may, subject to 2887  
division (D) of this section, provide, make available, or file 2888  
copies of any required disclosure materials as necessary or 2889  
appropriate. Any such formal agreement or covenant relating to 2890  
subjects referred to in division (D) of this section, and any 2891  
description of that agreement or covenant to be contained in any 2892  
offering document, shall be approved by the director before being 2893  
entered into or published or publicly disseminated in preliminary, 2894  
draft, or final form or publicly filed in paper, electronic, or 2895  
other format. The director shall be responsible for making all 2896  
filings in compliance with those requirements relating to direct 2897  
obligations of the state, including fractionalized interests in 2898

those obligations. 2899

(F) No state agency or official shall, without the approval 2900  
of the director of budget and management, do either of the 2901  
following: 2902

(1) Enter into or commit to enter into a public obligation 2903  
under which fractionalized interests in the payments are to be 2904  
publicly offered, which payments are anticipated to be made from 2905  
money from any source appropriated or to be appropriated by the 2906  
general assembly or in which the provision stated in section 9.94 2907  
of the Revised Code is not included; 2908

(2) Except as otherwise expressly authorized for the purpose 2909  
by law, agree or commit to provide, from money from any source to 2910  
be appropriated in the future by the general assembly, financial 2911  
assistance to or participation in the costs of capital facilities, 2912  
or the payment of debt charges, directly or by way of a credit 2913  
enhancement facility, a reserve, rental payments, or otherwise, on 2914  
obligations issued to pay costs of capital facilities. 2915

(G) As used in this section, "credit enhancement facilities," 2916  
"debt charges," "fractionalized interests in public obligations," 2917  
"obligor," "public issuer," and "securities" have the same 2918  
meanings as in section 133.01 of the Revised Code; "public 2919  
obligation" has the same meaning as in division (GG)(2) of section 2920  
133.01 of the Revised Code; "obligations" means securities or 2921  
public obligations or fractionalized interests in them; "issuers" 2922  
means issuers of securities or state obligors on public 2923  
obligations; "offering document" means an official statement, 2924  
offering circular, private placement memorandum, or prospectus, or 2925  
similar document; and "director" means the director of budget and 2926  
management or the employee of the office of budget and management 2927  
designated by the director for the purpose. 2928

**Sec. 126.21.** (A) The director of budget and management shall 2929

do all of the following:	2930
(1) Keep all necessary accounting records;	2931
(2) Prescribe and maintain the accounting system of the state and establish appropriate accounting procedures and charts of accounts;	2932 2933 2934
(3) Establish procedures for the use of written, electronic, optical, or other communications media for approving payment vouchers;	2935 2936 2937
(4) Reconcile, in the case of any variation between the amount of any appropriation and the aggregate amount of items of the appropriation, with the advice and assistance of the state agency affected by it and the <del>legislative budget office of the</del> legislative service commission, totals so as to correspond in the aggregate with the total appropriation. In the case of a conflict between the item and the total of which it is a part, the item shall be considered the intended appropriation.	2938 2939 2940 2941 2942 2943 2944 2945
(5) Evaluate on an ongoing basis and, if necessary, recommend improvements to the internal controls used in state agencies;	2946 2947 2948
(6) Authorize the establishment of petty cash accounts. The director of budget and management may withdraw approval for any petty cash account and require the officer in charge to return to the state treasury any unexpended balance shown by the officer's accounts to be on hand. Any officer who is issued a warrant for petty cash shall render a detailed account of the expenditures of the petty cash and shall report when requested the balance of petty cash on hand at any time.	2949 2950 2951 2952 2953 2954 2955 2956
(7) Process orders, invoices, vouchers, claims, and payrolls and prepare financial reports and statements;	2957 2958
(8) Perform extensions, reviews, and compliance checks prior to approving a payment as the director considers necessary;	2959 2960

(9) Issue the official comprehensive annual financial report 2961  
of the state. The report shall cover all funds ~~and account groups~~ 2962  
of the state reporting entity and shall include ~~general purpose~~ 2963  
basic financial statements and required supplementary information 2964  
prepared in accordance with generally accepted accounting 2965  
principles and other information as the director provides. All 2966  
state agencies, authorities, institutions, offices, retirement 2967  
systems, and other component units of the state reporting entity 2968  
as determined by the director shall furnish the director whatever 2969  
financial statements and other information the director requests 2970  
for the report, in the form, at the times, covering the periods, 2971  
and with the attestation the director prescribes. The information 2972  
for state institutions of higher education, as defined in section 2973  
3345.011 of the Revised Code, shall be submitted to the director 2974  
by the Ohio board of regents. The board shall establish a due date 2975  
by which each such institution shall submit the information to the 2976  
board, but no such date shall be later than one hundred twenty 2977  
days after the end of the state fiscal year unless a later date is 2978  
approved by the director. 2979

(B) In addition to the director's duties under division (A) 2980  
of this section, the director of budget and management may 2981  
establish and administer one or more state payment card programs 2982  
that permit or require state agencies to use a payment card to 2983  
purchase equipment, materials, supplies, or services in accordance 2984  
with guidelines issued by the director. The director may contract 2985  
with one or more vendors to provide the payment cards and payment 2986  
card services. State agencies may only participate in state 2987  
payment card programs that the director establishes pursuant to 2988  
this section. 2989

**Sec. 127.16.** (A) Upon the request of either a state agency or 2990  
the director of budget and management and after the controlling 2991  
board determines that an emergency or a sufficient economic reason 2992



exists, the controlling board may approve the making of a purchase 2993  
without competitive selection as provided in division (B) of this 2994  
section. 2995

(B) Except as otherwise provided in this section, no state 2996  
agency, using money that has been appropriated to it directly, 2997  
shall: 2998

(1) Make any purchase from a particular supplier, that would 2999  
amount to fifty thousand dollars or more when combined with both 3000  
the amount of all disbursements to the supplier during the fiscal 3001  
year for purchases made by the agency and the amount of all 3002  
outstanding encumbrances for purchases made by the agency from the 3003  
supplier, unless the purchase is made by competitive selection or 3004  
with the approval of the controlling board; 3005

(2) Lease real estate from a particular supplier, if the 3006  
lease would amount to seventy-five thousand dollars or more when 3007  
combined with both the amount of all disbursements to the supplier 3008  
during the fiscal year for real estate leases made by the agency 3009  
and the amount of all outstanding encumbrances for real estate 3010  
leases made by the agency from the supplier, unless the lease is 3011  
made by competitive selection or with the approval of the 3012  
controlling board. 3013

(C) Any person who authorizes a purchase in violation of 3014  
division (B) of this section shall be liable to the state for any 3015  
state funds spent on the purchase, and the attorney general shall 3016  
collect the amount from the person. 3017

(D) Nothing in division (B) of this section shall be 3018  
construed as: 3019

(1) A limitation upon the authority of the director of 3020  
transportation as granted in sections 5501.17, 5517.02, and 3021  
5525.14 of the Revised Code; 3022

(2) Applying to medicaid provider agreements under Chapter 3023

5111. of the Revised Code or payments or provider agreements under	3024
disability assistance medical assistance established under Chapter	3025
5115. of the Revised Code;	3026
(3) Applying to the purchase of examinations from a sole	3027
supplier by a state licensing board under Title XLVII of the	3028
Revised Code;	3029
(4) Applying to entertainment contracts for the Ohio state	3030
fair entered into by the Ohio expositions commission, provided	3031
that the controlling board has given its approval to the	3032
commission to enter into such contracts and has approved a total	3033
budget amount for such contracts as agreed upon by commission	3034
action, and that the commission causes to be kept itemized records	3035
of the amounts of money spent under each contract and annually	3036
files those records with the clerk of the house of representatives	3037
and the clerk of the senate following the close of the fair;	3038
(5) Limiting the authority of the chief of the division of	3039
mineral resources management to contract for reclamation work with	3040
an operator mining adjacent land as provided in section 1513.27 of	3041
the Revised Code;	3042
(6) Applying to investment transactions and procedures of any	3043
state agency, except that the agency shall file with the board the	3044
name of any person with whom the agency contracts to make, broker,	3045
service, or otherwise manage its investments, as well as the	3046
commission, rate, or schedule of charges of such person with	3047
respect to any investment transactions to be undertaken on behalf	3048
of the agency. The filing shall be in a form and at such times as	3049
the board considers appropriate.	3050
(7) Applying to purchases made with money for the per cent	3051
for arts program established by section 3379.10 of the Revised	3052
Code;	3053
(8) Applying to purchases made by the rehabilitation services	3054

commission of services, or supplies, that are provided to persons	3055
with disabilities, or to purchases made by the commission in	3056
connection with the eligibility determinations it makes for	3057
applicants of programs administered by the social security	3058
administration;	3059
(9) Applying to payments by the department of job and family	3060
services under section 5111.13 of the Revised Code for group	3061
health plan premiums, deductibles, coinsurance, and other	3062
cost-sharing expenses;	3063
(10) Applying to any agency of the legislative branch of the	3064
state government;	3065
(11) Applying to agreements or contracts entered into under	3066
section 5101.11, 5101.21, or 5101.211 of the Revised Code;	3067
(12) Applying to purchases of services by the adult parole	3068
authority under section 2967.14 of the Revised Code or by the	3069
department of youth services under section 5139.08 of the Revised	3070
Code;	3071
(13) Applying to dues or fees paid for membership in an	3072
organization or association;	3073
(14) Applying to purchases of utility services pursuant to	3074
section 9.30 of the Revised Code;	3075
(15) Applying to purchases made in accordance with rules	3076
adopted by the department of administrative services of motor	3077
vehicle, aviation, or watercraft fuel, or emergency repairs of	3078
such vehicles;	3079
(16) Applying to purchases of tickets for passenger air	3080
transportation;	3081
(17) Applying to purchases necessary to provide public	3082
notifications required by law or to provide notifications of job	3083
openings;	3084

(18) Applying to the judicial branch of state government;	3085
(19) Applying to purchases of liquor for resale by the division of liquor control;	3086 3087
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	3088 3089 3090
(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;	3091 3092 3093 3094
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	3095 3096 3097
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	3098 3099
(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;	3100 3101 3102 3103
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;	3104 3105
(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;	3106 3107 3108 3109 3110
(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;	3111 3112 3113
(28) Applying to payments made by the department of mental	3114

health under a physician recruitment program authorized by section 3115  
5119.101 of the Revised Code; 3116

(29) Applying to contracts entered into with persons by the 3117  
director of commerce for unclaimed funds collection and remittance 3118  
efforts as provided in division (F) of section 169.03 of the 3119  
Revised Code. The director shall keep an itemized accounting of 3120  
unclaimed funds collected by those persons and amounts paid to 3121  
them for their services. 3122

(30) Applying to purchases made by a state institution of 3123  
higher education in accordance with the terms of a contract 3124  
between the vendor and an inter-university purchasing group 3125  
comprised of purchasing officers of state institutions of higher 3126  
education; 3127

(31) Applying to the department of job and family services' 3128  
purchases of health assistance services under the children's 3129  
health insurance program part I provided for under section 5101.50 3130  
of the Revised Code or the children's health insurance program 3131  
part II provided for under section 5101.51 of the Revised Code; 3132

(32) Applying to payments by the attorney general from the 3133  
reparations fund to hospitals and other emergency medical 3134  
facilities for performing medical examinations to collect physical 3135  
evidence pursuant to section 2907.28 of the Revised Code. 3136

(E) Notwithstanding division (B)(1) of this section, the 3137  
cumulative purchase threshold shall be seventy-five thousand 3138  
dollars for the departments of mental retardation and 3139  
developmental disabilities, mental health, rehabilitation and 3140  
correction, and youth services. 3141

(F) When determining whether a state agency has reached the 3142  
cumulative purchase thresholds established in divisions (B)(1), 3143  
(B)(2), and (E) of this section, all of the following purchases by 3144  
such agency shall not be considered: 3145

(1) Purchases made through competitive selection or with controlling board approval;	3146 3147
(2) Purchases listed in division (D) of this section;	3148
(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate.	3149 3150
(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.	3151 3152 3153
<b>Sec. 131.01.</b> 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:	3154 3155 3156 3157
(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.	3158 3159 3160 3161
(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.	3162 3163 3164 3165
(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, <del>balanced account groups,</del> and organizational components.	3166 3167 3168 3169 3170
(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.	3171 3172 3173 3174

(E) " <u>Allotment</u> " means all or part of an appropriation which may be encumbered or expended within a specific period of time.	3175 3176
(F) " <u>Appropriation</u> " means an authorization granted by the general assembly to make expenditures and to incur obligations for specific purposes.	3177 3178 3179
(G) " <u>Assets</u> " means resources owned, controlled, or otherwise used or held by the state which have monetary value.	3180 3181
(H) " <u>Budget</u> " means the plan of financial operation embodying an estimate of proposed expenditures and obligations for a given period and the proposed means of financing them.	3182 3183 3184
(I) " <u>Direct deposit</u> " is a form of electronic funds transfer in which money is electronically deposited into the account of a person or entity at a financial institution.	3185 3186 3187
(J) " <u>Disbursement</u> " means a payment made for any purpose.	3188
(K) " <u>Electronic benefit transfer</u> " means the electronic delivery of benefits through automated teller machines, point of sale terminals, or other electronic media pursuant to section 5101.33 of the Revised Code.	3189 3190 3191 3192
(L) " <u>Electronic funds transfer</u> " means the electronic movement of funds via automated clearing house or wire transfer.	3193 3194
(M) " <u>Encumbrancing document</u> " means a document reserving all or part of an appropriation.	3195 3196
(N) " <u>Expenditure</u> " means a reduction of the balance of an appropriation after legal requirements have been met.	3197 3198
(O) " <u>Fund</u> " means an independent fiscal and accounting entity with a self-balancing set of accounts recording cash or other resources, together with all related liabilities, obligations, reserves, and fund balances which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special rules, restrictions, or limitations.	3199 3200 3201 3202 3203 3204

(P) "Lapse" means the automatic termination of an 3205  
appropriation at the end of the fiscal period for which it was 3206  
appropriated. 3207

(Q) "Reappropriation" means an appropriation of a previous 3208  
appropriation that is continued in force in a succeeding 3209  
appropriation period. "Reappropriation" shall be equated with and 3210  
incorporated in the term "appropriation." 3211

(R) "Voucher" means the document used to transmit a claim for 3212  
payment and evidentiary matter related to the claim. 3213

(S) "Warrant" means an order drawn upon the treasurer of 3214  
state by the auditor of state directing the treasurer of state to 3215  
pay a specified amount, including an order to make a lump-sum 3216  
payment to a financial institution for the transfer of funds by 3217  
direct deposit or the drawdown of funds by electronic benefit 3218  
transfer, and the resulting electronic transfer to or by the 3219  
ultimate payees. 3220

The terms defined in this section shall be used, on all 3221  
accounting forms, reports, formal rules, and budget requests 3222  
produced by a state agency, only as defined in this section. 3223

**Sec. 133.021.** The general assembly hereby finds and declares 3224  
that the "Tax Reform Act of 1986" (the "Act") establishes a 3225  
unified volume ceiling on the aggregate amount of private activity 3226  
bonds which can be issued in each state. The unified volume 3227  
ceiling is the product of seventy-five dollars multiplied by the 3228  
state population in 1987 and fifty dollars multiplied by the state 3229  
population in each succeeding calendar year. 3230

The general assembly further finds and declares that the Act 3231  
requires the state to allocate its volume ceiling according to a 3232  
specified formula unless a different procedure is established by 3233  
the governor or general assembly. 3234



The general assembly further finds and declares that pursuant to authorization of state legislation the general assembly has, by division (D)(3) of section 133.02 of the Revised Code, effective October 30, 1989, provided for delegating such function to the governor and for further delegation as therein provided, subject to such prospectively effective actions as may subsequently be taken by the general assembly.

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

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

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

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

(C) The purpose of the committee shall be to maximize the

economic benefits of the unified volume ceiling to all citizens of 3266  
the state. To this end, the joint select committee on volume cap 3267  
shall: 3268

~~(1) Annually, survey the governmental units (or other 3269  
authorities) in the state having authority to issue tax exempt 3270  
private activity bonds concerning: 3271~~

~~(a) The amount of tax exempt private activity bonds issued 3272  
for the previous calendar year; and 3273~~

~~(b) The amount requested for the calendar year allocation 3274  
currently under consideration. 3275~~

~~(2) Set forth procedures for making allocations, reallocation 3276  
and carry forward of the state's unified volume ceiling in 3277  
accordance with the Act; 3278~~

~~(3)(2) Develop strategies for allocating and reallocating the 3279  
unified volume ceiling which are designed to maximize the 3280  
availability of tax exempt private activity bonds among competing 3281  
sectors of the state. 3282~~

(D) To provide for the orderly and prompt issuance of private 3283  
activity bonds, the committee is authorized to allocate the 3284  
unified volume ceiling among those governmental units (or other 3285  
authorities) in the state having authority to issue tax exempt 3286  
private activity bonds. The committee shall reserve a portion of 3287  
the unified volume ceiling to be allocated for multi-family rental 3288  
housing projects. The committee in determination of unified volume 3289  
ceiling allocations and reallocations shall consider the 3290  
following: 3291

(1) The interest of the state with regard to long-term 3292  
economic development, housing, education, redevelopment, and solid 3293  
waste management; 3294

(2) The projected increase of jobs in the state; 3295

(3) The needs of political subdivisions. 3296

(E) The director of development shall adopt rules in 3297  
accordance with Chapter 119. of the Revised Code to carry out the 3298  
purposes of this section. 3299

**Sec. 133.06.** (A) A school district shall not incur, without a 3300  
vote of the electors, net indebtedness that exceeds an amount 3301  
equal to one-tenth of one per cent of its tax valuation, except as 3302  
provided in divisions (G) and (H) of this section and in division 3303  
(C) of section 3313.372 of the Revised Code, or as prescribed in 3304  
section 3318.052 of the Revised Code. 3305

(B) Except as provided in divisions (E) ~~and~~, (F), and (I) of 3306  
this section, a school district shall not incur net indebtedness 3307  
that exceeds an amount equal to nine per cent of its tax 3308  
valuation. 3309

(C) A school district shall not submit to a vote of the 3310  
electors the question of the issuance of securities in an amount 3311  
that will make the district's net indebtedness after the issuance 3312  
of the securities exceed an amount equal to four per cent of its 3313  
tax valuation, unless the superintendent of public instruction, 3314  
acting under policies adopted by the state board of education, and 3315  
the tax commissioner, acting under written policies of the 3316  
commissioner, consent to the submission. A request for the 3317  
consents shall be made at least thirty days prior to the election 3318  
at which the question is to be submitted, except that the 3319  
superintendent of public instruction and the tax commissioner may 3320  
waive this thirty-day deadline or grant their consents after the 3321  
election if the school district shows good cause for such waiver 3322  
or consent after the election. 3323

(D) In calculating the net indebtedness of a school district, 3324  
none of the following shall be considered: 3325

(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;	3326 3327 3328
(2) Securities issued under division (F) of this section, under section 133.301 of the Revised Code, and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section;	3329 3330 3331 3332
(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;	3333 3334 3335 3336
(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the Revised Code;	3337 3338 3339
(5) Debt incurred under section 3313.374 of the Revised Code;	3340 3341
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	3342 3343 3344
<u>(7) Debt incurred under section 3318.041 of the Revised Code.</u>	3345 3346
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	3347 3348
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	3349 3350 3351
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	3352 3353
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of	3354 3355

this section to provide additional or improved needed permanent  
improvements in time to meet the needs. 3356  
3357

(2) The board of education shall certify a copy of that 3358  
resolution to the superintendent of public instruction with a 3359  
statistical report showing all of the following: 3360

(a) A history of and a projection of the growth of the 3361  
student population; 3362

(b) The history of and a projection of the growth of the tax 3363  
valuation; 3364

(c) The projected needs; 3365

(d) The estimated cost of permanent improvements proposed to 3366  
meet such projected needs. 3367

(3) The superintendent of public instruction shall certify 3368  
the district as an approved special needs district if the 3369  
superintendent finds both of the following: 3370

(a) The district does not have available sufficient 3371  
additional funds from state or federal sources to meet the 3372  
projected needs. 3373

(b) The projection of the potential average growth of tax 3374  
valuation during the next five years, according to the information 3375  
certified to the superintendent and any other information the 3376  
superintendent obtains, indicates a likelihood of potential 3377  
average growth of tax valuation of the district during the next 3378  
five years of an average of not less than three per cent per year. 3379  
The findings and certification of the superintendent shall be 3380  
conclusive. 3381

(4) An approved special needs district may incur net 3382  
indebtedness by the issuance of securities in accordance with the 3383  
provisions of this chapter in an amount that does not exceed an 3384  
amount equal to the greater of the following: 3385

(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 tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;

(b) 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, determined by the superintendent of public instruction, by which that tax valuation is projected to increase during the next ten years.

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

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

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

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

(2) Upon the declaration of an emergency, the board of education may, by resolution, submit to the electors of the district pursuant to section 133.18 of the Revised Code the question of issuing securities for the purpose of paying the cost,

in excess of any insurance or condemnation proceeds received by 3417  
the district, of permanent improvements to respond to the 3418  
emergency need. 3419

(3) The procedures for the election shall be as provided in 3420  
section 133.18 of the Revised Code, except that: 3421

(a) The form of the ballot shall describe the emergency 3422  
existing, refer to this division as the authority under which the 3423  
emergency is declared, and state that the amount of the proposed 3424  
securities exceeds the limitations prescribed by division (B) of 3425  
this section; 3426

(b) The resolution required by division (B) of section 133.18 3427  
of the Revised Code shall be certified to the county auditor and 3428  
the board of elections at least seventy-five days prior to the 3429  
election; 3430

(c) The county auditor shall advise and, not later than 3431  
sixty-five days before the election, confirm that advice by 3432  
certification to, the board of education of the information 3433  
required by division (C) of section 133.18 of the Revised Code; 3434

(d) The board of education shall then certify its resolution 3435  
and the information required by division (D) of section 133.18 of 3436  
the Revised Code to the board of elections not less than sixty 3437  
days prior to the election. 3438

(4) Notwithstanding division (B) of section 133.21 of the 3439  
Revised Code, the first principal payment of securities issued 3440  
under this division may be set at any date not later than sixty 3441  
months after the earliest possible principal payment otherwise 3442  
provided for in that division. 3443

(G) The board of education may contract with an architect, 3444  
professional engineer, or other person experienced in the design 3445  
and implementation of energy conservation measures for an analysis 3446  
and recommendations pertaining to installations, modifications of 3447

installations, or remodeling that would significantly reduce 3448  
energy consumption in buildings owned by the district. The report 3449  
shall include estimates of all costs of such installations, 3450  
modifications, or remodeling, including costs of design, 3451  
engineering, installation, maintenance, repairs, and debt service, 3452  
and estimates of the amounts by which energy consumption and 3453  
resultant operational and maintenance costs, as defined by the 3454  
Ohio school facilities commission, would be reduced. 3455

If the board finds after receiving the report that the amount 3456  
of money the district would spend on such installations, 3457  
modifications, or remodeling is not likely to exceed the amount of 3458  
money it would save in energy and resultant operational and 3459  
maintenance costs over the ensuing fifteen years, the board may 3460  
submit to the commission a copy of its findings and a request for 3461  
approval to incur indebtedness to finance the making or 3462  
modification of installations or the remodeling of buildings for 3463  
the purpose of significantly reducing energy consumption. 3464

If the commission determines that the board's findings are 3465  
reasonable, it shall approve the board's request. Upon receipt of 3466  
the commission's approval, the district may issue securities 3467  
without a vote of the electors in a principal amount not to exceed 3468  
nine-tenths of one per cent of its tax valuation for the purpose 3469  
of making such installations, modifications, or remodeling, but 3470  
the total net indebtedness of the district without a vote of the 3471  
electors incurred under this and all other sections of the Revised 3472  
Code shall not exceed one per cent of the district's tax 3473  
valuation. 3474

So long as any securities issued under division (G) of this 3475  
section remain outstanding, the board of education shall monitor 3476  
the energy consumption and resultant operational and maintenance 3477  
costs of buildings in which installations or modifications have 3478  
been made or remodeling has been done pursuant to division (G) of 3479



this section and shall maintain and annually update a report 3480  
documenting the reductions in energy consumption and resultant 3481  
operational and maintenance cost savings attributable to such 3482  
installations, modifications, or remodeling. The report shall be 3483  
certified by an architect or engineer independent of any person 3484  
that provided goods or services to the board in connection with 3485  
the energy conservation measures that are the subject of the 3486  
report. The resultant operational and maintenance cost savings 3487  
shall be certified by the school district treasurer. The report 3488  
shall be made available to the commission upon request. 3489

(H) With the consent of the superintendent of public 3490  
instruction, a school district may incur without a vote of the 3491  
electors net indebtedness that exceeds the amounts stated in 3492  
divisions (A) and (G) of this section for the purpose of paying 3493  
costs of permanent improvements, if and to the extent that both of 3494  
the following conditions are satisfied: 3495

(1) The fiscal officer of the school district estimates that 3496  
receipts of the school district from payments made under or 3497  
pursuant to agreements entered into pursuant to section 725.02, 3498  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 3499  
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 3500  
Code, or distributions under division (C) of section 5709.43 of 3501  
the Revised Code, or any combination thereof, are, after 3502  
accounting for any appropriate coverage requirements, sufficient 3503  
in time and amount, and are committed by the proceedings, to pay 3504  
the debt charges on the securities issued to evidence that 3505  
indebtedness and payable from those receipts, and the taxing 3506  
authority of the district confirms the fiscal officer's estimate, 3507  
which confirmation is approved by the superintendent of public 3508  
instruction; 3509

(2) The fiscal officer of the school district certifies, and 3510  
the taxing authority of the district confirms, that the district, 3511

at the time of the certification and confirmation, reasonably  
expects to have sufficient revenue available for the purpose of  
operating such permanent improvements for their intended purpose  
upon acquisition or completion thereof, and the superintendent of  
public instruction approves the taxing authority's confirmation.

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

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

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

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

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

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

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

(2) A county with a tax valuation exceeding one hundred

million dollars but not exceeding three hundred million dollars,	3542
three million dollars plus one and one-half per cent of that tax	3543
valuation in excess of one hundred million dollars;	3544
(3) A county with a tax valuation exceeding three hundred	3545
million dollars, six million dollars plus two and one-half per	3546
cent of that tax valuation in excess of three hundred million	3547
dollars.	3548
(C) In calculating the net indebtedness of a county, none of	3549
the following securities shall be considered:	3550
(1) Securities described in section 307.201 of the Revised	3551
Code;	3552
(2) Self-supporting securities issued for any purposes,	3553
including, but not limited to, any of the following general	3554
purposes:	3555
(a) Water systems or facilities;	3556
(b) Sanitary sewerage systems or facilities, or surface and	3557
storm water drainage and sewerage systems or facilities, or a	3558
combination of those systems or facilities;	3559
(c) County or joint county scrap tire collection, storage,	3560
monocell, monofill, or recovery facilities, or any combination of	3561
those facilities;	3562
(d) Off-street parking lots, facilities, or buildings, or	3563
on-street parking facilities, or any combination of off-street and	3564
on-street parking facilities;	3565
(e) Facilities for the care or treatment of the sick or	3566
infirm, and for housing the persons providing that care or	3567
treatment and their families;	3568
(f) Recreational, sports, convention, auditorium, museum,	3569
trade show, and other public attraction facilities;	3570

(g) Facilities for natural resources exploration,	3571
development, recovery, use, and sale;	3572
(h) Correctional and detention facilities and related	3573
rehabilitation facilities.	3574
(3) Securities issued for the purpose of purchasing,	3575
constructing, improving, or extending water or sanitary or surface	3576
and storm water sewerage systems or facilities, or a combination	3577
of those systems or facilities, to the extent that an agreement	3578
entered into with another subdivision requires the other	3579
subdivision to pay to the county amounts equivalent to debt	3580
charges on the securities;	3581
(4) Voted general obligation securities issued for the	3582
purpose of permanent improvements for sanitary sewerage or water	3583
systems or facilities to the extent that the total principal	3584
amount of voted securities outstanding for the purpose does not	3585
exceed an amount equal to two per cent of the county's tax	3586
valuation;	3587
(5) Securities issued for permanent improvements to house	3588
agencies, departments, boards, or commissions of the county or of	3589
any municipal corporation located, in whole or in part, in the	3590
county, to the extent that the revenues, other than revenues from	3591
unvoted county property taxes, derived from leases or other	3592
agreements between the county and those agencies, departments,	3593
boards, commissions, or municipal corporations relating to the use	3594
of the permanent improvements are sufficient to cover the cost of	3595
all operating expenses of the permanent improvements paid by the	3596
county and debt charges on the securities;	3597
(6) Securities issued pursuant to section 133.08 of the	3598
Revised Code;	3599
(7) Securities issued for the purpose of acquiring or	3600
constructing roads, highways, bridges, or viaducts, for the	3601

purpose of acquiring or making other highway permanent 3602  
improvements, or for the purpose of procuring and maintaining 3603  
computer systems for the office of the clerk of any 3604  
county-operated municipal court, for the office of the clerk of 3605  
the court of common pleas, or for the office of the clerk of the 3606  
probate, juvenile, or domestic relations division of the court of 3607  
common pleas to the extent that the legislation authorizing the 3608  
issuance of the securities includes a covenant to appropriate from 3609  
moneys distributed to the county pursuant to division (B) of 3610  
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 3611  
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 3612  
sufficient amount to cover debt charges on and financing costs 3613  
relating to the securities as they become due; 3614

(8) Securities issued for the purpose of acquiring, 3615  
constructing, improving, and equipping a county, multicounty, or 3616  
multicounty-municipal jail, workhouse, juvenile detention 3617  
facility, or correctional facility; 3618

(9) Securities issued for the acquisition, construction, 3619  
equipping, or repair of any permanent improvement or any class or 3620  
group of permanent improvements enumerated in a resolution adopted 3621  
pursuant to division (D) of section 5739.026 of the Revised Code 3622  
to the extent that the legislation authorizing the issuance of the 3623  
securities includes a covenant to appropriate from moneys received 3624  
from the taxes authorized under section 5739.023 and division 3625  
(A)(5) of section 5739.026 of the Revised Code an amount 3626  
sufficient to pay debt charges on the securities and those moneys 3627  
shall be pledged for that purpose; 3628

(10) Securities issued for county or joint county solid waste 3629  
or hazardous waste collection, transfer, or disposal facilities, 3630  
or resource recovery and solid or hazardous waste recycling 3631  
facilities, or any combination of those facilities; 3632

(11) Securities issued for the acquisition, construction, and 3633

equipping of a port authority educational and cultural facility	3634
under section 307.671 of the Revised Code;	3635
(12) Securities issued for the acquisition, construction,	3636
equipping, and improving of a municipal educational and cultural	3637
facility under division (B)(1) of section 307.672 of the Revised	3638
Code;	3639
(13) Securities issued for energy conservation measures under	3640
section 307.041 of the Revised Code;	3641
(14) Securities issued for the acquisition, construction,	3642
equipping, improving, or repair of a sports facility, including	3643
obligations issued to pay costs of a sports facility under section	3644
307.673 of the Revised Code;	3645
(15) Securities issued under section 755.17 of the Revised	3646
Code if the legislation authorizing issuance of the securities	3647
includes a covenant to appropriate from revenue received from a	3648
tax authorized under division (A)(5) of section 5739.026 and	3649
section 5741.023 of the Revised Code an amount sufficient to pay	3650
debt charges on the securities, and the board of county	3651
commissioners pledges that revenue for that purpose, pursuant to	3652
section 755.171 of the Revised Code;	3653
(16) Sales tax supported bonds issued pursuant to section	3654
133.081 of the Revised Code for the purpose of acquiring,	3655
constructing, improving, or equipping any permanent improvement to	3656
the extent that the legislation authorizing the issuance of the	3657
sales tax supported bonds pledges county sales taxes to the	3658
payment of debt charges on the sales tax supported bonds and	3659
contains a covenant to appropriate from county sales taxes a	3660
sufficient amount to cover debt charges or the financing costs	3661
related to the sales tax supported bonds as they become due; <u>i</u>	3662
(17) Bonds or notes issued under section 133.60 of the	3663
Revised Code if the legislation authorizing issuance of the bonds	3664

or notes includes a covenant to appropriate from revenue received 3665  
from a tax authorized under division (A)(9) of section 5739.026 3666  
and section 5741.023 of the Revised Code an amount sufficient to 3667  
pay the debt charges on the bonds or notes, and the board of 3668  
county commissioners pledges that revenue for that purpose;*i* 3669

(18) Securities issued under section 3707.55 of the Revised 3670  
Code for the acquisition of real property by a general health 3671  
district;*i* 3672

(19) Securities issued under division (A)(3) of section 3673  
3313.37 of the Revised Code for the acquisition of real and 3674  
personal property by an educational service center. 3675

(D) In calculating the net indebtedness of a county, no 3676  
obligation incurred under division (D) of section 339.06 of the 3677  
Revised Code shall be considered. 3678

**Sec. 140.01.** As used in this chapter: 3679

(A) "Hospital agency" means any public hospital agency or any 3680  
nonprofit hospital agency. 3681

(B) "Public hospital agency" means any county, board of 3682  
county hospital trustees established pursuant to section 339.02 of 3683  
the Revised Code, county hospital commission established pursuant 3684  
to section 339.14 of the Revised Code, municipal corporation, new 3685  
community authority organized under Chapter 349. of the Revised 3686  
Code, joint township hospital district, state or municipal 3687  
university or college operating or authorized to operate a 3688  
hospital facility, or the state. 3689

(C) "Nonprofit hospital agency" means a corporation or 3690  
association not for profit, no part of the net earnings of which 3691  
inures or may lawfully inure to the benefit of any private 3692  
shareholder or individual, that has authority to own or operate a 3693  
hospital facility or provides or is to provide services to one or 3694

more other hospital agencies.

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(D) "Governing body" means, in the case of a county, the board of county commissioners or other legislative body; in the case of a board of county hospital trustees, the board; in the case of a county hospital commission, the commission; in the case of a municipal corporation, the council or other legislative authority; in the case of a new community authority, its board of trustees; in the case of a joint township hospital district, the joint township district hospital board; in the case of a state or municipal university or college, its board of trustees or board of directors; in the case of a nonprofit hospital agency, the board of trustees or other body having general management thereof of the agency; and, in the case of the state, the director of development or the Ohio higher educational facility commission.

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

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and any separate or connected buildings, structures, improvements, 3727  
sites, utilities, facilities, or equipment to be used in, or in 3728  
connection with the operation or maintenance of, or supplementing 3729  
or otherwise related to the services or facilities to be provided 3730  
by, any one or more of such hospital facilities. 3731

(F) "Costs of hospital facilities" means the costs of 3732  
acquiring or constructing hospital facilities, costs of improving 3733  
one or more hospital facilities, including reconstructing, 3734  
rehabilitating, remodeling, renovating, and enlarging, costs of 3735  
equipping and furnishing such facilities, and all financing costs 3736  
pertaining thereto, including, without limitation thereto, costs 3737  
of engineering, architectural, and other professional services, 3738  
designs, plans, specifications and surveys, and estimates of cost, 3739  
costs of tests and inspections, the costs of any indemnity or 3740  
surety bonds and premiums on insurance, all related direct or 3741  
allocable administrative expenses pertaining thereto, fees and 3742  
expenses of trustees, depositories, and paying agents for the 3743  
obligations, cost of issuance of the obligations and financing 3744  
charges and fees and expenses of financial advisors, attorneys, 3745  
accountants, consultants and rating services in connection 3746  
therewith, capitalized interest on the obligations, amounts 3747  
necessary to establish reserves as required by the bond 3748  
proceedings, the reimbursement of all moneys advanced or applied 3749  
by the hospital agency or others or borrowed from others for the 3750  
payment of any item or items of costs of such facilities, and all 3751  
other expenses necessary or incident to planning or determining 3752  
feasibility or practicability with respect to such facilities, and 3753  
such other expenses as may be necessary or incident to the 3754  
acquisition, construction, reconstruction, rehabilitation, 3755  
remodeling, renovation, enlargement, improvement, equipment, and 3756  
furnishing of such facilities, the financing thereof, and the 3757  
placing of the same in use and operation, including any one, part 3758

of, or combination of such classes of costs and expenses, and 3759  
means the costs of refinancing obligations issued by, or 3760  
reimbursement of money advanced by, nonprofit hospital agencies or 3761  
others the proceeds of which were used for the payment of costs of 3762  
hospital facilities, if the governing body of the public hospital 3763  
agency determines that the refinancing or reimbursement advances 3764  
the purposes of this chapter, whether or not the refinancing or 3765  
reimbursement is in conjunction with the acquisition or 3766  
construction of additional hospital facilities. 3767

(G) "Hospital receipts" means all moneys received by or on 3768  
behalf of a hospital agency from or in connection with the 3769  
ownership, operation, acquisition, construction, improvement, 3770  
equipping, or financing of any hospital facilities, including, 3771  
without limitation thereto, any rentals and other moneys received 3772  
from the lease, sale, or other disposition of hospital facilities, 3773  
and any gifts, grants, interest subsidies, or other moneys 3774  
received under any federal program for assistance in financing the 3775  
costs of hospital facilities, and any other gifts, grants, and 3776  
donations, and receipts therefrom, available for financing the 3777  
costs of hospital facilities. 3778

(H) "Obligations" means bonds, notes, or other evidences of 3779  
indebtedness or obligation, including interest coupons pertaining 3780  
thereto, issued or issuable by a public hospital agency to pay 3781  
costs of hospital facilities. 3782

(I) "Bond service charges" means principal, interest, and 3783  
call premium, if any, required to be paid on obligations. 3784

(J) "Bond proceedings" means one or more ordinances, 3785  
resolutions, trust agreements, indentures, and other agreements or 3786  
documents, and amendments and supplements to the foregoing, or any 3787  
combination thereof, authorizing or providing for the terms, 3788  
including any variable interest rates, and conditions applicable 3789  
to, or providing for the security of, obligations and the 3790

provisions contained in such obligations.	3791
(K) "Nursing home" has the same meaning as in division (A)(1) of section 5701.13 of the Revised Code.	3792 3793
(L) "Residential care facility" has the same meaning as in division (A)(2) of section 5701.13 of the Revised Code.	3794 3795
(M) "Adult care facility" has the same meaning as in division (A)(3) of section 5701.13 of the Revised Code.	3796 3797
(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:	3798 3799 3800 3801 3802
(1) A hospital required to be certified by section 3727.02 of the Revised Code;	3803 3804
(2) A nursing home or residential care facility;	3805
(3) An adult care facility;	3806
(4) A hospice licensed under section 3712.04 of the Revised Code;	3807 3808
(5) A habilitation center as defined in section 5123.041 of the Revised Code;	3809 3810
(6) A residential facility for the mentally ill licensed by the department of mental health under section 5119.22 of the Revised Code;	3811 3812 3813
(7) A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;	3814 3815
(8) A facility certified as an alcohol and drug addiction program under section 3793.06 of the Revised Code;	3816 3817
(9) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract	3818 3819

with the department of mental retardation and developmental 3820  
disabilities under section 5123.18 of the Revised Code; 3821

(10) A residential facility used as part of a hospital to 3822  
provide housing for staff of the hospital or students pursuing a 3823  
course of study at the hospital. 3824

**Sec. 166.03.** (A) There is hereby created the facilities 3825  
establishment fund within the state treasury, consisting of 3826  
proceeds from the issuance of obligations as specified under 3827  
section 166.08 of the Revised Code; the moneys received by the 3828  
state from the sources specified in section 166.09 of the Revised 3829  
Code; service charges imposed under sections 166.06 and 166.07 of 3830  
the Revised Code; any grants, gifts, or contributions of moneys 3831  
received by the director of development to be used for loans made 3832  
under section 166.07 of the Revised Code or for the payment of the 3833  
allowable costs of project facilities; and all other moneys 3834  
appropriated or transferred to the fund. Moneys in the loan 3835  
guarantee fund in excess of four per cent of the unpaid principal 3836  
amount of loan repayments guaranteed under section 166.06 of the 3837  
Revised Code, but subject to the provisions and requirements of 3838  
any guarantee contracts, may be transferred to the facilities 3839  
establishment fund by the treasurer of state upon the order of the 3840  
director of development. Moneys received by the state under 3841  
Chapter 122. of the Revised Code, to the extent allocable to the 3842  
utilization of moneys derived from proceeds of the sale of 3843  
obligations pursuant to section 166.08 of the Revised Code, shall 3844  
be credited to the facilities establishment fund. 3845

(B) All moneys appropriated or transferred to the facilities 3846  
establishment fund may be released at the request of the director 3847  
of development for payment of allowable costs or the making of 3848  
loans under this chapter, for transfer to the loan guarantee fund 3849  
established in section 166.06 of the Revised Code, or for use for 3850

the purpose of or transfer to the funds established by sections 3851  
122.35, 122.42, 122.54, 122.55, 122.56, 122.561, 122.57, and 3852  
122.80 of the Revised Code and, until July 1, ~~2001~~ 2003, the funds 3853  
established by sections 122.26 and 166.031 of the Revised Code, 3854  
but only for such of those purposes as are within the 3855  
authorization of Section 13 of Article VIII, Ohio Constitution, in 3856  
all cases subject to the approval of the controlling board. 3857

(C) The department of development, in the administration of 3858  
the facilities establishment fund, is encouraged to utilize and 3859  
promote the utilization of, to the maximum practicable extent, the 3860  
other existing programs, business incentives, and tax incentives 3861  
that department is required or authorized to administer or 3862  
supervise. 3863

**Sec. 169.01.** As used in this chapter, unless the context 3864  
otherwise requires: 3865

(A) "Financial organization" means any bank, trust company, 3866  
savings bank, safe deposit company, mutual savings bank without 3867  
mutual stock, savings and loan association, credit union, or 3868  
investment company. 3869

(B)(1) "Unclaimed funds" means any moneys, rights to moneys, 3870  
or intangible property, described in section 169.02 of the Revised 3871  
Code, when, as shown by the records of the holder, the owner has 3872  
not, within the times provided in section 169.02 of the Revised 3873  
Code, done any of the following: 3874

(a) Increased, decreased, or adjusted the amount of such 3875  
funds; 3876

(b) Assigned, paid premiums, or encumbered such funds; 3877

(c) Presented an appropriate record for the crediting of such 3878  
funds or received payment of such funds by check, draft, or 3879  
otherwise; 3880

(d) Corresponded with the holder concerning such funds;	3881
(e) Otherwise indicated an interest in or knowledge of such funds;	3882 3883
(f) Transacted business with the holder.	3884
(2) "Unclaimed funds" does not include any of the following:	3885
(a) Money received or collected under section 9.39 of the Revised Code;	3886 3887
(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;	3888 3889 3890 3891 3892 3893
(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;	3894 3895 3896 3897 3898
<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>	3899 3900 3901
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.	3902 3903 3904 3905 3906
(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.	3907 3908 3909 3910

(D)(1) "Holder" means any person that has possession, 3911  
custody, or control of moneys, rights to moneys, or other 3912  
intangible property, or that is indebted to another, if any of the 3913  
following applies: 3914

(a) Such person resides in this state; 3915

(b) Such person is formed under the laws of this state; 3916

(c) Such person is formed under the laws of the United States 3917  
and has an office or principal place of business in this state; 3918  
3919

(d) The records of such person indicate that the last known 3920  
address of the owner of such moneys, rights to moneys, or other 3921  
intangible property is in this state; 3922

(e) The records of such person do not indicate the last known 3923  
address of the owner of the moneys, rights to moneys, or other 3924  
intangible property and the entity originating or issuing the 3925  
moneys, rights to moneys, or other intangible property is this 3926  
state or any political subdivision of this state, or is 3927  
incorporated, organized, created, or otherwise located in this 3928  
state. Division (D)(1)(e) of this section applies to all moneys, 3929  
rights to moneys, or other intangible property that is in the 3930  
possession, custody, or control of such person on or after July 3931  
22, 1994, whether the moneys, rights to moneys, or other 3932  
intangible property becomes unclaimed funds prior to or on or 3933  
after ~~such~~ that date. 3934

(2) "Holder" does not mean any hospital granted tax-exempt 3935  
status under section 501(c)(3) of the Internal Revenue Code or any 3936  
hospital owned or operated by the state or by any political 3937  
subdivision. Any entity in order to be exempt from the definition 3938  
of "holder" pursuant to this division shall make a reasonable, 3939  
good-faith effort to contact the owner of the unclaimed funds. 3940

(E) "Person" includes a natural person; corporation, whether 3941

for profit or not for profit; copartnership; unincorporated 3942  
association or organization; public authority; estate; trust; two 3943  
or more persons having a joint or common interest; eleemosynary 3944  
organization; fraternal or cooperative association; other legal or 3945  
community entity; the United States government, including any 3946  
district, territory, possession, officer, agency, department, 3947  
authority, instrumentality, board, bureau, or court; or any state 3948  
or political subdivision thereof, including any officer, agency, 3949  
board, bureau, commission, division, department, authority, court, 3950  
or instrumentality. 3951

(F) "Mortgage funds" means the mortgage insurance fund 3952  
created by section 122.561 of the Revised Code, and the housing 3953  
guarantee fund created by division (D) of section 128.11 of the 3954  
Revised Code. 3955

(G) "Lawful claims" means any vested right a holder of 3956  
unclaimed funds has against the owner of such unclaimed funds. 3957

(H) "Public utility" means any entity defined as such by 3958  
division (A) of section 745.01 or by section 4905.02 of the 3959  
Revised Code. 3960

(I) "Deposit" means to place money in the custody of a 3961  
financial organization for the purpose of establishing an 3962  
income-bearing account by purchase or otherwise. 3963

(J) "Income-bearing account" means a time or savings account, 3964  
whether or not evidenced by a certificate of deposit, or an 3965  
investment account through which investments are made solely in 3966  
obligations of the United States or its agencies or 3967  
instrumentalities or guaranteed as to principal and interest by 3968  
the United States or its agencies or instrumentalities, debt 3969  
securities rated as investment grade by at least two nationally 3970  
recognized rating services, debt securities which the director of 3971  
commerce has determined to have been issued for the safety and 3972



welfare of the residents of this state, and equity interests in 3973  
mutual funds that invest solely in some or all of the above-listed 3974  
securities and involve no general liability, without regard to 3975  
whether income earned on such accounts, securities, or interests 3976  
is paid periodically or at the end of a term. 3977

**Sec. 173.40.** There is hereby created a component of the 3978  
medicaid program established under Chapter 5111. of the Revised 3979  
Code to be known as the preadmission screening system providing 3980  
options and resources today program, or PASSPORT. ~~Through the~~ 3981  
~~medical assistance program established under Chapter 5111. of the~~ 3982  
~~Revised Code, the~~ The PASSPORT program shall provide home and 3983  
community-based services as an alternative to nursing facility 3984  
placement for aged and disabled ~~persons~~ medicaid recipients. The 3985  
program shall be operated pursuant to a home and community-based 3986  
waiver granted by the United States secretary of health and human 3987  
services under section 1915 of the "Social Security Act," 49 Stat. 3988  
620 (1935), 42 U.S.C. 1396n, as amended. The department of aging 3989  
shall administer the program. ~~The department of aging shall enter~~ 3990  
~~into~~ through an interagency agreement entered into with the 3991  
department of job and family services ~~regarding services provided~~ 3992  
~~under the program to recipients of medical assistance under~~ 3993  
~~Chapter 5111. under section 5111.86~~ of the Revised Code. The 3994  
directors of aging and job and family services shall adopt rules 3995  
in accordance with Chapter 119. of the Revised Code to implement 3996  
the program. 3997

**Sec. 175.22.** (A) The department of development and the Ohio 3998  
housing finance agency shall each develop programs under which, in 3999  
accordance with rules adopted under this section, it may make 4000  
grants, loans, loan guarantees, and loan subsidies to counties, 4001  
municipal corporations, townships, local housing authorities, and 4002  
nonprofit organizations and may make loans, loan guarantees, and 4003

loan subsidies to private developers and private lenders to assist 4004  
them in activities that will provide housing and housing 4005  
assistance for specifically targeted low- and moderate-income 4006  
families and individuals. Activities for which grants, loans, loan 4007  
guarantees, and loan subsidies may be made under this section 4008  
include all of the following: 4009

(1) Acquiring, financing, constructing, leasing, 4010  
rehabilitating, remodeling, improving, and equipping publicly or 4011  
privately owned housing; 4012

(2) Providing supportive services related to housing and the 4013  
homeless, including housing counseling~~r~~. Not more than twenty per 4014  
cent of the current year appropriation authority for the low- and 4015  
moderate-income housing trust fund shall be awarded in any fiscal 4016  
year for such supportive services. 4017

(3) Providing rental assistance payments or other project 4018  
operating subsidies that lower tenant rents. 4019

(B) Grants, loans, loan guarantees, and loan subsidies may be 4020  
made to counties, municipal corporations, townships, and nonprofit 4021  
organizations for the additional purposes of providing technical 4022  
assistance, design and finance services and consultation, and 4023  
payment of pre-development and administrative costs related to any 4024  
of the activities listed above. 4025

(C) In developing programs under this section, the department 4026  
and the agency shall invite, accept, and consider public comment, 4027  
and recommendations from the housing trust fund advisory committee 4028  
created under section 175.25 of the Revised Code, on how the 4029  
programs should be designed to most effectively benefit low- and 4030  
moderate-income families and individuals. The programs developed 4031  
under this section shall respond collectively to housing and 4032  
housing assistance needs of low- and moderate-income families and 4033  
individuals statewide. 4034

(D) The department and the agency, in accordance with Chapter 4035  
119. of the Revised Code, shall each adopt rules under which it 4036  
shall administer programs developed by it under this section. The 4037  
rules shall prescribe procedures and forms whereby counties, 4038  
municipal corporations, townships, local housing authorities, and 4039  
nonprofit organizations may apply for grants, loans, loan 4040  
guarantees, and loan subsidies and private developers and private 4041  
lenders may apply for loans, loan guarantees, and loan subsidies; 4042  
eligibility criteria for the receipt of funds; procedures for 4043  
reviewing and granting or denying applications; procedures for 4044  
paying out funds; conditions on the use of funds; procedures for 4045  
monitoring the use of funds; and procedures under which a 4046  
recipient shall be required to repay funds that are improperly 4047  
used. The rules adopted by the department shall do both of the 4048  
following: 4049

(1) Require each recipient of a grant or loan made from the 4050  
low- and moderate-income housing trust fund for activities that 4051  
will provide, or assist in providing, a rental housing project, to 4052  
reasonably ensure that the rental housing project will be 4053  
affordable to those families and individuals targeted for the 4054  
rental housing project for the useful life of the rental housing 4055  
project or for thirty years, whichever is longer; 4056

(2) Require each recipient of a grant or loan made from the 4057  
low- and moderate-income housing trust fund for activities that 4058  
will provide, or assist in providing, a housing project to prepare 4059  
and implement a plan to reasonably assist any families and 4060  
individuals displaced by the housing project in obtaining decent 4061  
affordable housing. 4062

(E) In prescribing eligibility criteria and conditions for 4063  
the use of funds, neither the department nor agency is limited to 4064  
the criteria and conditions specified in this section and each may 4065  
prescribe additional eligibility criteria and conditions that 4066

relate to the purposes for which grants, loans, loan guarantees, 4067  
and loan subsidies may be made. However, the department and agency 4068  
are limited by the following specifically targeted low- and 4069  
moderate-income guidelines: 4070

(1) Not less than seventy-five per cent of the money granted 4071  
and loaned under this section in any biennium shall be for 4072  
activities that will provide affordable housing and housing 4073  
assistance to families and individuals in a county whose incomes 4074  
are equal to or less than fifty per cent of the median income for 4075  
that county, as determined by the department under section 175.23 4076  
of the Revised Code. 4077

(2) The remainder of the money granted and loaned under this 4078  
section in any biennium shall be for activities that will provide 4079  
affordable housing and housing assistance to families and 4080  
individuals in a county whose incomes are equal to or less than 4081  
eighty per cent of the median income for that county, as 4082  
determined by the department under section 175.23 of the Revised 4083  
Code. 4084

(F) In making grants, loans, loan guarantees, and loan 4085  
subsidies under this section, the department and the agency shall 4086  
give preference to viable projects and activities that will 4087  
benefit those families and individuals in a county whose incomes 4088  
are equal to or less than thirty-five per cent of the median 4089  
income for that county, as determined by the department under 4090  
section 175.23 of the Revised Code. The department and the agency 4091  
shall monitor the programs developed under this section to ensure 4092  
that money granted and loaned under this section is not used in a 4093  
manner that violates division (H) of section 4112.02 of the 4094  
Revised Code or discriminates against families with children. 4095

**Sec. 179.02.** (A) There is hereby established the Ohio 4096  
commission on dispute resolution and conflict management, 4097

consisting of twelve members, unless a vacancy exists in an 4098  
appointment at any given time. The purpose of the commission is to 4099  
provide, coordinate, fund, and evaluate dispute resolution and 4100  
conflict management education, training, and research programs in 4101  
this state, and to consult with, educate, train, provide resources 4102  
for, and otherwise assist and facilitate other persons and public 4103  
or private agencies, organizations, or entities that are engaged 4104  
in activities related to dispute resolution and conflict 4105  
management. Four members of the commission shall be appointed by 4106  
the governor, four members shall be appointed by the chief justice 4107  
of the supreme court, two members shall be appointed by the 4108  
president of the senate, and two members shall be appointed by the 4109  
speaker of the house of representatives. 4110

Within thirty days after ~~the effective date of this section~~ 4111  
June 30, 1995, the governor, the chief justice of the supreme 4112  
court, the president of the senate, and the speaker of the house 4113  
of representatives shall make initial appointments to the 4114  
commission. Of the initial appointments made to the commission by 4115  
the governor and the chief justice, two each shall be for a term 4116  
ending two years after ~~the effective date of this section~~ June 30, 4117  
1995, and two each shall be for a term ending four years after 4118  
that date. Of the initial appointments made to the commission by 4119  
the president of the senate and the speaker of the house of 4120  
representatives, one each shall be for a term ending two years 4121  
after ~~the effective date of this section~~ June 30, 1995, and one 4122  
each shall be for a term ending four years after that date. 4123  
Thereafter, terms of office shall be for three years, with each 4124  
term ending on the same day of the same month of the year as the 4125  
term that it succeeds. Each member shall hold office from the date 4126  
of appointment until the end of the term for which appointed. 4127  
Members may be reappointed. ~~Vacancies~~ 4128

Vacancies shall be filled in the manner provided for original 4129

appointments. Any member appointed to fill a vacancy occurring 4130  
prior to the expiration date of the term for which the member's 4131  
predecessor was appointed shall hold office as a member for the 4132  
remainder of that term. A 4133

A member shall continue in office subsequent to the 4134  
expiration date of the member's term until ~~a~~ the member's 4135  
successor takes office or until a period of sixty days has 4136  
elapsed, whichever occurs first. 4137

(B) The commission shall meet within two weeks after all of 4138  
its initial members have been appointed, at a time and place 4139  
determined by the governor. Thereafter, the commission shall meet 4140  
at least quarterly, or more often upon the call of the ~~chairman~~ 4141  
chairperson or at the request of the executive director of the 4142  
commission. ~~The~~ 4143

The commission shall organize by selecting from among its 4144  
members a ~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, 4145  
and ~~such~~ other necessary officers ~~as are necessary~~. All officers 4146  
shall be elected annually by vote of the members of the 4147  
commission. ~~Each~~ 4148

Each member of the commission shall have one vote. ~~Seven~~ A 4149  
majority of the members constitute of the commission, as it exists 4150  
at any given time, constitutes a quorum, and the votes of a 4151  
majority of the members present at a meeting of the commission are 4152  
required to validate an action of the commission. 4153

(C) The members of the commission shall serve without 4154  
compensation, but each member shall be reimbursed for actual and 4155  
necessary expenses incurred in the performance of official duties, 4156  
and actual mileage for each mile necessarily traveled in the 4157  
performance of official duties. 4158

**Sec. 179.03.** (A) The Ohio commission on dispute resolution 4159  
and conflict management shall do all of the following: 4160

(1) Appoint and set the compensation of an executive director, who shall serve at the pleasure of the commission;	4161 4162
(2) Establish and maintain a central office;	4163
(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;	4164 4165 4166 4167 4168
(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;	4169 4170 4171
(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;	4172 4173 4174
(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 <del>activities</del> <u>services</u> ;	4175 4176 4177 4178 4179
(7) Approve an annual operating budget;	4180
(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.	4181 4182 4183 4184
(B) The commission may do any of the following:	4185
(1) Receive and accept donations, grants, awards, bequests, gifts, reimbursements, and similar funds from any lawful source;	4186 4187
(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	4188 4189 4190

duties, and reimburse any volunteer workers or consultants for 4191  
their actual and necessary expenses so incurred; 4192

(3) Prepare and publish statistical data and case studies and 4193  
other data pertinent to the development, operation, and evaluation 4194  
of dispute resolution and conflict management programs and centers 4195  
that provide these programs or engage in dispute resolution and 4196  
conflict management services; 4197

(4) Conduct programs that have a general objective of 4198  
training and educating mediators and other persons engaged in 4199  
providing dispute resolution and conflict management services; 4200

(5) Develop programs and curricula that are designed to 4201  
provide dispute resolution and conflict management training and 4202  
education for public and private education, as well as other 4203  
appropriate education forums; 4204

(6) Enter into contracts for dispute resolution and conflict 4205  
management services or authorize the executive director to enter 4206  
into those contracts. 4207

(C) There is hereby established in the state treasury the 4208  
dispute resolution and conflict management commission gifts, 4209  
grants, and reimbursements fund. All donations, grants, awards, 4210  
bequests, gifts, ~~and~~ reimbursements, and similar funds received by 4211  
the commission under this section shall be deposited in the fund. 4212

**Sec. 179.04.** (A) No person shall be appointed executive 4213  
director of the Ohio commission on dispute resolution and conflict 4214  
management unless the person is trained in law, public affairs, 4215  
business administration, or social sciences and the person has 4216  
experience in administering dispute resolution and conflict 4217  
management programs or services. The executive director appointed 4218  
by the commission shall serve at the pleasure of the commission. 4219

(B) The executive director shall do both of the following: 4220



(1) Appoint and set the compensation of personnel who are 4221  
necessary for the efficient operation of the office established by 4222  
the commission, with the approval of the commission; 4223

(2) Keep and maintain financial records pertaining to the 4224  
awarding of grants and contracts authorized ~~pursuant to~~ under 4225  
sections 179.01 to 179.04 of the Revised Code, and report 4226  
periodically, but not less than annually, to the commission on all 4227  
relevant data pertaining to the operations, costs, and projected 4228  
needs of the office established by the commission and on 4229  
recommendations for legislation or amendments to court rules that 4230  
may be appropriate to improve dispute resolution and conflict 4231  
management programs. 4232

(C) The executive director may do any of the following: 4233

(1) Make all necessary arrangements to coordinate the 4234  
services of the office established by the commission with any 4235  
federal, state, county, municipal, township, or private entity or 4236  
program established to provide dispute resolution and conflict 4237  
management services and to obtain and provide all funds allowable 4238  
from any such entity or under any such ~~programs~~ program; 4239

(2) Consult and cooperate with professional groups concerned 4240  
with the study, development, implementation, and evaluation of 4241  
dispute resolution and conflict management programs and services 4242  
and the operation of the ~~state dispute resolution and conflict~~ 4243  
~~management~~ office established by the commission; 4244

(3) Accept the services of volunteer workers and consultants 4245  
at no compensation, other than reimbursement for actual and 4246  
necessary expenses incurred in the performance of their official 4247  
duties, and provide for the reimbursement of any volunteer workers 4248  
or consultants for their actual and necessary expenses so 4249  
incurred; 4250

(4) Prescribe any forms that are necessary for the uniform 4251

operation of sections 179.01 to 179.04 of the Revised Code; 4252

(5) With the authorization of the commission, enter into 4253  
contracts for dispute resolution and conflict management services. 4254

**Sec. 181.51.** As used in sections 181.51 to 181.56 of the 4255  
Revised Code: 4256

(A) "Federal criminal justice acts" means any federal law 4257  
that authorizes financial assistance and other forms of assistance 4258  
to be given by the federal government to the states to be used for 4259  
the improvement of the criminal and juvenile justice systems of 4260  
the states. 4261

(B)(1) "Criminal justice system" includes all of the 4262  
functions of the following: 4263

(a) The state highway patrol, county sheriff offices, 4264  
municipal and township police departments, and all other law 4265  
enforcement agencies; 4266

(b) The courts of appeals, courts of common pleas, municipal 4267  
courts, county courts, and mayor's courts, when dealing with 4268  
criminal cases; 4269

(c) The prosecuting attorneys, city directors of law, village 4270  
solicitors, and other prosecuting authorities when prosecuting or 4271  
otherwise handling criminal cases and the county and joint county 4272  
public defenders and other public defender agencies or offices; 4273  
4274

(d) The department of rehabilitation and correction, 4275  
probation departments, county and municipal jails and workhouses, 4276  
and any other department, agency, or facility that is concerned 4277  
with the rehabilitation or correction of criminal offenders; 4278

(e) Any public or private agency whose purposes include the 4279  
prevention of crime or the diversion, adjudication, detention, or 4280

rehabilitation of criminal offenders; 4281

(f) Any public or private agency, the purposes of which 4282  
include assistance to crime victims or witnesses. 4283

(2) The inclusion of any public or private agency, the 4284  
purposes of which include assistance to crime victims or 4285  
witnesses, as part of the criminal justice system pursuant to 4286  
division (B)(1) of this section does not limit, and shall not be 4287  
construed as limiting, the discretion or authority of the attorney 4288  
general with respect to crime victim assistance and criminal 4289  
justice programs. 4290

(C) "Juvenile justice system" includes all of the functions 4291  
of the juvenile courts, the department of youth services, any 4292  
public or private agency whose purposes include the prevention of 4293  
delinquency or the diversion, adjudication, detention, or 4294  
rehabilitation of delinquent children, and any of the functions of 4295  
the criminal justice system that are applicable to children. 4296

(D) "Comprehensive plan" means a document that coordinates, 4297  
evaluates, and otherwise assists, on an annual or multi-year 4298  
basis, ~~all~~ any of the functions of the criminal and juvenile 4299  
justice systems of the state or a specified area of the state, 4300  
that conforms to the priorities of the state with respect to 4301  
criminal and juvenile justice systems, and that conforms with the 4302  
requirements of all federal criminal justice acts. These functions 4303  
may include, but are not limited to, ~~all~~ any of the following: 4304  
4305

(1) Crime and delinquency prevention; 4306

(2) Identification, detection, apprehension, and detention of 4307  
persons charged with criminal offenses or delinquent acts; 4308

(3) Assistance to crime victims or witnesses, except that the 4309  
comprehensive plan does not include the functions of the attorney 4310  
general pursuant to sections 109.91 and 109.92 of the Revised 4311

Code;	4312
(4) Adjudication or diversion of persons charged with criminal offenses or delinquent acts;	4313 4314
(5) Custodial treatment of criminal offenders <del>and</del> , delinquent children, <u>or both</u> ;	4315 4316
(6) Institutional and noninstitutional rehabilitation of criminal offenders <del>and</del> , delinquent children, <u>or both</u> .	4317 4318
(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.	4319 4320 4321
(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.	4322 4323 4324
(G) "Criminal justice coordinating council" means a criminal justice services agency that is established pursuant to division <del>(B)</del> <u>(D)</u> of section 181.56 of the Revised Code.	4325 4326 4327
(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.	4328 4329 4330 4331 4332 4333
<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>	4334 4335 4336
<b>Sec. 181.52.</b> (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	4337 4338 4339 4340

are necessary to enable the office to comply with sections 181.51 4341  
to 181.56 of the Revised Code. The director and the assistant 4342  
director of the office, and all professional and technical 4343  
personnel employed within the office who are not public employees 4344  
as defined in section 4117.01 of the Revised Code, shall be in the 4345  
unclassified civil service, and all other persons employed within 4346  
the office shall be in the classified civil service. The director 4347  
may enter into any contracts, except contracts governed by Chapter 4348  
4117. of the Revised Code, that are necessary for the operation of 4349  
the office. 4350

(B) Subject to division ~~(D)~~(E) of this section and subject to 4351  
divisions (D) to (F) of section 5120.09 of the Revised Code 4352  
insofar as those divisions relate to federal criminal justice acts 4353  
that the governor requires the department of rehabilitation and 4354  
correction to administer, the office of criminal justice services 4355  
shall do all of the following: 4356

(1) Serve as the state criminal justice services agency and 4357  
perform criminal ~~and juvenile~~ justice system planning in the 4358  
state, including any planning that is required by any federal law; 4359

(2) Collect, analyze, and correlate information and data 4360  
concerning the criminal ~~and juvenile~~ justice ~~systems~~ system in the 4361  
state; 4362

(3) Cooperate with and provide technical assistance to state 4363  
departments, administrative planning districts, metropolitan 4364  
county criminal justice services agencies, criminal justice 4365  
coordinating councils, agencies, offices, and departments of the 4366  
criminal ~~and juvenile~~ justice ~~systems~~ system in the state, and 4367  
other appropriate organizations and persons; 4368

(4) Encourage and assist agencies, offices, and departments 4369  
of the criminal ~~and juvenile~~ justice ~~systems~~ system in the state 4370  
and other appropriate organizations and persons to solve problems 4371  
that relate to the duties of the office; 4372

(5) Administer within the state any federal criminal justice acts <del>or juvenile justice acts</del> that the governor requires it to administer;	4373 4374 4375
(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>	4376 4377 4378 4379 4380
(7) Implement the state comprehensive plans;	4381
<del>(7)</del> (8) Audit grant activities of agencies, offices, organizations, and persons that are financed in whole or in part by funds granted through the office;	4382 4383 4384
<del>(8)</del> (9) Monitor or evaluate the performance of criminal <del>and juvenile justice systems</del> <u>system</u> projects and programs in the state that are financed in whole or in part by funds granted through the office;	4385 4386 4387 4388
<del>(9)</del> (10) Apply for, allocate, disburse, and account for grants that are made available pursuant to federal criminal justice acts <del>or juvenile justice acts</del> , or made available from other federal, state, or private sources, to improve the criminal <del>and juvenile justice systems</del> <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.	4389 4390 4391 4392 4393 4394 4395 4396 4397 4398 4399
<del>(10)</del> (11) Contract with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the office;	4400 4401 4402
<del>(11)</del> (12) Oversee the activities of metropolitan county	4403

criminal justice services agencies, administrative planning 4404  
districts, and criminal justice coordinating councils in the 4405  
state; 4406

~~(12)~~(13) Advise the general assembly and governor on 4407  
legislation and other significant matters that pertain to the 4408  
improvement and reform of criminal and juvenile justice systems in 4409  
the state; 4410

~~(13)~~(14) Prepare and recommend legislation to the general 4411  
assembly and governor for the improvement of the criminal and 4412  
juvenile justice systems in the state; 4413

~~(14)~~(15) Assist, advise, and make any reports that are 4414  
requested or required by the governor, attorney general, or 4415  
general assembly; 4416

~~(15)~~(16) Adopt rules pursuant to Chapter 119. of the Revised 4417  
Code. 4418

(C) ~~Division~~ Upon the request of the governor, the office of 4419  
criminal justice services may do any of the following: 4420

(1) Collect, analyze, or correlate information and data 4421  
concerning the juvenile justice system in the state; 4422

(2) Cooperate with and provide technical assistance to state 4423  
departments, administrative planning districts, metropolitan 4424  
county criminal justice service agencies, criminal justice 4425  
coordinating councils, agency offices, and the departments of the 4426  
juvenile justice system in the state and other appropriate 4427  
organizations and persons; 4428

(3) Encourage and assist agencies, offices, and departments 4429  
of the juvenile justice system in the state and other appropriate 4430  
organizations and persons to solve problems that relate to the 4431  
duties of the office. 4432

(D) Divisions (B) and (C) of this section does do not limit 4433

the discretion or authority of the attorney general with respect 4434  
to crime victim assistance and criminal justice programs. 4435

~~(D)~~(E) Nothing in this section is intended to diminish or 4436  
alter the status of the office of the attorney general as a 4437  
criminal justice services agency. 4438

**Sec. 181.54.** (A) A county may enter into an agreement with 4439  
the largest city within the county to establish a metropolitan 4440  
county criminal justice services agency, if the population of the 4441  
county exceeds five hundred thousand or the population of the city 4442  
exceeds two hundred fifty thousand. 4443

(B) A metropolitan county criminal justice services agency 4444  
shall do all of the following: 4445

(1) Accomplish criminal and juvenile justice systems planning 4446  
within its services area; 4447

(2) Collect, analyze, and correlate information and data 4448  
concerning the criminal and juvenile justice systems within its 4449  
services area; 4450

(3) Cooperate with and provide technical assistance to all 4451  
criminal and juvenile justice agencies and systems and other 4452  
appropriate organizations and persons within its services area; 4453

(4) Encourage and assist agencies of the criminal and 4454  
juvenile justice systems and other appropriate organizations and 4455  
persons to solve problems that relate to its duties; 4456

(5) Administer within its services area any federal criminal 4457  
justice acts or juvenile justice acts that the office of criminal 4458  
justice services or the department of youth services administers 4459  
within the state; 4460

(6) Implement the comprehensive plans for its services area; 4461

(7) Monitor or evaluate, within its services area, the 4462



performance of the criminal and juvenile justice systems projects 4463  
and programs that are financed in whole or in part by funds 4464  
granted through it; 4465

(8) Apply for, allocate, and disburse grants that are made 4466  
available pursuant to any federal criminal justice acts, or 4467  
pursuant to any other federal, state, or private sources for the 4468  
purpose of improving the criminal and juvenile justice systems; 4469

(9) Contract with federal, state, and local agencies, 4470  
foundations, corporations, and other businesses or persons to 4471  
carry out the duties of the agency. 4472

**Sec. 181.56.** (A) In counties in which a metropolitan county 4473  
criminal justice services agency does not exist, the office of 4474  
criminal justice services shall discharge the office's duties that 4475  
the governor requires it to administer by establishing 4476  
administrative planning districts for criminal justice programs. 4477  
An administrative planning district shall contain a group of 4478  
contiguous counties in which no county has a metropolitan county 4479  
criminal justice services agency. 4480

(B) In counties in which a metropolitan county criminal 4481  
justice services agency does not exist, the department of youth 4482  
services shall discharge the department's duty by establishing 4483  
administrative planning districts for juvenile justice programs. 4484

(C) All administrative planning districts shall contain a 4485  
group of contiguous counties in which no county has a metropolitan 4486  
county criminal justice services agency. 4487

(D) Any county or any combination of contiguous counties 4488  
within an administrative planning district may form a criminal 4489  
justice coordinating council or a juvenile justice coordinating 4490  
council for its respective programs, if the county or the group of 4491  
counties has a total population in excess of two hundred fifty 4492

thousand. The council shall comply with the conditions set forth 4493  
in divisions (B) and (C) of section 181.55 of the Revised Code, 4494  
and exercise within its jurisdiction the powers and duties set 4495  
forth in division (B) of section 181.54 of the Revised Code. 4496

**Sec. 183.09.** The fiscal year of the tobacco use prevention 4497  
and control foundation shall be the same as the fiscal year of the 4498  
state. 4499

Within ninety days after the end of each fiscal year, the 4500  
foundation shall submit to the governor and the general assembly 4501  
both of the following: 4502

(A) A report of the activities of the foundation during the 4503  
preceding fiscal year and an independent and objective evaluation 4504  
of the progress being made by the foundation in reducing tobacco 4505  
use by Ohioans; 4506

(B) A financial report of the foundation for the preceding 4507  
fiscal year, which shall include both: 4508

(1) Information on the amount and percentage of overhead and 4509  
administrative expenditures compared to programmatic expenditures; 4510

(2) An independent auditor's report on the ~~general purpose~~ 4511  
basic financial statements and required supplementary information 4512  
of the foundation. Such financial statements shall be prepared in 4513  
conformity with generally accepted accounting principles 4514  
prescribed for governmental entities. 4515

**Sec. 183.10.** The law enforcement improvements trust fund is 4516  
hereby created in the state treasury. Money credited to the fund 4517  
shall be used by the attorney general to maintain, upgrade, and 4518  
modernize the law enforcement training, law enforcement 4519  
technology, and laboratory ~~facilities~~ equipment of the office of 4520  
the attorney general. All investment earnings of the fund shall be 4521  
credited to the fund. 4522

**Sec. 183.17.** The fiscal year of the southern Ohio 4523  
agricultural and community development foundation shall be the 4524  
same as the fiscal year of the state. 4525

Within ninety days after the end of each fiscal year, the 4526  
foundation shall submit to the governor and the general assembly 4527  
both of the following: 4528

(A) A report of the activities of the foundation during the 4529  
preceding fiscal year. The report shall also contain an 4530  
independent evaluation of the progress being made by the 4531  
foundation in carrying out its duties. 4532

(B) A financial report of the foundation for the preceding 4533  
year, which shall include both: 4534

(1) Information on the amount and percentage of overhead and 4535  
administrative expenditures compared to programmatic expenditures; 4536

(2) An independent auditor's report on the ~~general purpose~~ 4537  
basic financial statements and required supplementary information 4538  
of the foundation. Such financial statements shall be prepared in 4539  
conformity with generally accepted accounting principles 4540  
prescribed for governmental entities. 4541

On or before July 1, 2010, the foundation shall report to the 4542  
governor and the general assembly on the progress that the 4543  
foundation has made in replacing the production of tobacco in 4544  
southern Ohio with the production of other agricultural products 4545  
and in mitigating the adverse economic impact of reduced tobacco 4546  
production in the region. ~~It~~ If the foundation concludes that a 4547  
need for additional funding still exists, the foundation may 4548  
request that provision be made for a portion of the payments 4549  
credited to the tobacco master settlement agreement fund to 4550  
continue to be transferred to the southern Ohio agricultural and 4551  
community development trust fund. 4552

Sec. 301.27. (A) As used in this section:	4553
(1) "Credit card" includes a gasoline credit card and a telephone credit card.	4554 4555
(2) "Officer" includes an individual who also is an appointing authority.	4556 4557
(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.	4558 4559 4560 4561
(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 <del>food, transportation, gasoline</del> <u>expenses, limited to the following:</u>	4562 4563 4564 4565
<u>(1) Food expenses;</u>	4566
<u>(2) Transportation expenses;</u>	4567
<u>(3) Gasoline and oil, <del>minor</del> expenses;</u>	4568
<u>(4) Minor motor vehicle maintenance, <del>emergency</del>;</u>	4569
<u>(5) Emergency motor vehicle repair, <del>telephone, lodging, and internet</del> expenses;</u>	4570 4571
<u>(6) Telephone expenses;</u>	4572
<u>(7) Lodging expenses;</u>	4573
<u>(8) Internet service provider expenses;</u>	4574
<u>(9) 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>	4575 4576 4577 4578 4579 4580

(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

approved for use, and is free from previous and then-outstanding 4613  
obligations or certifications, the board shall authorize the 4614  
officer or employee to incur debt for such expenses against the 4615  
county's credit up to the authorized amount. 4616

(2) In lieu of following the procedure set forth in division 4617  
(E)(1) of this section, a board of county commissioners may adopt 4618  
a resolution authorizing an officer or employee of an appointing 4619  
authority to use a county credit card to pay for specific classes 4620  
of the work-related expenses listed in division (B) of this 4621  
section, or use a specific credit card for any of those 4622  
work-related expenses listed in division (B) of this section, 4623  
without submitting an estimate of those expenses to the board as 4624  
required by division (E)(1) of this section. Prior to adopting the 4625  
resolution, the board shall notify the county auditor. The 4626  
resolution shall specify whether the officer's or employee's 4627  
exemption extends to the use of a specific card, which card shall 4628  
be identified by its number, or to one or more specific 4629  
work-related uses from the classes of uses permitted under 4630  
division (B) of this section. Before any credit card exempted for 4631  
specific uses may be used to make purchases for uses other than 4632  
those specific uses listed in the resolution, the procedures 4633  
outlined in division (E)(1) of this section must be followed or 4634  
the use shall be considered an unauthorized use. Use of any credit 4635  
card under division (E)(2) of this section shall be limited to the 4636  
amount appropriated and encumbered in a specific appropriation 4637  
line item for the permitted use or uses designated in the 4638  
authorizing resolution, or, in the case of a resolution that 4639  
authorizes use of a specific credit card, for each of the 4640  
permitted uses listed in division (B) of this section, but only to 4641  
the extent the moneys in such appropriations are not otherwise 4642  
encumbered. 4643

(F)(1) Any time a county credit card approved for use for an 4644

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 4677  
reimbursed for any amount spent beyond the originally appropriated 4678  
amount in the following manner: 4679

(a) If the card is issued in the name of a specific officer 4680  
or employee, then that officer or employee is liable in person and 4681  
upon any official bond the officer or employee has given to the 4682  
county for reimbursing the county treasury for any amount charged 4683  
on the card beyond the originally appropriated amount. 4684

(b) If the card is issued in the name of the office of the 4685  
appointing authority, then the appointing authority is liable in 4686  
person and upon any official bond the appointing authority has 4687  
given to the county for reimbursement for any amount charged on 4688  
the card beyond the originally appropriated amount. 4689

(3) Whenever any officer or employee authorized to use a 4690  
credit card held by the board or the office of any other county 4691  
appointing authority suspects the loss, theft, or possibility of 4692  
unauthorized use of the county credit card the officer or employee 4693  
is authorized to use, the officer or employee shall so notify the 4694  
officer's or employee's appointing authority or the board 4695  
immediately and in writing. 4696

(4) If the county auditor determines there has been a credit 4697  
card expenditure beyond the appropriated or authorized amount as 4698  
provided in division (E) of this section, the auditor immediately 4699  
shall notify the board of county commissioners of this fact. When 4700  
the board of county commissioners determines on its own or after 4701  
notification from the county auditor that the county treasury 4702  
should be reimbursed for credit card expenditures beyond the 4703  
appropriated or authorized amount as provided in divisions (F)(1) 4704  
and (2) of this section, it shall give written notice to the 4705  
officer or employee or appointing authority liable to the treasury 4706  
as provided in divisions (F)(1) and (2) of this section. If, 4707  
within thirty days after issuance of this written notice the 4708



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 4740  
by the sheriff, as to the manner in which the fund provided by 4741  
this section has been expended during the current year, and, if 4742  
any part of that fund remains in the sheriff's hands unexpended, 4743  
forthwith shall pay the remainder into the county treasury. 4744

**Sec. 329.042.** The county department of job and family 4745  
services shall certify public assistance and nonpublic assistance 4746  
households eligible under the "Food Stamp Act of 1964," 78 Stat. 4747  
703, 7 U.S.C.A. 2011, as amended, and federal and state 4748  
regulations adopted pursuant to such act, to enable low-income 4749  
households to participate in the food stamp program and thereby to 4750  
purchase foods having a greater monetary value than is possible 4751  
under public assistance standard allowances or other low-income 4752  
budgets. 4753

The county department of job and family services shall 4754  
administer the distribution of food stamp ~~coupons~~ benefits under 4755  
the supervision of the department of job and family services. ~~Such~~ 4756  
~~coupons~~ The benefits shall be distributed by ~~mail in accordance~~ 4757  
~~with sections 5101.541, 5101.542, and 5101.543 of the Revised~~ 4758  
~~Code, or by some alternative~~ a method approved by the department 4759  
of job and family services in accordance with the "Food Stamp Act 4760  
of 1964," 78 Stat. 703, 7 U.S.C.A. 2011, as amended, and 4761  
regulations issued thereunder. 4762

The document referred to as the "authorization-to-participate 4763  
card," which shows the face value of the ~~coupon allotment~~ benefits 4764  
an eligible household is entitled to receive on presentment of the 4765  
document, shall be issued, immediately upon certification, to a 4766  
household determined under division (C) of section 5101.54 of the 4767  
Revised Code to be in immediate need of food assistance by being 4768  
personally handed by a member of the staff of the county 4769  
department of job and family services to the member of the 4770

household in whose name application was made for participation in 4771  
the program or the authorized representative of such member of the 4772  
household. 4773

~~Sec. 5101.19 329.19.~~ (A) Upon determining that a person or 4774  
persons are eligible for ~~aid payments~~ benefits or services under 4775  
~~Chapter 5107. or 5115. of the Revised Code~~ any assistance program 4776  
administered by the county department of job and family services, 4777  
the county department may issue an identification card ~~shall be~~ 4778  
~~issued to the individual designated to receive warrants for aid~~ 4779  
~~payments~~ person or persons. Such ~~cards may be made up and issued~~ 4780  
~~by the county department of job and family services, or the~~ 4781  
~~department of job and family services may enter into a contract~~ 4782  
~~with any person, corporation, or agency, public or private, to~~ 4783  
~~furnish cards to individuals certified by the county department.~~ 4784  
The county department of job and family services shall determine 4785  
the card's material, design, and informational content, which 4786  
~~shall~~ may include a photograph, social security number, name, and 4787  
signature, and shall prescribe the procedure by which it is 4788  
issued. 4789

~~(B) Any county department of job and family services which on~~ 4790  
~~July 7, 1972 is furnishing identification cards to individuals~~ 4791  
~~designated to receive warrants for aid payments under Chapter~~ 4792  
~~5107. of the Revised Code, may continue to issue such cards and~~ 4793  
~~may issue identification cards to individuals designated to~~ 4794  
~~receive warrants for aid payments under Chapter 5115. of the~~ 4795  
~~Revised Code under procedures developed by the county, in lieu of~~ 4796  
~~those established under division (A) of this section, provided:~~ 4797

~~(1) The information borne on the card is substantially the~~ 4798  
~~same as that required in division (A) of this section:~~ 4799

~~(2) The county complies with any regulations adopted by the~~ 4800  
~~director of job and family services which are applicable to such a~~ 4801

~~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

overpasses, lighting facilities, design amenities, or other 4896  
community facilities, and buildings needed in connection with 4897  
water supply or sewage disposal installations or steam, gas, or 4898  
electric lines or installation. 4899

(J) "Cost" as applied to a new community development program 4900  
means all costs related to land acquisition and land development, 4901  
the acquisition, construction, maintenance, and operation of 4902  
community facilities and offices of the community authority, and 4903  
of providing furnishings and equipment therefor, financing charges 4904  
including interest prior to and during construction and for the 4905  
duration of the new community development program, planning 4906  
expenses, engineering expenses, administrative expenses including 4907  
working capital, and all other expenses necessary and incident to 4908  
the carrying forward of the new community development program. 4909

(K) "Income source" means any and all sources of income to 4910  
the community authority, including community development charges 4911  
of which the new community authority is the beneficiary as 4912  
provided in section 349.07 of the Revised Code, rentals, user fees 4913  
and other charges received by the new community authority, any 4914  
gift or grant received, any moneys received from any funds 4915  
invested by or on behalf of the new community authority, and 4916  
proceeds from the sale or lease of land and community facilities. 4917

(L) "Community development charge" means a dollar amount 4918  
which shall be determined on the basis of the assessed valuation 4919  
of real property or interests in real property in a new community 4920  
district sold, leased, or otherwise conveyed by the developer or 4921  
the new community authority, the income of the residents of such 4922  
property subject to such charge under section 349.07 of the 4923  
Revised Code, if such property is devoted to residential uses or 4924  
to the profits of any business, a uniform fee on each parcel of 4925  
such real property originally sold, leased, or otherwise conveyed 4926  
by the developer or new community authority, or any combination of 4927

the foregoing bases. 4928

(M) "Proximate city" means any city that, as of the date of 4929  
filing of the petition under section 349.03 of the Revised Code, 4930  
is the most populous city of the county in which the proposed new 4931  
community district is located, is the most populous city of an 4932  
adjoining county if any portion of such city is within five miles 4933  
of any part of the boundaries of such district, or exercises 4934  
extraterritorial subdivision authority under section 711.09 of the 4935  
Revised Code with respect to any part of such district. 4936

**Sec. 503.162.** (A) After certification of a resolution as 4937  
provided in section 503.161 of the Revised Code, the board of 4938  
elections shall submit the question of whether the township's name 4939  
shall be changed to the electors of the unincorporated area of the 4940  
township in accordance with division (C) of that section, and the 4941  
ballot language shall be substantially as follows: 4942

"Shall the township of ..... (name) change its name to 4943  
..... (proposed name)? 4944

..... For name change 4945

..... Against name change" 4946

(B) At least forty-five days before the election on this 4947  
question, the board of township trustees shall provide notice of 4948  
the election and an explanation of the proposed name change in a 4949  
newspaper of general circulation in the township for three 4950  
consecutive weeks and shall post the notice and explanation in 4951  
five conspicuous places in the unincorporated area of the 4952  
township. 4953

(C) If a majority of the votes cast on the proposition of 4954  
changing the township's name is in the affirmative, the name 4955  
change is adopted and becomes effective ninety days after the 4956  
board of elections certifies the election results to the clerk of 4957



the township. Upon receipt of the certification of the election 4958  
results from the board of elections, the clerk of the township 4959  
shall send a copy of that certification to the secretary of state 4960  
and to the state and local government commission of Ohio. 4961

(D) A change in the name of a township shall not alter the 4962  
rights or liabilities of the township as previously named. 4963

**Sec. 504.03.** (A)(1) If a limited home rule government is 4964  
adopted pursuant to section 504.02 of the Revised Code, it shall 4965  
remain in effect for at least three years except as otherwise 4966  
provided in division (B) of this section. At the end of that 4967  
period, if the board of township trustees determines that that 4968  
government is not in the best interests of the township, it may 4969  
adopt a resolution causing the board of elections to submit to the 4970  
electors of the unincorporated area of the township the question 4971  
of whether the township should continue the limited home rule 4972  
government. The question shall be voted upon at the next general 4973  
election occurring at least seventy-five days after the 4974  
certification of the resolution to the board of elections. After 4975  
certification of the resolution, the board of elections shall 4976  
submit the question to the electors of the unincorporated area of 4977  
the township, and the ballot language shall be substantially as 4978  
follows: 4979

"Shall the township of ..... (name) continue the 4980  
limited home rule government under which it is operating? 4981  
..... For continuation of the limited home rule government 4982  
..... Against continuation of the limited home rule government" 4983

(2) At least forty-five days before the election on the 4984  
question of continuing the limited home rule government, the board 4985  
of township trustees shall have notice of the election published 4986  
in a newspaper of general circulation in the township for three 4987  
consecutive weeks and have the notice posted in five conspicuous 4988

places in the unincorporated area of the township. 4989

(B) The electors of a township that has adopted a limited 4990  
home rule government may propose at any time by initiative 4991  
petition, in accordance with section 504.14 of the Revised Code, a 4992  
resolution submitting to the electors in the unincorporated area 4993  
of the township, in an election, the question set forth in 4994  
division (A)(1) of this section. 4995

(C) If a majority of the votes cast under division (A) or (B) 4996  
of this section on the proposition of continuing the limited home 4997  
rule government is in the negative, that government is terminated 4998  
effective on the first day of January immediately following the 4999  
election, and a limited home rule government shall not be adopted 5000  
in the unincorporated area of the township pursuant to section 5001  
504.02 of the Revised Code for at least three years after that 5002  
date. 5003

(D) If a limited home rule government is terminated ~~pursuant~~ 5004  
~~to~~ under this section, the board of township trustees immediately 5005  
shall adopt a resolution repealing all resolutions adopted 5006  
pursuant to this chapter that are not authorized by any other 5007  
section of the Revised Code outside this chapter, effective on the 5008  
first day of January immediately following the election described 5009  
in division (A) or (B) of this section. However, no resolution 5010  
adopted under this division shall affect or impair the obligations 5011  
of the township under any security issued or contracts entered 5012  
into by the township in connection with the financing of any water 5013  
supply facility or sewer improvement under sections 504.18 to 5014  
504.20 of the Revised Code or the authority of the township to 5015  
collect or enforce any assessments or other revenues constituting 5016  
security for or source of payments of debt service charges of 5017  
those securities. 5018

(E) Upon the termination of a limited home rule government 5019  
under this section, if the township had converted its board of 5020

township trustees to a five-member board under section 504.21 of 5021  
the Revised Code, the current board member who received the lowest 5022  
number of votes of the current board members who were elected at 5023  
the most recent election for township trustees, and the current 5024  
board member who received the lowest number of votes of the 5025  
current board members who were elected at the second most recent 5026  
election for township trustees, shall cease to be township 5027  
trustees on the date that the limited home rule government 5028  
terminates. Their offices likewise shall cease to exist at that 5029  
time, and the board shall continue as a three-member board as 5030  
provided in section 505.01 of the Revised Code. 5031

**Sec. 504.04.** (A) A township that adopts a limited home rule 5032  
government may do all of the following by resolution, provided 5033  
that any of these resolutions, other than a resolution to supply 5034  
water or sewer services in accordance with sections 504.18 to 5035  
504.20 of the Revised Code, may be enforced only by the imposition 5036  
of civil fines as authorized in this chapter: 5037

(1) Exercise all powers of local self-government within the 5038  
unincorporated area of the township, other than powers that are in 5039  
conflict with general laws, except that the township shall comply 5040  
with the requirements and prohibitions of this chapter, and shall 5041  
enact no taxes other than those authorized by general law, and 5042  
except that no resolution adopted pursuant to this chapter shall 5043  
encroach upon the powers, duties, and privileges of elected 5044  
township officers or change, alter, combine, eliminate, or 5045  
otherwise modify the form or structure of the township government 5046  
unless the change is required or permitted by this chapter; 5047

(2) Adopt and enforce within the unincorporated area of the 5048  
township local police, sanitary, and other similar regulations 5049  
that are not in conflict with general laws or otherwise prohibited 5050  
by division (B) of this section; 5051

(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.

(B) No resolution adopted pursuant to this chapter shall do any of the following:

(1) Create a criminal offense or impose criminal penalties, except as authorized by division (A) of this section;

(2) Impose civil fines other than as authorized by this chapter;

(3) Establish or revise subdivision regulations, road construction standards, urban sediment rules, or storm water and drainage regulations;

(4) Establish or revise building standards, building codes, and other standard codes except as provided in section 504.13 of the Revised Code;

(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;

(6) Establish regulations affecting hunting, trapping, fishing, or the possession, use, or sale of firearms;

(7) Establish or revise water or sewer regulations, except in accordance with sections 504.18 and 504.19 of the Revised Code.

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.

(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

law director pursuant to section 504.15 of the Revised Code, and 5082  
except that section 504.21 of the Revised Code also shall apply if 5083  
a five-member board of township trustees is approved for the 5084  
township. 5085

(D) In case of conflict between resolutions enacted by a 5086  
board of township trustees and municipal ordinances or 5087  
resolutions, the ordinance or resolution enacted by the municipal 5088  
corporation prevails. In case of conflict between resolutions 5089  
enacted by a board of township trustees and any county resolution, 5090  
the resolution enacted by the board of township trustees prevails. 5091

Sec. 504.21. (A) By a unanimous vote, the board of township 5092  
trustees of a limited home rule township may pass a resolution to 5093  
place on the ballot at the next general election described in this 5094  
division the question of whether the board should be converted to 5095  
a five-member board. Upon passage of the resolution, the question 5096  
shall be voted upon at the next general election occurring at 5097  
least seventy-five days after the board certifies the resolution 5098  
to the board of elections. 5099

(B) If a majority of the votes cast on the question of 5100  
converting the board of township trustees to a five-member board 5101  
is in the affirmative, at the next election at which any members 5102  
of the board are elected, two additional board members shall be 5103  
elected, one for a four-year term of office and the other for a 5104  
two-year term of office. Their successors thereafter shall be 5105  
elected for four-year terms of office. 5106

(C) If a board of township trustees is converted to a 5107  
five-member board, the board members shall be elected by 5108  
determining which individuals receive the highest number of votes 5109  
from a slate of candidates running for the office of township 5110  
trustee. If the first election after a township converts its board 5111  
of township trustees to a five-member board is an election for 5112

three four-year term members and one two-year term member, the 5113  
three candidates who receive the highest number of votes from the 5114  
slate of candidates for township trustee shall serve a four-year 5115  
term and the candidate who receives the fourth highest number of 5116  
votes from that slate of candidates shall serve a two-year term. 5117

**Sec. 505.24.** Each township trustee is entitled to 5118  
compensation as follows: 5119

(A) Except as otherwise provided in division (B) of this 5120  
section, an amount for each day of service in the business of the 5121  
township, to be paid from the township treasury as follows: 5122

(1) In townships having a budget of fifty thousand dollars or 5123  
less, twenty dollars per day for not more than two hundred days; 5124  
5125

(2) In townships having a budget of more than fifty thousand 5126  
but not more than one hundred thousand dollars, twenty-four 5127  
dollars per day for not more than two hundred days; 5128

(3) In townships having a budget of more than one hundred 5129  
thousand but not more than two hundred fifty thousand dollars, 5130  
twenty-eight dollars and fifty cents per day for not more than two 5131  
hundred days; 5132

(4) In townships having a budget of more than two hundred 5133  
fifty thousand but not more than five hundred thousand dollars, 5134  
thirty-three dollars per day for not more than two hundred days; 5135

(5) In townships having a budget of more than five hundred 5136  
thousand but not more than seven hundred fifty thousand dollars, 5137  
thirty-five dollars per day for not more than two hundred days; 5138

(6) In townships having a budget of more than seven hundred 5139  
fifty thousand but not more than one million five hundred thousand 5140  
dollars, forty dollars per day for not more than two hundred days; 5141

(7) In townships having a budget of more than one million 5142  
five hundred thousand but not more than three million five hundred 5143  
thousand dollars, forty-four dollars per day for not more than two 5144  
hundred days; 5145

(8) In townships having a budget of more than three million 5146  
five hundred thousand dollars but not more than six million 5147  
dollars, forty-eight dollars per day for not more than two hundred 5148  
days; 5149

(9) In townships having a budget of more than six million 5150  
dollars, fifty-two dollars per day for not more than two hundred 5151  
days. 5152

(B) Beginning in calendar year 1999, the amounts paid as 5153  
specified in division (A) of this section shall be replaced by the 5154  
following amounts: 5155

(1) In calendar year 1999, the amounts specified in division 5156  
(A) of this section increased by three per cent; 5157

(2) In calendar year 2000, the amounts determined under 5158  
division (B)(1) of this section increased by three per cent; 5159

(3) In calendar year 2001, the amounts determined under 5160  
division (B)(2) of this section increased by three per cent; 5161

(4) In calendar year 2002, except in townships having a 5162  
budget of more than six million dollars, the amounts determined 5163  
under division (B)(3) of this section increased by three per cent; 5164  
in townships having a budget of more than six million but not more 5165  
than ten million dollars, seventy dollars per day for not more 5166  
than two hundred days; and in townships having a budget of more 5167  
than ten million dollars, ninety dollars per day for not more than 5168  
two hundred days; 5169

(5) In calendar years 2003 through 2008, the amounts 5170  
determined under division (B) of this section for the immediately 5171

preceding calendar year increased by the lesser of the following: 5172

(a) Three per cent; 5173

(b) The percentage increase, if any, in the consumer price 5174  
index over the twelve-month period that ends on the thirtieth day 5175  
of September of the immediately preceding calendar year, rounded 5176  
to the nearest one-tenth of one per cent; 5177

(6) In calendar year 2009 and thereafter, the amount 5178  
determined under division (B) of this section for calendar year 5179  
2008. 5180

As used in division (B) of this section, "consumer price 5181  
index" has the same meaning as in section 325.18 of the Revised 5182  
Code. 5183

(C) Whenever members of a board of township trustees are 5184  
compensated per diem and not by annual salary, the board shall 5185  
establish, by resolution, a method by which each member of the 5186  
board shall periodically notify the township clerk of the number 5187  
of days spent in the service of the township and the kinds of 5188  
services rendered on those days. The per diem compensation shall 5189  
be paid from the township general fund or from other township 5190  
funds in such proportions as the kinds of services performed may 5191  
require. The notice shall be filed with the township clerk and 5192  
preserved for inspection by any persons interested. 5193

By unanimous vote, a board of township trustees may adopt a 5194  
method of compensation consisting of an annual salary to be paid 5195  
in equal monthly payments. If the office of trustee is held by 5196  
more than one person during any calendar year, each person holding 5197  
the office shall receive payments for only those months, and any 5198  
fractions of those months, during which the person holds the 5199  
office. The amount of the annual salary approved by the board 5200  
shall be no more than the maximum amount that could be received 5201  
annually by a trustee if the trustee were paid on a per diem basis 5202



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; 5233  
5234

(8) In townships having a budget of more than three million 5235  
five hundred thousand dollars but not more than six million 5236  
dollars, sixteen thousand five hundred dollars; 5237

(9) In townships having a budget of more than six million 5238  
dollars, seventeen thousand six hundred dollars. 5239

(B) Any township clerk may elect to receive less than the 5240  
compensation the clerk is entitled to under division (A) of this 5241  
section. Any clerk electing to do this shall so notify the board 5242  
of township trustees in writing, and the board shall include this 5243  
notice in the minutes of its next board meeting. 5244

(C) The compensation of the township clerk shall be paid in 5245  
equal monthly payments. If the office of clerk is held by more 5246  
than one person during any calendar year, each person holding the 5247  
office shall receive payments for only those months, and any 5248  
fractions of those months, during which the person holds the 5249  
office. 5250

(D) Beginning in calendar year 1999, the township clerk shall 5251  
be entitled to compensation as follows: 5252

(1) In calendar year 1999, the compensation specified in 5253  
division (A) of this section increased by three per cent; 5254

(2) In calendar year 2000, the compensation determined under 5255  
division (D)(1) of this section increased by three per cent; 5256

(3) In calendar year 2001, the compensation determined under 5257  
division (D)(2) of this section increased by three per cent; 5258

(4) In calendar year 2002, except in townships having a 5259  
budget of more than six million dollars, the compensation 5260  
determined under division (D)(3) of this section increased by 5261  
three per cent; in townships having a budget of more than six 5262

million but not more than ten million dollars, nineteen thousand 5263  
eight hundred ten dollars; and in townships having a budget of 5264  
more than ten million dollars, twenty thousand nine hundred 5265  
dollars; 5266

(5) In calendar years 2003 through 2008, the compensation 5267  
determined under division (D) of this section for the immediately 5268  
preceding calendar year increased by the lesser of the following: 5269

(a) Three per cent; 5270

(b) The percentage increase, if any, in the consumer price 5271  
index over the twelve-month period that ends on the thirtieth day 5272  
of September of the immediately preceding calendar year, rounded 5273  
to the nearest one-tenth of one per cent; 5274

(6) In calendar year 2009 and thereafter, the amount 5275  
determined under division (D) of this section for calendar year 5276  
2008. 5277

As used in this division, "consumer price index" has the same 5278  
meaning as in section 325.18 of the Revised Code. 5279

**Sec. 901.43.** (A) The director of agriculture may authorize 5280  
any department of agriculture laboratory to perform a laboratory 5281  
service for any person, organization, political subdivision, state 5282  
agency, federal agency, or other entity, whether public or 5283  
private. The director shall adopt and enforce rules to provide for 5284  
the rendering of a laboratory service. 5285

(B) The director may charge a reasonable fee for the 5286  
performance of a laboratory service, except when the service is 5287  
performed on an official sample taken by the director acting 5288  
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 5289  
Revised Code; by a board of health acting as the licensor of 5290  
retail food establishments or food service operations under 5291  
Chapter 3717. of the Revised Code; or by the director of health 5292

acting as the licensor of food service operations under Chapter 5293  
3717. of the Revised Code. The director of agriculture shall adopt 5294  
rules specifying what constitutes an official sample. 5295

The director shall publish a list of laboratory services 5296  
offered, together with the fee for each service. 5297

(C) The director may enter into a contract with any person, 5298  
organization, political subdivision, state agency, federal agency, 5299  
or other entity for the provision of a laboratory service. 5300

(D)(1) The director may adopt rules establishing standards 5301  
for accreditation of laboratories and laboratory services and in 5302  
doing so may adopt by reference existing or recognized standards 5303  
or practices. 5304

(2) The director may inspect and accredit laboratories and 5305  
laboratory services, and may charge a reasonable fee for the 5306  
inspections and accreditation. 5307

(E)(1) All moneys collected by the director under this 5308  
section that are from fees generated by a laboratory service 5309  
performed by the department and related to the diseases of 5310  
animals, and all moneys so collected that are from fees generated 5311  
for the inspection and accreditation of laboratories and 5312  
laboratory services related to the diseases of animals, shall be 5313  
deposited in the animal industry laboratory fund, which is hereby 5314  
created in the state treasury. The director shall use the moneys 5315  
in the animal industry laboratory fund to pay the expenses 5316  
necessary to operate the animal industry laboratory, including the 5317  
purchase of supplies and equipment ~~for the laboratory that~~ 5318  
~~provides laboratory services related to the diseases of animals.~~ 5319

(2) All moneys collected by the director under this section 5320  
that are from fees generated by a laboratory service performed by 5321  
the consumer analytical laboratory, and all moneys so collected 5322  
that are from fees generated for the inspection and accreditation 5323

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

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

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

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

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

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

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 5386  
within the purposes of this chapter and Chapter 902. of the 5387  
Revised Code; 5388

(7) Sue and be sued in its own name with respect to its 5389  
contracts or to enforce this chapter or its obligations or 5390  
covenants made under this chapter and Chapter 902. of the Revised 5391  
Code; 5392

(8) Make and enter into all contracts, commitments, and 5393  
agreements, and execute all instruments necessary or incidental to 5394  
the performance of its duties and the execution of its powers 5395  
under this chapter and Chapter 902. of the Revised Code; 5396

(9) Adopt an official seal; 5397

(10) Do any and all things necessary or appropriate to carry 5398  
out the public purposes and exercise the powers granted to the 5399  
commission in this chapter and Chapter 902. of the Revised Code 5400  
and the public purposes of Section 13 of Article VIII, Ohio 5401  
Constitution. 5402

Any instrument by which real property is acquired pursuant to 5403  
this section shall identify the agency of the state that has the 5404  
use and benefit of the real property as specified in section 5405  
5301.012 of the Revised Code. 5406

**Sec. 901.81.** (A) As used in this section and sections 901.82 5407  
and 901.83 of the Revised Code: 5408

(1) "Financial institution" means any banking corporation; 5409  
trust company; savings and loan association; building and loan 5410  
association; or corporation, partnership, or other institution 5411  
that is engaged in lending or investing funds for agricultural or 5412  
other business purposes and that is eligible to become a 5413  
depository for public moneys under section 135.03 of the Revised 5414  
Code. 5415

(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



financial assistance forwarded to the director by ~~the department~~ 5447  
~~of development~~, a financial institution under section 901.81 of 5448  
the Revised Code and, after processing, forward them to the 5449  
agricultural financing commission together with necessary 5450  
supporting information; 5451

(2) Receive the recommendations of the commission made under 5452  
division (A)(1) of section 901.63 of the Revised Code and make a 5453  
final determination whether to approve ~~the~~ an application for 5454  
financial assistance; 5455

(3) Transmit the director's determinations to approve 5456  
assistance to the controlling board together with any information 5457  
the controlling board requires for its review and its decision 5458  
whether to approve the release of money for the financial 5459  
assistance; 5460

(4) Work in conjunction with financial institutions and other 5461  
private and public financing sources to purchase loans from 5462  
financial institutions or provide loan guarantees to eligible 5463  
applicants; 5464

(5) Require each applicant to provide a farm business plan, 5465  
including an overview of the type of agricultural operation the 5466  
applicant anticipates conducting, and a management strategy for 5467  
the project; 5468

(6) Inform agricultural organizations and others in the state 5469  
of the existence of the program established under section 901.80 5470  
of the Revised Code and of the financial assistance available 5471  
under the program; 5472

(7) Report to the governor, president of the senate, speaker 5473  
of the house of representatives, and minority leaders of the 5474  
senate and the house of representatives by the thirtieth day of 5475  
June of each year on the activities carried out under the program 5476  
during the preceding calendar year. The report shall include the 5477

number of loans purchased or loan guarantees made that year, the 5478  
amount of each such loan or loan guarantee, the county in which 5479  
the loan recipient's farm is located, and whatever other 5480  
information the director determines is relevant to include. 5481

(8) Adopt rules in accordance with Chapter 119. of the 5482  
Revised Code establishing all of the following with regard to the 5483  
program: 5484

(a) Forms and procedures by which eligible applicants may 5485  
apply for financial assistance; 5486

(b) Criteria for reviewing, evaluating, and ranking 5487  
applications, and for approving applications that best serve the 5488  
goals of the program; 5489

(c) Reporting requirements and monitoring procedures; 5490

(d) Interest rates, payment schedules, loan transfer 5491  
provisions, penalties, including penalties for the conversion of 5492  
land devoted exclusively to agricultural use as defined in section 5493  
5713.30 of the Revised Code, and other terms and conditions for 5494  
loans purchased and loan guarantees provided under the program; 5495

(e) Criteria for determining whether the location at which 5496  
the applicant proposes to use financial assistance provided under 5497  
the program is in an area in which agriculture is the primary land 5498  
use at the time the application is made and whether the land at 5499  
that location reasonably may not be expected to be converted to a 5500  
nonagricultural use during the period of time that the applicant's 5501  
obligation to repay the loan remains outstanding; 5502

(f) Any other rules necessary to implement and administer the 5503  
program. 5504

(B) In order to be eligible for financial assistance under 5505  
section 901.80 of the Revised Code, an applicant shall demonstrate 5506  
all of the following: 5507

- (1) That the applicant is domiciled in this state; 5508
- (2) That the applicant is unable to obtain sufficient 5509  
financing from commercial or agricultural lending sources; 5510
- (3) That the applicant has the ability to repay the loan, 5511  
primarily from the cash flow of the proposed farming operation, 5512  
and that there is adequate security for the loan; 5513
- (4) That the applicant has sufficient education, training, or 5514  
experience in the type of farming for which the applicant requests 5515  
the financial assistance; 5516
- (5) That there are no zoning restrictions, environmental 5517  
regulations, or other impairments to the use of the land for the 5518  
purpose intended; 5519
- (6) That the location at which the applicant proposes to use 5520  
the financial assistance is in an area in which agriculture is the 5521  
primary land use at the time the application is made and that the 5522  
land at that location reasonably may not be expected to be 5523  
converted to a nonagricultural use during the period of time that 5524  
the applicant's obligation to repay the financial assistance 5525  
remains outstanding. In demonstrating the information required 5526  
under division (B)(5)(6) of this section, the applicant shall 5527  
utilize criteria established in rules adopted under division 5528  
(A)(8)(e) of this section. 5529

**Sec. 917.07.** The dairy industry fund is hereby created in the 5530  
state treasury. All inspection fees and license fees collected 5531  
under this chapter shall be deposited into the fund- 5532

~~The dairy fund is hereby created in the state treasury. All 5533  
together with all fine moneys received by the treasurer of state 5534  
pursuant to division (E)(F) of section 917.99 of the Revised Code 5535  
and any other moneys collected under this chapter, except for 5536  
inspection fees and license fees, shall be deposited into the 5537~~

fund. 5538

Moneys credited to the dairy industry fund ~~and the dairy fund~~ 5539  
shall be used to operate and pay expenses of the division of dairy 5540  
in the department of agriculture. 5541

**Sec. 917.99.** (A) Whoever violates division (C) of section 5542  
917.09 of the Revised Code is guilty of a misdemeanor of the 5543  
second degree on a first offense and a misdemeanor of the first 5544  
degree on each subsequent offense. 5545

(B) Whoever violates section 917.13 or 917.14 of the Revised 5546  
Code is guilty of a misdemeanor of the first degree on a first 5547  
offense, a felony of the fifth degree on a second offense, and a 5548  
felony of the fourth degree on each subsequent offense. 5549

(C) Whoever violates division (A), (B), (C), (D), or (G) of 5550  
section 917.05 of the Revised Code is guilty of a misdemeanor of 5551  
the fourth degree. 5552

(D) Whoever violates division (E) or (F) of section 917.05 of 5553  
the Revised Code is guilty of a misdemeanor of the second degree 5554  
on a first offense and a misdemeanor of the first degree on each 5555  
subsequent offense. 5556

(E) Each day of violation of a provision described in 5557  
divisions (A) to (D) of this section constitutes a separate 5558  
offense. 5559

(F) The court imposing a fine under divisions (A) to (D) of 5560  
this section shall order that not less than fifty per cent of the 5561  
fine be disbursed to the treasurer of state for deposit into the 5562  
dairy industry fund created in section 917.07 of the Revised Code. 5563  
Subject to that minimum percentage, the court's order shall 5564  
specify the percentage of the fine that the clerk of the court 5565  
shall disburse to the treasurer of state. The clerk of the court 5566  
shall disburse the remainder of the fine to the county treasurer. 5567

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 5599  
five years, be fully effective until the maturity date set forth 5600  
therein. Such financing statement shall also contain a reference 5601  
to the recorder's file number of the mortgage upon real estate or 5602  
to the volume and page of the mortgage record in which such 5603  
mortgage is recorded. 5604

(C) A continuation statement may be filed by the secured 5605  
party within six months prior to the expiration of the five-year 5606  
period specified in division (B)(1) of this section, or within six 5607  
months prior to the stated maturity date referred to in division 5608  
(B)(2) of this section. A continuation statement shall be filed on 5609  
a form prescribed by the secretary of state. A continuation 5610  
statement filed in the office of the county recorder shall also 5611  
comply with Chapter 317. of the Revised Code. The continuation 5612  
statement must be signed by the secured party, identify the 5613  
original statement by file number, and state that the original 5614  
statement is still effective. A continuation statement signed by a 5615  
person other than the secured party of record must be accompanied 5616  
by a separate written statement of assignment signed by the 5617  
secured party of record and complying with division (B) of section 5618  
1309.42 of the Revised Code, including payment of the required 5619  
fee. Upon timely filing of the continuation statement, the 5620  
effectiveness of the original statement is continued for five 5621  
years after the last date to which the filing was effective 5622  
whereupon it lapses in the same manner as provided in division (B) 5623  
of this section unless another continuation statement is filed 5624  
prior to such lapse. Succeeding continuation statements may be 5625  
filed in the same manner to continue the effectiveness of the 5626  
original statement. The filing officer may remove a lapsed 5627  
statement from the files and destroy it immediately if the filing 5628  
officer has retained a microfilm or other photographic record, or 5629  
in other cases one year after the lapse. The filing officer shall 5630

so arrange matters by physical annexation of financing statements 5631  
to continuation statements or other related filings, or by other 5632  
means, that if the filing officer physically destroys the 5633  
financing statements of a period more than five years past, those 5634  
which have been continued by a continuation statement or which are 5635  
still effective under division (B)(2) or (F) of this section shall 5636  
be retained. 5637

(D) Except as provided in division (G) of this section, a 5638  
filing officer shall assign each statement a consecutive file 5639  
number and shall hold the statement or a microfilm or other 5640  
photographic or digitized copy thereof for public inspection. In 5641  
addition, the filing officer shall index the statements according 5642  
to the name of the debtor and shall note in the index the file 5643  
number, the date and hour of filing, and the address of the debtor 5644  
given in the statement. In addition to the indexing required in 5645  
the previous sentence, statements covering crops growing or to be 5646  
grown or timber to be cut or minerals or the like, including oil 5647  
and gas, or accounts subject to division (E) of section 1309.03 of 5648  
the Revised Code, or a financing statement filed as a fixture 5649  
filing pursuant to section 1309.32 of the Revised Code shall also 5650  
be indexed in the real estate mortgage records by the filing 5651  
officer according to the name of the debtor or, if the financing 5652  
statement shows the record owner or record lessee to be other than 5653  
the debtor, then according to the name of the record owner or 5654  
record lessee given in the statement. The fee to be charged for 5655  
indexing financing statements in the real estate mortgage records 5656  
shall be two dollars for each record owner or lessee listed in the 5657  
statement, as provided in division (E) of section 317.32 of the 5658  
Revised Code. 5659

(E) The fee for filing, indexing, and furnishing filing data 5660  
for an original, amended, or a continuation statement on a form 5661  
that is prescribed by the secretary of state shall be ~~nine~~ twelve 5662

dollars. The fee for filing, indexing, and furnishing filing data 5663  
for an original, amended, or a continuation statement on a form 5664  
that is not prescribed by the secretary of state and that is filed 5665  
in the office of the county recorder shall be eleven dollars. 5666

(F) If the debtor is a transmitting utility and a filed 5667  
financing statement so states, it is effective until a termination 5668  
statement is filed. A real estate mortgage that is effective as a 5669  
fixture filing under division (E) of section 1309.39 of the 5670  
Revised Code remains effective as a fixture filing until the 5671  
mortgage is released or satisfied of record or its effectiveness 5672  
otherwise terminates as to the real estate. 5673

(G) If the person filing any original or amended financing 5674  
statement, termination statement, statement of assignment, or 5675  
statement of release requests a copy thereof, the filing officer 5676  
shall note upon the copy the file number and date and hour of the 5677  
filing of the original and deliver or send the copy to such 5678  
person. 5679

(H)(1) Upon request of any person, the filing officer shall 5680  
issue a certificate showing whether there is on file on the date 5681  
and hour stated ~~therein in the certificate~~, any presently 5682  
effective financing statement naming a particular debtor, owner, 5683  
or lessee, and any statement of assignment ~~thereof of the~~ 5684  
financing statement, and, if there is, giving the date and hour of 5685  
filing of each such statement and the names and addresses of each 5686  
secured party ~~therein in each such statement~~. The fee for such a 5687  
certificate shall be ~~nine twenty~~ dollars ~~plus one dollar for each~~ 5688  
~~financing statement and for each statement of assignment reported~~ 5689  
~~therein. Upon~~ 5690

(2) Upon request, the a county recorder who is a filing 5691  
officer shall furnish to any person a copy of any filed financing 5692  
statement ~~or naming a particular debtor, owner, or lessee and any~~ 5693  
filed statement of assignment of the financing statement. When 5694



~~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 5727  
this fund shall be used only for the upkeep, improvement, or 5728  
replacement of equipment, or for the purpose of training employees 5729  
in the use of equipment, used to conduct business of the secretary 5730  
of state's office under Title XIII or XVII of the Revised Code. 5731  
5732

**Sec. 1309.402.** The fee for expedited filing service by the 5733  
secretary of state for any filing under this chapter ~~is ten~~ 5734  
~~dollars in addition to~~ shall be the fee set by rule under division 5735  
(A) of section 111.23 of the Revised Code plus the fee the 5736  
secretary of state is otherwise required to collect for the filing 5737  
under this chapter. 5738

**Sec. 1309.42.** (A) A financing statement may disclose an 5739  
assignment of a security interest in the collateral described in 5740  
the financing statement by indication in the financing statement 5741  
of the name and address of the assignee or by an assignment itself 5742  
or a copy thereof on the face or back of the statement. On 5743  
presentation to the filing officer of such a financing statement, 5744  
the filing officer shall proceed as provided in division (D) of 5745  
section 1309.40 of the Revised Code. The fee for filing, indexing, 5746  
and furnishing filing data for a financing statement so indicating 5747  
an assignment shall be ~~nine~~ twelve dollars. 5748

(B) A secured party may assign of record all or a part of the 5749  
secured party's rights under a financing statement by the filing 5750  
in the place where the original financing statement was filed of a 5751  
separate written statement of assignment. The statement of 5752  
assignment shall be on a form prescribed by the secretary of 5753  
state, shall be signed by the secured party of record, shall set 5754  
forth the name of the secured party of record and the debtor, the 5755  
file number and the date of filing of the financing statement, and 5756  
the name and address of the assignee, and shall contain a 5757

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: 5790

(1) "Trade name" means a name used in business or trade to 5791  
designate the business of the user and to which the user asserts a 5792  
right to exclusive use. 5793

(2) "Fictitious name" means a name used in business or trade 5794  
that is fictitious and that the user has not registered or is not 5795  
entitled to register as a trade name. It does not include the name 5796  
of record of any domestic corporation that is formed under Chapter 5797  
1701. or 1702. of the Revised Code, any foreign corporation that 5798  
is registered pursuant to Chapter 1703. of the Revised Code, any 5799  
domestic or foreign limited liability company that is formed under 5800  
or registered pursuant to Chapter 1705. of the Revised Code, any 5801  
domestic or foreign limited partnership that is formed under or 5802  
registered pursuant to Chapter 1782. of the Revised Code, or any 5803  
domestic or foreign limited liability partnership that is formed 5804  
under or registered pursuant to Chapter 1775. of the Revised Code. 5805  
5806

(3) "Person" includes any individual, general partnership, 5807  
limited partnership, limited liability partnership, corporation, 5808  
association, professional association, limited liability company, 5809  
society, foundation, federation, or organization formed under the 5810  
laws of this state or any other state. 5811

(B) Subject to sections 1329.01 to 1329.10 of the Revised 5812  
Code, any person may register with the secretary of state, on a 5813  
form prescribed by the secretary of state, any trade name under 5814  
which the person is operating, setting forth all of the following: 5815

(1) The name and business address of the applicant for 5816  
registration and any of the following that is applicable: 5817

(a) If the applicant is a general partnership, the names and 5818  
residence addresses of all of the partners; 5819

(b) If the applicant is a limited partnership existing prior 5820

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

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

(2) The trade name to be registered;

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

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

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

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

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

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

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

(a) If the user is a general partnership, the names and 5851  
residence addresses of all the partners; 5852

(b) If the user is a limited partnership existing prior to 5853  
July 1, 1994, that has not been registered with the secretary of 5854  
state pursuant to Chapter 1782. of the Revised Code, the name of 5855  
the Ohio county in which its certificate of limited partnership or 5856  
application for registration as a foreign limited partnership is 5857  
filed; 5858

(c) If the user is a limited partnership to which division 5859  
(D)(1)(b) of this section does not apply or is a corporation, 5860  
professional association, limited liability company, or other 5861  
entity, the form of the entity and the state under whose laws it 5862  
was formed. 5863

(2) The fictitious name being used; 5864

(3) The general nature of the business conducted by the user. 5865  
5866

(E) The report of use of a fictitious name shall be signed by 5867  
the user or by any authorized representative of the user. 5868

A single fictitious name may be registered upon each 5869  
fictitious name report submitted under sections 1329.01 to 1329.10 5870  
of the Revised Code. 5871

The fictitious name report shall be accompanied by a filing 5872  
fee of ~~ten~~ fifty dollars, payable to the secretary of state. 5873

A report under this division shall be made within thirty days 5874  
after the date of the first use of the fictitious name. 5875

**Sec. 1329.04.** Registration of a trade name or report of a 5876  
fictitious name, under sections 1329.01 to 1329.10 of the Revised 5877  
Code, shall be effective for a term of five years from the date of 5878  
registration or report. Upon application filed within six months 5879

prior to the expiration of such term, on a form furnished by the 5880  
secretary of state, the registration or report may be renewed at 5881  
the end of each five-year period for a like term, provided that a 5882  
general partnership shall renew its registration or report 5883  
whenever there has been a change in the listing of partners on its 5884  
registration or report and a limited partnership shall renew its 5885  
registration or report when a change occurs in the listing of its 5886  
general partners on its registration or report. Such a renewal 5887  
shall extend the registration or report for five years, unless 5888  
further changes occur in the interim. A The renewal fee specified 5889  
in division (S)(3) of ~~ten dollars~~ section 111.16 of the Revised 5890  
Code, payable to the secretary of state, shall accompany the 5891  
application for renewal of the registration or report. 5892

The secretary of state shall notify persons who have 5893  
registered trade names or reported fictitious names, within the 5894  
six months next preceding the expiration of the five years from 5895  
the date of registration or report, of the necessity of renewal by 5896  
writing to the last known address of such persons. 5897

**Sec. 1329.06.** Any trade name or fictitious name and its 5898  
registration or report shall be assignable by an instrument in 5899  
writing duly executed and may be recorded with the secretary of 5900  
state upon the payment of a the fee specified in division (S)(4) 5901  
of ~~ten dollars~~ section 111.16 of the Revised Code, payable to the 5902  
secretary of state, who, recording the assignment, shall issue in 5903  
the name of the assignee a new certificate for the remainder of 5904  
the term of the registration or report or the last renewal 5905  
thereof. The instrument shall be on a form prescribed by the 5906  
secretary of state. 5907

**Sec. 1329.07.** The registrant of any trade name or a person 5908  
who reports a fictitious name shall record all changes of the 5909  
registrant's business address by filing with the secretary of 5910

state a statement in writing, on a form prescribed by the 5911  
secretary of state, setting forth the name previously registered 5912  
or reported, the date of the registration or report, and the new 5913  
address of the applicant. A The filing fee specified in division 5914  
(S)(4) of ~~three dollars~~ section 111.16 of the Revised Code shall 5915  
accompany ~~such~~ the statement. 5916

**Sec. 1329.42.** A person who uses in this state a name, mark, 5917  
or device to indicate ownership of articles or supplies may file 5918  
in the office of the secretary of state, on a form to be 5919  
prescribed by the secretary of state, a verified statement setting 5920  
forth, but not limited to, the following information: 5921

(A) The name and business address of the person filing the 5922  
statement; and, if a corporation, the state of incorporation; 5923

(B) The nature of the business of the applicant; 5924

(C) The type of articles or supplies in connection with which 5925  
the name, mark, or device is used. 5926

The statement shall include or be accompanied by a specimen 5927  
evidencing actual use of the name, mark, or device, together with 5928  
a the filing fee specified in division (U)(1) of ~~twenty dollars~~ 5929  
section 111.16 of the Revised Code. The registration of a name, 5930  
mark, or device pursuant to this section is effective for a 5931  
ten-year period beginning on the date of registration. If an 5932  
application for renewal is filed within six months prior to the 5933  
expiration of the ten-year period on a form prescribed by the 5934  
secretary of state, the registration may be renewed at the end of 5935  
each ten-year period for an additional ten-year period. A The 5936  
renewal fee specified in division (U)(2) of ~~ten dollars~~ section 5937  
111.16 of the Revised Code shall accompany the application for 5938  
renewal. The secretary of state shall notify a registrant within 5939  
the six months next preceding the expiration of ten years from the 5940  
date of registration of the necessity of renewal by writing to the 5941



last known address of the registrant. 5942

**Sec. 1329.421.** The registrant of a name, mark, or device used 5943  
to indicate ownership shall record all changes of the registrant's 5944  
business address by filing with the secretary of state a written 5945  
statement, on a form prescribed by the secretary of state, of the 5946  
new address. A The filing fee of three dollars specified in 5947  
division (U)(2) of section 111.16 of the Revised Code shall 5948  
accompany the statement. 5949

**Sec. 1329.45.** The certificate of the filing of any name, 5950  
mark, or device under sections 1329.41 to 1329.53 of the Revised 5951  
Code and the benefits obtained ~~thereunder~~ under it shall be 5952  
assignable with the sale of the articles or supplies on which the 5953  
same are produced and used. Assignments shall be by instruments in 5954  
writing duly executed and may be recorded upon the payment of a 5955  
the fee specified in division (U)(2) of ten dollars section 111.16 5956  
of the Revised Code, payable to the secretary of state, who, after 5957  
recording the assignment, upon request of the assignee, may issue 5958  
in the assignee's name a new certificate. The instrument shall be 5959  
on a form prescribed by the secretary of state. 5960

**Sec. 1329.56.** (A) Subject to the limitations set forth in 5961  
sections 1329.54 to 1329.67 of the Revised Code, any person who 5962  
adopts and uses a trademark or service mark in this state may file 5963  
in the office of the secretary of state, on a form to be 5964  
prescribed by the secretary of state, an application for 5965  
registration of that trademark or service mark that sets forth, 5966  
but is not limited to, the following information: 5967

(1) The name and business address of the person applying for 5968  
the registration; if the person is a corporation, the state of its 5969  
incorporation; if the person is a partnership or limited liability 5970  
partnership, the state in which the partnership is organized and 5971

the names of the general partners; and, if the person is a limited liability company, the state of its organization; 5972  
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(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; 5974  
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(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; 5978  
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(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; 5981  
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(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. 5988  
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(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. 5996  
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(C) The application shall be accompanied by a specimen of the 6002

mark as actually used and shall contain a brief description of the  
mark as it appears on the specimen.

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(D) The application shall be accompanied by ~~a~~ the filing fee  
specified in division (U)(1) of twenty dollars that is section  
111.16 of the Revised Code, payable to the secretary of state.

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**Sec. 1329.58.** Registration of a trademark or service mark  
under sections 1329.54 to 1329.67 of the Revised Code shall be  
effective for a term of ten years from the date of registration.  
Upon the filing of an application within six months prior to the  
expiration of that term on a form furnished by the secretary of  
state, the registrant may renew the registration at the end of  
each ten-year period for a similar term. ~~A~~ The renewal fee  
specified in division (U)(2) of ten dollars that is section 111.16  
of the Revised Code, payable to the secretary of state, shall  
accompany the renewal application. The renewal application shall  
require the applicant to state that the mark still is in use in  
this state.

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**Sec. 1329.60.** Any trademark or service mark and its  
registration shall be assignable with the good will of the  
business in which the trademark or service mark is used, or with  
that part of the good will of the business connected with the use  
of and symbolized by the trademark or service mark. Assignment  
shall be by instruments in writing duly executed and may be  
recorded with the secretary of state upon the payment of ~~a~~ the fee  
specified in division (U)(2) of ten dollars section 111.16 of the  
Revised Code, payable to the secretary of state, who, after  
recording the assignment, shall issue in the name of the assignee  
a new certificate for the remainder of the term of the  
registration or of the last renewal thereof. The instrument shall  
be on a form prescribed by the secretary of state. An assignment  
of any registration shall be void as against any subsequent

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purchaser for valuable consideration without notice unless it is 6034  
recorded with the secretary of state within three months after the 6035  
date thereof or prior to such subsequent purchase. 6036

**Sec. 1329.601.** The registrant of a trademark or service mark 6037  
shall record all changes of the registrant's business address by 6038  
filing a written statement, on a form prescribed by the secretary 6039  
of state, of the new address with the secretary of state. ~~A~~ The 6040  
filing fee of three dollars specified in division (U)(2) of 6041  
section 111.16 of the Revised Code shall accompany the statement. 6042

**Sec. 1501.01.** Except where otherwise expressly provided, the 6043  
director of natural resources shall formulate and institute all 6044  
the policies and programs of the department of natural resources. 6045  
The chief of any division of the department shall not enter into 6046  
any contract, agreement, or understanding unless it is approved by 6047  
the director. No appointee or employee of the director, other than 6048  
the assistant director, may bind the director in a contract except 6049  
when given general or special authority to do so by the director. 6050

The director shall correlate and coordinate the work and 6051  
activities of the divisions in the department to eliminate 6052  
unnecessary duplications of effort and overlapping of functions. 6053  
The chiefs of the various divisions of the department shall meet 6054  
with the director at least once each month at a time and place 6055  
designated by the director. 6056  
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The director may create advisory boards to any of those 6058  
divisions in conformity with section 121.13 of the Revised Code. 6059

The director may accept and expend gifts, devises, and 6060  
bequests of money, lands, and other properties on behalf of the 6061  
department or any division thereof under the terms set forth in 6062  
section 9.20 of the Revised Code. Any political subdivision of 6063

this state may make contributions to the department for the use of 6064  
the department or any division therein according to the terms of 6065  
the contribution. 6066

The director may publish and sell or otherwise distribute 6067  
data, reports, and information. 6068

The director shall adopt rules in accordance with Chapter 6069  
119. of the Revised Code to permit the department to accept by 6070  
means of a credit card the payment of fees, charges, and rentals 6071  
at those facilities described in section 1501.07 of the Revised 6072  
Code that are operated by the department, for any data, reports, 6073  
or information sold by the department, and for any other goods or 6074  
services provided by the department. 6075

Whenever authorized by the governor to do so, the director 6076  
may appropriate property for the uses and purposes authorized to 6077  
be performed by the department and on behalf of any division 6078  
within the department. This authority shall be exercised in the 6079  
manner provided in sections 163.01 to 163.22 of the Revised Code 6080  
for the appropriation of property by the director of 6081  
administrative services. This authority to appropriate property is 6082  
in addition to the authority provided by law for the appropriation 6083  
of property by divisions of the department. The director of 6084  
natural resources also may acquire by purchase, lease, or 6085  
otherwise such real and personal property rights or privileges in 6086  
the name of the state as are necessary for the purposes of the 6087  
department or any division therein. The director, with the 6088  
approval of the governor and the attorney general, may sell, 6089  
lease, or exchange portions of lands or property, real or 6090  
personal, of any division of the department or grant easements or 6091  
licenses for the use thereof, or enter into agreements for the 6092  
sale of water from lands and waters under the administration or 6093  
care of the department or any of its divisions, when the sale, 6094  
lease, exchange, easement, agreement, or license for use is 6095

advantageous to the state, provided that such approval is not  
required for leases and contracts made under ~~section 1507.12, if~~  
~~any, or~~ section 1501.07, 1501.09, or 1520.03 or Chapter 1523. of  
the Revised Code. Water may be sold from a reservoir only to the  
extent that the reservoir was designed to yield a supply of water  
for a purpose other than recreation or wildlife, and the water  
sold is in excess of that needed to maintain the reservoir for  
purposes of recreation or wildlife.

Money received from such sales, leases, easements, exchanges,  
agreements, or licenses for use, except revenues required to be  
set aside or paid into depositories or trust funds for the payment  
of bonds issued under sections 1501.12 to 1501.15 of the Revised  
Code, and to maintain the required reserves therefor as provided  
in the orders authorizing the issuance of such bonds or the trust  
agreements securing such bonds, revenues required to be paid and  
credited pursuant to the bond proceeding applicable to obligations  
issued pursuant to section 154.22, and revenues generated under  
section 1520.05 of the Revised Code, shall be deposited in the  
state treasury to the credit of the fund of the division of the  
department having prior jurisdiction over the lands or property.  
If no such fund exists, the money shall be credited to the general  
revenue fund. All such money received from lands or properties  
administered by the division of wildlife shall be credited to the  
wildlife fund.

The director shall provide for the custody, safekeeping, and  
deposit of all moneys, checks, and drafts received by the  
department or its employees prior to paying them to the treasurer  
of state under section 113.08 of the Revised Code.

The director shall cooperate with the nature conservancy,  
other nonprofit organizations, and the United States fish and  
wildlife service in order to secure protection of islands in the  
Ohio river and the wildlife and wildlife habitat of those islands.

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Any instrument by which real property is acquired pursuant to 6128  
this section shall identify the agency of the state that has the 6129  
use and benefit of the real property as specified in section 6130  
5301.012 of the Revised Code. 6131

**Sec. 1501.40.** The department of natural resources is the 6132  
designated state agency responsible for the coordination and 6133  
administration of sections 120 to 136 of the "National and 6134  
Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 6135  
12401 to 12456, ~~and amendments thereto as amended~~. With the 6136  
assistance of the ~~state Ohio~~ community service ~~advisory committee~~ 6137  
council created in section 121.40 of the Revised Code, the 6138  
director of natural resources shall coordinate with other state 6139  
agencies to apply for funding under the act when appropriate and 6140  
shall administer any federal funds the state receives under 6141  
sections 120 to 136 of the act. 6142

**Sec. 1502.12.** There is hereby created in the state treasury 6143  
the scrap tire recycling fund, consisting of moneys transferred to 6144  
the fund under section 3734.82 of the Revised Code. The chief of 6145  
the division of recycling and litter prevention, pursuant to 6146  
division (B) of section 1502.04 of the Revised Code and with the 6147  
approval of the director of natural resources, may make grants 6148  
from the fund for the purpose of supporting market development 6149  
activities for recycled scrap tires. The chief, with the approval 6150  
of the director, shall require any eligible applicant for grants 6151  
who is certified by the recycling and litter prevention advisory 6152  
council under division (B) of section 1502.04 of the Revised Code 6153  
to provide a matching contribution in the same manner specified 6154  
for contributions made pursuant to division (C) of section 1502.05 6155  
of the Revised Code. 6156

**Sec. 1503.011.** The chief of the division of forestry shall be 6158

responsible for the conservation and development of forests within 6159  
this state. ~~He~~ The chief shall be concerned with silvicultural 6160  
practices, including the proper planting, growing, protecting, 6161  
harvesting, and managing of trees for such purposes as watershed 6162  
and soil protection, timber production and utilization, 6163  
recreation, aesthetics, wildlife habitat development, and urban 6164  
enhancement and for all benefits that forests provide. 6165

The chief may do any or all of the following: 6166

(A) Provide rural forestry assistance to nonindustrial 6167  
private forest landowners, including advice in tree planting, 6168  
forest improvement, harvesting, and all aspects of conservation; 6169

(B) Provide urban forestry assistance to individuals, 6170  
nonprofit organizations, and political subdivisions to manage 6171  
their urban forest resource and develop comprehensive tree care 6172  
programs; 6173

(C) Provide wood utilization, marketing, and rural forestry 6174  
development assistance to forest industries, political 6175  
subdivisions and agencies thereof, and state and federal agencies 6176  
for the purpose of establishing and maintaining a viable, 6177  
economically sound wood-based industry while expanding the forest 6178  
resource of this state; 6179

(D) Provide forest pest protection assistance to forest 6180  
landowners, political subdivisions and agencies thereof, and state 6181  
and federal agencies on assessing and evaluating the health and 6182  
vigor of the forest resource; 6183

(E) Provide technical assistance to landowners in developing 6184  
forest windbreaks, filter strips, and other forest management 6185  
practices that provide conservation benefits; 6186

(F) Provide awareness of and education concerning the 6187  
programs provided for under divisions (A) to (E) of this section; 6188

(G) Enter into agreements with political subdivisions and 6189



agencies thereof, state and federal agencies, firefighting 6190  
agencies and private fire companies, as those terms are defined in 6191  
section 9.60 of the Revised Code, nonprofit organizations, and 6192  
individuals to meet the needs of forestry assistance in this state 6193  
and, in accordance with ~~sections~~ section 1503.01 and ~~1503.35~~ of 6194  
the Revised Code, develop and administer grant programs for any of 6195  
those entities requesting assistance. The chief shall adopt, and 6196  
may amend and rescind, rules in accordance with Chapter 119. of 6197  
the Revised Code establishing such requirements and procedures as 6198  
are necessary to implement this division. 6199

As used in this section, "nonprofit organization" has the 6200  
same meaning as in section 4141.01 of the Revised Code. 6201

**Sec. 1507.01.** There is hereby created in the department of 6202  
natural resources the division of engineering to be administered 6203  
by the chief engineer of the department, who shall be a 6204  
professional engineer registered under Chapter 4733. of the 6205  
Revised Code. The chief engineer shall do all of the following: 6206

(A) Administer this chapter; 6207

(B) Provide engineering, architectural, land surveying, and 6208  
related administrative and maintenance support services to the 6209  
other divisions in the department; 6210

(C) Upon request of the director of natural resources, 6211  
implement the department's capital improvement program and 6212  
facility maintenance projects, including all associated 6213  
engineering, architectural, design, contracting, surveying, 6214  
inspection, and management responsibilities and requirements; 6215

(D) With the approval of the director, act as contracting 6216  
officer in departmental engineering, architectural, surveying, and 6217  
construction matters regarding capital improvements except for 6218  
those matters otherwise specifically provided for in law; 6219

~~(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;~~ 6220  
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~~(F)~~ Provide engineering support for the coastal management program established under Chapter 1506. of the Revised Code; 6224  
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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; 6226  
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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;~~ 6230  
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~~(I)~~(G) Coordinate the department's projects, programs, policies, procedures, and activities with the United States army corps of engineers; 6233  
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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. 6236  
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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 6244  
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bond filed to ensure compliance with those sections and rules 6250  
forfeited in the amount set by rule of the chief. The chief 6251  
thereupon shall certify the total forfeiture to the attorney 6252  
general, who shall proceed to collect the amount of the 6253  
forfeiture. 6254

In lieu of total forfeiture, the surety, at its option, may 6255  
cause the well to be properly plugged and abandoned and the area 6256  
properly restored or pay to the treasurer of state the cost of 6257  
plugging and abandonment. 6258

(B) All moneys collected because of forfeitures of bonds as 6259  
provided in this section shall be deposited in the state treasury 6260  
to the credit of the oil and gas well fund created in section 6261  
1509.02 of the Revised Code. The fund shall be expended by the 6262  
chief for the following purposes in addition to the other purposes 6263  
specified in that section: 6264

(1) In accordance with division (D) of this section, to plug 6265  
wells or to restore the land surface properly as required in 6266  
section 1509.072 of the Revised Code for which the bonds have been 6267  
forfeited, for abandoned wells for which no funds are available to 6268  
plug the wells in accordance with this chapter, or to use 6269  
abandoned wells for the injection of oil or gas production wastes; 6270

(2) In accordance with division (E) of this section, to 6271  
correct conditions that the chief reasonably has determined are 6272  
causing imminent health or safety risks. 6273

Expenditures from the fund shall be made only for lawful 6274  
purposes. 6275

(C)(1) Upon determining that the owner of a well has failed 6276  
to properly plug and abandon it or to properly restore the land 6277  
surface at the well site in compliance with the applicable 6278  
requirements of this chapter and applicable rules adopted and 6279  
orders issued under it or that a well is an abandoned well for 6280

which no funds are available to plug the well in accordance with 6281  
this chapter, the chief shall do all of the following: 6282

(a) Determine from the records in the office of the county 6283  
recorder of the county in which the well is located the identity 6284  
of the owner of the land on which the well is located, the 6285  
identity of the owner of the oil or gas lease under which the well 6286  
was drilled or the identity of each person owning an interest in 6287  
the lease, and the identities of the persons having legal title 6288  
to, or a lien upon, any of the equipment appurtenant to the well; 6289

(b) Mail notice to the owner of the land on which the well is 6290  
located informing the landowner that the well is to be plugged. If 6291  
the owner of the oil or gas lease under which the well was drilled 6292  
is different from the owner of the well or if any persons other 6293  
than the owner of the well own interests in the lease, the chief 6294  
also shall mail notice that the well is to be plugged to the owner 6295  
of the lease or to each person owning an interest in the lease, as 6296  
appropriate. 6297

(c) Mail notice to each person having legal title to, or a 6298  
lien upon, any equipment appurtenant to the well, informing the 6299  
person that the well is to be plugged and offering the person the 6300  
opportunity to plug the well and restore the land surface at the 6301  
well site at the person's own expense in order to avoid forfeiture 6302  
of the equipment to this state. 6303

(2) If none of the persons described in division (C)(1)(c) of 6304  
this section plugs the well within sixty days after the mailing of 6305  
the notice required by that division, all equipment appurtenant to 6306  
the well is hereby declared to be forfeited to this state without 6307  
compensation and without the necessity for any action by the state 6308  
for use to defray the cost of plugging and abandoning the well and 6309  
restoring the land surface at the well site. 6310

(D) Expenditures from the fund for the purpose of division 6311

(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

plug the well and be reimbursed by the division for the reasonable 6344  
cost of plugging the well. In order to plug the well, the 6345  
landowner shall submit an application to the chief on a form 6346  
prescribed by the chief and approved by the technical advisory 6347  
council on oil and gas created in section 1509.38 of the Revised 6348  
Code. The application, at a minimum, shall require the landowner 6349  
to provide the same information as is required to be included in 6350  
the application for a permit to plug and abandon under section 6351  
1509.13 of the Revised Code. The application shall be accompanied 6352  
by a copy of a proposed contract to plug the well prepared by a 6353  
contractor regularly engaged in the business of plugging oil and 6354  
gas wells. The proposed contract shall require the contractor to 6355  
furnish all of the materials, equipment, work, and labor necessary 6356  
to plug the well properly and shall specify the price for doing 6357  
the work, including a credit for the equipment appurtenant to the 6358  
well that was forfeited to the state through the operation of 6359  
division (C)(2) of this section. The application also shall be 6360  
accompanied by the permit fee required by section 1509.13 of the 6361  
Revised Code unless the chief, in the chief's discretion, waives 6362  
payment of the permit fee. The application constitutes an 6363  
application for a permit to plug and abandon the well for the 6364  
purposes of section 1509.13 of the Revised Code. 6365

(b) Within thirty days after receiving an application and 6366  
accompanying proposed contract under division (D)(2)(a) of this 6367  
section, the chief shall determine whether the plugging would 6368  
comply with the applicable requirements of this chapter and 6369  
applicable rules adopted and orders issued under it and whether 6370  
the cost of the plugging under the proposed contract is 6371  
reasonable. If the chief determines that the proposed plugging 6372  
would comply with those requirements and that the proposed cost of 6373  
the plugging is reasonable, the chief shall notify the landowner 6374  
of that determination and issue to the landowner a permit to plug 6375

and abandon the well under section 1509.13 of the Revised Code. 6376  
Upon approval of the application and proposed contract, the chief 6377  
shall transfer ownership of the equipment appurtenant to the well 6378  
to the landowner. The chief may disapprove an application 6379  
submitted under division (D)(2)(a) of this section if the chief 6380  
determines that the proposed plugging would not comply with the 6381  
applicable requirements of this chapter and applicable rules 6382  
adopted and orders issued under it, that the cost of the plugging 6383  
under the proposed contract is unreasonable, or that the proposed 6384  
contract is not a bona fide, arms length contract. 6385

(c) After receiving the chief's notice of the approval of the 6386  
application and permit to plug and abandon a well under division 6387  
(D)(2)(b) of this section, the landowner shall enter into the 6388  
proposed contract to plug the well. The plugging shall be 6389  
completed within one hundred eight days after the landowner 6390  
receives the notice of approval and permit. 6391

(d) Upon determining that the plugging has been completed 6392  
within the time required by division (D)(2)(c) of this section and 6393  
has been completed in compliance with the applicable requirements 6394  
of this chapter and applicable rules adopted and orders issued 6395  
under it, the chief shall reimburse the landowner for the cost of 6396  
the plugging as set forth in the proposed contract approved by the 6397  
chief. The reimbursement shall be paid from the oil and gas well 6398  
fund. If the chief determines that the plugging was not completed 6399  
within the required time or was not completed in accordance with 6400  
the applicable requirements, the chief shall not reimburse the 6401  
landowner for the cost of the plugging, and the landowner or the 6402  
contractor, as applicable, promptly shall transfer back to this 6403  
state title to and possession of the equipment appurtenant to the 6404  
well that previously was transferred to the landowner under 6405  
division (D)(2)(b) of this section. If any such equipment was 6406  
removed from the well during the plugging and sold, the landowner 6407

shall pay to the chief the proceeds from the sale of the 6408  
equipment, and the chief promptly shall pay the moneys so received 6409  
to the treasurer of state for deposit into the oil and gas well 6410  
fund. 6411

The chief may establish an annual limit on the number of 6412  
wells that may be plugged under division (D)(2) of this section or 6413  
an annual limit on the expenditures to be made under that 6414  
division. 6415

As used in division (D)(2) of this section, "plug" and 6416  
"plugging" include the plugging of the well and the restoration of 6417  
the land surface disturbed by the plugging. 6418

(E) Expenditures from the oil and gas well fund for the 6419  
purpose of division (B)(2) of this section may be made pursuant to 6420  
contracts entered into by the chief with persons who agree to 6421  
furnish all of the materials, equipment, work, and labor as 6422  
specified and provided in such a contract. The competitive bidding 6423  
requirements of Chapter 153. of the Revised Code do not apply if 6424  
the chief reasonably determines that correction of the applicable 6425  
health or safety risk requires immediate action. The chief, 6426  
designated representatives of the chief, and agents or employees 6427  
of persons contracting with the chief under this division may 6428  
enter upon any land, public or private, for the purpose of 6429  
performing the work. 6430

(F) Contracts entered into by the chief under this section 6431  
are not subject to either of the following: 6432

(1) Chapter 4115. of the Revised Code; 6433

(2) Section 153.54 of the Revised Code, except that the 6434  
contractor shall obtain and provide to the chief as a bid guaranty 6435  
a surety bond or letter of credit in an amount equal to ten per 6436  
cent of the amount of the contract. 6437

(G) The owner of land on which a well is located who has 6438



received notice under division (C)(1)(b) of this section, in lieu 6439  
of plugging the well in accordance with division (D)(2) of this 6440  
section, may cause ownership of the well to be transferred to an 6441  
owner who is lawfully doing business in this state and who has met 6442  
the financial responsibility requirements established under 6443  
section 1509.07 of the Revised Code, subject to the approval of 6444  
the chief. The transfer of ownership also shall be subject to the 6445  
landowner's filing the appropriate forms required under this 6446  
chapter and providing to the chief sufficient information to 6447  
demonstrate the landowner's or owner's right to produce a 6448  
formation or formations. That information may include a deed, a 6449  
lease, or other documentation of ownership or property rights. 6450

The chief shall approve or disapprove the transfer of 6451  
ownership of the well. If the chief approves the transfer, the 6452  
owner is responsible for operating the well in accordance with 6453  
this chapter and rules adopted under it, including, without 6454  
limitation, all of the following: 6455

(1) Filing an application with the chief under section 6456  
1509.06 of the Revised Code if the owner intends to drill deeper 6457  
or produce a formation that is not listed in the records of the 6458  
division for that well; 6459

(2) Taking title to and possession of the equipment 6460  
appurtenant to the well that has been identified by the chief as 6461  
having been abandoned by the former owner; 6462

(3) Complying with all applicable requirements that are 6463  
necessary to drill deeper, plug the well, or plug back the well. 6464

**Sec. 1513.10.** If, at the end of a coal mining operation's 6465  
permit or renewal period, the number of acres of land affected by 6466  
the operation proves to be smaller than the number of acres of 6467  
land for which the operator paid a permit fee for the operation 6468  
under section 1513.07 of the Revised Code, the operator is 6469

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 6502  
fund in accordance with the procedures and requirements 6503  
established in section 1514.06 of the Revised Code and may enter 6504  
into contracts and perform work in accordance with that section. 6505

Fees collected under sections 1514.02 and 1514.03 of the 6506  
Revised Code, one-half of the moneys collected from the severance 6507  
taxes levied under divisions (A)(3) and (4) of section 5749.02 of 6508  
the Revised Code, and all of the moneys collected from the 6509  
severance tax levied under division (A)(7) of section 5749.02 of 6510  
the Revised Code shall be credited to the fund in accordance with 6511  
those sections. Notwithstanding any section of the Revised Code 6512  
relating to the distribution or crediting of fines for violations 6513  
of the Revised Code, all fines imposed under section 1514.99 of 6514  
the Revised Code shall be credited to the fund. 6515

**Sec. 1521.04.** The chief of the division of water, with the 6516  
approval of the director of natural resources, may make loans and 6517  
grants from the water management fund created in section 1501.32 6518  
of the Revised Code to governmental agencies for water management, 6519  
water supply improvements, and planning and may administer grants 6520  
from the federal government and from other public or private 6521  
sources for carrying out those functions and for the performance 6522  
of any acts that may be required by the United States or by any 6523  
agency or department thereof as a condition for the participation 6524  
by any governmental agency in any federal financial or technical 6525  
assistance program. Direct and indirect costs of administration 6526  
may be paid from the water management fund. 6527

The chief may use the water management fund to acquire, 6528  
construct, reconstruct, improve, equip, maintain, operate, and 6529  
dispose of water management improvements. The chief may fix, 6530  
alter, charge, and collect rates, fees, rentals, and other charges 6531  
to be paid into the water management fund by governmental agencies 6532  
and persons who are supplied with water by facilities constructed 6533

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.~~

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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.

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(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

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the chief of the division of soil and water conservation. The  
chairperson of the council shall appoint a leader of the state  
agency coordinating group. The group shall provide assistance to  
and perform duties on behalf of the council as directed by the  
council.

(C) The advisory group shall consist of not more than twenty  
members, each representing an organization or entity with an  
interest in water resource issues. The council shall appoint the  
members of the advisory group. Of the initial appointments, not  
more than ten members shall be appointed for one-year terms, and  
not more than ten members shall be appointed for two-year terms.  
Thereafter, all advisory group members shall serve two-year terms.  
Members may be reappointed. Each member shall hold office from the  
date of the member's appointment until the end of the member's  
term. A member shall continue in office subsequent to the  
expiration date of the member's term until the member's successor  
takes office or until a period of sixty days has elapsed,  
whichever occurs first. The council may remove a member for  
misfeasance, nonfeasance, or malfeasance in office. The council  
shall appoint members to fill any vacancies on the group. A member  
appointed to fill a vacancy shall hold office for the remainder of  
the term for which that member was appointed.

The chairperson of the council shall appoint a chairperson of  
the advisory group. The advisory group shall advise the council on  
water resources issues addressed by the council.

(D) There is hereby created in the state treasury the Ohio  
water resources council fund. The department of natural resources  
shall serve as the fiscal agent for the fund. The departments of  
agriculture, development, environmental protection, health,  
natural resources, and transportation shall transfer moneys to the  
fund in equal amounts via intrastate transfer voucher. The public  
utilities commission of Ohio, Ohio public works commission, state

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and local government commission of Ohio, and Ohio water 6598  
development authority may transfer moneys to the fund. If a 6599  
voluntary transfer of moneys is made to the fund, the portion that 6600  
is required to be transferred by the departments of agriculture, 6601  
development, environmental protection, health, natural resources, 6602  
and transportation may be equally reduced. Moneys in the fund 6603  
shall be used to pay the operating expenses of the Ohio water 6604  
resources council, including those specified in division (E) of 6605  
this section. 6606

(E) The Ohio water resources council may hire staff to 6607  
support its activities. The council may enter into contracts and 6608  
agreements with state agencies, political subdivisions, and 6609  
private entities to assist in accomplishing its objectives. 6610  
Advisory group members shall be reimbursed for expenses 6611  
necessarily incurred in the performance of their duties pursuant 6612  
to section 126.31 of the Revised Code and any applicable rules 6613  
pertaining to travel reimbursement adopted by the office of budget 6614  
and management. 6615

**Sec. 1531.35.** The wildlife boater angler fund is hereby 6616  
created in the state treasury. The fund shall consist of money 6617  
credited to the fund pursuant to section 5735.051 of the Revised 6618  
Code and other money contributed to the division of wildlife for 6619  
the purposes of the fund. The fund ~~may~~ shall be used for boating 6620  
access construction, capital improvements, grant programs for 6621  
boating and fishing access, maintenance, and development on lakes 6622  
on which the operation of gasoline-powered watercraft is 6623  
permissible. 6624

**Sec. 1533.13.** Hunting and fishing licenses, wetlands habitat 6625  
stamps, deer and wild turkey permits, and fur taker permits shall 6626  
be issued by the clerk of the court of common pleas, village and 6627  
township clerks, and other authorized agents designated by the 6628

chief of the division of wildlife. When required by the chief, a 6629  
clerk or agent shall give bond in the manner provided by the 6630  
chief. All bonds, reports, except records prescribed by the 6631  
auditor of state, and moneys received by those persons shall be 6632  
handled under rules adopted by the director of natural resources. 6633

~~The premium of any fidelity bond prescribed under section~~ 6634  
~~9.832 of the Revised Code or~~ of any bond prescribed by the chief 6635  
under this section may be paid by the chief. Any person who is 6636  
designated and authorized by the chief to issue licenses, stamps, 6637  
and permits as provided in this section, except the clerk of the 6638  
court of common pleas and the village and township clerks, shall 6639  
pay to the chief a premium in an amount that represents the 6640  
person's portion of the premium paid by the chief under this 6641  
section, which amount shall be established by the chief and 6642  
approved by the wildlife council created under section 1531.03 of 6643  
the Revised Code. The chief shall pay all moneys that the chief 6644  
receives as premiums under this section into the state treasury to 6645  
the credit of the wildlife fund created under section 1531.17 of 6646  
the Revised Code. 6647

Every authorized agent, for the purpose of issuing hunting 6648  
and fishing licenses, deer and wild turkey permits, and fur taker 6649  
permits, may administer oaths to and take affidavits from 6650  
applicants for the licenses or permits when required. An 6651  
authorized agent may appoint deputies to perform any acts that the 6652  
agent is authorized to perform, consistent with division rules. 6653

Every applicant for a hunting or fishing license, deer or 6654  
wild turkey permit, or fur taker permit, unless otherwise provided 6655  
by division rule, shall make and subscribe an affidavit setting 6656  
forth the applicant's name, age, weight, height, occupation, place 6657  
of residence, personal description, and citizenship. The clerk or 6658  
other agent authorized to issue licenses and permits shall charge 6659  
each applicant a fee of one dollar for taking the affidavit and 6660

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 6692  
patrol for the purpose of enforcing this chapter and Chapter 1548. 6693  
of the Revised Code and rules adopted under them and to provide 6694  
emergency response to boating accidents on the water, such funds 6695  
as are appropriated by the general assembly for that purpose and, 6696  
in addition, such moneys from the waterways safety fund 6697  
established in section 1547.75 of the Revised Code as determined 6698  
to be necessary by the division not to exceed ten per cent of all 6699  
moneys accruing to the fund. In no case shall the grant to a 6700  
political subdivision, conservancy district, or state department, 6701  
not including the department of natural resources, total more than 6702  
thirty thirty-five thousand dollars in a calendar year. Moneys so 6703  
allocated may be used for the purchase, maintenance, and operation 6704  
of vessels and marine equipment, educational materials, and 6705  
personnel salaries that are necessary for enforcement of this 6706  
chapter and Chapter 1548. of the Revised Code and rules adopted 6707  
under them and to provide emergency response to boating accidents 6708  
on the water. 6709

The division shall disburse the moneys as provided in this 6710  
section in accordance with its determination of need in the 6711  
enforcement of this chapter and Chapter 1548. of the Revised Code 6712  
and rules adopted under them and shall disburse those moneys only 6713  
on a cost share basis to supplement funds allocated by a political 6714  
subdivision, conservancy district, or state department for that 6715  
purpose. A grantee shall provide at least twenty-five per cent of 6716  
the total program cost. 6717

**Sec. 1561.26.** (A) As used in this section, "EMT-basic," 6718  
"EMT-I," and "paramedic" have the same meanings as in section 6719  
4765.01 of the Revised Code. 6720

(B) The superintendent of rescue stations, with the approval 6721  
of the chief of the division of mineral resources management, 6722  
shall, at each rescue station provided for in section 1561.25 of 6723

the Revised Code, train and employ rescue crews of six members 6724  
each, one of whom shall hold a mine foreperson or fire boss 6725  
certificate and be designated captain, and train and employ any 6726  
number of such rescue crews as the superintendent believes 6727  
necessary. One member of a rescue crew shall be certified as an 6728  
EMT-basic, EMT-I, or paramedic. Each member of a rescue crew shall 6729  
devote the time specified by the chief each month for training 6730  
purposes and shall be available at all times to assist in rescue 6731  
work at explosions, mine fires, and other emergencies. 6732

A captain of mine rescue crews shall receive for service as 6733  
captain the sum of twenty-four dollars per month, and each member 6734  
shall receive the sum of twenty dollars per month, all payable on 6735  
requisition approved by the chief. When engaged in rescue work at 6736  
explosions, mine fires, or other emergencies away from their 6737  
station, the members of the rescue crews and captains of the same 6738  
shall be paid the sum of six dollars per hour for work on the 6739  
surface, which includes the time consumed by ~~such~~ those members in 6740  
traveling to and from the scene of ~~such~~ the emergency when ~~such~~ 6741  
the scene is away from the station of ~~such~~ the members, and the 6742  
sum of seven dollars per hour for all work underground at ~~such~~ the 6743  
emergency, and in addition thereto, the necessary living expenses 6744  
of ~~such~~ the members when ~~such~~ the emergency is away from their 6745  
home station, all payable on requisition approved by the chief. 6746

Each member of a mine rescue crew shall undergo an annual 6747  
medical examination by a doctor designated by the chief. In 6748  
designating ~~such~~ the doctor, the chief shall choose one near the 6749  
station of the member of ~~such~~ the rescue crews. ~~Such~~ The doctor 6750  
shall report the doctor's findings to the chief and if, in the 6751  
opinion of the chief, ~~such~~ the report indicates that ~~such~~ the 6752  
member is physically unfit for further services, the chief shall 6753  
relieve the member from further duty. The fee charged by ~~such~~ the 6754  
doctor for ~~such~~ the examination shall be paid in the same manner 6755

as fees are paid to doctors employed by the industrial commission 6756  
for special medical examinations. 6757

The chief may remove any member of a rescue crew for any 6758  
reason. Such crews shall be subject to the orders of the chief, 6759  
the superintendent, and the deputy mine inspectors when engaged in 6760  
actual mine rescue work. Mine rescue crews shall, in case of death 6761  
or injury when engaged in rescue work, wherever the same may 6762  
occur, be paid compensation, or their dependents shall be paid 6763  
death benefits, from the workers' compensation fund, in the same 6764  
manner as other employees of the state. 6765

(C) In addition to the training of rescue crews, each 6766  
assistant superintendent of rescue stations, with the approval of 6767  
the superintendent, shall provide for and conduct safety, first 6768  
aid, and rescue classes at any mine or for any group of miners who 6769  
make application for the conducting of such classes. The chief may 6770  
assess a fee for safety and first aid classes for the purpose of 6771  
covering the costs associated with providing those classes. The 6772  
chief shall establish a fee schedule for safety and first aid 6773  
classes by rule adopted in accordance with Chapter 119. of the 6774  
Revised Code. Fees collected under this section shall be deposited 6775  
in the surface mining fund created in section 1514.06 of the 6776  
Revised Code. 6777

The superintendent shall prescribe and provide for a uniform 6778  
schedule of conducting such safety and rescue classes as will 6779  
provide a competent knowledge of modern safety and rescue methods 6780  
in, at, and about mines. 6781

**Sec. 1701.05.** (A) Except as provided in this section, and in 6782  
sections 1701.75, 1701.78, and 1701.82 of the Revised Code, which 6783  
sections relate to the reorganization, merger, and consolidation 6784  
of corporations, the corporate name of a domestic corporation 6785  
shall comply with all of the following: 6786

(1) It shall end with or include the word or abbreviation 6787  
"company," "co.," "corporation," "corp.," "incorporated," or 6788  
"inc." 6789

(2) It shall be distinguishable upon the records in the 6790  
office of the secretary of state from all of the following: 6791

(a) The name of any other corporation, whether nonprofit or 6792  
for profit and whether that of a domestic or of a foreign 6793  
corporation authorized to do business in this state; 6794

(b) The name of any limited liability company registered in 6795  
the office of the secretary of state pursuant to Chapter 1705. of 6796  
the Revised Code, whether domestic or foreign; 6797

(c) The name of any limited liability partnership registered 6798  
in the office of the secretary of state pursuant to Chapter 1775. 6799  
of the Revised Code, whether domestic or foreign; 6800

(d) The name of any limited partnership registered in the 6801  
office of the secretary of state pursuant to Chapter 1782. of the 6802  
Revised Code, whether domestic or foreign; 6803

(e) Any trade name the exclusive right to which is at the 6804  
time in question registered in the office of the secretary of 6805  
state pursuant to Chapter 1329. of the Revised Code. 6806

(3) It shall not contain any language that indicates or 6807  
implies that the corporation is connected with a government agency 6808  
of this state, another state, or the United States. 6809

(B) The secretary of state shall determine for purposes of 6810  
this section whether a name is "distinguishable" from another name 6811  
upon the secretary of state's records. Without excluding other 6812  
names that may not constitute distinguishable names in this state, 6813  
a name is not considered distinguishable from another name for 6814  
purposes of this section solely because it differs from the other 6815  
name in only one or more of the following manners: 6816

(1) The use of the word "corporation," "company," 6817  
"incorporated," "limited," or any abbreviation of any of those 6818  
words; 6819

(2) The use of any article, conjunction, contraction, 6820  
abbreviation, or punctuation; 6821

(3) The use of a different tense or number of the same word. 6822

(C) A corporation may apply to the secretary of state for 6823  
authorization to use a name that is not distinguishable upon the 6824  
secretary of state's records from the name of any other 6825  
corporation, limited liability company, limited liability 6826  
partnership, or limited partnership, or from a registered trade 6827  
name, if there also is filed in the office of the secretary of 6828  
state, on a form prescribed by the secretary of state, the consent 6829  
of the other entity or, in the case of a registered trade name, 6830  
the person in whose name is registered the exclusive right to use 6831  
the name, which consent is evidenced in a writing signed by any 6832  
authorized officer or any authorized representative of the other 6833  
entity or person. 6834

(D) In case of judicial sale or judicial transfer, by sale or 6835  
transfer of good will or otherwise, of the right to use the name 6836  
of a corporation, whether nonprofit or for profit, and whether 6837  
that of a domestic corporation or of a foreign corporation 6838  
authorized to exercise its corporate privileges in this state or 6839  
to do business in this state, the secretary of state, at the 6840  
instance of the purchaser or transferee of such right, shall 6841  
accept for filing articles of a corporation with a name the same 6842  
as or similar to the name of such other corporation, if there also 6843  
is filed in the office of the secretary of state a certified copy 6844  
of the decree or order of court confirming or otherwise evidencing 6845  
the purchase or transfer. 6846

(E) Any person who wishes to reserve a name for a proposed 6847

new corporation, or any corporation intending to change its name, 6848  
may submit to the secretary of state a written application, on a 6849  
form prescribed by the secretary of state, for the exclusive right 6850  
to use a specified name as the name of a corporation. If the 6851  
secretary of state finds that, under this section, the specified 6852  
name is available for such use, the secretary of state shall file 6853  
the application and, from the date of the filing, the applicant 6854  
shall have the exclusive right for ~~sixty~~ one hundred eighty days 6855  
to use the specified name as the name of a corporation, counting 6856  
the date of such filing as the first of ~~sixty~~ one hundred eighty 6857  
days. The right so obtained may be transferred by the applicant or 6858  
other holder thereof by the filing in the office of the secretary 6859  
of state of a written transfer, on a form prescribed by the 6860  
secretary of state, stating the name and address of the 6861  
transferee. 6862

~~(F) For filing under this section any application or other 6863  
document, other than articles or a consent to the use of a name, 6864  
the secretary of state shall charge and collect a fee of five 6865  
dollars. 6866~~

**Sec. 1701.07.** (A) Every corporation shall have and maintain 6867  
an agent, sometimes referred to as the "statutory agent," upon 6868  
whom any process, notice, or demand required or permitted by 6869  
statute to be served upon a corporation may be served. The agent 6870  
may be a natural person who is a resident of this state or may be 6871  
a domestic corporation or a foreign corporation holding a license 6872  
as such under the laws of this state, that is authorized by its 6873  
articles of incorporation to act as such agent and that has a 6874  
business address in this state. 6875

(B) The secretary of state shall not accept original articles 6876  
for filing unless there is filed with the articles a written 6877  
appointment of an agent that is signed by the incorporators of the 6878

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

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 6943  
in the secretary of state's office and at any different address 6944  
shown on its last franchise tax report filed in this state, or to 6945  
the corporation at any different address set forth in the above 6946  
mentioned affidavit, and shall forward to the corporation at said 6947  
addresses, by certified mail, with request for return receipt, a 6948  
copy of the process, notice, or demand; and thereupon service upon 6949  
the corporation shall be deemed to have been made. 6950

(I) The secretary of state shall keep a record of each 6951  
process, notice, and demand delivered to the secretary of state or 6952  
at the secretary of state's office under this section or any other 6953  
law of this state that authorizes service upon the secretary of 6954  
state, and shall record the time of the delivery and the action 6955  
thereafter with respect thereto. 6956

(J) This section does not limit or affect the right to serve 6957  
any process, notice, or demand upon a corporation in any other 6958  
manner permitted by law. 6959

(K) Every corporation shall state in each annual report filed 6960  
by it with the department of taxation the name and address of its 6961  
statutory agent. 6962

(L) Except when an original appointment of an agent is filed 6963  
with the original articles, a written appointment of an agent or a 6964  
written statement filed by a corporation with the secretary of 6965  
state shall be signed by any authorized officer of the corporation 6966  
or by the incorporators of the corporation or a majority of them 6967  
if no directors have been elected. 6968

(M) For filing a written appointment of an agent other than 6969  
one filed with original articles, and for filing a statement of 6970  
change of address of an agent, the secretary of state shall charge 6971  
and collect a the fee specified in division (R) of three dollars 6972  
section 111.16 of the Revised Code. 6973

(N) Upon the failure of a corporation to appoint another 6974  
agent or to file a statement of change of address of an agent, the 6975  
secretary of state shall give notice thereof by certified mail to 6976  
the corporation at the address set forth in the notice of 6977  
resignation or on the last franchise tax return filed in this 6978  
state by the corporation. Unless the default is cured within 6979  
thirty days after the mailing by the secretary of state of the 6980  
notice or within any further period of time that the secretary of 6981  
state grants, upon the expiration of that period of time from the 6982  
date of the mailing, the articles of the corporation shall be 6983  
canceled without further notice or action by the secretary of 6984  
state. The secretary of state shall make a notation of the 6985  
cancellation on the secretary of state's records. 6986

A corporation whose articles have been canceled may be 6987  
reinstated by filing, on a form prescribed by the secretary of 6988  
state, an application for reinstatement and the required 6989  
appointment of agent or required statement, and by paying a the 6990  
filing fee specified in division (Q) of ~~ten dollars~~ section 111.16 6991  
of the Revised Code. The rights, privileges, and franchises of a 6992  
corporation whose articles have been reinstated are subject to 6993  
section 1701.922 of the Revised Code. The secretary of state shall 6994  
furnish the tax commissioner a monthly list of all corporations 6995  
canceled and reinstated under this division. 6996

(O) This section does not apply to banks, trust companies, 6997  
insurance companies, or any corporation defined under the laws of 6998  
this state as a public utility for taxation purposes. 6999

**Sec. 1701.81.** (A) Upon adoption by each constituent entity of 7000  
an agreement of merger or consolidation pursuant to section 7001  
1701.78, 1701.781, 1701.79, 1701.791, 1701.80, or 1701.801 of the 7002  
Revised Code, a certificate of merger or consolidation shall be 7003  
filed with the secretary of state that is signed by any authorized 7004

representative of each constituent corporation, partnership, or 7005  
other entity. The certificate shall be on a form prescribed by the 7006  
secretary of state and shall set forth only the information 7007  
required by this section. 7008

(B)(1) The certificate of merger or consolidation shall set 7009  
forth all of the following: 7010

(a) The name and the form of entity of each constituent 7011  
entity and the state under the laws of which each constituent 7012  
entity exists; 7013

(b) A statement that each constituent entity has complied 7014  
with all of the laws under which it exists and that the laws 7015  
permit the merger or consolidation; 7016

(c) The name and mailing address of the person or entity that 7017  
is to provide, in response to any written request made by a 7018  
shareholder, partner, or other equity holder of a constituent 7019  
entity, a copy of the agreement of merger or consolidation; 7020

(d) The effective date of the merger or consolidation, which 7021  
date may be on or after the date of the filing of the certificate; 7022

(e) The signature of each representative authorized to sign 7023  
the certificate on behalf of each constituent entity and the 7024  
office held or the capacity in which the representative is acting; 7025

(f) A statement that the agreement of merger or consolidation 7026  
is authorized on behalf of each constituent entity and that each 7027  
person who signed the certificate on behalf of each entity is 7028  
authorized to do so; 7029

(g) In the case of a merger, a statement that one or more 7030  
specified constituent entities will be merged into a specified 7031  
surviving entity or, in the case of a consolidation, a statement 7032  
that the constituent entities will be consolidated into a new 7033  
entity; 7034

(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 7066  
corporation, and by the affidavits, receipts, certificates, or 7067  
other evidence required by division (C) or (D) of section 1703.17 7068  
of the Revised Code, with respect to each foreign constituent 7069  
corporation licensed to transact business in this state. 7070  
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(C) If any constituent entity in a merger or consolidation is 7072  
organized or formed under the laws of a state other than this 7073  
state or under any chapter of the Revised Code other than this 7074  
chapter, there also shall be filed in the proper office all 7075  
documents that are required to be filed in connection with the 7076  
merger or consolidation by the laws of that state or by that 7077  
chapter. 7078

(D) Upon the filing of a certificate of merger or 7079  
consolidation and other filings as described in division (C) of 7080  
this section or at such later date as the certificate of merger or 7081  
consolidation specifies, the merger or consolidation is effective. 7082

(E) The secretary of state shall furnish, upon request and 7083  
payment of ~~a~~ the fee specified in division (D) of ten dollars 7084  
section 111.16 of the Revised Code, the secretary of state's 7085  
certificate setting forth the name and the form of entity of each 7086  
constituent entity and the states under the laws of which each 7087  
constituent entity existed prior to the merger or consolidation, 7088  
the name and the form of entity of the surviving or new entity and 7089  
the state under the laws of which the surviving entity exists or 7090  
the new entity is to exist, the date of filing of the certificate 7091  
of merger or consolidation with the secretary of state, and the 7092  
effective date of the merger or consolidation. The certificate of 7093  
the secretary of state, or a copy of the certificate of merger or 7094  
consolidation certified by the secretary of state, may be filed 7095  
for record in the office of the recorder of any county in this 7096  
state and, if filed, shall be recorded in the records of deeds for 7097

that county. For that recording, the county recorder shall charge 7098  
and collect the same fee as in the case of deeds. 7099

**Sec. 1702.05.** (A) Except as provided in this section and in 7100  
sections 1702.41 and 1702.45 of the Revised Code, the secretary of 7101  
state shall not accept for filing in the secretary of state's 7102  
office any articles if the corporate name set forth in the 7103  
articles is not distinguishable upon the secretary of state's 7104  
records from any of the following: 7105

(1) The name of any other corporation, whether a nonprofit 7106  
corporation or a business corporation and whether that of a 7107  
domestic or of a foreign corporation authorized to do business in 7108  
this state; 7109

(2) The name of any limited liability company registered in 7110  
the office of the secretary of state pursuant to Chapter 1705. of 7111  
the Revised Code, whether domestic or foreign; 7112

(3) The name of any limited liability partnership registered 7113  
in the office of the secretary of state pursuant to Chapter 1775. 7114  
of the Revised Code, whether domestic or foreign; 7115

(4) The name of any limited partnership registered in the 7116  
office of the secretary of state pursuant to Chapter 1782. of the 7117  
Revised Code, whether domestic or foreign; 7118

(5) Any trade name, the exclusive right to which is at the 7119  
time in question registered in the office of the secretary of 7120  
state pursuant to Chapter 1329. of the Revised Code. 7121

(B) The secretary of state shall determine for purposes of 7122  
this section whether a name is "distinguishable" from another name 7123  
upon the secretary of state's records. Without excluding other 7124  
names that may not constitute distinguishable names in this state, 7125  
a name is not considered distinguishable from another name for 7126  
purposes of this section solely because it differs from the other 7127

name in only one or more of the following manners: 7128

(1) The use of the word "corporation," "company," 7129  
"incorporated," "limited," or any abbreviation of any of those 7130  
words; 7131

(2) The use of any article, conjunction, contraction, 7132  
abbreviation, or punctuation; 7133

(3) The use of a different tense or number of the same word. 7134

(C) A corporation may apply to the secretary of state for 7135  
authorization to use a name that is not distinguishable upon the 7136  
secretary of state's records from the name of any other 7137  
corporation, any limited liability company, limited liability 7138  
partnership, or limited partnership, or from a registered trade 7139  
name, if there also is filed in the office of the secretary of 7140  
state, on a form prescribed by the secretary of state, the consent 7141  
of the other entity, or, in the case of a registered trade name, 7142  
the person in whose name is registered the exclusive right to use 7143  
the name, which consent is evidenced in a writing signed by any 7144  
authorized officer or authorized representative of the other 7145  
entity or person. 7146

(D) In case of judicial sale or judicial transfer, by sale or 7147  
transfer of good will or otherwise, of the right to use the name 7148  
of a nonprofit corporation or business corporation, whether that 7149  
of a domestic corporation or of a foreign corporation authorized 7150  
to exercise its corporate privileges in this state or to do 7151  
business in this state, the secretary of state, at the instance of 7152  
the purchaser or transferee of such right, shall accept for filing 7153  
articles of a corporation with a name the same as or similar to 7154  
the name of such other corporation, if there also is filed in the 7155  
office of the secretary of state a certified copy of the decree or 7156  
order of court confirming or otherwise evidencing the purchase or 7157  
transfer. 7158

(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



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

the secretary of state's office and also to the corporation at any 7254  
different address set forth in the above mentioned affidavit, and 7255  
shall forward to the corporation at each of those addresses, by 7256  
certified mail, with request for return receipt, a copy of such 7257  
process, notice, or demand; and thereupon service upon the 7258  
corporation shall be deemed to have been made. 7259

(I) The secretary of state shall keep a record of each 7260  
process, notice, and demand delivered to the secretary of state or 7261  
at the secretary of state's office under this section or any other 7262  
law of this state that authorizes service upon the secretary of 7263  
state, and shall record the time of such delivery and the 7264  
secretary of state's action thereafter with respect thereto. 7265

(J) This section does not limit or affect the right to serve 7266  
any process, notice, or demand upon a corporation in any other 7267  
manner permitted by law. 7268

(K) Except when an original appointment of an agent is filed 7269  
with the original articles, a written appointment of an agent or a 7270  
written statement filed by a corporation with the secretary of 7271  
state shall be signed by any authorized officer of the corporation 7272  
or by the incorporators of the corporation or a majority of them 7273  
if no directors have been elected. 7274

(L) For filing a written appointment of an agent other than 7275  
one filed with original articles, and for filing a statement of 7276  
change of address of an agent, the secretary of state shall charge 7277  
and collect a the fee specified in division (R) of three-dollars 7278  
section 111.16 of the Revised Code. 7279

(M) Upon the failure of any corporation to appoint another 7280  
agent or to file a statement of change of address of an agent, the 7281  
secretary of state shall give notice thereof by certified mail to 7282  
the corporation at the address set forth in the notice of 7283  
resignation or on the most recent statement of continued existence 7284

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; 7316

(b) A statement that each constituent entity has complied 7317  
with all of the laws under which it exists and that the laws 7318  
permit the merger or consolidation; 7319

(c) The name and mailing address of the person or entity that 7320  
is to provide, in response to any written request made by a member 7321  
or other person, a copy of the agreement of merger or 7322  
consolidation; 7323

(d) The effective date of the merger or consolidation, which 7324  
date may be on or after the date of the filing of the certificate; 7325

(e) The signature of each representative authorized to sign 7326  
the certificate on behalf of each constituent entity and the 7327  
office each representative authorized to sign holds or the 7328  
capacity in which the representative is acting; 7329

(f) A statement that the agreement of merger or consolidation 7330  
is authorized on behalf of each constituent entity and that each 7331  
person who signed the certificate on behalf of each entity is 7332  
authorized to do so; 7333

(g) In the case of a merger, a statement that one or more 7334  
specified constituent entities will be merged into a specified 7335  
surviving entity or, in the case of a consolidation, a statement 7336  
that the constituent entities will be consolidated into a new 7337  
entity; 7338

(h) In the case of a merger, if the surviving entity is a 7339  
foreign entity not licensed to transact business in this state, 7340  
the name and address of the statutory agent upon whom any process, 7341  
notice, or demand may be served; 7342

(i) In the case of a consolidation, the name and address of 7343  
the statutory agent upon whom any process, notice, or demand 7344  
against any constituent entity or the new entity may be served. 7345

(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 7378  
documents that are required to be filed in connection with the 7379  
merger or consolidation by the laws of that state or by that 7380  
chapter. 7381

(C) Upon the filing of a certificate of merger or 7382  
consolidation and other filings as described in division (B) of 7383  
this section, or at such later date as the certificate of merger 7384  
or consolidation specifies, the merger or consolidation shall 7385  
become effective. 7386

(D) The secretary of state shall furnish, upon request and 7387  
payment of ~~a~~ the fee specified in division (D) of ten dollars 7388  
section 111.16 of the Revised Code, a certificate setting forth 7389  
the name of each constituent entity and the state under whose laws 7390  
each constituent entity existed prior to the merger or 7391  
consolidation, the name of the surviving or new entity and the 7392  
state under whose laws the surviving entity exists or the new 7393  
entity is to exist, the date of filing of the certificate of 7394  
merger or consolidation with the secretary of state, and the 7395  
effective date of the merger or consolidation. The certificate of 7396  
the secretary of state or a copy of the merger or consolidation 7397  
certified by the secretary of state may be filed for record in the 7398  
office of the recorder of any county in this state and, if filed, 7399  
shall be recorded in the records of deeds for that county. For 7400  
that recording, the county recorder shall charge and collect the 7401  
same fee as in the case of deeds. 7402

**Sec. 1702.59.** (A) Every nonprofit corporation, incorporated 7403  
under the general corporation laws of this state, or previous 7404  
laws, or under special provisions of the Revised Code, or created 7405  
before September 1, 1851, which corporation has expressly or 7406  
impliedly elected to be governed by the laws passed since that 7407  
date, and whose articles or other documents are filed with the 7408

secretary of state, shall file with the secretary of state a 7409  
verified statement of continued existence, signed by a director, 7410  
officer, or three members in good standing, setting forth the 7411  
corporate name, the place where the principal office of the 7412  
corporation is located, the date of incorporation, the fact that 7413  
the corporation is still actively engaged in exercising its 7414  
corporate privileges, and the name and address of its agent 7415  
appointed pursuant to section 1702.06 of the Revised Code. 7416

(B) Each corporation required to file a statement of 7417  
continued existence shall file it with the secretary of state 7418  
within each five years after the date of incorporation or of the 7419  
last corporate filing. ~~For filing such statements of continued 7420  
existence, the secretary of state shall charge and collect a fee 7421  
of five dollars.~~ 7422

(C) Corporations specifically exempted by division (N) of 7423  
section 1702.06 of the Revised Code, or whose activities are 7424  
regulated or supervised by another state official, agency, bureau, 7425  
department, or commission are exempted from this section. 7426

(D) The secretary of state shall give notice in writing and 7427  
provide a form for compliance with this section to each 7428  
corporation required by this section to file the statement of 7429  
continued existence, such notice and form to be mailed to the last 7430  
known address of the corporation as it appears on the records of 7431  
the secretary of state or which the secretary of state may 7432  
ascertain upon a reasonable search. 7433

(E) ~~In the event~~ If any nonprofit corporation required by 7434  
this section to file a statement of continued existence fails to 7435  
file the statement required every fifth year, then the secretary 7436  
of state shall cancel the articles of such corporation, make a 7437  
notation of the cancellation on the records, and mail to the 7438  
corporation a certificate of the action so taken. 7439

(F) A corporation whose articles have been canceled may be 7440



reinstated by filing an application for reinstatement and paying 7441  
to the secretary of state a the fee specified in division (Q) of 7442  
ten dollars section 111.16 of the Revised Code. The name of a 7443  
corporation whose articles have been canceled shall be reserved 7444  
for a period of one year after the date of cancellation. If the 7445  
reinstatement is not made within one year from the date of the 7446  
cancellation of its articles of incorporation and it appears that 7447  
a corporate name, limited liability company name, limited 7448  
liability partnership name, limited partnership name, or trade 7449  
name has been filed, the name of which is not distinguishable upon 7450  
the record as provided in section 1702.06 of the Revised Code, the 7451  
applicant for reinstatement shall be required by the secretary of 7452  
state, as a condition prerequisite to such reinstatement, to amend 7453  
its articles by changing its name. A certificate of reinstatement 7454  
may be filed in the recorder's office of any county in the state, 7455  
for which the recorder shall charge and collect a fee of one 7456  
dollar. The rights, privileges, and franchises of a corporation 7457  
whose articles have been reinstated are subject to section 1702.60 7458  
of the Revised Code. 7459

(G) The secretary of state shall furnish the tax commissioner 7460  
a list of all corporations failing to file the required statement 7461  
of continued existence. 7462

**Sec. 1703.04.** (A) To procure a license to transact business 7463  
in this state, a foreign corporation for profit shall file with 7464  
the secretary of state a certificate of good standing or 7465  
subsistence, dated not earlier than ninety days prior to the 7466  
filing of the application, under the seal of the secretary of 7467  
state, or other proper official, of the state under the laws of 7468  
which said corporation was incorporated, setting forth: 7469

(1) The exact corporate title; 7470

(2) The date of incorporation; 7471

(3) The fact that the corporation is in good standing or is a subsisting corporation. 7472  
7473

(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: 7474  
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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; 7479  
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(2) The name of the state under the laws of which it was incorporated; 7482  
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(3) The location and complete address of its principal office; 7484  
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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; 7486  
7487  
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(5) The appointment of a designated agent and the complete address of such agent; 7489  
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(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; 7491  
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(7) A brief summary of the corporate purposes to be exercised within this state. 7495  
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~~(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.~~ 7497  
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7500

~~(D)~~(1) No such application for a license shall be accepted 7501

for filing if it appears that the name of the foreign corporation 7502  
is prohibited by law or is not distinguishable upon the records in 7503  
the office of the secretary of state from the name of any other 7504  
corporation, whether nonprofit or for profit and whether that of a 7505  
domestic corporation or of a foreign corporation authorized to 7506  
transact business in this state, the name of a limited liability 7507  
company registered in the office of the secretary of state 7508  
pursuant to Chapter 1705. of the Revised Code, whether domestic or 7509  
foreign, the name of any limited liability partnership registered 7510  
in the office of the secretary of state pursuant to Chapter 1775. 7511  
of the Revised Code, whether domestic or foreign, the name of any 7512  
limited partnership registered in the office of the secretary of 7513  
state pursuant to Chapter 1782. of the Revised Code, whether 7514  
domestic or foreign, or a trade name to which the exclusive right 7515  
at the time in question is registered in the manner provided in 7516  
Chapter 1329. of the Revised Code, unless there also is filed with 7517  
the secretary of state, on a form prescribed by the secretary of 7518  
state, the consent of the other entity or person to the use of the 7519  
name, evidenced in a writing signed by any authorized officer of 7520  
the other entity or authorized representative of the other person 7521  
owning the exclusive right to the registered trade name. 7522

(2) Notwithstanding division ~~(D)~~(C)(1) of this section, if an 7523  
application for a license is not acceptable for filing solely 7524  
because the name of the foreign corporation is not distinguishable 7525  
from the name of another entity or registered trade name, the 7526  
foreign corporation may be authorized to transact business in this 7527  
state by filing with the secretary of state, in addition to those 7528  
items otherwise prescribed by this section, a statement signed by 7529  
an authorized officer directing the foreign corporation to make 7530  
application for a license to transact business in this state under 7531  
an assumed business name or names that comply with the 7532  
requirements of this division and stating that the foreign 7533  
corporation will transact business in this state only under the 7534

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~~

~~setting forth the new address unless the change is reported on the~~ 7566  
~~annual report filed with the department of taxation, on a form~~ 7567  
~~prescribed by the secretary of state, a written statement setting~~ 7568  
~~forth the agent's new address.~~ 7569

(E) A designated agent may resign by filing with the 7570  
secretary of state, on a form prescribed by the secretary of 7571  
state, a signed statement to that effect. The secretary of state 7572  
shall forthwith mail a copy of ~~such~~ the statement to the foreign 7573  
corporation at its principal office as shown by the record in the 7574  
secretary of state's office. Upon the expiration of sixty days 7575  
after the filing, the authority of the agent shall terminate. 7576

(F) A foreign corporation may revoke the appointment of a 7577  
designated agent by filing with the secretary of state ~~an~~ 7578  
~~amendment to its application for a foreign license appointing~~ 7579  
~~another agent that includes, on a form prescribed by the secretary~~ 7580  
~~of state, a written appointment of another agent and~~ a statement 7581  
that the appointment of the former agent is revoked. 7582

(G) Process may be served upon a foreign corporation by 7583  
delivering a copy of it to its designated agent, if a natural 7584  
person, or by delivering a copy of it at the address of its agent 7585  
in this state, as the address appears upon the record in the 7586  
office of the secretary of state. 7587

(H) This section does not limit or affect the right to serve 7588  
process upon a foreign corporation in any other manner permitted 7589  
by law. 7590

(I) Every foreign corporation for profit shall state in each 7591  
annual report filed by it with the department of taxation the name 7592  
and address of its designated agent in this state. 7593

**Sec. 1703.15.** No foreign corporation shall transact in this 7594  
state any business that could not be lawfully transacted by a 7595  
domestic corporation. Whenever the secretary of state finds that a 7596

foreign corporation licensed to transact business in this state is 7597  
transacting in this state a business that a domestic corporation 7598  
could not lawfully transact, is transacting business in this state 7599  
in a corporate name that is not readily distinguishable from the 7600  
name of every other corporation, limited liability company, 7601  
limited liability partnership, or limited partnership, domestic or 7602  
foreign, or every trade name, registered in the office of the 7603  
secretary of state, theretofore authorized to transact business in 7604  
this state, without the consent of the other corporation, limited 7605  
liability company, limited liability partnership, limited 7606  
partnership, or trade name registrant, evidenced in writing filed 7607  
with the secretary of state pursuant to section 1703.04 of the 7608  
Revised Code, or has failed, after the death or resignation of its 7609  
designated agent or the designated agent's removal from this 7610  
state, to designate another agent as required by section 1703.041 7611  
of the Revised Code, the secretary of state shall give notice 7612  
thereof by certified mail to the corporation. Unless that failure 7613  
is cured within thirty days after the mailing by the secretary of 7614  
state of the notice or within such further period as the secretary 7615  
of state grants, the secretary of state, upon the expiration of 7616  
such period, shall cancel the license of the foreign corporation 7617  
to transact business in this state, give notice of the 7618  
cancellation to the corporation by mail, and make a notation of 7619  
the cancellation on the secretary of state's records. 7620

7621  
A foreign corporation whose license has been canceled may be 7622  
reinstated upon its filing with the secretary of state, on a form 7623  
prescribed by the secretary of state, an application for 7624  
reinstatement accompanied by ~~a~~ the fee specified in division (O) 7625  
~~of ten dollars~~ section 111.16 of the Revised Code. If the 7626  
application for reinstatement is submitted in a tax year or 7627  
calendar year other than that in which the cancellation occurred, 7628  
the application also shall be accompanied by a certificate of 7629

reinstatement issued by the department of taxation. The name of a 7630  
corporation whose license has been canceled pursuant to this 7631  
section shall be reserved for a period of one year after the date 7632  
of cancellation. If the reinstatement is not made within one year 7633  
after the date of cancellation of the foreign license and it 7634  
appears that a corporate name, limited liability company name, 7635  
limited liability partnership name, limited partnership name, or 7636  
trade name has been filed, the name of which is not 7637  
distinguishable upon the record as provided in division (D) of 7638  
section 1703.04 of the Revised Code, the secretary of state shall 7639  
require the applicant for the reinstatement, as a condition 7640  
prerequisite to such reinstatement, to apply for authorization to 7641  
transact business in this state under an assumed name. 7642

**Sec. 1703.17.** (A) A foreign corporation may surrender its 7643  
license to transact business in this state in the manner provided 7644  
in this section. 7645

(B) A certificate of surrender signed by any authorized 7646  
officer, or by the receiver, trustee in bankruptcy, or other 7647  
liquidator of such corporation, shall be filed with the secretary 7648  
of state, on a form prescribed by the secretary of state, setting 7649  
forth: 7650

(1) The name of the corporation and of the state under the 7651  
laws of which it is incorporated; 7652

(2) That it surrenders its license; 7653

(3) The address to which the secretary of state may mail any 7654  
process against such corporation that may be served upon the 7655  
secretary of state, and may mail any other notices, certificates, 7656  
or statements. 7657

(C) A certificate of surrender, filed with the secretary of 7658  
state, on a form prescribed by the secretary of state, shall be 7659  
accompanied by: 7660

(1) A receipt, certificate, or other evidence showing the 7661  
payment of all franchise, sales, use, and highway use taxes 7662  
accruing up to the date of such filing, or that such payment has 7663  
been adequately guaranteed; 7664

(2) A receipt, certificate, or other evidence showing the 7665  
payment of all personal property taxes accruing up to the date of 7666  
such filing; 7667

(3) A receipt, certificate, or other evidence from the 7668  
director of job and family services showing that all contributions 7669  
due from the corporation as an employer have been paid, or that 7670  
such payment has been adequately guaranteed, or that the 7671  
corporation is not subject to such contributions; 7672

(4) An affidavit of the officer, or other person permitted by 7673  
law, executing the certificate of surrender, containing a 7674  
statement of the counties, if any, in this state in which the 7675  
corporation has personal property or a statement that the 7676  
corporation is of a type required to pay personal property taxes 7677  
to state authorities only. 7678

(D) In lieu of the receipt, certificate, or other evidence 7679  
described in divisions (C)(1), (2), and (3) of this section, a 7680  
certificate of surrender may be accompanied by an affidavit of the 7681  
person executing the certificate of surrender, or of an officer of 7682  
the corporation, that contains a statement of the date upon which 7683  
the particular department, agency, or authority was advised in 7684  
writing of the scheduled date of filing the certificate of 7685  
surrender and was advised in writing of the acknowledgement by the 7686  
corporation that the surrender of its license does not relieve it 7687  
of liability, if any, for payment of the taxes and contributions 7688  
described in divisions (C)(1), (2), and (3) of this section. 7689

(E) In lieu of filing such certificate of surrender there may 7690  
be filed a certificate of the secretary of state, or other proper 7691



official, of the state under the laws of which the corporation is 7692  
incorporated, certifying that said corporation has been dissolved 7693  
or its corporate existence otherwise terminated, or a certified 7694  
copy of an order of court terminating the existence of such 7695  
corporation; but such certificate or certified copy shall be 7696  
accompanied by the information required by division (B)(3) of this 7697  
section. 7698

(F) ~~For~~ After the payment of the fee specified in division 7699  
(N)(2) of section 111.16 of the Revised Code and the filing of 7700  
such certificate or certified copy under this section, ~~there shall~~ 7701  
~~be paid to the secretary of state a filing fee of twenty-five~~ 7702  
~~dollars.~~ The secretary of state shall ~~thereupon~~ cancel the 7703  
license of such corporation, make a notation of such cancellation 7704  
upon the secretary of state's records, and mail to the corporation 7705  
a certificate of the action so taken. 7706

(G) The mere retirement from business of a foreign 7707  
corporation without filing a certificate of surrender shall not 7708  
exempt such corporation from the requirements of filing the 7709  
reports and paying the fees required by sections 1703.01 to 7710  
1703.31 of the Revised Code, or from making reports and paying 7711  
excise or franchise fees or taxes. 7712

**Sec. 1703.27.** No foreign nonprofit corporation shall exercise 7713  
its corporate privileges in this state in a continual course of 7714  
transactions until it has first procured from the secretary of 7715  
state a certificate authorizing it to do so. 7716

Before issuing such certificate, the secretary of state shall 7717  
require such foreign corporation to file in the secretary of 7718  
state's office a certificate of good standing or subsistence, 7719  
setting forth the exact corporate title, the date of 7720  
incorporation, and the fact that the corporation is in good 7721  
standing or is a subsisting corporation, certified by the 7722

secretary of state, or other proper official, of the state under 7723  
the laws of which the corporation was incorporated, and a 7724  
statement, on a form prescribed by the secretary of state, 7725  
verified by the oath of one of its officers, setting forth, but 7726  
not limited to, the following: 7727

(A) The name of the corporation; 7728

(B) The state under the laws of which it is incorporated; 7729

(C) The location of its principal office; 7730

(D) The corporate privileges it proposes to exercise in this 7731  
state; 7732

(E) The location of its principal office in this state; 7733

(F) The appointment of a designated agent and the complete 7734  
address of such agent; 7735

(G) Its irrevocable consent to service of process on such 7736  
agent so long as the authority of the agent continues and to 7737  
service of process upon the secretary of state in the events 7738  
provided for in section 1703.19 of the Revised Code. 7739

For the filing of ~~such that~~ statement, the secretary of state 7740  
shall charge and collect ~~a~~ the fee specified in division (I)(1) of 7741  
~~thirty-five dollars~~ section 111.16 of the Revised Code. 7742

A foreign nonprofit corporation shall file an amendment with 7743  
the secretary of state if there is a modification of any of the 7744  
information required to be included in its statement, except for 7745  
changes in information required by division (F) of this section, 7746  
which shall be corrected in the same manner as described in 7747  
section 1702.06 of the Revised Code. For the filing of ~~such~~ 7748  
~~amendment~~ those amendments and corrections, the secretary of state 7749  
shall charge and collect ~~a~~ the fee specified in division (B) or 7750  
(R) of fifty dollars section 111.16 of the Revised Code. 7751

Sections 1703.01 to 1703.31 of the Revised Code, governing 7752

foreign corporations for profit in respect to exemption from 7753  
attachment, change of location of principal office, change of its 7754  
designated agent or of the designated agent's address, service on 7755  
the secretary of state, license certificate as prima-facie 7756  
evidence, proof of due incorporation, filing of amendments 7757  
evidencing changes of corporate name, merger, or consolidation, 7758  
filing of certificate of surrender, service on retired 7759  
corporation, and penalties or forfeitures for transacting business 7760  
without license, for false reports, and for failure to comply with 7761  
other applicable provisions of such sections, shall also apply to 7762  
foreign nonprofit corporations. 7763

The secretary of state may require further reports, 7764  
certificates, or information from a foreign nonprofit corporation, 7765  
including verification of the continued existence of the 7766  
corporation. Upon the failure of any corporation to provide the 7767  
information, the secretary of state shall give notice of the 7768  
failure by certified mail and, if the report is not filed within 7769  
thirty days after the mailing of the notice, the license of the 7770  
corporation to exercise its corporate privileges in this state 7771  
shall expire and the secretary of state shall make a notation to 7772  
that effect on the secretary of state's records. 7773

**Sec. 1703.31.** (A) Any foreign corporation may register its 7774  
corporate name, if its corporate name is available for use under 7775  
division (D) of section 1703.04 of the Revised Code, by filing in 7776  
the office of the secretary of state an application, on a form 7777  
prescribed by the secretary of state, that contains the following 7778  
information: 7779

(1) The exact corporate name to be registered; 7780

(2) The complete address of the principal office of the 7781  
corporation; 7782

(3) The jurisdiction of its incorporation; 7783

(4) The date of its incorporation;	7784
(5) A statement that it is carrying on or doing business;	7785
(6) The general nature of the business in which it is engaged;	7786 7787
(7) Any other information required by the secretary of state.	7788 7789
The application shall be signed and verified by an officer of the applicant.	7790 7791
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.	7792 7793 7794 7795 7796 7797
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.	7798 7799 7800
(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.	7801 7802 7803 7804 7805 7806 7807 7808 7809
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	7810 7811 7812 7813

current registration in effect. 7814

A The renewal fee specified in division (S)(3) of ~~twenty-five~~ 7815  
dollars section 111.16 of the Revised Code, payable to the 7816  
secretary of state, shall accompany the application for renewal of 7817  
the registration. 7818

**Sec. 1705.05.** (A) The name of a limited liability company 7819  
shall include the words, "limited liability company," without 7820  
abbreviation or shall include one of the following abbreviations: 7821  
"LLC," "L.L.C.," "limited," "ltd.," or "ltd". 7822

(B)(1) Except as provided in this section and in sections 7823  
1701.75, 1701.78, 1701.82, 1705.36, and 1705.37 of the Revised 7824  
Code, the secretary of state shall not accept for filing in the 7825  
secretary of state's office the articles of organization of a 7826  
limited liability company if the company name set forth in the 7827  
articles is not distinguishable on the records of the secretary of 7828  
state from the name of any of the following: 7829

(a) Any other limited liability company, whether the name is 7830  
of a domestic limited liability company or of a foreign limited 7831  
liability company registered as a foreign limited liability 7832  
company under this chapter; 7833

(b) Any corporation, whether the name is of a domestic 7834  
corporation or of a foreign corporation holding a license as a 7835  
foreign corporation under the laws of this state pursuant to 7836  
Chapter 1701., 1702., or 1703. of the Revised Code; 7837

(c) Any limited liability partnership, whether the name is of 7838  
a domestic limited liability partnership or a foreign limited 7839  
liability partnership registered pursuant to Chapter 1775. of the 7840  
Revised Code; 7841

(d) Any limited partnership, whether the name is of a 7842  
domestic limited partnership or a foreign limited partnership 7843

registered pursuant to Chapter 1782. of the Revised Code; 7844

(e) Any trade name to which the exclusive right, at the time 7845  
in question, is registered in the office of the secretary of state 7846  
pursuant to Chapter 1329. of the Revised Code. 7847

(2) The secretary of state may accept for filing in the 7848  
secretary of state's office the articles of organization of a 7849  
limited liability company whose name set forth in the articles is 7850  
not distinguishable on the records of the secretary of state from 7851  
any trade name or the name of another limited liability company, 7852  
corporation, limited liability partnership, or limited partnership 7853  
if there also is filed in the secretary of state's office the 7854  
consent of the other entity or, in the case of a registered trade 7855  
name, the person in whose name is registered the exclusive right 7856  
to the use of the particular name. 7857

(C) A consent given by an entity or person in whose name is 7858  
registered the exclusive right to use a trade name, to the use of 7859  
a name by a limited liability company, shall be in the form of an 7860  
instrument, prescribed by the secretary of state, that is signed 7861  
by an authorized officer or other authorized representative of the 7862  
consenting entity or person in whose name the trade name is 7863  
registered. 7864

(D) If a judicial sale or a judicial transfer by sale, 7865  
transfer of good will, or otherwise involves the right to use the 7866  
name of a domestic limited liability company or of a foreign 7867  
limited liability company registered as a foreign limited 7868  
liability company under this chapter, then, at the request of the 7869  
purchaser or transferee of that right, the secretary of state 7870  
shall accept for filing articles of organization of a limited 7871  
liability company with a name that is the same as or similar to 7872  
the name of the other limited liability company if there also is 7873  
filed in the secretary of state's office a certified copy of the 7874  
court order or decree that confirms or otherwise evidences the 7875

purchase or transfer.

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(E) Any person that wishes to reserve a name for a proposed new limited liability company or any limited liability company that intends to change its name may submit to the secretary of state, on a form prescribed by the secretary of state, a written application for the exclusive right to use a specified name as the name of the company. If the secretary of state finds, consistent with this section, that the specified name is available for use, the secretary of state shall file the application. From the date of the filing, the applicant has the exclusive right for ~~sixty one~~ hundred eighty days to use the specified name as the name of the limited liability company, counting the date of the 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 filing in the office of the secretary of state a written transfer, on a form prescribed by the secretary of state, that states the name and address of the transferee.

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~~(F) The secretary of state shall charge and collect a fee of five dollars for filing under this section any application or document other than articles of organization or a consent to the use of a name.~~

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**Sec. 1705.06.** (A) Each limited liability company shall maintain continuously in this state an agent for service of process on the company. The agent shall be an individual who is a resident of this state, a domestic corporation, or a foreign corporation holding a license as a foreign corporation under the laws of this state.

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(B)(1) The secretary of state shall not accept original articles of organization of a limited liability company for filing unless the articles are accompanied by both of the following:

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(a) A written appointment of an agent as described in

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division (A) of this section that is signed by an authorized 7907  
member, manager, or other representative of the limited liability 7908  
company; 7909

(b) A written acceptance of the appointment that is signed by 7910  
the designated agent on a form prescribed by the secretary of 7911  
state. 7912

(2) In cases not covered by division (B)(1) of this section, 7913  
the limited liability company shall appoint the agent described in 7914  
division (A) of this section and shall file with the secretary of 7915  
state, on a form prescribed by the secretary of state, a written 7916  
appointment of that agent that is signed as described in division 7917  
(K) of this section and a written acceptance of the appointment 7918  
that is signed by the designated agent. 7919

(3) For purposes of divisions (B)(1) and (2) of this section, 7920  
the filed written acceptance of an agent's appointment shall be a 7921  
signed original document or a photocopy, facsimile, or similar 7922  
reproduction of a signed original document. 7923

(C) The written appointment of an agent described in division 7924  
(A) of this section shall set forth the name of the agent and the 7925  
agent's address in this state, including the street and number or 7926  
other particular description of that address. It otherwise shall 7927  
be in the form that the secretary of state prescribes. The 7928  
secretary of state shall keep a record of the names of limited 7929  
liability companies and the names and addresses of their agents. 7930  
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(D) If any agent described in division (A) of this section 7932  
dies, resigns, or moves outside of this state, the limited 7933  
liability company shall appoint forthwith another agent and file 7934  
with the secretary of state, on a form prescribed by the secretary 7935  
of state, a written appointment of the agent and acceptance of 7936  
appointment as described in division (B)(2) of this section. 7937



(E) If the agent described in division (A) of this section 7938  
changes the agent's address from the address stated in the records 7939  
of the secretary of state, the agent or the limited liability 7940  
company shall file forthwith with the secretary of state, on a 7941  
form prescribed by the secretary of state, a written statement 7942  
setting forth the new address. 7943

(F) An agent described in division (A) of this section may 7944  
resign by filing with the secretary of state, on a form prescribed 7945  
by the secretary of state, a written notice of resignation that is 7946  
signed by the agent and by mailing a copy of that notice to the 7947  
limited liability company at the current or last known address of 7948  
its principal office. The notice shall be mailed to the company on 7949  
or prior to the date that the notice is filed with the secretary 7950  
of state and shall set forth the name of the company, the name and 7951  
current address of the agent, the current or last known address, 7952  
including the street and number or other particular description, 7953  
of the company's principal office, a statement of the resignation 7954  
of the agent, and a statement that a copy of the notice has been 7955  
sent to the company within the time and in the manner specified in 7956  
this division. The authority of the resigning agent terminates 7957  
thirty days after the filing of the notice with the secretary of 7958  
state. 7959

(G) A limited liability company may revoke the appointment of 7960  
its agent described in division (A) of this section by filing with 7961  
the secretary of state, on a form prescribed by the secretary of 7962  
state, a written appointment of another agent and an acceptance of 7963  
appointment in the manner described in division (B)(2) of this 7964  
section and a statement indicating that the appointment of the 7965  
former agent is revoked. 7966

(H)(1) Any legal process, notice, or demand required or 7967  
permitted by law to be served upon a limited liability company may 7968  
be served upon the company as follows: 7969

(a) If the agent described in division (A) of this section is 7970  
an individual, by delivering a copy of the process, notice, or 7971  
demand to the agent; 7972

(b) If the agent is a corporation, by delivering a copy of 7973  
the process, notice, or demand to the address of the agent in this 7974  
state as contained in the records of the secretary of state. 7975

(2) If the agent described in division (A) of this section 7976  
cannot be found or no longer has the address that is stated in the 7977  
records of the secretary of state or the limited liability company 7978  
has failed to maintain an agent as required by this section and if 7979  
the party or the agent or representative of the party that desires 7980  
service of the process, notice, or demand files with the secretary 7981  
of state an affidavit that states that one of those circumstances 7982  
exists and states the most recent address of the company that the 7983  
party who desires service has been able to ascertain after a 7984  
diligent search, then the service of the process, notice, or 7985  
demand upon the secretary of state as the agent of the company may 7986  
be initiated by delivering to the secretary of state four copies 7987  
of the process, notice, or demand accompanied by a fee of five 7988  
dollars. The secretary of state shall give forthwith notice of 7989  
that delivery to the company at either its principal office as 7990  
shown upon the secretary of state's records or at any different 7991  
address specified in the affidavit of the party desiring service 7992  
and shall forward to the company at either address by certified 7993  
mail, return receipt requested, a copy of the process, notice, or 7994  
demand. Service upon the company is made when the secretary of 7995  
state gives the notice and forwards the process, notice, or demand 7996  
as set forth in division (H)(2) of this section. 7997

(I) The secretary of state shall keep a record of each 7998  
process, notice, and demand that pertains to a limited liability 7999  
company and that is delivered to the secretary of state's office 8000  
under this section or another law of this state that authorizes 8001

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.

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(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.

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(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.

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~~(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.~~

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**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.

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(B)(1) The certificate of merger or consolidation shall set

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forth all of the following: 8033

(a) The name and the form of entity of each constituent 8034  
entity and the state under the laws of which each constituent 8035  
entity exists; 8036

(b) A statement that each constituent entity has complied 8037  
with all of the laws under which it exists and that the laws 8038  
permit the merger or consolidation; 8039

(c) The name and mailing address of the person or entity that 8040  
is to provide, in response to any written request made by a 8041  
shareholder, partner, or other equity holder of a constituent 8042  
entity, a copy of the agreement of merger or consolidation; 8043

(d) The effective date of the merger or consolidation, which 8044  
date may be on or after the date of the filing of the certificate; 8045

(e) The signature of the representative or representatives 8046  
authorized to sign the certificate on behalf of each constituent 8047  
entity and the office held or the capacity in which the 8048  
representative is acting; 8049

(f) A statement that the agreement of merger or consolidation 8050  
is authorized on behalf of each constituent entity and that the 8051  
persons who signed the certificate on behalf of each entity are 8052  
authorized to do so; 8053

(g) In the case of a merger, a statement that one or more 8054  
specified constituent entities will be merged into a specified 8055  
surviving entity or, in the case of a consolidation, a statement 8056  
that the constituent entities will be consolidated into a new 8057  
entity; 8058

(h) In the case of a merger, if the surviving entity is a 8059  
foreign entity not licensed to transact business in this state, 8060  
the name and address of the statutory agent upon whom any process, 8061  
notice, or demand may be served; 8062

(i) In the case of a consolidation, the name and address of 8063  
the statutory agent upon whom any process, notice, or demand 8064  
against any constituent entity or the new entity may be served. 8065

(2) In the case of a consolidation into a new domestic 8066  
corporation, limited liability company, or limited partnership, 8067  
the articles of incorporation, the articles of organization, or 8068  
the certificate of limited partnership of the new domestic entity 8069  
shall be filed with the certificate of merger or consolidation. 8070

(3) In the case of a merger into a domestic corporation, 8071  
limited liability company, or limited partnership, any amendments 8072  
to the articles of incorporation, articles of organization, or 8073  
certificate of limited partnership of the surviving domestic 8074  
entity shall be filed with the certificate of merger or 8075  
consolidation. 8076

(4) If the surviving or new entity is a foreign entity that 8077  
desires to transact business in this state as a foreign 8078  
corporation, limited liability company, or limited partnership, 8079  
the certificate of merger or consolidation shall be accompanied by 8080  
the information required by division (B)(8), (9), or (10) of 8081  
section 1705.37 of the Revised Code. 8082

(5) If a foreign or domestic corporation licensed to transact 8083  
business in this state is a constituent entity and the surviving 8084  
or new entity resulting from the merger or consolidation is not a 8085  
foreign or domestic corporation that is to be licensed to transact 8086  
business in this state, the certificate of merger or consolidation 8087  
shall be accompanied by the affidavits, receipts, certificates, or 8088  
other evidence required by division (H) of section 1701.86 of the 8089  
Revised Code, with respect to each domestic constituent 8090  
corporation, and by the affidavits, receipts, certificates, or 8091  
other evidence required by division (C) or (D) of section 1703.17 8092  
of the Revised Code, with respect to each foreign constituent 8093  
corporation licensed to transact business in this state. 8094

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(C) If any constituent entity in a merger or consolidation is 8096  
organized or formed under the laws of a state other than this 8097  
state or under any chapter of the Revised Code other than this 8098  
chapter, there also shall be filed in the proper office all 8099  
documents that are required to be filed in connection with the 8100  
merger or consolidation by the laws of that state or by that 8101  
chapter. 8102

(D) Upon the filing of a certificate of merger or 8103  
consolidation and other filings as described in division (C) of 8104  
this section or at any later date that the certificate of merger 8105  
or consolidation specifies, the merger or consolidation is 8106  
effective. 8107

(E)(1) Upon request and payment of a the fee specified in 8108  
division (D) of ~~ten dollars~~ section 111.16 of the Revised Code, 8109  
the secretary of state shall furnish the secretary of state's 8110  
certificate setting forth all of the following: 8111

(a) The name and form of entity of each constituent entity 8112  
and the states under the laws of which each constituent entity 8113  
existed prior to a merger or consolidation; 8114

(b) The name and the form of entity of the surviving or new 8115  
entity and the state under the laws of which the surviving entity 8116  
exists or the new entity is to exist; 8117

(c) The date of the filing of the certificate of merger or 8118  
consolidation in the secretary of state's office; 8119

(d) The effective date of the merger or consolidation. 8120

(2) The certificate of the secretary of state or a copy of a 8121  
certificate of merger or consolidation that has been certified by 8122  
the secretary of state may be filed for record in the office of 8123  
the recorder of any county in this state and, if filed, shall be 8124  
recorded in the record of deeds for that county. For that 8125

recording, the county recorder shall charge and collect the same  
fees as for recording a deed.

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**Sec. 1705.55.** (A) If any statement in an application for  
registration as a foreign limited liability company is materially  
false when made or if any facts described in the application have  
changed making it inaccurate in any material respect, the foreign  
limited liability company shall file promptly with the secretary  
of state a certificate correcting the application that shall be on  
a form that is prescribed by the secretary of state and be signed  
by an authorized representative of the company. If

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(B) If the application for registration or a subsequent  
certificate of correction becomes inaccurate because the  
designated agent resigns or changes the agent's address from that  
appearing in the registration application or any subsequent  
certificate of correction of the registration application, the  
foreign limited liability company, or the designated agent on its  
behalf, shall file a notice of that resignation or change promptly  
with the secretary of state ~~a new certificate of correction~~  
~~setting forth the new address.~~

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(C) A foreign limited liability company may revoke the  
appointment of its designated agent described in division (A) of  
section 1705.54 of the Revised Code 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 section  
1705.06 of the Revised Code and a statement indicating that the  
appointment of the former agent is revoked.

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(D) The fee specified in division (R) of section 111.16 of  
the Revised Code shall accompany a filing under division (B) or  
(C) of this section.

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**Sec. 1746.04.** (A) Except as set forth in section 1746.03 of 8156  
the Revised Code, before transacting business in this state, a 8157  
business trust shall file ~~a report~~ in the office of the secretary 8158  
of state, on forms prescribed by the secretary of state, a report 8159  
containing the following information: 8160

(1) A list of the names and addresses of its trustees; 8161

(2) The address of its principal office; 8162

(3) In the case of a foreign business trust, the address of 8163  
its principal office within this state, if any; 8164

(4) The business names of the business trust, including any 8165  
fictitious or assumed names; 8166

(5) The name and address within this state of a designated 8167  
agent upon whom process against the business trust may be served; 8168

(6) The irrevocable consent of the business trust to service 8169  
of process upon its designated agent and to service of process 8170  
upon the secretary of state if, without the registration of 8171  
another agent with the secretary of state, its designated agent 8172  
has died, resigned, lost authority, dissolved, become 8173  
disqualified, or has removed from this state, or if its designated 8174  
agent cannot, with due diligence, be found. 8175

Such report shall have attached as an exhibit an executed 8176  
copy of the trust instrument or a true and correct copy of it, 8177  
certified to be such by a trustee before an official authorized to 8178  
administer oaths or by a public official in another state in whose 8179  
office an executed copy is on file. 8180

(B) Not more than ninety days after the occurrence of any 8181  
event causing any filing, including exhibits, made pursuant to 8182  
division (A) of this section, or any previous filing made pursuant 8183  
to this division, to be inaccurate or incomplete, there shall be 8184  
filed in the office of the secretary of state all information 8185



necessary to maintain the accuracy and completeness of such 8186  
filing. 8187

(C) The secretary of state shall charge and collect ~~a fee~~ the 8188  
fees specified in division (T) of ~~seventy-five dollars~~ section 8189  
111.16 of the Revised Code for each filing made under division (A) 8190  
~~of this section and fifteen dollars for each filing under division~~ 8191  
or (B) of this section, except for filings under division (B) of 8192  
this section pertaining solely to division (A)(5) of this section, 8193  
for which the secretary of state shall charge and collect the fee 8194  
specified in division (R) of section 111.16 of the Revised Code. 8195

(D) The trust instrument and other information filed in the 8196  
office of the secretary of state are matters of public record, and 8197  
persons dealing with a business trust are charged with 8198  
constructive notice of the contents of any such instrument or 8199  
information by reason of such filing. 8200

(E) A copy of a trust instrument or other information filed 8201  
in the office of the secretary of state shall be accepted as 8202  
prima-facie evidence of the existence of the instrument or other 8203  
information and of its contents, and conclusive evidence of the 8204  
existence of such record. 8205

**Sec. 1746.06.** (A) No business trust that has made a filing 8206  
pursuant to section 1746.04 of the Revised Code may use the words 8207  
"Incorporated," "Corporation," "Inc.," "Co.," "Partnership," 8208  
"Ltd.," or derivatives thereof in its name. 8209

(B) No business trust formed after the effective date of this 8210  
chapter that has made a filing pursuant to section 1746.04 of the 8211  
Revised Code shall assume the name of any corporation established 8212  
under the laws of this state, or of a corporation, firm, or 8213  
association, or trust whether or not as defined in section 1746.01 8214  
of the Revised Code, or of an individual, carrying on business in 8215  
this state at the time when the business trust is created, or 8216

assume a name so similar thereto as to be likely to be mistaken 8217  
for it, except with the written consent of such existing 8218  
corporation, firm, association, or trust, or of such individual, 8219  
previously or concurrently filed with the secretary of state. 8220

(C) The secretary of state shall refuse to receive for filing 8221  
the trust instrument of a business trust if it appears to ~~him~~ the 8222  
secretary of state to have violated any provision of this section. 8223  
The courts of common pleas of this state shall have jurisdiction, 8224  
upon the application of any person interested or affected, to 8225  
enjoin a business trust from transacting business under any name 8226  
in violation of any provision of this section, notwithstanding 8227  
that the trust instrument of such business trust has been received 8228  
for filing under section 1746.04 of the Revised Code. 8229

(D) Any person who wishes to reserve a name for a proposed 8231  
new business trust, or any business trust intending to change its 8232  
name, may submit to the secretary of state a written application 8233  
for the exclusive right to use a specified name as the name of a 8234  
business trust. If the secretary of state finds that, under this 8235  
section, the specified name is available for such use, ~~he~~ the 8236  
secretary of state shall indorse ~~his~~ the secretary of state's 8237  
approval upon and file such application and, from the date of such 8238  
indorsement, such applicant shall have the exclusive right for 8239  
sixty one hundred eighty days to use the specified name as the 8240  
name of a business trust, counting the date of such indorsement as 8241  
the first of the sixty one hundred eighty days. The right so 8242  
obtained may be transferred by the applicant or other holder 8243  
thereof by the filing in the office of the secretary of state of a 8244  
written transfer stating the name and address of the transferee. 8245  
For filing any application for the exclusive right to use a 8246  
specified name under this division, the secretary of state shall 8247  
charge and collect a the fee specified in division (S)(1) of ~~five~~ 8248

~~dollars~~ section 111.16 of the Revised Code. For each filing of a 8249  
transfer of the right to an exclusive name under this division, 8250  
the secretary of state shall charge and collect the fee specified 8251  
in division (S)(4) of section 111.16 of the Revised Code. 8252

(E) Any business trust that has not made the filings 8253  
described under section 1746.04 of the Revised Code may submit to 8254  
the secretary of state a written application for the exclusive 8255  
right to use a specified name as the name of such business trust. 8256  
If the secretary of state finds that, under this section, the 8257  
specified name is available for such use, ~~he~~ the secretary of 8258  
state shall indorse ~~his~~ the secretary of state's approval upon and 8259  
file such application and, from the date of such indorsement, such 8260  
applicant has the exclusive right to use the specified name for 8261  
the period that it transacts business. The right so obtained may 8262  
be transferred by the applicant or other holder thereof by the 8263  
filing in the office of the secretary of state of a written 8264  
transfer stating the name and address of the transferee. For 8265  
filing ~~any~~ an application for the exclusive right to use a 8266  
specified name under this division, the secretary of state shall 8267  
charge and collect ~~a~~ the fee specified in division (S)(1) of five 8268  
~~dollars~~ section 111.16 of the Revised Code. 8269

**Sec. 1746.15.** Any business trust that has made the filings 8270  
described in section 1746.04 of the Revised Code may withdraw from 8271  
this state at any time by filing in the office of the secretary of 8272  
state a verified copy of a resolution duly adopted by its trustees 8273  
declaring its intention to withdraw and surrender its authority, 8274  
accompanied by ~~a~~ the fee of fifteen dollars specified in division 8275  
(T) of section 111.16 of the Revised Code. 8276

**Sec. 1747.03.** (A) Before transacting real estate business in 8277  
this state, a real estate investment trust shall file the 8278  
following report in the office of the secretary of state, on forms 8279

prescribed by the secretary of state:	8280
(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;	8281 8282 8283 8284
(2) A list of the names and addresses of its trustees;	8285
(3) The address of its principal office;	8286
(4) In the case of a foreign real estate investment trust, the address of its principal office within this state, if any;	8287 8288
(5) The business name of the trust;	8289
(6) The name and address within this state of a designated agent upon whom process against the trust may be served;	8290 8291
(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;	8292 8293 8294 8295 8296 8297 8298
(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.	8299 8300 8301 8302 8303 8304
(B) For <del>filing</del> <u>filings</u> under this section, the secretary of state shall charge and collect <del>a</del> <u>the fee specified in division (T)</u> of <del>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</del> <u>section 111.16 of the Revised Code, except for</u>	8305 8306 8307 8308 8309

filings under division (A)(8) of this section pertaining solely to 8310  
division (A)(6) of this section, for which the secretary of state 8311  
shall charge and collect the fee specified in division (R) of 8312  
section 111.16 of the Revised Code. 8313

(C) All persons shall be given the opportunity to acquire 8314  
knowledge of the contents of the trust instrument and other 8315  
information filed in the office of the secretary of state, but no 8316  
person dealing with a real estate investment trust shall be 8317  
charged with constructive notice of the contents of any such 8318  
instrument or information by reason of such filing. 8319

(D) A copy of a trust instrument or other information filed 8320  
in the office of the secretary of state ~~shall be~~ is prima-facie 8321  
evidence of the existence of the instrument or other information 8322  
and of its contents, and ~~as~~ is conclusive evidence of the 8323  
existence of such record. 8324

**Sec. 1747.04.** A trust instrument may be amended in the manner 8325  
specified in it or in any manner that is valid under the common or 8326  
statutory law applicable to the trust created ~~thereunder~~ under it. 8327  
However, no amendment adopted subsequent to the initial filings 8328  
required by section 1747.03 of the Revised Code is legally 8329  
effective in this state until an executed or certified true and 8330  
correct copy of the amendment has been filed in the office of the 8331  
secretary of state accompanied by ~~a~~ the fee specified in division 8332  
(T) of ~~twenty-five dollars~~ section 111.16 of the Revised Code. 8333

**Sec. 1747.10.** Any domestic or foreign real estate investment 8334  
trust authorized to transact real estate business in this state 8335  
may surrender its authority at any time by filing in the office of 8336  
the secretary of state a verified copy of a resolution duly 8337  
adopted by its trustees declaring its intention to withdraw, 8338  
accompanied by ~~a~~ the fee specified in division (T) of ~~ten dollars~~ 8339  
section 111.16 of the Revised Code. Such real estate investment 8340

trust then ceases and is without authority to transact real estate 8341  
business in this state, except as necessary for ~~the concluding~~ 8342  
~~thereof~~ its conclusion. 8343

**Sec. 1775.63.** (A) A domestic limited liability partnership or 8344  
foreign registered limited liability partnership shall, ~~annually~~ 8345  
biennially during the month of July in odd-numbered years, file a 8346  
report with the office of the secretary of state verifying and, if 8347  
necessary, updating, as of the thirtieth day of June of that year, 8348  
the information contained in the registration application required 8349  
by division (A) of sections 1775.61 and 1775.64 of the Revised 8350  
Code. The ~~annual~~ report shall be made on a form prescribed and 8351  
furnished by the secretary of state and shall be signed by a 8352  
majority in interest of the partners or by one or more partners 8353  
authorized by the partnership to execute the report. 8354

(B) If a domestic limited liability partnership or foreign 8355  
registered limited liability partnership fails to file the ~~annual~~ 8356  
report in accordance with division (A) of this section, the 8357  
secretary of state shall give notice of the failure by certified 8358  
mail to the last known address of the partnership or its statutory 8359  
agent. If the report is not filed within thirty days after the 8360  
mailing of the notice, the secretary of state shall, upon the 8361  
expiration of that period, cancel the registration of the 8362  
partnership, give notice of the cancellation to the partnership by 8363  
regular mail to the last known address of the partnership or its 8364  
statutory agent, and make a notation of the cancellation on the 8365  
secretary of state's records. 8366

(C) A domestic limited liability partnership or foreign 8367  
registered limited liability partnership whose registration has 8368  
been canceled pursuant to division (B) of this section may be 8369  
reinstated by filing an application for reinstatement, together 8370  
with the required ~~annual~~ report or reports, and by paying a the 8371  
reinstatement fee specified in division (O) of ~~ten dollars~~ section 8372

111.16 of the Revised Code. The secretary of state shall inform 8373  
the tax commissioner of all cancellations and reinstatements under 8374  
this section. 8375

**Sec. 1775.64.** (A) Before transacting business in this state, 8376  
a foreign limited liability partnership shall file a registration 8377  
application with the secretary of state. The application shall be 8378  
on a form prescribed by the secretary of state and shall set forth 8379  
only the following information: 8380

(1) The name of the partnership; 8381

(2) The jurisdiction pursuant to the laws of which it was 8382  
organized as a limited liability partnership; 8383

(3) The address of its principal office or, if the 8384  
partnership's principal office is not located in this state, the 8385  
address of a registered office; 8386

(4) The name and address of its agent for service of process 8387  
in this state; 8388

(5) A brief statement of the business in which the 8389  
partnership engages. 8390

(B) A registration application shall be accompanied by the 8391  
application fee specified in division (F) of section 111.16 of the 8392  
Revised Code. 8393

(C) A foreign limited liability partnership transacting 8394  
business in this state shall comply with the name, correction, and 8395  
annual reporting requirements set forth in division (G) of section 8396  
1775.61, divisions (B) and (C) of section 1775.62, and section 8397  
1775.63 of the Revised Code and shall comply with any statutory or 8398  
administrative registration or filing requirements governing the 8399  
specific type of business in which the partnership engages. 8400

(D) The secretary of state shall register as a foreign 8401  
limited liability partnership, any foreign limited liability 8402

partnership that submits a completed registration application with 8403  
the required fee. 8404

(E) Registration as a foreign limited liability partnership 8405  
ceases if ~~either of the following occurs:~~ 8406

~~(1) The registration is voluntarily withdrawn by filing with 8407  
the secretary of state, on a form prescribed by the secretary of 8408  
state, a written withdrawal notice signed by one or more partners 8409  
authorized by the partnership to execute a withdrawal notice. 8410~~

~~(2) The registration is canceled by the secretary of state 8411  
pursuant to section 1775.63 of the Revised Code. 8412~~

**Sec. 1782.04.** (A) Each limited partnership shall maintain 8413  
continuously in this state an agent for service of process on the 8414  
limited partnership. The agent shall be a natural person who is a 8415  
resident of this state, a domestic corporation, or a foreign 8416  
corporation holding a license as such under the laws of this 8417  
state. 8418

(B) The secretary of state shall not accept a certificate of 8419  
limited partnership for filing unless there is filed with the 8420  
certificate a written appointment of an agent that is signed by 8421  
the general partners of the limited partnership and a written 8422  
acceptance of the appointment that is signed by the agent, or 8423  
unless there is filed a written appointment of an agent that is 8424  
signed by any authorized officer of the limited partnership and a 8425  
written acceptance of the appointment that is either the original 8426  
acceptance signed by the agent or a photocopy, facsimile, or 8427  
similar reproduction of the original acceptance signed by the 8428  
agent. 8429

In the discretion of the secretary of state, an original 8430  
appointment of statutory agent may be submitted on the same form 8431  
as the certificate of limited partnership but shall not be 8432



considered a part of the certificate. 8433

(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. 8434  
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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. 8440  
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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. 8444  
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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. 8449  
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(G) A limited partnership may revoke the appointment of an 8463

agent by filing with the secretary of state, on a form prescribed 8464  
by the secretary of state, a written appointment of another agent 8465  
and a statement that the appointment of the former agent is 8466  
revoked. 8467

(H) Except when an original appointment of an agent is filed 8468  
with the certificate of limited partnership, a written appointment 8469  
of an agent or a written statement filed by a limited partnership 8470  
with the secretary of state shall be signed by any authorized 8471  
officer of the limited partnership, or the general partners of the 8472  
limited partnership, or a majority of them. 8473

**Sec. 1782.08.** (A) To form a limited partnership, a 8474  
certificate of limited partnership shall be executed and filed 8475  
with the secretary of state, as provided in section 1782.13 of the 8476  
Revised Code. The certificate shall be on a form prescribed by the 8477  
secretary of state and shall set forth all of the following: 8478

(1) The name of the limited partnership; 8479

(2) The address of the principal place of business of the 8480  
limited partnership ~~and the name and address, including the street~~ 8481  
~~and number or other particular description, of the agent for~~ 8482  
~~service of process maintained pursuant to section 1782.04 of the~~ 8483  
~~Revised Code;~~ 8484

(3) The name and business or residence address of each 8485  
general partner; 8486

(4) Any other matters that the general partners determine to 8487  
include in the certificate. 8488

(B) A written appointment of a statutory agent for the 8489  
purpose set forth in section 1782.04 of the Revised Code shall be 8490  
filed with the certificate of limited partnership. 8491

(C) A limited partnership is an entity formed at the time of 8492  
filing the certificate of limited partnership pursuant to section 8493

1782.13 of the Revised Code or at any later time specified in the 8494  
certificate if, in either case, there has been substantial 8495  
compliance with the requirements of ~~division~~ divisions (A) and (B) 8496  
of this section. 8497

**Sec. 1782.09.** (A) A certificate of limited partnership shall 8498  
be amended by filing a certificate of amendment with the secretary 8499  
of state. The certificate of amendment shall be on a form 8500  
prescribed by the secretary of state and shall state all of the 8501  
following: 8502

(1) The name of the limited partnership and the file number 8503  
assigned to it by the secretary of state; 8504

(2) The date of the first filing of the certificate of 8505  
limited partnership and, if different, the date of the first 8506  
filing by the partnership with the secretary of state pursuant to 8507  
section 1782.63 of the Revised Code; 8508

(3) The amendment to the certificate of limited partnership. 8509

(B) Within thirty days after the occurrence of any of the 8510  
following events, an amendment to a certificate of limited 8511  
partnership reflecting the occurrence of the event shall be filed 8512  
pursuant to division (A) of this section: 8513

(1) A new general partner is admitted; 8514

(2) A general partner withdraws; 8515

(3) The business is continued pursuant to section 1782.44 of 8516  
the Revised Code after an event of withdrawal of a general 8517  
partner; 8518

(4) The address of the principal place of business of the 8519  
limited partnership changes; 8520

~~(5) The name or identity of the statutory agent changes;~~ 8521

~~(6) The address of the statutory agent changes;~~ 8522

~~(7) The name of the limited partnership is changes.~~ 8523

(C) A general partner who becomes aware that any statement in 8524  
the certificate of limited partnership was materially false when 8525  
made or that any arrangements or other facts described have 8526  
changed, thereby making the certificate materially inaccurate, 8527  
promptly shall amend the certificate. 8528

~~If the certificate becomes inaccurate because the designated 8529  
agent changes the agent's address from that appearing in the 8530  
certificate of limited partnership or any subsequent amendment 8531  
thereto, the limited partnership, or the designated agent on its 8532  
behalf, shall file promptly with the secretary of state, on a form 8533  
prescribed by the secretary of state, an amendment setting forth 8534  
the new address. 8535~~

(D) A certificate of limited partnership may be amended at 8536  
any time for any other proper purpose the general partners 8537  
determine. 8538

(E) A person is not liable because an amendment to a 8539  
certificate of limited partnership has not been filed to reflect 8540  
the occurrence of an event referred to in division (B) of this 8541  
section if the amendment is filed within the thirty-day period 8542  
specified in that division. 8543

(F) A certificate of limited partnership may be restated at 8544  
any time by filing a restatement of the certificate of limited 8545  
partnership with the secretary of state. 8546

**Sec. 1782.433.** (A) Upon the adoption by each constituent 8547  
entity of an agreement of merger or consolidation pursuant to 8548  
section 1782.431 or 1782.432 of the Revised Code, a certificate of 8549  
merger or consolidation shall be filed with the secretary of state 8550  
that is signed by an authorized representative of each constituent 8551  
entity. The certificate shall be on a form prescribed by the 8552

secretary of state and shall set forth only the information 8553  
required by this section. 8554

(B)(1) The certificate of merger or consolidation shall set 8555  
forth all of the following: 8556

(a) The name and the form of entity of each constituent 8557  
entity and the state under the laws of which each constituent 8558  
entity exists; 8559

(b) A statement that each constituent entity has complied 8560  
with all of the laws under which it exists and that the laws 8561  
permit the merger or consolidation; 8562

(c) The name and mailing address of the person or entity that 8563  
is to provide, in response to any written request made by a 8564  
shareholder, partner, or other equity holder of a constituent 8565  
entity, a copy of the agreement of merger or consolidation; 8566

(d) The effective date of the merger or consolidation, which 8567  
date may be on or after the date of the filing of the certificate; 8568

(e) The signature of the representative or representatives 8569  
authorized to sign the certificate on behalf of each constituent 8570  
entity and the office held or the capacity in which the 8571  
representative is acting; 8572

(f) A statement that the agreement of merger or consolidation 8573  
is authorized on behalf of each constituent entity and that the 8574  
persons who signed the certificate on behalf of each entity are 8575  
authorized to do so; 8576

(g) In the case of a merger, a statement that one or more 8577  
specified constituent entities will be merged into a specified 8578  
surviving entity or, in the case of a consolidation, a statement 8579  
that the constituent entities will be consolidated into a new 8580  
entity; 8581

(h) In the case of a merger, if the surviving entity is a 8582

foreign entity not licensed to transact business in this state, 8583  
the name and address of the statutory agent upon whom any process, 8584  
notice, or demand may be served; 8585

(i) In the case of a consolidation, the name and address of 8586  
the statutory agent upon whom any process, notice, or demand 8587  
against any constituent entity or the new entity may be served. 8588

(2) In the case of a consolidation into a new domestic 8589  
corporation, limited liability company, or limited partnership, 8590  
the articles of incorporation, the articles of organization, or 8591  
the certificate of limited partnership of the new domestic entity 8592  
shall be filed with the certificate of merger or consolidation. 8593

(3) In the case of a merger into a domestic corporation, 8594  
limited liability company, or limited partnership, any amendments 8595  
to the articles of incorporation, articles of organization, or 8596  
certificate of limited partnership of the surviving domestic 8597  
entity shall be filed with the certificate of merger or 8598  
consolidation. 8599

(4) If the surviving or new entity is a foreign entity that 8600  
desires to transact business in this state as a foreign 8601  
corporation, limited liability company, or limited partnership, 8602  
the certificate of merger or consolidation shall be accompanied by 8603  
the information required by division (B)(7), (8), or (9) of 8604  
section 1782.432 of the Revised Code. 8605

(5) If a foreign or domestic corporation licensed to transact 8606  
business in this state is a constituent entity and the surviving 8607  
or new entity resulting from the merger or consolidation is not a 8608  
foreign or domestic corporation that is to be licensed to transact 8609  
business in this state, the certificate of merger or consolidation 8610  
shall be accompanied by the affidavits, receipts, certificates, or 8611  
other evidence required by division (H) of section 1701.86 of the 8612  
Revised Code, with respect to each domestic constituent 8613

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 8646  
and collect the same fee as in the case of deeds. 8647

**Sec. 1785.06.** A professional association, within thirty days 8648  
after the thirtieth day of June in each year, shall furnish a 8649  
statement to the secretary of state showing the names and 8650  
post-office addresses of all of the shareholders in the 8651  
association and certifying that all of the shareholders are duly 8652  
licensed, certificated, or otherwise legally authorized to render 8653  
within this state the same professional service for which the 8654  
association was organized or, in the case of a combination of 8655  
professional services described in division (B) of section 1785.01 8656  
of the Revised Code, to render within this state any of the 8657  
applicable types of professional services for which the 8658  
association was organized. This statement shall be made on a form 8659  
that the secretary of state shall prescribe, shall be signed by an 8660  
officer of the association, and shall be filed in the office of 8661  
the secretary of state. 8662

If any professional association fails to file the annual 8663  
statement within the time required by this section, the secretary 8664  
of state shall give notice of the failure by certified mail, 8665  
return receipt requested, to the last known address of the 8666  
association or its agent. If the annual statement is not filed 8667  
within thirty days after the mailing of the notice, the secretary 8668  
of state, upon the expiration of that period, shall cancel the 8669  
association's articles of incorporation, give notice of the 8670  
cancellation to the association by mail sent to the last known 8671  
address of the association or its agent, and make a notation of 8672  
the cancellation on the records of the secretary of state. 8673

A professional association whose articles have been canceled 8674  
pursuant to this section may be reinstated by filing an 8675  
application for reinstatement and the required annual statement or 8676  
statements and by paying a the reinstatement fee specified in 8677



division (Q) of ~~ten dollars~~ section 111.16 of the Revised Code. 8678  
The rights, privileges, and franchises of a professional 8679  
association whose articles have been reinstated are subject to 8680  
section 1701.922 of the Revised Code. The secretary of state shall 8681  
inform the tax commissioner of all cancellations and 8682  
reinstatements under this section. 8683

**Sec. 1901.26.** (A) Subject to division (E) of this section, 8684  
costs in a municipal court shall be fixed and taxed as follows: 8685

(1) The municipal court shall require an advance deposit for 8686  
the filing of any new civil action or proceeding when required by 8687  
division (A)(9) of this section, and in all other cases, by rule, 8688  
shall establish a schedule of fees and costs to be taxed in any 8689  
civil or criminal action or proceeding. 8690

(2) The municipal court, by rule, may require an advance 8691  
deposit for the filing of any civil action or proceeding and 8692  
publication fees as provided in section 2701.09 of the Revised 8693  
Code. The court may waive the requirement for advance deposit upon 8694  
affidavit or other evidence that a party is unable to make the 8695  
required deposit. 8696

(3) When a jury trial is demanded in any civil action or 8697  
proceeding, the party making the demand may be required to make an 8698  
advance deposit as fixed by rule of court, unless, upon affidavit 8699  
or other evidence, the court concludes that the party is unable to 8700  
make the required deposit. If a jury is called, the fees of a jury 8701  
shall be taxed as costs. 8702

(4) In any civil or criminal action or proceeding, witnesses' 8703  
fees shall be fixed in accordance with sections 2335.06 and 8704  
2335.08 of the Revised Code. 8705

(5) A reasonable charge for driving, towing, carting, 8706  
storing, keeping, and preserving motor vehicles and other personal 8707  
property recovered or seized in any proceeding may be taxed as 8708

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  
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.

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All moneys collected under division (B) of this section shall  
be paid to the county treasurer if the court is a county-operated  
municipal court or to the city treasurer if the court is not a  
county-operated municipal court 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 municipal court may order  
that moneys remaining in the fund be transferred to an account  
established under this division for a similar purpose.

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(2) As used in division (B) of this section:

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(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.

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(b) "Civil action or proceeding" means any civil litigation  
that must be determined by judgment entry.

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~~(C) Prior to January 1, 1993, and on and after January 1,  
2003, the municipal court shall collect the sum of four dollars as~~

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~~additional filing fees in each new civil action or proceeding for~~ 8771  
~~the charitable public purpose of providing financial assistance to~~ 8772  
~~legal aid societies that operate within the state. From January 1,~~ 8773  
~~1993, through December 31, 2002, the~~ The municipal court shall 8774  
collect in all its divisions except the small claims division the 8775  
sum of fifteen dollars as additional filing fees in each new civil 8776  
action or proceeding for the charitable public purpose of 8777  
providing financial assistance to legal aid societies that operate 8778  
within the state. ~~From January 1, 1993, through December 31, 2002,~~ 8779  
~~the~~ The municipal court shall collect in its small claims division 8780  
the sum of seven dollars as additional filing fees in each new 8781  
civil action or proceeding for the charitable public purpose of 8782  
providing financial assistance to legal aid societies that operate 8783  
within the state. This division does not apply to any execution on 8784  
a judgment, proceeding in aid of execution, or other post-judgment 8785  
proceeding arising out of a civil action. The filing fees required 8786  
to be collected under this division shall be in addition to any 8787  
other court costs imposed in the action or proceeding and shall be 8788  
collected at the time of the filing of the action or proceeding. 8789  
The court shall not waive the payment of the additional filing 8790  
fees in a new civil action or proceeding unless the court waives 8791  
the advanced payment of all filing fees in the action or 8792  
proceeding. All such moneys shall be transmitted on the first 8793  
business day of each month by the clerk of the court to the 8794  
treasurer of state. The moneys then shall be deposited by the 8795  
treasurer of state to the credit of the legal aid fund established 8796  
under section 120.52 of the Revised Code. 8797

The court may retain up to one per cent of the moneys it 8798  
collects under this division to cover administrative costs, 8799  
including the hiring of any additional personnel necessary to 8800  
implement this division. 8801

(D) In the Cleveland municipal court, reasonable charges for 8802

investigating titles of real estate to be sold or disposed of 8803  
under any writ or process of the court may be taxed as part of the 8804  
costs. 8805

(E) Under the circumstances described in sections 2969.21 to 8806  
2969.27 of the Revised Code, the clerk of the municipal court 8807  
shall charge the fees and perform the other duties specified in 8808  
those sections. 8809

**Sec. 1907.24.** (A) Subject to division (C) of this section, a 8810  
county court shall fix and tax fees and costs as follows: 8811

(1) The county court shall require an advance deposit for the 8812  
filing of any new civil action or proceeding when required by 8813  
division (C) of this section and, in all other cases, shall 8814  
establish a schedule of fees and costs to be taxed in any civil or 8815  
criminal action or proceeding. 8816

(2) The county court by rule may require an advance deposit 8817  
for the filing of a civil action or proceeding and publication 8818  
fees as provided in section 2701.09 of the Revised Code. The court 8819  
may waive an advance deposit requirement upon the presentation of 8820  
an affidavit or other evidence that establishes that a party is 8821  
unable to make the requisite deposit. 8822

(3) When a party demands a jury trial in a civil action or 8823  
proceeding, the county court may require the party to make an 8824  
advance deposit as fixed by rule of court, unless the court 8825  
concludes, on the basis of an affidavit or other evidence 8826  
presented by the party, that the party is unable to make the 8827  
requisite deposit. If a jury is called, the county court shall tax 8828  
the fees of a jury as costs. 8829

(4) In a civil or criminal action or proceeding, the county 8830  
court shall fix the fees of witnesses in accordance with sections 8831  
2335.06 and 2335.08 of the Revised Code. 8832

(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~~

~~1, 1993, and on and after January 1, 2003, the county court shall~~ 8895  
~~collect the sum of four dollars as additional filing fees in each~~ 8896  
~~new civil action or proceeding for the charitable public purpose~~ 8897  
~~of providing financial assistance to legal aid societies that~~ 8898  
~~operate within the state. Subject to division (E) of this section,~~ 8899  
~~from January 1, 1993, through December 31, 2002, the county court~~ 8900  
shall collect in all its divisions except the small claims 8901  
division the sum of fifteen dollars as additional filing fees in 8902  
each new civil action or proceeding for the charitable public 8903  
purpose of providing financial assistance to legal aid societies 8904  
that operate within the state. Subject to division (E) of this 8905  
section, ~~from January 1, 1993, through December 31, 2002, the~~ 8906  
county court shall collect in its small claims division the sum of 8907  
seven dollars as additional filing fees in each new civil action 8908  
or proceeding for the charitable public purpose of providing 8909  
financial assistance to legal aid societies that operate within 8910  
the state. This division does not apply to any execution on a 8911  
judgment, proceeding in aid of execution, or other post-judgment 8912  
proceeding arising out of a civil action. The filing fees required 8913  
to be collected under this division shall be in addition to any 8914  
other court costs imposed in the action or proceeding and shall be 8915  
collected at the time of the filing of the action or proceeding. 8916  
The court shall not waive the payment of the additional filing 8917  
fees in a new civil action or proceeding unless the court waives 8918  
the advanced payment of all filing fees in the action or 8919  
proceeding. All such moneys collected during a month shall be 8920  
transmitted on or before the twentieth day of the following month 8921  
by the clerk of the court to the treasurer of state. The moneys 8922  
then shall be deposited by the treasurer of state to the credit of 8923  
the legal aid fund established under section 120.52 of the Revised 8924  
Code. 8925

The court may retain up to one per cent of the moneys it 8926  
collects under this division to cover administrative costs, 8927



including the hiring of any additional personnel necessary to 8928  
implement this division. 8929

(D) The county court shall establish by rule a schedule of 8930  
fees for miscellaneous services performed by the county court or 8931  
any of its judges in accordance with law. If judges of the court 8932  
of common pleas perform similar services, the fees prescribed in 8933  
the schedule shall not exceed the fees for those services 8934  
prescribed by the court of common pleas. 8935

(E) Under the circumstances described in sections 2969.21 to 8936  
2969.27 of the Revised Code, the clerk of the county court shall 8937  
charge the fees and perform the other duties specified in those 8938  
sections. 8939

**Sec. 2151.34.** A child who is alleged to be or adjudicated a 8940  
delinquent child may be confined in a place of juvenile detention 8941  
for a period not to exceed ninety days, during which time a social 8942  
history may be prepared to include court record, family history, 8943  
personal history, school and attendance records, and any other 8944  
pertinent studies and material that will be of assistance to the 8945  
juvenile court in its disposition of the charges against that 8946  
juvenile offender. 8947

Upon the advice and recommendation of the judge, the board of 8948  
county commissioners shall provide, by purchase, lease, 8949  
construction, or otherwise, a place to be known as a detention 8950  
home that shall be within a convenient distance of the juvenile 8951  
court and shall not be used for the confinement of adults charged 8952  
with criminal offenses and in which delinquent children may be 8953  
detained until final disposition. Upon the joint advice and 8954  
recommendation of the juvenile judges of two or more adjoining or 8955  
neighboring counties, the boards of county commissioners of the 8956  
counties shall form themselves into a joint board and proceed to 8957  
organize a district for the establishment and support of a 8958

detention home for the use of the juvenile courts of those 8959  
counties, in which delinquent children may be detained until final 8960  
disposition, by using a site or buildings already established in 8961  
one of the counties or by providing for the purchase of a site and 8962  
the erection of the necessary buildings on the site. 8963

A child who is adjudicated to be a juvenile traffic offender 8964  
for having committed a violation of division (A) of section 8965  
4511.19 of the Revised Code or of a municipal ordinance that is 8966  
substantially comparable to that division may be confined in a 8967  
detention home or district detention home pursuant to division 8968  
(A)(6) of section 2151.356 of the Revised Code, provided the child 8969  
is kept separate and apart from alleged delinquent children. 8970

The county or district detention home shall be maintained as 8971  
provided in sections 2151.01 to 2151.54 of the Revised Code. In 8972  
any county in which there is no detention home or that is not 8973  
served by a district detention home, the board of county 8974  
commissioners shall provide funds for the boarding of such 8975  
children temporarily in private homes. Children who are alleged to 8976  
be or have been adjudicated delinquent children may be detained 8977  
after a complaint is filed in the detention home until final 8978  
disposition of their cases or in certified foster homes or in any 8979  
other home approved by the court, if any are available, for a 8980  
period not exceeding sixty days or until final disposition of 8981  
their cases, whichever comes first. The court also may arrange 8982  
with any public children services agency or private child placing 8983  
agency to receive, or private noncustodial agency for temporary 8984  
care of, the children within the jurisdiction of the court. A 8985  
~~district detention home approved for such purpose by the~~ 8986  
~~department of youth services under section 5139.281 of the Revised~~ 8987  
~~Code may receive children committed to its temporary custody under~~ 8988  
~~section 2151.355 of the Revised Code and provide the care,~~ 8989  
~~treatment, and training required.~~ 8990

If a detention home is established as an agency of the court 8991  
or a district detention home is established by the courts of 8992  
several counties as provided in this section, it shall be 8993  
furnished and carried on, as far as possible, as a family home in 8994  
charge of a superintendent or matron in a nonpunitive neutral 8995  
atmosphere. The judge, or the directing board of a district 8996  
detention home, may appoint a superintendent, a matron, and other 8997  
necessary employees for the home and fix their salaries. During 8998  
the school year, when possible, a comparable educational program 8999  
with competent and trained staff shall be provided for those 9000  
children of school age. A sufficient number of trained 9001  
recreational personnel shall be included among the staff to assure 9002  
wholesome and profitable leisure-time activities. Medical and 9003  
mental health services shall be made available to ensure the 9004  
courts all possible treatment facilities shall be given to those 9005  
children placed under their care. In the case of a county 9006  
detention home, the salaries shall be paid in the same manner as 9007  
is provided by section 2151.13 of the Revised Code for other 9008  
employees of the court, and the necessary expenses incurred in 9009  
maintaining the detention home shall be paid by the county. In the 9010  
case of a district detention home, the salaries and the necessary 9011  
expenses incurred in maintaining the district detention home shall 9012  
be paid as provided in sections 2151.341 to 2151.3415 of the 9013  
Revised Code. 9014

If the court arranges for the board of children temporarily 9015  
detained in certified foster homes or arranges for the board of 9016  
those children through any private child placing agency, a 9017  
reasonable sum to be fixed by the court for the board of those 9018  
children shall be paid by the county. In order to have certified 9019  
foster homes available for service, an agreed monthly subsidy may 9020  
be paid and a fixed rate per day for care of children actually 9021  
residing in the certified foster home. 9022

Sec. 2303.201. (A)(1) The court of common pleas of any county 9023  
may determine that for the efficient operation of the court 9024  
additional funds are required to computerize the court, to make 9025  
available computerized legal research services, or to do both. 9026  
Upon making a determination that additional funds are required for 9027  
either or both of those purposes, the court shall authorize and 9028  
direct the clerk of the court of common pleas to charge one 9029  
additional fee, not to exceed three dollars, on the filing of each 9030  
cause of action or appeal under divisions (A), (Q), and (U) of 9031  
section 2303.20 of the Revised Code. 9032

(2) All fees collected under division (A)(1) of this section 9033  
shall be paid to the county treasurer. The treasurer shall place 9034  
the funds from the fees in a separate fund to be disbursed, upon 9035  
an order of the court, in an amount not greater than the actual 9036  
cost to the court of procuring and maintaining computerization of 9037  
the court, computerized legal research services, or both. 9038

(3) If the court determines that the funds in the fund 9039  
described in division (A)(2) of this section are more than 9040  
sufficient to satisfy the purpose for which the additional fee 9041  
described in division (A)(1) of this section was imposed, the 9042  
court may declare a surplus in the fund and expend those surplus 9043  
funds for other appropriate technological expenses of the court. 9044

(B)(1) The court of common pleas of any county may determine 9045  
that, for the efficient operation of the court, additional funds 9046  
are required to computerize the office of the clerk of the court 9047  
of common pleas and, upon that determination, authorize and direct 9048  
the clerk of the court of common pleas to charge an additional 9049  
fee, not to exceed ten dollars, on the filing of each cause of 9050  
action or appeal, on the filing, docketing, and endorsing of each 9051  
certificate of judgment, or on the docketing and indexing of each 9052  
aid in execution or petition to vacate, revive, or modify a 9053

judgment under divisions (A), (P), (Q), (T), and (U) of section 9054  
2303.20 of the Revised Code. Subject to division (B)(2) of this 9055  
section, all moneys collected under division (B)(1) of this 9056  
section shall be paid to the county treasurer to be disbursed, 9057  
upon an order of the court of common pleas and subject to 9058  
appropriation by the board of county commissioners, in an amount 9059  
no greater than the actual cost to the court of procuring and 9060  
maintaining computer systems for the office of the clerk of the 9061  
court of common pleas. 9062

(2) If the court of common pleas of a county makes the 9063  
determination described in division (B)(1) of this section, the 9064  
board of county commissioners of that county may issue one or more 9065  
general obligation bonds for the purpose of procuring and 9066  
maintaining the computer systems for the office of the clerk of 9067  
the court of common pleas. In addition to the purposes stated in 9068  
division (B)(1) of this section for which the moneys collected 9069  
under that division may be expended, the moneys additionally may 9070  
be expended to pay debt charges on and financing costs related to 9071  
any general obligation bonds issued pursuant to division (B)(2) of 9072  
this section as they become due. General obligation bonds issued 9073  
pursuant to division (B)(2) of this section are Chapter 133. 9074  
securities. 9075

~~(C) Prior to January 1, 1993, and on and after January 1,~~ 9076  
~~2003, the court of common pleas shall collect the sum of four~~ 9077  
~~dollars as additional filing fees in each new civil action or~~ 9078  
~~proceeding for the charitable public purpose of providing~~ 9079  
~~financial assistance to legal aid societies that operate within~~ 9080  
~~the state. From January 1, 1993, through December 31, 2002, the~~ 9081  
The court of common pleas shall collect the sum of fifteen dollars 9082  
as additional filing fees in each new civil action or proceeding 9083  
for the charitable public purpose of providing financial 9084  
assistance to legal aid societies that operate within the state. 9085

This division does not apply to proceedings concerning annulments, 9086  
dissolutions of marriage, divorces, legal separation, spousal 9087  
support, marital property or separate property distribution, 9088  
support, or other domestic relations matters; to a juvenile 9089  
division of a court of common pleas; to a probate division of a 9090  
court of common pleas, except that the additional filing fees 9091  
shall apply to name change, guardianship, and adoption 9092  
proceedings; or to an execution on a judgment, proceeding in aid 9093  
of execution, or other post-judgment proceeding arising out of a 9094  
civil action. The filing fees required to be collected under this 9095  
division shall be in addition to any other filing fees imposed in 9096  
the action or proceeding and shall be collected at the time of the 9097  
filing of the action or proceeding. The court shall not waive the 9098  
payment of the additional filing fees in a new civil action or 9099  
proceeding unless the court waives the advanced payment of all 9100  
filing fees in the action or proceeding. All such moneys collected 9101  
during a month shall be transmitted on or before the twentieth day 9102  
of the following month by the clerk of the court to the treasurer 9103  
of state. The moneys then shall be deposited by the treasurer of 9104  
state to the credit of the legal aid fund established under 9105  
section 120.52 of the Revised Code. 9106

The court may retain up to one per cent of the moneys it 9107  
collects under this division to cover administrative costs, 9108  
including the hiring of any additional personnel necessary to 9109  
implement this division. 9110

(D) On and after the thirtieth day after December 9, 1994, 9111  
the court of common pleas shall collect the sum of thirty-two 9112  
dollars as additional filing fees in each new action or proceeding 9113  
for annulment, divorce, or dissolution of marriage for the purpose 9114  
of funding shelters for victims of domestic violence pursuant to 9115  
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 9116  
required to be collected under this division shall be in addition 9117

to any other filing fees imposed in the action or proceeding and 9118  
shall be collected at the time of the filing of the action or 9119  
proceeding. The court shall not waive the payment of the 9120  
additional filing fees in a new action or proceeding for 9121  
annulment, divorce, or dissolution of marriage unless the court 9122  
waives the advanced payment of all filing fees in the action or 9123  
proceeding. On or before the twentieth day of each month, all 9124  
moneys collected during the immediately preceding month pursuant 9125  
to this division shall be deposited by the clerk of the court into 9126  
the county treasury in the special fund used for deposit of 9127  
additional marriage license fees as described in section 3113.34 9128  
of the Revised Code. Upon their deposit into the fund, the moneys 9129  
shall be retained in the fund and expended only as described in 9130  
section 3113.34 of the Revised Code. 9131

(E)(1) The court of common pleas may determine that, for the 9132  
efficient operation of the court, additional funds are necessary 9133  
to acquire and pay for special projects of the court, including, 9134  
but not limited to, the acquisition of additional facilities or 9135  
the rehabilitation of existing facilities, the acquisition of 9136  
equipment, the hiring and training of staff, community service 9137  
programs, mediation or dispute resolution services, the employment 9138  
of magistrates, the training and education of judges, acting 9139  
judges, and magistrates, and other related services. Upon that 9140  
determination, the court by rule may charge a fee, in addition to 9141  
all other court costs, on the filing of each criminal cause, civil 9142  
action or proceeding, or judgment by confession. 9143

If the court of common pleas offers a special program or 9144  
service in cases of a specific type, the court by rule may assess 9145  
an additional charge in a case of that type, over and above court 9146  
costs, to cover the special program or service. The court shall 9147  
adjust the special assessment periodically, but not retroactively, 9148  
so that the amount assessed in those cases does not exceed the 9149

actual cost of providing the service or program. 9150

All moneys collected under division (E) of this section shall 9151  
be paid to the county treasurer for deposit into either a general 9152  
special projects fund or a fund established for a specific special 9153  
project. Moneys from a fund of that nature shall be disbursed upon 9154  
an order of the court in an amount no greater than the actual cost 9155  
to the court of a project. If a specific fund is terminated 9156  
because of the discontinuance of a program or service established 9157  
under division (E) of this section, the court may order that 9158  
moneys remaining in the fund be transferred to an account 9159  
established under this division for a similar purpose. 9160

(2) As used in division (E) of this section: 9161

(a) "Criminal cause" means a charge alleging the violation of 9162  
a statute or ordinance, or subsection of a statute or ordinance, 9163  
that requires a separate finding of fact or a separate plea before 9164  
disposition and of which the defendant may be found guilty, 9165  
whether filed as part of a multiple charge on a single summons, 9166  
citation, or complaint or as a separate charge on a single 9167  
summons, citation, or complaint. "Criminal cause" does not include 9168  
separate violations of the same statute or ordinance, or 9169  
subsection of the same statute or ordinance, unless each charge is 9170  
filed on a separate summons, citation, or complaint. 9171

(b) "Civil action or proceeding" means any civil litigation 9172  
that must be determined by judgment entry. 9173

**Sec. 2317.02.** The following persons shall not testify in 9174  
certain respects: 9175

(A) An attorney, concerning a communication made to the 9176  
attorney by a client in that relation or the attorney's advice to 9177  
a client, except that the attorney may testify by express consent 9178  
of the client or, if the client is deceased, by the express 9179



consent of the surviving spouse or the executor or administrator 9180  
of the estate of the deceased client and except that, if the 9181  
client voluntarily testifies or is deemed by section 2151.421 of 9182  
the Revised Code to have waived any testimonial privilege under 9183  
this division, the attorney may be compelled to testify on the 9184  
same subject; 9185

(B)(1) A physician or a dentist concerning a communication 9186  
made to the physician or dentist by a patient in that relation or 9187  
the physician's or dentist's advice to a patient, except as 9188  
otherwise provided in this division, division (B)(2), and division 9189  
(B)(3) of this section, and except that, if the patient is deemed 9190  
by section 2151.421 of the Revised Code to have waived any 9191  
testimonial privilege under this division, the physician may be 9192  
compelled to testify on the same subject. 9193

The testimonial privilege established under this division 9194  
does not apply, and a physician or dentist may testify or may be 9195  
compelled to testify, in any of the following circumstances: 9196

(a) In any civil action, in accordance with the discovery 9197  
provisions of the Rules of Civil Procedure in connection with a 9198  
civil action, or in connection with a claim under Chapter 4123. of 9199  
the Revised Code, under any of the following circumstances: 9200

(i) If the patient or the guardian or other legal 9201  
representative of the patient gives express consent; 9202

(ii) If the patient is deceased, the spouse of the patient or 9203  
the executor or administrator of the patient's estate gives 9204  
express consent; 9205

(iii) If a medical claim, dental claim, chiropractic claim, 9206  
or optometric claim, as defined in section 2305.11 of the Revised 9207  
Code, an action for wrongful death, any other type of civil 9208  
action, or a claim under Chapter 4123. of the Revised Code is 9209  
filed by the patient, the personal representative of the estate of 9210

the patient if deceased, or the patient's guardian or other legal representative. 9211  
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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. 9213  
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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. 9220  
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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. 9225  
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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 9240  
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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

(B)(1) of this section does not apply as provided in division 9275  
(B)(1)(a)(iii) of this section, a physician or dentist may be 9276  
compelled to testify or to submit to discovery under the Rules of 9277  
Civil Procedure only as to a communication made to the physician 9278  
or dentist by the patient in question in that relation, or the 9279  
physician's or dentist's advice to the patient in question, that 9280  
related causally or historically to physical or mental injuries 9281  
that are relevant to issues in the medical claim, dental claim, 9282  
chiropractic claim, or optometric claim, action for wrongful 9283  
death, other civil action, or claim under Chapter 4123. of the 9284  
Revised Code. 9285

(b) If the testimonial privilege described in division (B)(1) 9286  
of this section does not apply to a physician or dentist as 9287  
provided in division (B)(1)(c) of this section, the physician or 9288  
dentist, in lieu of personally testifying as to the results of the 9289  
test in question, may submit a certified copy of those results, 9290  
and, upon its submission, the certified copy is qualified as 9291  
authentic evidence and may be admitted as evidence in accordance 9292  
with the Rules of Evidence. Division (A) of section 2317.422 of 9293  
the Revised Code does not apply to any certified copy of results 9294  
submitted in accordance with this division. Nothing in this 9295  
division shall be construed to limit the right of any party to 9296  
call as a witness the person who administered the test in 9297  
question, the person under whose supervision the test was 9298  
administered, the custodian of the results of the test, the person 9299  
who compiled the results, or the person under whose supervision 9300  
the results were compiled. 9301

(4) The testimonial privilege described in division (B)(1) of 9302  
this section is not waived when a communication is made by a 9303  
physician to a pharmacist or when there is communication between a 9304  
patient and a pharmacist in furtherance of the physician-patient 9305  
relation. 9306

(5)(a) As used in divisions (B)(1) to (4) of this section, 9307  
"communication" means acquiring, recording, or transmitting any 9308  
information, in any manner, concerning any facts, opinions, or 9309  
statements necessary to enable a physician or dentist to diagnose, 9310  
treat, prescribe, or act for a patient. A "communication" may 9311  
include, but is not limited to, any medical or dental, office, or 9312  
hospital communication such as a record, chart, letter, 9313  
memorandum, laboratory test and results, x-ray, photograph, 9314  
financial statement, diagnosis, or prognosis. 9315

(b) As used in division (B)(2) of this section, "health care 9316  
provider" ~~has the same meaning as in section 3729.01 of the~~ 9317  
~~Revised Code means a hospital, ambulatory care facility, long-term~~ 9318  
~~care facility, pharmacy, emergency facility, or health care~~ 9319  
~~practitioner.~~ 9320

(c) As used in division (B)(5)(b) of this section: 9321

(i) "Ambulatory care facility" means a facility that provides 9322  
medical, diagnostic, or surgical treatment to patients who do not 9323  
require hospitalization, including a dialysis center, ambulatory 9324  
surgical facility, cardiac catheterization facility, diagnostic 9325  
imaging center, extracorporeal shock wave lithotripsy center, home 9326  
health agency, inpatient hospice, birthing center, radiation 9327  
therapy center, emergency facility, and an urgent care center. 9328  
"Ambulatory health care facility" does not include the private 9329  
office of a physician or dentist, whether the office is for an 9330  
individual or group practice. 9331

(ii) "Emergency facility" means a hospital emergency 9332  
department or any other facility that provides emergency medical 9333  
services. 9334

(iii) "Health care practitioner" has the same meaning as in 9335  
section 4769.01 of the Revised Code. 9336

(iv) "Hospital" has the same meaning as in section 3727.01 of 9337

the Revised Code. 9338

(v) "Long-term care facility" means a nursing home, 9339  
residential care facility, or home for the aging, as those terms 9340  
are defined in section 3721.01 of the Revised Code; an adult care 9341  
facility, as defined in section 3722.01 of the Revised Code; a 9342  
nursing facility or intermediate care facility for the mentally 9343  
retarded, as those terms are defined in section 5111.20 of the 9344  
Revised Code; a facility or portion of a facility certified as a 9345  
skilled nursing facility under Title XVIII of the "Social Security 9346  
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 9347

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 9348  
the Revised Code. 9349

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 9350  
apply to doctors of medicine, doctors of osteopathic medicine, 9351  
doctors of podiatry, and dentists. 9352

(7) Nothing in divisions (B)(1) to (6) of this section 9353  
affects, or shall be construed as affecting, the immunity from 9354  
civil liability conferred by section 307.628 or 2305.33 of the 9355  
Revised Code upon physicians who report an employee's use of a 9356  
drug of abuse, or a condition of an employee other than one 9357  
involving the use of a drug of abuse, to the employer of the 9358  
employee in accordance with division (B) of that section. As used 9359  
in division (B)(7) of this section, "employee," "employer," and 9360  
"physician" have the same meanings as in section 2305.33 of the 9361  
Revised Code. 9362

(C) A member of the clergy, rabbi, priest, or regularly 9363  
ordained, accredited, or licensed minister of an established and 9364  
legally cognizable church, denomination, or sect, when the member 9365  
of the clergy, rabbi, priest, or minister remains accountable to 9366  
the authority of that church, denomination, or sect, concerning a 9367  
confession made, or any information confidentially communicated, 9368

to the member of the clergy, rabbi, priest, or minister for a 9369  
religious counseling purpose in the member of the clergy's, 9370  
rabbi's, priest's, or minister's professional character; however, 9371  
the member of the clergy, rabbi, priest, or minister may testify 9372  
by express consent of the person making the communication, except 9373  
when the disclosure of the information is in violation of a sacred 9374  
trust; 9375

(D) Husband or wife, concerning any communication made by one 9376  
to the other, or an act done by either in the presence of the 9377  
other, during coverture, unless the communication was made, or act 9378  
done, in the known presence or hearing of a third person competent 9379  
to be a witness; and such rule is the same if the marital relation 9380  
has ceased to exist; 9381

(E) A person who assigns a claim or interest, concerning any 9382  
matter in respect to which the person would not, if a party, be 9383  
permitted to testify; 9384

(F) A person who, if a party, would be restricted under 9385  
section 2317.03 of the Revised Code, when the property or thing is 9386  
sold or transferred by an executor, administrator, guardian, 9387  
trustee, heir, devisee, or legatee, shall be restricted in the 9388  
same manner in any action or proceeding concerning the property or 9389  
thing. 9390

(G)(1) A school guidance counselor who holds a valid educator 9391  
license from the state board of education as provided for in 9392  
section 3319.22 of the Revised Code, a person licensed under 9393  
Chapter 4757. of the Revised Code as a professional clinical 9394  
counselor, professional counselor, social worker, or independent 9395  
social worker, or registered under Chapter 4757. of the Revised 9396  
Code as a social work assistant concerning a confidential 9397  
communication received from a client in that relation or the 9398  
person's advice to a client unless any of the following applies: 9399

(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.

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(H) A mediator acting under a mediation order issued under  
division (A) of section 3109.052 of the Revised Code or otherwise  
issued in any proceeding for divorce, dissolution, legal  
separation, annulment, or the allocation of parental rights and  
responsibilities for the care of children, in any action or  
proceeding, other than a criminal, delinquency, child abuse, child  
neglect, or dependent child action or proceeding, that is brought  
by or against either parent who takes part in mediation in  
accordance with the order and that pertains to the mediation  
process, to any information discussed or presented in the  
mediation process, to the allocation of parental rights and  
responsibilities for the care of the parents' children, or to the  
awarding of parenting time rights in relation to their children;

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(I) A communications assistant, acting within the scope of  
the communication assistant's authority, when providing  
telecommunications relay service pursuant to section 4931.35 of  
the Revised Code or Title II of the "Communications Act of 1934,"  
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication  
made through a telecommunications relay service. Nothing in this  
section shall limit the obligation of a communications assistant  
to divulge information or testify when mandated by federal law or  
regulation or pursuant to subpoena in a criminal proceeding.

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Nothing in this section shall limit any immunity or privilege  
granted under federal law or regulation.

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(J)(1) A chiropractor in a civil proceeding concerning a  
communication made to the chiropractor by a patient in that  
relation or the chiropractor's advice to a patient, except as  
otherwise provided in this division. The testimonial privilege  
established under this division does not apply, and a chiropractor  
may testify or may be compelled to testify, in any civil action,  
in accordance with the discovery provisions of the Rules of Civil

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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 9494  
manner, concerning any facts, opinions, or statements necessary to 9495  
enable a chiropractor to diagnosis, treat, or act for a patient. A 9496  
communication may include, but is not limited to, any 9497  
chiropractic, office, or hospital communication such as a record, 9498  
chart, letter, memorandum, laboratory test and results, x-ray, 9499  
photograph, financial statement, diagnosis, or prognosis. 9500

**Sec. 2317.022.** (A) As used in this section, "health care 9501  
provider" has the same meaning as in section ~~3729.01~~ 2317.02 of 9502  
the Revised Code. 9503

(B) If an official criminal investigation has begun regarding 9504  
a person or if a criminal action or proceeding is commenced 9505  
against a person, any law enforcement officer who wishes to obtain 9506  
from any health care provider a copy of any records the provider 9507  
possesses that pertain to any test or the result of any test 9508  
administered to the person to determine the presence or 9509  
concentration of alcohol, a drug of abuse, or alcohol and a drug 9510  
of abuse in the person's blood, breath, or urine at any time 9511  
relevant to the criminal offense in question shall submit to the 9512  
health care facility a written statement in the following form: 9513

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 9514

To: ..... (insert name of the health care 9515  
provider in question). 9516

I hereby state that an official criminal investigation has 9517  
begun regarding, or a criminal action or proceeding has been 9518  
commenced against, ..... (insert the name of the 9519  
person in question), and that I believe that one or more tests has 9520  
been administered to ~~him~~ that person by this health care provider 9521  
to determine the presence or concentration of alcohol, a drug of 9522  
abuse, or alcohol and a drug of abuse in ~~his~~ that person's blood, 9523  
breath, or urine at a time relevant to the criminal offense in 9524

question. Therefore, I hereby request that, pursuant to division 9525  
(B)(2) of section 2317.02 of the Revised Code, this health care 9526  
provider supply me with copies of any records the provider 9527  
possesses that pertain to any test or the results of any test 9528  
administered to the person specified above to determine the 9529  
presence or concentration of alcohol, a drug of abuse, or alcohol 9530  
and a drug of abuse in ~~his~~ that person's blood, breath, or urine 9531  
at any time relevant to the criminal offense in question. 9532

..... 9533

(Name of officer) 9534

..... 9535

(Officer's title) 9536

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(Officer's employing agency) 9538

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(Officer's telephone number) 9540

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(Agency's address) 9544

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(Date written statement submitted)" 9546

(C) A health care provider that receives a written statement 9547  
of the type described in division (B) of this section shall comply 9548  
with division (B)(2) of section 2317.02 of the Revised Code 9549  
relative to the written statement. 9550

**Sec. 2329.66.** (A) Every person who is domiciled in this state 9551  
may hold property exempt from execution, garnishment, attachment, 9552

or sale to satisfy a judgment or order, as follows: 9553

(1)(a) In the case of a judgment or order regarding money 9554  
owed for health care services rendered or health care supplies 9555  
provided to the person or a dependent of the person, one parcel or 9556  
item of real or personal property that the person or a dependent 9557  
of the person uses as a residence. Division (A)(1)(a) of this 9558  
section does not preclude, affect, or invalidate the creation 9559  
under this chapter of a judgment lien upon the exempted property 9560  
but only delays the enforcement of the lien until the property is 9561  
sold or otherwise transferred by the owner or in accordance with 9562  
other applicable laws to a person or entity other than the 9563  
surviving spouse or surviving minor children of the judgment 9564  
debtor. Every person who is domiciled in this state may hold 9565  
exempt from a judgment lien created pursuant to division (A)(1)(a) 9566  
of this section the person's interest, not to exceed five thousand 9567  
dollars, in the exempted property. 9568

(b) In the case of all other judgments and orders, the 9569  
person's interest, not to exceed five thousand dollars, in one 9570  
parcel or item of real or personal property that the person or a 9571  
dependent of the person uses as a residence. 9572

(2) The person's interest, not to exceed one thousand 9573  
dollars, in one motor vehicle; 9574

(3) The person's interest, not to exceed two hundred dollars 9575  
in any particular item, in wearing apparel, beds, and bedding, and 9576  
the person's interest, not to exceed three hundred dollars in each 9577  
item, in one cooking unit and one refrigerator or other food 9578  
preservation unit; 9579

(4)(a) The person's interest, not to exceed four hundred 9580  
dollars, in cash on hand, money due and payable, money to become 9581  
due within ninety days, tax refunds, and money on deposit with a 9582  
bank, savings and loan association, credit union, public utility, 9583  
landlord, or other person. Division (A)(4)(a) of this section 9584

applies only in bankruptcy proceedings. This exemption may include  
the portion of personal earnings that is not exempt under division  
(A)(13) of this section.

(b) Subject to division (A)(4)(d) of this section, the  
person's interest, not to exceed two hundred dollars in any  
particular item, in household furnishings, household goods,  
appliances, books, animals, crops, musical instruments, firearms,  
and hunting and fishing equipment, that are held primarily for the  
personal, family, or household use of the person;

(c) Subject to division (A)(4)(d) of this section, the  
person's interest in one or more items of jewelry, not to exceed  
four hundred dollars in one item of jewelry and not to exceed two  
hundred dollars in every other item of jewelry;

(d) Divisions (A)(4)(b) and (c) of this section do not  
include items of personal property listed in division (A)(3) of  
this section.

If the person does not claim an exemption under division  
(A)(1) of this section, the total exemption claimed under division  
(A)(4)(b) of this section shall be added to the total exemption  
claimed under division (A)(4)(c) of this section, and the total  
shall not exceed two thousand dollars. If the person claims an  
exemption under division (A)(1) of this section, the total  
exemption claimed under division (A)(4)(b) of this section shall  
be added to the total exemption claimed under division (A)(4)(c)  
of this section, and the total shall not exceed one thousand five  
hundred dollars.

(5) The person's interest, not to exceed an aggregate of  
seven hundred fifty dollars, in all implements, professional  
books, or tools of the person's profession, trade, or business,  
including agriculture;

(6)(a) The person's interest in a beneficiary fund set apart,

appropriated, or paid by a benevolent association or society, as	9616
exempted by section 2329.63 of the Revised Code;	9617
(b) The person's interest in contracts of life or endowment	9618
insurance or annuities, as exempted by section 3911.10 of the	9619
Revised Code;	9620
(c) The person's interest in a policy of group insurance or	9621
the proceeds of a policy of group insurance, as exempted by	9622
section 3917.05 of the Revised Code;	9623
(d) The person's interest in money, benefits, charity,	9624
relief, or aid to be paid, provided, or rendered by a fraternal	9625
benefit society, as exempted by section 3921.18 of the Revised	9626
Code;	9627
(e) The person's interest in the portion of benefits under	9628
policies of sickness and accident insurance and in <del>lump-sum</del> <u>lump</u>	9629
<u>sum</u> payments for dismemberment and other losses insured under	9630
those policies, as exempted by section 3923.19 of the Revised	9631
Code.	9632
(7) The person's professionally prescribed or medically	9633
necessary health aids;	9634
(8) The person's interest in a burial lot, including, but not	9635
limited to, exemptions under section 517.09 or 1721.07 of the	9636
Revised Code;	9637
(9) The person's interest in the following:	9638
(a) Moneys paid or payable for living maintenance or rights,	9639
as exempted by section 3304.19 of the Revised Code;	9640
(b) Workers' compensation, as exempted by section 4123.67 of	9641
the Revised Code;	9642
(c) Unemployment compensation benefits, as exempted by	9643
section 4141.32 of the Revised Code;	9644

(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code; 9645  
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(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code; 9647  
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(f) Disability assistance payments, as exempted by section 5115.07 of the Revised Code. 9650  
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(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; 9652  
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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, 9669  
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except if all the following apply:

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(i) The plan or contract was established by or under the  
auspices of an insider that employed the person at the time the  
person's rights under the plan or contract arose.

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(ii) The payment is on account of age or length of service.

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(iii) The plan or contract is not qualified under the  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as  
amended.

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(c) Except for any portion of the assets that were deposited  
for the purpose of evading the payment of any debt and except as  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and  
3123.06 of the Revised Code, the person's right in the assets held  
in, or to receive any payment under, any individual retirement  
account, individual retirement annuity, "Roth IRA," or education  
individual retirement account that provides benefits by reason of  
illness, disability, death, or age, to the extent that the assets,  
payments, or benefits described in division (A)(10)(c) of this  
section are attributable to any of the following:

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(i) Contributions of the person that were less than or equal  
to the applicable limits on deductible contributions to an  
individual retirement account or individual retirement annuity in  
the year that the contributions were made, whether or not the  
person was eligible to deduct the contributions on the person's  
federal tax return for the year in which the contributions were  
made;

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(ii) Contributions of the person that were less than or equal  
to the applicable limits on contributions to a Roth IRA or  
education individual retirement account in the year that the  
contributions were made;

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(iii) Contributions of the person that are within the  
applicable limits on rollover contributions under subsections 219,

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402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 9708  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 9709  
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 9710

(d) Except for any portion of the assets that were deposited 9711  
for the purpose of evading the payment of any debt and except as 9712  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 9713  
3123.06 of the Revised Code, the person's right in the assets held 9714  
in, or to receive any payment under, any Keogh or "H.R. 10" plan 9715  
that provides benefits by reason of illness, disability, death, or 9716  
age, to the extent reasonably necessary for the support of the 9717  
person and any of the person's dependents. 9718

(11) The person's right to receive spousal support, child 9719  
support, an allowance, or other maintenance to the extent 9720  
reasonably necessary for the support of the person and any of the 9721  
person's dependents; 9722

(12) The person's right to receive, or moneys received during 9723  
the preceding twelve calendar months from, any of the following: 9724  
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(a) An award of reparations under sections 2743.51 to 2743.72 9726  
of the Revised Code, to the extent exempted by division (D) of 9727  
section 2743.66 of the Revised Code; 9728

(b) A payment on account of the wrongful death of an 9729  
individual of whom the person was a dependent on the date of the 9730  
individual's death, to the extent reasonably necessary for the 9731  
support of the person and any of the person's dependents; 9732

(c) Except in cases in which the person who receives the 9733  
payment is an inmate, as defined in section 2969.21 of the Revised 9734  
Code, and in which the payment resulted from a civil action or 9735  
appeal against a government entity or employee, as defined in 9736  
section 2969.21 of the Revised Code, a payment, not to exceed five 9737  
thousand dollars, on account of personal bodily injury, not 9738

including pain and suffering or compensation for actual pecuniary	9739
loss, of the person or an individual for whom the person is a	9740
dependent;	9741
(d) A payment in compensation for loss of future earnings of	9742
the person or an individual of whom the person is or was a	9743
dependent, to the extent reasonably necessary for the support of	9744
the debtor and any of the debtor's dependents.	9745
(13) Except as provided in sections 3119.80, 3119.81,	9746
3121.02, 3121.03, and 3123.06 of the Revised Code, personal	9747
earnings of the person owed to the person for services in an	9748
amount equal to the greater of the following amounts:	9749
(a) If paid weekly, thirty times the current federal minimum	9750
hourly wage; if paid biweekly, sixty times the current federal	9751
minimum hourly wage; if paid semimonthly, sixty-five times the	9752
current federal minimum hourly wage; or if paid monthly, one	9753
hundred thirty times the current federal minimum hourly wage that	9754
is in effect at the time the earnings are payable, as prescribed	9755
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29	9756
U.S.C. 206(a)(1), as amended;	9757
(b) Seventy-five per cent of the disposable earnings owed to	9758
the person.	9759
(14) The person's right in specific partnership property, as	9760
exempted by division (B)(3) of section 1775.24 of the Revised	9761
Code;	9762
(15) A seal and official register of a notary public, as	9763
exempted by section 147.04 of the Revised Code;	9764
(16) The person's interest in a tuition credit or a payment	9765
under section 3334.09 of the Revised Code pursuant to a tuition	9766
credit contract, as exempted by section 3334.15 of the Revised	9767
Code;	9768

(17) Any other property that is specifically exempted from 9769  
execution, attachment, garnishment, or sale by federal statutes 9770  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 9771  
U.S.C.A. 101, as amended; 9772

(18) The person's interest, not to exceed four hundred 9773  
dollars, in any property, except that division (A)(18) of this 9774  
section applies only in bankruptcy proceedings. 9775

(B) As used in this section: 9776

(1) "Disposable earnings" means net earnings after the 9777  
garnishee has made deductions required by law, excluding the 9778  
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 9779  
3121.03, or 3123.06 of the Revised Code. 9780

(2) "Insider" means: 9781

(a) If the person who claims an exemption is an individual, a 9782  
relative of the individual, a relative of a general partner of the 9783  
individual, a partnership in which the individual is a general 9784  
partner, a general partner of the individual, or a corporation of 9785  
which the individual is a director, officer, or in control; 9786

(b) If the person who claims an exemption is a corporation, a 9787  
director or officer of the corporation; a person in control of the 9788  
corporation; a partnership in which the corporation is a general 9789  
partner; a general partner of the corporation; or a relative of a 9790  
general partner, director, officer, or person in control of the 9791  
corporation; 9792

(c) If the person who claims an exemption is a partnership, a 9793  
general partner in the partnership; a general partner of the 9794  
partnership; a person in control of the partnership; a partnership 9795  
in which the partnership is a general partner; or a relative in, a 9796  
general partner of, or a person in control of the partnership; 9797

(d) An entity or person to which or whom any of the following 9798

applies:	9799
(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.	9800 9801 9802 9803 9804 9805 9806
(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.	9807 9808 9809 9810 9811
(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.	9812 9813 9814 9815
(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.	9816 9817 9818
(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;	9819 9820 9821 9822
(f) A managing agent of the person who claims an exemption.	9823
(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.	9824 9825
(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.	9826 9827
(C) For purposes of this section, "interest" shall be	9828



(1) Workers' compensation benefits;	9859
(2) Unemployment compensation payments;	9860
(3) Cash assistance payments under the Ohio works first program;	9861 9862
(4) <u>Benefits and services under the prevention, retention, and contingency program;</u>	9863 9864
<u>(5)</u> Disability assistance administered by the Ohio department of job and family services;	9865 9866
<del>(5)</del> <u>(6)</u> Social security benefits;	9867
<del>(6)</del> <u>(7)</u> Supplemental security income (S.S.I.);	9868
<del>(7)</del> <u>(8)</u> Veteran's benefits;	9869
<del>(8)</del> <u>(9)</u> Black lung benefits;	9870
<del>(9)</del> <u>(10)</u> Certain pensions.	9871
Additionally, your wages never can be taken to pay a debt	9872
until a judgment has been obtained against you. There may be other	9873
benefits not included in this list that apply in your case.	9874
If you dispute the plaintiff's claim and believe that you are	9875
entitled to retain possession of the property because it is exempt	9876
or for any other reason, you may request a hearing before this	9877
court by disputing the claim in the request for hearing form	9878
appearing below, or in a substantially similar form, and	9879
delivering the request for the hearing to this court, at the	9880
office of the clerk of this court, not later than the end of the	9881
fifth business day after you receive this notice. You may state	9882
your reasons for disputing the claim in the space provided on the	9883
form, but you are not required to do so. If you do state your	9884
reasons for disputing the claim in the space provided on the form,	9885
you are not prohibited from stating any other reasons at the	9886
hearing, and if you do not state your reasons, it will not be held	9887

against you by the court and you can state your reasons at the hearing. 9888  
9889

If you request a hearing, it will be conducted in 9890  
..... courtroom ....., (address of court), at 9891  
.....m. on ....., ..... 9892

You may avoid having a hearing but retain possession of the 9893  
property until the entry of final judgment in the action by filing 9894  
with the court, at the office of the clerk of this court, not 9895  
later than the end of the fifth business day after you receive 9896  
this notice, a bond executed by an acceptable surety in the amount 9897  
of \$..... 9898

If you do not request a hearing or file a bond on or before 9899  
the end of the fifth business day after you receive this notice, 9900  
the court, without further notice to you, may order a law 9901  
enforcement officer or bailiff to take possession of the property. 9902  
Notice of the dates, times, places, and purposes of any subsequent 9903  
hearings and of the date, time, and place of the trial of the 9904  
action will be sent to you. 9905

..... 9906  
Clerk of Court 9907  
Date: ..... " 9908

(B) Along with the notice required by division (A) of this 9909  
section, the clerk of the court also shall deliver to the 9910  
defendant, in accordance with division (C) of this section, a 9911  
request for hearing form together with a postage-paid, 9912  
self-addressed envelope or a request for hearing form on a 9913  
postage-paid, self-addressed postcard. The request for hearing 9914  
shall be in substantially the following form: 9915

"(Name and Address of Court) 9916  
Case Number ..... Date ..... 9917

REQUEST FOR HEARING 9918



I dispute the claim for the attachment of property in the 9919  
above case and request that a hearing in this matter be held at 9920  
the time and place set forth in the notice that I previously 9921  
received. 9922

I dispute the claim for the following reasons: 9923

..... 9924

(Optional) 9925

..... 9926

..... 9927

..... 9928

(Name of Defendant) 9929

..... 9930

(Signature) 9931

..... 9932

(Date) 9933

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 9934  
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 9935  
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 9936  
YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE 9937  
REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING." 9938

(C) The notice required by division (A) of this section shall 9939  
be served on the defendant in duplicate not less than seven 9940  
business days prior to the date on which the hearing is scheduled, 9941  
together with a copy of the complaint and summons, if not 9942  
previously served, and a copy of the motion for the attachment of 9943  
property and the affidavit attached to the motion, in the same 9944  
manner as provided in the Rules of Civil Procedure for the service 9945  
of process. Service may be effected by publication as provided in 9946  
the Rules of Civil Procedure except that the number of weeks for 9947  
publication may be reduced by the court to the extent appropriate. 9948

**Sec. 2715.045.** (A) Upon the filing of a motion for attachment, a court may issue an order of attachment without issuing notice to the defendant against whom the motion was filed and without conducting a hearing if the court finds that there is probable cause to support the motion and that the plaintiff that filed the motion for attachment will suffer irreparable injury if the order is delayed until the defendant against whom the motion has been filed has been given the opportunity for a hearing. The court's findings shall be based upon the motion and affidavit filed pursuant to section 2715.03 of the Revised Code and any other relevant evidence that it may wish to consider.

(B) A finding by the court that the plaintiff will suffer irreparable injury may be made only if the court finds the existence of either of the following circumstances:

(1) There is present danger that the property will be immediately disposed of, concealed, or placed beyond the jurisdiction of the court.

(2) The value of the property will be impaired substantially if the issuance of an order of attachment is delayed.

(C)(1) Upon the issuance by a court of an order of attachment without notice and hearing pursuant to this section, the plaintiff shall file the order with the clerk of the court, together with a praecipe instructing the clerk to issue to the defendant against whom the order was issued a copy of the motion, affidavit, and order of attachment, and a notice that an order of attachment was issued and that the defendant has a right to a hearing on the matter. The clerk then immediately shall serve upon the defendant, in the manner provided by the Rules of Civil Procedure for service of process, a copy of the complaint and summons, if not previously served, a copy of the motion, affidavit, and order of attachment, and the following notice:

"(Name and Address of the Court)	9980
(Case Caption) Case No. ....	9981
NOTICE	9982
You are hereby notified that this court has issued an order	9983
in the above case in favor of (name and address of plaintiff), the	9984
plaintiff in this proceeding, directing that property now in your	9985
possession, be taken from you. This order was issued on the basis	9986
of the plaintiff's claim against you as indicated in the documents	9987
that are enclosed with this notice.	9988
The law of Ohio and the United States provides that certain	9989
benefit payments cannot be taken from you to pay a debt. Typical	9990
among the benefits that cannot be attached or executed on by a	9991
creditor are:	9992
(1) Workers' compensation benefits;	9993
(2) Unemployment compensation payments;	9994
(3) Cash assistance payments under the Ohio works first	9995
program;	9996
(4) <u>Benefits and services under the prevention, retention,</u>	9997
<u>and contingency program;</u>	9998
(5) Disability assistance administered by the Ohio department	9999
of job and family services;	10000
<del>(5)</del> (6) Social security benefits;	10001
<del>(6)</del> (7) Supplemental security income (S.S.I.);	10002
<del>(7)</del> (8) Veteran's benefits;	10003
<del>(8)</del> (9) Black lung benefits;	10004
<del>(9)</del> (10) Certain pensions.	10005
Additionally, your wages never can be taken to pay a debt	10006
until a judgment has been obtained against you. There may be other	10007
benefits not included in this list that apply in your case.	10008

If you dispute the plaintiff's claim and believe that you are  
entitled to possession of the property because it is exempt or for  
any other reason, you may request a hearing before this court by  
disputing the claim in the request for hearing form, appearing  
below, or in a substantially similar form, and delivering the  
request for hearing to this court at the above address, at the  
office of the clerk of this court, no later than the end of the  
fifth business day after you receive this notice. You may state  
your reasons for disputing the claim in the space provided on the  
form; however, you are not required to do so. If you do state your  
reasons for disputing the claim, you are not prohibited from  
stating any other reasons at the hearing, and if you do not state  
your reasons, it will not be held against you by the court and you  
can state your reasons at the hearing. If you request a hearing,  
it will be held within three business days after delivery of your  
request for hearing and notice of the date, time, and place of the  
hearing will be sent to you.

You may avoid a hearing but recover and retain possession of  
the property until the entry of final judgment in the action by  
filing with the court, at the office of the clerk of this court,  
not later than the end of the fifth business day after you receive  
this notice, a bond executed by an acceptable surety in the amount  
of \$.....

If you do not request a hearing or file a bond before the end  
of the fifth business day after you receive this notice,  
possession of the property will be withheld from you during the  
pendency of the action. Notice of the dates, times, places, and  
purposes of any subsequent hearings and of the date, time, and  
place of the trial of the action will be sent to you.

.....  
Clerk of the Court  
.....

Date" 10041

(2) Along with the notice required by division (C)(1) of this 10042  
section, the clerk of the court also shall deliver to the 10043  
defendant a request for hearing form together with a postage-paid, 10044  
self-addressed envelope or a request for hearing form on a 10045  
postage-paid, self-addressed postcard. The request for hearing 10046  
shall be in substantially the following form: 10047

"(Name and Address of Court) 10048

Case Number ..... Date ..... 10049

REQUEST FOR HEARING 10050

I dispute the claim for possession of property in the above 10051  
case and request that a hearing in this matter be held within 10052  
three business days after delivery of this request to the court. 10053

I dispute the claim for the following reasons: 10054

..... 10055

(Optional) 10056

..... 10057

..... 10058

..... 10059

(Name of Defendant) 10060

..... 10061

(Signature) 10062

..... 10063

(Date) 10064

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 10065  
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 10066  
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 10067  
YOU WAIVE YOUR RIGHT TO A HEARING AND POSSESSION OF THE PROPERTY 10068  
WILL BE WITHHELD FROM YOU DURING THE PENDENCY OF THE ACTION." 10069

(D) The defendant may receive a hearing in accordance with 10070

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 10102  
on which the hearing is scheduled. The order shall bind the 10103  
property, other than personal earnings, of the judgment debtor in 10104  
the possession of the garnishee at the time of service. 10105

The order of garnishment of property, other than personal 10106  
earnings, and notice to answer shall be in substantially the 10107  
following form: 10108

"ORDER AND NOTICE OF GARNISHMENT 10109  
OF PROPERTY OTHER THAN PERSONAL EARNINGS 10110

AND ANSWER OF GARNISHEE 10111

Docket No. .... 10112

Case No. .... 10113

In the ..... Court 10114

....., Ohio 10115

The State of Ohio 10116

County of ....., ss 10117

....., Judgment Creditor 10118

vs. 10119

....., Judgment Debtor 10120

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT 10121

To: ....., Garnishee 10122

The judgment creditor in the above case has filed an 10123  
affidavit, satisfactory to the undersigned, in this Court stating 10124  
that you have money, property, or credits, other than personal 10125  
earnings, in your hands or under your control that belong to the 10126  
judgment debtor, and that some of the money, property, or credits 10127  
may not be exempt from garnishment under the laws of the State of 10128  
Ohio or the laws of the United States. 10129

You are therefore ordered to complete the "ANSWER OF 10130  
GARNISHEE" in section (B) of this form. Return one completed and 10131

signed copy of this form to the clerk of this court together with 10132  
the amount determined in accordance with the "ANSWER OF GARNISHEE" 10133  
by the following date on which a hearing is tentatively scheduled 10134  
relative to this order of garnishment: ..... Deliver one 10135  
completed and signed copy of this form to the judgment debtor 10136  
prior to that date. Keep the other completed and signed copy of 10137  
this form for your files. 10138

The total probable amount now due on this judgment is 10139  
\$..... The total probable amount now due includes the unpaid 10140  
portion of the judgment in favor of the judgment creditor, which 10141  
is \$.....; interest on that judgment and, if applicable, 10142  
prejudgment interest relative to that judgment at the rate of 10143  
.....% per annum payable until that judgment is satisfied in full; 10144  
and court costs in the amount of \$..... 10145

You also are ordered to hold safely anything of value that 10146  
belongs to the judgment debtor and that has to be paid to the 10147  
court, as determined under the "ANSWER OF GARNISHEE" in section 10148  
(B) of this form, but that is of such a nature that it cannot be 10149  
so delivered, until further order of the court. 10150

Witness my hand and the seal of this court this ..... 10151  
day of ....., .....

..... 10153

Judge 10154

SECTION B. ANSWER OF GARNISHEE 10155

Now comes ..... the garnishee, who says: 10156

1. That the garnishee has money, property, or credits, other 10157  
than personal earnings, of the judgment debtor under the 10158  
garnishee's control and in the garnishee's possession. 10159

..... 10160

yes no if yes, amount 10161

2. That property is described as: 10162



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

earnings, now in the possession of the garnishee because they are 10255  
exempt or if you feel that this order is improper for any other 10256  
reason, you may request a hearing before this court by disputing 10257  
the claim in the request for hearing form, appearing below, or in 10258  
a substantially similar form, and delivering the request for 10259  
hearing to this court at the above address, at the office of the 10260  
clerk of this court no later than the end of the fifth business 10261  
day after you receive this notice. You may state your reasons for 10262  
disputing the judgment creditor's right to garnish your property 10263  
in the space provided on the form; however, you are not required 10264  
to do so. If you do state your reasons for disputing the judgment 10265  
creditor's right, you are not prohibited from stating any other 10266  
reason at the hearing. If you do not state your reasons, it will 10267  
not be held against you by the court, and you can state your 10268  
reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 10269  
BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing, 10270  
the hearing will be limited to a consideration of the amount of 10271  
your money, property, or credits, other than personal earnings, in 10272  
the possession or control of the garnishee, if any, that can be 10273  
used to satisfy all or part of the judgment you owe to the 10274  
judgment creditor. 10275

If you request a hearing by delivering your request for 10276  
hearing no later than the end of the fifth business day after you 10277  
receive this notice, it will be conducted in ..... courtroom 10278  
....., (address of court), at ..... m. on ....., 10279  
..... You may request the court to conduct the hearing before 10280  
this date by indicating your request in the space provided on the 10281  
form; the court then will send you notice of any change in the 10282  
date, time, or place of the hearing. If you do not request a 10283  
hearing by delivering your request for a hearing no later than the 10284  
end of the fifth business day after you receive this notice, some 10285  
of your money, property, or credits, other than personal earnings, 10286



.....	10317
I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL	10318
BE HEARD OR CONSIDERED AT THE HEARING.	10319
.....	10320
(Name of Judgment Debtor)	10321
.....	10322
(Signature)	10323
.....	10324
(Date)	10325
WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A	10326
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK	10327
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT,	10328
YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY,	10329
PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE	10330
POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT	10331
CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT	10332
CREDITOR'S NAME)."	10333
(2) The judgment debtor may receive a hearing in accordance	10334
with this division by delivering a written request for hearing to	10335
the court within five business days after receipt of the notice	10336
provided pursuant to division (C)(1) of this section. The request	10337
may set forth the judgment debtor's reasons for disputing the	10338
judgment creditor's right to garnish the money, property, or	10339
credits, other than personal earnings; however, neither the	10340
judgment debtor's inclusion of nor failure to include those	10341
reasons upon the request constitutes a waiver of any defense of	10342
the judgment debtor or affects the judgment debtor's right to	10343
produce evidence at the hearing. If the request is made by the	10344
judgment debtor within the prescribed time, the hearing shall be	10345
limited to a consideration of the amount of money, property, or	10346
credits, other than personal earnings, of the judgment debtor in	10347
the hands of the garnishee, if any, that can be used to satisfy	10348

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 10381  
the amount of the money, property, or credits, other than personal 10382  
earnings, of the judgment debtor in the possession of the 10383  
garnishee at the time of service of the notice and order, if any, 10384  
that can be used to satisfy all or part of the debt owed by the 10385  
judgment debtor to the judgment creditor, and issue an order, 10386  
accordingly, to the garnishee to pay that amount into court if it 10387  
has not already been paid to the court. 10388

(D) The notice to the judgment debtor form and the request 10389  
for hearing form described in division (C) of this section shall 10390  
be sent by the clerk by ordinary or regular mail service unless 10391  
the judgment creditor requests that service be made in accordance 10392  
with the Rules of Civil Procedure, in which case the forms shall 10393  
be served in accordance with the Rules of Civil Procedure. Any 10394  
court of common pleas that issues an order of garnishment of 10395  
property, other than personal earnings, under this section has 10396  
jurisdiction to serve process pursuant to this section upon a 10397  
garnishee who does not reside within the jurisdiction of the 10398  
court. Any county court or municipal court that issues an order of 10399  
garnishment of property, other than personal earnings, under this 10400  
section has jurisdiction to serve process pursuant to this section 10401  
upon a garnishee who does not reside within the jurisdiction of 10402  
the court. 10403

**Sec. 2921.13.** (A) No person shall knowingly make a false 10404  
statement, or knowingly swear or affirm the truth of a false 10405  
statement previously made, when any of the following applies: 10406

(1) The statement is made in any official proceeding. 10407

(2) The statement is made with purpose to incriminate 10408  
another. 10409

(3) The statement is made with purpose to mislead a public 10410  
official in performing the public official's official function. 10411



(4) The statement is made with purpose to secure the payment 10412  
of unemployment compensation; Ohio works first; prevention, 10413  
retention, and contingency ~~assistance~~ benefits and services; 10414  
disability assistance; retirement benefits; economic development 10415  
assistance, as defined in section 9.66 of the Revised Code; or 10416  
other benefits administered by a governmental agency or paid out 10417  
of a public treasury. 10418

(5) The statement is made with purpose to secure the issuance 10419  
by a governmental agency of a license, permit, authorization, 10420  
certificate, registration, release, or provider agreement. 10421  
10422

(6) The statement is sworn or affirmed before a notary public 10423  
or another person empowered to administer oaths. 10424

(7) The statement is in writing on or in connection with a 10425  
report or return that is required or authorized by law. 10426

(8) The statement is in writing and is made with purpose to 10427  
induce another to extend credit to or employ the offender, to 10428  
confer any degree, diploma, certificate of attainment, award of 10429  
excellence, or honor on the offender, or to extend to or bestow 10430  
upon the offender any other valuable benefit or distinction, when 10431  
the person to whom the statement is directed relies upon it to 10432  
that person's detriment. 10433

(9) The statement is made with purpose to commit or 10434  
facilitate the commission of a theft offense. 10435

(10) The statement is knowingly made to a probate court in 10436  
connection with any action, proceeding, or other matter within its 10437  
jurisdiction, either orally or in a written document, including, 10438  
but not limited to, an application, petition, complaint, or other 10439  
pleading, or an inventory, account, or report. 10440

(11) The statement is made on an account, form, record, 10441  
stamp, label, or other writing that is required by law. 10442

(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

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 10505  
transmitted into the state treasury to the credit of the county 10506  
public defender reimbursement fund, which is hereby created. All 10507  
moneys credited to the fund shall be used by the state public 10508  
defender to reimburse counties for the operation of county public 10509  
defender offices, joint county public defender offices, and county 10510  
appointed counsel systems pursuant to sections 120.18, 120.28, and 10511  
120.33 of the Revised Code. 10512

The court shall not waive the payment of the additional 10513  
~~eleven~~ thirteen dollars court costs, unless the court determines 10514  
that the offender is indigent and waives the payment of all court 10515  
costs imposed upon the indigent offender. 10516

(2) The juvenile court, in which a child is found to be a 10517  
delinquent child or a juvenile traffic offender for an act which, 10518  
if committed by an adult, would be an offense other than a traffic 10519  
offense that is not a moving violation, shall impose the sum of 10520  
~~eleven~~ thirteen dollars as costs in the case in addition to any 10521  
other court costs that the court is required or permitted by law 10522  
to impose upon the delinquent child or juvenile traffic offender. 10523  
All such moneys collected during a month shall be transmitted on 10524  
or before the twentieth day of the following month by the clerk of 10525  
the court to the treasurer of state ~~and deposited by the.~~ The 10526  
treasurer of state shall deposit eleven-thirteenths of the moneys 10527  
transmitted into the general revenue fund. The ~~eleven~~ treasurer of 10528  
state shall deposit two-thirteenths of the moneys transmitted into 10529  
the county public defender reimbursement fund. 10530

The thirteen dollars court costs shall be collected in all 10531  
cases unless the court determines the juvenile is indigent and 10532  
waives the payment of all court costs, or enters an order on its 10533  
journal stating that it has determined that the juvenile is 10534  
indigent, that no other court costs are to be taxed in the case, 10535  
and that the payment of the ~~eleven~~ thirteen dollars court costs is 10536

waived. 10537

(B) Whenever a person is charged with any offense other than 10538  
a traffic offense that is not a moving violation and posts bail, 10539  
the court shall add to the amount of the bail the ~~eleven~~ thirteen 10540  
dollars required to be paid by division (A)(1) of this section. 10541  
The ~~eleven~~ thirteen dollars shall be retained by the clerk of the 10542  
court until the person is convicted, pleads guilty, forfeits bail, 10543  
is found not guilty, or has the charges dismissed. If the person 10544  
is convicted, pleads guilty, or forfeits bail, the clerk shall 10545  
transmit the ~~eleven~~ thirteen dollars on or before the twentieth 10546  
day of the month following the month in which the person was 10547  
convicted, pleaded guilty, or forfeited bail to the treasurer of 10548  
state, ~~who~~. The treasurer of state shall deposit it eleven of the 10549  
thirteen dollars into the general revenue fund and two of the 10550  
thirteen dollars into the county public defender reimbursement 10551  
fund. If the person is found not guilty or the charges are 10552  
dismissed, the clerk shall return the ~~eleven~~ thirteen dollars to 10553  
the person. 10554

(C) No person shall be placed or held in a detention facility 10555  
for failing to pay the additional ~~eleven~~ thirteen dollars court 10556  
costs or bail that are required to be paid by this section. 10557

(D) As used in this section: 10558

(1) "Moving violation" and "bail" have the same meanings as 10559  
in section 2743.70 of the Revised Code. 10560

(2) "Detention facility" has the same meaning as in section 10561  
2921.01 of the Revised Code. 10562

**Sec. 2953.21.** (A)(1) Any person who has been convicted of a 10563  
criminal offense or adjudicated a delinquent child and who claims 10564  
that there was such a denial or infringement of the person's 10565  
rights as to render the judgment void or voidable under the Ohio 10566  
Constitution or the Constitution of the United States may file a 10567

petition in the court that imposed sentence, stating the grounds 10568  
for relief relied upon, and asking the court to vacate or set 10569  
aside the judgment or sentence or to grant other appropriate 10570  
relief. The petitioner may file a supporting affidavit and other 10571  
documentary evidence in support of the claim for relief. 10572

(2) A petition under division (A)(1) of this section shall be 10573  
filed no later than one hundred eighty days after the date on 10574  
which the trial transcript is filed in the court of appeals in the 10575  
direct appeal of the judgment of conviction or adjudication or, if 10576  
the direct appeal involves a sentence of death, the date on which 10577  
the trial transcript is filed in the supreme court. If no appeal 10578  
is taken, the petition shall be filed no later than one hundred 10579  
eighty days after the expiration of the time for filing the 10580  
appeal. 10581

(3) In a petition filed under division (A) of this section, a 10582  
person upon whom a sentence of death has been imposed may ask the 10583  
court to render void or voidable the judgment with respect to the 10584  
conviction of aggravated murder or the specification of an 10585  
aggravating circumstance. 10586

(4) A petitioner shall state in the original or amended 10587  
petition filed under division (A) of this section all grounds for 10588  
relief claimed by the petitioner. Except as provided in section 10589  
2953.23 of the Revised Code, any ground for relief that is not so 10590  
stated in the petition is waived. 10591

(5) If the petitioner in a petition filed under division (A) 10592  
of this section was convicted of or pleaded guilty to a felony, 10593  
the petition may include a claim that the petitioner was denied 10594  
the equal protection of the laws in violation of the Ohio 10595  
Constitution or the United States Constitution because the 10596  
sentence imposed upon the petitioner for the felony was part of a 10597  
consistent pattern of disparity in sentencing by the judge who 10598  
imposed the sentence, with regard to the petitioner's race, 10599

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.

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(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.

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(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.

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(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.

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Within twenty days from the date the issues are made up, either 10632  
party may move for summary judgment. The right to summary judgment 10633  
shall appear on the face of the record. 10634

(E) Unless the petition and the files and records of the case 10635  
show the petitioner is not entitled to relief, the court shall 10636  
proceed to a prompt hearing on the issues even if a direct appeal 10637  
of the case is pending. If the court notifies the parties that it 10638  
has found grounds for granting relief, either party may request an 10639  
appellate court in which a direct appeal of the judgment is 10640  
pending to remand the pending case to the court. 10641

(F) At any time before the answer or motion is filed, the 10642  
petitioner may amend the petition with or without leave or 10643  
prejudice to the proceedings. The petitioner may amend the 10644  
petition with leave of court at any time thereafter. 10645

(G) If the court does not find grounds for granting relief, 10646  
it shall make and file findings of fact and conclusions of law and 10647  
shall enter judgment denying relief on the petition. If no direct 10648  
appeal of the case is pending and the court finds grounds for 10649  
relief or if a pending direct appeal of the case has been remanded 10650  
to the court pursuant to a request made pursuant to division (E) 10651  
of this section and the court finds grounds for granting relief, 10652  
it shall make and file findings of fact and conclusions of law and 10653  
shall enter a judgment that vacates and sets aside the judgment in 10654  
question, and, in the case of a petitioner who is a prisoner in 10655  
custody, shall discharge or resentence the petitioner or grant a 10656  
new trial as the court determines appropriate. The court also may 10657  
make supplementary orders to the relief granted, concerning such 10658  
matters as arraignment, retrial, custody, and bail. If the trial 10659  
court's order granting the petition is reversed on appeal and if 10660  
the direct appeal of the case has been remanded from an appellate 10661  
court pursuant to a request under division (E) of this section, 10662  
the appellate court reversing the order granting the petition 10663



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. 10696

(3) Division (I) of this section does not preclude attorneys 10697  
who represent the state of Ohio from invoking the provisions of 28 10698  
U.S.C. 154 with respect to capital cases that were pending in 10699  
federal habeas corpus proceedings prior to the effective date of 10700  
this amendment insofar as the petitioners in those cases were 10701  
represented in proceedings under this section by one or more 10702  
counsel appointed by the court under this section or section 10703  
120.06, 120.16, 120.26, or 120.33 of the Revised Code and those 10704  
appointed counsel meet the requirements of division (I)(2) of this 10705  
section. 10706

(J) Subject to the appeal of a sentence for a felony that is 10707  
authorized by section 2953.08 of the Revised Code, the remedy set 10708  
forth in this section is the exclusive remedy by which a person 10709  
may bring a collateral challenge to the validity of a conviction 10710  
or sentence in a criminal case or to the validity of an 10711  
adjudication of a child as a delinquent child for the commission 10712  
of an act that would be a criminal offense if committed by an 10713  
adult or the validity of a related order of disposition. 10714

**Sec. 3109.14.** (A) As used in this section, "birth record" and 10715  
"certification of birth" have the meanings given in section 10716  
3705.01 of the Revised Code. 10717

(B)(1) The director of health, a person authorized by the 10718  
director, a local commissioner of health, or a local registrar of 10719  
vital statistics shall charge and collect a fee for each certified 10720  
copy of a birth record ~~and~~, for each certification of birth ~~a fee~~ 10721  
~~of two dollars~~, and for each copy of a death record ~~a fee of two~~ 10722  
~~dollars~~, Until October 1, 2001, the fee shall be two dollars. On 10723  
and after October 1, 2001, the fee shall be three dollars. The fee 10724  
is in addition to the fee imposed by section 3705.24 or any other 10725  
section of the Revised Code. A local commissioner of health or a 10726

local registrar of vital statistics may retain an amount of each 10727  
additional fee collected, not to exceed three per cent of the 10728  
amount of the additional fee, to be used for costs directly 10729  
related to the collection of the fee and the forwarding of the fee 10730  
to the treasurer of state. 10731

(2) Upon the filing for a divorce decree under section 10732  
3105.10 or a decree of dissolution under section 3105.65 of the 10733  
Revised Code, a court of common pleas shall charge and collect a 10734  
fee of ten dollars. Until October 1, 2001, the fee shall be ten 10735  
dollars. On and after October 1, 2001, the fee shall be eleven 10736  
dollars. The fee is in addition to any other court costs or fees. 10737  
The county clerk of courts may retain an amount of each additional 10738  
fee collected, not to exceed three per cent of the amount of the 10739  
additional fee, to be used for costs directly related to the 10740  
collection of the fee and the forwarding of the fee to the 10741  
treasurer of state. 10742

(C) The additional fees collected, but not retained, under 10743  
this section during each month shall be forwarded not later than 10744  
the tenth day of the immediately following month to the treasurer 10745  
of state, who shall deposit the fees in the state treasury to the 10746  
credit of the children's trust fund, which is hereby created. A 10747  
person or government entity that fails to forward the fees in a 10748  
timely manner, as determined by the treasurer of state, shall 10749  
forward to the treasurer of state, in addition to the fees, a 10750  
penalty equal to ten per cent of the fees. 10751

The treasurer of state shall invest the moneys in the fund, 10752  
and all earnings resulting from investment of the fund shall be 10753  
credited to the fund, except that actual administrative costs 10754  
incurred by the treasurer of state in administering the fund may 10755  
be deducted from the earnings resulting from investments. The 10756  
amount that may be deducted shall not exceed three per cent of the 10757  
total amount of fees credited to the fund in each fiscal year, 10758

except that the children's trust fund board may approve an amount 10759  
for actual administrative costs exceeding three per cent but not 10760  
exceeding four per cent of such amount. The balance of the 10761  
investment earnings shall be credited to the fund. Moneys credited 10762  
to the fund shall be used only for the purposes described in 10763  
sections 3109.13 to 3109.18 of the Revised Code. 10764

**Sec. 3301.075.** The state board of education shall adopt rules 10765  
governing the purchasing and leasing of data processing services 10766  
and equipment for all local, exempted village, city, and joint 10767  
vocational school districts and all educational service centers. 10768  
Such rules shall include provisions for the establishment of an 10769  
Ohio education computer network under procedures, guidelines, and 10770  
specifications of the department of education. 10771  
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The department shall administer funds appropriated for the 10773  
Ohio education computer network to ensure its efficient and 10774  
economical operation and shall approve no more than twenty-seven 10775  
data acquisition sites to operate concurrently. Such sites shall 10776  
be approved for funding in accordance with rules of the state 10777  
board adopted under this section that shall provide for the 10778  
superintendent of public instruction to require the membership of 10779  
each data acquisition site to be composed of combinations of 10780  
school districts and educational service centers ~~from contiguous~~ 10781  
~~counties~~ having sufficient students to support an efficient, 10782  
economical comprehensive program of computer services to member 10783  
districts and educational service centers. Each data acquisition 10784  
site, ~~other than sites organized under Chapter 167. of the Revised~~ 10785  
~~Code prior to the effective date of this section,~~ shall be 10786  
organized in accordance with section 3313.92 or Chapter 167. of 10787  
the Revised Code. 10788

The department of education may contract with an independent 10789

for profit or nonprofit entity to provide current and historical 10790  
information on Ohio government through the Ohio education computer 10791  
network to school district libraries operating in accordance with 10792  
section 3375.14 of the Revised Code in order to assist school 10793  
teachers in social studies course instruction and support student 10794  
research projects. Any such contract shall be awarded in 10795  
accordance with Chapter 125. of the Revised Code. 10796

**Sec. 3301.70.** (A) The state board of education is the 10797  
designated state agency responsible for the coordination and 10798  
administration of sections 110 to 118 of the "National and 10799  
Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 10800  
12401 to 12431, ~~and amendments thereto as amended~~. With the 10801  
assistance of the ~~state Ohio~~ community service ~~advisory committee~~ 10802  
council created in section 121.40 of the Revised Code, the state 10803  
board shall coordinate with other state agencies to apply for 10804  
funding under the act when appropriate. 10805

(B) With the assistance of the ~~state Ohio~~ community service 10806  
~~advisory committee~~ council, the state board of education shall 10807  
develop a plan to assist school districts in the implementation of 10808  
section 3313.605 of the Revised Code and other community service 10809  
activities of school districts. The state board shall encourage 10810  
the development of school district programs meeting the 10811  
requirements for funding under the "National and Community Service 10812  
Act of 1990." The plan shall include the investigation of funding 10813  
from all available sources for school community service education 10814  
programs, including funds available under the "National and 10815  
Community Service Act of 1990," and the provision of technical 10816  
assistance to school districts for the implementation of community 10817  
service education programs. The plan shall also provide for 10818  
technical assistance to be given to school boards to assist in 10819  
obtaining funds for community service education programs from any 10820  
source. 10821

(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

utilities commission or a designee of the chairperson, and the 10852  
director of the Ohio educational telecommunications network 10853  
commission or a designee of the director shall serve on the 10854  
commission as ex officio voting members. Of the nonvoting members, 10855  
two shall be members of the house of representatives appointed by 10856  
the speaker of the house and two shall be members of the senate 10857  
appointed by the president of the senate. The members appointed 10858  
from each house shall not be members of the same political party. 10859  
The superintendent of public instruction or the superintendent's 10860  
designee shall be the chairperson of the commission. 10861  
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(2) The members shall serve without compensation. The voting 10863  
members appointed by the speaker of the house of representatives 10864  
and the president of the senate shall be reimbursed, pursuant to 10865  
office of budget and management guidelines, for necessary expenses 10866  
incurred in the performance of official duties. 10867

(3) The terms of office for the members appointed by the 10869  
speaker of the house and the president of the senate shall be for 10870  
two years, with each term ending on the same day of the same month 10871  
as did the term that it succeeds. The members appointed by the 10872  
speaker of the house and the president of the senate may be 10873  
reappointed. Any member appointed from the house of 10874  
representatives or senate who ceases to be a member of the 10875  
legislative house from which the member was appointed shall cease 10876  
to be a member of the commission. Vacancies among appointed 10877  
members shall be filled in the manner provided for original 10878  
appointments. Any member appointed to fill a vacancy occurring 10879  
prior to the expiration date of the term for which a predecessor 10880  
was appointed shall hold office as a member for the remainder of 10881  
that term. The members appointed by the speaker of the house and 10882  
the president of the senate shall continue in office subsequent to 10883

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. 10884  
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(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. 10887  
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(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. 10894  
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(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. 10901  
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(D) The Ohio SchoolNet commission shall do all of the following: 10905  
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(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; 10907  
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(2) Contract with the department of education, state institutions of higher education, private nonprofit institutions 10913  
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of higher education holding certificates of authorization under 10915  
section 1713.02 of the Revised Code, and such other public or 10916  
private entities as the executive director deems necessary for the 10917  
administration and implementation of the programs under the 10918  
commission's jurisdiction; 10919

(3) Establish a reporting system to which school districts, 10920  
community schools established under Chapter 3314. of the Revised 10921  
Code, and other educational institutions receiving financial 10922  
assistance pursuant to this section for the acquisition of 10923  
educational technology report information as to the manner in 10924  
which such assistance was expended, the manner in which the 10925  
equipment or services purchased with the assistance is being 10926  
utilized, the results or outcome of this utilization, and other 10927  
information as may be required by the commission; 10928

(4) Establish necessary guidelines governing purchasing and 10929  
procurement by participants in programs administered by the 10930  
commission that facilitate the timely and effective implementation 10931  
of such programs; 10932

(5) Take into consideration the efficiency and cost savings 10933  
of statewide procurement prior to allocating and releasing funds 10934  
for any programs under its administration. 10935

(E)(1) The executive director shall implement policies and 10936  
directives issued by the Ohio SchoolNet commission. 10937

(2) The Ohio SchoolNet commission may establish a systems 10938  
support network to facilitate the timely implementation of the 10939  
programs, projects, or activities for which it provides 10940  
assistance. 10941

(3) Chapters 123., 124., 125., and 153., and sections 9.331, 10942  
9.332, and 9.333 of the Revised Code do not apply to contracts, 10943  
programs, projects, or activities of the Ohio SchoolNet 10944  
commission. 10945

Sec. 3302.041. (A) Each school district that in 1999 was 10946  
declared to be in a state of academic emergency, under an academic 10947  
watch, or in need of continuous improvement under section 3302.03 10948  
of the Revised Code and that is projected to receive any parity 10949  
aid payments under section 3317.0217 of the Revised Code for 10950  
either of the two fiscal years beginning July 1, 2001, or July 1, 10951  
2002, shall amend its continuous improvement plan required under 10952  
section 3302.04 of the Revised Code to include a budget for 10953  
expending the parity aid for either of those two fiscal years that 10954  
the district is projected to receive such aid. For each year 10955  
included in the budget, the district shall allocate the full 10956  
amount of projected parity aid among one or more of the following: 10957

(1) Upgrading, or purchasing additional classroom equipment, 10958  
materials, textbooks, or technology; 10959

(2) Lowering the teacher/student ratios in additional 10960  
classrooms; 10961

(3) Providing additional advanced curriculum opportunities; 10962

(4) Providing additional electives or required courses for 10963  
graduation; 10964

(5) Increasing the number of days of professional 10965  
development; 10966

(6) Providing all-day kindergarten to more students; 10967

(7) Providing preschool to more students; 10968

(8) Providing additional programming and services for special 10969  
student populations such as gifted, disadvantaged, or disabled 10970  
students; 10971

(9) Providing new programs or increasing the number of 10972  
students served by existing programs to prevent academic failure 10973  
or to intervene in the case of students in danger of academic 10974

failure, such as tutoring or summer school programs. 10975

(B) For each expenditure of parity aid allocated in the 10976  
budget under division (A) of this section, the district's amended 10977  
continuous improvement plan shall describe: 10978

(1) How the expenditure will result in new programs or 10979  
opportunities, or an expanded availability of programs or 10980  
opportunities to more students, and will not simply fund existing 10981  
programs with parity aid instead of general revenue fund moneys or 10982  
other district income. 10983

(2) How the proposed expenditure is expected to enhance the 10984  
district's continuous improvement plan, improve the district's 10985  
academic success, and promote the district's achievement of the 10986  
standard unit of improvement required by the department of 10987  
education under rules adopted pursuant to section 3302.04 of the 10988  
Revised Code. 10989

(C) A copy of each amended continuous improvement plan 10990  
required to contain a budget under this section shall be submitted 10991  
to the department by September 1, 2001. The department shall 10992  
randomly divide all school districts required to comply with this 10993  
section into two groups and, beginning July 1, 2002, shall assess 10994  
one half of the districts in each of fiscal years 2003 and 2004 to 10995  
determine whether the district did in fact make the expenditures 10996  
included in its proposed parity aid budget during the preceding 10997  
fiscal year. 10998

(D) If in either year, the department finds that a district 10999  
did not spend its preceding year's parity aid funds in the manner 11000  
specified in the budget for that year, it shall notify the state 11001  
board of education of its findings and shall subtract the amount 11002  
of any parity aid funds not spent in the manner specified in the 11003  
budget from any parity aid otherwise due to the district under 11004  
section 3317.0217 of the Revised Code in the current fiscal year. 11005

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. 11006  
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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. 11011  
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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. 11023  
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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. 11029  
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**Sec. 3303.01.** Except when utilized in Chapter 3311. of the Revised Code, whenever the term vocational education occurs 11035  
11036

anywhere in the Revised Code, it shall be deemed to refer to 11037  
career-technical education, except that joint vocational school 11038  
districts shall continue to be styled as and shall maintain their 11039  
legal existence as either joint vocational school districts or 11040  
vocational school districts pursuant to section 3311.01. 11041

**Sec. 3305.061.** Notwithstanding section 171.07 and division 11042  
(D) of section 3305.06 of the Revised Code, the percentage of an 11043  
electing employee's compensation contributed by a public 11044  
institution of higher education under division (D) of section 11045  
3305.06 of the Revised Code shall not exceed the percentage of 11046  
compensation transferred under section 145.87, 3307.84, or 3309.88 11047  
of the Revised Code, as appropriate, by the state retirement 11048  
system that otherwise applies to the electing employee's position. 11049  
A change in the percentage of compensation contributed under 11050  
division (D) of section 3305.06 of the Revised Code, as required 11051  
by this section, shall take effect on the same day a change in the 11052  
percentage of compensation takes effect under section 145.87, 11053  
3307.84, or 3309.88 of the Revised Code, as appropriate. 11054

**Sec. 3311.057.** (A) Any educational service center that is 11055  
formed by merging two or more educational service centers or 11056  
former county school districts after July 1, 1995, but prior to 11057  
July 1, ~~1999~~ 2003, may determine the number of members of its 11058  
governing board of education and whether the members are to be 11059  
elected at large or by subdistrict, provided each board shall have 11060  
an odd number of members. 11061

(B) If an educational service center described in division 11062  
(A) of this section is formed on or after the effective date of 11063  
this section, the governing board of education of each service 11064  
center that is merging to form the new service center shall 11065  
include identical provisions for electing the new service center's 11066

governing board in its resolution adopted pursuant to division (A) 11067  
of section 3311.053 of the Revised Code. If there is any 11068  
transition period between the effective date of the merger of the 11069  
service centers and the assumption of control of the new service 11070  
center by the new board, the resolutions shall include provisions 11071  
for an interim governing board which shall be appointed to govern 11072  
the service center until the time the new board is elected and 11073  
assumes control of the service center. 11074

(C) If an educational service center described in division 11075  
(A) of this section was formed prior to the effective date of this 11076  
section, the governing board of the service center may adopt at 11077  
any time prior to July 1, ~~1999~~ 2003, a resolution setting forth 11078  
provisions for changing the number of members and the manner of 11079  
electing its board and provisions for any transitional period 11080  
between the abolition of the existing board and the assumption of 11081  
control by the new board. 11082

(D) Any provisions for electing a governing board adopted 11083  
pursuant to division (B) or (C) of this section may provide for 11084  
the election of members at large, may provide for the 11085  
establishment of subdistricts within the district, or may require 11086  
some members to be elected at large and some to be elected from 11087  
subdistricts. If subdistricts are included, the resolutions shall 11088  
specify the manner in which their boundaries are to be drawn. The 11089  
provisions shall attempt to ensure that each elected member of the 11090  
board represents an equal number of residents of the service 11091  
center. To accomplish this, any subdistrict containing a multiple 11092  
of the number of electors in another subdistrict, may elect 11093  
at-large within that subdistrict, a number of board members equal 11094  
to the multiple that its population is of the population of the 11095  
other subdistrict. 11096

(E) The provisions for selecting board members set forth in 11097  
the latest resolution adopted pursuant to division (B) or (C) of 11098

this section prior to July 1, ~~1999~~ 2003, shall remain the method  
of electing ~~school~~ board members within that educational service  
center. 11099  
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Sec. 3311.058. Notwithstanding anything to the contrary in 11102  
Section 45.32 of Am. Sub. H.B. 117 of the 121st General Assembly, 11103  
146 Ohio Laws 900, 1805, as subsequently amended, or in Chapter 11104  
3311. of the Revised Code, no educational service center shall be 11105  
required to merge in order to achieve any prescribed minimum 11106  
average daily membership if such a merger will cause the territory 11107  
of the resultant joint educational service center to comprise more 11108  
than eight hundred square miles. 11109

Sec. 3313.37. (A)(1) The board of education of any city, 11110  
local, or exempted village school district may build, enlarge, 11111  
repair, and furnish the necessary schoolhouses, purchase or lease 11112  
sites therefor, or rights-of-way thereto, or purchase or lease 11113  
real estate to be used as playgrounds for children or rent 11114  
suitable schoolrooms, either within or without the district, and 11115  
provide the necessary apparatus and make all other necessary 11116  
provisions for the schools under its control. ~~The governing board~~ 11117  
~~of any educational service center may build, enlarge, repair, and~~ 11118  
~~furnish the necessary facilities for conducting special education~~ 11119  
~~programs and driver education courses, purchase or lease sites~~ 11120  
~~therefor, or rights-of-way thereto, or purchase or lease real~~ 11121  
~~estate or rent suitable facilities to be used for such purposes~~ 11122  
~~and provide the necessary apparatus and make all other necessary~~ 11123  
~~provisions for such facilities as are under its control.~~ 11124

(2) A governing board of an educational service center may 11125  
acquire, lease, or enter into a contract to purchase, lease, or 11126  
sell real and personal property and may construct, enlarge, 11127  
repair, renovate, furnish, or equip facilities, buildings, or 11128  
structures for the educational service center's purposes. The 11129

board may enter into loan agreements, including mortgages, for the 11130  
acquisition of such property. If a governing board exercises any 11131  
of these powers to acquire office or classroom space, the board of 11132  
county commissioners has no obligation to provide and equip 11133  
offices and to provide heat, light, water, and janitorial services 11134  
for the use of the service center pursuant to section 3319.19 of 11135  
the Revised Code, unless there is a contract as provided by 11136  
division (D) of that section. 11137

(3) A board of county commissioners may issue securities of 11138  
the county pursuant to Chapter 133. of the Revised Code for the 11139  
acquisition of real and personal property or for the construction, 11140  
enlargement, repair, or renovation of facilities, buildings, or 11141  
structures by an educational service center, but only if the 11142  
county has a contract under division (D) of section 3319.19 of the 11143  
Revised Code with the educational service center whereby the 11144  
educational service center agrees to pay the county an amount 11145  
equal to the debt charges on the issued securities on or before 11146  
the date those charges fall due. For the purposes of this section, 11147  
"debt charges" and "securities" have the same meanings as in 11148  
section 133.01 of the Revised Code. 11149

(B)(1) Boards of education of city, local, and exempted 11150  
village school districts may acquire land by gift or devise, by 11151  
purchase, or by appropriation. Lands purchased may be purchased 11152  
for cash, by installment payments, with or without a mortgage, by 11153  
entering into lease-purchase agreements, or by lease with an 11154  
option to purchase, provided that if the purchase price is to be 11155  
paid over a period of time, such payments shall not extend for a 11156  
period of more than five years. A special tax levy may be 11157  
authorized by the voters of the school district in accordance with 11158  
section 5705.21 of the Revised Code to provide a special fund to 11159  
meet the future time payments. 11160

(2) For the purposes of section 5705.21 of the Revised Code, 11161



acquisition of land under the provisions of this division shall be 11162  
considered a necessary requirement of the school district. 11163

(3) Boards of education of city, local, and exempted village 11164  
school districts may acquire federal land at a discount by a 11165  
lease-purchase agreement for use as a site for the construction of 11166  
educational facilities or for other related purposes. External 11167  
administrative and other costs pertaining to the acquisition of 11168  
federal land at a discount may be paid from funds available to the 11169  
school district for operating purposes. Such boards of education 11170  
may also acquire federal land by lease-purchase agreements, by 11171  
negotiation, or otherwise. 11172

(4) As used in this division: 11173

(a) "Office equipment" includes but is not limited to 11174  
typewriters, copying and duplicating equipment, and computer and 11175  
data processing equipment. 11176

(b) "Software for instructional purposes" includes computer 11177  
programs usable for computer assisted instruction, computer 11178  
managed instruction, drill and practice, and problem simulations. 11179

A board of education or governing board of an educational 11180  
service center may acquire the necessary office equipment, and 11181  
computer hardware and software for instructional purposes, for the 11182  
schools under its control by purchase, by lease, by installment 11183  
payments, by entering into lease-purchase agreements, or by lease 11184  
with an option to purchase. In the case of a city, exempted 11185  
village, or local school district, if the purchase price is to be 11186  
paid over a period of time, the contract setting forth the terms 11187  
of such purchase shall be considered a continuing contract 11188  
pursuant to section 5705.41 of the Revised Code. Payments shall 11189  
not extend for a period of more than five years. Costs relating to 11190  
the acquisition of necessary apparatus may be paid from funds 11191  
available to the school district or educational service center for 11192

operating purposes. 11193

(5) A board of education or governing board of an educational 11194  
service center may acquire the necessary equipment for the 11195  
maintenance or physical upkeep of facilities and land under its 11196  
control by entering into lease-purchase agreements. If payments 11197  
under the lease-purchase agreement are to be made over a period of 11198  
time, the agreement shall be considered a continuing contract 11199  
pursuant to section 5705.41 of the Revised Code, and such payments 11200  
shall not extend for a period of more than five years. 11201

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 11202  
~~and (F)~~, and (G) of this section, when a board of education 11203  
decides to dispose of real or personal property that it owns in 11204  
its corporate capacity, and that exceeds in value ten thousand 11205  
dollars, it shall sell the property at public auction, after 11206  
giving at least thirty days' notice of the auction by publication 11207  
in a newspaper of general circulation or by posting notices in 11208  
five of the most public places in the school district in which the 11209  
property, if it is real property, is situated, or, if it is 11210  
personal property, in the school district of the board of 11211  
education that owns the property. The board may offer real 11212  
property for sale as an entire tract or in parcels. 11213

(B) When the board of education has offered real or personal 11214  
property for sale at public auction at least once pursuant to 11215  
division (A) of this section, and the property has not been sold, 11216  
the board may sell it at a private sale. Regardless of how it was 11217  
offered at public auction, at a private sale, the board shall, as 11218  
it considers best, sell real property as an entire tract or in 11219  
parcels, and personal property in a single lot or in several lots. 11220

(C) If a board of education decides to dispose of real or 11221  
personal property that it owns in its corporate capacity and that 11222  
exceeds in value ten thousand dollars, it may sell the property to 11223

the adjutant general; to any subdivision or taxing authority as 11224  
respectively defined in divisions (A) and (C) of section 5705.01 11225  
of the Revised Code, township park district, board of park 11226  
commissioners established under Chapter 755. of the Revised Code, 11227  
or park district established under Chapter 1545. of the Revised 11228  
Code; to a wholly or partially tax-supported university, 11229  
university branch, or college; or to the board of trustees of a 11230  
school district library, upon such terms as are agreed upon. The 11231  
sale of real or personal property to the board of trustees of a 11232  
school district library is limited, in the case of real property, 11233  
to a school district library within whose boundaries the real 11234  
property is situated, or, in the case of personal property, to a 11235  
school district library whose boundaries lie in whole or in part 11236  
within the school district of the selling board of education. 11237

(D) When a board of education decides to trade as a part or 11238  
an entire consideration, an item of personal property on the 11239  
purchase price of an item of similar personal property, it may 11240  
trade the same upon such terms as are agreed upon by the parties 11241  
to the trade. 11242

(E) The president and the treasurer of the board of education 11243  
shall execute and deliver deeds or other necessary instruments of 11244  
conveyance to complete any sale or trade under this section. 11245  
11246

(F) When a board of education has identified a parcel of real 11247  
property that it determines is needed for school purposes, the 11248  
board may, upon a majority vote of the members of the board, 11249  
acquire that property by exchanging real property that the board 11250  
owns in its corporate capacity for the identified real property or 11251  
by using real property that the board owns in its corporate 11252  
capacity as part or an entire consideration for the purchase price 11253  
of the identified real property. Any exchange or acquisition made 11254  
pursuant to this division shall be made by a conveyance executed 11255

by the president and the treasurer of the board. 11256

(G) When a school district board of education decides to 11257  
dispose of real property suitable for use as classroom space, 11258  
prior to disposing of such property under division (A) through (F) 11259  
of this section, it shall first offer that property for sale to 11260  
the governing authorities of the start-up community schools, 11261  
established under Chapter 3314. of the Revised Code and located 11262  
within the territory of the school district, at a price that is 11263  
not higher than the appraised fair market value of that property. 11264  
If more than one community school governing authority accepts the 11265  
offer made by the school district board, the board shall sell the 11266  
property to the governing authority that accepted the offer first 11267  
in time. If no community school governing authority accepts the 11268  
offer within sixty days after the offer is made by the school 11269  
district board, the board may dispose of the property in the 11270  
applicable manner prescribed under divisions (A) to (F) of this 11271  
section. 11272

**Sec. 3313.603.** (A) As used in this section: 11273

(1) "One unit" means a minimum of one hundred twenty hours of 11274  
course instruction, except that for a laboratory course, "one 11275  
unit" means a minimum of one hundred fifty hours of course 11276  
instruction. 11277

(2) "One-half unit" means a minimum of sixty hours of course 11278  
instruction, except that for physical education courses, "one-half 11279  
unit" means a minimum of one hundred twenty hours of course 11280  
instruction. 11281

(B) Beginning September 15, 2001, the requirements for 11282  
graduation from every high school shall include ~~twenty-one~~ twenty 11283  
units earned in grades nine through twelve and shall be 11284  
distributed as follows: 11285

(1) English language arts, four units;	11286
(2) Health, one-half unit;	11287
(3) Mathematics, three units;	11288
(4) Physical education, one-half unit;	11289
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	11290 11291 11292
(a) Biological sciences, one unit;	11293
(b) Physical sciences, one unit.	11294
(6) Social studies, three units, which shall include both of the following:	11295 11296
(a) American history, one-half unit;	11297
(b) American government, one-half unit.	11298
(7) Elective units, <del>eight</del> <u>seven</u> units until September 15, 2003, and <del>seven</del> <u>six</u> units thereafter.	11299 11300
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	11301 11302 11303
(C) Every high school may permit students below the ninth grade to take advanced work for credit. A high school shall count such advanced work toward the graduation requirements of division (B) of this section if the advanced work was both:	11304 11305 11306 11307
(1) Taught by a person who possesses a license or certificate issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;	11308 11309 11310
(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the	11311 11312 11313

chartered nonpublic school as meeting the high school curriculum 11314  
requirements. 11315

(D) Units earned in English language arts, mathematics, 11316  
science, and social studies that are delivered through integrated 11317  
academic and technical instruction are eligible to meet the 11318  
graduation requirements of division (B) of this section. 11319

**Sec. 3313.608.** (A) Beginning with students who enter fourth 11320  
grade in the school year that starts July 1, 2001, no city, 11321  
exempted village, or local school district shall promote to fifth 11322  
grade any student who fails to attain the score designated under 11323  
division (A)(1) of section 3301.0710 of the Revised Code on the 11324  
test prescribed under that division to measure skill in reading, 11325  
unless either of the following applies: 11326

(1) The pupil was excused from taking the test under division 11327  
(C)(1) of section 3301.0711 of the Revised Code; 11328

(2) The pupil's principal and reading teacher agree that the 11329  
pupil is academically prepared, as determined pursuant to the 11330  
district policy adopted under section 3313.609 of the Revised 11331  
Code, to be promoted to fifth grade. 11332

(B)(1) To assist students in meeting this fourth grade 11333  
guarantee established by this section, each city, exempted 11334  
village, and local school district shall adopt policies and 11335  
procedures with which it shall, beginning in the school year that 11336  
starts July 1, 1998, annually assess the reading skills of each 11337  
student at the end of kindergarten, first, second, and third grade 11338  
and identify students who are reading below their grade level. ~~The~~ 11339

(2) ~~The~~ policy and procedures shall require the students' 11340  
classroom teachers to be involved in the assessment and the 11341  
identification of students reading below grade level. The district 11342  
shall notify the parent or guardian of each student whose reading 11343

skills are below grade level and, in accordance with division (C) 11344  
of this section, provide intervention services to each student 11345  
reading below grade level. 11346

~~(2) For each student identified as reading below grade level 11347  
at the end of third grade, the district shall offer intense 11348  
remediation services during the summer following third grade. 11349~~

(3) For each student entering fourth grade after July 1, 11350  
2001, who does not attain by the end of the fourth grade the score 11351  
designated under division (A)(1) of section 3301.0710 of the 11352  
Revised Code on the test prescribed under that division to measure 11353  
skill in reading, the district also shall offer ~~intense~~ 11354  
remediation intervention services, and another opportunity to take 11355  
that test, during the summer following fourth grade. 11356

(C) For each student required to be offered ~~remediation~~ 11357  
intervention services under this section, the district shall 11358  
involve the student's parent or guardian and classroom teacher in 11359  
developing the intervention strategy, and shall offer to the 11360  
parent or guardian the opportunity to be involved in the 11361  
intervention services. 11362

(D) Beginning in the summer of 1999, in addition to the 11363  
~~remediation~~ intervention requirements of divisions (B) and (C) of 11364  
this section, every city, exempted village, or local school 11365  
district shall offer intervention services during the summer 11366  
~~remediation~~ and, if needed, during the following school year to 11367  
any student who has failed to attain the designated scores on 11368  
three or more of the five tests described by division (A)(1) or 11369  
(2) of section 3301.0710 of the Revised Code. 11370

(E) Any ~~summer remediation~~ intervention services funded in 11371  
whole or in part by the state and offered by school districts to 11372  
students under this section shall meet the following conditions: 11373

(1) The ~~remediation~~ intervention methods are based on 11374

reliable educational research.	11375
(2) The school districts <del>conduct testing before and after</del>	11376
<del>assess</del> students <del>participate in the program to facilitate</del>	11377
<del>monitoring results of the remediation who receive the intervention</del>	11378
services.	11379
(3) The parents of participating students are involved in	11380
programming decisions.	11381
(4) The services are conducted in a school building or	11382
community center and not on an at-home basis.	11383
<b>Sec. 3313.64.</b> (A) As used in this section and in section	11384
3313.65 of the Revised Code:	11385
(1) "Parent" means either parent, unless the parents are	11386
separated or divorced or their marriage has been dissolved or	11387
annulled, in which case "parent" means the parent who is the	11388
residential parent and legal custodian of the child. When a child	11389
is in the legal custody of a government agency or a person other	11390
than the child's natural or adoptive parent, "parent" means the	11391
parent with residual parental rights, privileges, and	11392
responsibilities. When a child is in the permanent custody of a	11393
government agency or a person other than the child's natural or	11394
adoptive parent, "parent" means the parent who was divested of	11395
parental rights and responsibilities for the care of the child and	11396
the right to have the child live with the parent and be the legal	11397
custodian of the child and all residual parental rights,	11398
privileges, and responsibilities.	11399
(2) "Legal custody," "permanent custody," and "residual	11400
parental rights, privileges, and responsibilities" have the same	11401
meanings as in section 2151.011 of the Revised Code.	11402
(3) "School district" or "district" means a city, local, or	11403
exempted village school district and excludes any school operated	11404



in an institution maintained by the department of youth services. 11405

(4) Except as used in division (C)(2) of this section, "home" 11406  
means a home, institution, foster home, group home, or other 11407  
residential facility in this state that receives and cares for 11408  
children, to which any of the following applies: 11409

(a) The home is licensed, certified, or approved for such 11410  
purpose by the state or is maintained by the department of youth 11411  
services. 11412

(b) The home is operated by a person who is licensed, 11413  
certified, or approved by the state to operate the home for such 11414  
purpose. 11415

(c) The home accepted the child through a placement by a 11416  
person licensed, certified, or approved to place a child in such a 11417  
home by the state. 11418

(d) The home is a children's home created under section 11419  
5153.21 or 5153.36 of the Revised Code. 11420

(5) "Agency" means all of the following: 11421

(a) A public children services agency; 11422

(b) An organization that holds a certificate issued by the 11423  
Ohio department of job and family services in accordance with the 11424  
requirements of section 5103.03 of the Revised Code and assumes 11425  
temporary or permanent custody of children through commitment, 11426  
agreement, or surrender, and places children in family homes for 11427  
the purpose of adoption; 11428

(c) Comparable agencies of other states or countries that 11429  
have complied with applicable requirements of section 2151.39, or 11430  
sections 5103.20 to 5103.28 of the Revised Code. 11431

(6) A child is placed for adoption if either of the following 11432  
occurs: 11433

(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; 11495

(b) If the parent's residence at the time the court removed 11496  
the child from home or placed the child in the legal or permanent 11497  
custody of the person or government agency is unknown, tuition 11498  
shall be paid by the district in which the child resided at the 11499  
time the child was removed from home or placed in legal or 11500  
permanent custody, whichever occurred first; 11501

(c) If a school district cannot be established under division 11502  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 11503  
district determined as required by section 2151.357 of the Revised 11504  
Code by the court at the time it vests custody of the child in the 11505  
person or government agency; 11506

(d) If at the time the court removed the child from home or 11507  
vested legal or permanent custody of the child in the person or 11508  
government agency, whichever occurred first, one parent was in a 11509  
residential or correctional facility or a juvenile residential 11510  
placement and the other parent, if living and not in such a 11511  
facility or placement, was not known to reside in this state, 11512  
tuition shall be paid by the district determined under division 11513  
(D) of section 3313.65 of the Revised Code as the district 11514  
required to pay any tuition while the parent was in such facility 11515  
or placement. 11516

(3) If the child is not in the permanent or legal custody of 11517  
a government agency or person other than the child's parent and 11518  
the child resides in a home, tuition shall be paid by one of the 11519  
following: 11520

(a) The school district in which the child's parent resides; 11521

(b) If the child's parent is not a resident of this state, 11522  
the home in which the child resides. 11523

(D) Tuition required to be paid under divisions (C)(2) and 11524  
(3)(a) of this section shall be computed in accordance with 11525

section 3317.08 of the Revised Code. Tuition required to be paid 11526  
under division (C)(3)(b) of this section shall be computed in 11527  
accordance with section 3317.081 of the Revised Code. If a home 11528  
fails to pay the tuition required by division (C)(3)(b) of this 11529  
section, the board of education providing the education may 11530  
recover in a civil action the tuition and the expenses incurred in 11531  
prosecuting the action, including court costs and reasonable 11532  
attorney's fees. If the prosecuting attorney or city director of 11533  
law represents the board in such action, costs and reasonable 11534  
attorney's fees awarded by the court, based upon the prosecuting 11535  
attorney's, director's, or one of their designee's time spent 11536  
preparing and presenting the case, shall be deposited in the 11537  
county or city general fund. 11538

(E) A board of education may enroll a child free of any 11539  
tuition obligation for a period not to exceed sixty days, on the 11540  
sworn statement of an adult resident of the district that the 11541  
resident has initiated legal proceedings for custody of the child. 11542

(F) In the case of any individual entitled to attend school 11543  
under this division, no tuition shall be charged by the school 11544  
district of attendance and no other school district shall be 11545  
required to pay tuition for the individual's attendance. 11546  
Notwithstanding division (B), (C), or (E) of this section: 11547

(1) All persons at least eighteen but under twenty-two years 11548  
of age who live apart from their parents, support themselves by 11549  
their own labor, and have not successfully completed the high 11550  
school curriculum or the individualized education program 11551  
developed for the person by the high school pursuant to section 11552  
3323.08 of the Revised Code, are entitled to attend school in the 11553  
district in which they reside. 11554

(2) Any child under eighteen years of age who is married is 11555  
entitled to attend school in the child's district of residence. 11556

(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the child's physician certifying that the child's medical condition may require emergency medical attention. The statement shall be supported by such other evidence as the board may require.

(4) Any child residing with a person other than the child's parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:

(a) That the parent is serving outside of the state in the armed services of the United States;

(b) That the parent intends to reside in the district upon returning to this state;

(c) The name and address of the person with whom the child is living while the parent is outside the state.

(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board.

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to

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 11619  
that school, provided the board of education of the school 11620  
district where the student's parent resides, by a formal action, 11621  
releases the student to participate in interscholastic athletics 11622  
at the school where the student is attending, and provided the 11623  
student receives any authorization required by a public agency or 11624  
private organization of which the school district is a member 11625  
exercising authority over interscholastic sports. 11626

(8) A child whose parent is a full-time employee of a city, 11627  
local, or exempted village school district, or of an educational 11628  
service center, may be admitted to the schools of the district 11629  
where the child's parent is employed, or in the case of a child 11630  
whose parent is employed by an educational service center, in the 11631  
district that serves the location where the parent's job is 11632  
primarily located, provided the district board of education 11633  
establishes such an admission policy by resolution adopted by a 11634  
majority of its members. Any such policy shall take effect on the 11635  
first day of the school year and the effective date of any 11636  
amendment or repeal may not be prior to the first day of the 11637  
subsequent school year. The policy shall be uniformly applied to 11638  
all such children and shall provide for the admission of any such 11639  
child upon request of the parent. No child may be admitted under 11640  
this policy after the first day of classes of any school year. 11641

(9) A child who is with the child's parent under the care of 11642  
a shelter for victims of domestic violence, as defined in section 11643  
3113.33 of the Revised Code, is entitled to attend school free in 11644  
the district in which the child is with the child's parent, and no 11645  
other school district shall be required to pay tuition for the 11646  
child's attendance in that school district. 11647

The enrollment of a child in a school district under this 11648  
division shall not be denied due to a delay in the school 11649  
district's receipt of any records required under section 3313.672 11650



of the Revised Code or any other records required for enrollment. 11651  
Any days of attendance and any credits earned by a child while 11652  
enrolled in a school district under this division shall be 11653  
transferred to and accepted by any school district in which the 11654  
child subsequently enrolls. The state board of education shall 11655  
adopt rules to ensure compliance with this division. 11656

(10) Any child under the age of twenty-two years whose parent 11657  
has moved out of the school district after the commencement of 11658  
classes in the child's senior year of high school is entitled, 11659  
subject to the approval of that district board, to attend school 11660  
in the district in which the child attended school at the time of 11661  
the parental move for the remainder of the school year and for one 11662  
additional semester or equivalent term. A district board may also 11663  
adopt a policy specifying extenuating circumstances under which a 11664  
student may continue to attend school under division (F)(10) of 11665  
this section for an additional period of time in order to 11666  
successfully complete the high school curriculum for the 11667  
individualized education program developed for the student by the 11668  
high school pursuant to section 3323.08 of the Revised Code. 11669

(11) As used in this division, "grandparent" means a parent 11670  
of a parent of a child. A child under the age of twenty-two years 11671  
who is in the custody of the child's parent, resides with a 11672  
grandparent, and does not require special education is entitled to 11673  
attend the schools of the district in which the child's 11674  
grandparent resides, provided that, prior to such attendance in 11675  
any school year, the board of education of the school district in 11676  
which the child's grandparent resides and the board of education 11677  
of the school district in which the child's parent resides enter 11678  
into a written agreement specifying that good cause exists for 11679  
such attendance, describing the nature of this good cause, and 11680  
consenting to such attendance. 11681

In lieu of a consent form signed by a parent, a board of 11682

education may request the grandparent of a child attending school 11683  
in the district in which the grandparent resides pursuant to 11684  
division (F)(11) of this section to complete any consent form 11685  
required by the district, including any authorization required by 11686  
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 11687  
Upon request, the grandparent shall complete any consent form 11688  
required by the district. A school district shall not incur any 11689  
liability solely because of its receipt of a consent form from a 11690  
grandparent in lieu of a parent. 11691

Division (F)(11) of this section does not create, and shall 11692  
not be construed as creating, a new cause of action or substantive 11693  
legal right against a school district, a member of a board of 11694  
education, or an employee of a school district. This section does 11695  
not affect, and shall not be construed as affecting, any 11696  
immunities from defenses to tort liability created or recognized 11697  
by Chapter 2744. of the Revised Code for a school district, 11698  
member, or employee. 11699

(12) A child under the age of twenty-two years is entitled to 11700  
attend school in a school district other than the district in 11701  
which the child is entitled to attend school under division (B), 11702  
(C), or (E) of this section provided that, prior to such 11703  
attendance in any school year, both of the following occur: 11704

(a) The superintendent of the district in which the child is 11705  
entitled to attend school under division (B), (C), or (E) of this 11706  
section contacts the superintendent of another district for 11707  
purposes of this division; 11708

(b) The superintendents of both districts enter into a 11709  
written agreement that consents to the attendance and specifies 11710  
that the purpose of such attendance is to protect the student's 11711  
physical or mental well-being or to deal with other extenuating 11712  
circumstances deemed appropriate by the superintendents. 11713

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 11744  
school or participate in a special education program in a school 11745  
district other than in the district where the child is entitled to 11746  
attend school under division (B) of this section. 11747

(I) This division does not apply to a child receiving special 11748  
education. 11749

A school district required to pay tuition pursuant to 11750  
division (C)(2) or (3) of this section or section 3313.65 of the 11751  
Revised Code shall have an amount deducted under division (F) of 11752  
section 3317.023 of the Revised Code equal to its own tuition rate 11753  
for the same period of attendance. A school district entitled to 11754  
receive tuition pursuant to division (C)(2) or (3) of this section 11755  
or section 3313.65 of the Revised Code shall have an amount 11756  
credited under division (F) of section 3317.023 of the Revised 11757  
Code equal to its own tuition rate for the same period of 11758  
attendance. If the tuition rate credited to the district of 11759  
attendance exceeds the rate deducted from the district required to 11760  
pay tuition, the department of education shall pay the district of 11761  
attendance the difference from amounts deducted from all 11762  
districts' payments under division (F) of section 3317.023 of the 11763  
Revised Code but not credited to other school districts under such 11764  
division and from appropriations made for such purpose. The 11765  
treasurer of each school district shall, by the fifteenth day of 11766  
January and July, furnish the superintendent of public instruction 11767  
a report of the names of each child who attended the district's 11768  
schools under divisions (C)(2) and (3) of this section or section 11769  
3313.65 of the Revised Code during the preceding six calendar 11770  
months, the duration of the attendance of those children, the 11771  
school district responsible for tuition on behalf of the child, 11772  
and any other information that the superintendent requires. 11773

Upon receipt of the report the superintendent, pursuant to 11774  
division (F) of section 3317.023 of the Revised Code, shall deduct 11775

each district's tuition obligations under divisions (C)(2) and (3) 11776  
of this section or section 3313.65 of the Revised Code and pay to 11777  
the district of attendance that amount plus any amount required to 11778  
be paid by the state. 11779

(J) In the event of a disagreement, the superintendent of 11780  
public instruction shall determine the school district in which 11781  
the parent resides. 11782

(K) Nothing in this section requires or authorizes, or shall 11783  
be construed to require or authorize, the admission to a public 11784  
school in this state of a pupil who has been permanently excluded 11785  
from public school attendance by the superintendent of public 11786  
instruction pursuant to sections 3301.121 and 3313.662 of the 11787  
Revised Code. 11788

**Sec. 3314.07.** (A) The expiration of the contract for a 11789  
community school between a sponsor and a school shall be the date 11790  
provided in the contract. A successor contract may be entered into 11791  
unless the contract is terminated or not renewed pursuant to this 11792  
section. 11793

(B)(1) A sponsor may choose not to renew a contract at its 11794  
expiration or may choose to terminate a contract prior to its 11795  
expiration for any of the following reasons: 11796

(a) Failure to meet student performance requirements stated 11797  
in the contract; 11798

(b) Failure to meet generally accepted standards of fiscal 11799  
management; 11800

(c) Violation of any provision of the contract or applicable 11801  
state or federal law; 11802

(d) Other good cause. 11803

~~A termination shall be effective only at the conclusion of a~~ 11804

school year. 11805

(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. 11806  
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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. 11809  
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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. 11821  
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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: 11826  
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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; 11829  
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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 11832  
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(B)(3) of this section, or if that decision is appealed to the 11836  
state board under division (B)(4) of this section and the state 11837  
board affirms that decision, the date established in the 11838  
resolution of the state board affirming the sponsor's decision. 11839

(C) A child attending a community school whose contract has 11840  
been terminated ~~or~~, nonrenewed, or suspended or that closes for 11841  
any reason shall be admitted to the schools of the district in 11842  
which the child is entitled to attend under section 3313.64 or 11843  
3313.65 of the Revised Code. Any deadlines established for the 11844  
purpose of admitting students under section 3313.97 or 3313.98 11845  
shall be waived for students to whom this division pertains. 11846

(D) A sponsor of a community school and the officers, 11847  
directors, or employees of such a sponsor are not liable in 11848  
damages in a tort or other civil action for harm allegedly arising 11849  
from either of the following: 11850

(1) A failure of the community school or any of its officers, 11851  
directors, or employees to perform any statutory or common law 11852  
duty or responsibility or any other legal obligation; 11853

(2) An action or omission of the community school or any of 11854  
its officers, directors, or employees that results in harm. 11855

(E) As used in this section: 11856

(1) "Harm" means injury, death, or loss to person or 11857  
property. 11858

(2) "Tort action" means a civil action for damages for 11859  
injury, death, or loss to person or property other than a civil 11860  
action for damages for a breach of contract or another agreement 11861  
between persons. 11862

Sec. 3314.072. The provisions of this section are enacted to 11863  
promote the public health, safety, and welfare by establishing 11864  
procedures under which the governing authorities of community 11865

schools established under this chapter will be held accountable 11866  
for their compliance with the terms of the contracts they enter 11867  
into with their school's sponsors and the law relating to the 11868  
school's operation. Suspension of the operation of a school 11869  
imposed under this section is intended to encourage the governing 11870  
authority's compliance with the terms of the school's contract and 11871  
the law and is not intended to be an alteration of the terms of 11872  
that contract. 11873

(A) If a sponsor of a community school established under this 11874  
chapter suspends the operation of that school pursuant to 11875  
procedures set forth in this section, the governing authority 11876  
shall not operate that school while the suspension is in effect. 11877  
Any such suspension shall remain in effect until the sponsor 11878  
notifies the governing authority that it is no longer in effect. 11879  
The contract of a school of which operation is suspended under 11880  
this section also may be subject to termination or nonrenewal 11881  
under section 3314.07 of the Revised Code. 11882

(B) If at any time the sponsor of a community school 11883  
established under this chapter determines that conditions at the 11884  
school do not comply with a health and safety standard established 11885  
by law for school buildings, the sponsor shall immediately suspend 11886  
the operation of the school pursuant to procedures set forth in 11887  
division (D) of this section. 11888

(C)(1) For any of the reasons prescribed in division 11889  
(B)(1)(a) to (d) of section 3314.07 of the Revised Code, the 11890  
sponsor of a community school established under this chapter may 11891  
suspend the operation of the school only if it first issues to the 11892  
governing authority notice of the sponsor's intent to suspend the 11893  
operation of the contract. Such notice shall explain the reasons 11894  
for the sponsor's intent to suspend operation of the contract and 11895  
shall provide the school's governing authority with five business 11896  
days to submit to the sponsor a proposal to remedy the conditions 11897



cited as reasons for the suspension. 11898

(2) The sponsor shall promptly review any proposed remedy 11899  
timely submitted by the governing authority and either approve or 11900  
disapprove the remedy. If the sponsor disapproves the remedy 11901  
proposed by the governing authority, if the governing authority 11902  
fails to submit a proposed remedy in the manner prescribed by the 11903  
sponsor, or if the governing authority fails to implement the 11904  
remedy as approved by the sponsor, the sponsor may suspend 11905  
operation of the school pursuant to procedures set forth in 11906  
division (D) of this section. 11907

(D)(1) If division (B) of this section applies or if the 11908  
sponsor of a community school established under this chapter 11909  
decides to suspend the operation of a school as permitted in 11910  
division (C)(2) of this section, the sponsor shall promptly send 11911  
written notice to the governing authority stating that the 11912  
operation of the school is immediately suspended, and explaining 11913  
the specific reasons for the suspension. The notice shall state 11914  
that the governing authority has five business days to submit a 11915  
proposed remedy to the conditions cited as reasons for the 11916  
suspension or face potential contract termination. 11917

(2) Upon receipt of the notice of suspension prescribed under 11918  
division (D)(1) of this section, the governing authority shall 11919  
immediately notify the employees of the school and the parents of 11920  
the students enrolled in the school of the suspension and the 11921  
reasons therefore, and shall cease all school operations on the 11922  
next business day. 11923

**Sec. 3314.08.** (A) As used in this section: 11924

(1) "Base formula amount" means the amount specified as such 11925  
in a community school's financial plan for a school year pursuant 11926  
to division (A)(15) of section 3314.03 of the Revised Code. 11927

- (2) "Cost-of-doing-business factor" has the same meaning as 11928  
in section 3317.02 of the Revised Code. 11929
- (3) "IEP" means an individualized education program as 11930  
defined in section 3323.01 of the Revised Code. 11931
- (4) "Applicable special education weight" means: 11932
- ~~(a) For a student receiving special education and related 11933  
services pursuant to an IEP for a handicap described in division 11934  
(A) of section 3317.013 of the Revised Code, the multiple 11935  
specified in that division; 11936~~
- ~~(b) For a student receiving special education and related 11937  
services pursuant to an IEP for a handicap described in division 11938  
(B) of section 3317.013 or division (F)(3) of section 3317.02 of 11939  
the Revised Code, the multiple specified in division (B) of for a 11940  
handicap described in that section 3317.013 of the Revised Code. 11941~~
- (5) "Total special education weight" means the sum of the 11942  
following: 11943
- ~~(a) The number of students reported under division (B)(2)(c) 11944  
of this section who are entitled to attend school in the district, 11945  
are enrolled in grades one through twelve in a community school, 11946  
and are receiving from their community school special education 11947  
and related services pursuant to an IEP for a handicap described 11948  
in division (A) of section 3317.013 of the Revised Code, 11949  
multiplied by the multiple specified in division (A) of section 11950  
3317.013 of the Revised Code; 11951~~
- ~~(b) One half the number of students reported under division 11952  
(B)(2)(c) of this section who are entitled to attend school in the 11953  
district, are enrolled in kindergarten in a community school, and 11954  
are receiving from their community school special education and 11955  
related services pursuant to an IEP for a handicap described in 11956  
division (A) of section 3317.013 of the Revised Code, multiplied 11957  
by the multiple specified in division (A) of section 3317.013 of 11958~~

~~the Revised Code;~~ 11959

~~(c) 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 (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code;~~ 11960  
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~~(d) 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 (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code~~ 11968  
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"Applicable vocational education weight" means: 11976

(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division; 11977  
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(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division. 11980  
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(6) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code. 11983  
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(7) "DPIA reduction factor" means the percentage figure, if any, for reducing the per pupil amount of disadvantaged pupil impact aid a community school is entitled to receive pursuant to divisions (D)(4)(5) and (5)(6) of this section in any year, as 11986  
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specified in the school's financial plan for the year pursuant to 11990  
division (A)(15) of section 3314.03 of the Revised Code. 11991

(8) "All-day kindergarten" has the same meaning as in section 11992  
3317.029 of the Revised Code. 11993

(B) The state board of education shall adopt rules requiring 11994  
both of the following: 11995

(1) The board of education of each city, exempted village, 11996  
and local school district to annually report the number of 11997  
students entitled to attend school in the district who are 11998  
enrolled in grades one through twelve in a community school 11999  
established under this chapter, the number of students entitled to 12000  
attend school in the district who are enrolled in kindergarten in 12001  
a community school, the number of those kindergartners who are 12002  
enrolled in all-day kindergarten in their community school, and 12003  
for each child, the community school in which the child is 12004  
enrolled. 12005

(2) The governing authority of each community school 12006  
established under this chapter to annually report all of the 12007  
following: 12008

(a) The number of students enrolled in grades one through 12009  
twelve and the number of students enrolled in kindergarten in the 12010  
school who are not receiving special education and related 12011  
services pursuant to an IEP; 12012

(b) The number of enrolled students in grades one through 12013  
twelve and the number of enrolled students in kindergarten, who 12014  
are receiving special education and related services pursuant to 12015  
an IEP; 12016

(c) The number of students reported under division (B)(2)(b) 12017  
of this section receiving special education and related services 12018  
pursuant to an IEP for a handicap described in each of divisions 12019  
(A) ~~and (B)~~ to (F) of section 3317.013 ~~and division (F)(3) of~~ 12020

<del>section 3317.02</del> of the Revised Code;	12021
<u>(d) The full-time equivalent number of students reported</u>	12022
<u>under divisions (B)(2)(a) and (b) of this section who are enrolled</u>	12023
<u>in vocational education programs or classes described in each of</u>	12024
<u>divisions (A) and (B) of section 3317.014 of the Revised Code that</u>	12025
<u>are provided by the community school;</u>	12026
<u>(e)</u> The number of enrolled preschool handicapped students	12027
receiving special education services in a state-funded unit;	12028
<del>(e)</del> <u>(f)</u> The community school's base formula amount;	12029
<del>(f)</del> <u>(g)</u> For each student, the city, exempted village, or local	12030
school district in which the student is entitled to attend school;	12031
	12032
<del>(g)</del> <u>(h)</u> Any DPIA reduction factor that applies to a school	12033
year.	12034
(C) From the payments made to a city, exempted village, or	12035
local school district under Chapter 3317. of the Revised Code and,	12036
if necessary, sections 321.14 and 323.156 of the Revised Code, the	12037
department of education shall annually subtract all of the	12038
following:	12039
(1) An amount equal to the sum of the amounts obtained when,	12040
for each community school where the district's students are	12041
enrolled, the number of the district's students reported under	12042
divisions (B)(2)(a) and (b) of this section who are enrolled in	12043
grades one through twelve, and one-half the number of students	12044
reported under those divisions who are enrolled in kindergarten,	12045
in that community school is multiplied by the base formula amount	12046
of that community school as adjusted by the school district's	12047
cost-of-doing-business factor.	12048
<del>(2) The product of the number of district students reported</del>	12049
<del>under division (B)(2)(c) of this section as enrolled in grades one</del>	12050
<del>through twelve, and one-half of the number of district students</del>	12051

~~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 12084  
community school. If the district receives disadvantaged pupil 12085  
impact aid under division (B) of that section, the per pupil 12086  
amount of that aid is the quotient of the amount the district 12087  
received under that division divided by the number of children 12088  
ages five through seventeen residing in the district and living in 12089  
a family participating in Ohio works first, as most recently 12090  
reported under section 3317.10 of the Revised Code. If the 12091  
district receives disadvantaged pupil impact aid under division 12092  
(C) of section 3317.029 of the Revised Code, the per pupil amount 12093  
of that aid is the per pupil dollar amount prescribed for the 12094  
district in division (C)(1) or (2) of that section. 12095

~~(4)~~(5) An amount equal to the sum of the amounts obtained 12096  
when, for each community school where the district's students are 12097  
enrolled, the district's per pupil amount of aid received under 12098  
division (E) of section 3317.029 of the Revised Code, as adjusted 12099  
by any DPIA reduction factor of the community school, is 12100  
multiplied by the sum of the following: 12101

(a) The number of the district's students reported under 12102  
division (B)(2)(a) of this section who are enrolled in grades one 12103  
to three in that community school and who are not receiving 12104  
special education and related services pursuant to an IEP; 12105

(b) One-half of the district's students who are enrolled in 12106  
all-day or any other kindergarten class in that community school 12107  
and who are not receiving special education and related services 12108  
pursuant to an IEP; 12109

(c) One-half of the district's students who are enrolled in 12110  
all-day kindergarten in that community school and who are not 12111  
receiving special education and related services pursuant to an 12112  
IEP. 12113

The district's per pupil amount of aid under division (E) of 12114  
section 3317.029 of the Revised Code is the quotient of the amount 12115

the district received under that division divided by the 12116  
district's kindergarten through third grade ADM, as defined in 12117  
that section. 12118

(D) The department shall annually pay to a community school 12119  
established under this chapter all of the following: 12120

(1) An amount equal to the sum of the amounts obtained when 12121  
the number of students enrolled in grades one through twelve, plus 12122  
one-half of the kindergarten students in the school, reported 12123  
under divisions (B)(2)(a) and (b) of this section who are not 12124  
receiving special education and related services pursuant to an 12125  
IEP for a handicap described in ~~division (A) or (B) of section~~ 12126  
~~3317.013 or division (F)(3) of section 3317.02~~ of the Revised Code 12127  
is multiplied by the community school's base formula amount, as 12128  
adjusted by the cost-of-doing-business factor of the school 12129  
district in which the student is entitled to attend school; 12130

(2) The greater of the following: 12131

(a) The aggregate amount that the department paid to the 12132  
community school in fiscal year 1999 for students receiving 12133  
special education and related services pursuant to IEPs, excluding 12134  
federal funds and state disadvantaged pupil impact aid funds; 12135

(b) The sum of the amounts calculated under divisions 12136  
(D)(2)(b)(i) and (ii) of this section: 12137

(i) For each student reported under division (B)(2)(c) of 12138  
this section as enrolled in the school in grades one through 12139  
twelve and receiving special education and related services 12140  
pursuant to an IEP for a handicap described in ~~division (A) or (B)~~ 12141  
~~of section 3317.013 or division (F)(3) of section 3317.02~~ of the 12142  
Revised Code, the following amount: 12143

(the community school's base formula amount X the 12144  
cost-of-doing-business factor of the district where the student 12145  
is entitled to attend school) + (the applicable special education 12146



weight 12147

X the community school's base formula amount); 12148

(ii) For each student reported under division (B)(2)(c) of 12149  
this section as enrolled in kindergarten and receiving special 12150  
education and related services pursuant to an IEP for a handicap 12151  
described in ~~division (A) or (B) of section 3317.013 or division~~ 12152  
~~(F)(3) of section 3317.02~~ of the Revised Code, one-half of the 12153  
amount calculated under the formula prescribed in division 12154  
(D)(2)(b)(i) of this section. 12155

(3) An amount received from federal funds to provide special 12156  
education and related services to students in the community 12157  
school, as determined by the superintendent of public instruction. 12158

(4) For each student reported under division (B)(2)(d) of 12159  
this section as enrolled in vocational education programs or 12160  
classes that are described in section 3317.014 of the Revised 12161  
Code, are provided by the community school, and are comparable as 12162  
determined by the superintendent of public instruction to school 12163  
district vocational education programs and classes eligible for 12164  
state weighted funding under section 3317.014 of the Revised Code, 12165  
an amount equal to the applicable vocational education weight 12166  
times the community school's base formula amount times the 12167  
percentage of time the student spends in the vocational education 12168  
programs or classes. 12169

(5) An amount equal to the sum of the amounts obtained when, 12170  
for each school district where the community school's students are 12171  
entitled to attend school, the number of that district's students 12172  
enrolled in the community school and participating in Ohio works 12173  
first is multiplied by the per pupil amount of disadvantaged pupil 12174  
impact aid that school district receives that year pursuant to 12175  
division (B) or (C) of section 3317.029 of the Revised Code, as 12176  
adjusted by any DPIA reduction factor of the community school. The 12177  
per pupil amount of aid shall be determined as described in 12178

division (C)(3) of this section. 12179

~~(5)(6)~~ An amount equal to the sum of the amounts obtained 12180  
when, for each school district where the community school's 12181  
students are entitled to attend school, the district's per pupil 12182  
amount of aid received under division (E) of section 3317.029 of 12183  
the Revised Code, as adjusted by any DPIA reduction factor of the 12184  
community school, is multiplied by the sum of the following: 12185

(a) The number of the district's students reported under 12186  
division (B)(2)(a) of this section who are enrolled in grades one 12187  
to three in that community school and who are not receiving 12188  
special education and related services pursuant to an IEP; 12189

(b) One-half of the district's students who are enrolled in 12190  
all-day or any other kindergarten class in that community school 12191  
and who are not receiving special education and related services 12192  
pursuant to an IEP; 12193

(c) One-half of the district's students who are enrolled in 12194  
all-day kindergarten in that community school and who are not 12195  
receiving special education and related services pursuant to an 12196  
IEP. 12197

The district's per pupil amount of aid under division (E) of 12198  
section 3317.029 of the Revised Code shall be determined as 12199  
described in division (C)~~(4)~~(5) of this section. 12200

(E) If a community school's costs for a fiscal year for a 12201  
student receiving special education and related services pursuant 12202  
to an IEP for a handicap described in ~~division (F)(3)~~ divisions 12203  
(B) to (F) of section ~~3317.02~~ 3317.013 of the Revised Code are 12204  
twenty-five thousand dollars or more, the school may submit to the 12205  
superintendent of public instruction documentation, as prescribed 12206  
by the superintendent, of all its costs for that student. Upon 12207  
submission of documentation for a student of the type and in the 12208  
manner prescribed, the department shall pay to the community 12209

school an amount equal to the school's costs for the student in 12210  
excess of twenty-five thousand dollars. 12211

The community school shall only report, and the department 12212  
shall only pay for, the costs of educational expenses and the 12213  
related services provided to the student in accordance with the 12214  
student's individualized education program. Any legal fees, court 12215  
costs, or other costs associated with any cause of action relating 12216  
to the student may not be included in the amount. 12217

(F) A community school may apply to the department of 12218  
education for preschool handicapped or gifted unit funding the 12219  
school would receive if it were a school district. Upon request of 12220  
its governing authority, a community school that received unit 12221  
funding as a school district-operated school before it became a 12222  
community school shall retain any units awarded to it as a school 12223  
district-operated school provided the school continues to meet 12224  
eligibility standards for the unit. 12225

A community school shall be considered a school district and 12226  
its governing authority shall be considered a board of education 12227  
for the purpose of applying to any state or federal agency for 12228  
grants that a school district may receive under federal or state 12229  
law or any appropriations act of the general assembly. The 12230  
governing authority of a community school may apply to any private 12231  
entity for additional funds. 12232

(G) A board of education sponsoring a community school may 12233  
utilize local funds to make enhancement grants to the school or 12234  
may agree, either as part of the contract or separately, to 12235  
provide any specific services to the community school at no cost 12236  
to the school. 12237

(H) A community school may not levy taxes or issue bonds 12238  
secured by tax revenues. 12239

(I) No community school shall charge tuition for the 12240

enrollment of any student. 12241

(J) A community school may borrow money to pay any necessary 12242  
and actual expenses of the school in anticipation of the receipt 12243  
of any portion of the payments to be received by the school 12244  
pursuant to division (D) of this section. The school may issue 12245  
notes to evidence such borrowing to mature no later than the end 12246  
of the fiscal year in which such money was borrowed. The proceeds 12247  
of the notes shall be used only for the purposes for which the 12248  
anticipated receipts may be lawfully expended by the school. 12249

(K) For purposes of determining the number of students for 12250  
which divisions (D)~~(4)~~(5) and ~~(5)~~(6) of this section applies in 12251  
any school year, a community school may submit to the department 12252  
of job and family services, no later than the first day of March, 12253  
a list of the students enrolled in the school. For each student on 12254  
the list, the community school shall indicate the student's name, 12255  
address, and date of birth and the school district where the 12256  
student is entitled to attend school. Upon receipt of a list under 12257  
this division, the department of job and family services shall 12258  
determine, for each school district where one or more students on 12259  
the list is entitled to attend school, the number of students 12260  
residing in that school district who were included in the 12261  
department's report under section 3317.10 of the Revised Code. The 12262  
department shall make this determination on the basis of 12263  
information readily available to it. Upon making this 12264  
determination and no later than ninety days after submission of 12265  
the list by the community school, the department shall report to 12266  
the state department of education the number of students on the 12267  
list who reside in each school district who were included in the 12268  
department's report under section 3317.10 of the Revised Code. In 12269  
complying with this division, the department of job and family 12270  
services shall not report to the state department of education any 12271  
personally identifiable information on any student. 12272

(L) The department of education shall adjust the amounts 12273  
subtracted and paid under divisions (C) and (D) of this section to 12274  
reflect any enrollment of students in community schools for less 12275  
than the equivalent of a full school year. For purposes of this 12276  
section, a student shall be considered enrolled in the community 12277  
school for any portion of the school year the student is 12278  
participating at a college under Chapter 3365. of the Revised 12279  
Code. 12280

(M) The department of education shall reduce the amounts paid 12281  
under division (D) of this section to reflect payments made to 12282  
colleges under division (B) of section 3365.07 of the Revised 12283  
Code. 12284

**Sec. 3314.09.** (A) As used in this section and section 12285  
3314.091 of the Revised Code, "native student" means a student 12286  
entitled to attend school in the school district under section 12287  
3313.64 or 3313.65 of the Revised Code. 12288

The (B) Except as provided in section 3314.091 of the Revised 12289  
Code, the board of education of each city, local, and exempted 12290  
village school district shall provide transportation to and from 12291  
school for its district's native students enrolled in a community 12292  
school located in that district or another district on the same 12293  
basis that it provides transportation for its native students 12294  
enrolled in schools to which they are assigned by the board of 12295  
education at the same grade level and who live the same distance 12296  
from school except when, in the judgment of the board, confirmed 12297  
by the state board of education, the transportation is unnecessary 12298  
or unreasonable. A board shall not be required to transport 12299  
nonhandicapped students to and from a community school located in 12300  
another school district if the transportation would require more 12301  
than thirty minutes of direct travel time as measured by school 12302  
bus from the collection point designated by the district's 12303

coordinator of school transportation. 12304

(C) Where it is impractical to transport a pupil to and from 12305  
a community school by school conveyance, a board may, in lieu of 12306  
providing the transportation, pay a parent, guardian, or other 12307  
person in charge of the child. The amount paid per pupil shall in 12308  
no event exceed the average transportation cost per pupil, which 12309  
shall be based on the cost of transportation of children by all 12310  
boards of education in this state during the next preceding year. 12311

(D) The daily and annual instructional schedules of a 12312  
community school are the sole responsibility of the community 12313  
school's governing authority, and are subject only to the 12314  
requirements of this chapter and the governing authority's 12315  
contract with its sponsor. Each school district board of education 12316  
that is required to provide transportation for community school 12317  
students under this section shall provide the transportation in 12318  
accordance with those schedules so that students may be present on 12319  
time and at all times that the community school is open for 12320  
instruction. 12321

Sec. 3314.091. (A) A school district is not required to 12322  
provide transportation for any native student enrolled in a 12323  
community school if the district board of education has entered 12324  
into an agreement with the community school's governing authority 12325  
that designates the community school as responsible for providing 12326  
or arranging for the transportation of the district's native 12327  
students to and from the community school. For any such agreement 12328  
to be effective, it must be certified by the superintendent of 12329  
public instruction as having met both of the following 12330  
requirements: 12331

(1) It is submitted to the department of education by a 12332  
deadline which shall be established by the department. 12333

(2) It specifies qualifications, such as residing a minimum 12334

distance from the school, for students to have their 12335  
transportation provided or arranged. 12336

(B)(1) A community school governing board that enters into an 12337  
agreement to provide transportation under this section shall 12338  
provide or arrange transportation free of any charge for each of 12339  
its enrolled students in grades kindergarten through eight who 12340  
live more than two miles from the school, except that the 12341  
governing board may make a payment in lieu of providing 12342  
transportation to the parent, guardian, or person in charge of the 12343  
student at the same rate as specified for a school district board 12344  
in division (C) of section 3314.09 of the Revised Code if the 12345  
drive time measured by the vehicle specified by the school for 12346  
transporting the students from the student's residence to the 12347  
school is more than thirty minutes. The governing board may 12348  
provide or arrange transportation for any other enrolled student 12349  
and may charge a fee for such service. The governing board may 12350  
request the payment specified under division (C) of this section 12351  
for any student it transports, for whom it arranges 12352  
transportation, or for whom it makes a payment in lieu of 12353  
providing transportation if the student lives more than one mile 12354  
from the community school. 12355

(2) Notwithstanding anything to the contrary in division 12356  
(B)(1) of this section, a community school governing board shall 12357  
provide or arrange transportation free of any charge for any 12358  
disabled student enrolled in the school for whom the student's 12359  
individualized education program developed under Chapter 3323. of 12360  
the Revised Code specifies transportation. 12361

(C)(1) If a school district board and a community school 12362  
governing authority elect to enter into an agreement under this 12363  
section, the department of education annually shall pay the 12364  
community school the amount specified in division (C)(2) of this 12365  
section for each of the enrolled students for whom the school's 12366

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; 12399  
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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. 12401  
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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. 12409  
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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 12427  
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cooperative education school district and any educational service center. 12430  
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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. 12432  
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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. 12439  
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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. 12442  
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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. 12452  
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Moneys distributed pursuant to this chapter shall be calculated and paid on a fiscal year basis, beginning with the 12460  
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first day of July and extending through the thirtieth day of June. 12462  
The moneys appropriated for each fiscal year shall be distributed 12463  
at least monthly to each school district unless otherwise provided 12464  
for. The state board shall submit a yearly distribution plan to 12465  
the controlling board at its first meeting in July. The state 12466  
board shall submit any proposed midyear revision of the plan to 12467  
the controlling board in January. Any year-end revision of the 12468  
plan shall be submitted to the controlling board in June. If 12469  
moneys appropriated for each fiscal year are distributed other 12470  
than monthly, such distribution shall be on the same basis for 12471  
each school district. 12472

The total amounts paid each month shall constitute, as nearly 12473  
as possible, one-twelfth of the total amount payable for the 12474  
entire year. Payments made during the first six months of the 12475  
fiscal year may be based on an estimate of the amounts payable for 12476  
the entire year. Payments made in the last six months shall be 12477  
based on the final calculation of the amounts payable to each 12478  
school district for that fiscal year. Payments made in the last 12479  
six months may be adjusted, if necessary, to correct the amounts 12480  
distributed in the first six months, and to reflect enrollment 12481  
increases when such are at least three per cent. Except as 12482  
otherwise provided, payments under this chapter shall be made only 12483  
to those school districts in which: 12484

(A) The school district, except for any educational service 12485  
center and any joint vocational or cooperative education school 12486  
district, levies for current operating expenses at least twenty 12487  
mills. Levies for joint vocational or cooperative education school 12488  
districts or county school financing districts, limited to or to 12489  
the extent apportioned to current expenses, shall be included in 12490  
this qualification requirement. School district income tax levies 12491  
under Chapter 5748. of the Revised Code, limited to or to the 12492  
extent apportioned to current operating expenses, shall be 12493

included in this qualification requirement to the extent 12494  
determined by the tax commissioner under division (D) of section 12495  
3317.021 of the Revised Code. 12496

(B) The school year next preceding the fiscal year for which 12497  
such payments are authorized meets the requirement of section 12498  
3313.48 or 3313.481 of the Revised Code, with regard to the 12499  
minimum number of days or hours school must be open for 12500  
instruction with pupils in attendance, for individualized 12501  
parent-teacher conference and reporting periods, and for 12502  
professional meetings of teachers. This requirement shall be 12503  
waived by the superintendent of public instruction if it had been 12504  
necessary for a school to be closed because of disease epidemic, 12505  
hazardous weather conditions, inoperability of school buses or 12506  
other equipment necessary to the school's operation, damage to a 12507  
school building, or other temporary circumstances due to utility 12508  
failure rendering the school building unfit for school use, 12509  
provided that for those school districts operating pursuant to 12510  
section 3313.48 of the Revised Code the number of days the school 12511  
was actually open for instruction with pupils in attendance and 12512  
for individualized parent-teacher conference and reporting periods 12513  
is not less than one hundred seventy-five, or for those school 12514  
districts operating on a trimester plan the number of days the 12515  
school was actually open for instruction with pupils in attendance 12516  
not less than seventy-nine days in any trimester, for those school 12517  
districts operating on a quarterly plan the number of days the 12518  
school was actually open for instruction with pupils in attendance 12519  
not less than fifty-nine days in any quarter, or for those school 12520  
districts operating on a pentamester plan the number of days the 12521  
school was actually open for instruction with pupils in attendance 12522  
not less than forty-four days in any pentamester. 12523

A school district shall not be considered to have failed to 12524  
comply with this division or section 3313.481 of the Revised Code 12525

because schools were open for instruction but either twelfth grade 12526  
students were excused from attendance for up to three days or only 12527  
a portion of the kindergarten students were in attendance for up 12528  
to three days in order to allow for the gradual orientation to 12529  
school of such students. 12530

The superintendent of public instruction shall waive the 12531  
requirements of this section with reference to the minimum number 12532  
of days or hours school must be in session with pupils in 12533  
attendance for the school year succeeding the school year in which 12534  
a board of education initiates a plan of operation pursuant to 12535  
section 3313.481 of the Revised Code. The minimum requirements of 12536  
this section shall again be applicable to such a district 12537  
beginning with the school year commencing the second July 12538  
succeeding the initiation of one such plan, and for each school 12539  
year thereafter. 12540

A school district shall not be considered to have failed to 12541  
comply with this division or section 3313.48 or 3313.481 of the 12542  
Revised Code because schools were open for instruction but the 12543  
length of the regularly scheduled school day, for any number of 12544  
days during the school year, was reduced by not more than two 12545  
hours due to hazardous weather conditions. 12546

(C) The school district has on file, and is paying in 12547  
accordance with, a teachers' salary schedule which complies with 12548  
section 3317.13 of the Revised Code. 12549

A board of education or governing board of an educational 12550  
service center which has not conformed with other law and the 12551  
rules pursuant thereto, shall not participate in the distribution 12552  
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 12553  
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 12554  
and sufficient reason established to the satisfaction of the state 12555  
board of education and the state controlling board. 12556

All funds allocated to school districts under this chapter, 12557  
except those specifically allocated for other purposes, shall be 12558  
used to pay current operating expenses only. 12559

**Sec. 3317.012.** (A)(1) The general assembly, having analyzed 12560  
school district expenditure and cost data for fiscal year ~~1996~~ 12561  
1999, performed the calculation described in division (B) of this 12562  
section, ~~and~~ adjusted the results for inflation, and added the 12563  
amounts described in division (A)(2) of this section, hereby 12564  
determines that the base cost of an adequate education per pupil 12565  
for the fiscal year beginning July 1, ~~1998~~ 2001, is ~~\$4,063~~ \$4,814. 12566  
For the five following fiscal years, the base cost per pupil for 12567  
each of those years, reflecting an annual rate of inflation of two 12568  
and eight-tenths per cent, is ~~\$4,177~~ \$4,949 for fiscal year ~~2000~~ 12569  
2003, ~~\$4,294~~ \$5,088 for fiscal year ~~2001~~ 2004, ~~\$4,414~~ \$5,230 for 12570  
fiscal year ~~2002~~ 2005, ~~\$4,538~~ \$5,376 for fiscal year ~~2003~~ 2006, 12571  
and ~~\$4,665~~ \$5,527 for fiscal year ~~2004~~ 2007. 12572

(2) The base cost per pupil amounts specified in division 12573  
(A)(1) of this section include amounts to reflect the cost to 12574  
school districts of increasing the minimum number of high school 12575  
academic units required for graduation beginning September 15, 12576  
2001, under section 3313.603 of the Revised Code. Analysis of 12577  
fiscal year 1999 data revealed that the school districts meeting 12578  
the requirements of division (B) of this section on average 12579  
required high school students to complete a minimum of nineteen 12580  
and eight-tenths units to graduate. The general assembly 12581  
determines that the cost of funding the additional two-tenths unit 12582  
required by section 3313.603 of the Revised Code is \$12 per pupil 12583  
in fiscal year 2002. This amount was added after the calculation 12584  
described in division (B) of this section and the adjustment for 12585  
inflation from fiscal year 1999 to fiscal year 2002. It is this 12586  
total amount, the calculated base cost plus the supplement to pay 12587  
for the additional partial unit, that constitutes the base cost 12588

amount specified in division (A)(1) of this section for fiscal 12589  
year 2002 and that is inflated to produce the base cost amounts 12590  
for fiscal years 2003 through 2007. 12591

(B) In determining the base cost stated in division (A) of 12592  
this section, capital and debt costs, costs paid for by federal 12593  
funds, and costs covered by funds provided ~~pursuant to sections~~ 12594  
~~3317.023 and 3317.024 of the Revised Code as they existed prior to~~ 12595  
~~July 1, 1998,~~ for disadvantaged pupil impact aid and 12596  
transportation were excluded, as were the effects on the 12597  
districts' state funds of the application of the 12598  
cost-of-doing-business factors, assuming ~~an eighteen~~ a seven and 12599  
one-half per cent variance. 12600

The base cost for fiscal year ~~1996~~ 1999 was calculated as the 12601  
unweighted average cost per student, on a school district basis, 12602  
of educating students who were not receiving vocational education 12603  
or services pursuant to Chapter 3323. of the Revised Code and who 12604  
were enrolled in a city, exempted village, or local school 12605  
district that in fiscal year ~~1994~~ 1999 met all of the following 12606  
criteria: 12607

(1) The district met at least ~~all but one~~ twenty of the 12608  
following twenty-seven performance standards: 12609

(a) A ~~three ninety~~ per cent or lower dropout higher 12610  
graduation rate; 12611

(b) At least seventy-five per cent of fourth graders 12612  
proficient on the mathematics test prescribed under division 12613  
(A)(1) of section 3301.0710 of the Revised Code; 12614

(c) At least seventy-five per cent of fourth graders 12615  
proficient on the reading test prescribed under division (A)(1) of 12616  
section 3301.0710 of the Revised Code; 12617

(d) At least seventy-five per cent of fourth graders 12618  
proficient on the writing test prescribed under division (A)(1) of 12619

section 3301.0710 of the Revised Code;	12620
(e) At least seventy-five per cent of fourth graders	12621
proficient on the citizenship test prescribed under division	12622
(A)(1) of section 3301.0710 of the Revised Code;	12623
(f) <u>At least seventy-five per cent of fourth graders</u>	12624
<u>proficient on the science test prescribed under division (A)(1) of</u>	12625
<u>section 3301.0710 of the Revised Code;</u>	12626
(g) <u>At least seventy-five per cent of sixth graders</u>	12627
<u>proficient on the mathematics test prescribed under division</u>	12628
<u>(A)(2) of section 3301.0710 of the Revised Code;</u>	12629
(h) <u>At least seventy-five per cent of sixth graders</u>	12630
<u>proficient on the reading test prescribed under division (A)(2) of</u>	12631
<u>section 3301.0710 of the Revised Code;</u>	12632
(i) <u>At least seventy-five per cent of sixth graders</u>	12633
<u>proficient on the writing test prescribed under division (A)(2) of</u>	12634
<u>section 3301.0710 of the Revised Code;</u>	12635
(j) <u>At least seventy-five per cent of sixth graders</u>	12636
<u>proficient on the citizenship test prescribed under division</u>	12637
<u>(A)(2) of section 3301.0710 of the Revised Code;</u>	12638
(k) <u>At least seventy-five per cent of sixth graders</u>	12639
<u>proficient on the science test prescribed under division (A)(2) of</u>	12640
<u>section 3301.0710 of the Revised Code;</u>	12641
(l) At least seventy-five per cent of ninth graders	12642
proficient on the mathematics test prescribed under <del>former</del>	12643
<del>division (B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of</u>	12644
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	12645
( <del>g</del> )(m) At least seventy-five per cent of ninth graders	12646
proficient on the reading test prescribed under <del>former division</del>	12647
<del>(B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of Am. Sub.</u>	12648
<u>S.B. 55 of the 122nd general assembly;</u>	12649



<del>(h)</del> (n) At least seventy-five per cent of ninth graders	12650
proficient on the writing test prescribed under <del>former division</del>	12651
<del>(B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of Am. Sub.</u>	12652
<u>S.B. 55 of the 122nd general assembly;</u>	12653
<del>(i)</del> (o) At least seventy-five per cent of ninth graders	12654
proficient on the citizenship test prescribed under <del>former</del>	12655
<del>division (B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of</u>	12656
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	12657
<del>(j)</del> (p) At least seventy-five per cent of ninth graders	12658
<u>proficient on the science test prescribed under Section 4 of Am.</u>	12659
<u>Sub. S.B. 55 of the 122nd general assembly;</u>	12660
<del>(q)</del> At least eighty-five per cent of tenth graders proficient	12661
on the mathematics test prescribed under <del>former division (B) of</del>	12662
<del>section 3301.0710 of the Revised Code</del> <u>Section 4 of Am. Sub. S.B.</u>	12663
<u>55 of the 122nd general assembly;</u>	12664
<del>(k)</del> (r) At least eighty-five per cent of tenth graders	12665
proficient on the reading test prescribed under <del>former division</del>	12666
<del>(B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of Am. Sub.</u>	12667
<u>S.B. 55 of the 122nd general assembly;</u>	12668
<del>(l)</del> (s) At least eighty-five per cent of tenth graders	12669
proficient on the writing test prescribed under <del>former division</del>	12670
<del>(B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of Am. Sub.</u>	12671
<u>S.B. 55 of the 122nd general assembly;</u>	12672
<del>(m)</del> (t) At least eighty-five per cent of tenth graders	12673
proficient on the citizenship test prescribed under <del>former</del>	12674
<del>division (B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of</u>	12675
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	12676
<del>(n)</del> (u) At least eighty-five per cent of tenth graders	12677
<u>proficient on the science test prescribed under Section 4 of Am.</u>	12678
<u>Sub. S.B. 55 of the 122nd general assembly;</u>	12679

(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; 12680  
12681  
12682

~~(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; 12683  
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~~(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; 12686  
12687  
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~~(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; 12689  
12690  
12691

~~(r)~~(z) 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; 12692  
12693  
12694

(aa) An attendance rate for the year of at least ninety-three per cent as defined in section 3302.01 of the Revised Code. 12695  
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(2) The district was not among the ~~ten~~ five per cent of all districts with the highest income factors, ~~as defined in section 3317.02 of the Revised Code~~, nor among the ~~ten~~ five per cent of all districts with the lowest income factors. 12698  
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(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. 12702  
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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 12707  
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year 1996, the fiscal year upon which the general assembly based 12710  
its model for calculating state funding to school districts for 12711  
fiscal years 1999 through 2001, has increased school district base 12712  
cost expenditures for fiscal year 1999, the fiscal year upon which 12713  
the general assembly based its model for calculating state funding 12714  
for fiscal years 2002 through 2007. In the case of school 12715  
districts included in both models as a result of meeting the 12716  
performance criteria of both former and current division (B) of 12717  
this section, the increased state funding may have driven the 12718  
districts' expenditures beyond the expenditures that were actually 12719  
needed to maintain their educational programs at the level 12720  
necessary to maintain their status as model districts. The general 12721  
assembly has determined to control for this effect by stipulating 12722  
in the later model that the fiscal year 1999 base cost 12723  
expenditures of the districts included in the earlier model equals 12724  
their base cost expenditures per pupil for fiscal year 1996, 12725  
inflated to fiscal year 1999 using an annual rate of inflation of 12726  
two and eight-tenths per cent. For districts in the 1999 model 12727  
that were not also included in the 1996 model, the actual 1999 12728  
base cost per pupil expenditures were used in the calculation of 12729  
the average district per pupil costs of the model districts. 12730

(C) In July of ~~2000~~ 2005, and in July of every six years 12731  
thereafter, the speaker of the house of representatives and the 12732  
president of the senate shall each appoint three members to a 12733  
committee to reexamine the cost of an adequate education. No more 12734  
than two members from any political party shall represent each 12735  
house. The director of budget and management and the 12736  
superintendent of public instruction shall serve as nonvoting ex 12737  
officio members of the committee. 12738

The committee shall select a rational methodology for 12739  
calculating the costs of an adequate education system for the 12740  
ensuing six-year period, and shall report the methodology and the 12741

resulting costs to the general assembly. In performing its 12742  
function, the committee is not bound by any method used by 12743  
previous general assemblies to examine and calculate costs and 12744  
instead may utilize any rational method it deems suitable and 12745  
reasonable given the educational needs and requirements of the 12746  
state at that time. 12747

The methodology for determining the cost of an adequate 12748  
education system shall take into account the basic educational 12749  
costs that all districts incur in educating regular students, the 12750  
unique needs of special categories of students, and significant 12751  
special conditions encountered by certain classifications of 12752  
school districts. 12753

The committee also shall redetermine, for purposes of 12754  
updating the parity aid calculation under section 3317.0217 of the 12755  
Revised Code, the average number of effective operating mills that 12756  
school districts in the seventieth to ninetieth percentiles of 12757  
valuations per pupil collect above the revenues required to 12758  
finance their attributed local shares of the calculated cost of an 12759  
adequate education. 12760

Any committee appointed pursuant to this section shall make 12761  
its report to the office of budget and management and the general 12762  
assembly within ~~six months~~ one year of its appointment so that the 12763  
information is available for use by the office and the general 12764  
assembly in preparing the next biennial appropriations act. 12765

**Sec. 3317.013.** This section does not apply to handicapped 12766  
preschool students. 12767

Analysis of special education cost data has resulted in a 12768  
finding that the average special education additional cost per 12769  
pupil, including the costs of related services, can be expressed 12770  
as a multiple of the base cost per pupil calculated under section 12771  
3317.012 of the Revised Code. The multiples for the following 12772

categories of special education programs, as these programs are 12773  
defined for purposes of Chapter 3323. of the Revised Code, and 12774  
adjusted as provided in this section for fiscal years 2002 and 12775  
2003, are as follows: 12776

(A) A multiple of 0.2892 for students whose primary or only 12777  
identified handicap is a speech and language handicap, as this 12778  
term is defined pursuant to Chapter 3323. of the Revised Code; 12779

~~(B)~~ A multiple of ~~0.22~~ 0.4240 for students identified as 12780  
specific learning disabled, ~~other health handicapped, or~~ 12781  
developmentally handicapped, ~~or severe behavior handicapped,~~ as 12782  
these terms are defined pursuant to Chapter 3323. of the Revised 12783  
Code; 12784

~~(B)(C)~~ A multiple of ~~3.01~~ 1.6736 for students identified as 12785  
hearing handicapped, ~~orthopedically handicapped, or~~ vision 12786  
impaired, ~~multihandicapped, and severe behavior handicapped,~~ as 12787  
these terms are defined pursuant to Chapter 3323. of the Revised 12788  
Code; 12789

(D) A multiple of 3.0022 for students identified as 12790  
orthopedically handicapped or other health handicapped, as these 12791  
terms are defined pursuant to Chapter 3323. of the Revised Code; 12792

(E) A multiple of 3.7507 for students identified as 12793  
multihandicapped or as both visually and hearing disabled, as 12794  
these terms are defined pursuant to Chapter 3323. of the Revised 12795  
Code; 12796

(F) A multiple of 4.7693 for students identified as autistic 12797  
or having traumatic brain injuries, as these terms are defined 12798  
pursuant to Chapter 3323. of the Revised Code. 12799

~~Further analysis indicates that approximately one-eighth of~~ 12800  
~~the total costs of serving special education students consists of~~ 12801  
~~the furnishing of the related services specified in division~~ 12802  
~~(B)(3) of section 3317.022 of the Revised Code.~~ 12803

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 12834  
application of the cost-of-doing-business factor produces a higher 12835  
base cost amount than would exist if no change were made to its 12836  
application. The adjustment maintains the same weighted costs as 12837  
would exist if no change were made to the application of the 12838  
cost-of-doing-business factor. 12839

**Sec. 3317.02.** As used in this chapter: 12840

(A) Unless otherwise specified, "school district" means city, 12841  
local, and exempted village school districts. 12842

(B) "Formula amount" means the base cost for the fiscal year 12843  
specified in section 3317.012 of the Revised Code, ~~except that to~~ 12844  
~~allow for the orderly phase in of the increased funding specified~~ 12845  
~~in that section, the formula amount for fiscal year 1999 shall be~~ 12846  
~~\$3,851, and the formula amount for fiscal year 2000 shall be~~ 12847  
~~\$4,052. Thereafter, the formula amount shall be as specified in~~ 12848  
~~that section.~~ 12849

(C) "FTE basis" means a count of students based on full-time 12850  
equivalency, in accordance with rules adopted by the department of 12851  
education pursuant to section 3317.03 of the Revised Code. In 12852  
adopting its rules under this division, the department shall 12853  
provide for counting any student in category one, two, ~~or three,~~ 12854  
four, five, or six special education ADM or in category one or two 12855  
vocational education ADM in the same proportion the student is 12856  
counted in formula ADM. 12857

(D)(1) "Formula ADM" means, for a city, local, or exempted 12858  
village school district, the number reported pursuant to division 12859  
(A) of section 3317.03 of the Revised Code, and for a joint 12860  
vocational school district, the number reported pursuant to 12861  
division (D) of that section. 12862

(2) "Three-year average formula ADM" means the average of 12863

formula ADMs for the current and preceding two fiscal years. 12864  
However, as applicable in fiscal years 1999 and 2000, the 12865  
three-year average for city, local, and exempted village school 12866  
districts shall be determined utilizing the FY 1997 ADM or FY 1998 12867  
ADM in lieu of formula ADM for fiscal year 1997 or 1998. In fiscal 12868  
years 2000 and 2001, the three-year average for joint vocational 12869  
school districts shall be determined utilizing the average daily 12870  
membership reported in fiscal years 1998 and 1999 under division 12871  
(D) of section 3317.03 of the Revised Code in lieu of formula ADM 12872  
for fiscal years 1998 and 1999. 12873

(E) "FY 1997 ADM" or "FY 1998 ADM" means the school 12874  
district's average daily membership reported for the applicable 12875  
fiscal year under the version of division (A) of section 3317.03 12876  
of the Revised Code in effect during that fiscal year, adjusted as 12877  
follows: 12878

(1) Minus the average daily membership of handicapped 12879  
preschool children; 12880

(2) Minus one-half of the average daily membership attending 12881  
kindergarten; 12882

(3) Minus three-fourths of the average daily membership 12883  
attending a joint vocational school district; 12884

(4) Plus the average daily membership entitled under section 12885  
3313.64 or 3313.65 of the Revised Code to attend school in the 12886  
district but receiving educational services in approved units from 12887  
an educational service center or another school district under a 12888  
compact or a cooperative education agreement, as determined by the 12889  
department; 12890

(5) Minus the average daily membership receiving educational 12891  
services from the district in approved units but entitled under 12892  
section 3313.64 or 3313.65 of the Revised Code to attend school in 12893  
another school district, as determined by the department. 12894



(F)(1) "Category one special education ADM" means the average 12895  
daily membership of handicapped children receiving special 12896  
education services for ~~those handicaps~~ the handicap specified in 12897  
division (A) of section 3317.013 of the Revised Code and reported 12898  
under division (B)(5) or (D)(2)(b) of section 3317.03 of the 12899  
Revised Code. 12900

(2) "Category two special education ADM" means the average 12901  
daily membership of handicapped children receiving special 12902  
education services for those handicaps specified in division (B) 12903  
of section 3317.013 of the Revised Code and reported under 12904  
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 12905  
Code. 12906

(3) "Category three special education ADM" means the average 12907  
daily membership of students receiving special education services 12908  
for ~~students identified as autistic, having traumatic brain~~ 12909  
~~injuries, or as both visually and hearing disabled as these terms~~ 12910  
~~are defined pursuant to Chapter 3323. those handicaps specified in~~ 12911  
division (C) of section 3317.013 of the Revised Code, and reported 12912  
under division (B)(7) or (D)(2)(d) of section 3317.03 of the 12913  
Revised Code. 12914

(4) "Category four special education ADM" means the average 12915  
daily membership of students receiving special education services 12916  
for those handicaps specified in division (D) of section 3317.013 12917  
of the Revised Code and reported under division (B)(8) or 12918  
(D)(2)(e) of section 3317.03 of the Revised Code. 12919

(5) "Category five special education ADM" means the average 12920  
daily membership of students receiving special education services 12921  
for those handicaps specified in division (E) of section 3317.013 12922  
of the Revised Code and reported under division (B)(9) or 12923  
(D)(2)(f) of section 3317.03 of the Revised Code. 12924

(6) "Category six special education ADM" means the average 12925

daily membership of students receiving special education services 12926  
for those handicaps specified in division (F) of section 3317.013 12927  
of the Revised Code and reported under division (B)(10) or 12928  
(D)(2)(g) of section 3317.03 of the Revised Code. 12929

(7) "Category one vocational education ADM" means the average 12930  
daily membership of students receiving vocational education 12931  
services described in division (A) of section 3317.014 of the 12932  
Revised Code and reported under division (B)~~(8)~~(11) or 12933  
(D)(2)~~(e)~~(h) of section 3317.03 of the Revised Code. 12934

~~(5)~~(8) "Category two vocational education ADM" means the 12935  
average daily membership of students receiving vocational 12936  
education services described in division (B) of section 3317.014 12937  
of the Revised Code and reported under division (B)~~(9)~~(12) or 12938  
(D)(2)~~(f)~~(i) of section 3317.03 of the Revised Code. 12939

(G) "Handicapped preschool child" means a handicapped child, 12940  
as defined in section 3323.01 of the Revised Code, who is at least 12941  
age three but is not of compulsory school age, as defined in 12942  
section 3321.01 of the Revised Code, and who is not currently 12943  
enrolled in kindergarten. 12944

(H) "County MR/DD board" means a county board of mental 12945  
retardation and developmental disabilities. 12946

(I) "Recognized valuation" means the amount calculated for a 12947  
school district pursuant to section 3317.015 of the Revised Code. 12948

(J) "Transportation ADM" means the number of children 12949  
reported under division (B)~~(10)~~(13) of section 3317.03 of the 12950  
Revised Code. 12951

(K) "Average efficient transportation use cost per student" 12952  
means a statistical representation of transportation costs as 12953  
calculated under division (D)(2) of section 3317.022 of the 12954  
Revised Code. 12955

(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	<del>1.0074</del>	<u>1.0061</u>
Allen	<del>1.0217</del>	<u>1.0236</u>
Ashland	<del>1.0322</del>	<u>1.0331</u>
Ashtabula	<del>1.0480</del>	<u>1.0431</u>
Athens	<del>1.0046</del>	<u>1.0038</u>
Auglaize	<del>1.0255</del>	<u>1.0272</u>
Belmont	<del>1.0078</del>	<u>1.0043</u>
Brown	<del>1.0194</del>	<u>1.0207</u>
Butler	<del>1.0650</del>	<u>1.0663</u>
Carroll	<del>1.0166</del>	<u>1.0148</u>
Champaign	<del>1.0292</del>	<u>1.0413</u>

Clark	<del>1.0462</del> <u>1.0443</u>	12988
Clermont	<del>1.0510</del> <u>1.0532</u>	12989
Clinton	<del>1.0293</del> <u>1.0296</u>	12990
Columbiana	<del>1.0300</del> <u>1.0262</u>	12991
Coshocton	<del>1.0205</del> <u>1.0200</u>	12992
Crawford	<del>1.0152</del> <u>1.0140</u>	12993
Cuyahoga	<del>1.0697</del> <u>1.0672</u>	12994
Darke	<del>1.0340</del> <u>1.0343</u>	12995
Defiance	<del>1.0177</del> <u>1.0165</u>	12996
Delaware	<del>1.0339</del> <u>1.0479</u>	12997
Erie	<del>1.0391</del> <u>1.0372</u>	12998
Fairfield	<del>1.0358</del> <u>1.0354</u>	12999
Fayette	<del>1.0266</del> <u>1.0258</u>	13000
Franklin	<del>1.0389</del> <u>1.0519</u>	13001
Fulton	<del>1.0355</del> <u>1.0361</u>	13002
Gallia	1.0000	13003
Geauga	<del>1.0568</del> <u>1.0528</u>	13004
Greene	<del>1.0406</del> <u>1.0407</u>	13005
Guernsey	<del>1.0072</del> <u>1.0064</u>	13006
Hamilton	1.0750	13007
Hancock	<del>1.0224</del> <u>1.0215</u>	13008
Hardin	<del>1.0219</del> <u>1.0348</u>	13009
Harrison	<del>1.0098</del> <u>1.0081</u>	13010
Henry	<del>1.0347</del> <u>1.0338</u>	13011
Highland	<del>1.0139</del> <u>1.0129</u>	13012
Hocking	<del>1.0149</del> <u>1.0151</u>	13013
Holmes	<del>1.0237</del> <u>1.0238</u>	13014
Huron	<del>1.0317</del> <u>1.0305</u>	13015
Jackson	<del>1.0132</del> <u>1.0118</u>	13016
Jefferson	<del>1.0084</del> <u>1.0067</u>	13017
Knox	<del>1.0251</del> <u>1.0258</u>	13018
Lake	<del>1.0596</del> <u>1.0556</u>	13019
Lawrence	<del>1.0128</del> <u>1.0122</u>	13020

Licking	<del>1.0381</del> <u>1.0375</u>	13021
Logan	<del>1.0188</del> <u>1.0362</u>	13022
Lorain	<del>1.0535</del> <u>1.0521</u>	13023
Lucas	<del>1.0413</del> <u>1.0406</u>	13024
Madison	<del>1.0342</del> <u>1.0437</u>	13025
Mahoning	<del>1.0426</del> <u>1.0384</u>	13026
Marion	<del>1.0121</del> <u>1.0263</u>	13027
Medina	<del>1.0608</del> <u>1.0595</u>	13028
Meigs	<del>1.0031</del> <u>1.0018</u>	13029
Mercer	<del>1.0177</del> <u>1.0199</u>	13030
Miami	<del>1.0425</del> <u>1.0415</u>	13031
Monroe	<del>1.0118</del> <u>1.0097</u>	13032
Montgomery	<del>1.0482</del> <u>1.0476</u>	13033
Morgan	<del>1.0140</del> <u>1.0128</u>	13034
Morrow	<del>1.0268</del> <u>1.0276</u>	13035
Muskingum	<del>1.0167</del> <u>1.0145</u>	13036
Noble	<del>1.0129</del> <u>1.0103</u>	13037
Ottawa	<del>1.0510</del> <u>1.0468</u>	13038
Paulding	<del>1.0156</del> <u>1.0140</u>	13039
Perry	<del>1.0175</del> <u>1.0154</u>	13040
Pickaway	<del>1.0338</del> <u>1.0326</u>	13041
Pike	<del>1.0103</del> <u>1.0094</u>	13042
Portage	<del>1.0556</del> <u>1.0516</u>	13043
Preble	<del>1.0486</del> <u>1.0476</u>	13044
Putnam	<del>1.0253</del> <u>1.0243</u>	13045
Richland	<del>1.0205</del> <u>1.0213</u>	13046
Ross	<del>1.0089</del> <u>1.0085</u>	13047
Sandusky	<del>1.0336</del> <u>1.0307</u>	13048
Scioto	<del>1.0044</del> <u>1.0029</u>	13049
Seneca	<del>1.0240</del> <u>1.0223</u>	13050
Shelby	<del>1.0257</del> <u>1.0263</u>	13051
Stark	<del>1.0313</del> <u>1.0300</u>	13052
Summit	<del>1.0616</del> <u>1.0598</u>	13053

Trumbull	<del>1.0425</del> <u>1.0381</u>	13054
Tuscarawas	<del>1.0099</del> <u>1.0097</u>	13055
Union	<del>1.0330</del> <u>1.0446</u>	13056
Van Wert	<del>1.0126</del> <u>1.0133</u>	13057
Vinton	<del>1.0068</del> <u>1.0070</u>	13058
Warren	<del>1.0651</del> <u>1.0659</u>	13059
Washington	<del>1.0110</del> <u>1.0075</u>	13060
Wayne	<del>1.0406</del> <u>1.0404</u>	13061
Williams	<del>1.0268</del> <u>1.0284</u>	13062
Wood	<del>1.0405</del> <u>1.0382</u>	13063
Wyandot	<del>1.0191</del> <u>1.0188</u>	13064

~~(2) As used in this division, "multiplier" means the number for the corresponding fiscal year as follows:~~ 13065  
13066

<del>FISCAL YEAR OF THE</del>			13067
<del>COMPUTATION</del>	<del>MULTIPLIER</del>		13068
<del>1998</del>	<del>9.6/7.5</del>		13069
<del>1999</del>	<del>11.0/7.5</del>		13070
<del>2000</del>	<del>12.4/7.5</del>		13071
<del>2001</del>	<del>13.8/7.5</del>		13072
<del>2002</del>	<del>15.2/7.5</del>		13073
<del>2003</del>	<del>16.6/7.5</del>		13074
<del>2004 and thereafter</del>	<del>18.0/7.5</del>		13075

~~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:~~ 13076  
13077  
13078

~~{(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~~ 13079  
13080  
13081

~~The result of such formula shall be the adjusted cost-of-doing-business factor for that fiscal year.~~ 13082  
13083

~~(O) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section~~ 13084  
13085

3317.021 of the Revised Code. 13086

(P) "Potential value" of a school district means the ~~adjusted~~ 13087  
~~total taxable value~~ recognized valuation of a school district plus 13088  
the tax exempt value of the district. 13089

(Q) "District median income" means the median Ohio adjusted 13090  
gross income certified for a school district. On or before the 13091  
first day of July of each year, the tax commissioner shall certify 13092  
to the department of education for each city, exempted village, 13093  
and local school district the median Ohio adjusted gross income of 13094  
the residents of the school district determined on the basis of 13095  
tax returns filed for the second preceding tax year by the 13096  
residents of the district. 13097

(R) "Statewide median income" means the median district 13098  
median income of all city, exempted village, and local school 13099  
districts in the state. 13100

(S) "Income factor" for a city, exempted village, or local 13101  
school district means the quotient obtained by dividing that 13102  
district's median income by the statewide median income. 13103

~~(T) Except as provided in division (B)(3) of section 3317.012~~ 13104  
~~of the Revised Code, "valuation per pupil" for a city, exempted~~ 13105  
~~village, or local school district means the district's recognized~~ 13106  
~~valuation divided by the greater of the district's formula ADM or~~ 13107  
~~three-year average formula ADM.~~ 13108

~~(U) Except as provided in section 3317.0213 of the Revised~~ 13109  
~~Code, "adjusted valuation per pupil" means the amount calculated~~ 13110  
~~in accordance with the following formula:~~ 13111

~~District valuation per pupil = [\$60,000 X~~ 13112  
~~(1 - district income factor)]~~ 13113

~~If the result of such formula is negative, the adjusted~~ 13114  
~~valuation per pupil shall be zero.~~ 13115

~~(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.~~ 13116  
13117  
13118  
13119

~~(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:~~ 13120  
13121  
13122

~~(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:~~ 13123  
13124  
13125

$$\begin{aligned} & \text{(~~Income adjusted valuation X multiple~~) +} & 13126 \\ & \text{[~~recognized valuation X (1 multiple)~~] } & 13127 \end{aligned}$$

~~Where "multiple" means the number for the corresponding fiscal year as follows:~~ 13128  
13129

<del>FISCAL YEAR OF THE</del>			13130
<del>COMPUTATION</del>		<del>MULTIPLE</del>	13131
<del>2000</del>		<del>1/5</del>	13132
<del>2001 and thereafter</del>		<del>4/15</del>	13133

~~(2) In fiscal year 1999, if a school district's income factor is greater than one, the amount calculated under the following formula:~~ 13134  
13135  
13136

$$\begin{aligned} & \text{(~~Income adjusted valuation X 1/15~~)} & 13137 \\ & \text{+ (~~recognized valuation X 14/15~~)} & 13138 \end{aligned}$$

~~Thereafter, the adjusted total taxable value of a district with an income factor greater than one shall be its recognized valuation.~~ 13139  
13140  
13141

**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 13142  
13143  
13144  
13145



by divisions (A)(1) and (2) of this section for each joint 13146  
vocational school district, and it shall be used, along with the 13147  
information certified under division (B) of this section, in 13148  
making the computations for the district under ~~section~~ sections 13149  
3317.022 and 3317.0217 or section 3317.16 of the Revised Code: 13150

(1) The taxable value of real and public utility real 13151  
property in the school district subject to taxation in the 13152  
preceding tax year, by class and by county of location; 13153

(2) The taxable value of tangible personal property, 13154  
including public utility personal property, subject to taxation by 13155  
the district for the preceding tax year; 13156

(3)(a) The total property tax rate and total taxes charged 13157  
and payable for the current expenses for the preceding tax year 13158  
and the total property tax rate and the total taxes charged and 13159  
payable to a joint vocational district for the preceding tax year 13160  
that are limited to or to the extent apportioned to current 13161  
expenses; 13162

(b) The portion of the amount of taxes charged and payable 13163  
reported for each city, local, and exempted village school 13164  
district under division (A)(3)(a) of this section attributable to 13165  
a joint vocational school district. 13166

(4) The value of all real and public utility real property in 13167  
the school district exempted from taxation minus both of the 13168  
following: 13169

(a) The value of real and public utility real property in the 13170  
district owned by the United States government and used 13171  
exclusively for a public purpose; 13172

(b) The value of real and public utility real property in the 13173  
district exempted from taxation under Chapter 725. or 1728. or 13174  
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 13175  
5709.73, or 5709.78 of the Revised Code. 13176

(5) ~~The total effective operating tax rate for the district~~ 13177  
~~in the tax year for which the most recent data are available~~ 13178  
federal adjusted gross income of the residents of the school 13179  
district, based on tax returns filed by the residents of the 13180  
district, for the most recent year for which this information is 13181  
available. 13182

(B) On or before the first day of May each year, the tax 13183  
commissioner shall certify to the department of education the 13184  
total taxable real property value of railroads and, separately, 13185  
the total taxable tangible personal property value of all public 13186  
utilities for the preceding tax year, by school district and by 13187  
county of location. 13188

(C) If a public utility has properly and timely filed a 13189  
petition for reassessment under section 5727.47 of the Revised 13190  
Code with respect to an assessment issued under section 5727.23 of 13191  
the Revised Code affecting taxable property apportioned by the tax 13192  
commissioner to a school district, the taxable value of public 13193  
utility tangible personal property included in the certification 13194  
under divisions (A)(2) and (B) of this section for the school 13195  
district shall include only the amount of taxable value on the 13196  
basis of which the public utility paid tax for the preceding year 13197  
as provided in division (B)(1) or (2) of section 5727.47 of the 13198  
Revised Code. 13199

(D) If on the basis of the information certified under 13200  
division (A) of this section, the department determines that any 13201  
district fails in any year to meet the qualification requirement 13202  
specified in division (A) of section 3317.01 of the Revised Code, 13203  
the department shall immediately request the tax commissioner to 13204  
determine the extent to which any school district income tax 13205  
levied by the district under Chapter 5748. of the Revised Code 13206  
shall be included in meeting that requirement. Within five days of 13207  
receiving such a request from the department, the tax commissioner 13208

shall make the determination required by this division and report 13209  
the quotient obtained under division (D)(3) of this section to the 13210  
department. This quotient represents the number of mills that the 13211  
department shall include in determining whether the district meets 13212  
the qualification requirement of division (A) of section 3317.01 13213  
of the Revised Code. 13214

The tax commissioner shall make the determination required by 13215  
this division as follows: 13216

(1) Multiply one mill times the total taxable value of the 13217  
district as determined in divisions (A)(1) and (2) of this 13218  
section; 13219

(2) Estimate the total amount of tax liability for the 13220  
current tax year under taxes levied by Chapter 5748. of the 13221  
Revised Code that are apportioned to current operating expenses of 13222  
the district; 13223

(3) Divide the amount estimated under division (D)(2) of this 13224  
section by the product obtained under division (D)(1) of this 13225  
section. 13226

~~(E) As used in this section:~~ 13227

~~(1) "Class I taxes charged and payable for current expenses" 13228  
means taxes charged and payable for current expenses on land and 13229  
improvements classified as residential/agricultural real property 13230  
under section 5713.041 of the Revised Code. 13231~~

~~(2) "Class I taxable value" means the taxable value of land 13232  
and improvements classified as residential/agricultural real 13233  
property under section 5713.041 of the Revised Code. 13234~~

~~(3) "Class I effective operating tax rate" of a school 13235  
district means the quotient obtained by dividing the school 13236  
district's Class I taxes charged and payable for current expenses 13237  
by the district's Class I taxable value. 13238~~

~~(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 13269  
shall adjust the recognized valuation used in the calculation 13270  
under division (A)(1) of this section ~~shall be the adjusted total~~ 13271  
~~taxable value~~ modified by subtracting from it the amount 13272  
calculated under division (A)(2)(a) of this section. 13273

(B) As used in this section: 13274

(1) The "total special education weight" for a district means 13275  
the sum of the following amounts: 13276

(a) The district's category one special education ADM 13277  
multiplied by the multiple specified ~~under~~ in division (A) of 13278  
section 3317.013 of the Revised Code; 13279

(b) The ~~sum of the~~ district's category two ~~and category three~~ 13280  
special education ~~ADMs~~ ADM multiplied by the multiple specified 13281  
~~under~~ in division (B) of section 3317.013 of the Revised Code; 13282  
13283

(c) The district's category three special education ADM 13284  
multiplied by the multiple specified in division (C) of section 13285  
3317.013 of the Revised Code; 13286

(d) The district's category four special education ADM 13287  
multiplied by the multiple specified in division (D) of section 13288  
3317.013 of the Revised Code; 13289

(e) The district's category five special education ADM 13290  
multiplied by the multiple specified in division (E) of section 13291  
3317.013 of the Revised Code; 13292

(f) The district's category six special education ADM 13293  
multiplied by the multiple specified in division (F) of section 13294  
3317.013 of the Revised Code. 13295

(2) "State share percentage" means the percentage calculated 13296  
for a district as follows: 13297

(a) Calculate the state base cost funding amount for the 13298

district for the fiscal year under division (A) of this section. 13299  
If the district would not receive any state base cost funding for 13300  
that year under that division, the district's state share 13301  
percentage is zero. 13302

(b) If the district would receive state base cost funding 13303  
under that division, divide that amount by an amount equal to the 13304  
following: 13305

Cost-of-doing-business factor X 13306  
the formula amount X (the greater of formula 13307  
ADM or three-year average formula ADM) 13308

The resultant number is the district's state share 13309  
percentage. 13310

(3) ~~"Related services" includes:~~ 13311

~~(a) Child study, special education supervisors and 13312  
coordinators, speech and hearing services, adaptive physical 13313  
development services, occupational or physical therapy, teacher 13314  
assistants for handicapped children whose handicaps are described 13315  
in division (B) of section 3317.013 or division (F)(3) of section 13316  
3317.02 of the Revised Code, behavioral intervention, interpreter 13317  
services, work study, nursing services, and specialized 13318  
integrative services as those terms are defined by the department;~~ 13319

~~(b) Speech and language services provided to any student with 13320  
a handicap, including any student whose primary or only handicap 13321  
is a speech and language handicap;~~ 13322

~~(c) Any related service not specifically covered by other 13323  
state funds but specified in federal law, including but not 13324  
limited to, audiology and school psychological services;~~ 13325

~~(d) Any service included in units funded under former 13326  
division (O)(1) of section 3317.023 of the Revised Code;~~ 13327

~~(e) Any other related service needed by handicapped children 13328~~

~~in accordance with their individualized education plans.~~ 13329

(4) The "total vocational education weight" for a district 13330  
means the sum of the following amounts: 13331

(a) The district's category one vocational education ADM 13332  
multiplied by the multiple specified in division (A) of section 13333  
3317.014 of the Revised Code; 13334

(b) The district's category two vocational education ADM 13335  
multiplied by the multiple specified in division (B) of section 13336  
3317.014 of the Revised Code. 13337

(C)(1) The department shall compute and distribute state 13338  
special education and related services additional weighted costs 13339  
funds to each school district in accordance with the following 13340  
formula: 13341

The district's state share percentage 13342  
X the formula amount for the year 13343  
for which the aid is calculated 13344  
X the district's total special education weight 13345

(2) ~~In any fiscal year, a school district receiving funds 13346  
under division (C)(1) of this section shall spend on related 13347  
services the lesser of the following: 13348~~

~~(a) The amount the district spent on related services in the 13349  
preceding fiscal year; 13350~~

~~(b)  $1/8 \times \{[\text{cost of doing business factor} \times \text{the formula} 13351$   
amount X (the category one special education ADM + category two 13352  
special education ADM + category three special education ADM)] + 13353  
the amount calculated for the fiscal year under division (C)(1) of 13354  
this section + the local share of special education and related 13355  
services additional weighted costs}. 13356~~

(3) The attributed local share of special education and 13357  
related services additional weighted costs equals: 13358

(1 - the district's state share percentage) X 13359  
the district's total special education weight X 13360  
the formula amount 13361

~~(4)~~(3) The department shall compute and pay in accordance 13362  
with this division additional state aid to school districts for 13363  
students in ~~category three~~ categories two through six special 13364  
education ADM. If a district's costs for the fiscal year for a 13365  
student in its ~~category three~~ categories two through six special 13366  
education ADM are twenty-five thousand dollars or more, the 13367  
district may submit to the superintendent of public instruction 13368  
documentation, as prescribed by the superintendent, of all its 13369  
costs for that student. Upon submission of documentation for a 13370  
student of the type and in the manner prescribed, the department 13371  
shall pay to the district an amount equal to the sum of the 13372  
following: 13373

(a) One-half of the district's costs for the student in 13374  
excess of twenty-five thousand dollars; 13375

(b) The product of one-half of the district's costs for the 13376  
student in excess of twenty-five thousand dollars multiplied by 13377  
the district's state share percentage. 13378

The district shall only report, and the department shall only 13379  
pay for, the costs of educational expenses and the related 13380  
services provided to the student in accordance with the student's 13381  
individualized education program. Any legal fees, court costs, or 13382  
other costs associated with any cause of action relating to the 13383  
student may not be included in the amount. 13384

~~(5)~~(4)(a) As used in this division, the "personnel allowance" 13385  
means ~~twenty-five thousand dollars in fiscal year 2000 and thirty~~ 13386  
~~thousand dollars in fiscal year 2001~~ years 2002 and 2003. 13387  
13388

(b) For the provision of speech services to students, 13389



including students who do not have individualized education 13390  
programs prepared for them under Chapter 3323. of the Revised 13391  
Code, and for no other purpose, the department of education shall 13392  
pay each school district an amount calculated under the following 13393  
formula: 13394

(formula ADM divided by 2000) X 13395

the personnel allowance X the state share percentage 13396

~~(6)(5) In any fiscal year, a school district receiving funds~~ 13397  
~~under division (C)(1) of this section shall spend those funds only~~ 13398  
~~for the purposes that the department designates as approved for~~ 13399  
~~special education and related services expenses at least the~~ 13400  
~~amount calculated as follows:~~ 13401

(cost-of-doing-business factor X 13402

formula amount X the sum of categories 13403

one through six special education ADM) + 13404

(total special education weight X formula amount) 13405

The purposes approved by the department for special education 13406  
expenses shall include, but shall not be limited to, 13407  
identification of handicapped children, compliance with state 13408  
rules governing the education of handicapped children and 13409  
prescribing the continuum of program options for handicapped 13410  
children, and the portion of the school district's overall 13411  
administrative and overhead costs that are attributable to the 13412  
district's special education student population. 13413

The department shall require school districts to report data 13414  
annually to allow for monitoring compliance with division (C)(5) 13415  
of this section. The department shall annually report to the 13416  
governor and the general assembly the amount of money spent by 13417  
each school district for special education and related services. 13418

(D)(1) As used in this division: 13419

(a) "Daily bus miles per student" equals the number of bus 13420  
miles traveled per day, divided by transportation base. 13421

(b) "Transportation base" equals total student count as 13422  
defined in section 3301.011 of the Revised Code, minus the number 13423  
of students enrolled in preschool handicapped units, plus the 13424  
number of nonpublic school students included in transportation 13425  
ADM. 13426

(c) "Transported student percentage" equals transportation 13427  
ADM divided by transportation base. 13428

(d) "Transportation cost per student" equals total operating 13429  
costs for board-owned or contractor-operated school buses divided 13430  
by transportation base. 13431

(2) Analysis of student transportation cost data has resulted 13432  
in a finding that an average efficient transportation use cost per 13433  
student can be calculated by means of a regression formula that 13434  
has as its two independent variables the number of daily bus miles 13435  
per student and the transported student percentage. For fiscal 13436  
year 1998 transportation cost data, the average efficient 13437  
transportation use cost per student is expressed as follows: 13438

$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + 13440$$
$$(116.25573 \times \text{transported student percentage}) 13441$$

The department of education shall annually determine the 13442  
average efficient transportation use cost per student in 13443  
accordance with the principles stated in division (D)(2) of this 13444  
section, updating the intercept and regression coefficients of the 13445  
regression formula modeled in this division, based on an annual 13446  
statewide analysis of each school district's daily bus miles per 13447  
student, transported student percentage, and transportation cost 13448  
per student data. The department shall conduct the annual update 13449  
using data, including daily bus miles per student, transported 13450  
student percentage, and transportation cost per student data, from 13451  
the prior fiscal year. The department shall notify the office of 13452  
budget and management of such update by the fifteenth day of 13453

February of each year. 13454

(3) In addition to funds paid under divisions (A), (C), and 13455  
(E) of this section, each district with a transported student 13456  
percentage greater than zero shall receive a payment equal to a 13457  
percentage of the product of the district's transportation base 13458  
from the prior fiscal year times the annually updated average 13459  
efficient transportation use cost per student, times an inflation 13460  
factor of two and eight tenths per cent to account for the 13461  
one-year difference between the data used in updating the formula 13462  
and calculating the payment and the year in which the payment is 13463  
made. The percentage shall be the following percentage of that 13464  
product specified for the corresponding fiscal year: 13465

FISCAL YEAR	PERCENTAGE	
2000	52.5%	13466
2001	55%	13467
2002	57.5%	13468
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>	13469 13470 13471 13472 13473

The payments made under division (D)(3) of this section each 13471  
year shall be calculated based on all of the same prior year's 13472  
data used to update the formula. 13473

(4) In addition to funds paid under divisions (D)(2) and (3) 13474  
of this section, a school district shall receive a rough road 13475  
subsidy if both of the following apply: 13476

(a) Its county rough road percentage is higher than the 13477  
statewide rough road percentage, as those terms are defined in 13478  
division (D)(5) of this section; 13479

(b) Its district student density is lower than the statewide student density, as those terms are defined in that division. 13480  
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(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: 13482  
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(per rough mile subsidy X total rough road miles) X  
density multiplier 13485  
13486

where: 13487

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula: 13488  
13489

$$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$$
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(i) "Maximum rough road percentage" means the highest county rough road percentage in the state. 13494  
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(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. 13496  
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(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. 13503  
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(b) "Total rough road miles" means a school district's total bus miles traveled in one year times its county rough road percentage. 13507  
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(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 13541  
school district in accordance with the following formula: 13542

state share percentage X 13543  
the formula amount X 13544  
total vocational education weight 13545

In any fiscal year, a school district receiving funds under 13546  
division (E)(1) of this section shall spend those funds only for 13547  
the purposes that the department designates as approved for 13548  
vocational education expenses. 13549

(2) The department shall compute for each school district 13550  
state funds for vocational education associated services in 13551  
accordance with the following formula: 13552

state share percentage X .05 X 13553  
the formula amount X the sum of categories one and two 13554  
vocational education ADM 13555

In any fiscal year, a school district receiving funds under 13556  
division (E)(2) of this section, or through a transfer of funds 13557  
pursuant to division (L) of section 3317.023 of the Revised Code, 13558  
shall spend those funds only for the purposes that the department 13559  
designates as approved for vocational education associated 13560  
services expenses, which may include such purposes as 13561  
apprenticeship coordinators, coordinators for other vocational 13562  
education services, vocational evaluation, and other purposes 13563  
designated by the department. The department may deny payment 13564  
under division (E)(2) of this section to any district that the 13565  
department determines is not operating those services or is using 13566  
funds paid under division (E)(2) of this section, or through a 13567  
transfer of funds pursuant to division (L) of section 3317.023 of 13568  
the Revised Code, for other purposes. 13569

~~In fiscal years 2000 and 2001, each school district shall 13570  
continue to offer the same number of the vocational education 13571  
programs that the district offered in fiscal year 1999, unless the 13572~~

~~department of education expressly agrees that the district may  
offer fewer programs in either fiscal year 2000 or 2001 or both.~~

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(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:

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(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.

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(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.

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(3) The attributed local share of vocational education and  
associated services additional weighted costs funding is the  
amount determined as follows:

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(1 - state share percentage) X  
[(total vocational education weight X the formula amount) +  
the payment under division (E)(2) of this section]

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Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 13604  
Revised Code, the amounts required to be paid to a district under 13605  
this chapter shall be adjusted by the amount of the computations 13606  
made under divisions (B) to ~~(K)~~(L) of this section. 13607

As used in this section: 13608

(1) "Classroom teacher" means a licensed employee who 13609  
provides direct instruction to pupils, excluding teachers funded 13610  
from money paid to the district from federal sources; educational 13611  
service personnel; and vocational and special education teachers. 13612

(2) "Educational service personnel" shall not include such 13613  
specialists funded from money paid to the district from federal 13614  
sources or assigned full-time to vocational or special education 13615  
students and classes and may only include those persons employed 13616  
in the eight specialist areas in a pattern approved by the 13617  
department of education under guidelines established by the state 13618  
board of education. 13619

(3) "Annual salary" means the annual base salary stated in 13620  
the state minimum salary schedule for the performance of the 13621  
teacher's regular teaching duties that the teacher earns for 13622  
services rendered for the first full week of October of the fiscal 13623  
year for which the adjustment is made under division (C) of this 13624  
section. It shall not include any salary payments for supplemental 13625  
teachers contracts. 13626

(4) "Regular student population" means the formula ADM plus 13627  
the number of students reported as enrolled in the district 13628  
pursuant to division (A)(1) of section 3313.981 of the Revised 13629  
Code; minus the number of students reported under division (A)(2) 13630  
of section 3317.03 of the Revised Code; minus the FTE of students 13631  
reported under division (B)(5), (6), (7), (8), ~~or (9)~~, (10), (11), 13632  
or (12) of that section who are enrolled in a vocational education 13633  
class or receiving special education; and minus one-fourth of the 13634



students enrolled concurrently in a joint vocational school 13635  
district. 13636

(5) "State share percentage" has the same meaning as in 13637  
section 3317.022 of the Revised Code. 13638

(6) "VEPD" means a school district or group of school 13639  
districts designated by the department of education as being 13640  
responsible for the planning for and provision of vocational 13641  
education services to students within the district or group. 13642

(7) "Lead district" means a school district, including a 13643  
joint vocational school district, designated by the department as 13644  
a VEPD, or designated to provide primary vocational education 13645  
leadership within a VEPD composed of a group of districts. 13646

(B) If the district employs less than one full-time 13647  
equivalent classroom teacher for each twenty-five pupils in the 13648  
regular student population in any school district, deduct the sum 13649  
of the amounts obtained from the following computations: 13650

(1) Divide the number of the district's full-time equivalent 13651  
classroom teachers employed by one twenty-fifth; 13652

(2) Subtract the quotient in (1) from the district's regular 13653  
student population; 13654

(3) Multiply the difference in (2) by seven hundred fifty-two 13655  
dollars. 13656

(C) If a positive amount, add one-half of the amount obtained 13657  
by multiplying the number of full-time equivalent classroom 13658  
teachers by: 13659

(1) The mean annual salary of all full-time equivalent 13660  
classroom teachers employed by the district at their respective 13661  
training and experience levels minus; 13662

(2) The mean annual salary of all such teachers at their 13663  
respective levels in all school districts receiving payments under 13664

this section. 13665

The number of full-time equivalent classroom teachers used in 13666  
this computation shall not exceed one twenty-fifth of the 13667  
district's regular student population. In calculating the 13668  
district's mean salary under this division, those full-time 13669  
equivalent classroom teachers with the highest training level 13670  
shall be counted first, those with the next highest training level 13671  
second, and so on, in descending order. Within the respective 13672  
training levels, teachers with the highest years of service shall 13673  
be counted first, the next highest years of service second, and so 13674  
on, in descending order. 13675

(D) This division does not apply to a school district that 13676  
has entered into an agreement under division (A) of section 13677  
3313.42 of the Revised Code. Deduct the amount obtained from the 13678  
following computations if the district employs fewer than five 13679  
full-time equivalent educational service personnel, including 13680  
elementary school art, music, and physical education teachers, 13681  
counselors, librarians, visiting teachers, school social workers, 13682  
and school nurses for each one thousand pupils in the regular 13683  
student population: 13684

(1) Divide the number of full-time equivalent educational 13685  
service personnel employed by the district by five 13686  
one-thousandths; 13687

(2) Subtract the quotient in (1) from the district's regular 13688  
student population; 13689

(3) Multiply the difference in (2) by ninety-four dollars. 13690

(E) If a local school district, or a city or exempted village 13691  
school district to which a governing board of an educational 13692  
service center provides services pursuant to section 3313.843 of 13693  
the Revised Code, deduct the amount of the payment required for 13694  
the reimbursement of the governing board under section 3317.11 of 13695

the Revised Code. 13696

(F)(1) If the district is required to pay to or entitled to 13697  
receive tuition from another school district under division (C)(2) 13698  
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 13699  
or if the superintendent of public instruction is required to 13700  
determine the correct amount of tuition and make a deduction or 13701  
credit under section 3317.08 of the Revised Code, deduct and 13702  
credit such amounts as provided in division (I) of section 3313.64 13703  
or section 3317.08 of the Revised Code. 13704

(2) For each child for whom the district is responsible for 13705  
tuition or payment under division (A)(1) of section 3317.082 or 13706  
section 3323.091 of the Revised Code, deduct the amount of tuition 13707  
or payment for which the district is responsible. 13708

(G) If the district has been certified by the superintendent 13709  
of public instruction under section 3313.90 of the Revised Code as 13710  
not in compliance with the requirements of that section, deduct an 13711  
amount equal to ten per cent of the amount computed for the 13712  
district under section 3317.022 of the Revised Code. 13713

(H) If the district has received a loan from a commercial 13714  
lending institution for which payments are made by the 13715  
superintendent of public instruction pursuant to division (E)(3) 13716  
of section 3313.483 of the Revised Code, deduct an amount equal to 13717  
such payments. 13718

(I)(1) If the district is a party to an agreement entered 13719  
into under division (D), (E), or (F) of section 3311.06 or 13720  
division (B) of section 3311.24 of the Revised Code and is 13721  
obligated to make payments to another district under such an 13722  
agreement, deduct an amount equal to such payments if the district 13723  
school board notifies the department in writing that it wishes to 13724  
have such payments deducted. 13725

(2) If the district is entitled to receive payments from 13726

another district that has notified the department to deduct such 13727  
payments under division (I)(1) of this section, add the amount of 13728  
such payments. 13729

(J) If the district is required to pay an amount of funds to 13730  
a cooperative education district pursuant to a provision described 13731  
by division (B)(4) of section 3311.52 or division (B)(8) of 13732  
section 3311.521 of the Revised Code, deduct such amounts as 13733  
provided under that provision and credit those amounts to the 13734  
cooperative education district for payment to the district under 13735  
division (B)(1) of section 3317.19 of the Revised Code. 13736

(K)(1) If a district is educating a student entitled to 13737  
attend school in another district pursuant to a shared education 13738  
contract, compact, or cooperative education agreement other than 13739  
an agreement entered into pursuant to section 3313.842 of the 13740  
Revised Code, credit to that educating district on an FTE basis 13741  
both of the following: 13742

(a) An amount equal to the formula amount times the cost of 13743  
doing business factor of the school district where the student is 13744  
entitled to attend school pursuant to section 3313.64 or 3313.65 13745  
of the Revised Code; 13746

(b) An amount equal to the formula amount times the state 13747  
share percentage times any multiple applicable to the student 13748  
pursuant to section 3317.013 or 3317.014 of the Revised Code. 13749

(2) Deduct any amount credited pursuant to division (K)(1) of 13750  
this section from amounts paid to the school district in which the 13751  
student is entitled to attend school pursuant to section 3313.64 13752  
or 3313.65 of the Revised Code. 13753

(3) If the district is required by a shared education 13754  
contract, compact, or cooperative education agreement to make 13755  
payments to an educational service center, deduct the amounts from 13756  
payments to the district and add them to the amounts paid to the 13757

service center pursuant to section 3317.11 of the Revised Code. 13758

(L)(1) If a district, including a joint vocational school 13759  
district, is a lead district of a VEPD, credit to that district 13760  
the amounts calculated for all the school districts within that 13761  
VEPD pursuant to division (E)(2) of section 3317.022 of the 13762  
Revised Code. 13763

(2) Deduct from each appropriate district that is not a lead 13764  
district, the amount attributable to that district that is 13765  
credited to a lead district under division (L)(1) of this section. 13766

**Sec. 3317.024.** In addition to the moneys paid to eligible 13767  
school districts pursuant to section 3317.022 of the Revised Code, 13768  
moneys appropriated for the education programs in divisions (A) to 13769  
(H), (J) to (L), (O), (P), and (R) of this section shall be 13770  
distributed to school districts meeting the requirements of 13771  
section 3317.01 of the Revised Code; in the case of divisions (J) 13772  
and (P) of this section, to educational service centers as 13773  
provided in section 3317.11 of the Revised Code; in the case of 13774  
divisions (E), (M), and (N) of this section, to county MR/DD 13775  
boards; in the case of division (R) of this section, to joint 13776  
vocational school districts; in the case of division (K) of this 13777  
section, to cooperative education school districts; and in the 13778  
case of division (Q) of this section, to the institutions defined 13779  
under section 3317.082 of the Revised Code providing elementary or 13780  
secondary education programs to children other than children 13781  
receiving special education under section 3323.091 of the Revised 13782  
Code. The following shall be distributed monthly, quarterly, or 13783  
annually as may be determined by the state board of education: 13784

(A) A per pupil amount to each school district that 13785  
establishes a summer school remediation program that complies with 13786  
rules of the state board of education. 13787

(B) An amount for each island school district and each joint 13788

state school district for the operation of each high school and 13789  
each elementary school maintained within such district and for 13790  
capital improvements for such schools. Such amounts shall be 13791  
determined on the basis of standards adopted by the state board of 13792  
education. 13793

(C) An amount for each school district operating classes for 13794  
children of migrant workers who are unable to be in attendance in 13795  
an Ohio school during the entire regular school year. The amounts 13796  
shall be determined on the basis of standards adopted by the state 13797  
board of education, except that payment shall be made only for 13798  
subjects regularly offered by the school district providing the 13799  
classes. 13800

(D) An amount for each school district with guidance, 13801  
testing, and counseling programs approved by the state board of 13802  
education. The amount shall be determined on the basis of 13803  
standards adopted by the state board of education. 13804

(E) An amount for the emergency purchase of school buses as 13805  
provided for in section 3317.07 of the Revised Code; 13806

(F) An amount for each school district required to pay 13807  
tuition for a child in an institution maintained by the department 13808  
of youth services pursuant to section 3317.082 of the Revised 13809  
Code, provided the child was not included in the calculation of 13810  
the district's average daily membership for the preceding school 13811  
year. 13812

(G) In fiscal year 2000 only, an amount to each school 13813  
district for supplemental salary allowances for each licensed 13814  
employee except those licensees serving as superintendents, 13815  
assistant superintendents, principals, or assistant principals, 13816  
whose term of service in any year is extended beyond the term of 13817  
service of regular classroom teachers, as described in section 13818  
3301.0725 of the Revised Code; 13819

(H) An amount for adult basic literacy education for each 13820  
district participating in programs approved by the state board of 13821  
education. The amount shall be determined on the basis of 13822  
standards adopted by the state board of education. 13823

(I) Notwithstanding section 3317.01 of the Revised Code, but 13824  
only until June 30, 1999, to each city, local, and exempted 13825  
village school district, an amount for conducting driver education 13826  
courses at high schools for which the state board of education 13827  
prescribes minimum standards and to joint vocational and 13828  
cooperative education school districts and educational service 13829  
centers, an amount for conducting driver education courses to 13830  
pupils enrolled in a high school for which the state board 13831  
prescribes minimum standards. No payments shall be made under this 13832  
division after June 30, 1999. 13833

(J) An amount for the approved cost of transporting 13834  
developmentally handicapped pupils whom it is impossible or 13835  
impractical to transport by regular school bus in the course of 13836  
regular route transportation provided by the district or service 13837  
center. No district or service center is eligible to receive a 13838  
payment under this division for the cost of transporting any pupil 13839  
whom it transports by regular school bus and who is included in 13840  
the district's transportation ADM. The state board of education 13841  
shall establish standards and guidelines for use by the department 13842  
of education in determining the approved cost of such 13843  
transportation for each district or service center. 13844

(K) An amount to each school district, including each 13845  
cooperative education school district, pursuant to section 3313.81 13846  
of the Revised Code to assist in providing free lunches to needy 13847  
children and an amount to assist needy school districts in 13848  
purchasing necessary equipment for food preparation. The amounts 13849  
shall be determined on the basis of rules adopted by the state 13850  
board of education. 13851

(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.

(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;

(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;

(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.

(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.



(Q) An amount to each institution defined under section 13883  
3317.082 of the Revised Code providing elementary or secondary 13884  
education to children other than children receiving special 13885  
education under section 3323.091 of the Revised Code. This amount 13886  
for any institution in any fiscal year shall equal the total of 13887  
all tuition amounts required to be paid to the institution under 13888  
division (A)(1) of section 3317.082 of the Revised Code. 13889

(R) A grant to each school district and joint vocational 13890  
school district that operates a "graduation, reality, and 13891  
dual-role skills" (GRADS) program for pregnant and parenting 13892  
students that is approved by the department. The amount of the 13893  
payment shall be the district's state share percentage, as defined 13894  
in section 3317.022 or 3317.16 of the Revised Code, times the 13895  
GRADS personnel allowance times the full-time-equivalent number of 13896  
GRADS teachers approved by the department. The GRADS personnel 13897  
allowance is ~~\$45,000 in fiscal year 2000 and \$46,260 in fiscal~~ 13898  
~~year 2001~~ years 2002 and 2003. 13899

The state board of education or any other board of education 13900  
or governing board may provide for any resident of a district or 13901  
educational service center territory any educational service for 13902  
which funds are made available to the board by the United States 13903  
under the authority of public law, whether such funds come 13904  
directly or indirectly from the United States or any agency or 13905  
department thereof or through the state or any agency, department, 13906  
or political subdivision thereof. 13907

**Sec. 3317.029.** (A) As used in this section: 13908

(1) "DPIA percentage" means the quotient obtained by dividing 13909  
the five-year average number of children ages five to seventeen 13910  
residing in the school district and living in a family receiving 13911  
family assistance, as certified or adjusted under section 3317.10 13912  
of the Revised Code, by the district's three-year average formula 13913

ADM.	13914
(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.	13915 13916 13917 13918 13919
(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.	13920 13921 13922 13923 13924
(4) "DPIA index" means the quotient obtained by dividing the school district's DPIA percentage by the statewide DPIA percentage.	13925 13926 13927
(5) "Kindergarten ADM" means the number of students reported under section 3317.03 of the Revised Code as enrolled in kindergarten.	13928 13929 13930
(6) "Kindergarten through third grade ADM" means the amount calculated as follows:	13931 13932
(a) Multiply the kindergarten ADM by the sum of one plus the all-day kindergarten percentage;	13933 13934
(b) Add the number of students in grades one through three;	13935
(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.	13936 13937 13938
(7) "Statewide average teacher salary" means <del>forty</del> <u>forty-two</u> thousand <del>one</del> <u>four</u> hundred <del>eighty-seven</del> <u>sixty-nine</u> dollars in fiscal year <del>2000</del> <u>2002</u> , and <del>forty-one</del> <u>forty-three</u> thousand <del>three</del> <u>six</u> hundred <del>twelve</del> <u>fifty-eight</u> dollars in fiscal year <del>2001</del> <u>2003</u> , which includes an amount for the value of fringe benefits.	13939 13940 13941 13942 13943

(8) "All-day kindergarten" means a kindergarten class that is 13944  
in session five days per week for not less than the same number of 13945  
clock hours each day as for pupils in grades one through six. 13946

(9) "All-day kindergarten percentage" means the percentage of 13947  
a district's actual total number of students enrolled in 13948  
kindergarten who are enrolled in all-day kindergarten. 13949

(10) "Buildings with the highest concentration of need" means 13950  
the school buildings in a district with percentages of students 13951  
receiving family assistance in grades kindergarten through three 13952  
at least as high as the district-wide percentage of students 13953  
receiving family assistance. If, however, the information provided 13954  
by the department of job and family services under section 3317.10 13955  
of the Revised Code is insufficient to determine the family 13956  
assistance percentage in each building, "buildings with the 13957  
highest concentration of need" has the meaning given in rules that 13958  
the department of education shall adopt. The rules shall base the 13959  
definition of "buildings with the highest concentration of need" 13960  
on family income of students in grades kindergarten through three 13961  
in a manner that, to the extent possible with available data, 13962  
approximates the intent of this division and division (G) of this 13963  
section to designate buildings where the family assistance 13964  
percentage in those grades equals or exceeds the district-wide 13965  
family assistance percentage. 13966

(B) In addition to the amounts required to be paid to a 13967  
school district under section 3317.022 of the Revised Code, a 13968  
school district shall receive the greater of the amount the 13969  
district received in fiscal year 1998 pursuant to division (B) of 13970  
section 3317.023 of the Revised Code as it existed at that time or 13971  
the sum of the computations made under divisions (C) to (E) of 13972  
this section. 13973

(C) A supplemental payment that may be utilized for measures 13974  
related to safety and security and for remediation or similar 13975

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; 14007  
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(b) If the DPIA index of the school district is greater than 14009  
or equal to six-tenths, but less than two and one-half, the 14010  
formula number of teachers is calculated as follows: 14011

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\} \quad 14012$$

Where 43.478 is the number of teachers per one thousand 14013  
students at a student-teacher ratio of twenty-three to one; 1.9 is 14014  
the interval from a DPIA index of six-tenths to a DPIA index of 14015  
two and one-half; and 23.188 is the difference in the number of 14016  
teachers per one thousand students at a student-teacher ratio of 14017  
fifteen to one and the number of teachers per one thousand 14018  
students at a student-teacher ratio of twenty-three to one. 14019

(c) If the DPIA index of the school district is greater than 14020  
or equal to two and one-half, the formula number of teachers is 14021  
66.667, which is the number of teachers per one thousand students 14022  
at a student-teacher ratio of fifteen to one. 14023

(2) Multiply the formula number of teachers determined or 14024  
calculated in division (E)(1) of this section by the kindergarten 14025  
through third grade ADM for the district and divide that product 14026  
by one thousand; 14027

(3) Calculate the number of new teachers as follows: 14028

(a) Multiply the kindergarten through third grade ADM by 14029  
43.478, which is the number of teachers per one thousand students 14030  
at a student-teacher ratio of twenty-three to one, and divide that 14031  
product by one thousand; 14032

(b) Subtract the quotient obtained in division (E)(3)(a) of 14033  
this section from the product in division (E)(2) of this section. 14034

(4) Multiply the greater of the difference obtained under 14035  
division (E)(3) of this section or zero by the statewide average 14036

teachers salary. 14037

(F) This division applies only to school districts whose DPIA 14038  
index is one or greater. 14039

(1) Each school district subject to this division shall first 14040  
utilize funds received under this section so that, when combined 14041  
with other funds of the district, sufficient funds exist to 14042  
provide all-day kindergarten to at least the number of children in 14043  
the district's all-day kindergarten percentage. 14044

(2) Up to an amount equal to the district's DPIA index 14045  
multiplied by the five-year average number of pupils in a district 14046  
receiving family assistance multiplied by two hundred thirty 14047  
dollars of the money distributed under this section may be 14048  
utilized for one or both of the following: 14049

(a) Programs designed to ensure that schools are free of 14050  
drugs and violence and have a disciplined environment conducive to 14051  
learning; 14052

(b) Remediation for students who have failed or are in danger 14053  
of failing any of the proficiency tests administered pursuant to 14054  
section 3301.0710 of the Revised Code. 14055

Beginning with the school year that starts on July 1, 2002, 14056  
each school district shall use at least twenty per cent of the 14057  
funds set aside for the purposes of divisions (F)(2)(a) and (b) of 14058  
this section to provide intervention services required by section 14059  
3313.608 of the Revised Code. 14060

(3) Except as otherwise required by division (G) or permitted 14061  
under division (K) of this section, all other funds distributed 14062  
under this section to districts subject to this division shall be 14063  
utilized for the purpose of the third grade guarantee. The third 14064  
grade guarantee consists of increasing the amount of instructional 14065  
attention received per pupil in kindergarten through third grade, 14066  
either by reducing the ratio of students to instructional 14067

personnel or by increasing the amount of instruction and 14068  
curriculum-related activities by extending the length of the 14069  
school day or the school year. 14070

School districts may implement a reduction of the ratio of 14071  
students to instructional personnel through any or all of the 14072  
following methods: 14073

(a) Reducing the number of students in a classroom taught by 14074  
a single teacher; 14075

(b) Employing full-time educational aides or educational 14076  
paraprofessionals issued a permit or license under section 14077  
3319.088 of the Revised Code; 14078

(c) Instituting a team-teaching method that will result in a 14079  
lower student-teacher ratio in a classroom. 14080

Districts may extend the school day either by increasing the 14081  
amount of time allocated for each class, increasing the number of 14082  
classes provided per day, offering optional academic-related 14083  
after-school programs, providing curriculum-related extra 14084  
curricular activities, or establishing tutoring or remedial 14085  
services for students who have demonstrated an educational need. 14086  
In accordance with section 3319.089 of the Revised Code, a 14087  
district extending the school day pursuant to this division may 14088  
utilize a participant of the work experience program who has a 14089  
child enrolled in a public school in that district and who is 14090  
fulfilling the work requirements of that program by volunteering 14091  
or working in that public school. If the work experience program 14092  
participant is compensated, the school district may use the funds 14093  
distributed under this section for all or part of the 14094  
compensation. 14095

Districts may extend the school year either through adding 14096  
regular days of instruction to the school calendar or by providing 14097  
summer programs. 14098

(G) Each district subject to division (F) of this section 14099  
shall not expend any funds received under division (E) of this 14100  
section in any school buildings that are not buildings with the 14101  
highest concentration of need, unless there is a ratio of 14102  
instructional personnel to students of no more than fifteen to one 14103  
in each kindergarten and first grade class in all buildings with 14104  
the highest concentration of need. This division does not require 14105  
that the funds used in buildings with the highest concentration of 14106  
need be spent solely to reduce the ratio of instructional 14107  
personnel to students in kindergarten and first grade. A school 14108  
district may spend the funds in those buildings in any manner 14109  
permitted by division (F)(3) of this section, but may not spend 14110  
the money in other buildings unless the fifteen-to-one ratio 14111  
required by this division is attained. 14112

(H)(1) By the first day of August of each fiscal year, each 14113  
school district wishing to receive any funds under division (D) of 14114  
this section shall submit to the department of education an 14115  
estimate of its all-day kindergarten percentage. Each district 14116  
shall update its estimate throughout the fiscal year in the form 14117  
and manner required by the department, and the department shall 14118  
adjust payments under this section to reflect the updates. 14119

(2) Annually by the end of December, the department of 14120  
education, utilizing data from the information system established 14121  
under section 3301.0714 of the Revised Code and after consultation 14122  
with the legislative office of education oversight, shall 14123  
determine for each school district subject to division (F) of this 14124  
section whether in the preceding fiscal year the district's ratio 14125  
of instructional personnel to students and its number of 14126  
kindergarten students receiving all-day kindergarten appear 14127  
reasonable, given the amounts of money the district received for 14128  
that fiscal year pursuant to divisions (D) and (E) of this 14129  
section. If the department is unable to verify from the data 14130



available that students are receiving reasonable amounts of 14131  
instructional attention and all-day kindergarten, given the funds 14132  
the district has received under this section and that class-size 14133  
reduction funds are being used in school buildings with the 14134  
highest concentration of need as required by division (G) of this 14135  
section, the department shall conduct a more intensive 14136  
investigation to ensure that funds have been expended as required 14137  
by this section. The department shall file an annual report of its 14138  
findings under this division with the chairpersons of the 14139  
committees in each house of the general assembly dealing with 14140  
finance and education. 14141

(I) Any school district with a DPIA index less than one and a 14142  
three-year average formula ADM exceeding seventeen thousand five 14143  
hundred shall first utilize funds received under this section so 14144  
that, when combined with other funds of the district, sufficient 14145  
funds exist to provide all-day kindergarten to at least the number 14146  
of children in the district's all-day kindergarten percentage. 14147  
Such a district shall expend at least seventy per cent of the 14148  
remaining funds received under this section, and any other 14149  
district with a DPIA index less than one shall expend at least 14150  
seventy per cent of all funds received under this section, for any 14151  
of the following purposes: 14152

- (1) The purchase of technology for instructional purposes; 14153
- (2) All-day kindergarten; 14154
- (3) Reduction of class sizes; 14155
- (4) Summer school remediation; 14156
- (5) Dropout prevention programs; 14157
- (6) Guaranteeing that all third graders are ready to progress 14158  
to more advanced work; 14159
- (7) Summer education and work programs; 14160

(8) Adolescent pregnancy programs;	14161
(9) Head start or preschool programs;	14162
(10) Reading improvement programs described by the department of education;	14163 14164
(11) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;	14165 14166 14167
(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;	14168 14169 14170 14171 14172 14173
(13) School breakfasts provided pursuant to section 3313.813 of the Revised Code.	14174 14175
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.	14176 14177 14178
(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.	14179 14180 14181 14182 14183 14184 14185 14186
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.	14187 14188 14189
(K)(1) A district may use a portion of the funds calculated	14190

for it under division (D) of this section to modify or purchase  
classroom space to provide all-day kindergarten, if both of the  
following conditions are met:

(a) The district certifies to the department, in a manner  
acceptable to the department, that it has a shortage of space for  
providing all-day kindergarten.

(b) The district provides all-day kindergarten to the number  
of children in the all-day kindergarten percentage it certified  
under this section.

(2) A district may use a portion of the funds described in  
division (F)(3) of this section to modify or purchase classroom  
space to enable it to further reduce class size in grades  
kindergarten through two with a goal of attaining class sizes of  
fifteen students per licensed teacher. To do so, the district must  
certify its need for additional space to the department, in a  
manner satisfactory to the department.

**Sec. 3317.0212.** ~~Divisions~~ Division (B) ~~and (C)~~ of this  
section ~~do~~ does not apply to a school district with a formula ADM  
of one hundred fifty or less.

(A) As used in this section:

(1) "Fundamental FY 1997 state aid" or "fundamental FY 1998  
state aid" for a district means the total amount of state money  
received by the district for the applicable fiscal year as  
reported on the department of education's form "SF-12," adjusted  
as follows:

(a) Minus the amount for transportation;

(b) Minus any amounts for approved preschool handicapped  
units;

(c) Minus any additional amount attributable to the

reappraisal guarantee of division (C) of section 3317.04 of the Revised Code;	14220 14221
(d) Plus the amount deducted for payments to an educational service center;	14222 14223
(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;	14224 14225 14226 14227 14228 14229
(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;	14230 14231 14232 14233 14234 14235
(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;	14236 14237 14238 14239 14240
(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;	14241 14242 14243
(i) Plus any amount paid for equity aid in the applicable fiscal year under section 3317.0213 of the Revised Code;	14244 14245
(j) Plus any amount received for the applicable fiscal year pursuant to section 3317.027 of the Revised Code;	14246 14247
(k) Plus any amount received for the applicable fiscal year resulting from a recomputation made under division (B) of section	14248 14249

3317.022 of the Revised Code, as that section existed in the applicable fiscal year.	14250 14251
(2) "State basic aid" for a district for any fiscal year after fiscal year 1999 means the sum of the following:	14252 14253
(a) The amount computed for the district for base cost funding, special education funding, and vocational education funding under divisions (A), (C)(1) and <del>(5)</del> (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;	14254 14255 14256 14257 14258 14259 14260 14261 14262
(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 <del>3317.162</del> <u>3317.053</u> of the Revised Code;	14263 14264 14265 14266 14267
(c) Any equity aid for which the district is eligible under section 3317.0213 of the Revised Code.	14268 14269
<del>(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.</del>	14270 14271 14272
<del>(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.</del>	14273 14274 14275 14276 14277
(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	14278 14279 14280

divisions (A)(1)(e) and (f) of this section. The department shall 14281  
compute and pay the state basic aid guarantee for each school 14282  
district for the fiscal year as follows: 14283

(1) Subtract the amount of state basic aid from the amount of 14284  
fundamental FY 1998 state aid. If a negative number, this 14285  
computation shall be deemed to be zero. 14286

(2) Pay the district any positive amount calculated under 14287  
division (B)(1) of this section. 14288

~~(C) In fiscal year 2000, the department shall calculate for 14289  
each district the sum of the district's state basic aid for that 14290  
fiscal year, plus any amount calculated under division (B)(1) of 14291  
this section, plus the transportation portion of state aid 14292  
computed for the district for that fiscal year under division (D) 14293  
of the version of section 3317.022 of the Revised Code in effect 14294  
that fiscal year. If a district's adjusted FY 1999 actual aid is 14295  
greater than that sum, then the department shall pay the district 14296  
in that fiscal year one hundred per cent of the difference. 14297~~

~~(D)~~(1) The state basic aid guarantee in any fiscal year for a 14298  
school district with a formula ADM of one hundred fifty or less 14299  
shall be the greatest of the following amounts: 14300

(a) The district's state basic aid for the fiscal year; 14301

(b) The district's fundamental FY 1998 state aid; 14302

(c) The district's fundamental FY 1997 state aid. 14303

(2) If in any fiscal year the state basic aid for a school 14304  
district with a formula ADM of one hundred fifty or less is less 14305  
than the guarantee amount determined for the district under 14306  
division ~~(D)~~(C)(1) of this section, the department of education 14307  
shall pay the district the amount of the difference. 14308

**Sec. 3317.0213.** No money shall be distributed under this 14309

section after fiscal year <del>2002</del> <u>2005</u> .	14310
(A) As used in this section:	14311
(1) "ADM" for any school district means:	14312
(a) In fiscal year 1999, the FY 1998 ADM;	14313
(b) In fiscal years 2000 through <del>2002</del> <u>2005</u> , the formula ADM reported for the previous fiscal year.	14314 14315
(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.	14316 14317 14318 14319
(3) "Valuation per pupil" for a district means:	14320
(a) In fiscal year 1999, the district's average taxable value, divided by the district's FY 1998 ADM;	14321 14322
(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.	14323 14324 14325
(4) "Threshold valuation" means:	14326
(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;	14327 14328 14329 14330 14331
(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;	14332 14333 14334
(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;	14335 14336 14337
(d) In fiscal <del>year</del> <u>years</u> 2002 <u>through</u> <u>2005</u> , the adjusted	14338

valuation per pupil of the district with the 14339  
one-hundred-eighteenth lowest such valuation in the state. 14340

(5) "Adjusted valuation per pupil" for a district means an 14341  
amount calculated in accordance with the following formula: 14342

The district's valuation per pupil - 14343  
(\$30,000 X (one minus the 14344  
district's income factor)) 14345

(6) "Millage rate" means .012 in fiscal year 1999, .011 in 14346  
fiscal year 2000, .010 in fiscal year 2001, and .009 in fiscal 14347  
year years 2002 through 2005. 14348

(7) "Payment percentage" equals 100% prior to fiscal year 14349  
2003, 75% in fiscal year 2003, 50% in fiscal year 2004, 25% in 14350  
fiscal year 2005, and zero after fiscal year 2005. 14351

(B) Beginning in fiscal year 1993, during August of each 14352  
fiscal year, the department of education shall distribute to each 14353  
school district meeting the requirements of section 3317.01 of the 14354  
Revised Code whose adjusted valuation per pupil is less than the 14355  
threshold valuation, an amount calculated in accordance with the 14356  
following formula: 14357

(The threshold valuation - 14358  
the district's adjusted valuation per pupil) X 14359  
millage rate X ADM X the payment percentage 14360

**Sec. 3317.0216.** (A) As used in this section: 14361

(1) "Total taxes charged and payable for current expenses" 14362  
means the sum of the taxes charged and payable as certified under 14363  
division (A)(3)(a) of section 3317.021 of the Revised Code less 14364  
any amounts reported under division (A)(3)(b) of that section, and 14365  
the tax distribution for the preceding year under any school 14366  
district income tax levied by the district pursuant to Chapter 14367  
5748. of the Revised Code to the extent the revenue from the 14368  
income tax is allocated or apportioned to current expenses. 14369



~~(2) "State equalization enhancement payments" means any payment made to a school district pursuant to section 3317.0215 of the Revised Code for the preceding fiscal year.~~ 14370  
14371  
14372

~~(3) "Charge-off amount" means the product obtained by multiplying two and three-tenths per cent by adjusted total taxable value recognized valuation.~~ 14373  
14374  
14375

~~(4) "Total receipts available for current expenses" of a school district means the sum of total taxes charged and payable for current expenses and the district's state equalization enhancement payments.~~ 14376  
14377  
14378  
14379

~~(5) "Local share of special education and related services additional weighted costs" has the same meaning as in division (C)(3) of section 3317.022 of the Revised Code.~~ 14380  
14381  
14382

~~(6) "Local share of vocational education and associated services additional weighted costs" for each school district means the amount determined as follows:~~ 14383  
14384  
14385

~~(1) state share percentage as defined in section 3317.022 of the Revised Code) X [(total vocational education weight as defined in that section X the formula amount) + the district's payment under division (E)(2) of section 3317.022 of the Revised Code]~~ 14386  
14387  
14388  
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(3) Until fiscal year 2003, the "actual local share of special education, transportation, and vocational education funding" for any school district means the sum of the district's attributed local shares described in divisions (F)(1) to (3) of section 3317.022 of the Revised Code. Beginning in fiscal year 2003, the "actual local share of special education, transportation, and vocational education funding" means that sum minus the amount of any excess cost supplement payment calculated for the district under division (F) of section 3317.022 of the Revised Code. 14391  
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(B) Upon receiving the certifications under section 3317.021 14401  
of the Revised Code, the department of education shall determine 14402  
for each city, local, and exempted village school district whether 14403  
the district's charge-off amount is greater than the district's 14404  
total ~~receipts available~~ taxes charged and payable for current 14405  
expenses, and if it is, shall pay the district the amount of the 14406  
difference. A payment shall not be made to any school district for 14407  
which the computation under division (A) of section 3317.022 of 14408  
the Revised Code equals zero. 14409

(C)(1) If a district's charge-off amount is equal to or 14410  
greater than its total ~~receipts available~~ taxes charged and 14411  
payable for current expenses, the department shall, in addition to 14412  
the payment required under division (B) of this section, pay the 14413  
district the amount of ~~the~~ its actual local share of special 14414  
education ~~and related services additional weighted costs,~~ 14415  
transportation, and ~~the amount of the local share of vocational~~ 14416  
~~education and associated services additional weighted costs~~ 14417  
funding. 14418

(2) If a district's charge-off amount is less than its total 14419  
~~receipts available~~ taxes charged and payable for current expenses, 14420  
the department shall pay the district any amount by which ~~the sum~~ 14421  
~~of its~~ actual local share of special education ~~and related~~ 14422  
~~services additional weighted costs plus its local share of,~~ 14423  
transportation, and vocational education ~~and associated services~~ 14424  
~~additional weighted costs~~ funding exceeds its total ~~receipts~~ 14425  
~~available~~ taxes charged and payable for current expenses minus its 14426  
charge-off amount. 14427

**Sec. 3317.0217.** The department of education shall annually 14428  
compute and pay state parity aid to school districts, as follows: 14429

(A) Calculate the local wealth per pupil of each school 14430  
district, which equals the following sum: 14431

(1) Two-thirds times the quotient of (a) the district's 14432  
recognized valuation divided by (b) its formula ADM; plus 14433

(2) One-third times the quotient of (a) the average of the 14434  
total federal adjusted gross income of the school district's 14435  
residents for the three years most recently reported under section 14436  
3317.021 of the Revised Code divided by (b) its formula ADM. 14437

(B) Rank all school districts in order of local wealth per 14438  
pupil, from the district with the lowest local wealth per pupil to 14439  
the district with the highest local wealth per pupil. 14440

(C) Compute and pay state parity aid funding to each school 14441  
district in accordance with the following formula: 14442

Payment percentage X (threshold local wealth 14443  
per pupil - the district's local 14444  
wealth per pupil) X 0.0095 X formula ADM 14445

Where: 14446

(1) "Payment percentage" equals 20% in fiscal year 2002, 40% 14447  
in fiscal year 2003, 60% in fiscal year 2004, 80% in fiscal year 14448  
2005, and 100% after fiscal year 2005. 14449

(2) Nine and one-half mills (0.0095) is the general 14450  
assembly's determination of the average number of effective 14451  
operating mills that districts in the seventieth to ninetieth 14452  
percentiles of valuations per pupil collected in fiscal year 2001 14453  
above the revenues required to finance their attributed local 14454  
shares of the calculated cost of an adequate education. This was 14455  
determined by (a) adding the district revenues from operating 14456  
property tax levies and income tax levies, (b) subtracting from 14457  
that total the sum of (i) twenty-three mills times adjusted 14458  
recognized valuation plus (ii) the attributed local shares of 14459  
special education, transportation, and vocational education 14460  
funding as described in divisions (F)(1) to (3) of section 14461  
3317.022 of the Revised Code, and (c) converting the result to an 14462

effective operating property tax rate. 14463

(3) The "threshold local wealth per pupil" is the local 14464  
wealth per pupil of the school district with the 14465  
four-hundred-ninetieth lowest local wealth per pupil. 14466

If the result of the calculation for a school district under 14467  
division (C) of this section is less than zero, the district's 14468  
payment shall be zero. 14469

Every six years, the general assembly shall redetermine, 14470  
after considering the report of the committee appointed under 14471  
section 3317.012 of the Revised Code, the average number of 14472  
effective operating mills that districts in the seventieth to 14473  
ninetieth percentiles of valuations per pupil collect above the 14474  
revenues required to finance their attributed local shares of the 14475  
cost of an adequate education. 14476

**Sec. 3317.03.** Notwithstanding divisions (A)(1), (B)(1), and 14477  
(C) of this section, any student enrolled in kindergarten more 14478  
than half time shall be reported as one-half student under this 14479  
section. 14480

(A) The superintendent of each city and exempted village 14481  
school district and of each educational service center shall, for 14482  
the schools under the superintendent's supervision, certify to the 14483  
state board of education on or before the fifteenth day of October 14484  
in each year for the first full school week in October the formula 14485  
ADM, which shall consist of the average daily membership during 14486  
such week of the sum of the following: 14487

(1) On an FTE basis, the number of students in grades 14488  
kindergarten through twelve receiving any educational services 14489  
from the district, except that the following categories of 14490  
students shall not be included in the determination: 14491

(a) Students enrolled in adult education classes; 14492

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;	14493 14494 14495
(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;	14496 14497 14498 14499
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	14500 14501
(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:	14502 14503 14504 14505 14506
(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;	14507 14508 14509 14510
(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;	14511 14512 14513
(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;	14514 14515 14516 14517
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	14518 14519 14520
(e) An educational service center or cooperative education district;	14521 14522

(f) Another school district under a cooperative education agreement, compact, or contract.	14523 14524
(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;	14525 14526 14527 14528 14529 14530 14531 14532
(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.	14533 14534 14535 14536 14537 14538 14539
(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:	14540 14541 14542 14543
(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;	14544 14545 14546 14547
(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	14548 14549 14550 14551 14552 14553

that section; 14554

(3) The number of children entitled to attend school in the 14555  
district pursuant to section 3313.64 or 3313.65 of the Revised 14556  
Code who are participating in a pilot project scholarship program 14557  
established under sections 3313.974 to 3313.979 of the Revised 14558  
Code as described in division (I)(2)(a) or (b) of this section, 14559  
are enrolled in a college under Chapter 3365. of the Revised Code, 14560  
except when the student is enrolled in the college while also 14561  
enrolled in a community school pursuant to Chapter 3314. of the 14562  
Revised Code, are enrolled in an adjacent or other school district 14563  
under section 3313.98 of the Revised Code, are enrolled in a 14564  
community school established under Chapter 3314. of the Revised 14565  
Code, including any participation in a college pursuant to Chapter 14566  
3365. of the Revised Code while enrolled in such community school, 14567  
or are participating in a program operated by a county MR/DD board 14568  
or a state institution; 14569

(4) The number of pupils enrolled in joint vocational 14570  
schools; 14571

(5) The average daily membership of handicapped children 14572  
reported under division (A)(1) or (2) of this section receiving 14573  
~~category one~~ special education services, for the category one 14574  
handicap described in division (A) of section 3317.013 of the 14575  
Revised Code; 14576

(6) The average daily membership of handicapped children 14577  
reported under division (A)(1) or (2) of this section receiving 14578  
~~category two~~ special education services, for category two 14579  
handicaps described in division (B) of section 3317.013 of the 14580  
Revised Code; 14581

(7) The average daily membership of handicapped children 14582  
reported under division (A)(1) or (2) of this section ~~identified~~ 14583  
~~as having any of the~~ receiving special education services for 14584

<u>category three handicaps specified described in division <del>(F)</del>(3)(C)</u>	14585
of section <del>3317.02</del> <u>3317.013</u> of the Revised Code;	14586
<u>(8) The average daily membership of handicapped children</u>	14587
<u>reported under division (A)(1) or (2) of this section receiving</u>	14588
<u>special education services for category four handicaps specified</u>	14589
<u>in division (D) of section 3317.013 of the Revised Code;</u>	14590
<u>(9) The average daily membership of handicapped children</u>	14591
<u>reported under division (A)(1) or (2) of this section receiving</u>	14592
<u>special education services for category five handicaps specified</u>	14593
<u>in division (E) of section 3317.013 of the Revised Code;</u>	14594
<u>(10) The average daily membership of handicapped children</u>	14595
<u>reported under division (A)(1) or (2) of this section receiving</u>	14596
<u>special education services for category six handicaps specified in</u>	14597
<u>division (F) of section 3317.013 of the Revised Code;</u>	14598
<u>(11) The average daily membership of pupils reported under</u>	14599
<u>division (A)(1) or (2) of this section enrolled in category one</u>	14600
<u>vocational education programs or classes, described in division</u>	14601
<u>(A) of section 3317.014 of the Revised Code, operated by the</u>	14602
<u>school district or by another district, other than a joint</u>	14603
<u>vocational school district, or by an educational service center;</u>	14604
<u><del>(9)</del>(12) The average daily membership of pupils reported under</u>	14605
<u>division (A)(1) or (2) of this section enrolled in category two</u>	14606
<u>vocational education programs or services, described in division</u>	14607
<u>(B) of section 3317.014 of the Revised Code, operated by the</u>	14608
<u>school district or another school district, other than a joint</u>	14609
<u>vocational school district, or by an educational service center;</u>	14610
<u><del>(10)</del>(13) The average number of children transported by the</u>	14611
<u>school district on board-owned or contractor-owned and -operated</u>	14612
<u>buses, reported in accordance with rules adopted by the department</u>	14613
<u>of education;</u>	14614
<u><del>(11)</del>(14)(a) The number of children, other than handicapped</u>	14615



preschool children, the district placed with a county MR/DD board 14616  
in fiscal year 1998; 14617

(b) The number of handicapped children, other than 14618  
handicapped preschool children, placed with a county MR/DD board 14619  
in the current fiscal year to receive ~~category one~~ special 14620  
education services, for the category one handicap described in 14621  
division (A) of section 3317.013 of the Revised Code; 14622

(c) The number of handicapped children, other than 14623  
handicapped preschool children, placed with a county MR/DD board 14624  
in the current fiscal year to receive ~~category two~~ special 14625  
education services, for category two handicaps described in 14626  
division (B) of section 3317.013 of the Revised Code; 14627

(d) The number of handicapped children, other than 14628  
handicapped preschool children, placed with a county MR/DD board 14629  
in the current fiscal year to receive ~~category three~~ special 14630  
education services, for category three handicaps described in 14631  
division ~~(F)(3)(C)~~ of section ~~3317.02~~ 3317.013 of the Revised 14632  
Code; 14633

(e) The number of handicapped children, other than 14634  
handicapped preschool children, placed with a county MR/DD board 14635  
in the current fiscal year to receive special education services 14636  
for category four handicaps described in division (D) of section 14637  
3317.013 of the Revised Code; 14638

(f) The number of handicapped children, other than 14639  
handicapped preschool children, placed with a county MR/DD board 14640  
in the current fiscal year to receive special education services 14641  
for category five handicaps described in division (E) of section 14642  
3317.013 of the Revised Code; 14643

(g) The number of handicapped children, other than 14644  
handicapped preschool children, placed with a county MR/DD board 14645  
in the current fiscal year to receive special education services 14646

for category six handicaps described in division (F) of section 3317.013 of the Revised Code. 14647  
14648

(C) Except as otherwise provided in this section for 14649  
kindergarten students, the average daily membership in divisions 14650  
(B)(1) to ~~(9)~~(12) of this section shall be based upon the number 14651  
of full-time equivalent students. The state board of education 14652  
shall adopt rules defining full-time equivalent students and for 14653  
determining the average daily membership therefrom for the 14654  
purposes of divisions (A), (B), and (D) of this section. No child 14655  
shall be counted as more than a total of one child in the sum of 14656  
the average daily memberships of a school district under division 14657  
(A), divisions (B)(1) to ~~(9)~~(12), or division (D) of this section, 14658  
except as follows: 14659

(1) A child with a handicap described in section 3317.013 ~~or~~ 14660  
~~division (F)(3) of section 3317.02~~ of the Revised Code may be 14661  
counted both in formula ADM and in category one, two, ~~or three,~~ 14662  
four, five, or six special education ADM and, if applicable, in 14663  
category one or two vocational education ADM. As provided in 14664  
division (C) of section 3317.02 of the Revised Code, such a child 14665  
shall be counted in category one, two, ~~or three,~~ four, five, or 14666  
six special education ADM in the same proportion that the child is 14667  
counted in formula ADM. 14668

(2) A child enrolled in vocational education programs or 14669  
classes described in section 3314.014 of the Revised Code may be 14670  
counted both in formula ADM and category one or two vocational 14671  
education ADM and, if applicable, in category one, two, ~~or three,~~ 14672  
four, five, or six special education ADM. Such a child shall be 14673  
counted in category one or two vocational education ADM in the 14674  
same proportion as the percentage of time that the child spends in 14675  
the vocational education programs or classes. 14676

Based on the information reported under this section, the 14677  
department of education shall determine the total student count, 14678

as defined in section 3301.011 of the Revised Code, for each 14679  
school district. 14680

(D)(1) The superintendent of each joint vocational school 14681  
district shall certify to the superintendent of public instruction 14682  
on or before the fifteenth day of October in each year for the 14683  
first full school week in October the formula ADM, which shall 14684  
consist of the average daily membership during such week, on an 14685  
FTE basis, of the number of students receiving any educational 14686  
services from the district, except that the following categories 14687  
of students shall not be included in the determination: 14688

(a) Students enrolled in adult education classes; 14689

(b) Adjacent or other district joint vocational students 14690  
enrolled in the district under an open enrollment policy pursuant 14691  
to section 3313.98 of the Revised Code; 14692

(c) Students receiving services in the district pursuant to a 14693  
compact, cooperative education agreement, or a contract, but who 14694  
are entitled to attend school in a city, local, or exempted 14695  
village school district whose territory is not part of the 14696  
territory of the joint vocational district; 14697

(d) Students for whom tuition is payable pursuant to sections 14698  
3317.081 and 3323.141 of the Revised Code. 14699

(2) To enable the department of education to obtain the data 14700  
needed to complete the calculation of payments pursuant to this 14701  
chapter, in addition to the formula ADM, each superintendent shall 14702  
report separately the average daily membership included in the 14703  
report under division (D)(1) of this section for each of the 14704  
following categories of students: 14705

(a) Students enrolled in each grade included in the joint 14706  
vocational district schools; 14707

(b) Handicapped children receiving ~~category one~~ special 14708

education services, <u>for the category one handicap</u> described in	14709
division (A) of section 3317.013 of the Revised Code;	14710
(c) Handicapped children receiving <del>category two</del> special	14711
education services, <u>for category two handicaps</u> described in	14712
division (B) of section 3317.013 of the Revised Code;	14713
(d) Handicapped children <del>identified as having any of the</del>	14714
<u>receiving special education services for category three</u> handicaps	14715
specified in division <del>(F)(3)(C)</del> of section <del>3317.02</del> <u>3317.013</u> of the	14716
Revised Code;	14717
(e) <u>Handicapped children receiving special education services</u>	14718
<u>for category four handicaps described in division (D) of section</u>	14719
<u>3317.013 of the Revised Code;</u>	14720
(f) <u>Handicapped children receiving special education services</u>	14721
<u>for category five handicaps described in division (E) of section</u>	14722
<u>3317.013 of the Revised Code;</u>	14723
(g) <u>Handicapped children receiving special education services</u>	14724
<u>for category six handicaps described in division (F) of section</u>	14725
<u>3317.013 of the Revised Code;</u>	14726
(h) <u>Students receiving category one vocational education</u>	14727
services, described in division (A) of section 3317.014 of the	14728
Revised Code;	14729
<del>(f)</del> (i) <u>Students receiving category two vocational education</u>	14730
services, described in division (B) of section 3317.014 of the	14731
Revised Code.	14732
The superintendent of each joint vocational school district	14733
shall also indicate the city, local, or exempted village school	14734
district in which each joint vocational district pupil is entitled	14735
to attend school pursuant to section 3313.64 or 3313.65 of the	14736
Revised Code.	14737
(E) In each school of each city, local, exempted village,	14738

joint vocational, and cooperative education school district there 14739  
shall be maintained a record of school membership, which record 14740  
shall accurately show, for each day the school is in session, the 14741  
actual membership enrolled in regular day classes. For the purpose 14742  
of determining average daily membership, the membership figure of 14743  
any school shall not include any pupils except those pupils 14744  
described by division (A) of this section. The record of 14745  
membership for each school shall be maintained in such manner that 14746  
no pupil shall be counted as in membership prior to the actual 14747  
date of entry in the school and also in such manner that where for 14748  
any cause a pupil permanently withdraws from the school that pupil 14749  
shall not be counted as in membership from and after the date of 14750  
such withdrawal. There shall not be included in the membership of 14751  
any school any of the following: 14752

(1) Any pupil who has graduated from the twelfth grade of a 14753  
public high school; 14754

(2) Any pupil who is not a resident of the state; 14755

(3) Any pupil who was enrolled in the schools of the district 14756  
during the previous school year when tests were administered under 14757  
section 3301.0711 of the Revised Code but did not take one or more 14758  
of the tests required by that section and was not excused pursuant 14759  
to division (C)(1) of that section; 14760

(4) Any pupil who has attained the age of twenty-two years, 14761  
except for veterans of the armed services whose attendance was 14762  
interrupted before completing the recognized twelve-year course of 14763  
the public schools by reason of induction or enlistment in the 14764  
armed forces and who apply for reenrollment in the public school 14765  
system of their residence not later than four years after 14766  
termination of war or their honorable discharge. 14767

If, however, any veteran described by division (E)(4)~~(b)~~ of 14768  
this section elects to enroll in special courses organized for 14769

veterans for whom tuition is paid under the provisions of federal 14770  
laws, or otherwise, that veteran shall not be included in average 14771  
daily membership. 14772

Notwithstanding division (E)(3) of this section, the 14773  
membership of any school may include a pupil who did not take a 14774  
test required by section 3301.0711 of the Revised Code if the 14775  
superintendent of public instruction grants a waiver from the 14776  
requirement to take the test to the specific pupil. The 14777  
superintendent may grant such a waiver only for good cause in 14778  
accordance with rules adopted by the state board of education. 14779

Except as provided in division (B)(2) of this section, the 14780  
average daily membership figure of any local, city, exempted 14781  
village, or joint vocational school district shall be determined 14782  
by dividing the figure representing the sum of the number of 14783  
pupils enrolled during each day the school of attendance is 14784  
actually open for instruction during the first full school week in 14785  
October by the total number of days the school was actually open 14786  
for instruction during that week. For purposes of state funding, 14787  
"enrolled" persons are only those pupils who are attending school, 14788  
those who have attended school during the current school year and 14789  
are absent for authorized reasons, and those handicapped children 14790  
currently receiving home instruction. 14791

The average daily membership figure of any cooperative 14792  
education school district shall be determined in accordance with 14793  
rules adopted by the state board of education. 14794

(F)(1) If the formula ADM for the first full school week in 14795  
February is at least three per cent greater than that certified 14796  
for the first full school week in the preceding October, the 14797  
superintendent of schools of any city, exempted village, or joint 14798  
vocational school district or educational service center shall 14799  
certify such increase to the superintendent of public instruction. 14800  
Such certification shall be submitted no later than the fifteenth 14801

day of February. For the balance of the fiscal year, beginning 14802  
with the February payments, the superintendent of public 14803  
instruction shall use the increased formula ADM in calculating or 14804  
recalculating the amounts to be allocated in accordance with 14805  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 14806  
the superintendent use an increased membership certified to the 14807  
superintendent after the fifteenth day of February. 14808

(2) If on the first school day of April the total number of 14809  
classes or units for handicapped preschool children that are 14810  
eligible for approval under division (B) of section 3317.05 of the 14811  
Revised Code exceeds the number of units that have been approved 14812  
for the year under that division, the superintendent of schools of 14813  
any city, exempted village, or cooperative education school 14814  
district or educational service center shall make the 14815  
certifications required by this section for that day. If the state 14816  
board of education determines additional units can be approved for 14817  
the fiscal year within any limitations set forth in the acts 14818  
appropriating moneys for the funding of such units, the board 14819  
shall approve additional units for the fiscal year on the basis of 14820  
such average daily membership. For each unit so approved, the 14821  
department of education shall pay an amount computed in the manner 14822  
prescribed in section ~~3317.161~~ 3317.052 or 3317.19 and section 14823  
~~3317.162~~ 3317.053 of the Revised Code. 14824

(G)(1)(a) The superintendent of an institution operating a 14825  
special education program pursuant to section 3323.091 of the 14826  
Revised Code shall, for the programs under such superintendent's 14827  
supervision, certify to the state board of education the average 14828  
daily membership of all handicapped children in classes or 14829  
programs approved annually by the state board of education, in the 14830  
manner prescribed by the superintendent of public instruction. 14831

(b) The superintendent of an institution with vocational 14832  
education units approved under division (A) of section 3317.05 of 14833

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. 14834  
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(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: 14838  
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14842

(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~~; 14843  
14844  
14845  
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(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. 14848  
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14852

~~(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.~~ 14853  
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~~(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~~ 14860  
14861  
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superintendent shall make the certification required by this 14865  
section for that day. 14866

~~(c)~~(b) If the state board determines that additional classes 14867  
or units can be approved for the fiscal year within any 14868  
limitations set forth in the acts appropriating moneys for the 14869  
funding of the classes and units described in division (G)(3)(a) 14870  
~~or (b)~~ of this section, the board shall approve and fund 14871  
additional units for the fiscal year on the basis of such average 14872  
daily membership. For each unit so approved, the department of 14873  
education shall pay an amount computed in the manner prescribed in 14874  
sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised 14875  
Code. 14876

(H) Except as provided in division (I) of this section, when 14877  
any city, local, or exempted village school district provides 14878  
instruction for a nonresident pupil whose attendance is 14879  
unauthorized attendance as defined in section 3327.06 of the 14880  
Revised Code, that pupil's membership shall not be included in 14881  
that district's membership figure used in the calculation of that 14882  
district's formula ADM or included in the determination of any 14883  
unit approved for the district under section 3317.05 of the 14884  
Revised Code. The reporting official shall report separately the 14885  
average daily membership of all pupils whose attendance in the 14886  
district is unauthorized attendance, and the membership of each 14887  
such pupil shall be credited to the school district in which the 14888  
pupil is entitled to attend school under division (B) of section 14889  
3313.64 or section 3313.65 of the Revised Code as determined by 14890  
the department of education. 14891

(I)(1) A city, local, exempted village, or joint vocational 14892  
school district admitting a scholarship student of a pilot project 14893  
district pursuant to division (C) of section 3313.976 of the 14894  
Revised Code may count such student in its average daily 14895  
membership. 14896

(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

education that meet the standards and rules for these programs, 14928  
including licensure of professional staff involved in the 14929  
programs, as established by the state board of education. 14930

(B) For the purpose of calculating payments under sections 14931  
3317.052, 3317.053, 3317.11, ~~3317.161, 3317.162,~~ and 3317.19 of 14932  
the Revised Code, the state board shall determine, based on 14933  
information certified under section 3317.03 of the Revised Code, 14934  
the following by the last day of January of each year for each 14935  
educational service center, for each school district, including 14936  
each cooperative education school district, for each institution 14937  
eligible for payment under section 3323.091 of the Revised Code, 14938  
and for each county MR/DD board: the number of classes operated by 14939  
the school district, service center, institution, or county MR/DD 14940  
board for handicapped preschool children, or fraction thereof, 14941  
including in the case of a district or service center that is a 14942  
funding agent, classes taught by a licensed teacher employed by 14943  
that district or service center under section 3313.841 of the 14944  
Revised Code, approved annually by the state board on the basis of 14945  
standards and rules adopted by the state board. 14946

(C) For the purpose of calculating payments under sections 14947  
3317.052, 3317.053, 3317.11, ~~3317.161, 3317.162,~~ and 3317.19 of 14948  
the Revised Code, the state board shall determine, based on 14949  
information certified under section 3317.03 of the Revised Code, 14950  
the following by the last day of January of each year for each 14951  
school district, including each cooperative education school 14952  
district, for each institution eligible for payment under section 14953  
3323.091 of the Revised Code, and for each county MR/DD board: the 14954  
number of preschool handicapped related services units for child 14955  
study, occupational, physical, or speech and hearing therapy, 14956  
special education supervisors, and special education coordinators 14957  
approved annually by the state board on the basis of standards and 14958  
rules adopted by the state board. 14959

(D) For the purpose of calculating payments under sections 14960  
~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised Code, the 14961  
state board shall determine, based on information certified under 14962  
section 3317.03 of the Revised Code, the following by the last day 14963  
of January of each year for each institution eligible for payment 14964  
under section 3323.091 of the Revised Code, ~~and for each county~~ 14965  
~~MR/DD board:~~ 14966

(1) The number of classes operated by an institution ~~or~~ 14967  
~~county MR/DD board~~ for handicapped children other than handicapped 14968  
preschool children, or fraction thereof, approved annually by the 14969  
state board on the basis of standards and rules adopted by the 14970  
state board; 14971

(2) The number of related services units for children other 14972  
than handicapped preschool children for child study, occupational, 14973  
physical, or speech and hearing therapy, special education 14974  
supervisors, and special education coordinators approved annually 14975  
by the state board on the basis of standards and rules adopted by 14976  
the state board. 14977

(E) All of the arithmetical calculations made under this 14978  
section shall be carried to the second decimal place. The total 14979  
number of units for school districts, service centers, and 14980  
institutions approved annually by the state board under this 14981  
section shall not exceed the number of units included in the state 14982  
board's estimate of cost for these units and appropriations made 14983  
for them by the general assembly. 14984

In the case of units described in division (D)(1) of this 14985  
section operated by ~~county MR/DD boards~~ and institutions eligible 14986  
for payment under section 3323.091 of the Revised Code, the state 14987  
board shall approve only units for persons who are under age 14988  
twenty-two on the first day of the academic year, but not less 14989  
than six years of age on the thirtieth day of September of that 14990  
year, except that such a unit may include one or more children who 14991

are under six years of age on the thirtieth day of September if 14992  
such children have been admitted to the unit pursuant to rules of 14993  
the state board. In the case of handicapped preschool units 14994  
described in division (B) of this section operated by county MR/DD 14995  
boards and institutions eligible for payment under section 14996  
3323.091 of the Revised Code, the state board shall approve only 14997  
preschool units for children who are under age six but not less 14998  
than age three on the thirtieth day of September of the academic 14999  
year, except that such a unit may include one or more children who 15000  
are under age three or are age six or over on the thirtieth day of 15001  
September if such children have been admitted to the unit pursuant 15002  
to rules of the state board of education. The number of units for 15003  
county MR/DD boards and institutions eligible for payment under 15004  
section 3323.091 of the Revised Code approved by the state board 15005  
under this section shall not exceed the number that can be funded 15006  
with appropriations made for such purposes by the general 15007  
assembly. 15008

No unit shall be approved under divisions (B) to (D) of this 15009  
section unless a plan has been submitted and approved under 15010  
Chapter 3323. of the Revised Code. 15011

(F) The department shall approve units or fractions thereof 15012  
for gifted children on the basis of standards and rules adopted by 15013  
the board. 15014

**Sec. 3317.051.** (A)(1) Notwithstanding sections 3317.05 and 15015  
3317.11 of the Revised Code, a unit funded pursuant to division 15016  
(P) of section 3317.024 or division (A)(2) of section ~~3317.161~~ 15017  
3317.052 of the Revised Code shall not be approved for state 15018  
funding in one school district, including any cooperative 15019  
education school district or any educational service center, to 15020  
the extent that such unit provides programs in or services to 15021  
another district which receives payment pursuant to section 15022  
3317.04 of the Revised Code. 15023

(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, 15055  
educational service center, institution eligible for payment under 15056  
section 3323.091 of the Revised Code, or county MR/DD board an 15057  
amount for the total of all related services units for handicapped 15058  
preschool children approved under division (C) of section 3317.05 15059  
of the Revised Code. For each such unit, the amount shall be the 15060  
sum of the minimum salary for the teacher of the unit calculated 15061  
on the basis of the teacher's training level and years of 15062  
experience pursuant to the salary schedule prescribed in the 15063  
version of section 3317.13 of the Revised Code in effect prior to 15064  
the effective date of this amendment, fifteen per cent of that 15065  
minimum salary amount, and two thousand one hundred thirty-two 15066  
dollars. 15067

(B) If a school district ~~or~~, educational service center ~~has~~ 15068  
~~had additional handicapped preschool units approved for the year~~ 15069  
~~under division (F)(2) of section 3317.03 of the Revised Code, or~~ 15070  
~~if a~~ county MR/DD board has had additional handicapped preschool 15071  
units approved for the year under division (F)(2) or (G)(3) of 15072  
section 3317.03 of the Revised Code, the district, educational 15073  
service center, or board shall receive an additional amount during 15074  
the last half of the fiscal year. For each district, center, or 15075  
board, the additional amount for each unit shall equal fifty per 15076  
cent of the amounts computed for the unit in the manner prescribed 15077  
by division (A) of this section and division (C) of section 15078  
~~3317.162~~ 3317.053 of the Revised Code. 15079

(C)(1) The department shall pay each institution eligible for 15080  
payment under section 3323.091 of the Revised Code or county MR/DD 15081  
board an amount for the total of all special education units 15082  
approved under division (D)(1) of section 3317.05 of the Revised 15083  
Code. The amount for each unit shall be the sum of the minimum 15084  
salary for the teacher of the unit, calculated on the basis of the 15085  
teacher's training level and years of experience pursuant to the 15086

salary schedule prescribed in the version of section 3317.13 of 15087  
the Revised Code in effect prior to the effective date of this 15088  
amendment, plus fifteen per cent of that minimum salary amount, 15089  
and eight thousand twenty-three dollars. 15090

(2) The department shall pay each institution eligible for 15091  
payment under section 3323.091 of the Revised Code ~~or county MR/DD~~ 15092  
~~board~~ an amount for the total of all related services units 15093  
approved under division (D)(2) of section 3317.05 of the Revised 15094  
Code. The amount for each unit shall be the sum of the minimum 15095  
salary for the teacher of the unit, calculated on the basis of the 15096  
teacher's training level and years of experience pursuant to the 15097  
salary schedule prescribed in the version of section 3317.13 of 15098  
the Revised Code in effect prior to the effective date of this 15099  
amendment, plus fifteen per cent of that minimum salary amount, 15100  
and two thousand one hundred thirty-two dollars. 15101

~~(3) If a county MR/DD board has had additional units for~~ 15102  
~~handicapped children other than handicapped preschool children~~ 15103  
~~approved under division (G)(3) of section 3317.03 of the Revised~~ 15104  
~~Code, the board shall receive an additional amount during the last~~ 15105  
~~half of the fiscal year. For each board, the additional amount for~~ 15106  
~~each unit shall equal fifty per cent of the amount computed for~~ 15107  
~~the unit in the manner prescribed by division (C)(1) of this~~ 15108  
~~section and division (C) of section 3317.162 of the Revised Code.~~ 15109

(D) The department shall pay each institution approved for 15110  
vocational education units under division (A) of section 3317.05 15111  
of the Revised Code an amount for the total of all the units 15112  
approved under that division. The amount for each unit shall be 15113  
the sum of the minimum salary for the teacher of the unit, 15114  
calculated on the basis of the teacher's training level and years 15115  
of experience pursuant to the salary schedule prescribed in the 15116  
version of section 3317.13 of the Revised Code in effect prior to 15117  
the effective date of this amendment, plus fifteen per cent of 15118



that minimum salary amount, and nine thousand five hundred ten 15119  
dollars. 15120

**Sec. ~~3317.162~~ 3317.053.** (A) As used in this section: 15121

(1) "State share percentage" has the same meaning as in 15122  
section 3317.022 of the Revised Code. 15123

(2) "Dollar amount" means the amount shown in the following 15124  
table for the corresponding type of unit ~~and the appropriate~~ 15125  
~~fiscal year:~~ 15126

TYPE OF UNIT	DOLLAR AMOUNT		
	<del>FY 2000</del>	<del>FY 2001</del>	
Division (B) of section 3317.05 of the Revised Code	<del>\$8,334</del>	\$8,334	15128 15129
Division (C) of that section	<del>\$3,234</del>	\$3,234	15130
Division (F) of that section	<del>\$4,550</del>	\$5,550	15131

(3) "Average unit amount" means the amount shown in the 15132  
following table for the corresponding type of unit: 15133

TYPE OF UNIT	AVERAGE UNIT AMOUNT		
	<del>FY 2000</del>	<del>FY 2001</del>	
Division (B) of section 3317.05 of the Revised Code	<del>\$7,799</del>	\$7,799	15134 15135 15136
Division (C) of that section	<del>\$2,966</del>	\$2,966	15137
Division (F) of that section	<del>\$4,251</del>	\$5,251	15138

(B) In the case of each unit described in division (B), (C), 15139  
or (F) of section 3317.05 of the Revised Code and allocated to a 15140  
city, local, or exempted village school district, the department 15141  
of education, in addition to the amounts specified in division (P) 15142  
of section 3317.024 and sections ~~3317.161~~ 3317.052 and 3317.19 of 15143  
the Revised Code, shall pay a supplemental unit allowance equal to 15144  
the sum of the following amounts: 15145

(1) An amount equal to 50% of the average unit amount for the 15146  
unit; 15147

(2) An amount equal to the percentage of the dollar amount 15148  
for the unit that equals the district's state share percentage. 15149

If, prior to the fifteenth day of May of a fiscal year, a 15150  
school district's aid computed under section 3317.022 of the 15151  
Revised Code is recomputed pursuant to section 3317.027 or 15152  
3317.028 of the Revised Code, the department shall also recompute 15153  
the district's entitlement to payment under this section utilizing 15154  
a new state share percentage. Such new state share percentage 15155  
shall be determined using the district's recomputed basic aid 15156  
amount pursuant to section 3317.027 or 3317.028 of the Revised 15157  
Code. During the last six months of the fiscal year, the 15158  
department shall pay the district a sum equal to one-half of the 15159  
recomputed payment in lieu of one-half the payment otherwise 15160  
calculated under this section. 15161

(C)(1) In the case of each unit allocated to an institution 15162  
pursuant to division (A) of section 3317.05 of the Revised Code, 15163  
the department, in addition to the amount specified in section 15164  
~~3317.161~~ 3317.052 of the Revised Code, shall pay a supplemental 15165  
unit allowance of \$7,227. 15166

(2) In the case of each unit described in division (B) or 15167  
(D)(1) of section 3317.05 of the Revised Code that is allocated to 15168  
any entity other than a city, exempted village, or local school 15169  
district, the department, in addition to the amount specified in 15170  
section ~~3317.161~~ 3317.052 of the Revised Code, shall pay a 15171  
supplemental unit allowance of \$7,799. 15172

(3) In the case of each unit described in division (C) or 15173  
(D)(2) of section 3317.05 of the Revised Code and allocated to any 15174  
entity other than a city, exempted village, or local school 15175  
district, the department, in addition to the amounts specified in 15176  
section ~~3317.161~~ 3317.052 of the Revised Code, shall pay a 15177  
supplemental unit allowance of \$2,966. 15178

(4) In the case of each unit described in division (F) of 15179  
section 3317.05 of the Revised Code and allocated to an 15180  
educational service center, the department, in addition to the 15181  
amounts specified in division (P) of section 3317.024 of the 15182  
Revised Code, shall pay a supplemental unit allowance of ~~\$4,251 in~~ 15183  
~~fiscal year 2000 and \$5,251 in fiscal year 2001.~~ 15184

**Sec. 3317.064.** (A) There is hereby established in the state 15185  
treasury the auxiliary services mobile unit replacement and repair 15186  
fund. By the thirtieth day of January of each odd-numbered year, 15187  
the director of job and family services and the superintendent of 15188  
public instruction shall determine the amount of any excess moneys 15189  
in the auxiliary services personnel unemployment compensation fund 15190  
not reasonably necessary for the purposes of section 4141.47 of 15191  
the Revised Code, and shall certify such amount to the director of 15192  
budget and management for transfer to the auxiliary services 15193  
mobile unit replacement and repair fund. If the director of ~~jobs~~ 15194  
job and family services and the superintendent disagree on such 15195  
amount, the director of budget and management shall determine the 15196  
amount to be transferred. 15197

(B) Moneys in the auxiliary services mobile unit replacement 15198  
and repair fund shall be used for the relocation or for the 15199  
replacement and repair of mobile units used to provide the 15200  
services specified in division (E), (F), (G), or (I) of section 15201  
3317.06 of the Revised Code ~~and for no other purposes.~~ The state 15202  
board of education shall adopt guidelines and procedures for 15203  
replacement, repair, and relocation of mobile units and the 15204  
procedures under which a school district may apply to receive 15205  
moneys with which to repair or replace or relocate such units. 15206

(C) School districts may apply to the department for moneys 15207  
from the auxiliary services mobile unit replacement and repair 15208  
fund for payment of incentives for early retirement and severance 15209

for school district personnel assigned to provide services 15210  
authorized by section 3317.06 of the Revised Code at chartered 15211  
nonpublic schools. 15212

**Sec. 3317.11.** (A) Annually, on or before a date designated by 15213  
the state board of education, each educational service center 15214  
governing board shall prepare a budget of operating expenses for 15215  
the ensuing year for the service center on forms prepared and 15216  
furnished by the state board of education and shall certify the 15217  
budget to the state board of education, together with such other 15218  
information as the board may require. Such budget shall consist of 15219  
two parts. Part (A) shall include the cost of the salaries, 15220  
employers retirement contributions, and travel expenses of 15221  
supervisory teachers approved by the state board of education. The 15222  
amount derived from the calculation for such units in part (A) of 15223  
the governing board budget shall be the sum of: 15224

(1) The sum of the minimum salaries calculated, pursuant to 15225  
section 3317.13 of the Revised Code, for each approved licensed 15226  
employee of the governing board; 15227

(2) An additional salary allowance proportional to the length 15228  
of the extended term of service not to exceed three months for 15229  
each supervisory and child study teacher whose term of service in 15230  
any year is extended beyond the terms of service of regular 15231  
classroom teachers; 15232

(3) An allowance equal to fifteen per cent of the amount 15233  
computed under division (A)(1) of this section; 15234

(4) An allowance for necessary travel expenses, for each of 15235  
the personnel approved in part (A) of the budget, limited to two 15236  
hundred twenty-three dollars and sixteen cents per month, or two 15237  
thousand six hundred seventy-eight dollars per year per person 15238  
employed, whichever is the lesser. 15239

Part (B) shall include the cost of all other lawful 15240  
expenditures of the governing board. The state board of education 15241  
shall review such budget and may approve, increase, or decrease 15242  
such budget. 15243

The governing board shall be reimbursed by the state board of 15244  
education from state funds for the cost of part (A) of the budget. 15245  
The governing board shall be reimbursed by the state board of 15246  
education, from state funds for the cost of part (B) of the 15247  
approved budget that is in excess of six dollars and fifty cents 15248  
times the service center ADM. If the governing board provides 15249  
services to city or exempted village school districts pursuant to 15250  
section 3313.843 of the Revised Code, the governing board shall be 15251  
reimbursed from state funds for the cost of part (B) of the budget 15252  
that is in excess of six dollars and fifty cents times the sum of 15253  
the service center ADM and the client ADMs of the city or exempted 15254  
village districts to which such services are provided. The cost of 15255  
part (B) not in excess of six dollars and fifty cents times the 15256  
number of such ADM shall be apportioned by the state board of 15257  
education among the local school districts in the territory of the 15258  
service center, or among all districts to which the governing 15259  
board provides services, on the basis of the total number of 15260  
pupils in each school district. 15261

If part (B) of the budget is in excess of that approved by 15262  
the state board of education, the excess cost shall be apportioned 15263  
by the state board of education among the local school districts 15264  
in the territory of the service center on the basis of the total 15265  
number of such pupils in each such school district, provided that 15266  
a majority of the boards of education of such local school 15267  
districts approve such apportionment. The state board of education 15268  
shall initiate and supervise the procedure by which the local 15269  
boards shall approve or disapprove such apportionment. 15270

The amounts so apportioned shall be certified to the 15271

treasurers of the various school districts. In the case of each 15272  
district such amount shall be deducted by the state board of 15273  
education from funds allocated to the district pursuant to 15274  
division (E) of section 3317.023 of the Revised Code. 15275

The state board of education shall certify to the director of 15276  
budget and management for payment the total of the deductions, 15277  
whereupon the amount shall be paid to the governing board of each 15278  
service center, to be deposited to the credit of a separate fund, 15279  
hereby created, to be known as the educational service center 15280  
governing board fund. 15281

An educational service center may provide special education 15282  
to students in its local districts or in client districts. A 15283  
service center is eligible for funding under division (J) of 15284  
section 3317.024 of the Revised Code and eligible for state 15285  
subsidies for the purchase of school buses under section 3317.07 15286  
of the Revised Code. Special education units for gifted children 15287  
may be operated by a governing board. Vocational education may be 15288  
provided by a governing board. A governing board may conduct 15289  
driver education for pupils enrolled in a high school for which 15290  
the state board of education prescribes minimum standards. 15291

Every local school district shall be provided supervisory 15292  
services by its governing board as approved by the state board of 15293  
education. A city or exempted village school district shall be 15294  
considered to be provided supervisory services by a governing 15295  
board if it has entered into an agreement for the governing board 15296  
to provide any services under section 3313.843 of the Revised 15297  
Code. Supervisory services shall not exceed one supervisory 15298  
teacher for the first fifty classroom teachers employed in all 15299  
districts that are provided supervisory services calculated under 15300  
section 3317.023 of the Revised Code and one supervisory teacher 15301  
for every additional one hundred such classroom teachers so 15302  
calculated. Reimbursement for such supervisory services shall be a 15303

deduction by the state board of education from the payment to the school district pursuant to division (E) of section 3317.023 of the Revised Code. Deductions for all supervisory services and extended services for supervisory and child study shall be apportioned among local school districts within the territory of the service center and any city or exempted village districts that have entered into agreements with a service center pursuant to section 3313.843 of the Revised Code by the state board of education on the basis of the total number of pupils in each school district, except that where such services are provided to districts other than local school districts within the service center territory and city or exempted village districts having agreements with the service center, such charges shall be apportioned among all participating districts on the basis of the total number of pupils in each school district. All deductions from state funding to school districts required for reimbursement of governing boards by division (E) of section 3317.023 of the Revised Code shall be made from the total of the payment computed for the district under this chapter, after making any other adjustments in that payment required by law.

(B)(1) In addition to the payments made under division (A) of this section, except as otherwise provided in division (C) of this section, the department of education shall pay each governing board ~~the amount in the following schedule for the specified fiscal year, thirty-seven dollars~~ times the sum of the service center ADM and the sum of the client ADMs of all its client districts:

~~(a) In fiscal year 2000, thirty-six dollars;~~

~~(b) In in fiscal year 2001, thirty-seven dollars years 2002 and 2003.~~

(2) In addition to other payments under this section, the department shall pay each educational service center the amounts

due to it from school districts pursuant to contracts, compacts, 15336  
or agreements under which the service center furnishes services to 15337  
the districts or their students. In order to receive payment under 15338  
this division, an educational service center shall furnish either 15339  
a copy of the applicable contract, compact, or agreement clearly 15340  
indicating the amounts of the payments, or a written statement of 15341  
the payments owed signed by the superintendent or treasurer of the 15342  
responsible school district. 15343

The amounts paid to service centers under division (B)(2) of 15344  
this section shall be deducted from payments to school districts 15345  
pursuant to division (K)(2) of section 3317.023 of the Revised 15346  
Code. 15347

(C) Each multicounty service center shall receive a payment 15348  
each fiscal year equal to forty dollars and fifty-two cents times 15349  
the sum of the service center ADM and the client ADMs of all its 15350  
client districts. 15351

(D) Each city, exempted village, local, joint vocational, or 15352  
cooperative education school district shall pay to the governing 15353  
board of an educational service center any amounts agreed to for 15354  
each child enrolled in the district who receives special education 15355  
and related services or vocational education from the educational 15356  
service center. 15357

(E) As used in this section: 15358

(1) "Service center ADM" means the total of each of the 15359  
following for all local school districts within the limits of an 15360  
educational service center's territory: 15361

(a) The formula ADM; 15362

(b) The kindergarten average daily membership included in the 15363  
formula ADM; 15364

(c) Three-quarters of the number of students reported under 15365



division (B)(4) of section 3317.03 of the Revised Code;	15366
(d) The average daily membership of handicapped preschool children reported under division (B)(2) of section 3317.03 of the Revised Code;	15367 15368 15369
(e) The number of preschool students certified under division (B) of section 3317.032 of the Revised Code.	15370 15371
(2) "Client ADM" means the total of each number described under divisions (E)(1)(a) to (e) of this section for a client district.	15372 15373 15374
(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.	15375 15376 15377 15378
(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.	15379 15380 15381 15382 15383 15384
<b>Sec. 3317.13.</b> (A) As used in this section and section 3317.14 of the Revised Code:	15385 15386
(1) "Years of service" includes the following:	15387
(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;	15388 15389 15390 15391
(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,	15392 15393 15394

regardless of training level, with each year consisting of at 15395  
least one hundred twenty days under a teacher's contract; 15396

(c) All years of teaching service in a chartered school or 15397  
institution or a school or institution that subsequently became 15398  
chartered or a chartered special education program or a special 15399  
education program that subsequently became chartered operated by 15400  
the state or by a subdivision or other local governmental unit of 15401  
this state as a teacher licensed pursuant to section 3319.22 of 15402  
the Revised Code, regardless of training level, with each year 15403  
consisting of at least one hundred twenty days; and 15404

(d) All years of active military service in the armed forces 15405  
of the United States, as defined in section 3307.75 of the Revised 15406  
Code, to a maximum of five years. For purposes of this 15407  
calculation, a partial year of active military service of eight 15408  
continuous months or more in the armed forces shall be counted as 15409  
a full year. 15410

(2) "Teacher" means all teachers employed by the board of 15411  
education of any school district, including any cooperative 15412  
education or joint vocational school district and all teachers 15413  
employed by any educational service center governing board. 15414

(B) No teacher shall be paid a salary less than that provided 15415  
in the schedule set forth in division (C) of this section. In 15416  
calculating the minimum salary any teacher shall be paid pursuant 15417  
to this section, years of service shall include the sum of all 15418  
years of the teacher's teaching service included in divisions 15419  
(A)(1)(a), (b), (c), and (d) of this section; except that any 15420  
school district or educational service center employing a teacher 15421  
new to the district or educational service center shall grant such 15422  
teacher a total of not more than ten years of service pursuant to 15423  
divisions (A)(1)(b), (c), and (d) of this section. 15424

Upon written complaint to the superintendent of public 15425



		<u>17,300</u>		<u>20,000</u>		<u>20,760</u>		<u>21,900</u>	15458
1	90.0	<del>15,300</del>	103.8	<del>17,646</del>	108.1	<del>18,377</del>	114.3	<del>19,431</del>	15459
		<u>18,000</u>		<u>20,760</u>		<u>21,620</u>		<u>22,860</u>	15460
2	93.5	<del>15,895</del>	107.6	<del>18,292</del>	112.4	<del>19,108</del>	119.1	<del>20,247</del>	15461
		<u>18,700</u>		<u>21,520</u>		<u>22,480</u>		<u>23,820</u>	15462
3	97.0	<del>16,490</del>	111.4	<del>18,938</del>	116.7	<del>19,839</del>	123.9	<del>21,063</del>	15463
		<u>19,400</u>		<u>22,280</u>		<u>23,340</u>		<u>24,780</u>	15464
4	100.5	<del>17,085</del>	115.2	<del>19,584</del>	121.0	<del>20,570</del>	128.7	<del>21,879</del>	15465
		<u>20,100</u>		<u>23,040</u>		<u>24,200</u>		<u>25,740</u>	15466
5	104.0	<del>17,680</del>	119.0	<del>20,230</del>	125.3	<del>21,301</del>	133.5	<del>22,695</del>	15467
		<u>20,800</u>		<u>23,800</u>		<u>25,060</u>		<u>26,700</u>	15468
6	104.0	<del>17,680</del>	122.8	<del>20,876</del>	129.6	<del>22,032</del>	138.3	<del>23,511</del>	15469
		<u>20,800</u>		<u>24,560</u>		<u>25,920</u>		<u>27,660</u>	15470
7	104.0	<del>17,680</del>	126.6	<del>21,522</del>	133.9	<del>22,763</del>	143.1	<del>24,327</del>	15471
		<u>20,800</u>		<u>25,320</u>		<u>26,780</u>		<u>28,620</u>	15472
8	104.0	<del>17,680</del>	130.4	<del>22,168</del>	138.2	<del>23,494</del>	147.9	<del>25,143</del>	15473
		<u>20,800</u>		<u>26,080</u>		<u>27,640</u>		<u>29,580</u>	15474
9	104.0	<del>17,680</del>	134.2	<del>22,814</del>	142.5	<del>24,225</del>	152.7	<del>25,959</del>	15475
		<u>20,800</u>		<u>26,840</u>		<u>28,500</u>		<u>30,540</u>	15476
10	104.0	<del>17,680</del>	138.0	<del>23,460</del>	146.8	<del>24,956</del>	157.5	<del>26,775</del>	15477
		<u>20,800</u>		<u>27,600</u>		<u>29,360</u>		<u>31,500</u>	15478
11	104.0	<del>17,680</del>	141.8	<del>24,106</del>	151.1	<del>25,687</del>	162.3	<del>27,591</del>	15479
		<u>20,800</u>		<u>28,360</u>		<u>30,220</u>		<u>32,460</u>	15480

\* Percentages represent the percentage which each salary is of the base amount. 15481  
15482

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 15483  
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forth in this section for corresponding levels of training and experience.	15490 15491
As used in this division:	15492
(1) "Base amount" means <del>seventeen</del> <u>twenty</u> thousand dollars.	15493
(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university.	15494 15495 15496
(D) For purposes of this section, all credited training shall be from a recognized college or university.	15497 15498
<b>Sec. 3317.16.</b> (A) As used in this section:	15499
(1) "State share percentage" means the percentage calculated for a joint vocational school district as follows:	15500 15501
(a) Calculate the state base cost funding amount for the district under division (B) of this section. If the district would not receive any base cost funding for that year under that division, the district's state share percentage is zero.	15502 15503 15504 15505
(b) If the district would receive base cost funding under that division, divide that base cost amount by an amount equal to the following:	15506 15507 15508
cost-of-doing-business factor X	15509
the formula amount X	15510
the greater of formula ADM or	15511
three-year average formula ADM	15512
The resultant number is the district's state share percentage.	15513 15514
(2) The "total special education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(1) of section 3317.022 of the Revised Code.	15515 15516 15517 15518

(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 15582  
through six special education ADM are twenty-five thousand dollars 15583  
or more, the district may submit to the superintendent of public 15584  
instruction documentation, as prescribed by the superintendent, of 15585  
all of its costs for that student. Upon submission of 15586  
documentation for a student of the type and in the manner 15587  
prescribed, the department shall pay to the district an amount 15588  
equal to the sum of the following: 15589

(1) One-half of the district's costs for the student in 15590  
excess of twenty-five thousand dollars; 15591

(2) The product of one-half of the district's costs for the 15592  
student in excess of twenty-five thousand dollars multiplied by 15593  
the district's state share percentage. 15594

The district shall only report, and the department shall only 15595  
pay for, the costs of educational expenses and the related 15596  
services provided to the student in accordance with the student's 15597  
individualized education program. Any legal fees, court costs, or 15598  
other costs associated with any cause of action relating to the 15599  
student may not be included in the amount. 15600

(F) Each fiscal year, the department shall pay each joint 15601  
vocational school district an amount for adult technical and 15602  
vocational education and specialized consultants. 15603

~~(G)(1) In any fiscal year, a joint vocational school district~~ 15604  
~~receiving funds under division (D) of this section shall spend on~~ 15605  
~~the related services specified in division (B)(3) of section~~ 15606  
~~3317.022 of the Revised Code at least the lesser of the following:~~ 15607

~~(a) The amount the district spent on those related services~~ 15609  
~~in the preceding fiscal year;~~ 15610

~~(b)  $1/8 \times \{[\text{cost of doing business factor} \times \text{the formula}$~~  15611  
~~amount  $\times (\text{the category one special education ADM} + \text{category two}$~~  15612



~~special education ADM + category three special education ADM)] + 15613  
the amount calculated for the fiscal year under division (D)(1) of 15614  
this section + the local share of special education and related 15615  
services additional weighted costs}.~~ 15616

~~(2) A joint vocational school district's local share of 15617  
special education and related services additional weighted costs 15618  
equals: 15619~~

~~(1 - state share percentage) X 15620~~

~~Total special education weight X 15621~~

~~the formula amount 15622~~

~~(H) In any fiscal year, if the total of all payments made to 15623  
a joint vocational school district under divisions (B) to (D) of 15624  
this section and division (R) of section 3317.024 of the Revised 15625  
Code is less than the amount that district received in fiscal year 15626  
1999 under the version of this section in effect that year, plus 15627  
the amount that district received under the version of section 15628  
3317.162 of the Revised Code in effect that year and minus the 15629  
amounts received that year for driver education and adult 15630  
education, the department shall pay the district an additional 15631  
amount equal to the difference between those two amounts. 15632~~

~~(I) In fiscal years 2000 and 2001, each joint vocational 15633  
school district shall continue to offer the same number of the 15634  
vocational education programs that the district offered in fiscal 15635  
year 1999, unless the department of education expressly agrees 15636  
that the district may offer fewer programs in either or both 15637  
fiscal year 2000 or 2001. 15638~~

**Sec. 3317.19.** (A) As used in this section, "total unit 15639  
allowance" means an amount equal to the sum of the following: 15640

(1) The total of the salary allowances for the teachers 15641  
employed in the cooperative education school district for all 15642  
units approved under division (B) or (C) of section 3317.05 of the 15643

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 15674  
district shall receive an additional amount during the last half 15675  
of the fiscal year. For each unit, the additional amount shall 15676  
equal fifty per cent of the amount computed under division (A) of 15677  
this section for a unit approved under division (B) of section 15678  
3317.05 of the Revised Code. 15679

**Sec. 3317.20.** This section does not apply to handicapped 15680  
preschool children. 15681

(A) As used in this section: 15682

(1) "Applicable weight" means+ 15683

~~(a) For a handicapped child receiving special education 15684  
services for a handicap specified in division (A) of section 15685  
3317.013 of the Revised Code, the multiple specified in that 15686  
division;~~ 15687

~~(b) For a handicapped child receiving special education 15688  
services for a handicap specified in division (B) of section 15689  
3317.013 or division (F)(3) of section 3317.02 of the Revised 15690  
Code, the multiple specified in division (B) of for a handicap 15691  
described in that section 3317.013 of the Revised Code. 15692~~

(2) "Child's school district" means the school district in 15693  
which a child is entitled to attend school pursuant to section 15694  
3313.64 or 3313.65 of the Revised Code. 15695

(3) "State share percentage" means the state share percentage 15696  
of the child's school district as defined in section 3317.022 of 15697  
the Revised Code. 15698

(B) ~~Notwithstanding sections 3317.03, 3317.05, 3317.161, and 15699  
3317.162 of the Revised Code, the department of education shall 15700  
not approve special education and related services units, other 15701  
than for handicapped preschool children, in county MR/DD boards in 15702  
fiscal years 1999, 2000, and 2001. During those fiscal years, 15703~~

~~state funding for special education and related services provided~~ 15704  
~~to school-age children by county MR/DD boards shall be provided~~ 15705  
~~under divisions (C) to (E) of this section.~~ 15706

~~(C)~~ Except as provided in division ~~(D)~~(C) of this section, 15707  
the department shall annually pay each county MR/DD board an 15708  
amount calculated under the following formula for each handicapped 15709  
child, other than a handicapped preschool child, for whom the 15710  
county MR/DD board provides special education and related 15711  
services: 15712

(formula amount X the cost-of-doing-business factor 15713  
for the child's school district) + 15714  
(state share percentage X formula amount X 15715  
the applicable weight) 15716

~~(D)~~(C) If any school district places with a county MR/DD 15717  
board more handicapped children than it had placed with a county 15718  
MR/DD board in fiscal year 1998, the department shall not make a 15719  
payment under division ~~(C)~~(B) of this section for the number of 15720  
children exceeding the number placed in fiscal year 1998. The 15721  
department instead shall deduct from the district's payments under 15722  
this chapter, and pay to the county MR/DD board, an amount 15723  
calculated in accordance with the formula prescribed in division 15724  
~~(C)~~(B) of this section for each child over the number of children 15725  
placed in fiscal year 1998. 15726

~~(E)~~(D) The department shall calculate for each county MR/DD 15727  
board receiving payments under divisions ~~(C)~~(B) and ~~(D)~~(C) of this 15728  
section the following amounts: 15729

(1) The amount received by the county MR/DD board for 15730  
approved special education and related services units, other than 15731  
preschool handicapped units, in fiscal year 1998, divided by the 15732  
total number of children served in the units that year; 15733

(2) The product of the quotient calculated under division 15734  
~~(E)~~(D)(1) of this section times the number of children for whom 15735

payments are made under divisions ~~(C)~~(B) and ~~(D)~~(C) of this 15736  
section. 15737

If the amount calculated under division ~~(E)~~(D)(2) of this 15738  
section is greater than the total amount calculated under 15739  
divisions ~~(C)~~(B) and ~~(D)~~(C) of this section, the department shall 15740  
pay the county MR/DD board one hundred per cent of the difference 15741  
in addition to the payments under divisions ~~(C)~~(B) and ~~(D)~~(C) of 15742  
this section. 15743

**Sec. 3318.04.** (A) If the Ohio school facilities commission 15744  
makes a determination under section 3318.03 of the Revised Code in 15745  
favor of constructing, acquiring, reconstructing, or making 15746  
additions to a classroom facility, the project shall be 15747  
conditionally approved. Such conditional approval shall be 15748  
submitted to the controlling board for approval thereof. The 15749  
controlling board shall forthwith approve or reject the 15750  
commission's determination, conditional approval, the amount of 15751  
the state's portion of the basic project cost, and, if the state's 15752  
portion exceeds twenty-five million dollars, the amount of the 15753  
state's portion to be encumbered in the current fiscal biennium. 15754  
In the event of approval thereof by the controlling board, the 15755  
commission shall certify such conditional approval to the school 15756  
district board and shall encumber from the total funds 15757  
appropriated for the purpose of sections 3318.01 to 3318.20 of the 15758  
Revised Code the amount of the state's portion of the basic 15759  
project cost or, if the state's portion exceeds twenty-five 15760  
million dollars, the amount approved under this section to be 15761  
encumbered in the current fiscal biennium. 15762

The basic project cost for a project approved under this 15763  
section shall not exceed the cost that would otherwise have to be 15764  
incurred if the classroom facilities to be constructed, acquired, 15765  
or reconstructed, or the additions to be made to classroom 15766  
facilities, under such project meet, but do not exceed, the 15767

specifications for plans and materials for classroom facilities 15768  
adopted by the commission. 15769

(B)(1) No school district shall have a project conditionally 15770  
approved pursuant to this section if the school district has 15771  
already received any assistance for a project funded under any 15772  
version of sections 3318.01 to 3318.20 of the Revised Code, and 15773  
the prior project was one for which the electors of such district 15774  
approved a levy within the last twenty years pursuant to any 15775  
version of section 3318.06 of the Revised Code for purposes of 15776  
qualifying for the funding of that project, unless the district 15777  
demonstrates to the satisfaction of the commission that the 15778  
district has experienced since approval of its prior project an 15779  
exceptional increase in enrollment significantly above the 15780  
district's design capacity under that prior project as determined 15781  
by rule of the commission. 15782

(2) Notwithstanding division (B)(1) of this section, any 15783  
school district that received assistance under sections 3318.01 to 15784  
3318.20 of the Revised Code, as those sections existed prior to 15785  
May 20, 1997, may receive additional assistance under those 15786  
sections, as they exist on and after May 20, 1997, prior to the 15787  
expiration of the period of time required under division (B)(1) of 15788  
this section, if the percentile in which the school district is 15789  
located, as determined under section 3318.011 of the Revised Code, 15790  
is eligible for assistance as prescribed in section 3318.02 of the 15791  
Revised Code. 15792

The commission may provide assistance under sections 3318.01 15793  
to 3318.20 of the Revised Code pursuant to this division to no 15794  
more than five school districts per fiscal year until all eligible 15795  
school districts have received the additional assistance 15796  
authorized under this division. The commission shall establish 15797  
application procedures, deadlines, and priorities for funding 15798  
projects under this division. 15799

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

review the school district's original assessment and approved 15831  
project under sections 3318.01 to 3318.20 of the Revised Code, and 15832  
consider providing additional assistance to the school district to 15833  
correct the prescribed conditions found to exist in the district. 15834  
Additional assistance under this section shall be limited to 15835  
additions to one or more buildings, remodeling of one or more 15836  
buildings, or changes to the infrastructure of one or more 15837  
buildings. 15838

(B) Consideration of additional assistance to a school 15839  
district under this section is warranted in either of the 15840  
following circumstances: 15841

(1) Additional work is needed to correct an oversight or 15842  
deficiency not identified or included in the district's initial 15843  
assessment. 15844

(2) Other conditions exist that, in the opinion of the 15845  
comission, warrant additions or remodeling of the project 15846  
facilities or changes to infrastructure associated with the 15847  
district's project that were not identified in the initial 15848  
assessment and plan. 15849

(C) If the commission decides in favor of providing 15850  
additional assistance to any school district under this section, 15851  
the school district shall be responsible for paying for its 15852  
portion of the cost the additions, remodeling, or infrastucture 15853  
changes pursuant to section 3318.083 of the Revised Code. If after 15854  
making a financial evaluation of the school district, the 15855  
commission determines that the school district is unable without 15856  
undue hardship, according to the guidelines adopted by the 15857  
commission, to fund the school district portion of the increase, 15858  
then the state and the school district shall enter into an 15859  
agreement whereby the state shall pay the portion of the cost 15860  
increase attributable to the school district which is determined 15861  
to be in excess of any local resources available to the district 15862



and the district shall thereafter reimburse the state. The 15863  
commission shall establish the district's schedule for reimbursing 15864  
the state, which shall not extend beyond five years. Debt incurred 15865  
under this section shall not be included in the calculation of the 15866  
net indebtedness of the school district under section 133.06 of 15867  
the Revised Code. 15868

**Sec. 3318.05.** The conditional approval of the Ohio school 15869  
facilities commission for a project shall lapse and the amount 15870  
reserved and encumbered for such project shall be released unless 15871  
the school district board accepts such conditional approval within 15872  
one hundred twenty days following the date of certification of the 15873  
conditional approval to the school district board and the electors 15874  
of the school district vote favorably on ~~both of the propositions~~ 15875  
proposition described in ~~divisions (A) and (B)~~ of this section 15876  
within one year of the date of such certification, ~~except that a~~ 15877  
~~school district described in division (C) of this section does not~~ 15878  
~~need to submit the proposition described in division (B) of this~~ 15879  
~~section. The propositions described in divisions (A) and (B) of~~ 15880  
~~this section shall be combined in a single proposal.~~ If the 15881  
district board or the district's electors fail to meet such 15882  
requirements and the amount reserved and encumbered for the 15883  
district's project is released, the district shall be given first 15884  
priority for project funding as such funds become available. 15885

~~(A) On~~ The proposition shall be on the question of issuing 15886  
bonds of the school district board, for the school district's 15887  
portion of the basic project cost, in an amount equal to the 15888  
school district's portion of the basic project cost less any 15889  
deduction made under section 3318.033 of the Revised Code; ~~and~~ 15890

~~(B) On the question of levying a tax the proceeds of which~~ 15891  
~~shall be used to pay the cost of maintaining the classroom~~ 15892  
~~facilities included in the project. Such tax shall be at the rate~~ 15893

~~of not less than one-half mill for each dollar of valuation for a 15894  
period of twenty-three years, subject to any extension approved 15895  
under section 3318.061 of the Revised Code. 15896~~

~~(C) If a school district has in place a tax levied under 15897  
section 5705.21 of the Revised Code for general ongoing permanent 15898  
improvements of at least two mills for each dollar of valuation 15899  
and the proceeds of such tax can be used for maintenance, the 15900  
school district need not levy the additional tax required under 15901  
division (B) of this section, provided the school district board 15902  
includes in the agreement entered into under section 3318.08 of 15903  
the Revised Code provisions earmarking an amount from the proceeds 15904  
of that permanent improvement tax for maintenance of classroom 15905  
facilities equivalent to the amount of the additional tax and for 15906  
the equivalent number of years otherwise required under this 15907  
section. 15908~~

~~(D) Proceeds of the tax to be used for maintenance of the 15909  
classroom facilities under either division (B) or (C) of this 15910  
section shall be deposited into a separate fund established by the 15911  
school district for such purpose. 15912~~

Sec. 3318.051. The proceeds of any tax dedicated for the 15913  
maintenance of the classroom facilities specifically acquired by a 15914  
school district under any project under Chapter 3318. of the 15915  
Revised Code approved by the electors of the school district prior 15916  
to the effective date of this section as required under former 15917  
section 3318.05 of the Revised Code as it existed prior to the 15918  
effective date this section, or any existing taxes or other school 15919  
district revenues earmarked for maintenance by the school district 15920  
board under agreement with the school facilities commission as 15921  
permitted under former section 3318.05 or under section 3318.052 15922  
of the Revised Code, as those sections existed prior to the 15923  
effective date of this section, shall not be required to be used 15924

for such purpose after the effective date of this section and may 15925  
instead be used by the school district board to pay the cost of 15926  
maintaining any classroom facilities owned or controlled by the 15927  
school district board. 15928

**Sec. 3318.052.** Notwithstanding any provision of ~~divisions~~ 15929  
~~(A), (B), and (C)~~ of section 3318.05 of the Revised Code to the 15930  
contrary, by resolution adopted by a majority of all its members, 15931  
a school district board may opt to apply the proceeds of tax 15932  
levied under section 5705.21 of the Revised Code for general 15933  
ongoing permanent improvements or the proceeds of school district 15934  
income tax levied under Chapter 5748. of the Revised Code, or 15935  
proceeds from a combination of those two taxes, if the proceeds of 15936  
such levies may lawfully be used for general construction, 15937  
renovation, or repair, ~~or maintenance~~ of classroom facilities, in 15938  
lieu of all or part of the ~~bonds and tax levies~~ bond issue 15939  
otherwise required under ~~divisions (A), (B), and (C)~~ of section 15940  
3318.05 of the Revised Code, to leverage bonds adequate to pay all 15941  
or part of the school district portion of a project under sections 15942  
3318.01 to 3318.20 of the Revised Code ~~or to generate an amount~~ 15943  
~~equivalent to all or part of the proceeds of the tax required~~ 15944  
~~under division (B) of section 3318.05 of the Revised Code to be~~ 15945  
~~used for maintenance of classroom facilities constructed,~~ 15946  
~~renovated, or repaired under such project. A school district~~ 15947  
~~undertaking a project under sections 3318.01 to 3318.20 of the~~ 15948  
~~Revised Code and opting to apply the proceeds of the tax levies~~ 15949  
~~pursuant to this section shall be subject to all other provisions~~ 15950  
~~of divisions (A), (B), and (C) of section 3318.05 of the Revised~~ 15951  
~~Code and the requirement for a separate maintenance fund under~~ 15952  
~~division (D) of section 3318.05 of the Revised Code. Bonds issued~~ 15953  
under this section shall be Chapter 133. securities, but the 15954  
issuance of the bonds shall not be subject to a vote of the 15955

electors of the school district as long as the tax levies 15956  
earmarked for payment of the service charges on the bonds may 15957  
lawfully be used for that purpose. 15958

No state moneys shall be released for a project to which this 15959  
section applies until the proceeds of any bonds issued under this 15960  
section that are dedicated for the payment of the school district 15961  
portion of a project are first deposited into the school 15962  
district's project construction fund. 15963

**Sec. 3318.06.** (A) After receipt of the conditional approval 15964  
of the Ohio school facilities commission, the school district 15965  
board by a majority of all of its members shall, if it desires to 15966  
proceed with the project, declare ~~all of the following~~ by 15967  
resolution+ 15968

~~(A) That~~ that by issuing bonds in an amount equal to the 15969  
school district's portion of the basic project cost, including 15970  
bonds previously authorized by the district's electors as 15971  
described in section 3318.033 of the Revised Code, the district is 15972  
unable to provide adequate classroom facilities without assistance 15973  
from the state+ 15974

~~(B) Unless the school district board has resolved to apply 15975  
the proceeds of a property tax or the proceeds of an income tax,  
or a combination of proceeds from such taxes, as authorized under 15977  
section 3318.052 of the Revised Code, that to qualify for such 15978  
state assistance it is necessary to do either of the following+ 15979~~

~~(1) Levy a tax outside the ten-mill limitation the proceeds 15980  
of which shall be used to pay the cost of maintaining the 15981  
classroom facilities included in the project+ 15982~~

~~(2) Earmark for maintenance of classroom facilities from the 15983  
proceeds of an existing permanent improvement tax levied under 15984  
section 5705.21 of the Revised Code, if such tax is of at least 15985  
two mills for each dollar of valuation and can be used for 15986~~

~~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.~~ 15987  
15988  
15989

~~(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.~~ 15990  
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15992  
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15998  
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16000

~~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:~~ 16001  
16002  
16003  
16004  
16005

~~(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;~~ 16006  
16007  
16008  
16009

~~(2) That the proceeds of the tax shall be used to pay the  
cost of maintaining the classroom facilities included in the  
project.~~ 16010  
16011  
16012

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. 16013  
16014  
16015

The resolution of the school district board, in addition to  
meeting other applicable requirements of section 133.18 of the 16016  
16017

Revised Code, shall state that the amount of bonds to be issued 16018  
will be an amount equal to the school district's portion of the 16019  
basic project cost, and state the maximum maturity of the bonds 16020  
which, notwithstanding section 133.20 of the Revised Code, may be 16021  
any number of years not exceeding twenty-three as determined by 16022  
the board. In estimating the amount of bonds to be issued, the 16023  
board shall take into consideration the amount of moneys then in 16024  
the bond retirement fund and the amount of moneys to be collected 16025  
for and disbursed from the bond retirement fund during the 16026  
remainder of the year in which the resolution of necessity is 16027  
adopted. 16028

~~Notice of the election shall include the fact that the tax 16029  
levy shall be at the rate of not less than one-half mill for each 16030  
one dollar of valuation for a period of twenty-three years, and 16031  
that the proceeds of the tax shall be used to pay the cost of 16032  
maintaining the classroom facilities included in the project. 16033~~

The form of the ballot to be used at such election shall be: 16034

"A majority affirmative vote is necessary for passage. 16035

Shall bonds be issued by the ..... (here insert name 16036  
of school district) school district to pay the local share of 16037  
school construction under the State of Ohio Classroom Facilities 16038  
Assistance Program in the principal amount of ..... (here 16039  
insert principal amount of the bond issue), to be repaid annually 16040  
over a maximum period of ..... (here insert the maximum 16041  
number of years over which the principal of the bonds may be paid) 16042  
years, and an annual levy of property taxes be made outside the 16043  
ten-mill limitation, estimated by the county auditor to average 16044  
over the repayment period of the bond issue ..... (here 16045  
insert the number of mills estimated) mills for each one dollar of 16046  
tax valuation, which amounts to ..... (rate expressed in 16047  
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 16048  
for each one hundred dollars of tax valuation to pay the annual 16049

debt charges on the bonds and to pay debt charges on any notes 16050  
issued in anticipation of the bonds? 16051

~~and, unless the additional levy 16052  
of taxes is not required pursuant 16053  
to division (C) of section 16054  
3318.05 of the Revised Code, 16055~~

~~"Shall an additional levy of taxes be made for a period of 16056  
twenty-three years to benefit the ..... (here insert name 16057  
of school district) school district, the proceeds of which shall 16058  
be used to pay the cost of maintaining the classroom facilities 16059  
included in the project at the rate of ..... (here insert the 16060  
number of mills, which shall not be less than one-half mill) mills 16061  
for each one dollar of valuation? 16062~~

\_\_\_\_\_  
FOR THE BOND ISSUE ~~AND TAX LEVY~~ 16064  
\_\_\_\_\_  
AGAINST THE BOND ISSUE ~~AND TAX LEVY~~ 16066  
\_\_\_\_\_" 16067

~~(D)~~(B) If it is necessary for the school district to acquire 16068  
a site for the classroom facilities to be acquired pursuant to 16069  
sections 3318.01 to 3318.20 of the Revised Code, the district 16070  
board may propose either to issue bonds of the board or to levy a 16071  
tax to pay for the acquisition of such site, and may combine the 16072  
question of doing so with the ~~questions~~ question specified in 16073  
division ~~(C)~~(A) of this section. Bonds issued under this division 16074  
for the purpose of acquiring a site are a general obligation of 16075  
the school district and are Chapter 133. securities. 16076

The form of that portion of the ballot to include the 16077  
question of either issuing bonds or levying a tax for site 16078  
acquisition purposes shall be one of the following: 16079

(1) "Shall bonds be issued by the ..... (here insert 16080  
name of the school district) school district to pay costs of 16081

acquiring a site for classroom facilities under the State of Ohio 16082  
Classroom Facilities Assistance Program in the principal amount of 16083  
..... (here insert principal amount of the bond issue), to be 16084  
repaid annually over a maximum period of ..... (here insert 16085  
maximum number of years over which the principal of the bonds may 16086  
be paid) years, and an annual levy of property taxes be made 16087  
outside the ten-mill limitation, estimated by the county auditor 16088  
to average over the repayment period of the bond issue ..... 16089  
(here insert number of mills) mills for each one dollar of tax 16090  
valuation, which amount to ..... (here insert rate expressed 16091  
in cents or dollars and cents, such as "thirty-six cents" or 16092  
"\$0.36") for each one hundred dollars of valuation to pay the 16093  
annual debt charges on the bonds and to pay debt charges on any 16094  
notes issued in anticipation of the bonds?" 16095

(2) "Shall an additional levy of taxes outside the ten-mill 16096  
limitation be made for the benefit of the ..... (here insert 16097  
name of the school district) ..... school district for the 16098  
purpose of acquiring a site for classroom facilities in the sum of 16099  
..... (here insert annual amount the levy is to produce) 16100  
estimated by the county auditor to average ..... (here insert 16101  
number of mills) mills for each one hundred dollars of valuation, 16102  
for a period of ..... (here insert number of years the millage 16103  
is to be imposed) years?" 16104

Where it is necessary to combine the question of issuing 16105  
bonds of the school district ~~and levying a tax~~ as described in 16106  
division ~~(C)~~(A) of this section with the question of issuing bonds 16107  
of the school district for acquisition of a site, the question 16108  
specified in division ~~(C)~~(A) of this section to be voted on shall 16109  
be "For the Bond Issues ~~and the Tax Levy~~" and "Against the Bond 16110  
Issues ~~and the Tax Levy~~." 16111

Where it is necessary to combine the question of issuing 16112  
bonds of the school district ~~and levying a tax~~ as described in 16113



division ~~(C)~~(A) of this section with the question of levying a tax 16114  
for the acquisition of a site, the question specified in division 16115  
~~(C)~~(A) of this section to be voted on shall be "For the Bond Issue 16116  
and the Tax ~~Levies~~ Levy" and "Against the Bond Issue and the Tax 16117  
~~Levies~~ Levy." 16118

If a majority of those voting upon a proposition hereunder 16119  
which includes the question of issuing bonds vote in favor 16120  
thereof, and if the agreement provided for by section 3318.08 of 16121  
the Revised Code has been entered into, the school district board 16122  
may proceed under Chapter 133. of the Revised Code, with the 16123  
issuance of bonds or bond anticipation notes in accordance with 16124  
the terms of the agreement. 16125

**Sec. 3318.08.** If the requisite favorable vote on the election 16126  
is obtained, or if the school district board has resolved to apply 16127  
the proceeds of a property tax levy or the proceeds of an income 16128  
tax, or a combination of proceeds from such taxes, as authorized 16129  
in section 3318.052 of the Revised Code, the Ohio school 16130  
facilities commission, upon certification to it of either the 16131  
results of the election or the resolution under section 3318.052 16132  
of the Revised Code, shall enter into a written agreement with the 16133  
school district board for the construction and sale of the 16134  
project, which agreement shall include, but need not be limited 16135  
to, the following provisions: 16136

(A) The sale and issuance of bonds or notes in anticipation 16137  
thereof, as soon as practicable after the execution of the 16138  
agreement, in an amount equal to the school district's portion of 16139  
the basic project cost, including any bonds previously authorized 16140  
by the district's electors as described in section 3318.033 of the 16141  
Revised Code; provided, that if at that time the county treasurer 16142  
of each county in which the school district is located has not 16143  
commenced the collection of taxes on the general duplicate of real 16144  
and public utility property for the year in which the controlling 16145

board approved the project, the school district board shall 16146  
authorize the issuance of a first installment of bond anticipation 16147  
notes in an amount specified by the agreement, which amount shall 16148  
not exceed an amount necessary to raise the net bonded 16149  
indebtedness of the school district as of the date of the 16150  
controlling board's approval to within five thousand dollars of 16151  
the required level of indebtedness for the preceding year. In the 16152  
event that a first installment of bond anticipation notes is 16153  
issued, the school district board shall, as soon as practicable 16154  
after the county treasurer of each county in which the school 16155  
district is located has commenced the collection of taxes on the 16156  
general duplicate of real and public utility property for the year 16157  
in which the controlling board approved the project, authorize the 16158  
issuance of a second and final installment of bond anticipation 16159  
notes or a first and final issue of bonds. 16160

The combined value of the first and second installment of 16161  
bond anticipation notes or the value of the first and final issue 16162  
of bonds shall be equal to the school district's portion of the 16163  
basic project cost. The proceeds of any such bonds shall be used 16164  
first to retire any bond anticipation notes. Otherwise, the 16165  
proceeds of such bonds and of any bond anticipation notes, except 16166  
the premium and accrued interest thereon, shall be deposited in 16167  
the school district's project construction fund. In determining 16168  
the amount of net bonded indebtedness for the purpose of fixing 16169  
the amount of an issue of either bonds or bond anticipation notes, 16170  
gross indebtedness shall be reduced by moneys in the bond 16171  
retirement fund only to the extent of the moneys therein on the 16172  
first day of the year preceding the year in which the controlling 16173  
board approved the project. Should there be a decrease in the tax 16174  
valuation of the school district so that the amount of 16175  
indebtedness that can be incurred on the tax duplicates for the 16176  
year in which the controlling board approved the project is less 16177

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.~~ 16210  
16211

~~(C) If section 3318.052 of the Revised Code does not apply, either of the following:~~ 16212  
16213

~~(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;~~ 16214  
16215  
16216

~~(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.~~ 16217  
16218  
16219  
16220  
16221  
16222  
16223

~~(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;~~ 16224  
16225  
16226  
16227  
16228

~~(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;~~ 16229  
16230  
16231

~~(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;~~ 16232  
16233  
16234  
16235  
16236  
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16238

~~(G) The certification by the director of budget and management that funds are available and have been set aside to~~ 16239  
16240

meet the state's share of the basic project cost as approved by 16241  
the controlling board pursuant to section 3318.04 of the Revised 16242  
Code; 16243

(H) Authorization of the school district board to advertise 16244  
for and receive construction bids for the project, for and on 16245  
behalf of the commission, and to award contracts in the name of 16246  
the state subject to approval by the commission; 16247

(I) Provisions for the disbursement of moneys from the school 16248  
district's project account upon issuance by the commission or the 16249  
commission's designated representative of vouchers for work done 16250  
to be certified to the commission by the treasurer of the school 16251  
district board; 16252

(J) Disposal of any balance left in the school district's 16253  
project construction fund upon completion of the project; 16254

(K) Limitations upon use of the project or any part of it so 16255  
long as any obligations issued to finance the project under 16256  
section 3318.26 of the Revised Code are outstanding; 16257

(L) Provision for vesting the state's interest in the project 16258  
to the school district board when the obligations issued to 16259  
finance the project under section 3318.26 of the Revised Code are 16260  
outstanding; 16261

(M) Provision for deposit of an executed copy of the 16262  
agreement in the office of the commission; 16263

(N) Provision for termination of the contract and release of 16264  
the funds encumbered at the time of the conditional approval, if 16265  
the proceeds of the sale of the bonds of the school district board 16266  
are not paid into the school district's project construction fund 16267  
and if bids for the construction of the project have not been 16268  
taken within such period after the execution of the agreement as 16269  
may be fixed by the commission; 16270

(O) Provision for the school district to maintain the project 16271  
in accordance with a plan approved by the commission; 16272

(P) Provision that all state funds reserved and encumbered to 16273  
pay the state share of the cost of the project pursuant to section 16274  
3318.03 of the Revised Code be spent on the construction or 16275  
acquisition of the project prior to the expenditure of any funds 16276  
provided by the school district to pay for its share of the 16277  
project cost, unless the school district certifies to the 16278  
commission that expenditure by the school district is necessary to 16279  
maintain the tax-exempt status of notes or bonds issued by the 16280  
school district to pay for its share of the project cost in which 16281  
case, the school district may commit to spend, or spend, a portion 16282  
of the funds it provides; 16283

(Q) A provision stipulating that the commission may prohibit 16284  
the district from proceeding with any project if the commission 16285  
determines that the site is not suitable for construction 16286  
purposes. The commission may perform soil tests in its 16287  
determination of whether a site is appropriate for construction 16288  
purposes. 16289

**Sec. 3318.12.** The Ohio school facilities commission shall 16290  
cause to be transferred to the school district's project 16291  
construction fund the necessary amounts from amounts appropriated 16292  
by the general assembly and set aside for such purpose, from time 16293  
to time as may be necessary to pay obligations chargeable to such 16294  
fund when due. All investment earnings of a school district's 16295  
project construction fund shall be credited to the fund. 16296

The treasurer of the school district board shall disburse 16297  
funds from the school district's project construction fund, 16298  
including investment earnings credited to the fund, only upon the 16299  
approval of the commission or the commission's designated 16300  
representative. The commission or the commission's designated 16301

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.~~ 16332

(2) Adopt, amend, and rescind, pursuant to section 111.15 of 16333  
the Revised Code, rules for the administration of programs 16334  
authorized under Chapter 3318. of the Revised Code. 16335

(3)(2) Contract with, retain the services of, or designate, 16336  
and fix the compensation of, such agents, accountants, 16337  
consultants, advisers, and other independent contractors as may be 16338  
necessary or desirable to carry out the programs authorized under 16339  
Chapter 3318. of the Revised Code. 16340

(4)(3) Receive and accept any gifts, grants, donations, and 16341  
pledges, and receipts therefrom, to be used for the programs 16342  
authorized under Chapter 3318. of the Revised Code. 16343

(5)(4) Make and enter into all contracts, commitments, and 16344  
agreements, and execute all instruments, necessary or incidental 16345  
to the performance of its duties and the execution of its rights 16346  
and powers under Chapter 3318. of the Revised Code. 16347

(B) The commission shall appoint and fix the compensation of 16348  
an executive director who shall serve at the pleasure of the 16349  
commission. The executive director shall supervise the operations 16350  
of the commission. The executive director also shall employ and 16351  
fix the compensation of such employees as will facilitate the 16352  
activities and purposes of the commission, who shall serve at the 16353  
pleasure of the executive director. 16354

(C) The attorney general shall serve as the legal 16355  
representative for the commission and may appoint other counsel as 16356  
necessary for that purpose in accordance with section 109.07 of 16357  
the Revised Code. 16358

**Sec. 3318.36.** (A) As used in this section: 16359

(1) "Ohio school facilities commission," "classroom 16360  
facilities," "school district," "school district board," "net 16361



bonded indebtedness," "required percentage of the basic project 16362  
costs," "basic project cost," "valuation," and "percentile" have 16363  
the same meanings as in section 3318.01 of the Revised Code. 16364

(2) "Required level of indebtedness" means five per cent of 16365  
the school district's valuation for the year preceding the year in 16366  
which the commission and school district enter into an agreement 16367  
under division (B) of this section, plus [two one-hundredths of 16368  
one per cent multiplied by (the percentile in which the district 16369  
ranks in the fiscal year the commission and the school district 16370  
enter into such agreement minus one)]. 16371

(3) "Local resources" means any moneys generated in any 16372  
manner permitted for a school district board to raise the school 16373  
district portion of a project undertaken with assistance under 16374  
sections 3318.01 to 3318.20 of the Revised Code. 16375

(B)(1) There is hereby established the school building 16376  
assistance expedited local partnership program. Under the program, 16377  
the Ohio school facilities commission may enter into an agreement 16378  
with the school district board of any school district under which 16379  
the school district board may proceed with the new construction or 16380  
major repairs of a part of the school district's classroom 16381  
facilities needs, as determined under sections 3318.01 to 3318.20 16382  
of the Revised Code, through the expenditure of local resources 16383  
prior to the school district's eligibility for state assistance 16384  
under sections 3318.01 to 3318.20 of the Revised Code and may 16385  
apply that expenditure toward meeting the school district's 16386  
portion of the basic project cost of the total of the school 16387  
district's classroom facilities needs, as determined under 16388  
sections 3318.01 to 3318.20 of the Revised Code and as 16389  
recalculated under division (E) of this section, that are eligible 16390  
for state assistance under sections 3318.01 to 3318.20 of the 16391  
Revised Code when the school district becomes eligible for such 16392  
state assistance. Any school district that is reasonably expected 16393

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.

(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.

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.

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.

(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.

(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:

(1) The required percentage of the basic project costs, determined based on the school district's percentile ranking in

the fiscal year the commission and the school district enter into 16425  
the agreement under division (B) of this section; 16426

(2) An amount necessary to raise the school district's net 16427  
bonded indebtedness, as of the fiscal year the commission and the 16428  
school district enter into the agreement under division (B) of 16429  
this section, to within five thousand dollars of the required 16430  
level of indebtedness. 16431

(D)~~(1)~~ When the commission determines the basic project cost 16432  
of the classroom facilities needs of a school district and the 16433  
school district's portion of that basic project cost under 16434  
division (C) of this section, the project shall be conditionally 16435  
approved. Such conditional approval shall be submitted to the 16436  
controlling board for approval thereof. The controlling board 16437  
shall forthwith approve or reject the commission's determination, 16438  
conditional approval, and the amount of the state's portion of the 16439  
basic project cost; however, no state funds shall be encumbered 16440  
under this section. Upon approval by the controlling board, the 16441  
school district board may identify a discrete part of its 16442  
classroom facilities needs, which shall include only new 16443  
construction of or additions or major repairs to a particular 16444  
building, to address with local resources. Upon identifying a part 16445  
of the school district's basic project cost to address with local 16446  
resources, the school district board may allocate any available 16447  
school district moneys to pay the cost of that identified part, 16448  
including the proceeds of an issuance of bonds if approved by the 16449  
electors of the school district. 16450

All local resources utilized under this division shall first 16451  
be deposited in the project construction account required under 16452  
section 3318.08 of the Revised Code. 16453

~~(2) Unless the school district board exercises its option 16454  
under division (D)(3) of this section, for a school district to 16455  
qualify for participation in the program authorized under this 16456~~

~~section, either:~~

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~~(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.~~

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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.~~

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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.~~

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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:~~

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~~(a) In accordance with section 3318.06 of the Revised Code if~~ 16490  
~~it will also be necessary pursuant to division (E) of this section~~ 16491  
~~to submit a proposal for approval of a bond issue;~~ 16492

~~(b) In accordance with section 3318.361 of the Revised Code~~ 16493  
~~if it is not necessary to also submit a proposal for approval of a~~ 16494  
~~bond issue pursuant to division (E) of this section.~~ 16495

~~(5) No state assistance under sections 3318.01 to 3318.20 of~~ 16496  
~~the Revised Code shall be released until a school district board~~ 16497  
~~that adopts and certifies a resolution under this division either~~ 16498  
~~has levied the additional tax or has earmarked the proceeds of a~~ 16499  
~~tax as specified in division (D) of this section.~~ 16500

~~Any amount required for maintenance under division (D)(2) of~~ 16501  
~~this section shall be deposited into a separate fund as specified~~ 16502  
~~in division (B) of section 3318.05 of the Revised Code.~~ 16503

(E)(1) If the school district becomes eligible for state 16504  
assistance under sections 3318.01 to 3318.20 of the Revised Code 16505  
based on its percentile ranking as determined under division (B) 16506  
of this section, the commission shall conduct a new assessment of 16507  
the school district's classroom facilities needs and shall 16508  
recalculate the basic project cost based on this new assessment. 16509  
The basic project cost recalculated under this division shall 16510  
include the amount of expenditures made by the school district 16511  
board under division (D)(1) of this section. The commission shall 16512  
then recalculate the school district's portion of the new basic 16513  
project cost, which shall be the percentage of the original basic 16514  
project cost assigned to the school district as its portion under 16515  
division (C) of this section. The commission shall deduct the 16516  
expenditure of school district moneys made under division (D)(1) 16517  
of this section from the school district's portion of the basic 16518  
project cost as recalculated under this division. If the amount of 16519  
school district resources applied by the school district board to 16520

the school district's portion of the basic project cost under this 16521  
section is less than the total amount of such portion as 16522  
recalculated under this division, the school district board by a 16523  
majority vote of all of its members shall, if it desires to seek 16524  
state assistance under sections 3318.01 to 3318.20 of the Revised 16525  
Code, adopt a resolution as specified in section 3318.06 of the 16526  
Revised Code to submit to the electors of the school district the 16527  
question of approval of a bond issue in order to pay any 16528  
additional amount of school district portion required for state 16529  
assistance. ~~Any tax levy approved under division (D) of this~~ 16530  
~~section satisfies the requirements to levy the additional tax~~ 16531  
~~under section 3318.06 of the Revised Code.~~ 16532

(2) If the amount of school district resources applied by the 16533  
school district board to the school district's portion of the 16534  
basic project cost under this section is more than the total 16535  
amount of such portion as recalculated under this division, within 16536  
one year after the school district's portion is recalculated under 16537  
division (E)(1) of this section the commission may grant to the 16538  
school district the difference between the two calculated 16539  
portions, but at no time shall the commission expend any state 16540  
funds on a project in an amount greater than the state's portion 16541  
of the basic project cost as recalculated under this division. 16542

Any reimbursement under this division shall be only for local 16543  
resources the school district has applied toward construction cost 16544  
expenditures for the classroom facilities approved by the 16545  
commission, which shall not include any financing costs associated 16546  
with that construction. 16547

The school district board shall use any moneys reimbursed to 16548  
the district under this division to pay off any debt service the 16549  
district owes for classroom facilities constructed under its 16550  
project under this section before such moneys are applied to any 16551  
other purpose. 16552

**Sec. 3318.362.** This section applies only to a school district 16553  
that participates in the school building assistance expedited 16554  
local partnership program under section 3318.36 of the Revised 16555  
Code. 16556

Notwithstanding the twenty-three year maximum maturity for 16557  
bonds proposed to be issued by a school district board for a 16558  
classroom facilities project pursuant to division ~~(C)~~(A) of 16559  
section 3318.06 of the Revised Code, a school district board that 16560  
enters into an agreement with the Ohio school facilities 16561  
commission under division (B) of section 3318.36 of the Revised 16562  
Code may propose for issuance any bonds necessary for its 16563  
participation in the program under section 3318.36 of the Revised 16564  
Code for a term longer than twenty-three years but not to exceed 16565  
the term calculated pursuant to section 133.20 of the Revised 16566  
Code. Any moneys received from the state under division (E)(2) of 16567  
section 3318.36 of the Revised Code shall be applied, as agreed in 16568  
writing by the school district board and the commission, to pay 16569  
debt service on outstanding bonds or bond anticipation notes 16570  
issued by the school district board for its participation in the 16571  
expedited local partnership program, including by placing those 16572  
moneys in an applicable escrow fund under division (D) of section 16573  
133.34 of the Revised Code. 16574

**Sec. 3318.363.** (A) This section applies only to a school 16575  
district participating in the school building assistance expedited 16576  
local partnership program under section 3318.36 of the Revised 16577  
Code. 16578

(B) If there is a decrease in the tax valuation of a school 16579  
district to which this section applies by ten per cent or greater 16580  
from one tax year to the next due to a decrease in the assessment 16581  
rate of the taxable property of an electric company that owns 16582  
property in the district, as provided for in section 5727.111 of 16583

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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: 16606

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(1) "Low wealth school district" means a school district in  
the first through fiftieth percentiles as determined under section  
3318.011 of the Revised Code.

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(2) A "school district with an exceptional need for immediate  
classroom facilities assistance" means a low wealth school  
district with an exceptional need for new facilities in order to  
protect the health and safety of all or a portion of its students.  
School districts reasonably expected to be eligible for state



assistance under sections 3318.01 to 3318.20 of the Revised Code 16615  
within three fiscal years after assistance under this section is 16616  
being considered by the Ohio school facilities commission, and 16617  
school districts that participate in the school building 16618  
assistance expedited local partnership program under section 16619  
3318.36 of the Revised Code shall not be eligible for assistance 16620  
under this section. 16621

(B)(1) There is hereby established the exceptional needs 16622  
school facilities assistance program. Under the program, the Ohio 16623  
school facilities commission may set aside from the moneys 16624  
annually appropriated to it for classroom facilities assistance 16625  
projects up to twenty-five per cent for assistance to school 16626  
districts with exceptional needs for immediate classroom 16627  
facilities assistance. 16628

(2)(a) After consulting with education and construction 16629  
experts, the commission shall adopt guidelines for identifying 16630  
school districts with an exceptional need for immediate classroom 16631  
facilities assistance. 16632

(b) The guidelines shall include application forms and 16633  
instructions for school districts that believe they have an 16634  
exceptional need for immediate classroom facilities assistance. 16635

(3) The commission shall evaluate the classroom facilities, 16636  
and the need for replacement classroom facilities from the 16637  
applications received under this section. The commission, 16638  
utilizing the guidelines adopted under division (B)(2)(a) of this 16639  
section, shall prioritize the school districts to be assessed. 16640

Notwithstanding section 3318.02 of the Revised Code, the 16641  
commission may conduct on-site evaluation of the school districts 16642  
prioritized under this section and approve and award funds until 16643  
such time as all funds set aside under division (B)(1) of this 16644  
section have been encumbered under section 3318.04 of the Revised 16645

Code. 16646

(4) Notwithstanding ~~division (A)~~ of section 3318.05 of the 16647  
Revised Code, the school district's portion of the basic project 16648  
cost under this section shall be the "required percentage of the 16649  
basic project costs," as defined in division (K) of section 16650  
3318.01 of the Revised Code. 16651

(5) Except as otherwise specified in this section, any 16652  
project undertaken with assistance under this section shall comply 16653  
with all provisions of sections 3318.01 to 3318.20 of the Revised 16654  
Code. A school district may receive assistance under sections 16655  
3318.01 to 3318.20 of the Revised Code for the remainder of the 16656  
district's classroom facilities needs as assessed under this 16657  
section when the district is eligible for such assistance pursuant 16658  
to section 3318.02 of the Revised Code, but any classroom facility 16659  
constructed with assistance under this section shall not be 16660  
included in a district's project at that time unless the 16661  
commission determines the district has experienced the increased 16662  
enrollment specified in division (B)(1) of section 3318.04 of the 16663  
Revised Code. 16664

**Sec. 3318.38.** (A) As used in this section, "big-eight school 16665  
district" has the same meaning as in section 3314.02 of the 16666  
Revised Code. 16667

(B) There is hereby established the accelerated urban school 16668  
building assistance program. Under the program, notwithstanding 16669  
section 3318.02 of the Revised Code, any big-eight school district 16670  
that has not been approved to receive assistance under sections 16671  
3318.01 to 3318.20 of the Revised Code by July 1, 2002, may 16672  
beginning on that date apply for approval of and be approved for 16673  
such assistance. Except as otherwise provided in this section, any 16674  
project approved and undertaken pursuant to this section shall 16675  
comply with all provisions of sections 3318.01 to 3318.20 of the 16676

Revised Code. 16677

The Ohio school facilities commission shall provide 16678  
assistance to any big-eight school district eligible for 16679  
assistance under this section in the following manner: 16680

(1) Notwithstanding section 3318.02 of the Revised Code: 16681

(a) Not later than June 30, 2002, the commission shall 16682  
conduct an on-site visit and shall assess the classroom facilities 16683  
needs of each big-eight school district eligible for assistance 16684  
under this section; 16685

(b) Beginning July 1, 2002, any big-eight school district 16686  
eligible for assistance under this section may apply to the 16687  
commission for conditional approval of its project as determined 16688  
by the assessment conducted under division (B)(1)(a) of this 16689  
section. The commission may conditionally approve that project and 16690  
submit it to the controlling board for approval pursuant to 16691  
section 3318.04 of the Revised Code. 16692

(2) If the controlling board approves the project of a 16693  
big-eight school district eligible for assistance under this 16694  
section, the commission and the school district shall enter into 16695  
an agreement as prescribed in section 3318.08 of the Revised Code. 16696  
Any agreement executed pursuant to this division shall include any 16697  
applicable segmentation provisions as approved by the commission 16698  
under division (B)(3) of this section. 16699

(3) Notwithstanding any provision to the contrary in sections 16700  
3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight 16701  
school district eligible for assistance under this section may 16702  
with the approval of the commission opt to divide the project as 16703  
approved under division (B)(1)(b) of this section into discrete 16704  
segments to be completed sequentially. Any project divided into 16705  
segments shall comply with all other provisions of sections 16706  
3318.05, 3318.06, and 3318.08 of the Revised Code except as 16707

otherwise specified in this division. 16708

If a project is divided into segments under this division: 16709

(a) The school district need raise only the amount equal to 16710  
its proportionate share, as determined under section 3318.032 of 16711  
the Revised Code, of each segment at any one time and may seek 16712  
voter approval of each segment separately; 16713

(b) The state's proportionate share, as determined under 16714  
section 3318.032 of the Revised Code, of only the segment which 16715  
has been approved by the school district electors or for which the 16716  
district has applied a local donated contribution under section 16717  
3318.084 of the Revised Code shall be encumbered at any one time. 16718  
Encumbrance of additional amounts to cover the state's 16719  
proportionate share of later segments shall be approved separately 16720  
as they are approved by the school district electors or as the 16721  
district applies a local donated contribution to the segments 16722  
under section 3318.084 of the Revised Code. If the state's share 16723  
of any one segment exceeds twenty-five million dollars, 16724  
encumbrance of that share is subject to the provisions of section 16725  
3318.11 of the Revised Code. 16726

~~(c) If it is necessary to levy the additional tax for 16727  
maintenance under division (B) of section 3318.05 of the Revised 16728  
Code with respect to any segment of the project, the district may 16729  
utilize the provisions of section 3318.061 of the Revised Code to 16730  
ensure that the maintenance tax extends for twenty-three years 16731  
after the last segment of the project is undertaken. 16732~~

**Sec. 3318.50.** (A) As used in this section and in section 16733  
3318.52 of the Revised Code: 16734

(1) "Start-up community school" means a "new start-up school" 16735  
as that term is defined in division (A) of section 3314.02 of the 16736  
Revised Code. 16737

(2) "Classroom facilities" has the same meaning as in section 3318.01 of the Revised Code. 16738  
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(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. 16740  
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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. 16749  
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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. 16753  
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(D) The commission may assess a fee of up to five hundred dollars for each loan guaranteed under this section. 16758  
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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. 16760  
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**Sec. 3318.52.** There is hereby established the community 16767

school classroom facilities loan guarantee fund. The fund shall 16768  
consist of such moneys as the general assembly appropriates for 16769  
the purpose of guaranteeing loans to community schools under 16770  
section 3318.50 of the Revised Code. Investment earnings on moneys 16771  
in the fund shall be credited to the fund. 16772

**Sec. 3319.19.** (A) ~~Upon~~ Except as provided in division (D) of 16773  
this section or division (A)(2) of section 3313.37 of the Revised 16774  
Code, upon request, the board of county commissioners shall 16775  
provide and equip offices in the county for the use of the 16776  
superintendent of an educational service center, and shall provide 16777  
heat, light, water, and janitorial services for such offices. Such 16778  
offices shall be the permanent headquarters of the superintendent 16779  
and shall be used by the governing board of the service center 16780  
when it is in session. Except as provided in division (B) of this 16781  
section, such offices shall be located in the county seat or, upon 16782  
the approval of the governing board, may be located outside of the 16783  
county seat. 16784

(B) In the case of a service center formed under section 16785  
3311.053 of the Revised Code, the governing board shall designate 16786  
the site of its offices. ~~The~~ Except as provided in division (D) of 16787  
this section or division (A)(2) of section 3313.37 of the Revised 16788  
Code, the board of county commissioners of the county in which the 16789  
designated site is located shall provide and equip the offices as 16790  
under division (A) of this section, but the costs of such offices 16791  
and equipment ~~not covered by funds received under section 307.031~~ 16792  
~~of the Revised Code~~ shall be apportioned among the boards of 16793  
county commissioners of all counties having any territory in the 16794  
area under the control of the governing board, according to the 16795  
proportion of local school district pupils under the supervision 16796  
of such board residing in the respective counties. Where there is 16797  
a dispute as to the amount any board of county commissioners is 16798

required to pay, the probate judge of the county in which the  
greatest number of pupils under the supervision of the governing  
board reside shall apportion such costs among the boards of county  
commissioners and notify each such board of its share of the  
costs.

~~(C) By the first day of March of each year, the  
superintendent of public instruction shall certify to the tax  
commissioner the ADM and the number of full-time licensed  
employees of each educational service center for the purposes of  
the distribution of funds to boards of county commissioners  
required under division (B) of section 307.031 of the Revised  
Code. As used in this section, "ADM" means the formula ADMs of all  
the local districts having territory in the service center, as  
certified in October of the previous year by the service center  
superintendent to the state board of education under section  
3317.03 of the Revised Code. As used in this division, "licensed  
employee" has the same meaning as in section 307.031 of the  
Revised Code.~~

~~(D) The superintendent of a service center may annually  
submit a proposal approved by the board of county commissioners to  
the state superintendent of public instruction, in such manner and  
by such date as specified by the state board of education, for a  
grant for the board of county commissioners to do one of the  
following:~~

~~(1) To improve or enhance the offices and equipment provided  
under division (A) or (B) of this section or section 3301.0712 of  
the Revised Code;~~

~~(2) If funds received under division (B) of section 307.031  
of the Revised Code are insufficient to provide for the actual  
cost of meeting the requirements of division (A) or (B) of section  
3319.19 and division (A)(2) of section 3301.0712 of the Revised  
Code, to provide funds to meet such costs.~~

~~Any service center superintendent intending to submit a~~ 16831  
~~proposal shall submit it to the board of county commissioners that~~ 16832  
~~provides and equips the office of the superintendent for approval~~ 16833  
~~at least twenty days before the date of submission to the~~ 16834  
~~superintendent of public instruction. The superintendent of public~~ 16835  
~~instruction shall evaluate the proposals and select those that~~ 16836  
~~will most benefit the local districts supervised by the governing~~ 16837  
~~boards under standards adopted by the state board. For each~~ 16838  
~~proposal selected for a grant, the superintendent of public~~ 16839  
~~instruction shall determine the grant amount and, with the~~ 16840  
~~approval of the superintendent and the board of county~~ 16841  
~~commissioners, may modify a grant proposal to reflect the amount~~ 16842  
~~of money available for the grant. The superintendent of public~~ 16843  
~~instruction shall notify the board of county commissioners and the~~ 16844  
~~tax commissioner of the selection of the proposal as submitted or~~ 16845  
~~modified and the amount of the grant. If, pursuant to division (C)~~ 16846  
~~of section 307.031 of the Revised Code, the board of county~~ 16847  
~~commissioners accepts the proposal and grant, it shall expend the~~ 16848  
~~funds as specified in the grant proposal. If the board of county~~ 16849  
~~commissioners rejects the proposal and grant, the superintendent~~ 16850  
~~of public instruction may select another proposal from among the~~ 16851  
~~district proposals that initially failed to be selected for a~~ 16852  
~~grant.~~ 16853

~~The state board of education shall adopt rules to implement~~ 16854  
~~the requirements of this section Not later than the thirty-first~~ 16855  
~~day of March of 2002, 2003, 2004, and 2005 a board of county~~ 16856  
~~commissioners required to provide or equip offices pursuant to~~ 16857  
~~division (A) or (B) of this section shall make a written estimate~~ 16858  
~~of the total cost it will incur for the ensuing fiscal year to~~ 16859  
~~provide and equip the offices and to provide heat, light, water,~~ 16860  
~~and janitorial services for such offices. The total estimate of~~ 16861  
~~cost shall include:~~ 16862



- (1) The total square feet of space to be utilized by the educational service center; 16863  
16864
- (2) The total square feet of any common areas that should be reasonably allocated to the center and the methodology for making this allocation; 16865  
16866  
16867
- (3) The actual cost per square foot for both the space utilized by and the common area allocated to the center; 16868  
16869
- (4) An explanation of the methodology used to determine the per square foot cost; 16870  
16871
- (5) The estimated cost of providing heat, light, and water, including an explanation of how these costs were determined; 16872  
16873  
16874
- (6) The estimated cost of providing janitorial services including an explanation of the methodology used to determine this cost; 16875  
16876  
16877
- (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. 16878  
16879  
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- 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. 16881  
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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 16924  
for provision of heat, light, water, and janitorial services for 16925  
such offices, including any unanticipated or unexpected increases 16926  
in the costs beyond the final estimated cost amount. 16927

Beginning in fiscal year 2007, no board of county 16928  
commissioners shall have any obligation to provide and equip 16929  
offices for an educational service center or to provide heat, 16930  
light, water, or janitorial services for such offices. 16931

(2) Nothing in this section shall prohibit the board of 16932  
county commissioners and the governing board of an educational 16933  
service center from entering into a contract for providing and 16934  
equipping offices for the use of an educational service center and 16935  
for providing heat, light, water, and janitorial services for such 16936  
offices. The term of any such contract shall not exceed a period 16937  
of four years and may be renewed for additional periods not to 16938  
exceed four years. Any such contract shall supersede the 16939  
provisions of division (D)(1) of this section. 16940

(3) No contract entered into under division (D)(2) of this 16941  
section in any year prior to fiscal year 2007 between an 16942  
educational service center formed under section 3311.053 of the 16943  
Revised Code and the board of county commissioners required to 16944  
provide and equip its office pursuant to division (B) of this 16945  
section shall take effect unless the boards of county 16946  
commissioners of all other counties required to participate in the 16947  
funding for such offices pursuant to division (B) of this section 16948  
adopt resolutions approving the contract. 16949

**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," 16950  
"guardian," or "other person having charge or care of a child" 16951  
means either parent unless the parents are separated or divorced 16952  
or their marriage has been dissolved or annulled, in which case 16953  
"parent" means the parent who is the residential parent and legal 16954

custodian of the child. If the child is in the legal or permanent 16955  
custody of a person or government agency, "parent" means that 16956  
person or government agency. When a child is a resident of a home, 16957  
as defined in section 3313.64 of the Revised Code, and the child's 16958  
parent is not a resident of this state, "parent," "guardian," or 16959  
"other person having charge or care of a child" means the head of 16960  
the home. 16961

A child between six and eighteen years of age is "of 16962  
compulsory school age" for the purpose of sections 3321.01 to 16963  
3321.13 of the Revised Code. A child under six years of age who 16964  
has been enrolled in kindergarten also shall be considered "of 16965  
compulsory school age" for the purpose of sections 3321.01 to 16966  
3321.13 of the Revised Code unless at any time the child's parent 16967  
or guardian, at the parent's or guardian's discretion and in 16968  
consultation with the child's teacher and principal, formally 16969  
withdraws the child from kindergarten. The compulsory school age 16970  
of a child shall not commence until the beginning of the term of 16971  
such schools, or other time in the school year fixed by the rules 16972  
of the board of the district in which the child resides. 16973

(2) No child shall be admitted to a kindergarten or a first 16974  
grade of a public school in a district in which all children are 16975  
admitted to kindergarten and the first grade in August or 16976  
September unless the child is five or six years of age, 16977  
respectively, by the thirtieth day of September of the year of 16978  
admittance, or by the first day of a term or semester other than 16979  
one beginning in August or September in school districts granting 16980  
admittance at the beginning of such term or semester, except that 16981  
in those school districts using or obtaining educationally 16982  
accepted standardized testing programs for determining entrance, 16983  
as approved by the board of education of such districts, the board 16984  
shall admit a child to kindergarten or the first grade who fails 16985  
to meet the age requirement, provided the child meets necessary 16986

standards as determined by such standardized testing programs. If 16987  
the board of education has not established a standardized testing 16988  
program, the board shall designate the necessary standards and a 16989  
testing program it will accept for the purpose of admitting a 16990  
child to kindergarten or first grade who fails to meet the age 16991  
requirement. Each child who will be the proper age for entrance to 16992  
kindergarten or first grade by the first day of January of the 16993  
school year for which admission is requested shall be so tested 16994  
upon the request of the child's parent. 16995

(3) Notwithstanding divisions (A)(2) and (D) of this section, 16996  
beginning with the school year that starts in 2001 and continuing 16997  
thereafter the board of education of any district may adopt a 16998  
resolution establishing the first day of August in lieu of the 16999  
thirtieth day of September as the required date by which students 17000  
must have attained the age specified in those divisions. 17001

(B) As used in divisions (C) and (D) of this section, 17002  
"successfully completed kindergarten" and "successful completion 17003  
of kindergarten" mean that the child has completed the 17004  
kindergarten requirements at one of the following: 17005

(1) A public or chartered nonpublic school; 17006

(2) A kindergarten class that is both of the following: 17007

(a) Offered by a day-care provider licensed under Chapter 17008  
5104. of the Revised Code; 17009

(b) If offered after July 1, 1991, is directly taught by a 17010  
teacher who holds one of the following: 17011

(i) A valid educator license issued under section 3319.22 of 17012  
the Revised Code; 17013

(ii) A Montessori preprimary credential or age-appropriate 17014  
diploma granted by the American Montessori society or the 17015  
association Montessori internationale; 17016

(iii) Certification determined under division (G) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;	17017 17018 17019
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	17020 17021
(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.	17022 17023 17024
(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.	17025 17026 17027 17028 17029 17030 17031
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:	17032 17033 17034 17035 17036 17037 17038 17039
(1) The director of pupil personnel services;	17040
(2) An elementary school counselor;	17041
(3) An elementary school principal;	17042
(4) A school psychologist;	17043
(5) A teacher assigned to teach first grade;	17044
<u>(6) A gifted coordinator.</u>	17045

The responsibilities of the pupil personnel services 17046  
committee shall be limited to the issuing of waivers allowing 17047  
admittance to the first grade without the successful completion of 17048  
kindergarten. The committee shall have no other authority except 17049  
as specified in this section. 17050

(E) The scheduling of times for kindergarten classes and 17051  
length of the school day for kindergarten shall be determined by 17052  
the board of education of a city, exempted village, or local 17053  
school district. 17054

(F) Any kindergarten class offered by a day-care provider or 17055  
school described by division (B)(1) or (B)(2)(a) of this section 17056  
shall be developmentally appropriate. 17057

(G) Upon written request of a day-care provider described by 17058  
division (B)(2)(a) of this section, the department of education 17059  
shall determine whether certification held by a teacher employed 17060  
by the provider meets the requirement of division (B)(2)(b)(iii) 17061  
of this section and, if so, shall furnish the provider a statement 17062  
to that effect. 17063

**Sec. 3323.09.** (A) As used in this section: 17064

(1) "Home" has the meaning given in section 3313.64 of the 17065  
Revised Code; 17066

(2) "Preschool child" means a child who is at least age three 17067  
but under age six on the thirtieth day of September of an academic 17068  
year. 17069

(B) Each county MR/DD board shall establish special education 17070  
programs for all handicapped children who in accordance with 17071  
section 3323.04 of the Revised Code have been placed in special 17072  
education programs operated by the county board and for preschool 17073  
children who are developmentally delayed or at risk of being 17074  
developmentally delayed. The board annually shall submit to the 17075

department of education a plan for the provision of these programs 17076  
and, if applicable, a request for approval of units under section 17077  
3317.05 of the Revised Code. The superintendent of public 17078  
instruction shall review the plan and approve or modify it in 17079  
accordance with rules adopted by the state board of education 17080  
under section 3301.07 of the Revised Code. The superintendent of 17081  
public instruction shall compile the plans submitted by county 17082  
boards and shall submit a comprehensive plan to the state board of 17083  
education. 17084

A county MR/DD board may combine transportation for children 17085  
enrolled in classes funded under section 3317.20 or units approved 17086  
under section 3317.05 with transportation for children and adults 17087  
enrolled in programs and services offered by the board under 17088  
section 5126.12 of the Revised Code. 17089

(C) A county MR/DD board that during the school year provided 17090  
special education pursuant to this section for any mentally 17091  
handicapped child under twenty-two years of age shall prepare and 17092  
submit the following reports and statements: 17093

(1) The board shall prepare a statement for each child who at 17094  
the time of receiving such special education was a resident of a 17095  
home and was not in the legal or permanent custody of an Ohio 17096  
resident or a government agency in this state, and whose parents 17097  
are not known to have been residents of this state subsequent to 17098  
the child's birth. The statement shall contain the child's name, 17099  
the name of ~~his~~ the child's school district of residence, the name 17100  
of the county board providing the special education, and the 17101  
number of months, including any fraction of a month, it was 17102  
provided. Not later than the thirtieth day of June, the board 17103  
shall forward a certified copy of such statement to both the 17104  
director of mental retardation and developmental disabilities and 17105  
to the home. 17106

Within thirty days after its receipt of a statement, the home 17107



shall pay tuition to the county board computed in the manner 17108  
prescribed by section 3323.141 of the Revised Code. 17109

(2) The board shall prepare a report for each school district 17110  
that is the school district of residence of one or more of such 17111  
children for whom statements are not required by division (C)(1) 17112  
of this section. The report shall contain the name of the county 17113  
board providing special education, the name of each child 17114  
receiving special education, the number of months, including 17115  
fractions of a month, that ~~he~~ the child received it, and the name 17116  
of the child's school district of residence. Not later than the 17117  
thirtieth day of June, the board shall forward certified copies of 17118  
each report to the school district named in the report, the 17119  
superintendent of public instruction, and the director of mental 17120  
retardation and developmental disabilities. 17121

**Sec. 3323.091.** (A) The department of mental health, the 17122  
department of mental retardation and developmental disabilities, 17123  
the department of youth services, and the department of 17124  
rehabilitation and correction shall establish and maintain special 17125  
education programs for handicapped children in institutions under 17126  
their jurisdiction according to standards adopted by the state 17127  
board of education. The superintendent of each institution 17128  
providing special education under this chapter may apply to the 17129  
state department of education for unit funding, which shall be 17130  
paid in accordance with sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 17131  
3317.053 of the Revised Code. 17132

(B) On or before the thirtieth day of June of each year, the 17133  
superintendent of each institution that during the school year 17134  
provided special education pursuant to this section shall prepare 17135  
a statement for each handicapped child under twenty-two years of 17136  
age who has received special education. The statement shall 17137  
contain the child's name and the name of the child's school 17138

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

shall be called in such manner and at such times as prescribed by 17170  
rules adopted by the board, but the board shall meet at least four 17171  
times annually. A majority of the board constitutes a quorum. At 17172  
its first meeting, the board shall organize by selecting a 17173  
~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, and a 17174  
secretary, and such other officers as it deems necessary. The 17175  
board shall adopt rules for the conduct of its business, and to 17176  
provide for the term and election of officers, and shall establish 17177  
an office in Columbus. The rules shall permit the formation of a 17178  
quorum and the taking of votes at meetings conducted by 17179  
interactive video teleconference if provisions are made for public 17180  
attendance at any location involved in such a teleconference. 17181

A record shall be kept of board proceedings, which shall be 17182  
open for public inspection. The board shall adopt a seal to be 17183  
affixed to official documents. Each member of the board, before 17184  
entering on ~~his~~ official duties and after qualifying for office, 17185  
shall take and subscribe to an oath of office, to uphold the 17186  
constitution and laws of the United States and this state, and to 17187  
perform the duties of ~~his~~ office honestly, faithfully, and 17188  
impartially. 17189

**Sec. 3333.03.** (A) The Ohio board of regents shall appoint a 17190  
chancellor to serve at its pleasure and shall prescribe ~~his~~ the 17191  
chancellor's duties. The board shall fix the compensation for the 17192  
chancellor ~~and for all other professional, administrative, and~~ 17193  
~~clerical employees necessary to assist the board and the~~ 17194  
~~chancellor in the performance of their duties.~~ 17195

(B) The chancellor is the administrative officer of the 17196  
board, and is responsible for appointing and fixing the 17197  
compensation of all professional, administrative, and clerical 17198  
employees and staff members, ~~subject to board approval, who~~ 17199  
necessary to assist the board and the chancellor in the 17200  
performance of their duties. All employees and staff shall serve 17201

under ~~his~~ the chancellor's direction and control. The chancellor 17202  
shall be a person qualified by training and experience to 17203  
understand the problems and needs of the state in the field of 17204  
higher education and to devise programs, plans, and methods of 17205  
solving the problems and meeting the needs. 17206

(C) Neither the chancellor nor any staff member or employee 17207  
of the board shall be a trustee, officer, or employee of any 17208  
public or private college or university while serving on the 17209  
board. 17210

**Sec. 3333.043.** (A) As used in this section: 17211

(1) "Institution of higher education" means the state 17212  
universities listed in section 3345.011 of the Revised Code, 17213  
municipal educational institutions established under Chapter 3349. 17214  
of the Revised Code, community colleges established under Chapter 17215  
3354. of the Revised Code, university branches established under 17216  
Chapter 3355. of the Revised Code, technical colleges established 17217  
under Chapter 3357. of the Revised Code, state community colleges 17218  
established under Chapter 3358. of the Revised Code, any 17219  
institution of higher education with a certificate of registration 17220  
from the state board of proprietary school registration, and any 17221  
institution for which the Ohio board of regents receives a notice 17222  
pursuant to division (C) of this section. 17223

(2) "Community service" has the same meaning as in section 17224  
3313.605 of the Revised Code. 17225

(B)(1) The board of trustees or other governing entity of 17226  
each institution of higher education shall encourage and promote 17227  
participation of students in community service through a program 17228  
appropriate to the mission, student population, and environment of 17229  
each institution. The program may include, but not be limited to, 17230  
providing information about community service opportunities during 17231  
student orientation or in student publications; providing awards 17232

for exemplary community service; encouraging faculty members to 17233  
incorporate community service into students' academic experiences 17234  
wherever appropriate to the curriculum; encouraging recognized 17235  
student organizations to undertake community service projects as 17236  
part of their purposes; and establishing advisory committees of 17237  
students, faculty members, and community and business leaders to 17238  
develop cooperative programs that benefit the community and 17239  
enhance student experience. The program shall be flexible in 17240  
design so as to permit participation by the greatest possible 17241  
number of students, including part-time students and students for 17242  
whom participation may be difficult due to financial, academic, 17243  
personal, or other considerations. The program shall emphasize 17244  
community service opportunities that can most effectively use the 17245  
skills of students, such as tutoring or literacy programs. The 17246  
programs shall encourage students to perform services that will 17247  
not supplant the hiring of, result in the displacement of, or 17248  
impair any existing employment contracts of any particular 17249  
employee of any private or governmental entity for which services 17250  
are performed. 17251

(2) The Ohio board of regents shall encourage all 17252  
institutions of higher education in the development of community 17253  
service programs. With the assistance of the ~~state~~ Ohio community 17254  
service ~~advisory committee~~ council created in section 121.40 of 17255  
the Revised Code, the board of regents shall make available 17256  
information about higher education community service programs to 17257  
institutions of higher education and to statewide organizations 17258  
involved with or promoting volunteerism, including information 17259  
about model community service programs, teacher training courses, 17260  
and community service curricula and teaching materials for 17261  
possible use by institutions of higher education in their 17262  
programs. The board shall encourage institutions of higher 17263  
education to jointly coordinate higher education community service 17264

programs through consortia of institutions or other appropriate 17265  
means of coordination. 17266

(C) The board of trustees of any nonprofit institution with a 17267  
certificate of authorization issued by the Ohio board of regents 17268  
pursuant to Chapter 1713. of the Revised Code may notify the board 17269  
of regents that it is making itself subject to divisions (A) and 17270  
(B) of this section. Upon receipt of such a notice, these 17271  
divisions shall apply to that institution. 17272

**Sec. 3333.12.** (A) As used in this section: 17273

(1) "Eligible student" means an undergraduate student who is: 17274

(a) An Ohio resident; 17275

(b) Enrolled in either of the following: 17276

(i) An accredited institution of higher education in this 17277  
state that meets the requirements of Title VI of the Civil Rights 17278  
Act of 1964 and is state-assisted, is nonprofit and has a 17279  
certificate of authorization from the Ohio board of regents 17280  
pursuant to Chapter 1713. of the Revised Code, or has a 17281  
certificate of registration from the state board of proprietary 17282  
school registration and program authorization to award an 17283  
associate or bachelor's degree. Students who attend an institution 17284  
that holds a certificate of registration shall be enrolled in a 17285  
program leading to an associate or bachelor's degree for which 17286  
associate or bachelor's degree program the institution has program 17287  
authorization issued under section 3332.05 of the Revised Code. 17288

17289

(ii) A technical education program of at least two years 17290  
duration sponsored by a private institution of higher education in 17291  
this state that meets the requirements of Title VI of the Civil 17292  
Rights Act of 1964. 17293

(c) Enrolled as a full-time student or enrolled as a less 17294

than full-time student for the term expected to be the student's 17295  
final term of enrollment and is enrolled for the number of credit 17296  
hours necessary to complete the requirements of the program in 17297  
which the student is enrolled. 17298

(2) "Gross income" includes all taxable and nontaxable income 17299  
of the parents, the student, and the student's spouse, except 17300  
income derived from an Ohio academic scholarship, income earned by 17301  
the student between the last day of the spring term and the first 17302  
day of the fall term, and other income exclusions designated by 17303  
the board. Gross income may be verified to the board by the 17304  
institution in which the student is enrolled using the federal 17305  
financial aid eligibility verification process or by other means 17306  
satisfactory to the board. 17307

(3) "Resident," "full-time student," "dependent," 17308  
"financially independent," and "accredited" shall be defined by 17309  
rules adopted by the board. 17310

(B) The Ohio board of regents shall establish and administer 17311  
an instructional grant program and may adopt rules to carry out 17312  
this section. The general assembly shall support the instructional 17313  
grant program by such sums and in such manner as it may provide, 17314  
but the board may also receive funds from other sources to support 17315  
the program. If the amounts available for support of the program 17316  
are inadequate to provide grants to all eligible students, 17317  
preference in the payment of grants shall be given in terms of 17318  
income, beginning with the lowest income category of gross income 17319  
and proceeding upward by category to the highest gross income 17320  
category. 17321

An instructional grant shall be paid to an eligible student 17322  
through the institution in which the student is enrolled, except 17323  
that no instructional grant shall be paid to any person serving a 17324  
term of imprisonment. Applications for such grants shall be made 17325  
as prescribed by the board, and such applications may be made in 17326

conjunction with and upon the basis of information provided in 17327  
conjunction with student assistance programs funded by agencies of 17328  
the United States government or from financial resources of the 17329  
institution of higher education. The institution shall certify 17330  
that the student applicant meets the requirements set forth in 17331  
divisions (A)(1)(b) and (c) of this section. Instructional grants 17332  
shall be provided to an eligible student only as long as the 17333  
student is making appropriate progress toward a nursing diploma or 17334  
an associate or bachelor's degree. No student shall be eligible to 17335  
receive a grant for more than ten semesters, fifteen quarters, or 17336  
the equivalent of five academic years. A grant made to an eligible 17337  
student on the basis of less than full-time enrollment shall be 17338  
based on the number of credit hours for which the student is 17339  
enrolled and shall be computed in accordance with a formula 17340  
adopted by the board. No student shall receive more than one grant 17341  
on the basis of less than full-time enrollment. 17342

An instructional grant shall not exceed the total 17343  
instructional and general charges of the institution. 17344

(C) The tables in this division prescribe the maximum grant 17345  
amounts covering two semesters, three quarters, or a comparable 17346  
portion of one academic year. Grant amounts for additional terms 17347  
in the same academic year shall be determined under division (D) 17348  
of this section. 17349

For a full-time student who is a dependent and enrolled in a 17350  
nonprofit educational institution that is not a state-assisted 17351  
institution and that has a certificate of authorization issued 17352  
pursuant to Chapter 1713. of the Revised Code, the amount of the 17353  
instructional grant for two semesters, three quarters, or a 17354  
comparable portion of the academic year shall be determined in 17355  
accordance with the following table: 17356

~~Table of Grants~~ 17357

~~Maximum Grant \$4,872~~ 17358



Gross Income	Number of Dependents					17359
	1	2	3	4	5 or more	17360
Under \$13,001	\$4,872	\$4,872	\$4,872	\$4,872	\$4,872	17361
\$13,001 — \$14,000	4,386	4,872	4,872	4,872	4,872	17362
\$14,001 — \$15,000	3,888	4,386	4,872	4,872	4,872	17363
\$15,001 — \$16,000	3,408	3,888	4,386	4,872	4,872	17364
\$16,001 — \$17,000	2,928	3,408	3,888	4,386	4,872	17365
\$17,001 — \$20,000	2,442	2,928	3,408	3,888	4,386	17366
\$20,001 — \$23,000	1,944	2,442	2,928	3,408	3,888	17367
\$23,001 — \$26,000	1,452	1,944	2,442	2,928	3,408	17368
\$26,001 — \$29,000	1,200	1,452	1,944	2,442	2,928	17369
\$29,001 — \$30,000	966	1,200	1,452	1,944	2,442	17370
\$30,001 — \$31,000	882	966	1,200	1,452	1,944	17371
\$31,001 — \$32,000	792	882	966	1,200	1,452	17372
\$32,001 — \$33,000	396	792	882	966	1,200	17373
\$33,001 — \$34,000	—	396	792	882	966	17374
\$34,001 — \$35,000	—	—	396	792	882	17375
\$35,001 — \$36,000	—	—	—	396	792	17376
\$36,001 — \$37,000	—	—	—	—	396	17377
Over \$37,000	—	—	—	—	—	17378

Private Institution 17379

Table of Grants 17380

Maximum Grant \$5,466 17381

Gross Income	Number of Dependents					17382
	1	2	3	4	5 or more	17383
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	17384
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	17385
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	17386
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	17387
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	17388
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	17389



<del>\$11,301 - \$12,800</del>	<del>882</del>	<del>966</del>	<del>1,200</del>	<del>1,452</del>	<del>1,944</del>	<del>2,442</del>	17422
<del>\$12,801 - \$14,300</del>	<del>792</del>	<del>882</del>	<del>966</del>	<del>1,200</del>	<del>1,452</del>	<del>1,944</del>	17423
<del>\$14,301 - \$15,800</del>	<del>396</del>	<del>792</del>	<del>882</del>	<del>966</del>	<del>1,200</del>	<del>1,452</del>	17424
<del>\$15,801 - \$18,800</del>	<del>0</del>	<del>396</del>	<del>792</del>	<del>882</del>	<del>966</del>	<del>1,200</del>	17425
<del>\$18,801 - \$21,800</del>	<del>0</del>	<del>0</del>	<del>396</del>	<del>792</del>	<del>882</del>	<del>966</del>	17426
<del>\$21,801 - \$24,800</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>396</del>	<del>792</del>	<del>882</del>	17427
<del>\$24,801 - \$29,500</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>396</del>	<del>792</del>	17428
<del>\$29,501 - \$34,500</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>396</del>	17429
<del>Over \$34,500</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	17430

Private Institution 17431

Table of Grants 17432

Maximum Grant \$5,466 17433

Gross Income Number of Dependents 17434

	<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>	17435
<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>	17437
<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>	17438
<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>	17439
<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>	17440
<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>	17441
<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>	17442
<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>	17443
<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>	17444
<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>	17445
<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>	17446
<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>	17447
<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>	17448
<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>	17449
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	17450
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	17451
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	17452
<u>\$30,301 - \$35,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	17453

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:

<del>Table of Grants</del>							17454
<del>Maximum Grant \$4,128</del>							17455
<del>Gross Income</del>	<del>Number of Dependents</del>						17456
	<del>1</del>	<del>2</del>	<del>3</del>	<del>4</del>	<del>5 or more</del>		17457
<del>Under \$13,001</del>	<del>\$4,128</del>	<del>\$4,128</del>	<del>\$4,128</del>	<del>\$4,128</del>	<del>\$4,128</del>		17458
<del>\$13,001 — \$14,000</del>	<del>3,726</del>	<del>4,128</del>	<del>4,128</del>	<del>4,128</del>	<del>4,128</del>		17459
<del>\$14,001 — \$15,000</del>	<del>3,288</del>	<del>3,726</del>	<del>4,128</del>	<del>4,128</del>	<del>4,128</del>		17460
<del>\$15,001 — \$16,000</del>	<del>2,874</del>	<del>3,288</del>	<del>3,726</del>	<del>4,128</del>	<del>4,128</del>		17461
<del>\$16,001 — \$17,000</del>	<del>2,490</del>	<del>2,874</del>	<del>3,288</del>	<del>3,726</del>	<del>4,128</del>		17462
<del>\$17,001 — \$20,000</del>	<del>2,046</del>	<del>2,490</del>	<del>2,874</del>	<del>3,288</del>	<del>3,726</del>		17463
<del>\$20,001 — \$23,000</del>	<del>1,656</del>	<del>2,046</del>	<del>2,490</del>	<del>2,874</del>	<del>3,288</del>		17464
<del>\$23,001 — \$26,000</del>	<del>1,266</del>	<del>1,656</del>	<del>2,046</del>	<del>2,490</del>	<del>2,874</del>		17465
<del>\$26,001 — \$29,000</del>	<del>1,014</del>	<del>1,266</del>	<del>1,656</del>	<del>2,046</del>	<del>2,490</del>		17466
<del>\$29,001 — \$30,000</del>	<del>810</del>	<del>1,014</del>	<del>1,266</del>	<del>1,656</del>	<del>2,046</del>		17467
<del>\$30,001 — \$31,000</del>	<del>762</del>	<del>810</del>	<del>1,014</del>	<del>1,266</del>	<del>1,656</del>		17468
<del>\$31,001 — \$32,000</del>	<del>672</del>	<del>762</del>	<del>810</del>	<del>1,014</del>	<del>1,266</del>		17469
<del>\$32,001 — \$33,000</del>	<del>336</del>	<del>672</del>	<del>762</del>	<del>810</del>	<del>1,014</del>		17470
<del>\$33,001 — \$34,000</del>	<del>—</del>	<del>336</del>	<del>672</del>	<del>762</del>	<del>810</del>		17471
<del>\$34,001 — \$35,000</del>	<del>—</del>	<del>—</del>	<del>336</del>	<del>672</del>	<del>762</del>		17472
<del>\$35,001 — \$36,000</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>336</del>	<del>672</del>		17473
<del>\$36,001 — \$37,000</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>336</del>		17474
<del>Over \$37,000</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>—</del>		17475

Proprietary Institution 17482

Table of Grants 17483

Maximum Grant \$4,632 17484

Gross Income Number of Dependents 17485

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u> <u>more</u>	17486
<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>	17487
<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>	17488
<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>	17489
<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>	17490
<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>	17491
<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>	17492
<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>	17493
<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>	17494
<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>	17495
<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>	17496
<u>\$32,001 - \$33,000</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	17497
<u>\$33,001 - \$34,000</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	17498
<u>\$34,001 - \$35,000</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	17499
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	17500
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	17501
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	17502
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	17503

For a full-time student who is financially independent and 17504  
enrolled in an educational institution that holds a certificate of 17505  
registration from the state board of proprietary school 17506  
registration, the amount of the instructional grant for two 17507  
semesters, three quarters, or a comparable portion of the academic 17508  
year shall be determined in accordance with the following table: 17509

Table of Grants 17510

Gross Income	Maximum Grant <del>\$4,128</del>					<del>5 or</del> <del>more</del>	17512
	Number of Dependents						
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>		17513
<del>Under \$4,201</del>	<del>\$4,128</del>	<del>\$4,128</del>	<del>\$4,128</del>	<del>\$4,128</del>	<del>\$4,128</del>	<del>\$4,128</del>	17514
<del>\$4,201 -- \$4,800</del>	<del>3,726</del>	<del>4,128</del>	<del>4,128</del>	<del>4,128</del>	<del>4,128</del>	<del>4,128</del>	17515
<del>\$4,801 -- \$5,300</del>	<del>3,288</del>	<del>3,726</del>	<del>4,128</del>	<del>4,128</del>	<del>4,128</del>	<del>4,128</del>	17516

<del>\$5,301</del> — <del>\$5,800</del>	2,874	3,288	3,726	4,128	4,128	4,128	17517
<del>\$5,801</del> — <del>\$6,300</del>	2,490	2,874	3,288	3,726	4,128	4,128	17518
<del>\$6,301</del> — <del>\$6,800</del>	2,046	2,490	2,874	3,288	3,726	4,128	17519
<del>\$6,801</del> — <del>\$7,800</del>	1,656	2,046	2,490	2,874	3,288	3,726	17520
<del>\$7,801</del> — <del>\$8,800</del>	1,266	1,656	2,046	2,490	2,874	3,288	17521
<del>\$8,801</del> — <del>\$9,800</del>	1,014	1,266	1,656	2,046	2,490	2,874	17522
<del>\$9,801</del> — <del>\$11,300</del>	810	1,014	1,266	1,656	2,046	2,490	17523
<del>\$11,301</del> — <del>\$12,800</del>	762	810	1,014	1,266	1,656	2,046	17524
<del>\$12,801</del> — <del>\$14,300</del>	672	762	810	1,014	1,266	1,656	17525
<del>\$14,301</del> — <del>\$15,800</del>	336	672	762	810	1,014	1,266	17526
<del>\$15,801</del> — <del>\$18,800</del>	-0-	336	672	762	810	1,014	17527
<del>\$18,801</del> — <del>\$21,800</del>	-0-	-0-	336	672	762	810	17528
<del>\$21,801</del> — <del>\$24,800</del>	-0-	-0-	-0-	336	672	762	17529
<del>\$24,801</del> — <del>\$29,500</del>	-0-	-0-	-0-	-0-	336	672	17530
<del>\$29,501</del> — <del>\$34,500</del>	-0-	-0-	-0-	-0-	-0-	336	17531
Over <del>\$34,500</del>	-0-	-0-	-0-	-0-	-0-	-0-	17532

Proprietary Institution 17533

Table of Grants 17534

Maximum Grant \$4,632 17535

Gross Income Number of Dependents 17536

	<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>	17538
<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>	17539
<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>	17540
<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>	17541
<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>	17542
<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>	17543
<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>	17544
<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>	17545
<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>	17546
<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>	17547
<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>	17548



\$36,001 — \$37,000	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	<del>162</del>	17581
Over \$37,000	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	17582

Public Institution 17583

Table of Grants 17584

Maximum Grant \$2,190 17585

Gross Income Number of Dependents 17586

	<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>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	17588
<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>	17589
<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>	17590
<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>	17591
<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>	17592
<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>	17593
<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>	17594
<u>\$25,001 - \$28,000</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	17595
<u>\$28,001 - \$31,000</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	17596
<u>\$31,001 - \$32,000</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	17597
<u>\$32,001 - \$33,000</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	17598
<u>\$33,001 - \$34,000</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	17599
<u>\$34,001 - \$35,000</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	17600
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	17601
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	17602
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	17603
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	17604

For a full-time student who is financially independent and 17605  
enrolled in a state-assisted educational institution, the amount 17606  
of the instructional grant for two semesters, three quarters, or a 17607  
comparable portion of the academic year shall be determined in 17608  
accordance with the following table: 17609

~~Table of Grants~~ 17610

~~Maximum Grant \$1,956~~ 17611

~~Gross Income~~ ~~Number of Dependents~~ 17612



	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>	
							17613
Under \$4,201	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956	17614
4,201 — \$4,800	1,764	1,956	1,956	1,956	1,956	1,956	17615
\$4,801 — \$5,300	1,554	1,764	1,956	1,956	1,956	1,956	17616
\$5,301 — \$5,800	1,380	1,554	1,764	1,956	1,956	1,956	17617
\$5,801 — \$6,300	1,182	1,380	1,554	1,764	1,956	1,956	17618
\$6,301 — \$6,800	966	1,182	1,380	1,554	1,764	1,956	17619
\$6,801 — \$7,800	774	966	1,182	1,380	1,554	1,764	17620
\$7,801 — \$8,800	582	774	966	1,182	1,380	1,554	17621
\$8,801 — \$9,800	468	582	774	966	1,182	1,380	17622
\$9,801 — \$11,300	378	468	582	774	966	1,182	17623
\$11,301 — \$12,800	348	378	468	582	774	966	17624
\$12,801 — \$14,300	318	348	378	468	582	774	17625
\$14,301 — \$15,800	162	318	348	378	468	582	17626
\$15,801 — \$18,800	0	162	318	348	378	468	17627
\$18,801 — \$21,800	0	0	162	318	348	378	17628
\$21,801 — \$24,800	0	0	0	162	318	348	17629
\$24,801 — \$29,500	0	0	0	0	162	318	17630
\$29,501 — \$34,500	0	0	0	0	0	162	17631
Over \$34,500	0	0	0	0	0	0	17632
<u>Public Institution</u>							17633
<u>Table of Grants</u>							17634
<u>Maximum Grant \$2,190</u>							17635
<u>Gross Income</u>							17636
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>	17637
<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>	17638
<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>	17639
<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>	17640
<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>	17641
<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>	17642
<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>	17643

<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>	17644
<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>	17645
<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>	17646
<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>	17647
<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>	17648
<u>\$13,301 - \$14,800</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	17649
<u>\$14,801 - \$16,300</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	17650
<u>\$16,301 - \$19,300</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	17651
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	17652
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	17653
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	17654
<u>\$30,301 - \$35,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	17655

(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. 17676  
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(2) Division (F)(1) of this section does not apply to the following: 17678  
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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. 17680  
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(b) Any student who has previously received a grant under this section who meets all other requirements of this section. 17689  
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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. 17691  
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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. 17694  
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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 17698  
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thirty-day period. The board shall immediately notify the office 17707  
of budget and management and the legislative budget office of the 17708  
legislative service commission of all refunds so received. 17709

**Sec. 3333.13.** (A) Money appropriated to ~~state supported and~~ 17710  
~~state assisted institutions of higher education and~~ to the Ohio 17711  
board of regents for the purposes of this division shall be paid 17712  
at the times and in the amounts necessary to meet all payments 17713  
required to be made ~~by such institutions and~~ by the board to the 17714  
Ohio public facilities commission or treasurer of state pursuant 17715  
to leases or agreements made by them under division (B) of section 17716  
154.21 of the Revised Code, as certified under division (C) of 17717  
this section, including supplements to such certifications. 17718

(B) ~~Each such institution of higher education and the~~ The 17719  
board shall include in its estimate of proposed expenses submitted 17720  
pursuant to section 126.02 of the Revised Code the estimated 17721  
amounts of all such payments to be made by it. The board shall 17722  
include the estimated amounts of all such payments to be made ~~by~~ 17723  
~~each such institution and of such payments to be made~~ by it in 17724  
recommendations for appropriation required by division (J) of 17725  
section 3333.04 of the Revised Code. The director of budget and 17726  
management shall include in the state budget estimates provided 17727  
for in section 126.02 of the Revised Code the estimated amount of 17728  
all such payments to be made during the next biennium, and this 17729  
amount shall be included in the state budget to be submitted by 17730  
the governor to the general assembly pursuant to section 107.03 of 17731  
the Revised Code. 17732

(C) On the first day of July of each year, or as soon 17733  
thereafter as is practicable, the chancellor or a vice-chancellor 17734  
of the board shall certify to the director the payments contracted 17735  
to be made, during the period of the then current appropriations 17736  
made for the purposes of division (A) of this section, to the 17737

commission or treasurer of state ~~by each state supported and state~~ 17738  
~~assisted institution of higher education and~~ by the board pursuant 17739  
to leases and agreements made under division (B) of section 154.21 17740  
of the Revised Code. The certification shall state the amounts and 17741  
dates of payment required therefor ~~as to each such institution of~~ 17742  
~~higher education and the board,~~ and the amounts to be credited 17743  
pursuant to such leases and agreements to the higher education 17744  
bond service trust fund and other special funds established 17745  
pursuant to section 151.04 or Chapter 154. of the Revised Code. If 17746  
the director finds such certification to be correct, the director 17747  
shall promptly add the director's certification thereto and submit 17748  
it to the treasurer of state. Such annual certification shall be 17749  
supplemented in similar manner upon the execution of each new 17750  
lease or agreement, any supplement to an existing lease or 17751  
agreement, or any amendment thereof, affecting the amounts of 17752  
those payments. 17753

**Sec. 3333.21.** As used in sections 3333.21 to 3333.23 of the 17754  
Revised Code, "term" and "academic year" mean "term" and "academic 17755  
year" as defined by the Ohio board of regents. 17756

The board shall establish and administer an academic 17757  
scholarship program. Under the program, a total of one thousand 17758  
new scholarships shall be awarded annually in the amount of not 17759  
less than two thousand dollars per award. At least one such new 17760  
scholarship shall be awarded annually to a student in each public 17761  
high school and joint vocational school and each nonpublic high 17762  
school for which the state board of education prescribes minimum 17763  
standards in accordance with section 3301.07 of the Revised Code. 17764

To be eligible for the award of a scholarship, a student 17765  
shall be a resident of Ohio and shall be enrolled as a full-time 17766  
undergraduate student in an Ohio institution of higher education 17767  
that meets the requirements of Title VI of the "Civil Rights Act 17768  
of 1964" and is state-assisted, is nonprofit and holds a 17769

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

than four academic years and is enrolled as a full-time graduate 17801  
or professional student in an Ohio institution of higher education 17802  
that meets the requirements of Title VI of the "Civil Rights Act 17803  
of 1964" and is state-assisted or is nonprofit and holds a 17804  
certificate of authorization issued under section 1713.02 of the 17805  
Revised Code; 17806

(C) The scholar is a full-time student concurrently enrolled 17807  
as an undergraduate student and as a graduate or professional 17808  
student in an Ohio institution of higher education that meets the 17809  
requirements of division (B) of this section. 17810

Each amount awarded shall be paid in equal installments to 17811  
the scholar at the time of enrollment for each term of the 17812  
academic year for which the scholarship is awarded or renewed. No 17813  
scholar is eligible to receive an Ohio academic scholarship for 17814  
more than the equivalent of four academic years. 17815

If an Ohio academic scholar is temporarily unable to attend 17816  
school because of illness or other cause satisfactory to the 17817  
board, the board may grant a leave of absence for a designated 17818  
period of time. If a scholar discontinues full-time attendance at 17819  
the scholar's school during a term because of illness or other 17820  
cause satisfactory to the board, the scholar may either claim a 17821  
prorated payment for the period of actual attendance or waive 17822  
payment for that term. A term for which prorated payment is made 17823  
shall be considered a full term for which a scholarship was 17824  
received. A term for which payment is waived shall not be 17825  
considered a term for which a scholarship was received. 17826

Receipt of an Ohio academic scholarship shall not affect a 17827  
scholar's eligibility for the Ohio instructional grant program. 17828

**Sec. 3383.01.** As used in this chapter: 17829

(A) "Arts" means any of the following: 17830

(1) Visual, musical, dramatic, graphic, and other arts ~~and~~ 17831  
~~includes, including,~~ but ~~is~~ not limited to, architecture, dance, 17832  
literature, motion pictures, music, painting, photography, 17833  
sculpture, and theater; 17834

(2) The presentation or making available, in museums or other 17835  
indoor or outdoor facilities, of principles of science and their 17836  
development, use, or application in business, industry, or 17837  
commerce or of the history, heritage, development, presentation, 17838  
and uses of the arts ~~as defined above~~ described in division (A)(1) 17839  
of this section and of transportation; 17840

(3) The preservation, presentation, or making available of 17841  
features of archaeological, architectural, environmental, or 17842  
historical interest or significance in a state historical facility 17843  
or a local historical facility. 17844

(B) "Arts organization" means either of the following: 17845

(1) A governmental agency or Ohio nonprofit corporation that 17846  
provides programs or activities in areas directly concerned with 17847  
the arts; 17848

(2) A regional arts and cultural district as defined in 17849  
section 3381.01 of the Revised Code. 17850

(C) "Arts project" means all or any portion of an Ohio arts 17851  
facility for which the general assembly has specifically 17852  
authorized the spending of money, or made an appropriation, 17853  
pursuant to division (D)(3) or (E) of section 3383.07 of the 17854  
Revised Code. 17855

(D) "Cooperative contract" means a contract between the Ohio 17856  
arts and sports facilities commission and an arts organization 17857  
providing the terms and conditions of the cooperative use of an 17858  
Ohio arts facility. 17859

(E) "Costs of operation" means amounts required to manage an 17860



Ohio arts facility that are incurred following the completion of 17861  
construction of its arts project, provided that both of the 17862  
following apply: 17863

(1) Those amounts either: 17864

(a) Have been committed to a fund dedicated to that purpose; 17865

(b) Equal the principal of any endowment fund, the income 17866  
from which is dedicated to that purpose. 17867

(2) The commission and the arts organization have executed an 17868  
agreement with respect to either of those funds. 17869

~~(E)~~(F) "General building services" means general building 17870  
services for an Ohio arts facility or an Ohio sports facility, 17871  
including, but not limited to, general custodial care, security, 17872  
maintenance, repair, painting, decoration, cleaning, utilities, 17873  
fire safety, grounds and site maintenance and upkeep, and 17874  
plumbing. 17875

~~(F)~~(G) "Governmental agency" means a state agency, a 17876  
state-supported or state-assisted institution of higher education, 17877  
a municipal corporation, county, township, or school district, a 17878  
port authority created under Chapter 4582. of the Revised Code, 17879  
any other political subdivision or special district in this state 17880  
established by or pursuant to law, or any combination of these 17881  
entities; except where otherwise indicated, the United States or 17882  
any department, division, or agency of the United States, or any 17883  
agency, commission, or authority established pursuant to an 17884  
interstate compact or agreement. 17885

~~(G)~~(H) "Local contributions" means the value of an asset 17886  
provided by or on behalf of an arts organization from sources 17887  
other than the state, the value and nature of which shall be 17888  
approved by the Ohio arts and sports facilities commission, in its 17889  
sole discretion. "Local contributions" may include the value of 17890  
the site where an arts project is to be constructed. All "local 17891

contributions," except a contribution attributable to such a site, 17892  
shall be for the costs of construction of an arts project or the 17893  
costs of operation of an arts facility. 17894

~~(H)~~(I) "Local historical facility" means a site or facility, 17895  
other than a state historical facility, of archaeological, 17896  
architectural, environmental, or historical interest or 17897  
significance, or a facility, including a storage facility, 17898  
appurtenant to the operations of such a site or facility, that is 17899  
owned by an arts organization, provided the facility meets the 17900  
requirements of division ~~(J)~~(K)(2)(b) of this section, is managed 17901  
by or pursuant to a contract with the Ohio arts and sports 17902  
facilities commission, and is used for or in connection with the 17903  
activities of the commission, including the presentation or making 17904  
available of arts to the public. 17905

~~(I)~~(J) "Manage," "operate," or "management" means the 17906  
provision of, or the exercise of control over the provision of, 17907  
activities: 17908

(1) Relating to the arts for an Ohio arts facility, including 17909  
as applicable, but not limited to, providing for displays, 17910  
exhibitions, specimens, and models; booking of artists, 17911  
performances, or presentations; scheduling; and hiring or 17912  
contracting for directors, curators, technical and scientific 17913  
staff, ushers, stage managers, and others directly related to the 17914  
arts activities in the facility; but not including general 17915  
building services; 17916

(2) Relating to sports and athletic events for an Ohio sports 17917  
facility, including as applicable, but not limited to, providing 17918  
for booking of athletes, teams, and events; scheduling; and hiring 17919  
or contracting for staff, ushers, managers, and others directly 17920  
related to the sports and athletic events in the facility; but not 17921  
including general building services. 17922

~~(J)~~(K) "Ohio arts facility" means any of the following: 17923

(1) The three theaters located in the state office tower at	17924
77 South High street in Columbus;	17925
(2) Any capital facility in this state to which all of the	17926
following apply:	17927
(a) The construction of an arts project related to the	17928
facility was authorized or funded by the general assembly pursuant	17929
to division (D)(3) of section 3383.07 of the Revised Code.	17930
(b) <del>The state owns or has sufficient real property interests</del>	17931
<del>in the facility or in the portion of the facility financed from</del>	17932
<del>the proceeds of obligations or in the site of the facility for a</del>	17933
<del>period of no less than the greater of the useful life of the</del>	17934
<del>portion of the facility financed from the proceeds of those</del>	17935
<del>obligations as determined by the director of budget and management</del>	17936
<del>using the guidelines for maximum maturities as provided under</del>	17937
<del>divisions (B), (C), and (E) of section 133.20 of the Revised Code,</del>	17938
<del>or the period of time remaining to the date of payment or</del>	17939
<del>provision for payment of outstanding obligations issued by the</del>	17940
<del>Ohio building authority allocable to costs of that portion of the</del>	17941
<del>facility, as determined by the director of budget and management,</del>	17942
<del>in either case as certified to the Ohio arts and sports facilities</del>	17943
<del>commission and the Ohio building authority.</del>	17944
(c) <u>The facility is managed directly by, or by is subject to</u>	17945
<u>a cooperative or management contract with, the Ohio arts and</u>	17946
<u>sports facilities commission, and is used for or in connection</u>	17947
<u>with the activities of the commission, including the presentation</u>	17948
<u>or making available of arts to the public. A cooperative or</u>	17949
<u>management contract shall be for a term not less than the time</u>	17950
<u>remaining to the date of payment or provision for payment of any</u>	17951
<u>state bonds issued to pay the costs of the arts project, as</u>	17952
<u>determined by the director of budget and management and certified</u>	17953
<u>by the director to the Ohio arts and sports facilities commission</u>	17954
<u>and to the Ohio building authority.</u>	17955

(3) A state historical facility or a local historical facility. 17956  
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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. 17958  
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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. 17961  
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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. 17965  
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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, 17979  
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furnishings, and real and personal property and interests and 17988  
rights therein, that may be appropriate for or used for or in 17989  
connection with the facility or its operation, for capital costs 17990  
of which state funds are spent pursuant to this chapter. A 17991  
facility constructed as an Ohio sports facility may be both an 17992  
Ohio arts facility and an Ohio sports facility. 17993

**Sec. 3383.02.** (A) There is hereby created the Ohio arts and 17994  
sports facilities commission. Notwithstanding any provision to the 17995  
contrary contained in Chapter 152. of the Revised Code, the 17996  
commission shall engage in and provide for the development, 17997  
performance, and presentation or making available of the arts and 17998  
professional sports and athletics to the public in this state by 17999  
the exercise of its powers under this chapter, including the 18000  
provision, operation, ~~and~~ management, and cooperative use of Ohio 18001  
arts facilities and Ohio sports facilities. The commission is a 18002  
body corporate and politic, an agency of state government and an 18003  
instrumentality of the state, performing essential governmental 18004  
functions of this state. The carrying out of the purposes and the 18005  
exercise by the commission of its powers conferred by this chapter 18006  
are essential public functions and public purposes of the state 18007  
and of state government. The commission may, in its own name, sue 18008  
and be sued, enter into contracts, and perform all the powers and 18009  
duties given to it by this chapter but it does not have and shall 18010  
not exercise the power of eminent domain. 18011

(B) The commission shall consist of ~~eight~~ ten members, ~~five~~ 18012  
seven of whom shall be voting members and three of whom shall be 18013  
nonvoting members. The ~~five~~ seven voting members shall be 18014  
appointed by the governor, with the advice and consent of the 18015  
senate, from different geographical regions of the state. In 18016  
addition, one of the voting members shall represent the state 18017  
architect. Not more than ~~three~~ four of the members appointed by 18018  
the governor shall be affiliated with the same political party. 18019

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~~

first meeting of each calendar year. At each organizational 18052  
meeting, the commission shall elect from among its voting members 18053  
a chairperson, a vice-chairperson, and a secretary-treasurer, who 18054  
shall serve until the next annual meeting. The commission shall 18055  
adopt rules pursuant to section 111.15 of the Revised Code for the 18056  
conduct of its internal business and shall keep a journal of its 18057  
proceedings. 18058

(F) ~~Three~~ Four voting members of the commission constitute a 18059  
quorum, and the affirmative vote of ~~three~~ four members is 18060  
necessary for approval of any action taken by the commission. A 18061  
vacancy in the membership of the commission does not impair a 18062  
quorum from exercising all the rights and performing all the 18063  
duties of the commission. Meetings of the commission may be held 18064  
anywhere in the state, and shall be held in compliance with 18065  
section 121.22 of the Revised Code. 18066

(G) All expenses incurred in carrying out this chapter are 18067  
payable solely from money accrued under this chapter or 18068  
appropriated for these purposes by the general assembly, and the 18069  
commission shall incur no liability or obligation beyond such 18070  
money. 18071

(H) The commission shall file an annual report of its 18072  
activities and finances with the governor, director of budget and 18073  
management, speaker of the house of representatives, president of 18074  
the senate, and chairpersons of the house and senate finance 18075  
committees. 18076

(I) There is hereby established in the state treasury the 18077  
Ohio arts and sports facilities commission administration fund. 18078  
All revenues of the commission shall be credited to that fund and 18079  
to any accounts created in the fund with the commission's 18080  
approval. All expenses of the commission, including reimbursement 18081  
of, or payment to, any other fund or any governmental agency for 18082  
advances made or services rendered to or on behalf of the 18083

commission, shall be paid from the Ohio arts and sports facilities 18084  
commission administration fund as determined by or pursuant to 18085  
directions of the commission. All investment earnings of the 18086  
administration fund shall be credited to the fund and shall be 18087  
allocated among any accounts created in the fund in the manner 18088  
determined by the commission. 18089

(J) Title to all real property and lesser interests in real 18090  
property acquired by the commission, including leasehold and other 18091  
interests, pursuant to this chapter shall be taken in the name of 18092  
the state and shall be held for the use and benefit of the 18093  
commission. The commission shall not mortgage such real property 18094  
and interests in real property. Title to other property and 18095  
interests in it acquired by the commission pursuant to this 18096  
chapter shall be taken in its name. 18097

**Sec. 3383.04.** The Ohio arts and sports facilities commission 18098  
may: 18099

(A) Employ and fix the compensation of an executive director 18100  
and such other employees as will facilitate the activities and 18101  
purposes of the commission. Any executive director shall serve at 18102  
the pleasure of the commission and may serve part-time. Other 18103  
employees shall be employed by and serve at the pleasure of the 18104  
commission or the executive director, as determined by the 18105  
commission. 18106

(B) Adopt, amend, and rescind, pursuant to section 111.15 of 18107  
the Revised Code, rules for the management and operation of Ohio 18108  
arts facilities and Ohio sports facilities and for the exercise of 18109  
all of the commission's rights with respect to those facilities; 18110

(C) Own, construct or provide for the construction of, lease, 18111  
equip, furnish, administer, and manage or provide for the 18112  
operation and management of, Ohio arts facilities and Ohio sports 18113  
facilities; 18114



(D) Dispose of, whether by sale, lease, lease-purchase, 18115  
sublease, re-lease, or otherwise, real and personal property, and 18116  
lesser interests in it, held or owned by the state for the use and 18117  
benefit of the commission or held or owned by the commission, if 18118  
not needed for the commission's purposes, upon such terms as the 18119  
commission determines, subject to approval by the governor in the 18120  
case of real property and interests in it; 18121

(E) Grant such easements and other interests in real or 18122  
personal property of the commission as will not interfere with the 18123  
use of the property as an Ohio arts facility or an Ohio sports 18124  
facility; 18125

(F) Fix, alter, and collect rentals and other charges for the 18126  
use or availability for use of Ohio arts facilities or an Ohio 18127  
sports facility, as determined solely by the commission, for the 18128  
purpose of providing for all or a portion of the costs and 18129  
expenses of the commission, and the costs to be paid by the 18130  
commission of leasing, constructing, equipping, repairing, 18131  
maintaining, administering, ~~and~~ managing, and cooperating in the 18132  
use of Ohio arts facilities, including rentals to be paid by the 18133  
commission for any Ohio arts facilities or for any Ohio sports 18134  
facility; 18135

(G) Lease, sublease, or otherwise make available to an arts 18136  
organization, Ohio arts facilities, and to any governmental agency 18137  
or nonprofit corporation, Ohio sports facilities, including real 18138  
and personal property, or any interests in it, to carry out the 18139  
purposes of this chapter; 18140

(H) Contract with, retain the services of, or designate, and 18141  
fix the compensation of, such agents, accountants, attorneys, 18142  
consultants, advisers, and other independent contractors as may be 18143  
necessary or desirable to carry out the purposes of this chapter; 18144

(I) Procure insurance against loss to the commission by 18145

reason of damages to or nonusability of its property resulting 18146  
from fire, theft, accident, or other casualties, or by reason of 18147  
its liability for any damages to persons or property, including 18148  
but not limited to, general liability insurance, business 18149  
interruption insurance, liability insurance for members, officers, 18150  
and employees, and copyright liability insurance; 18151

(J) Receive and accept gifts, grants, devises, bequests, 18152  
loans, and any other financial or other form of aid or assistance 18153  
from any governmental agency or other person and enter into any 18154  
contract or agreement with any such agency or other person in 18155  
connection therewith, and receive and accept aid or contributions 18156  
from any other source of money, real or personal property, labor, 18157  
or other things of value, to be held, used, and applied only for 18158  
the purposes for which the aid and contributions are made and 18159  
according to their terms and conditions, all within the purposes 18160  
of this chapter; 18161

(K) Make and enter into all contracts, commitments, and 18162  
agreements, and execute all instruments, necessary or incidental 18163  
to the performance of its duties and the execution of its rights 18164  
and powers under this chapter; 18165

(L) Do anything necessary or appropriate to carry out the 18166  
purposes of and exercise the powers granted in this chapter; 18167

(M) Contract with any governmental agency or nonprofit 18168  
corporation to provide or cause to be provided services, including 18169  
general building services, in, to, or for an Ohio arts facility or 18170  
any Ohio sports facility, or with an arts organization for the 18171  
management of an Ohio arts facility, or with a governmental agency 18172  
or nonprofit corporation for the management of an Ohio sports 18173  
facility, all in furtherance of the state function, and make 18174  
contracts pursuant to divisions (A) and (B) of section 3383.07 of 18175  
the Revised Code, except that nothing in this chapter limits the 18176  
exercise of the care, custody, control, and management of those 18177

state historical facilities specified in section 149.30 of the Revised Code. 18178  
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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: 18180  
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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. 18184  
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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. 18189  
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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 18202  
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any actions taken under it, are not subject to Chapter 123., 153., 18209  
or 4115. of the Revised Code. 18210

(B) For an Ohio sports facility that is financed in part by 18211  
the Ohio building authority, construction services shall be 18212  
provided on behalf of the state by or at the direction of the 18213  
governmental agency or nonprofit corporation that will own or be 18214  
responsible for the management of the facility, all as determined 18215  
by the Ohio arts and sports facilities commission. Any 18216  
construction services to be provided by a governmental agency or 18217  
nonprofit corporation shall be specified in an agreement between 18218  
the commission and the governmental agency or nonprofit 18219  
corporation, ~~and the.~~ That agreement, and any actions taken under 18220  
it, are not subject to Chapter 123. or 153. of the Revised Code, 18221  
except for sections 123.151 and 153.011 of the Revised Code, and 18222  
shall be subject to Chapter 4115. of the Revised Code. 18223

(C) General building services for an Ohio arts facility shall 18224  
be provided by ~~the department of administrative services in~~ 18225  
~~conformity with Chapter 123. of the Revised Code, except that the~~ 18226  
~~Ohio building authority may elect to provide such services for~~ 18227  
~~Ohio arts facilities it financed and such services may be provided~~ 18228  
~~by~~ the Ohio arts and sports facilities commission or by an arts 18229  
organization that occupies, will occupy, or is responsible for the 18230  
facility, as determined by the commission, except that the Ohio 18231  
building authority may elect to provide those services for Ohio 18232  
arts facilities financed with proceeds of state bonds issued by 18233  
the authority. The costs of management and general building 18234  
services shall be paid by the arts organization that occupies, 18235  
will occupy, or is responsible for the facility as provided in an 18236  
agreement between the commission and the arts organization, except 18237  
that the state may pay for general building services for 18238  
state-owned arts facilities constructed on state-owned land. 18239  
~~General~~ 18240

General building services for an Ohio sports facility shall 18241  
be provided by or at the direction of the governmental agency or 18242  
nonprofit corporation that will be responsible for the management 18243  
of the facility, all as determined by the commission. Any general 18244  
building services to be provided by a governmental agency or 18245  
nonprofit corporation for an Ohio sports facility shall be 18246  
specified in an agreement between the commission and the 18247  
governmental agency or nonprofit corporation, ~~and that. That~~ 18248  
agreement, and any actions taken under it, are not subject to 18249  
Chapter 123. or 153. of the Revised Code, except for sections 18250  
123.151 and 153.011 of the Revised Code, and shall be subject to 18251  
Chapter 4115. of the Revised Code. 18252

(D) This division does not apply to a state historical 18253  
facility. No state funds, including any state bond proceeds, shall 18254  
be spent on the construction of any arts project under this 18255  
chapter unless, with respect to the arts project and to the Ohio 18256  
arts facility related to the project, all of the following apply: 18257

(1) The Ohio arts and sports facilities commission has 18258  
determined that there is a need for the arts project and the Ohio 18259  
arts facility related to the project in the region of the state 18260  
~~for~~ in which the Ohio arts facility is located or for which the 18261  
facility is proposed to be located. 18262

(2) The commission has determined that, as an indication of 18263  
substantial regional support for the arts project, the arts 18264  
organization has made provision satisfactory to the commission, in 18265  
its sole discretion, for local contributions amounting to not less 18266  
than fifty per cent of the total state funding for the arts 18267  
project. 18268

(3) The general assembly has specifically authorized the 18269  
spending of money on, or made an appropriation for, the 18270  
construction of the arts project, or for rental payments relating 18271  
to the financing of the construction of the arts project. 18272

Authorization to spend money, or an appropriation, for planning 18273  
the arts project does not constitute authorization to spend money 18274  
on, or an appropriation for, construction of the arts project. 18275

(E) No state funds, including any state bond proceeds, shall 18276  
be spent on the construction of any state historical facility 18277  
under this chapter unless the general assembly has specifically 18278  
authorized the spending of money on, or made an appropriation for, 18279  
the construction of the arts project related to the facility, or 18280  
for rental payments relating to the financing of the construction 18281  
of the arts project. Authorization to spend money, or an 18282  
appropriation, for planning the arts project does not constitute 18283  
authorization to spend money on, or an appropriation for, the 18284  
construction of the arts project. 18285

(F) State funds shall not be used to pay or reimburse more 18286  
than fifteen per cent of the initial estimated construction cost 18287  
of an Ohio sports facility, excluding any site acquisition cost, 18288  
and no state funds, including any state bond proceeds, shall be 18289  
spent on any Ohio sports facility under this chapter unless, with 18290  
respect to that facility, all of the following apply: 18291

(1) The Ohio arts and sports facilities commission has 18292  
determined that there is a need for the facility in the region of 18293  
the state for which the facility is proposed to provide the 18294  
function of an Ohio sports facility as provided for in this 18295  
chapter. 18296

(2) As an indication of substantial local support for the 18297  
facility, the commission has received a financial and development 18298  
plan satisfactory to it, and provision has been made, by agreement 18299  
or otherwise, satisfactory to the commission, for a contribution 18300  
amounting to not less than eighty-five per cent of the total 18301  
estimated construction cost of the facility, excluding any site 18302  
acquisition cost, from sources other than the state. 18303

(3) The general assembly has specifically authorized the 18304  
spending of money on, or made an appropriation for, the 18305  
construction of the facility, or for rental payments relating to 18306  
state financing of all or a portion of the costs of constructing 18307  
the facility. Authorization to spend money, or an appropriation, 18308  
for planning or determining the feasibility of or need for the 18309  
facility does not constitute authorization to spend money on, or 18310  
an appropriation for, costs of constructing the facility. 18311

(4) If state bond proceeds are being used for the Ohio sports 18312  
facility, the state or a governmental agency owns or has 18313  
sufficient property interests in the facility or in the site of 18314  
the facility or in the portion or portions of the facility 18315  
financed from proceeds of state bonds, which may include, but is 18316  
not limited to, the right to use or to require the use of the 18317  
facility for the presentation of sport and athletic events to the 18318  
public at the facility, extending for a period of not less than 18319  
the greater of the useful life of the portion of the facility 18320  
financed from proceeds of those bonds as determined using the 18321  
guidelines for maximum maturities as provided under divisions (B), 18322  
(C), and (D) of section 133.20 of the Revised Code, or the period 18323  
of time remaining to the date of payment or provision for payment 18324  
of outstanding state bonds allocable to costs of the facility, all 18325  
as determined by the director of budget and management and 18326  
certified by the director to the Ohio arts and sports facilities 18327  
commission and to the Ohio building authority. 18328

Sec. 3383.09. (A) There is hereby created in the state 18329  
treasury the arts facilities building fund, which shall consist of 18330  
proceeds of obligations authorized to pay costs of arts facilities 18331  
projects for which appropriations are made by the general 18332  
assembly. All investment earnings of the fund shall be credited to 18333  
the fund. 18334

(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. 18335  
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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. 18341  
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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. 18349  
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(B) The chief shall have all of the following qualifications, plus any additional qualifications the director considers appropriate: 18354  
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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; 18357  
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(2) Familiarity with national maternal and child health objectives of the department; 18360  
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(3) Knowledge of or experience in women's and infants' preventive health care; 18362  
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(4) Understanding of health care delivery systems; 18364



(5) A global public health perspective.	18365
(C)(1) The majority of the chief's time shall be spent in the performance of the following responsibilities:	18366
(a) Identifying issues that affect women's health;	18368
(b) Advocating for women's health concerns within the department, state government, and the community;	18370
(c) Serving as a liaison for the public, interest groups, the department, and other state agencies on issues that affect women's health;	18371
(d) Developing recommendations to the director regarding programs addressing women's health issues for inclusion in the biennial budget and departmental strategic planning;	18372
(e) Preparing materials for publication.	18373
(2) In addition, the chief shall do the following:	18374
(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;	18375
(b) Supervise the administrative assistant and any other employees assigned to the office of women's health initiatives;	18376
(c) Oversee the administrative operations of the office of women's health initiatives;	18377
(d) Research, advise, and assist the director concerning governor's office correspondence referrals, legislative initiatives, rules, and similar executive decisions relating to	18378

the health of women; 18394

(e) Represent the director, as requested, before the general 18395  
assembly ~~and the women's policy and research commission.~~ 18396

(D) The administrative assistant shall provide clerical and 18397  
administrative support as needed to the chief. 18398

(E) To promote coordination of programs and of offices' 18399  
initiatives, the director, assistant director, deputy directors, 18400  
and chiefs selected by the director in the department shall attend 18401  
quarterly meetings regarding the activities of the office of 18402  
women's health initiatives. 18403

(F) After considering the report submitted pursuant to 18404  
division (C) of section 3701.141 of the Revised Code, the director 18405  
of health shall develop and implement biennial initiatives on 18406  
women's health needs. 18407

Sec. 3701.61. (A) The department of health shall establish 18408  
the help me grow program for the purpose of encouraging early 18409  
prenatal and well-baby care. The program shall include 18410  
distributing subsidies to counties to provide the following 18411  
services: 18412

(1) Home-visiting services to newborn infants and their 18413  
families; 18414

(2) Services to infants and toddlers under three years of age 18415  
who are at risk for, or who have, a developmental delay or 18416  
disability and their families. 18417

(B) The department shall not provide home-visiting services 18418  
under the help me grow program unless requested in writing by a 18419  
parent of the infant or toddler. 18420

(C) Pursuant to Chapter 119. of the Revised Code, the 18421  
department shall adopt rules that are necessary and proper to 18422

<u>implement this section.</u>	18423
<u>Sec. 3701.92. (A) There is hereby created in the department of health the Ohio hepatitis C advisory commission.</u>	18424
<u>(B) The commission shall consist of the following members:</u>	18425
<u>(1) Eleven members appointed by the director of health;</u>	18426
<u>(2) Two members of the house of representatives, one from each political party, appointed by the speaker of the house of representatives;</u>	18427
<u>(3) Two members of the senate, one from each political party, appointed by the president of the senate.</u>	18428
<u>Each member shall serve without compensation for a term of one year.</u>	18429
<u>Sec. 3702.68. (A) Notwithstanding sections 3702.51 to 3702.62 of the Revised Code, this section applies to the review of certificate of need applications during the period beginning July 1, 1993, and ending <del>June 30, 2001</del> <u>October 15, 2003.</u></u>	18430
<u>(B)(1) Except as provided in division (B)(2) of this section, the director of health shall neither grant nor deny any application for a certificate of need submitted prior to July 1, 1993, if the application was for any of the following and the director had not issued a written decision concerning the application prior to that date:</u>	18431
<u>(a) Approval of beds in a new health care facility or an increase of beds in an existing health care facility, if the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code;</u>	18432
<u>(b) Approval of beds in a new county home or new county nursing home as defined in section 5155.31 of the Revised Code, or an increase of beds in an existing county home or existing county</u>	18433
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nursing home, if the beds are proposed to be certified as skilled 18452  
nursing facility beds under Title XVIII or nursing facility beds 18453  
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 18454  
42 U.S.C.A. 301, as amended; 18455

(c) Recategorization of hospital beds as described in section 18456  
3702.522 of the Revised Code, an increase of hospital beds 18457  
registered pursuant to section 3701.07 of the Revised Code as 18458  
long-term care beds or skilled nursing facility beds, or a 18459  
recategorization of hospital beds that would result in an increase 18460  
of beds registered pursuant to that section as long-term care beds 18461  
or skilled nursing facility beds. 18462

On July 1, 1993, the director shall return each such 18463  
application to the applicant and, notwithstanding section 3702.52 18464  
of the Revised Code regarding the uses of the certificate of need 18465  
fund, shall refund to the applicant the application fee paid under 18466  
that section. Applications returned under division (B)(1) of this 18467  
section may be resubmitted in accordance with section 3702.52 of 18468  
the Revised Code no sooner than ~~July 1, 2001~~ October 16, 2003. 18469

(2) The director shall continue to review and shall issue a 18470  
decision regarding any application submitted prior to July 1, 18471  
1993, to increase beds for either of the purposes described in 18472  
division (B)(1)(a) or (b) of this section if the proposed increase 18473  
in beds is attributable solely to a replacement or relocation of 18474  
existing beds within the same county. The director shall authorize 18475  
under such an application no additional beds beyond those being 18476  
replaced or relocated. 18477

(C)(1) Except as provided in division (C)(2) and (3) of this 18478  
section, the director, during the period beginning July 1, 1993, 18479  
and ending ~~June 30, 2001~~ October 15, 2003, shall not accept for 18480  
review under section 3702.52 of the Revised Code any application 18481  
for a certificate of need for any of the purposes described in 18482  
divisions (B)(1)(a) to (c) of this section. 18483

(2)(a) The director shall accept for review any application 18484  
for either of the purposes described in division (B)(1)(a) or (b) 18485  
of this section if either of the following apply: 18486

(i) In case of an existing health care facility that is a 18487  
nursing home described in section 5123.192 of the Revised Code, 18488  
the proposed increase is attributable solely to the replacement of 18489  
existing beds within the same county. 18490

(ii) In the case of a health care facility or county home 18491  
described in division (B)(1)(a) or (b) of this section, other than 18492  
an existing health care facility described in division 18493  
(C)(2)(a)(i) of this section, the proposed increase in beds is 18494  
attributable solely to a replacement or relocation of existing 18495  
beds within the same county. ~~The~~ 18496

(b) In the case of an existing health care facility described 18497  
in division (C)(2)(a)(i) of this section, the director shall 18498  
continue to review and shall issue a decision regarding any 18499  
application submitted during the period beginning on July 1, 1993, 18500  
and ending on the effective date of this amendment to increase 18501  
beds for either of the purposes described in division (B)(1)(a) or 18502  
(b) of this section only if the proposed increase in beds is 18503  
attributable solely to a relocation of existing beds within the 18504  
same county. An existing health care facility described in 18505  
division (C)(2)(a)(i) of this section that on or after the 18506  
effective date of this amendment seeks to increase beds for either 18507  
of the purposes described in division (B)(1)(a) or (b) of this 18508  
section shall apply for a license under section 5123.19 of the 18509  
Revised Code, as described in division (B) of section 5123.192 of 18510  
the Revised Code, if the proposed increase is attributable to a 18511  
relocation of existing beds within the same county. 18512

(c) The director shall authorize under such an application 18513  
described in division (C)(2)(a) or (b) of this section no 18514  
additional beds beyond those being replaced or relocated. ~~The~~ 18515

(3) The director also shall accept for review any application 18516  
that seeks certificate of need approval for existing beds located 18517  
in an infirmary that is operated exclusively by a religious order, 18518  
provides care exclusively to members of religious orders who take 18519  
vows of celibacy and live by virtue of their vows within the 18520  
orders as if related, and was providing care exclusively to 18521  
members of such a religious order on January 1, 1994. 18522  
18523

(D) The director shall issue a decision regarding any case 18524  
remanded by a court as the result of a decision issued by the 18525  
director prior to July 1, 1993, to grant, deny, or withdraw a 18526  
certificate of need for any of the purposes described in divisions 18527  
(B)(1)(a) to (c) of this section. 18528

(E) The director shall not project the need for beds listed 18529  
in division (B)(1) of this section for the period beginning July 18530  
1, 1993, and ending ~~June 30, 2001~~ October 15, 2003. 18531

This section is an interim section effective until ~~July 1,~~ 18532  
~~2001~~ October 16, 2003. 18533

**Sec. 3704.143.** (A) As used in this section, "contract" means 18534  
a contract entered into by the state under section 3704.14 of the 18535  
Revised Code with a private contractor for the purpose of 18536  
conducting emissions inspections under a motor vehicle inspection 18537  
and maintenance program. 18538

(B) Notwithstanding division (D)(5) of section 3704.14 of the 18539  
Revised Code, the director of administrative services or the 18540  
director of environmental protection, as applicable, shall not 18541  
renew any contract that is in existence on the effective date of 18542  
this section. Further, the director of administrative services or 18543  
the director of environmental protection, as applicable, shall not 18544  
enter into a new contract upon the expiration or termination of 18545  
any contract that is in existence on the effective date of this 18546

section. 18547

(C) Notwithstanding section 3704.14 of the Revised Code or 18548  
any other section of the Revised Code that requires emissions 18549  
inspections to be conducted or proof of such inspections to be 18550  
provided, upon the expiration or termination of all contracts that 18551  
are in existence on the effective date of this section, the 18552  
director of environmental protection shall terminate all motor 18553  
vehicle inspection and maintenance programs in this state and 18554  
shall not implement a new motor vehicle inspection and maintenance 18555  
program unless this section is repealed and such a program is 18556  
authorized by the general assembly. 18557

**Sec. 3721.07.** (A) Every person desiring to operate a home and 18558  
the superintendent or administrator of each county home or 18559  
district home for which a license as a residential care facility 18560  
is sought shall apply for a license to the director of health. The 18561  
director shall issue a license for the home, if after 18562  
investigation of the applicant and, if required by section 3721.02 18563  
of the Revised Code, inspection of the home, the following 18564  
requirements or conditions are satisfied or complied with: 18565

~~(A)~~(1) The applicant has not been convicted of a felony or a 18566  
crime involving moral turpitude; 18567

~~(B)~~(2) The applicant is not violating any of the rules made 18568  
by the public health council or any order issued by the director 18569  
of health; 18570

~~(C)~~(3) The buildings in which the home is housed have been 18571  
approved by the state fire marshal or a township, municipal, or 18572  
other legally constituted fire department approved by the marshal. 18573  
In the approval of a home such agencies shall apply standards 18574  
prescribed by the board of building standards, and by the state 18575  
fire marshal, and by section 3721.071 of the Revised Code. 18576

~~(D)~~(4) The applicant, if it is an individual, or the principal participants, if it is an association or a corporation, is or are suitable financially and morally to operate a home;

~~(E)~~(5) The applicant is equipped to furnish humane, kind, and adequate treatment and care;

~~(F)~~(6) The home does not maintain or contain:

~~(1)~~(a) Facilities for the performance of major surgical procedures;

~~(2)~~(b) Facilities for providing therapeutic radiation;

~~(3)~~(c) An emergency ward;

~~(4)~~(d) A clinical laboratory unless it is under the supervision of a clinical pathologist who is a licensed physician in this state;

~~(5)~~(e) Facilities for radiological examinations unless such examinations are performed only by a person licensed to practice medicine, surgery, or dentistry in this state.

~~(G)~~(7) The home does not accept or treat outpatients, except upon the written orders of a physician licensed in this state, maternity cases, boarding children, and does not house transient guests, other than participants in an adult day-care program, for twenty-four hours or less;

~~(H)~~(8) The home is in compliance with sections 3721.28 and 3721.29 of the Revised Code.

(B) When the director issues a license, the license shall remain in effect until revoked by the director ~~or~~, voided at the request of the applicant, or terminated as described in division (D) of this section; provided, there shall be an annual renewal fee payable during the month of January of each calendar year. Any licensed home that does not pay its renewal fee in January shall pay, beginning the first day of February, a late fee of one



hundred dollars for each week or part thereof that the renewal fee 18607  
is not paid. If either the renewal fee or the late fee is not paid 18608  
by the fifteenth day of February, the director may, in accordance 18609  
with Chapter 119. of the Revised Code, revoke the home's license. 18610

(C) A person whose license is revoked, and a county home or 18612  
district home that has its license as a residential care facility 18613  
revoked, for any reason other than nonpayment of the license 18614  
renewal fee or late fees may not apply for a new license under 18615  
this chapter until a period of one year following the date of 18616  
revocation has elapsed. 18617

(D) A license issued by the director to a nursing home 18618  
described in section 5123.192 of the Revised Code shall terminate 18619  
if the nursing home obtains a license under section 5123.19 of the 18620  
Revised Code. 18621

(E) Any applicant who is denied a license may appeal in 18622  
accordance with Chapter 119. of the Revised Code. 18623

**Sec. 3721.12.** (A) The administrator of a home shall: 18624

(1) With the advice of residents, their sponsors, or both, 18625  
establish and review at least annually, written policies regarding 18626  
the applicability and implementation of residents' rights under 18627  
sections 3721.10 to 3721.17 of the Revised Code, the 18628  
responsibilities of residents regarding the rights, and the home's 18629  
grievance procedure established under division (A)(2) of this 18630  
section. The administrator is responsible for the development of, 18631  
and adherence to, procedures implementing the policies. 18632

(2) Establish a grievance committee for review of complaints 18633  
by residents. The grievance committee shall be comprised of the 18634  
home's staff and residents, sponsors, or outside representatives 18635  
in a ratio of not more than one staff member to every two 18636  
residents, sponsors, or outside representatives. 18637

(3) Furnish to each resident and sponsor prior to or at the time of admission, and to each member of the home's staff, at least one of each of the following:	18638 18639 18640
(a) A copy of the rights established under sections 3721.10 to 3721.17 of the Revised Code;	18641 18642
(b) A written explanation of the provisions of section 3721.16 of the Revised Code <u>or, for each resident described in section 5111.63 of the Revised Code, the provisions of sections 5111.63 and 5111.64 of the Revised Code;</u>	18643 18644 18645 18646
(c) A copy of the home's policies and procedures established under this section;	18647 18648
(d) A copy of the home's rules;	18649
(e) A copy of the addresses and telephone numbers of the board of health of the health district of the county in which the home is located, the county department of job and family services of the county in which the home is located, the state departments of health and job and family services, the state and local offices of the department of aging, and any Ohio nursing home ombudsperson program.	18650 18651 18652 18653 18654 18655 18656
(B) Written acknowledgment of the receipt of copies of the materials listed in this section shall be made part of the resident's record and the staff member's personnel record.	18657 18658 18659
(C) The administrator shall post all of the following prominently within the home:	18660 18661
(1) A copy of the rights of residents as listed in division (A) of section 3721.13 of the Revised Code;	18662 18663
(2) A copy of the home's rules and its policies and procedures regarding the rights and responsibilities of residents;	18664 18665
(3) A notice that a copy of this chapter, rules of the department of health applicable to the home, and federal	18666 18667

regulations adopted under Titles XVIII and XIX of the "Social Security Act," 49 79 Stat. 620 286 (~~1935~~ 1965), 42 U.S.C.A. 301 1395 and 1396, as amended, and the materials required to be available in the home under section 3721.021 of the Revised Code, are available for inspection in the home at reasonable hours;

(4) A list of residents' rights advocates;

(5) A notice that the following are available in a place readily accessible to residents:

(a) If the home is licensed under section 3721.02 of the Revised Code, a copy of the most recent licensure inspection report prepared for the home under that section;

(b) If the home is a nursing facility as defined in section 5111.20 of the Revised Code, a copy of the most recent statement of deficiencies issued to the home under section 5111.42 of the Revised Code.

(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;

(b) Notice of the right of the resident and ~~his~~ the resident's 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;

(c) The address of the legal services office of the department of health;

(d) The name, address, and telephone number of a representative of the state long-term care ~~ombudsman~~ ombudsperson 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.

(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. 18728

(C) A resident or ~~his~~ resident's sponsor may challenge a 18729  
transfer or discharge by requesting an impartial hearing at the 18730  
home, unless the transfer or discharge is required because of an 18731  
emergency or one of the following reasons: 18732

(1) The home's license has been revoked under this chapter; 18733

(2) The home is being closed pursuant to sections 5111.35 to 18734  
5111.62 or section 5155.31 of the Revised Code; 18735

~~(3) The resident is a recipient of medical assistance under 18736  
section 5111.01 of the Revised Code and the home's participation 18737  
in the medical assistance program has been terminated or denied;~~ 18738

~~(4) The resident is a beneficiary under Title XVIII of the 18739  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 18740  
amended and the home's certification under Title XVIII has been 18741  
terminated or denied. 18742~~

A request for a hearing under this section shall be sent in 18743  
writing to the legal services office of the department of health 18744  
not later than ten days after the resident and ~~his~~ the resident's 18745  
sponsor receive notice of the proposed transfer or discharge. A 18746  
hearing shall be held within ten days by the department of health. 18747  
A representative of the department shall preside over the hearing 18748  
and issue a recommendation within five days as to any advisable 18749  
action to the administrator, the resident, and any interested 18750  
sponsor. 18751

If a resident is transferred or discharged pursuant to this 18752  
section, the home from which the resident is being transferred or 18753  
discharged shall provide the resident with adequate preparation 18754  
prior to the transfer or discharge to ensure a safe and orderly 18755  
transfer or discharge from the home, and the home or alternative 18756  
setting to which the resident is to be transferred or discharged 18757  
shall have accepted the resident for transfer or discharge. 18758

(D) An impartial hearing on resident transfer or discharge is 18759  
not subject to section 121.22 of the Revised Code. 18760

~~(E) At the time of a transfer or discharge of a resident who 18761  
is a recipient of medical assistance under section 5111.01 of the 18762  
Revised Code from a home to a hospital or for therapeutic leave, 18763  
the home shall provide notice in writing to the resident and in 18764  
writing by certified mail, return receipt requested, to the 18765  
resident's sponsor, specifying the number of days, if any, during 18766  
which the resident will be permitted under the medical assistance 18767  
program to return and resume residence in the home and specifying 18768  
the medical assistance program's coverage of the days during which 18769  
the resident is absent from the home. An individual who is absent 18770  
from a home for more than the number of days specified in the 18771  
notice and continues to require the services provided by the 18772  
facility shall be given priority for the first available bed in a 18773  
semi-private room. 18774~~

**Sec. 3721.17.** (A) Any resident who believes that the 18775  
resident's rights under sections 3721.10 to 3721.17 of the Revised 18776  
Code have been violated may file a grievance under procedures 18777  
adopted pursuant to division (A)(2) of section 3721.12 of the 18778  
Revised Code. 18779

When the grievance committee determines a violation of 18780  
sections 3721.10 to 3721.17 of the Revised Code has occurred, it 18781  
shall notify the administrator of the home. If the violation 18782  
cannot be corrected within ten days, or if ten days have elapsed 18783  
without correction of the violation, the grievance committee shall 18784  
refer the matter to the department of health. 18785

(B) Any person who believes that a resident's rights under 18786  
sections 3721.10 to 3721.17 of the Revised Code have been violated 18787  
may report or cause reports to be made of the information directly 18788  
to the department of health. No person who files a report is 18789

liable for civil damages resulting from the report. 18790

(C)(1) Within thirty days of receiving a complaint under this 18791  
section, the department of health shall investigate any complaint 18792  
referred to it by a home's grievance committee and any complaint 18793  
from any source that alleges that the home provided substantially 18794  
less than adequate care or treatment, or substantially unsafe 18795  
conditions, or, within seven days of receiving a complaint, refer 18796  
it to the attorney general, if the attorney general agrees to 18797  
investigate within thirty days. 18798

(2) Within thirty days of receiving a complaint under this 18799  
section, the department of health may investigate any alleged 18800  
violation of sections 3721.10 to 3721.17 of the Revised Code, or 18801  
of rules, policies, or procedures adopted pursuant to those 18802  
sections, not covered by division (C)(1) of this section, or it 18803  
may, within seven days of receiving a complaint, refer the 18804  
complaint to the grievance committee at the home where the alleged 18805  
violation occurred, or to the attorney general if the attorney 18806  
general agrees to investigate within thirty days. 18807

(D) If, after an investigation, the department of health 18808  
finds probable cause to believe that a violation of sections 18809  
3721.10 to 3721.17 of the Revised Code, or of rules, policies, or 18810  
procedures adopted pursuant to those sections, has occurred at a 18811  
home that is certified under Title XVIII or XIX of the "Social 18812  
Security Act," ~~49~~ 79 Stat. ~~620~~ 286 (~~1935~~ 1965), 42 U.S.C.A. ~~301~~ 18813  
1395 and 1396, as amended, it shall cite one or more findings or 18814  
deficiencies under sections 5111.35 to 5111.62 of the Revised 18815  
Code. If the home is not so certified, the department shall hold 18816  
an adjudicative hearing within thirty days under Chapter 119. of 18817  
the Revised Code. 18818

(E) Upon a finding at an adjudicative hearing under division 18819  
(D) of this section that a violation of sections 3721.10 to 18820  
3721.17 of the Revised Code, or of rules, policies, or procedures 18821

adopted pursuant thereto, has occurred, the department of health 18822  
shall make an order for compliance, set a reasonable time for 18823  
compliance, and assess a fine pursuant to division (F) of this 18824  
section. The fine shall be paid to the general revenue fund only 18825  
if compliance with the order is not shown to have been made within 18826  
the reasonable time set in the order. The department of health may 18827  
issue an order prohibiting the continuation of any violation of 18828  
sections 3721.10 to 3721.17 of the Revised Code. 18829

Findings at the hearings conducted under this section may be 18830  
appealed pursuant to Chapter 119. of the Revised Code, except that 18831  
an appeal may be made to the court of common pleas of the county 18832  
in which the home is located. 18833

The department of health shall initiate proceedings in court 18834  
to collect any fine assessed under this section which is unpaid 18835  
thirty days after the violator's final appeal is exhausted. 18836

(F) Any home found, pursuant to an adjudication hearing under 18837  
division (D) of this section, to have violated sections 3721.10 to 18838  
3721.17 of the Revised Code, or rules, policies, or procedures 18839  
adopted pursuant to those sections may be fined not less than one 18840  
hundred nor more than five hundred dollars for a first offense. 18841  
For each subsequent offense, the home may be fined not less than 18842  
two hundred nor more than one thousand dollars. 18843

A violation of sections 3721.10 to 3721.17 of the Revised 18844  
Code is a separate offense for each day of the violation and for 18845  
each resident who claims the violation. 18846

(G) No home or employee of a home shall retaliate against any 18847  
person who: 18848

(1) Exercises any right set forth in sections 3721.10 to 18849  
3721.17 of the Revised Code, including, but not limited to, filing 18850  
a complaint with the home's grievance committee or reporting an 18851  
alleged violation to the department of health; 18852



(2) Appears as a witness in any hearing conducted under this 18853  
section ~~and~~ or section 3721.16 or 5111.64 of the Revised Code; 18854

(3) Files a civil action alleging a violation of sections 18855  
3721.10 to 3721.17 of the Revised Code, or notifies a county 18856  
prosecuting attorney or the attorney general of a possible 18857  
violation of sections 3721.10 to 3721.17 of the Revised Code. 18858

If, under the procedures outlined in this section, a home or 18859  
its employee is found to have retaliated, the violator may be 18860  
fined up to one thousand dollars. 18861

(H) When legal action is indicated, any evidence of criminal 18862  
activity found in an investigation under division (C) of this 18863  
section shall be given to the prosecuting attorney in the county 18864  
in which the home is located for investigation. 18865

(I)(1) Any resident whose rights under sections 3721.10 to 18866  
3721.17 of the Revised Code are violated has a cause of action 18867  
against any person or home committing the violation. The action 18868  
may be commenced by the resident or by the resident's sponsor on 18869  
behalf of the resident. 18870

(2)(a) If compensatory damages are awarded for a violation of 18871  
the resident's rights, section 2315.21 of the Revised Code, except 18872  
divisions (E)(1) and (2) of that section, shall apply to an award 18873  
of punitive or exemplary damages for the violation. 18874

(b) The court may award to the prevailing party reasonable 18875  
attorney's fees limited to the work reasonably performed. 18876

(3) Division (I)(2)(a) of this section shall be considered to 18877  
be purely remedial in operation and shall be applied in a remedial 18878  
manner in any civil action in which this section is relevant, 18879  
whether the action is pending in court or commenced on or after 18880  
~~the effective date of this amendment~~ July 9, 1998. 18881

**Sec. 3734.57.** (A) For the purposes of paying the state's 18882

long-term operation costs or matching share for actions taken 18883  
under the "Comprehensive Environmental Response, Compensation, and 18884  
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 18885  
amended; paying the costs of measures for proper clean-up of sites 18886  
where polychlorinated biphenyls and substances, equipment, and 18887  
devices containing or contaminated with polychlorinated biphenyls 18888  
have been stored or disposed of; paying the costs of conducting 18889  
surveys or investigations of solid waste facilities or other 18890  
locations where it is believed that significant quantities of 18891  
hazardous waste were disposed of and for conducting enforcement 18892  
actions arising from the findings of such surveys or 18893  
investigations; paying the costs of acquiring and cleaning up, or 18894  
providing financial assistance for cleaning up, any hazardous 18895  
waste facility or solid waste facility containing significant 18896  
quantities of hazardous waste, that constitutes an imminent and 18897  
substantial threat to public health or safety or the environment; 18898  
and, from July 1, ~~1999~~ 2001, through June 30, ~~2001~~ 2004, for the 18899  
purposes of paying the costs of administering and enforcing the 18900  
laws pertaining to solid wastes, infectious wastes, and 18901  
construction and demolition debris, including, without limitation, 18902  
ground water evaluations related to solid wastes, infectious 18903  
wastes, and construction and demolition debris, under this chapter 18904  
and Chapter 3714. of the Revised Code and any rules adopted under 18905  
them, and paying a share of the administrative costs of the 18906  
environmental protection agency pursuant to section 3745.014 of 18907  
the Revised Code, the following fees are hereby levied on the 18908  
disposal of solid wastes in this state: 18909

(1) One dollar per ton on and after July 1, 1993; 18910

(2) An additional seventy-five cents per ton on and after 18911  
July 1, ~~1999~~ 2001, through June 30, ~~2001~~ 2004. 18912

The owner or operator of a solid waste disposal facility 18913  
shall collect the fees levied under this division as a trustee for 18914

the state and shall prepare and file with the director of 18915  
environmental protection monthly returns indicating the total 18916  
tonnage of solid wastes received for disposal at the gate of the 18917  
facility and the total amount of the fees collected under this 18918  
division. Not later than thirty days after the last day of the 18919  
month to which such a return applies, the owner or operator shall 18920  
mail to the director the return for that month together with the 18921  
fees collected during that month as indicated on the return. The 18922  
owner or operator may request an extension of not more than thirty 18923  
days for filing the return and remitting the fees, provided that 18924  
the owner or operator has submitted such a request in writing to 18925  
the director together with a detailed description of why the 18926  
extension is requested, the director has received the request not 18927  
later than the day on which the return is required to be filed, 18928  
and the director has approved the request. If the fees are not 18929  
remitted within sixty days after the last day of the month during 18930  
which they were collected, the owner or operator shall pay an 18931  
additional fifty per cent of the amount of the fees for each month 18932  
that they are late. 18933

One-half of the moneys remitted to the director under 18934  
division (A)(1) of this section shall be credited to the hazardous 18935  
waste facility management fund created in section 3734.18 of the 18936  
Revised Code, and one-half shall be credited to the hazardous 18937  
waste clean-up fund created in section 3734.28 of the Revised 18938  
Code. The moneys remitted to the director under division (A)(2) of 18939  
this section shall be credited to the solid waste fund, which is 18940  
hereby created in the state treasury. The environmental protection 18941  
agency shall use moneys in the solid waste fund only to pay the 18942  
costs of administering and enforcing the laws pertaining to solid 18943  
wastes, infectious wastes, and construction and demolition debris, 18944  
including, without limitation, ground water evaluations related to 18945  
solid wastes, infectious wastes, and construction and demolition 18946

debris, under this chapter and Chapter 3714. of the Revised Code 18947  
and rules adopted under them and to pay a share of the 18948  
administrative costs of the environmental protection agency 18949  
pursuant to section 3745.014 of the Revised Code. 18950

18951  
The fees levied under this division and divisions (B) and (C) 18952  
of this section are in addition to all other applicable fees and 18953  
taxes and shall be added to any other fee or amount specified in a 18954  
contract that is charged by the owner or operator of a solid waste 18955  
disposal facility or to any other fee or amount that is specified 18956  
in a contract entered into on or after March 4, 1992, and that is 18957  
charged by a transporter of solid wastes. 18958

(B) For the purpose of preparing, revising, and implementing 18959  
the solid waste management plan of the county or joint solid waste 18960  
management district, including, without limitation, the 18961  
development and implementation of solid waste recycling or 18962  
reduction programs; providing financial assistance to boards of 18963  
health within the district, if solid waste facilities are located 18964  
within the district, for the enforcement of this chapter and rules 18965  
adopted and orders and terms and conditions of permits, licenses, 18966  
and variances issued under it, other than the hazardous waste 18967  
provisions of this chapter and rules adopted and orders and terms 18968  
and conditions of permits issued under those provisions; providing 18969  
financial assistance to the county to defray the added costs of 18970  
maintaining roads and other public facilities and of providing 18971  
emergency and other public services resulting from the location 18972  
and operation of a solid waste facility within the county under 18973  
the district's approved solid waste management plan; paying the 18974  
costs incurred by boards of health for collecting and analyzing 18975  
water samples from public or private wells on lands adjacent to 18976  
solid waste facilities that are contained in the approved or 18977  
amended plan of the district; paying the costs of developing and 18978

implementing a program for the inspection of solid wastes 18979  
generated outside the boundaries of this state that are disposed 18980  
of at solid waste facilities included in the district's approved 18981  
solid waste management plan or amended plan; providing financial 18982  
assistance to boards of health within the district for enforcing 18983  
laws prohibiting open dumping; providing financial assistance to 18984  
local law enforcement agencies within the district for enforcing 18985  
laws and ordinances prohibiting littering; providing financial 18986  
assistance to boards of health of health districts within the 18987  
district that are on the approved list under section 3734.08 of 18988  
the Revised Code for the training and certification required for 18989  
their employees responsible for solid waste enforcement by rules 18990  
adopted under division (L) of section 3734.02 of the Revised Code; 18991  
providing financial assistance to individual municipal 18992  
corporations and townships within the district to defray their 18993  
added costs of maintaining roads and other public facilities and 18994  
of providing emergency and other public services resulting from 18995  
the location and operation within their boundaries of a 18996  
composting, energy or resource recovery, incineration, or 18997  
recycling facility that either is owned by the district or is 18998  
furnishing solid waste management facility or recycling services 18999  
to the district pursuant to a contract or agreement with the board 19000  
of county commissioners or directors of the district; and payment 19001  
of any expenses that are agreed to, awarded, or ordered to be paid 19002  
under section 3734.35 of the Revised Code and of any 19003  
administrative costs incurred pursuant to that section, the solid 19004  
waste management policy committee of a county or joint solid waste 19005  
management district may levy fees upon the following activities: 19006

(1) The disposal at a solid waste disposal facility located 19007  
in the district of solid wastes generated within the district; 19008

(2) The disposal at a solid waste disposal facility within 19009  
the district of solid wastes generated outside the boundaries of 19010

the district, but inside this state; 19011

(3) The disposal at a solid waste disposal facility within 19012  
the district of solid wastes generated outside the boundaries of 19013  
this state. 19014

If any such fees are levied prior to January 1, 1994, fees 19015  
levied under division (B)(1) of this section always shall be equal 19016  
to one-half of the fees levied under division (B)(2) of this 19017  
section, and fees levied under division (B)(3) of this section, 19018  
which shall be in addition to fees levied under division (B)(2) of 19019  
this section, always shall be equal to fees levied under division 19020  
(B)(1) of this section, except as otherwise provided in this 19021  
division. The solid waste management plan of the county or joint 19022  
district approved under section 3734.521 or 3734.55 of the Revised 19023  
Code and any amendments to it, or the resolution adopted under 19024  
this division, as appropriate, shall establish the rates of the 19025  
fees levied under divisions (B)(1), (2), and (3) of this section, 19026  
if any, and shall specify whether the fees are levied on the basis 19027  
of tons or cubic yards as the unit of measurement. Although the 19028  
fees under divisions (A)(1) and (2) of this section are levied on 19029  
the basis of tons as the unit of measurement, the solid waste 19030  
management plan of the district and any amendments to it or the 19031  
solid waste management policy committee in its resolution levying 19032  
fees under this division may direct that the fees levied under 19033  
those divisions be levied on the basis of cubic yards as the unit 19034  
of measurement based upon a conversion factor of three cubic yards 19035  
per ton generally or one cubic yard per ton for baled wastes if 19036  
the fees under divisions (B)(1) to (3) of this section are being 19037  
levied on the basis of cubic yards as the unit of measurement 19038  
under the plan, amended plan, or resolution. 19039

On and after January 1, 1994, the fee levied under division 19040  
(B)(1) of this section shall be not less than one dollar per ton 19041  
nor more than two dollars per ton, the fee levied under division 19042

(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  
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 19076  
amended fees so established commences, or collection of the fees 19077  
ceases, in accordance with this division. 19078

The solid waste management policy committee of a district 19079  
levying fees under divisions (B)(1) to (3) of this section on 19080  
October 29, 1993, under its solid waste management plan approved 19081  
under section 3734.55 of the Revised Code or a resolution adopted 19082  
and ratified under this division that are within the ranges of 19083  
rates prescribed by this amendment, by adoption of a resolution 19084  
not later than December 1, 1993, and without the necessity for 19085  
ratification of the resolution under this division, may amend 19086  
those fees within the prescribed ranges, provided that the 19087  
estimated revenues from the amended fees will not substantially 19088  
exceed the estimated revenues set forth in the district's budget 19089  
for calendar year 1994. Not later than seven days after the 19090  
adoption of such a resolution, the committee shall notify by 19091  
certified mail the owner or operator of each solid waste disposal 19092  
facility that is required to collect the fees of the adoption of 19093  
the resolution and of the amount of the amended fees. Collection 19094  
of the amended fees shall take effect on the first day of the 19095  
first month following the month in which the notification is sent 19096  
to the owner or operator. The fees established in such a 19097  
resolution shall remain in effect until the district's resolution 19098  
levying fees that was adopted and ratified under this division is 19099  
amended or repealed, and the amendment or repeal of the resolution 19100  
is ratified, in accordance with this division, to amend or abolish 19101  
the fees, the schedule of fees is amended or abolished in an 19102  
amended plan of the district approved under section 3734.521 or 19103  
division (A) or (D) of section 3734.56 of the Revised Code, or the 19104  
schedule of fees is amended or abolished through an amendment to 19105  
the district's plan under division (E) of section 3734.56 of the 19106  
Revised Code; the notification of the amendment or abolishment of 19107



the fees has been given in accordance with this division; and 19108  
collection of the amended fees so established commences, or 19109  
collection of the fees ceases, in accordance with this division. 19110

Prior to the approval of the solid waste management plan of 19111  
the district under section 3734.55 of the Revised Code, the solid 19112  
waste management policy committee of a district may levy fees 19113  
under this division by adopting a resolution establishing the 19114  
proposed amount of the fees. Upon adopting the resolution, the 19115  
committee shall deliver a copy of the resolution to the board of 19116  
county commissioners of each county forming the district and to 19117  
the legislative authority of each municipal corporation and 19118  
township under the jurisdiction of the district and shall prepare 19119  
and publish the resolution and a notice of the time and location 19120  
where a public hearing on the fees will be held. Upon adopting the 19121  
resolution, the committee shall deliver written notice of the 19122  
adoption of the resolution; of the amount of the proposed fees; 19123  
and of the date, time, and location of the public hearing to the 19124  
director and to the fifty industrial, commercial, or institutional 19125  
generators of solid wastes within the district that generate the 19126  
largest quantities of solid wastes, as determined by the 19127  
committee, and to their local trade associations. The committee 19128  
shall make good faith efforts to identify those generators within 19129  
the district and their local trade associations, but the 19130  
nonprovision of notice under this division to a particular 19131  
generator or local trade association does not invalidate the 19132  
proceedings under this division. The publication shall occur at 19133  
least thirty days before the hearing. After the hearing, the 19134  
committee may make such revisions to the proposed fees as it 19135  
considers appropriate and thereafter, by resolution, shall adopt 19136  
the revised fee schedule. Upon adopting the revised fee schedule, 19137  
the committee shall deliver a copy of the resolution doing so to 19138  
the board of county commissioners of each county forming the 19139

district and to the legislative authority of each municipal 19140  
corporation and township under the jurisdiction of the district. 19141  
Within sixty days after the delivery of a copy of the resolution 19142  
adopting the proposed revised fees by the policy committee, each 19143  
such board and legislative authority, by ordinance or resolution, 19144  
shall approve or disapprove the revised fees and deliver a copy of 19145  
the ordinance or resolution to the committee. If any such board or 19146  
legislative authority fails to adopt and deliver to the policy 19147  
committee an ordinance or resolution approving or disapproving the 19148  
revised fees within sixty days after the policy committee 19149  
delivered its resolution adopting the proposed revised fees, it 19150  
shall be conclusively presumed that the board or legislative 19151  
authority has approved the proposed revised fees. 19152

In the case of a county district or a joint district formed 19153  
by two or three counties, the committee shall declare the proposed 19154  
revised fees to be ratified as the fee schedule of the district 19155  
upon determining that the board of county commissioners of each 19156  
county forming the district has approved the proposed revised fees 19157  
and that the legislative authorities of a combination of municipal 19158  
corporations and townships with a combined population within the 19159  
district comprising at least sixty per cent of the total 19160  
population of the district have approved the proposed revised 19161  
fees, provided that in the case of a county district, that 19162  
combination shall include the municipal corporation having the 19163  
largest population within the boundaries of the district, and 19164  
provided further that in the case of a joint district formed by 19165  
two or three counties, that combination shall include for each 19166  
county forming the joint district the municipal corporation having 19167  
the largest population within the boundaries of both the county in 19168  
which the municipal corporation is located and the joint district. 19169  
In the case of a joint district formed by four or more counties, 19170  
the committee shall declare the proposed revised fees to be 19171

ratified as the fee schedule of the joint district upon 19172  
determining that the boards of county commissioners of a majority 19173  
of the counties forming the district have approved the proposed 19174  
revised fees; that, in each of a majority of the counties forming 19175  
the joint district, the proposed revised fees have been approved 19176  
by the municipal corporation having the largest population within 19177  
the county and the joint district; and that the legislative 19178  
authorities of a combination of municipal corporations and 19179  
townships with a combined population within the joint district 19180  
comprising at least sixty per cent of the total population of the 19181  
joint district have approved the proposed revised fees. 19182

For the purposes of this division, only the population of the 19183  
unincorporated area of a township shall be considered. For the 19184  
purpose of determining the largest municipal corporation within 19185  
each county under this division, a municipal corporation that is 19186  
located in more than one solid waste management district, but that 19187  
is under the jurisdiction of one county or joint solid waste 19188  
management district in accordance with division (A) of section 19189  
3734.52 of the Revised Code shall be considered to be within the 19190  
boundaries of the county in which a majority of the population of 19191  
the municipal corporation resides. 19192

The committee may amend the schedule of fees levied pursuant 19193  
to a resolution or amended resolution adopted and ratified under 19194  
this division by adopting a resolution establishing the proposed 19195  
amount of the amended fees. The committee may abolish the fees 19196  
levied pursuant to such a resolution or amended resolution by 19197  
adopting a resolution proposing to repeal them. Upon adopting such 19198  
a resolution, the committee shall proceed to obtain ratification 19199  
of the resolution in accordance with this division. 19200

Not later than fourteen days after declaring the fees or 19201  
amended fees to be ratified under this division, the committee 19202  
shall notify by certified mail the owner or operator of each solid 19203

waste disposal facility that is required to collect the fees of 19204  
the ratification and the amount of the fees. Collection of any 19205  
fees or amended fees ratified on or after March 24, 1992, shall 19206  
commence on the first day of the second month following the month 19207  
in which notification is sent to the owner or operator. 19208

Not later than fourteen days after declaring the repeal of 19209  
the district's schedule of fees to be ratified under this 19210  
division, the committee shall notify by certified mail the owner 19211  
or operator of each facility that is collecting the fees of the 19212  
repeal. Collection of the fees shall cease on the first day of the 19213  
second month following the month in which notification is sent to 19214  
the owner or operator. 19215

Not later than fourteen days after the director issues an 19216  
order approving a district's solid waste management plan under 19217  
section 3734.55 of the Revised Code or amended plan under division 19218  
(A) or (D) of section 3734.56 of the Revised Code that establishes 19219  
or amends a schedule of fees levied by the district, or the 19220  
ratification of an amendment to the district's approved plan or 19221  
amended plan under division (E) of section 3734.56 of the Revised 19222  
Code that establishes or amends a schedule of fees, as 19223  
appropriate, the committee shall notify by certified mail the 19224  
owner or operator of each solid waste disposal facility that is 19225  
required to collect the fees of the approval of the plan or 19226  
amended plan, or the amendment to the plan, as appropriate, and 19227  
the amount of the fees or amended fees. In the case of an initial 19228  
or amended plan approved under section 3734.521 of the Revised 19229  
Code in connection with a change in district composition, other 19230  
than one involving the withdrawal of a county from a joint 19231  
district, that establishes or amends a schedule of fees levied 19232  
under divisions (B)(1) to (3) of this section by a district 19233  
resulting from the change, the committee, within fourteen days 19234  
after the change takes effect pursuant to division (G) of that 19235

section, shall notify by certified mail the owner or operator of 19236  
each solid waste disposal facility that is required to collect the 19237  
fees that the change has taken effect and of the amount of the 19238  
fees or amended fees. Collection of any fees set forth in a plan 19239  
or amended plan approved by the director on or after April 16, 19240  
1993, or an amendment of a plan or amended plan under division (E) 19241  
of section 3734.56 of the Revised Code that is ratified on or 19242  
after April 16, 1993, shall commence on the first day of the 19243  
second month following the month in which notification is sent to 19244  
the owner or operator. 19245

Not later than fourteen days after the director issues an 19246  
order approving a district's plan under section 3734.55 of the 19247  
Revised Code or amended plan under division (A) or (D) of section 19248  
3734.56 of the Revised Code that abolishes the schedule of fees 19249  
levied under divisions (B)(1) to (3) of this section, or an 19250  
amendment to the district's approved plan or amended plan 19251  
abolishing the schedule of fees is ratified pursuant to division 19252  
(E) of section 3734.56 of the Revised Code, as appropriate, the 19253  
committee shall notify by certified mail the owner or operator of 19254  
each facility that is collecting the fees of the approval of the 19255  
plan or amended plan, or the amendment of the plan or amended 19256  
plan, as appropriate, and the abolishment of the fees. In the case 19257  
of an initial or amended plan approved under section 3734.521 of 19258  
the Revised Code in connection with a change in district 19259  
composition, other than one involving the withdrawal of a county 19260  
from a joint district, that abolishes the schedule of fees levied 19261  
under divisions (B)(1) to (3) of this section by a district 19262  
resulting from the change, the committee, within fourteen days 19263  
after the change takes effect pursuant to division (G) of that 19264  
section, shall notify by certified mail the owner or operator of 19265  
each solid waste disposal facility that is required to collect the 19266  
fees that the change has taken effect and of the abolishment of 19267

the fees. Collection of the fees shall cease on the first day of 19268  
the second month following the month in which notification is sent 19269  
to the owner or operator. 19270

Except as otherwise provided in this division, if the 19271  
schedule of fees that a district is levying under divisions (B)(1) 19272  
to (3) of this section pursuant to a resolution or amended 19273  
resolution adopted and ratified under this division, the solid 19274  
waste management plan of the district approved under section 19275  
3734.55 of the Revised Code, an amended plan approved under 19276  
division (A) or (D) of section 3734.56 of the Revised Code, or an 19277  
amendment to the district's approved plan or amended plan under 19278  
division (E) of section 3734.56 of the Revised Code, is amended by 19279  
the adoption and ratification of an amendment to the resolution or 19280  
amended resolution or an amendment of the district's approved plan 19281  
or amended plan, the fees in effect immediately prior to the 19282  
approval of the plan or the amendment of the resolution, amended 19283  
resolution, plan, or amended plan, as appropriate, shall continue 19284  
to be collected until collection of the amended fees commences 19285  
pursuant to this division. 19286

If, in the case of a change in district composition involving 19287  
the withdrawal of a county from a joint district, the director 19288  
completes the actions required under division (G)(1) or (3) of 19289  
section 3734.521 of the Revised Code, as appropriate, forty-five 19290  
days or more before the beginning of a calendar year, the policy 19291  
committee of each of the districts resulting from the change that 19292  
obtained the director's approval of an initial or amended plan in 19293  
connection with the change, within fourteen days after the 19294  
director's completion of the required actions, shall notify by 19295  
certified mail the owner or operator of each solid waste disposal 19296  
facility that is required to collect the district's fees that the 19297  
change is to take effect on the first day of January immediately 19298  
following the issuance of the notice and of the amount of the fees 19299

or amended fees levied under divisions (B)(1) to (3) of this 19300  
section pursuant to the district's initial or amended plan as so 19301  
approved or, if appropriate, the abolishment of the district's 19302  
fees by that initial or amended plan. Collection of any fees set 19303  
forth in such a plan or amended plan shall commence on the first 19304  
day of January immediately following the issuance of the notice. 19305  
If such an initial or amended plan abolishes a schedule of fees, 19306  
collection of the fees shall cease on that first day of January. 19307

If, in the case of a change in district composition involving 19308  
the withdrawal of a county from a joint district, the director 19309  
completes the actions required under division (G)(1) or (3) of 19310  
section 3734.521 of the Revised Code, as appropriate, less than 19311  
forty-five days before the beginning of a calendar year, the 19312  
director, on behalf of each of the districts resulting from the 19313  
change that obtained the director's approval of an initial or 19314  
amended plan in connection with the change proceedings, shall 19315  
notify by certified mail the owner or operator of each solid waste 19316  
disposal facility that is required to collect the district's fees 19317  
that the change is to take effect on the first day of January 19318  
immediately following the mailing of the notice and of the amount 19319  
of the fees or amended fees levied under divisions (B)(1) to (3) 19320  
of this section pursuant to the district's initial or amended plan 19321  
as so approved or, if appropriate, the abolishment of the 19322  
district's fees by that initial or amended plan. Collection of any 19323  
fees set forth in such a plan or amended plan shall commence on 19324  
the first day of the second month following the month in which 19325  
notification is sent to the owner or operator. If such an initial 19326  
or amended plan abolishes a schedule of fees, collection of the 19327  
fees shall cease on the first day of the second month following 19328  
the month in which notification is sent to the owner or operator. 19329

In the case of a change in district composition, the schedule 19330  
of fees that the former districts that existed prior to the change 19331

were levying under divisions (B)(1) to (3) of this section 19332  
pursuant to a resolution or amended resolution adopted and 19333  
ratified under this division, the solid waste management plan of a 19334  
former district approved under section 3734.521 or 3734.55 of the 19335  
Revised Code, an amended plan approved under section 3734.521 or 19336  
division (A) or (D) of section 3734.56 of the Revised Code, or an 19337  
amendment to a former district's approved plan or amended plan 19338  
under division (E) of section 3734.56 of the Revised Code, and 19339  
that were in effect on the date that the director completed the 19340  
actions required under division (G)(1) or (3) of section 3734.521 19341  
of the Revised Code shall continue to be collected until the 19342  
collection of the fees or amended fees of the districts resulting 19343  
from the change is required to commence, or if an initial or 19344  
amended plan of a resulting district abolishes a schedule of fees, 19345  
collection of the fees is required to cease, under this division. 19346  
Moneys so received from the collection of the fees of the former 19347  
districts shall be divided among the resulting districts in 19348  
accordance with division (B) of section 343.012 of the Revised 19349  
Code and the agreements entered into under division (B) of section 19350  
343.01 of the Revised Code to establish the former and resulting 19351  
districts and any amendments to those agreements. 19352

For the purposes of the provisions of division (B) of this 19353  
section establishing the times when newly established or amended 19354  
fees levied by a district are required to commence and the 19355  
collection of fees that have been amended or abolished is required 19356  
to cease, "fees" or "schedule of fees" includes, in addition to 19357  
fees levied under divisions (B)(1) to (3) of this section, those 19358  
levied under section 3734.573 or 3734.574 of the Revised Code. 19359

(C) For the purposes of defraying the added costs to a 19360  
municipal corporation or township of maintaining roads and other 19361  
public facilities and of providing emergency and other public 19362  
services, and compensating a municipal corporation or township for 19363



reductions in real property tax revenues due to reductions in real 19364  
property valuations resulting from the location and operation of a 19365  
solid waste disposal facility within the municipal corporation or 19366  
township, a municipal corporation or township in which such a 19367  
solid waste disposal facility is located may levy a fee of not 19368  
more than twenty-five cents per ton on the disposal of solid 19369  
wastes at a solid waste disposal facility located within the 19370  
boundaries of the municipal corporation or township regardless of 19371  
where the wastes were generated. 19372

The legislative authority of a municipal corporation or 19373  
township may levy fees under this division by enacting an 19374  
ordinance or adopting a resolution establishing the amount of the 19375  
fees. Upon so doing the legislative authority shall mail a 19376  
certified copy of the ordinance or resolution to the board of 19377  
county commissioners or directors of the county or joint solid 19378  
waste management district in which the municipal corporation or 19379  
township is located or, if a regional solid waste management 19380  
authority has been formed under section 343.011 of the Revised 19381  
Code, to the board of trustees of that regional authority, the 19382  
owner or operator of each solid waste disposal facility in the 19383  
municipal corporation or township that is required to collect the 19384  
fee by the ordinance or resolution, and the director of 19385  
environmental protection. Although the fees levied under this 19386  
division are levied on the basis of tons as the unit of 19387  
measurement, the legislative authority, in its ordinance or 19388  
resolution levying the fees under this division, may direct that 19389  
the fees be levied on the basis of cubic yards as the unit of 19390  
measurement based upon a conversion factor of three cubic yards 19391  
per ton generally or one cubic yard per ton for baled wastes. 19392

Not later than five days after enacting an ordinance or 19393  
adopting a resolution under this division, the legislative 19394  
authority shall so notify by certified mail the owner or operator 19395

of each solid waste disposal facility that is required to collect 19396  
the fee. Collection of any fee levied on or after March 24, 1992, 19397  
shall commence on the first day of the second month following the 19398  
month in which notification is sent to the owner or operator. 19399

(D)(1) The fees levied under divisions (A), (B), and (C) of 19400  
this section do not apply to the disposal of solid wastes that: 19401

(a) Are disposed of at a facility owned by the generator of 19402  
the wastes when the solid waste facility exclusively disposes of 19403  
solid wastes generated at one or more premises owned by the 19404  
generator regardless of whether the facility is located on a 19405  
premises where the wastes are generated; 19406

(b) Are disposed of at facilities that exclusively dispose of 19407  
wastes that are generated from the combustion of coal, or from the 19408  
combustion of primarily coal in combination with scrap tires, that 19409  
is not combined in any way with garbage at one or more premises 19410  
owned by the generator. 19411

(2) Except as provided in section 3734.571 of the Revised 19412  
Code, any fees levied under division (B)(1) of this section apply 19413  
to solid wastes originating outside the boundaries of a county or 19414  
joint district that are covered by an agreement for the joint use 19415  
of solid waste facilities entered into under section 343.02 of the 19416  
Revised Code by the board of county commissioners or board of 19417  
directors of the county or joint district where the wastes are 19418  
generated and disposed of. 19419

(3) When solid wastes, other than solid wastes that consist 19420  
of scrap tires, are burned in a disposal facility that is an 19421  
incinerator or energy recovery facility, the fees levied under 19422  
divisions (A), (B), and (C) of this section shall be levied upon 19423  
the disposal of the fly ash and bottom ash remaining after burning 19424  
of the solid wastes and shall be collected by the owner or 19425  
operator of the sanitary landfill where the ash is disposed of. 19426

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(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 19459  
levied under division (B) of this section shall be forwarded to 19460  
the board of county commissioners or board of directors of the 19461  
district in accordance with rules adopted under division (H) of 19462  
this section. Moneys from the fees levied under division (C) of 19463  
this section shall be forwarded to the treasurer or such other 19464  
officer of the municipal corporation as, by virtue of the charter, 19465  
has the duties of the treasurer or to the clerk of the township, 19466  
as appropriate, in accordance with those rules. 19467

(F) Moneys received by the treasurer or such other officer of 19468  
the municipal corporation under division (E) of this section shall 19469  
be paid into the general fund of the municipal corporation. Moneys 19470  
received by the clerk of the township under that division shall be 19471  
paid into the general fund of the township. The treasurer or such 19472  
other officer of the municipal corporation or the clerk, as 19473  
appropriate, shall maintain separate records of the moneys 19474  
received from the fees levied under division (C) of this section. 19475

(G) Moneys received by the board of county commissioners or 19477  
board of directors under division (E) of this section or section 19478  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 19479  
shall be paid to the county treasurer, or other official acting in 19480  
a similar capacity under a county charter, in a county district or 19481  
to the county treasurer or other official designated by the board 19482  
of directors in a joint district and kept in a separate and 19483  
distinct fund to the credit of the district. If a regional solid 19484  
waste management authority has been formed under section 343.011 19485  
of the Revised Code, moneys received by the board of trustees of 19486  
that regional authority under division (E) of this section shall 19487  
be kept by the board in a separate and distinct fund to the credit 19488  
of the district. Moneys in the special fund of the county or joint 19489  
district arising from the fees levied under division (B) of this 19490

section and the fee levied under division (A) of section 3734.573 19491  
of the Revised Code shall be expended by the board of county 19492  
commissioners or directors of the district in accordance with the 19493  
district's solid waste management plan or amended plan approved 19494  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 19495  
exclusively for the following purposes: 19496

(1) Preparation of the solid waste management plan of the 19497  
district under section 3734.54 of the Revised Code, monitoring 19498  
implementation of the plan, and conducting the periodic review and 19499  
amendment of the plan required by section 3734.56 of the Revised 19500  
Code by the solid waste management policy committee; 19501

(2) Implementation of the approved solid waste management 19502  
plan or amended plan of the district, including, without 19503  
limitation, the development and implementation of solid waste 19504  
recycling or reduction programs; 19505

(3) Providing financial assistance to boards of health within 19506  
the district, if solid waste facilities are located within the 19507  
district, for enforcement of this chapter and rules, orders, and 19508  
terms and conditions of permits, licenses, and variances adopted 19509  
or issued under it, other than the hazardous waste provisions of 19510  
this chapter and rules adopted and orders and terms and conditions 19511  
of permits issued under those provisions; 19512

(4) Providing financial assistance to each county within the 19513  
district to defray the added costs of maintaining roads and other 19514  
public facilities and of providing emergency and other public 19515  
services resulting from the location and operation of a solid 19516  
waste facility within the county under the district's approved 19517  
solid waste management plan or amended plan; 19518

(5) Pursuant to contracts entered into with boards of health 19519  
within the district, if solid waste facilities contained in the 19520  
district's approved plan or amended plan are located within the 19521

district, for paying the costs incurred by those boards of health	19522
for collecting and analyzing samples from public or private water	19523
wells on lands adjacent to those facilities;	19524
(6) Developing and implementing a program for the inspection	19525
of solid wastes generated outside the boundaries of this state	19526
that are disposed of at solid waste facilities included in the	19527
district's approved solid waste management plan or amended plan;	19528
(7) Providing financial assistance to boards of health within	19529
the district for the enforcement of section 3734.03 of the Revised	19530
Code or to local law enforcement agencies having jurisdiction	19531
within the district for enforcing anti-littering laws and	19532
ordinances;	19533
(8) Providing financial assistance to boards of health of	19534
health districts within the district that are on the approved list	19535
under section 3734.08 of the Revised Code to defray the costs to	19536
the health districts for the participation of their employees	19537
responsible for enforcement of the solid waste provisions of this	19538
chapter and rules adopted and orders and terms and conditions of	19539
permits, licenses, and variances issued under those provisions in	19540
the training and certification program as required by rules	19541
adopted under division (L) of section 3734.02 of the Revised Code;	19542
(9) Providing financial assistance to individual municipal	19543
corporations and townships within the district to defray their	19544
added costs of maintaining roads and other public facilities and	19545
of providing emergency and other public services resulting from	19546
the location and operation within their boundaries of a	19547
composting, energy or resource recovery, incineration, or	19548
recycling facility that either is owned by the district or is	19549
furnishing solid waste management facility or recycling services	19550
to the district pursuant to a contract or agreement with the board	19551
of county commissioners or directors of the district;	19552

(10) Payment of any expenses that are agreed to, awarded, or 19553  
ordered to be paid under section 3734.35 of the Revised Code and 19554  
of any administrative costs incurred pursuant to that section. In 19555  
the case of a joint solid waste management district, if the board 19556  
of county commissioners of one of the counties in the district is 19557  
negotiating on behalf of affected communities, as defined in that 19558  
section, in that county, the board shall obtain the approval of 19559  
the board of directors of the district in order to expend moneys 19560  
for administrative costs incurred. 19561

Prior to the approval of the district's solid waste 19562  
management plan under section 3734.55 of the Revised Code, moneys 19563  
in the special fund of the district arising from the fees shall be 19564  
expended for those purposes in the manner prescribed by the solid 19565  
waste management policy committee by resolution. 19566

Notwithstanding division (G)(6) of this section as it existed 19567  
prior to October 29, 1993, or any provision in a district's solid 19568  
waste management plan prepared in accordance with division 19569  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 19570  
prior to that date, any moneys arising from the fees levied under 19571  
division (B)(3) of this section prior to January 1, 1994, may be 19572  
expended for any of the purposes authorized in divisions (G)(1) to 19573  
(10) of this section. 19574

(H) The director shall adopt rules in accordance with Chapter 19575  
119. of the Revised Code prescribing procedures for collecting and 19576  
forwarding the fees levied under divisions (B) and (C) of this 19577  
section to the boards of county commissioners or directors of 19578  
county or joint solid waste management districts and to the 19579  
treasurers or other officers of municipal corporations or to the 19580  
clerks of townships. The rules also shall prescribe the dates for 19581  
forwarding the fees to the boards and officials and may prescribe 19582  
any other requirements the director considers necessary or 19583  
appropriate to implement and administer divisions (A), (B), and 19584

(C) of this section. Collection of the fees levied under division 19585  
(A)(1) of this section shall commence on July 1, 1993. Collection 19586  
of the fees levied under division (A)(2) of this section shall 19587  
commence on January 1, 1994. 19588

**Sec. 3734.82.** (A) The annual fee for a scrap tire recovery 19589  
facility license issued under section 3734.81 of the Revised Code 19590  
shall be in accordance with the following schedule: 19591

Daily Design	Annual	19592
Input Capacity	License	19593
(Tons)	Fee	19594
1 or less	\$ 100	19595
2 to 25	500	19596
26 to 50	1,000	19597
51 to 100	1,500	19598
101 to 200	2,500	19599
201 to 500	3,500	19600
501 or more	5,500	19601

For the purpose of determining the applicable license fee 19602  
under this division, the daily design input capacity shall be the 19603  
quantity of scrap tires the facility is designed to process daily 19604  
as set forth in the registration certificate or permit for the 19605  
facility, and any modifications to the permit, if applicable, 19606  
issued under section 3734.78 of the Revised Code. 19607

(B) The annual fee for a scrap tire monocell or monofill 19608  
facility license shall be in accordance with the following 19609  
schedule: 19610

Authorized Maximum	Annual	19611
Daily Waste Receipt	License	19612
(Tons)	Fee	19613
100 or less	\$ 5,000	19614
101 to 200	12,500	19615



201 to 500	30,000	19616
501 or more	60,000	19617

For the purpose of determining the applicable license fee 19618  
under this division, the authorized maximum daily waste receipt 19619  
shall be the maximum amount of scrap tires the facility is 19620  
authorized to receive daily that is established in the permit for 19621  
the facility, and any modification to that permit, issued under 19622  
section 3734.77 of the Revised Code. 19623

(C)(1) Except as otherwise provided in division (C)(2) of 19624  
this section, the annual fee for a scrap tire storage facility 19625  
license shall equal one thousand dollars times the number of acres 19626  
on which scrap tires are to be stored at the facility during the 19627  
license year, as set forth on the application for the annual 19628  
license, except that the total annual license fee for any such 19629  
facility shall not exceed three thousand dollars. 19630

(2) The annual fee for a scrap tire storage facility license 19631  
for a storage facility that is owned or operated by a motor 19632  
vehicle salvage dealer licensed under Chapter 4738. of the Revised 19633  
Code is one hundred dollars. 19634

(D)(1) Except as otherwise provided in division (D)(2) of 19635  
this section, the annual fee for a scrap tire collection facility 19636  
license is two hundred dollars. 19637

(2) The annual fee for a scrap tire collection facility 19638  
license for a collection facility that is owned or operated by a 19639  
motor vehicle salvage dealer licensed under Chapter 4738. of the 19640  
Revised Code is fifty dollars. 19641

(E) Except as otherwise provided in divisions (C)(2) and 19642  
(D)(2) of this section, the same fees apply to private operators 19643  
and to the state and its political subdivisions and shall be paid 19644  
within thirty days after the issuance of a license. The fees 19645  
include the cost of licensing, all inspections, and other costs 19646

associated with the administration of the scrap tire provisions of 19647  
this chapter and rules adopted under them. Each license shall 19648  
specify that it is conditioned upon payment of the applicable fee 19649  
to the board of health or the director of environmental 19650  
protection, as appropriate, within thirty days after the issuance 19651  
of the license. 19652

(F) The board of health shall retain fifteen thousand dollars 19653  
of each license fee collected by the board under division (B) of 19654  
this section, or the entire amount of any such fee that is less 19655  
than fifteen thousand dollars, and the entire amount of each 19656  
license fee collected by the board under divisions (A), (C), and 19657  
(D) of this section. The moneys retained shall be paid into a 19658  
special fund, which is hereby created in each health district, and 19659  
used solely to administer and enforce the scrap tire provisions of 19660  
this chapter and rules adopted under them. The remainder, if any, 19661  
of each license fee collected by the board under division (B) of 19662  
this section shall be transmitted to the director within 19663  
forty-five days after receipt of the fee. 19664

(G) The director shall transmit the moneys received by the 19665  
director from license fees collected under division (B) of this 19666  
section to the treasurer of state to be credited to the scrap tire 19667  
management fund, which is hereby created in the state treasury. 19668  
The fund shall consist of all federal moneys received by the 19669  
environmental protection agency for the scrap tire management 19670  
program; all grants, gifts, and contributions made to the director 19671  
for that program; and all other moneys that may be provided by law 19672  
for that program. The director shall use moneys in the fund as 19673  
follows: 19674

(1) Expend not more than seven hundred fifty thousand dollars 19675  
during each fiscal year to implement, administer, and enforce the 19676  
scrap tire provisions of this chapter and rules adopted under 19677  
them; 19678

~~(2) For fiscal years 1998 and 1999, grant not more than one hundred fifty thousand dollars during each fiscal year to the polymer institute at the university of Akron for the purpose of expediting research concerning and evaluation of alternative methods of recycling scrap tires. The institute shall report to the director annually concerning research programs under review, and the results of scrap tire recycling experiments conducted, by or in conjunction with the institute. The university shall report to the director biennially concerning the expenditures of moneys received by the institute under division (G)(2) of this section.~~

~~(3) During each fiscal year, request the director of budget and management to, and the director of budget and management shall, transfer one million dollars to the scrap tire loans and grants recycling fund created in section ~~166.032~~ 1502.12 of the Revised Code for the purposes specified in that section;~~

~~(4) Annually transfer to the central support indirect fund created in section 3745.014 of the Revised Code an amount equal to not more than twelve per cent of each fiscal year's appropriation to the scrap tire management fund.~~

~~(H)(1) If, during a fiscal year, more than three million five hundred thousand dollars are credited to the scrap tire management fund, the director, at the conclusion of the fiscal year, shall request the director of budget and management to, and the director of budget and management shall, transfer to the scrap tire loans and grants fund one half of the moneys credited to the scrap tire management fund in excess of that amount.~~

~~(2) In each fiscal year, if more than three million five hundred thousand dollars are credited to the scrap tire management fund during the preceding fiscal year, the director shall expend during the current fiscal year one half of that excess amount to conduct removal operations under section 3734.85 of the Revised Code.~~

(3) Expend not more than three million dollars per year 19711  
during fiscal years 2002 and 2003 to conduct removal actions under 19712  
section 3734.85 of the Revised Code and to make grants to boards 19713  
of health under section 3734.042 of the Revised Code. However, 19714  
more than three million dollars may be expended in fiscal years 19715  
2002 and 2003 for the purposes of division (G)(3) of this section 19716  
if more moneys are collected from the fee levied under division 19717  
(A)(2) of section 3734.901 of the Revised Code. During each 19718  
subsequent fiscal year the director shall expend not more than 19719  
four million five hundred thousand dollars to conduct removal 19720  
actions under section 3734.85 of the Revised Code and to make 19721  
grants to boards of health under section 3734.042 of the Revised 19722  
Code. However, more than four million five hundred thousand 19723  
dollars may be expended in a fiscal year for the purposes of 19724  
division (G)(3) of this section if more moneys are collected from 19725  
the fee levied under division (A)(2) of section 3734.901 of the 19726  
Revised Code. The director shall request the approval of the 19727  
controlling board prior to the use of the moneys to conduct 19728  
removal actions under section 3734.85 of the Revised Code. The 19729  
request shall be accompanied by a plan describing the removal 19730  
actions to be conducted during the fiscal year and an estimate of 19731  
the costs of conducting them. The controlling board shall approve 19732  
the plan only if it finds that the proposed removal actions are in 19733  
accordance with the priorities set forth in division (B) of 19734  
section 3734.85 of the Revised Code and that the costs of 19735  
conducting them are reasonable. Controlling board approval is not 19736  
required for grants made to boards of health under section 19737  
3734.042 of the Revised Code. 19738

(H) If, during a fiscal year, more than seven million dollars 19739  
are credited to the scrap tire management fund, the director, at 19740  
the conclusion of the fiscal year, shall request the director of 19741  
budget and management to, and the director of budget and 19742

management shall, transfer one-half of those excess moneys to the 19743  
scrap tire recycling fund. The director shall expend the remaining 19744  
excess moneys in the scrap tire management fund to conduct removal 19745  
actions under section 3734.85 of the Revised Code in accordance 19746  
with the procedures established under division (I) of this 19747  
section. 19748

(I) After the actions in divisions (G)(1) to ~~(4)~~(3) and (H) 19749  
of this section are completed during each prior fiscal year, the 19750  
director may expend up to the balance remaining from prior fiscal 19751  
years in the scrap tire management fund to conduct removal actions 19752  
under section 3734.85 of the Revised Code. Prior to using any 19753  
moneys in the fund for that purpose in a fiscal year, the director 19754  
shall request the approval of the controlling board for that use 19755  
of the moneys. The request shall be accompanied by a plan 19756  
describing the removal actions to be conducted during the fiscal 19757  
year and an estimate of the costs of conducting them. The 19758  
controlling board shall approve the plan only if the board finds 19759  
that the proposed removal actions are in accordance with the 19760  
priorities set forth in division (B) of section 3734.85 of the 19761  
Revised Code and that the costs of conducting them are reasonable. 19762

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 19763  
defray the cost of administering and enforcing the scrap tire 19764  
provisions of this chapter, rules adopted under those provisions, 19765  
and terms and conditions of orders, variances, and licenses issued 19766  
under those provisions; to abate accumulations of scrap tires; to 19767  
make grants to promote research regarding alternative methods of 19768  
recycling scrap tires and loans to promote the recycling or 19769  
recovery of energy from scrap tires; and to defray the costs of 19770  
administering and enforcing sections 3734.90 to 3734.9014 of the 19771  
Revised Code, a fee of fifty cents per tire is hereby levied on 19772  
the sale of tires. The fee is levied from the first day of the 19773  
calendar month that begins next after thirty days from October 29, 19774

1993, through June 30, 2006. 19775

(2) There is hereby levied an additional fee of fifty cents 19776  
per tire on the sale of tires the proceeds of which shall be 19777  
deposited in the scrap tire management fund created in section 19778  
3734.82 of the Revised Code and be used exclusively for the 19779  
purposes specified in division (G)(3) of that section. 19780

(B) Only one sale of the same article shall be used in 19781  
computing the amount of the fee due. 19782

**Sec. 3745.014.** There is hereby created in the state treasury 19783  
the central support indirect fund, which shall be administered by 19784  
the director of environmental protection. Money credited to the 19785  
fund shall be used for administrative costs of the environmental 19786  
protection agency ~~that are related to expenditures by the agency~~ 19787  
~~from funds of the general services fund group and the state~~ 19788  
~~special revenue fund group.~~ The director may assess any operating 19789  
funds of from which the agency ~~within the general services fund~~ 19790  
~~group or the state special revenue fund group~~ receives 19791  
appropriations, except the central support indirect fund, for a 19792  
share of the administrative costs of the agency. The ~~assessments~~ 19793  
~~shall be paid from the general services funds and state special~~ 19794  
~~revenue funds designated by the director and~~ amounts assessed 19795  
shall be transferred to the central support indirect fund by means 19796  
of intrastate transfer vouchers. The director, with the approval 19797  
of the director of budget and management, shall determine the rate 19798  
of assessments, ~~which shall not exceed twelve per cent of the~~ 19799  
~~total fiscal year appropriation from any such fund for the fiscal~~ 19800  
~~year unless the controlling board approves a request from the~~ 19801  
~~director for a higher rate.~~ 19802

**Sec. 3745.04.** As used in this section, "any person" means any 19803  
individual, any partnership, corporation, association, or other 19804  
legal entity, or any political subdivision, instrumentality, or 19805

agency of a state, whether or not the individual or legal entity 19806  
is an applicant for or holder of a license, permit, or variance 19807  
from the environmental protection agency, and includes any 19808  
department, agency, or instrumentality of the federal government 19809  
that is an applicant for or holder of a license, permit, or 19810  
variance from the environmental protection agency. 19811

As used in this section, "action" or "act" includes the 19812  
adoption, modification, or repeal of a rule or standard, the 19813  
issuance, modification, or revocation of any lawful order other 19814  
than an emergency order, and the issuance, denial, modification, 19815  
or revocation of a license, permit, lease, variance, or 19816  
certificate, or the approval or disapproval of plans and 19817  
specifications pursuant to law or rules adopted thereunder. 19818

Any person who was a party to a proceeding before the 19819  
director of environmental protection may participate in an appeal 19820  
to the environmental review appeals commission for an order 19821  
vacating or modifying the action of the director ~~of environmental~~ 19822  
~~protection~~ or a local board of health, or ordering the director or 19823  
board of health to perform an act. The environmental review 19824  
appeals commission has exclusive original jurisdiction over any 19825  
matter that may, under this section, be brought before it. 19826

The person so appealing to the commission shall be known as 19827  
appellant, and the director and any party to a proceeding 19828  
substantially supporting the finding from which the appeal is 19829  
taken shall be known as appellee, except that when an appeal 19830  
involves a license to operate a disposal site or facility, the 19831  
local board of health or the director of environmental protection, 19832  
and any party to a proceeding substantially supporting the finding 19833  
from which the appeal is taken, shall, as appropriate, be known as 19834  
the appellee. Appellant and appellee shall be deemed to be parties 19835  
to the appeal. 19836

The appeal shall be in writing and shall set forth the action 19837

complained of and the grounds upon which the appeal is based. 19838

The appeal shall be filed with the commission within thirty 19839  
days after notice of the action. Notice of the filing of the 19840  
appeal shall be filed with the appellee within three days after 19841  
the appeal is filed with the commission. 19842

The appeal shall be accompanied by a filing fee of ~~forty~~ 19843  
sixty dollars, which the commission, in its discretion, may waive 19844  
in cases of extreme hardship. 19845

Within seven days after receipt of the notice of appeal, the 19846  
director or local board of health shall prepare and certify to the 19847  
commission a record of the proceedings out of which the appeal 19848  
arises, including all documents and correspondence, and a 19849  
transcript of all testimony. 19850

Upon the filing of the appeal, the commission shall fix the 19851  
time and place at which the hearing on the appeal will be held. 19852  
The commission shall give the appellant and the appellee at least 19853  
ten days' written notice thereof by certified mail. The commission 19854  
shall hold the hearing within thirty days after the notice of 19855  
appeal is filed. The commission may postpone or continue any 19856  
hearing upon its own motion or upon application of the appellant 19857  
or of the appellee. 19858

The filing of an appeal does not automatically suspend or 19859  
stay execution of the action appealed from. Upon application by 19860  
the appellant, the commission may suspend or stay ~~such~~ the 19861  
execution pending immediate determination of the appeal without 19862  
interruption by continuances, other than for unavoidable 19863  
circumstances. 19864

As used in this section and sections 3745.05 and 3745.06 of 19865  
the Revised Code, "director of environmental protection" and 19866  
"director" are deemed to include the director of agriculture and 19867  
"environmental protection agency" is deemed to include the 19868



department of agriculture with respect to actions that are 19869  
appealable to the commission under Chapter 903. of the Revised 19870  
Code. 19871

Sec. 3745.10. Not later than ten days after receipt of an 19872  
application for a permit under Chapter 3704., 3734., 3746., or 19873  
6111. of the Revised Code, the director of environmental 19874  
protection shall send to the applicant written acknowledgement of 19875  
receipt of the application. The written acknowledgement shall 19876  
contain a statement indicating either that the application 19877  
contains all of the necessary information or the application is 19878  
incomplete. If the application is incomplete, the written 19879  
acknowledgement also shall provide a description of the 19880  
information that is missing from the application. 19881

If the director fails to comply with this section, the 19882  
director shall waive the applicant's application fee. 19883

**Sec. 3745.11.** (A) Applicants for and holders of permits, 19884  
licenses, variances, plan approvals, and certifications issued by 19885  
the director of environmental protection pursuant to Chapters 19886  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 19887  
to the environmental protection agency for each such issuance and 19888  
each application for an issuance as provided by this section. No 19889  
fee shall be charged for any issuance for which no application has 19890  
been submitted to the director. 19891

(B) Prior to January 1, 1994, each person issued a permit to 19892  
operate, variance, or permit to install under section 3704.03 of 19893  
the Revised Code shall pay the fees specified in the following 19894  
schedule: 19895

(1) Fuel-Burning Equipment 19896

Input capacity	Permit	Permit	19897
(million British	to	to	19898

thermal units per hour)	operate	Variance	install	19899
0 or more, but less than 10	\$ 75	\$225	\$ 100	19900
10 or more, but less than 100	210	450	390	19901
100 or more, but less than 300	270	675	585	19902
300 or more, but less than 500	330	900	780	19903
500 or more	500	975	1000	19904

Any fuel-burning equipment using only natural gas, propane, 19905  
liquefied petroleum gas, or number two or lighter fuel oil shall 19906  
be assessed a fee one-half of that shown. 19907

(2) Incinerators 19908

	Permit		Permit	19909
Input capacity	to		to	19910
(pounds per hour)	operate	Variance	install	19911
0 to 50	\$ 50	\$225	\$ 65	19912
51 to 500	210	450	390	19913
501 to 2000	270	675	585	19914
2001 to 30,000	330	900	780	19915
more than 30,000	500	975	1000	19916

(3) Process 19917

	Permit		Permit	19918
Process weight rate	to		to	19919
(pounds per hour)	operate	Variance	install	19920
0 to 1000	\$100	\$225	\$ 200	19921
1001 to 5000	210	450	390	19922
5001 to 10,000	270	675	585	19923
10,001 to 50,000	330	900	780	19924
more than 50,000	500	975	1000	19925

In any process where process weight rate cannot be 19926  
ascertained, the minimum fee shall be assessed. 19927

(4) Storage tanks 19928

	Permit		Permit	19929
Gallons	to	variance	to	19930

(capacity)	operate	<u>Variance</u>	install	19931
<del>less</del> <u>Less</u> than 40,000	\$150	\$225	\$ 195	19932
40,000 or more, but less				19933
than 100,000	210	450	390	19934
100,000 or more, but less				19935
than 400,000	270	675	585	19936
400,000 or more, but less				19937
than 1,000,000	330	900	780	19938
1,000,000 or more	500	975	1000	19939
(5) Gasoline				19940
	Permit		Permit	19941
Gasoline dispensing	to		to	19942
facilities	operate	Variance	install	19943
For each gasoline				19944
dispensing facility	\$20	\$100	\$50	19945
(6) Dry cleaning				19946
	Permit		Permit	19947
Dry cleaning	to		to	19948
facilities	operate	Variance	install	19949
For each dry cleaning				19950
facility	\$50	\$200	\$100	19951
(7) Coal mining operations regulated under Chapter 1513. of				19952
the Revised Code shall be assessed a fee of two hundred fifty				19953
dollars per mine or location.				19954
(C)(1) Except as otherwise provided in division (C)(2) of				19955
this section, beginning July 1, 1994, each person who owns or				19956
operates an air contaminant source and who is required to apply				19957
for and obtain a Title V permit under section 3704.036 of the				19958
Revised Code shall pay the fees set forth in division (C)(1) of				19959
this section. For the purposes of that division, total emissions				19960
of air contaminants may be calculated using engineering				19961
calculations, emissions factors, material balance calculations, or				19962

performance testing procedures, as authorized by the director. 19963

The following fees shall be assessed on the total actual 19964  
emissions from a source in tons per year of the regulated 19965  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 19966  
organic compounds, and lead: 19967

(a) Fifteen dollars per ton on the total actual emissions of 19968  
each such regulated pollutant during the period July through 19969  
December 1993, to be collected no sooner than July 1, 1994; 19970

(b) Twenty dollars per ton on the total actual emissions of 19971  
each such regulated pollutant during calendar year 1994, to be 19972  
collected no sooner than April 15, 1995; 19973

(c) Twenty-five dollars per ton on the total actual emissions 19974  
of each such regulated pollutant in calendar year 1995, and each 19975  
subsequent calendar year, to be collected no sooner than the 19976  
fifteenth day of April of the year next succeeding the calendar 19977  
year in which the emissions occurred. 19978

The fees levied under division (C)(1) of this section do not 19979  
apply to that portion of the emissions of a regulated pollutant at 19980  
a facility that exceed four thousand tons during a calendar year. 19981

(2) The fees assessed under division (C)(1) of this section 19982  
are for the purpose of providing funding for the Title V permit 19983  
program. 19984

(3) The fees assessed under division (C)(1) of this section 19985  
do not apply to emissions from any electric generating unit 19986  
designated as a Phase I unit under Title IV of the federal Clean 19987  
Air Act prior to calendar year 2000. Those fees shall be assessed 19988  
on the emissions from such a generating unit commencing in 19989  
calendar year 2001 based upon the total actual emissions from the 19990  
generating unit during calendar year 2000 and shall continue to be 19991  
assessed each subsequent calendar year based on the total actual 19992  
emissions from the generating unit during the preceding calendar 19993

year. 19994

(4) The director shall issue invoices to owners or operators 19995  
of air contaminant sources who are required to pay a fee assessed 19996  
under division (C) or (D) of this section. Any such invoice shall 19997  
be issued no sooner than the applicable date when the fee first 19998  
may be collected in a year under the applicable division, shall 19999  
identify the nature and amount of the fee assessed, and shall 20000  
indicate that the fee is required to be paid within thirty days 20001  
after the issuance of the invoice. 20002

(D)(1) Except as provided in division (D)(2) of this section, 20003  
beginning January 1, 1994, each person who owns or operates an air 20004  
contaminant source; who is required to apply for a permit to 20005  
operate pursuant to rules adopted under division (G), or a 20006  
variance pursuant to division (H), of section 3704.03 of the 20007  
Revised Code; and who is not required to apply for and obtain a 20008  
Title V permit under section 3704.036 of the Revised Code shall 20009  
pay a single fee based upon the sum of the actual annual emissions 20010  
from the facility of the regulated pollutants particulate matter, 20011  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 20012  
accordance with the following schedule: 20013

Total tons per year 20014 of regulated pollutants 20015 emitted	Annual fee 20016 per facility
More than 0, but less than 50 20017	\$ 75
50 or more, but less than 100 20018	300
100 or more 20019	700

(2)(a) As used in division (D) of this section, "synthetic 20020  
minor facility" means a facility for which one or more permits to 20021  
install or permits to operate have been issued for the air 20022  
contaminant sources at the facility that include terms and 20023  
conditions that lower the facility's potential to emit air 20024  
contaminants below the major source thresholds established in 20025

rules adopted under section 3704.036 of the Revised Code. 20026

(b) Beginning January 1, 2000, through June 30, ~~2001~~ 2004, 20027  
each person who owns or operates a synthetic minor facility shall 20028  
pay an annual fee based on the sum of the actual annual emissions 20029  
from the facility of particulate matter, sulfur dioxide, nitrogen 20030  
dioxide, organic compounds, and lead in accordance with the 20031  
following schedule: 20032

Combined total tons 20033		
per year of all regulated 20034	Annual fee	
pollutants emitted 20035	per facility	
Less than 10 20036	\$ 170	
10 or more, but less than 20 20037	340	
20 or more, but less than 30 20038	670	
30 or more, but less than 40 20039	1,010	
40 or more, but less than 50 20040	1,340	
50 or more, but less than 60 20041	1,680	
60 or more, but less than 70 20042	2,010	
70 or more, but less than 80 20043	2,350	
80 or more, but less than 90 20044	2,680	
90 or more, but less than 100 20045	3,020	
100 or more 20046	3,350	

(3) The fees assessed under division (D)(1) of this section 20047  
shall be collected annually no sooner than the fifteenth day of 20048  
April, commencing in 1995. The fees assessed under division (D)(2) 20049  
of this section shall be collected no sooner than the fifteenth 20050  
day of April, commencing in 2000, ~~and shall continue through June~~ 20051  
~~30, 2001~~. The fees assessed under division (D) of this section in 20052  
a calendar year shall be based upon the sum of the actual 20053  
emissions of those regulated pollutants during the preceding 20054  
calendar year. For the purpose of division (D) of this section, 20055  
emissions of air contaminants may be calculated using engineering 20056  
calculations, emission factors, material balance calculations, or 20057

performance testing procedures, as authorized by the director. The 20058  
director, by rule, may require persons who are required to pay the 20059  
fees assessed under division (D) of this section to pay those fees 20060  
biennially rather than annually. 20061

(E)(1) Consistent with the need to cover the reasonable costs 20062  
of the Title V permit program, the director annually shall 20063  
increase the fees prescribed in division (C)(1) of this section by 20064  
the percentage, if any, by which the consumer price index for the 20065  
most recent calendar year ending before the beginning of a year 20066  
exceeds the consumer price index for calendar year 1989. Upon 20067  
calculating an increase in fees authorized by division (E)(1) of 20068  
this section, the director shall compile revised fee schedules for 20069  
the purposes of division (C)(1) of this section and shall make the 20070  
revised schedules available to persons required to pay the fees 20071  
assessed under that division and to the public. 20072

(2) For the purposes of division (E)(1) of this section: 20073

(a) The consumer price index for any year is the average of 20074  
the consumer price index for all urban consumers published by the 20075  
United States department of labor as of the close of the 20076  
twelve-month period ending on the thirty-first day of August of 20077  
that year. 20078

(b) If the 1989 consumer price index is revised, the director 20079  
shall use the revision of the consumer price index that is most 20080  
consistent with that for calendar year 1989. 20081

(F) Each person who is issued a permit to install pursuant to 20082  
rules adopted under division (F) of section 3704.03 of the Revised 20083  
Code on or after January 1, 1994, shall pay the fees specified in 20084  
the following schedules: 20085

(1) Fuel-burning equipment (boilers) 20086  
Input capacity (maximum) 20087  
(million British thermal units per hour) Permit to install 20088

Greater than 0, but less than 10	\$ 200	20089
10 or more, but less than 100	400	20090
100 or more, but less than 300	800	20091
300 or more, but less than 500	1500	20092
500 or more, but less than 1000	2500	20093
1000 or more, but less than 5000	4000	20094
5000 or more	6000	20095

Units burning exclusively natural gas, number two fuel oil, 20096  
or both shall be assessed a fee that is one-half the applicable 20097  
amount shown in division (F)(1) of this section. 20098

(2) Incinerators 20099

Input capacity (pounds per hour)	Permit to install	20100
0 to 100	\$ 100	20101
101 to 500	400	20102
501 to 2000	750	20103
2001 to 20,000	1000	20104
more than 20,000	2500	20105

(3)(a) Process 20106

Process weight rate (pounds per hour)	Permit to install	20107
0 to 1000	\$ 200	20108
1001 to 5000	400	20109
5001 to 10,000	600	20110
10,001 to 50,000	800	20111
more than 50,000	1000	20112

In any process where process weight rate cannot be 20113  
ascertained, the minimum fee shall be assessed. 20114

(b) Notwithstanding division (F)(3)(a) of this section, any 20115  
person issued a permit to install pursuant to rules adopted under 20116  
division (F) of section 3704.03 of the Revised Code shall pay the 20117  
fees set forth in division (F)(3)(c) of this section for a process 20118  
used in any of the following industries, as identified by the 20119  
applicable four-digit standard industrial classification code 20120



according to the Standard Industrial Classification Manual	20121
published by the United States office of management and budget in	20122
the executive office of the president, 1972, as revised:	20123
1211 Bituminous coal and lignite mining;	20124
1213 Bituminous coal and lignite mining services;	20125
1411 Dimension stone;	20126
1422 Crushed and broken limestone;	20127
1427 Crushed and broken stone, not elsewhere classified;	20128
1442 Construction sand and gravel;	20129
1446 Industrial sand;	20130
3281 Cut stone and stone products;	20131
3295 Minerals and earth, ground or otherwise treated.	20132
(c) The fees set forth in the following schedule apply to the	20133
issuance of a permit to install pursuant to rules adopted under	20134
division (F) of section 3704.03 of the Revised Code for a process	20135
identified in division (F)(3)(b) of this section:	20136
Gallons (maximum	20137
useful capacity)	20138
0 to 20,000	Permit to install \$ 100 20139
20,001 to 40,000	150 20140
40,001 to 100,000	200 20141
100,001 to 250,000	250 20142
250,001 to 500,000	350 20143
500,001 to 1,000,000	500 20144
1,000,001 or greater	750 20145
(4) Storage tanks	20146
Gallons (maximum useful capacity)	Permit to install 20147
0 to 20,000	\$100 20148
20,001 to 40,000	150 20149

40,001 to 100,000	200	20150
100,001 to 250,000	250	20151
250,001 to 500,000	350	20152
500,001 to 1,000,000	500	20153
1,000,001 or greater	750	20154

(5) Gasoline/fuel dispensing facilities 20155

For each gasoline/fuel dispensing facility	Permit to install \$ 100	20156 20157
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(6) Dry cleaning facilities 20158

For each dry cleaning facility (includes all units at the facility)	Permit to install \$ 100	20159 20160 20161
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(7) Registration status 20162

For each source covered by registration status	Permit to install \$ 75	20163 20164
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(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay the fees set forth in the following schedule: 20165  
20166  
20167  
20168

Action	Fee	
Each notification	\$75	20169 20170
Asbestos removal	\$3/unit	20171
Asbestos cleanup	\$4/cubic yard	20172

For purposes of this division, "unit" means any combination of linear feet or square feet equal to fifty. 20173  
20174

(H) A person who is issued an extension of time for a permit to install an air contaminant source pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay a fee equal to one-half the fee originally assessed for the permit to install under this section, except that the fee for such an extension shall not exceed two hundred dollars. 20175  
20176  
20177  
20178  
20179  
20180

(I) A person who is issued a modification to a permit to install an air contaminant source pursuant to rules adopted under section 3704.03 of the Revised Code shall pay a fee equal to one-half of the fee that would be assessed under this section to obtain a permit to install the source. The fee assessed by this division only applies to modifications that are initiated by the owner or operator of the source and shall not exceed two thousand dollars.

(J) Notwithstanding division (B) or (F) of this section, a person who applies for or obtains a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code after the date actual construction of the source began shall pay a fee for the permit to install that is equal to twice the fee that otherwise would be assessed under the applicable division unless the applicant received authorization to begin construction under division (W) of section 3704.03 of the Revised Code. This division only applies to sources for which actual construction of the source begins on or after July 1, 1993. The imposition or payment of the fee established in this division does not preclude the director from taking any administrative or judicial enforcement action under this chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised Code, or a rule adopted under any of them, in connection with a violation of rules adopted under division (F) of section 3704.03 of the Revised Code.

As used in this division, "actual construction of the source" means the initiation of physical on-site construction activities in connection with improvements to the source that are permanent in nature, including, without limitation, the installation of building supports and foundations and the laying of underground pipework.

(K) Fifty cents per ton of each fee assessed under division (C) of this section on actual emissions from a source and received

by the environmental protection agency pursuant to that division 20213  
shall be deposited into the state treasury to the credit of the 20214  
small business assistance fund created in section 3706.19 of the 20215  
Revised Code. The remainder of the moneys received by the division 20216  
pursuant to that division and moneys received by the agency 20217  
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 20218  
section shall be deposited in the state treasury to the credit of 20219  
the clean air fund created in section 3704.035 of the Revised 20220  
Code. 20221

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 20222  
or (c) of this section, a person issued a water discharge permit 20223  
or renewal of a water discharge permit pursuant to Chapter 6111. 20224  
of the Revised Code shall pay a fee based on each point source to 20225  
which the issuance is applicable in accordance with the following 20226  
schedule: 20227

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	20228
1,001 to 5000	100	20229
5,001 to 50,000	200	20230
50,001 to 100,000	300	20231
100,001 to 300,000	525	20232
over 300,000	750	20233

(b) Notwithstanding the fee schedule specified in division 20235  
(L)(1)(a) of this section, the fee for a water discharge permit 20236  
that is applicable to coal mining operations regulated under 20237  
Chapter 1513. of the Revised Code shall be two hundred fifty 20238  
dollars per mine. 20239

(c) Notwithstanding the fee schedule specified in division 20240  
(L)(1)(a) of this section, the fee for a water discharge permit 20241  
for a public discharger identified by I in the third character of 20242  
the permittee's NPDES permit number shall not exceed seven hundred 20243  
fifty dollars. 20244

(2) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a fee of one hundred dollars plus sixty-five one-hundredths of one per cent of the estimated project cost through June 30, ~~2002~~ 2004, and one hundred dollars plus two-tenths of one per cent of the estimated project cost on and after July 1, ~~2002~~ 2004, except that the total fee shall not exceed fifteen thousand dollars through June 30, ~~2002~~ 2004, and five thousand dollars on and after July 1, ~~2002~~ 2004. The fee shall be paid at the time the application is submitted.

(3) A person issued a modification of a water discharge permit shall pay a fee equal to one-half the fee that otherwise would be charged for a water discharge permit, except that the fee for the modification shall not exceed four hundred dollars.

(4) A person who has entered into an agreement with the director under section 6111.14 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons who have entered into agreements under that section, or who have applied for agreements, of the amount of the fee.

(5)(a)(i) Not later than January 30, ~~2000~~ 2002, and January 30, ~~2001~~ 2003, a person holding an NPDES discharge permit issued pursuant to Chapter 6111. of the Revised Code with an average daily discharge flow of five thousand gallons or more shall pay a nonrefundable annual discharge fee. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required annual discharge fee.

(ii) The billing year for the annual discharge fee established in division (L)(5)(a)(i) of this section shall consist

of a twelve-month period beginning on the first day of January of 20277  
the year preceding the date when the annual discharge fee is due. 20278  
In the case of an existing source that permanently ceases to 20279  
discharge during a billing year, the director shall reduce the 20280  
annual discharge fee, including the surcharge applicable to 20281  
certain industrial facilities pursuant to division (L)(5)(c) of 20282  
this section, by one-twelfth for each full month during the 20283  
billing year that the source was not discharging, but only if the 20284  
person holding the NPDES discharge permit for the source notifies 20285  
the director in writing, not later than the first day of October 20286  
of the billing year, of the circumstances causing the cessation of 20287  
discharge. 20288

(iii) The annual discharge fee established in division 20289  
(L)(5)(a)(i) of this section, except for the surcharge applicable 20290  
to certain industrial facilities pursuant to division (L)(5)(c) of 20291  
this section, shall be based upon the average daily discharge flow 20292  
in gallons per day calculated using first day of May through 20293  
thirty-first day of October flow data for the period two years 20294  
prior to the date on which the fee is due. In the case of NPDES 20295  
discharge permits for new sources, the fee shall be calculated 20296  
using the average daily design flow of the facility until actual 20297  
average daily discharge flow values are available for the time 20298  
period specified in division (L)(5)(a)(iii) of this section. The 20299  
annual discharge fee may be prorated for a new source as described 20300  
in division (L)(5)(a)(ii) of this section. 20301

(b) An NPDES permit holder that is a public discharger shall 20302  
pay the fee specified in the following schedule: 20303

Average daily	<del>Fee due by</del>	Fee due by	
discharge flow	<del>January 30, 2000</del>	January 30, 2001	20304
		<u>2002, and</u>	20305
		<u>January 30, 2003</u>	20306
5,000 to 49,999	<del>\$ 180</del>	\$ 200	20307
			20308

50,000 to 100,000	<del>450</del>	500	20309
100,001 to 250,000	<del>900</del>	1,050	20310
250,001 to 1,000,000	<del>2,250</del>	2,600	20311
1,000,001 to 5,000,000	<del>4,500</del>	5,200	20312
5,000,001 to 10,000,000	<del>9,000</del>	10,350	20313
10,000,001 to 20,000,000	<del>13,500</del>	15,550	20314
20,000,001 to 50,000,000	<del>22,500</del>	25,900	20315
50,000,001 to 100,000,000	<del>36,000</del>	41,400	20316
100,000,001 or more	<del>54,000</del>	62,100	20317

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 discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	<del>Fee due by</del>	Fee due by	
	<del>January 30, 2000</del>	January 30, 2001	
		<u>2002, and</u>	
		<u>January 30, 2003</u>	
5,000 to 49,999	<del>\$ 180</del>	\$ 250	20334
50,000 to 250,000	<del>900</del>	1,200	20335
250,001 to 1,000,000	<del>2,250</del>	2,950	20336
1,000,001 to 5,000,000	<del>4,500</del>	5,850	20337
5,000,001 to 10,000,000	<del>6,750</del>	8,800	20338
10,000,001 to 20,000,000	<del>9,000</del>	11,700	20339
20,000,001 to 100,000,000	<del>10,800</del>	14,050	20340

100,000,001 to 250,000,000	<del>12,600</del>	16,400	20341
250,000,001 or more	<del>14,400</del>	18,700	20342

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of ~~six thousand seven hundred fifty dollars not later than January 30, 2000, and a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, 2001~~ 2002, and not later than January 30, 2003. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~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. 20373

(7) The director shall transmit all moneys collected under 20374  
division (L) of this section to the treasurer of state for deposit 20375  
into the state treasury to the credit of the surface water 20376  
protection fund created in section 6111.038 of the Revised Code. 20377

~~(7)~~(8) As used in division (L) of this section: 20378

(a) "NPDES" means the federally approved national pollutant 20379  
discharge elimination system program for issuing, modifying, 20380  
revoking, reissuing, terminating, monitoring, and enforcing 20381  
permits and imposing and enforcing pretreatment requirements under 20382  
Chapter 6111. of the Revised Code and rules adopted under it. 20383

(b) "Public discharger" means any holder of an NPDES permit 20384  
identified by P in the second character of the NPDES permit number 20385  
assigned by the director. 20386

(c) "Industrial discharger" means any holder of an NPDES 20387  
permit identified by I in the second character of the NPDES permit 20388  
number assigned by the director. 20389

(d) "Major discharger" means any holder of an NPDES permit 20390  
classified as major by the regional administrator of the United 20391  
States environmental protection agency in conjunction with the 20392  
director. 20393

(M) Through June 30, ~~2002~~ 2004, a person applying for a 20394  
license or license renewal to operate a public water system under 20395  
section 6109.21 of the Revised Code shall pay the appropriate fee 20396  
established under this division at the time of application to the 20397  
director. Any person who fails to pay the fee at that time shall 20398  
pay an additional amount that equals ten per cent of the required 20399  
fee. The director shall transmit all moneys collected under this 20400  
division to the treasurer of state for deposit into the drinking 20401  
water protection fund created in section 6109.30 of the Revised 20402  
Code. 20403

Fees required under this division shall be calculated and 20404  
paid in accordance with the following schedule: 20405

(1) For the initial license required under division (A)(1) of 20406  
section 6109.21 of the Revised Code for any public water system 20407  
that is a community water system as defined in section 6109.01 of 20408  
the Revised Code, and for each license renewal required for such a 20409  
system prior to January 31, ~~2002~~ 2004, the fee is: 20410

Number of service connections	Fee amount	
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Not more than 49	\$56	20411
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50 to 99	88	20412
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Number of service connections	Average cost per connection	
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100 to 2,499	\$.96	20413
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2,500 to 4,999	.92	20414
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5,000 to 7,499	.88	20415
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7,500 to 9,999	.84	20416
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10,000 to 14,999	.80	20417
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15,000 to 24,999	.76	20418
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25,000 to 49,999	.72	20419
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50,000 to 99,999	.68	20420
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100,000 to 149,999	.64	20421
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150,000 to 199,999	.60	20422
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200,000 or more	.56	20423
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A public water system may determine how it will pay the total 20426  
amount of the fee calculated under division (M)(1) of this 20427  
section, including the assessment of additional user fees that may 20428  
be assessed on a volumetric basis. 20429

As used in division (M)(1) of this section, "service 20430  
connection" means the number of active or inactive pipes, 20431  
goosenecks, pigtails, and any other fittings connecting a water 20432  
main to any building outlet. 20433

(2) For the initial license required under division (A)(2) of 20434  
section 6109.21 of the Revised Code for any public water system 20435

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	20440
150 to 299	88	20441
300 to 749	192	20442
750 to 1,499	392	20443
1,500 to 2,999	792	20444
3,000 to 7,499	1,760	20445
7,500 to 14,999	3,800	20446
15,000 to 22,499	6,240	20447
22,500 to 29,999	8,576	20448
30,000 or more	11,600	20449

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 three individuals per service connection.

(3) For the initial license required under division (A)(3) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2002~~ 2004, the fee is:

Number of wells supplying system	Fee amount	
1	\$ 56	20462
2	56	20463
3	88	20464
4	192	20465
5	392	20466
System supplied by surface		20467

water, springs, or dug wells 792 20468

As used in division (M)(3) of this section, "number of wells  
supplying system" means those wells that are physically connected  
to the plumbing system serving the public water system. 20469  
20470  
20471

(N)(1) A person applying for a plan approval for a public  
water supply system under section 6109.07 of the Revised Code 20472  
shall pay a fee of one hundred dollars plus two-tenths of one per 20473  
cent of the estimated project cost, except that the total fee 20474  
shall not exceed fifteen thousand dollars through June 30, ~~2002~~ 20475  
2004, and five thousand dollars on and after July 1, ~~2002~~ 2004. 20476  
The fee shall be paid at the time the application is submitted. 20477  
20478

(2) A person who has entered into an agreement with the 20479  
director under division (A)(2) of section 6109.07 of the Revised 20480  
Code shall pay an administrative service fee for each plan 20481  
submitted under that section for approval that shall not exceed 20482  
the minimum amount necessary to pay administrative costs directly 20483  
attributable to processing plan approvals. The director annually 20484  
shall calculate the fee and shall notify all persons that have 20485  
entered into agreements under that division, or who have applied 20486  
for agreements, of the amount of the fee. 20487

(3) Through June 30, ~~2002~~ 2004, the following fee, on a per 20488  
survey basis, shall be charged any person for services rendered by 20489  
the state in the evaluation of laboratories and laboratory 20490  
personnel for compliance with accepted analytical techniques and 20491  
procedures established pursuant to Chapter 6109. of the Revised 20492  
Code for determining the qualitative characteristics of water: 20493

microbiological	\$1,650	20494
organic chemical	3,500	20495
inorganic chemical	3,500	20496
standard chemistry	1,800	20497
limited chemistry	1,000	20498

On and after July 1, ~~2002~~ 2004, the following fee, on a per 20499

survey basis, shall be charged any such person:		20500
microbiological	\$250	20501
chemical/radiological	250	20502
nitrate/turbidity (only)	150	20503

The fee for those services shall be paid at the time the request  
for the survey is made. Through June 30, ~~2002~~ 2004, an individual  
laboratory shall not be assessed a fee under this division more  
than once in any three-year period.

The director shall transmit all moneys collected under this  
division to the treasurer of state for deposit into the drinking  
water protection fund created in section 6109.30 of the Revised  
Code.

(O) Any person applying to the director for examination for  
certification as an operator of a water supply system or  
wastewater system under Chapter 6109. or 6111. of the Revised  
Code, at the time the application is submitted, shall pay an  
application fee of twenty-five dollars through June 30, ~~2002~~ 2004,  
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	20521
Class II operator	55	20522
Class III operator	65	20523
Class IV operator	75	20524

On and after July 1, ~~2002~~ 2004, the applicant shall pay a fee  
in accordance with the following schedule:

Class I operator	\$25	20527
Class II operator	35	20528
Class III operator	45	20529
Class IV operator	55	20530

The director shall transmit all moneys collected under this

division to the treasurer of state for deposit into the drinking 20532  
water protection fund created in section 6109.30 of the Revised 20533  
Code. 20534

(P) Through June 30, ~~2002~~ 2004, any person submitting an 20535  
application for an industrial water pollution control certificate 20536  
under section 6111.31 of the Revised Code shall pay a 20537  
nonrefundable fee of five hundred dollars at the time the 20538  
application is submitted. The director shall transmit all moneys 20539  
collected under this division to the treasurer of state for 20540  
deposit into the surface water protection fund created in section 20541  
6111.038 of the Revised Code. A person paying a certificate fee 20542  
under this division shall not pay an application fee under 20543  
division (S)(1) of this section. 20544

(Q) Except as otherwise provided in division (R) of this 20545  
section, a person issued a permit by the director for a new solid 20546  
waste disposal facility other than an incineration or composting 20547  
facility, a new infectious waste treatment facility other than an 20548  
incineration facility, or a modification of such an existing 20549  
facility that includes an increase in the total disposal or 20550  
treatment capacity of the facility pursuant to Chapter 3734. of 20551  
the Revised Code shall pay a fee of ten dollars per thousand cubic 20552  
yards of disposal or treatment capacity, or one thousand dollars, 20553  
whichever is greater, except that the total fee for any such 20554  
permit shall not exceed eighty thousand dollars. A person issued a 20555  
modification of a permit for a solid waste disposal facility or an 20556  
infectious waste treatment facility that does not involve an 20557  
increase in the total disposal or treatment capacity of the 20558  
facility shall pay a fee of one thousand dollars. A person issued 20559  
a permit to install a new, or modify an existing, solid waste 20560  
transfer facility under that chapter shall pay a fee of two 20561  
thousand five hundred dollars. A person issued a permit to install 20562  
a new or to modify an existing solid waste incineration or 20563

composting facility, or an existing infectious waste treatment 20564  
facility using incineration as its principal method of treatment, 20565  
under that chapter shall pay a fee of one thousand dollars. The 20566  
increases in the permit fees under this division resulting from 20567  
the amendments made by Amended Substitute House Bill 592 of the 20568  
117th general assembly do not apply to any person who submitted an 20569  
application for a permit to install a new, or modify an existing, 20570  
solid waste disposal facility under that chapter prior to 20571  
September 1, 1987; any such person shall pay the permit fee 20572  
established in this division as it existed prior to June 24, 1988. 20573  
In addition to the applicable permit fee under this division, a 20574  
person issued a permit to install or modify a solid waste facility 20575  
or an infectious waste treatment facility under that chapter who 20576  
fails to pay the permit fee to the director in compliance with 20577  
division (V) of this section shall pay an additional ten per cent 20578  
of the amount of the fee for each week that the permit fee is 20579  
late. 20580

Permit and late payment fees paid to the director under this 20581  
division shall be credited to the general revenue fund. 20582

(R)(1) A person issued a registration certificate for a scrap 20583  
tire collection facility under section 3734.75 of the Revised Code 20584  
shall pay a fee of two hundred dollars, except that if the 20585  
facility is owned or operated by a motor vehicle salvage dealer 20586  
licensed under Chapter 4738. of the Revised Code, the person shall 20587  
pay a fee of twenty-five dollars. 20588

(2) A person issued a registration certificate for a new 20589  
scrap tire storage facility under section 3734.76 of the Revised 20590  
Code shall pay a fee of three hundred dollars, except that if the 20591  
facility is owned or operated by a motor vehicle salvage dealer 20592  
licensed under Chapter 4738. of the Revised Code, the person shall 20593  
pay a fee of twenty-five dollars. 20594

(3) A person issued a permit for a scrap tire storage 20595

facility under section 3734.76 of the Revised Code shall pay a fee 20596  
of one thousand dollars, except that if the facility is owned or 20597  
operated by a motor vehicle salvage dealer licensed under Chapter 20598  
4738. of the Revised Code, the person shall pay a fee of fifty 20599  
dollars. 20600

(4) A person issued a permit for a scrap tire monocell or 20601  
monofill facility under section 3734.77 of the Revised Code shall 20602  
pay a fee of ten dollars per thousand cubic yards of disposal 20603  
capacity or one thousand dollars, whichever is greater, except 20604  
that the total fee for any such permit shall not exceed eighty 20605  
thousand dollars. 20606

(5) A person issued a registration certificate for a scrap 20607  
tire recovery facility under section 3734.78 of the Revised Code 20608  
shall pay a fee of one hundred dollars. 20609

(6) A person issued a permit for a scrap tire recovery 20610  
facility under section 3734.78 of the Revised Code shall pay a fee 20611  
of one thousand dollars. 20612

(7) In addition to the applicable registration certificate or 20613  
permit fee under divisions (R)(1) to (6) of this section, a person 20614  
issued a registration certificate or permit for any such scrap 20615  
tire facility who fails to pay the registration certificate or 20616  
permit fee to the director in compliance with division (V) of this 20617  
section shall pay an additional ten per cent of the amount of the 20618  
fee for each week that the fee is late. 20619

(8) The registration certificate, permit, and late payment 20620  
fees paid to the director under divisions (R)(1) to (7) of this 20621  
section shall be credited to the scrap tire management fund 20622  
created in section 3734.82 of the Revised Code. 20623

(S)(1) Except as provided by divisions (L), (M), (N), (O), 20624  
(P), and (S)(2) of this section, division (A)(2) of section 20625  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 20626



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.

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  
fifteen dollars at the time of application.

In addition to the application fee established under division  
(S)(1) of this section, any person applying for a national  
pollutant discharge elimination system general storm water  
construction permit shall pay a nonrefundable fee of twenty  
dollars per acre for each acre that is permitted above five acres  
at the time the application is submitted. However, the per acreage  
fee shall not exceed three hundred dollars. In addition, any  
person applying for a national pollutant discharge elimination  
system general storm water industrial permit shall pay a  
nonrefundable fee of one hundred fifty dollars at the time the  
application is submitted.

The director shall transmit all moneys collected under  
division (S)(1) of this section pursuant to Chapter 6109. of the  
Revised Code to the treasurer of state for deposit into the

drinking water protection fund created in section 6109.30 of the Revised Code. 20659  
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The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. 20661  
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If a registration certificate is issued under section 3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of the application fee paid shall be deducted from the amount of the registration certificate fee due under division (R)(1), (2), or (5) of this section, as applicable. 20666  
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(2) Division (S)(1) of this section does not apply to an application for a registration certificate for a scrap tire collection or storage facility submitted under section 3734.75 or 3734.76 of the Revised Code, as applicable, if the owner or operator of the facility or proposed facility is a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code. 20671  
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(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following: 20677  
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(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications. 20680  
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The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 20688  
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6109. of the Revised Code to the treasurer of state for deposit 20690  
into the drinking water protection fund created in section 6109.30 20691  
of the Revised Code. 20692

The director shall transmit all moneys collected under rules 20693  
adopted under division (T)(1) of this section pursuant to Chapter 20694  
6111. of the Revised Code to the treasurer of state for deposit 20695  
into the surface water protection fund created in section 6111.038 20696  
of the Revised Code. 20697

(2) Exempt the state and political subdivisions thereof, 20698  
including education facilities or medical facilities owned by the 20699  
state or a political subdivision, or any person exempted from 20700  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 20701  
any fee required by this section; 20702

(3) Provide for the waiver of any fee, or any part thereof, 20703  
otherwise required by this section whenever the director 20704  
determines that the imposition of the fee would constitute an 20705  
unreasonable cost of doing business for any applicant, class of 20706  
applicants, or other person subject to the fee; 20707

(4) Prescribe measures that the director considers necessary 20708  
to carry out this section. 20709

(U) When the director reasonably demonstrates that the direct 20710  
cost to the state associated with the issuance of a permit to 20711  
install, license, variance, plan approval, or certification 20712  
exceeds the fee for the issuance or review specified by this 20713  
section, the director may condition the issuance or review on the 20714  
payment by the person receiving the issuance or review of, in 20715  
addition to the fee specified by this section, the amount, or any 20716  
portion thereof, in excess of the fee specified under this 20717  
section. The director shall not so condition issuances for which 20718  
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 20719  
section. 20720

(V) Except as provided in divisions (L), (M), and (P) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late.

(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code.

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code:

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;

(b) Reviewing and acting on any application for a Title V

permit, permit revision, or permit renewal, including the	20752
development of an applicable requirement as part of the processing	20753
of a permit, permit revision, or permit renewal;	20754
(c) Administering the permit program, including the	20755
supporting and tracking of permit applications, compliance	20756
certification, and related data entry;	20757
(d) Determining which sources are subject to the program and	20758
implementing and enforcing the terms of any Title V permit, not	20759
including any court actions or other formal enforcement actions;	20760
(e) Emission and ambient monitoring;	20761
(f) Modeling, analyses, or demonstrations;	20762
(g) Preparing inventories and tracking emissions;	20763
(h) Providing direct and indirect support to small business	20764
stationary sources to determine and meet their obligations under	20765
the federal Clean Air Act pursuant to the small business	20766
stationary source technical and environmental compliance	20767
assistance program required by section 507 of that act and	20768
established in sections 3704.18, 3704.19, and 3706.19 of the	20769
Revised Code.	20770
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)	20771
of this section, each sewage sludge facility shall pay a	20772
nonrefundable annual sludge fee equal to three dollars and fifty	20773
cents per dry ton of sewage sludge, including the dry tons of	20774
sewage sludge in materials derived from sewage sludge, that the	20775
sewage sludge facility treats or disposes of in this state. The	20776
annual volume of sewage sludge treated or disposed of by a sewage	20777
sludge facility shall be calculated using the first day of January	20778
through the thirty-first day of December of the calendar year	20779
preceding the date on which payment of the fee is due.	20780
(2)(a) Except as provided in division (Y)(2)(d) of this	20781

section, each sewage sludge facility shall pay a minimum annual  
sewage sludge fee of one hundred dollars. 20782  
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(b) The annual sludge fee required to be paid by a sewage  
sludge facility that treats or disposes of exceptional quality  
sludge in this state shall be thirty-five per cent less per dry  
ton of exceptional quality sludge than the fee assessed under  
division (Y)(1) of this section, subject to the following  
exceptions: 20784  
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(i) Except as provided in division (Y)(2)(d) of this section,  
a sewage sludge facility that treats or disposes of exceptional  
quality sludge shall pay a minimum annual sewage sludge fee of one  
hundred dollars. 20790  
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20793

(ii) A sewage sludge facility that treats or disposes of  
exceptional quality sludge shall not be required to pay the annual  
sludge fee for treatment or disposal in this state of exceptional  
quality sludge generated outside of this state and contained in  
bags or other containers not greater than one hundred pounds in  
capacity. 20794  
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A thirty-five per cent reduction for exceptional quality  
sludge applies to the maximum annual fees established under  
division (Y)(3) of this section. 20800  
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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. 20803  
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In the case of a sewage sludge facility that treats sewage 20812

sludge in this state and transfers it out of this state to another 20813  
entity for disposal, the sewage sludge facility in this state 20814  
shall be required to pay the annual sludge fee for the tons of 20815  
sewage sludge that have been transferred. 20816

(d) A sewage sludge facility that generates sewage sludge 20817  
resulting from an average daily discharge flow of less than five 20818  
thousand gallons per day is not subject to the fees assessed under 20819  
division (Y) of this section. 20820

(3) No sewage sludge facility required to pay the annual 20821  
sludge fee shall be required to pay more than the maximum annual 20822  
fee for each disposal method that the sewage sludge facility uses. 20823  
The maximum annual fee does not include the additional amount that 20824  
may be charged under division (Y)(5) of this section for late 20825  
payment of the annual sludge fee. The maximum annual fee for the 20826  
following methods of disposal of sewage sludge is as follows: 20827

(a) Incineration: five thousand dollars; 20828

(b) Preexisting land reclamation project or disposal in a 20829  
landfill: five thousand dollars; 20830

(c) Land application, land reclamation, surface disposal, or 20831  
any other disposal method not specified in division (Y)(3)(a) or 20832  
(b) of this section: twenty thousand dollars. 20833

(4)(a) In the case of an entity that generates sewage sludge 20834  
or a sewage sludge facility that treats sewage sludge and 20835  
transfers the sewage sludge to an incineration facility for 20836  
disposal, the incineration facility, and not the entity generating 20837  
the sewage sludge or the sewage sludge facility treating the 20838  
sewage sludge, shall pay the annual sludge fee for the tons of 20839  
sewage sludge that are transferred. However, the entity or 20840  
facility generating or treating the sewage sludge shall pay the 20841  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 20842  
of this section. 20843

(b) In the case of an entity that generates sewage sludge and transfers the sewage sludge to a landfill for disposal or to a sewage sludge facility for land reclamation or surface disposal, the entity generating the sewage sludge, and not the landfill or sewage sludge facility, shall pay the annual sludge fee for the tons of sewage sludge that are transferred.

(5) Not later than the first day of April of the calendar year following ~~the effective date of this amendment~~ March 17, 2000, and each first day of April thereafter, the director shall issue invoices to persons who are required to pay the annual sludge fee. The invoice shall identify the nature and amount of the annual sludge fee assessed and state the first day of May as the deadline for receipt by the director of objections regarding the amount of the fee and the first day of July as the deadline for payment of the fee.

Not later than the first day of May following receipt of an invoice, a person required to pay the annual sludge fee may submit objections to the director concerning the accuracy of information regarding the number of dry tons of sewage sludge used to calculate the amount of the annual sludge fee or regarding whether the sewage sludge qualifies for the exceptional quality sludge discount established in division (Y)(2)(b) of this section. The director may consider the objections and adjust the amount of the fee to ensure that it is accurate.

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the



amount of the annual sludge fee accordingly, the director shall 20876  
issue with the notification a new invoice to the person 20877  
identifying the amount of the annual sludge fee assessed and 20878  
stating the first day of July as the deadline for payment. 20879

Not later than the first day of July, any person who is 20880  
required to do so shall pay the annual sludge fee. Any person who 20881  
is required to pay the fee, but who fails to do so on or before 20882  
that date shall pay an additional amount that equals ten per cent 20883  
of the required annual sludge fee. 20884

(6) The director shall transmit all moneys collected under 20885  
division (Y) of this section to the treasurer of state for deposit 20886  
into the surface water protection fund created in section 6111.038 20887  
of the Revised Code. The moneys shall be used to defray the costs 20888  
of administering and enforcing provisions in Chapter 6111. of the 20889  
Revised Code and rules adopted under it that govern the use, 20890  
storage, treatment, or disposal of sewage sludge. 20891

(7) Beginning in fiscal year 2001, and every two years 20892  
thereafter, the director shall review the total amount of moneys 20893  
generated by the annual sludge fees to determine if that amount 20894  
~~exceeds~~ exceeded six hundred thousand dollars in either of the two 20895  
preceding fiscal years. If the total amount of moneys in the fund 20896  
exceeded six hundred thousand dollars in either fiscal year, the 20897  
director, after review of the fee structure and consultation with 20898  
affected persons, shall issue an order reducing the amount of the 20899  
fees levied under division (Y) of this section so that the 20900  
estimated amount of moneys resulting from the fees will not exceed 20901  
six hundred thousand dollars in any fiscal year. 20902

If, upon review of the fees under division (Y)(7) of this 20903  
section and after the fees have been reduced, the director 20904  
determines that the total amount of moneys collected and 20905  
accumulated is less than six hundred thousand dollars, the 20906  
director, after review of the fee structure and consultation with 20907

affected persons, may issue an order increasing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will be approximately six hundred thousand dollars. Fees shall never be increased to an amount exceeding the amount specified in division (Y)(7) of this section.

Notwithstanding section 119.06 of the Revised Code, the director may issue an order under division (Y)(7) of this section without the necessity to hold an adjudicatory hearing in connection with the order. The issuance of an order under this division is not an act or action for purposes of section 3745.04 of the Revised Code.

(8) As used in division (Y) of this section:

(a) "Sewage sludge facility" means an entity that performs treatment on or is responsible for the disposal of sewage sludge.

(b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that meets all of the following qualifications:

(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);

(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);

- (iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13; 20939  
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- (iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13. 20941  
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- (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. 20943  
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- (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. 20946  
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- (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. 20949  
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- (g) "Land reclamation" means the returning of disturbed land to productive use. 20954  
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- (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. 20956  
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- (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. 20960  
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- (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. 20964  
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- (k) "Annual sludge fee" means the fee assessed under division 20968

(Y)(1) of this section.

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(1) "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.

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(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.

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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 protection shall either issue or deny the permit. The director shall send written notification to the applicant of the issuance or denial. If the director fails to issue or deny the permit by the end of the ninety-day period, the application is deemed approved, and the director shall issue the permit. The director shall send written notification to the applicant of the issuance.

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Sec. 3745.22. (A) As used in this section, "eligible institution of higher education" means any of the state universities listed in section 3345.011 of the Revised Code, or a community college, technical college, university branch, state community college, or an institution that is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code.

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(B) There is hereby created in the state treasury the environmental education fund consisting of moneys credited to the fund pursuant to sections 3704.06 and 6111.09 of the Revised Code

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and any gifts, grants, or contributions received by the director 20999  
of environmental protection for the purposes of the fund. The fund 21000  
shall be administered by the director with the advice and 21001  
assistance of the environmental education council created in 21002  
section 3745.21 of the Revised Code. Moneys in the fund shall be 21003  
used exclusively to develop, implement, and administer a program 21004  
to enhance public awareness and the objective understanding within 21005  
this state of issues affecting environmental quality. Toward that 21006  
end, moneys in the fund may be used for purposes that include, 21007  
without limitation, developing elementary and secondary school and 21008  
collegiate curricula on environmental issues; providing training 21009  
for this state's elementary and secondary school teachers on 21010  
environmental issues; providing educational seminars for concerned 21011  
members of the public regarding the scientific and technical 21012  
aspects of environmental issues; providing educational seminars 21013  
regarding pollution prevention and waste minimization for persons 21014  
regulated by the environmental protection agency; providing 21015  
educational seminars for persons regulated by the environmental 21016  
protection agency, including, without limitation, small 21017  
businesses, regarding the regulatory requirements of the agency 21018  
and the means of achieving and maintaining compliance with them; 21019  
and providing one or more scholarships in environmental sciences 21020  
or environmental engineering ~~at one or more state colleges or~~ 21021  
~~universities, as "state college or university" is defined in~~ 21022  
~~section 3345.27 of the Revised Code~~ for students enrolled at an 21023  
eligible institution of higher education. 21024

The director may expend not more than one million five 21025  
hundred thousand dollars of the moneys credited to the 21026  
environmental education fund under sections 3704.06 and 6111.09 of 21027  
the Revised Code in any fiscal year for the purposes specified in 21028  
this division. The director may request authority from the 21029  
controlling board to expend any moneys credited to that fund in 21030  
any fiscal year in excess of that amount. 21031

~~(B)~~(C) Not later than the first day of April each year, the 21032  
director, with the advice and assistance of the council, shall 21033  
prepare and submit to the governor, the president of the senate, 21034  
and the speaker of the house of representatives an environmental 21035  
education agenda that describes the proposed uses of the 21036  
environmental education fund during the following fiscal year. 21037  
Prior to submitting the agenda the director, in conjunction with 21038  
the council, shall hold a public hearing in Franklin county to 21039  
receive comments on the agenda. After the public hearing and 21040  
before submitting the agenda to the governor, the president, and 21041  
the speaker, the director, with the advice and assistance of the 21042  
council, may make any modifications to the agenda that the 21043  
director considers appropriate based upon the comments received at 21044  
the public hearing. 21045

~~(C)~~(D) Not later than the first day of September each year, 21046  
the director, with the advice and assistance of the council, shall 21047  
prepare and submit to the governor, the president of the senate, 21048  
and the speaker of the house of representatives a report on the 21049  
revenues credited to and expenditures from the environmental 21050  
education fund during the immediately preceding fiscal year. 21051

**Sec. 3750.02.** (A) There is hereby created the emergency 21052  
response commission consisting of the directors of environmental 21053  
protection and health, the chairpersons of the public utilities 21054  
commission, and industrial commission, ~~and state and local~~ 21055  
~~government commission~~, the fire marshal, the director of public 21056  
safety, the director of job and family services, and the attorney 21057  
general as members ex officio, or their designees; notwithstanding 21058  
section 101.26 of the Revised Code, the chairpersons of the 21059  
respective standing committees of the senate and house of 21060  
representatives that are primarily responsible for considering 21061  
environmental issues who may participate fully in all the 21062  
commission's deliberations and activities, except that they shall 21063

serve as nonvoting members; and ten members to be appointed by the 21064  
governor with the advice and consent of the senate. The appointed 21065  
members, to the extent practicable, shall have technical expertise 21066  
in the field of emergency response. Of the appointed members, two 21067  
shall represent environmental advocacy organizations, one shall 21068  
represent the interests of petroleum refiners or marketers or 21069  
chemical manufacturers, one shall represent the interests of 21070  
another industry subject to this chapter, one shall represent the 21071  
interests of municipal corporations, one shall represent the 21072  
interests of counties, one shall represent the interests of chiefs 21073  
of fire departments, one shall represent the interests of 21074  
professional firefighters, one shall represent the interests of 21075  
volunteer firefighters, and one shall represent the interests of 21076  
local emergency management agencies. 21077

An appointed member of the commission also may serve as a 21078  
member of the local emergency planning committee of an emergency 21079  
planning district. An appointed member of the commission who is 21080  
also a member of a local emergency planning committee shall not 21081  
participate as a member of the commission in the appointment of 21082  
members of the local emergency planning committee of which the 21083  
member is a member, in the review of the chemical emergency 21084  
response and preparedness plan submitted by the local emergency 21085  
planning committee of which the member is a member, in any vote to 21086  
approve a grant to the member's district, or in any vote of the 21087  
commission on any motion or resolution pertaining specifically to 21088  
the member's district or the local emergency planning committee on 21089  
which the member serves. A commission member who is also a member 21090  
of a local emergency planning committee shall not lobby or 21091  
otherwise act as an advocate for the member's district to other 21092  
members of the commission to obtain from the commission anything 21093  
of value for the member's district or the local emergency planning 21094  
committee of which the member is a member. A member of the 21095  
commission who is also a member of a local emergency planning 21096

committee may vote on resolutions of the commission that apply 21097  
uniformly to all local emergency planning committees and districts 21098  
in the state and do not provide a grant or other pecuniary benefit 21099  
to the member's district or the committee of which the member is a 21100  
member. 21101

The governor shall make the initial appointments to the 21102  
commission within thirty days after December 14, 1988. Of the 21103  
initial appointments to the commission, five shall be for a term 21104  
of two years and five shall be for a term of one year. Thereafter, 21105  
terms of office of the appointed members of the commission shall 21106  
be for two years, with each term ending on the same day of the 21107  
same month as did the term that it succeeds. Each member shall 21108  
hold office from the date of appointment until the end of the term 21109  
for which the member was appointed. Members may be reappointed. 21110  
Vacancies shall be filled in the manner provided for original 21111  
appointments. Any member appointed to fill a vacancy occurring 21112  
prior to the expiration of the term for which the member's 21113  
predecessor was appointed shall hold office for the remainder of 21114  
that term. A member shall continue in office subsequent to the 21115  
expiration date of the member's term until the member's successor 21116  
takes office or until a period of sixty days has elapsed, 21117  
whichever occurs first. The commission may at any time by a vote 21118  
of two-thirds of all the members remove any appointed member of 21119  
the commission for misfeasance, nonfeasance, or malfeasance. 21120  
Members of the commission shall serve without compensation, but 21121  
shall be reimbursed for the reasonable expenses incurred by them 21122  
in the discharge of their duties as members of the commission. 21123

The commission shall meet at least annually and shall hold 21124  
such additional meetings as are necessary to implement and 21125  
administer this chapter. Additional meetings may be held at the 21126  
behest of either a co-chairperson or a majority of the members. 21127  
The commission shall, by adoption of internal management rules 21128



under division (B)(9) of this section, establish an executive committee and delegate to it the performance of such of the commission's duties and powers under this chapter as are required or authorized to be so delegated by that division. The commission may organize itself into such additional committees as it considers necessary or convenient to implement and administer this chapter. The director of environmental protection and the director of public safety or their designees shall serve as co-chairpersons of the commission and the executive committee. Except as otherwise provided in this chapter, a majority of the voting members of the commission constitutes a quorum and the affirmative vote of a majority of the voting members of the commission is necessary for any action taken by the commission. Meetings of the executive 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 21161  
establishing a threshold planning quantity for each such 21162  
substance. To the extent consistent with that act and applicable 21163  
regulations adopted under it, the rules may establish threshold 21164  
planning quantities based upon classes of those substances or 21165  
categories of facilities at which such substances are present. 21166

(b) Listing hazardous chemicals, establishing threshold 21167  
quantities for those chemicals, establishing categories of health 21168  
and physical hazards of those chemicals, establishing criteria or 21169  
procedures for identifying those chemicals and the appropriate 21170  
hazard categories of those chemicals, and establishing ranges of 21171  
quantities for those chemicals to be used in preparing emergency 21172  
and hazardous chemical inventory forms under section 3750.08 of 21173  
the Revised Code. To the extent consistent with that act and 21174  
applicable regulations adopted under it, the rules may establish 21175  
threshold quantities based upon classes of those chemicals or 21176  
categories of facilities where those chemicals are present. 21177

To the extent consistent with that act, the threshold 21178  
quantities for purposes of the submission of lists of hazardous 21179  
chemicals under section 3750.07 and the submission of emergency 21180  
and hazardous chemical inventory forms under section 3750.08 of 21181  
the Revised Code may differ. 21182

(c) Identifying or listing hazardous substances and 21183  
establishing reportable quantities of each of those substances and 21184  
each extremely hazardous substance. In addition to being 21185  
consistent with and equivalent in scope, content, and coverage to 21186  
that act and applicable regulations adopted under it, the rules 21187  
shall be consistent with and equivalent in scope, content, and 21188  
coverage to regulations identifying or listing hazardous 21189  
substances and reportable quantities of those substances adopted 21190  
under the "Comprehensive Environmental Response, Compensation, and 21191  
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 21192

amended.	21193
(d) Prescribing the information to be included in the lists	21194
of hazardous chemicals required to be submitted under section	21195
3750.07 of the Revised Code;	21196
(e) Prescribing the information to be included in the	21197
emergency and hazardous chemical inventory forms required to be	21198
submitted under section 3750.08 of the Revised Code. If the	21199
commission establishes its own emergency and hazardous chemical	21200
inventory form, the rules shall authorize owners and operators of	21201
facilities who also have one or more facilities located outside	21202
the state for which they are required to submit inventory forms	21203
under the federal act and regulations adopted under it to submit	21204
their annual inventories on forms prescribed by the administrator	21205
of the United States environmental protection agency under that	21206
act instead of on forms prescribed by the commission and shall	21207
require those owners or operators to submit any additional	21208
information required by the commission's inventory form on an	21209
attachment to the federal form.	21210
(f) Establishing procedures for giving verbal notice of	21211
releases under section 3750.06 of the Revised Code and prescribing	21212
the information to be provided in such a notice and in the	21213
follow-up written notice required by that section;	21214
(g) Establishing standards for determining valid needs for	21215
the release of tier II information under division (B)(4) of	21216
section 3750.10 of the Revised Code;	21217
(h) Identifying the types or categories of information	21218
submitted or obtained under this chapter and rules adopted under	21219
it that constitute confidential business information;	21220
(i) Establishing criteria and procedures to protect trade	21221
secret and confidential business information from unauthorized	21222
disclosure;	21223

(j) Establishing other requirements or authorizations that the commission considers necessary or appropriate to implement, administer, and enforce this chapter.

(2) Adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this chapter that may be more stringent than 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. Rules adopted under division (B)(2) of this section shall not be inconsistent with that act or the regulations adopted under it. The rules shall:

(a) Prescribe the information to be included in the chemical emergency response and preparedness plans prepared and submitted by local emergency planning committees under section 3750.04 of the Revised Code;

(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.

(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 21256  
regarding that information and access to it: 21257

(i) Information that is protected as trade secret information 21258  
or confidential business information under this chapter and rules 21259  
adopted under it shall be kept in files that are separate from 21260  
those containing information that is not so protected. 21261  
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(ii) The original copies of information submitted to the 21263  
commission or committee shall not be removed from the custody and 21264  
control of the commission or committee. 21265

(iii) A person who, either in person or by mail, requests to 21266  
obtain a copy of a material safety data sheet submitted under this 21267  
chapter by a facility owner or operator shall submit a separate 21268  
application for each facility for which a material safety data 21269  
sheet is being requested. 21270

(iv) A person who requests to receive by mail a copy of 21271  
information submitted under this chapter by a facility owner or 21272  
operator shall submit a separate application for each facility for 21273  
which information is being requested and shall specify both the 21274  
facility for which information is being requested and the 21275  
particular types of documents requested. 21276

(v) Only employees of the commission or committee shall copy 21277  
information in the files of the commission or committee. 21278

(vi) The commission or committee may require any person who 21279  
requests to review or obtain a copy of information in its files to 21280  
schedule an appointment for that purpose with the information 21281  
coordinator of the commission or committee at least twenty-four 21282  
hours before arriving at the office of the commission or committee 21283  
for the review or copy. 21284

(vii) Any person who seeks access to information in the files 21285  
of the commission or a local emergency planning committee shall 21286

submit a written application, either in person or by mail, to the  
information coordinator on a form provided by the commission or  
committee. The person also shall provide the person's name and  
current mailing address on the application and may be requested by  
the commission or committee to provide basic demographic  
information on the form to assist in the evaluation of the  
information access provisions of this chapter and rules adopted  
under it. Application forms may be obtained by mail or in person  
or by request by telephone at the office of the commission or  
committee during regular business hours. Upon receipt of a request  
for an application by telephone or mail, the information  
coordinator shall promptly mail an application to the person who  
requested it.

(viii) The application form shall provide the applicant with  
a means of indicating that the applicant's name and address are to  
be kept confidential. If the applicant so indicates, that  
information is not a public record under section 149.43 of the  
Revised Code and shall not be disclosed to any person who is not a  
member or employee of the commission or committee or an employee  
of the environmental protection agency. When a name and address  
are to be kept confidential, they also shall be deleted from the  
copy of the application required to be placed in the file of the  
facility under division (B)(2)(c)(xii) of this section and shall  
be withheld from any log of information requests kept by the  
commission or committee pursuant to that division.

(ix) Neither the commission nor a local emergency planning  
committee shall charge any fee for access to review information in  
its files when no copies or computer searches of that information  
are requested.

(x) An applicant shall be informed of the cost of copying,  
mailing, or conducting a computer search of information on file  
with the commission or committee before such a copy or search is

made, and the commission or committee shall collect the 21319  
appropriate fees as established under section 3750.13 of the 21320  
Revised Code. Each applicant shall acknowledge on the application 21321  
form that the applicant is aware that the applicant will be 21322  
charged for copies and computer searches of that information the 21323  
applicant requests and for the costs of mailing copies of the 21324  
information to the applicant. 21325

(xi) The commission or committee may require a person 21326  
requesting copies of information on file with it to take delivery 21327  
of them in the office of the commission or committee whenever it 21328  
considers the volume of the information to be large enough to make 21329  
mailing or delivery by a parcel or package delivery service 21330  
impractical. 21331

(xii) When the commission or committee receives a request for 21332  
access to review or obtain copies of information in its files, it 21333  
shall not routinely notify the owner or operator of the facility 21334  
involved, but instead shall either keep a log or file of requests 21335  
for the information or shall place a copy of each completed 21336  
application form in the file for the facility to which the 21337  
application pertains. Such a log or file shall be available for 21338  
review by the public and by the owners and operators of facilities 21339  
required to submit information to the commission or committee 21340  
under this chapter and rules adopted under it. 21341

(d) Require that claims for the protection, as a trade 21342  
secret, of information obtained under this chapter regarding 21343  
extremely hazardous substances identified or listed in rules 21344  
adopted under division (B)(1)(a) of this section and hazardous 21345  
chemicals identified or listed in rules adopted under division 21346  
(B)(1)(b) of this section be submitted to the administrator of the 21347  
United States environmental protection agency for determination 21348  
under section 322 of the the "Emergency Planning and Community 21349  
Right-To-Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and 21350

regulations adopted under that section; 21351

(e) Establish criteria and procedures for the issuance of 21352  
variances under divisions (B) and (C) of section 3750.11 of the 21353  
Revised Code. The rules shall require that, before approval of an 21354  
application for a variance, the commission or committee find by a 21355  
preponderance of the scientific evidence based upon generally 21356  
accepted scientific principles or laboratory tests that the 21357  
extremely hazardous substances, hazardous chemicals, or hazardous 21358  
substances that would be subject to the reporting requirement pose 21359  
a substantial risk of catastrophic injury to public health or 21360  
safety or to the environment, or pose an extraordinary risk of 21361  
injury to emergency management personnel responding to a release 21362  
of the chemicals or substances, when the substances or chemicals 21363  
are present at a facility in an amount equal to or exceeding the 21364  
quantity for which reporting would be required under the reporting 21365  
requirement for which the variance is sought. The rules shall also 21366  
require that before approval of an application for a variance, the 21367  
commission or committee find by a preponderance of the evidence 21368  
that the development and implementation of a local emergency 21369  
response plan for releases of the substances or chemicals covered 21370  
by the reporting requirement will reduce the risk of catastrophic 21371  
injury to public health or safety or to the environment, or will 21372  
reduce the extraordinary risk of injury to responding emergency 21373  
management personnel, in the event of a release of the substances 21374  
or chemicals and find by a preponderance of the evidence that the 21375  
reporting requirement is necessary for the development of such a 21376  
local emergency response plan. The rules shall require that when 21377  
determining whether the substances or chemicals that would be 21378  
subject to the reporting requirement pose a substantial risk of 21379  
catastrophic injury to public health or safety or to the 21380  
environment, or pose an extraordinary risk of injury to emergency 21381  
management personnel responding to a release of the substance or 21382



chemical, the commission or committee consider all of the 21383  
following factors: 21384

(i) The specific characteristics and degree and nature of the 21385  
hazards posed by a release of the extremely hazardous substances, 21386  
hazardous chemicals, or hazardous substances; 21387

(ii) The proximity of the facilities that would be subject to 21388  
the reporting requirement to residential areas, to areas where 21389  
significantly large numbers of people are employed or otherwise 21390  
congregate, and to environmental resources that are subject to 21391  
injury; 21392

(iii) The quantities of the extremely hazardous substances, 21393  
hazardous chemicals, or hazardous substances that are routinely 21394  
present at facilities that would be subject to the reporting 21395  
requirement; 21396

(iv) The frequency with which the extremely hazardous 21397  
substances, hazardous chemicals, or hazardous substances are 21398  
present at the facilities that would be subject to the reporting 21399  
requirement in quantities for which reporting would be required 21400  
thereunder. 21401

(f) Establish criteria and procedures for the issuance of 21402  
orders under division (D) of section 3750.11 of the Revised Code 21403  
requiring the placement of emergency response lock box units. The 21404  
rules shall require that before approval of an application for 21405  
issuance of such an order, the commission or committee find by a 21406  
preponderance of the scientific evidence based upon generally 21407  
accepted scientific principles or laboratory tests that the 21408  
presence of the extremely hazardous substances, hazardous 21409  
chemicals, or hazardous substances in the quantities in which they 21410  
are routinely or intermittently present at the facility for which 21411  
the order is sought pose a substantial risk of catastrophic injury 21412  
to public health or safety or to the environment, or pose an 21413

extraordinary risk of injury to responding emergency management 21414  
personnel, in the event of a release of any of those substances or 21415  
chemicals from the facility. The rules shall require that before 21416  
approval of an application for issuance of such an order, the 21417  
commission or committee also find by a preponderance of the 21418  
evidence that the placement of an emergency response lock box unit 21419  
at the facility is necessary to protect against the substantial 21420  
risk of catastrophic injury to public health or safety or the 21421  
environment, or to protect against an extraordinary risk of injury 21422  
to responding emergency management personnel, in the event of a 21423  
release of any of the extremely hazardous substances, hazardous 21424  
chemicals, or hazardous substances routinely or intermittently 21425  
present at the facility. The rules shall require that when 21426  
determining whether the extremely hazardous substances, hazardous 21427  
chemicals, or hazardous substances present at the facility pose a 21428  
substantial risk of catastrophic injury to public health or safety 21429  
or to the environment, or pose an extraordinary risk of injury to 21430  
responding emergency management personnel, in the event of a 21431  
release of any of those substances or chemicals from the facility, 21432  
the commission or committee consider all of the following factors: 21433

(i) The specific characteristics and the degree and nature of 21434  
the hazards posed by a release of the extremely hazardous 21435  
substances, hazardous chemicals, or hazardous substances present 21436  
at the facility; 21437

(ii) The proximity of the facility to residential areas, to 21438  
areas where significantly large numbers of people are employed or 21439  
otherwise congregate, and to environmental resources that are 21440  
subject to injury; 21441

(iii) The quantities of the extremely hazardous substances, 21442  
hazardous chemicals, or hazardous substances that are routinely 21443  
present at the facility; 21444

(iv) The frequency with which the extremely hazardous 21445

substances, hazardous chemicals, or hazardous substances are 21446  
present at the facility. 21447

(g) Establish procedures to be followed by the commission and 21448  
the executive committee of the commission for the issuance of 21449  
orders under this chapter. 21450

(3) In accordance with Chapter 119. of the Revised Code adopt 21451  
rules establishing reportable quantities for releases of oil that 21452  
are consistent with and equivalent in scope, content, and coverage 21453  
to section 311 of the "Federal Water Pollution Control Act 21454  
Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, as amended, 21455  
and applicable regulations adopted under it; 21456

(4) Adopt rules in accordance with Chapter 119. of the 21457  
Revised Code establishing criteria and procedures for identifying 21458  
or listing extremely hazardous substances in addition to those 21459  
identified or listed in rules adopted under division (B)(1)(a) of 21460  
this section and for establishing threshold planning quantities 21461  
and reportable quantities for the added extremely hazardous 21462  
substances; for identifying or listing hazardous chemicals in 21463  
addition to those identified or listed in rules adopted under 21464  
division (B)(1)(b) of this section and for establishing threshold 21465  
quantities and categories of health and physical hazards for the 21466  
added hazardous chemicals; and for identifying or listing 21467  
hazardous substances in addition to those identified or listed in 21468  
rules adopted under division (B)(1)(c) of this section and for 21469  
establishing reportable quantities for the added hazardous 21470  
substances. The criteria for identifying or listing additional 21471  
extremely hazardous substances and establishing threshold planning 21472  
quantities and reportable quantities therefor and for identifying 21473  
or listing additional hazardous chemicals and establishing 21474  
threshold quantities and categories of health and physical hazards 21475  
for the added hazardous chemicals shall be consistent with and 21476  
equivalent to applicable criteria therefor under the "Emergency 21477

Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 21478  
42 U.S.C.A. 11001, and regulations adopted under it. The criteria 21479  
for identifying additional hazardous substances and for 21480  
establishing reportable quantities of the added hazardous 21481  
substances shall be consistent with and equivalent to the 21482  
applicable criteria for identifying or listing hazardous 21483  
substances and establishing reportable quantities therefor under 21484  
the "Comprehensive Environmental Response, Compensation, and 21485  
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 21486  
amended, and regulations adopted under it. 21487

The rules shall require that, before identifying or listing 21488  
any such additional extremely hazardous substance, hazardous 21489  
chemical, or hazardous substance and establishing a threshold 21490  
planning quantity, threshold quantity, or reportable quantity 21491  
therefor, the commission find by a preponderance of the scientific 21492  
evidence based on generally accepted scientific principles or 21493  
laboratory tests that the substance or chemical poses a 21494  
substantial risk of catastrophic injury to public health or safety 21495  
or to the environment, or poses an extraordinary risk of injury to 21496  
emergency management personnel responding to a release of the 21497  
chemical or substance, when the chemical or substance is present 21498  
at a facility in an amount equal to the proposed threshold 21499  
planning quantity or threshold quantity or, in the instance of a 21500  
proposed additional extremely hazardous substance or hazardous 21501  
substance, poses a substantial risk of catastrophic injury to 21502  
public health or safety or to the environment if a release of the 21503  
proposed reportable quantity of the substance occurs. The rules 21504  
shall further require that, before so identifying or listing a 21505  
substance or chemical, the commission find by a preponderance of 21506  
the evidence that the development and implementation of state or 21507  
local emergency response plans for releases of the substance or 21508  
chemical will reduce the risk of a catastrophic injury to public 21509

health or safety or to the environment, or will reduce the 21510  
extraordinary risk of injury to responding emergency response 21511  
personnel, in the event of a release of the substance or chemical 21512  
and find by a preponderance of the evidence that the 21513  
identification or listing of the substance or chemical is 21514  
necessary for the development of state or local emergency response 21515  
plans for releases of the substance or chemical. The rules shall 21516  
require that the commission consider the toxicity of the substance 21517  
or chemical in terms of both the short-term and long-term health 21518  
effects resulting from exposure to it and its reactivity, 21519  
volatility, dispersibility, combustibility, and flammability when 21520  
determining the risks posed by a release of the substance or 21521  
chemical and, as appropriate, when establishing a threshold 21522  
planning quantity, threshold quantity, reportable quantity, or 21523  
category of health or physical hazard for it. 21524

(5) Adopt rules in accordance with Chapter 119. of the 21525  
Revised Code establishing criteria and procedures for receiving 21526  
and deciding claims for protection of information as a trade 21527  
secret that are applicable only to extremely hazardous substances 21528  
and hazardous chemicals identified or listed in rules adopted 21529  
under division (C)(5) of this section. The rules shall be 21530  
equivalent in scope, content, and coverage to section 322 of the 21531  
"Emergency Planning and Community Right-To-Know Act of 1986," 100 21532  
Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under it. 21533

(6)(a) After consultation with the fire marshal, adopt rules 21534  
in accordance with Chapter 119. of the Revised Code establishing 21535  
standards for the construction, placement, and use of emergency 21536  
response lock box units at facilities that are subject to this 21537  
chapter. The rules shall establish all of the following: 21538

(i) Specific standards of construction for lock box units; 21539

(ii) The specific types of information that shall be placed 21540  
in the lock box units required to be placed at a facility by an 21541

order issued under division (D) of section 3750.11 of the Revised Code, which shall include the location of on-site emergency fire-fighting and spill cleanup equipment; a diagram of the public and private water supply and sewage systems serving the facility that are known to the owner or operator of the facility; a copy of the emergency and hazardous chemical inventory form for the facility most recently required to be submitted under section 3750.08 of the Revised Code from which the owner or operator may withhold information claimed or determined to be trade secret information pursuant to rules adopted under division (B)(2)(d) of this section, or pursuant to division (B)(14) of this section and rules adopted under division (B)(5) of this section, and confidential business information identified in rules adopted 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 21574  
facility at the owner's or operator's discretion. If the owner or 21575  
operator chooses to place a lock box unit at the facility, the 21576  
responsibility to deposit information in the lock box unit is in 21577  
addition to any other obligations established in this chapter. 21578

(c) Any costs associated with the purchase, construction, or 21579  
placement of a lock box unit shall be paid by the owner or 21580  
operator of the facility. 21581

(7) In accordance with Chapter 119. of the Revised Code, 21582  
adopt rules governing the application for and awarding of grants 21583  
under division (C) of section 3750.14 and division (B) of section 21584  
3750.15 of the Revised Code; 21585

(8) Adopt rules in accordance with Chapter 119. of the 21586  
Revised Code establishing reasonable maximum fees that may be 21587  
charged by the commission and local emergency planning committees 21588  
for copying information in the commission's or committee's files 21589  
to fulfill requests from the public for that information; 21590

(9) Adopt internal management rules governing the operations 21591  
of the commission. The internal management rules shall establish 21592  
an executive committee of the commission consisting of the 21593  
director of environmental protection or the director's designee, 21594  
the director of public safety or the director's designee, the 21595  
attorney general or the attorney general's designee, one of the 21596  
appointed members of the commission representing industries 21597  
subject to this chapter to be appointed by the commission, one of 21598  
the appointed members of the commission representing the interests 21599  
of environmental advocacy organizations to be appointed by the 21600  
commission, and one other appointed member or member ex officio of 21601  
the commission to be appointed by the commission. The executive 21602  
committee has exclusive authority to issue enforcement orders 21603  
under section 3750.18 of the Revised Code and to request the 21604  
attorney general to bring a civil action, civil penalty action, or 21605

criminal action under section 3750.20 of the Revised Code in the name of the commission regarding violations of this chapter, rules adopted under it, or orders issued under it. The internal management rules may set forth the other specific powers and duties of the commission that the executive committee may exercise and carry out and the conditions under which the executive committee may do so. The internal management rules shall not authorize the executive committee to issue variances under division (B) or (C) of section 3750.11 of the Revised Code or orders under division (D) of that section.

(10) Oversee and coordinate the implementation and enforcement of this chapter and make such recommendations to the director of environmental protection and the director of public safety as it considers necessary or appropriate to improve the implementation and enforcement of this chapter;

(11) Make allocations of moneys under division (B) of section 3750.14 of the Revised Code and make grants under division (C) of section 3750.14 and division (B) of section 3750.15 of the Revised Code;

(12) Designate an officer of the environmental protection agency to serve as the commission's information coordinator under this chapter;

(13) Not later than December 14, 1989, develop and distribute a state emergency response plan that defines the emergency response roles and responsibilities of the state agencies that are represented on the commission and that provides appropriate coordination with the national contingency plan and the regional contingency plan required by section 105 of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended. The plan shall ensure a well-coordinated response by state agencies that may be involved in assisting local emergency responders during a major release of



oil or a major sudden and accidental release of a hazardous 21638  
substance or extremely hazardous substance. The plan may 21639  
incorporate existing state emergency response plans by reference. 21640  
At least annually, the commission and the state agencies that are 21641  
represented on it shall jointly exercise the state plan in 21642  
conjunction with the exercise of a local emergency response plan 21643  
by a local emergency planning committee under section 3750.04 of 21644  
the Revised Code. After any such exercise, the commission shall 21645  
review the state plan and make such revisions in it as the 21646  
commission considers necessary or appropriate. 21647

(14) Receive and decide claims for the protection of 21648  
information as a trade secret that pertain only to extremely 21649  
hazardous substances and hazardous chemicals identified or listed 21650  
by rules adopted under division (C)(5) of this section. If the 21651  
commission determines that the claim meets the criteria 21652  
established in rules adopted under division (B)(5) of this 21653  
section, it shall issue an order to that effect in accordance with 21654  
section 3750.18 of the Revised Code. If the commission determines 21655  
that the claim does not meet the criteria established in those 21656  
rules, it shall issue an order to that effect in accordance with 21657  
section 3750.18 of the Revised Code. 21658

(15) Annually compile, make available to the public, and 21659  
submit to the president of the senate and the speaker of the house 21660  
of representatives a summary report on the number of facilities 21661  
estimated to be subject to regulation under sections 3750.05, 21662  
3750.07, and 3750.08 of the Revised Code, the number of facilities 21663  
reporting to the commission, an estimate of the percentage of 21664  
facilities in compliance with those sections, and recommendations 21665  
regarding the types of activities the commission considers 21666  
necessary to improve such compliance. The commission shall base 21667  
its estimate of the number of facilities that are subject to 21668  
regulation under those sections on the current estimates provided 21669

by the local emergency planning committees under division (D)(6) 21670  
of section 3750.03 of the Revised Code. 21671

(C) The commission may: 21672

(1) Procure by contract the temporary or intermittent 21673  
services of experts or consultants when those services are to be 21674  
performed on a part-time or fee-for-service basis and do not 21675  
involve the performance of administrative duties; 21676

(2) Enter into contracts or agreements with political 21677  
subdivisions or emergency planning districts for the purposes of 21678  
this chapter; 21679

(3) Accept on behalf of the state any gift, grant, or 21680  
contribution from any governmental or private source for the 21681  
purposes of this chapter; 21682

(4) Enter into contracts, agreements, or memoranda of 21683  
understanding with any state department, agency, board, 21684  
commission, or institution to obtain the services of personnel 21685  
thereof or utilize resources thereof for the purposes of this 21686  
chapter. Employees of a state department, agency, board, 21687  
commission, or institution providing services to the commission 21688  
under any such contract, agreement, or memorandum shall perform 21689  
only those functions and provide only the services provided for in 21690  
the contract, agreement, or memorandum. 21691

(5) Identify or list extremely hazardous substances in 21692  
addition to those identified or listed in rules adopted under 21693  
division (B)(1)(a) of this section and establish threshold 21694  
planning quantities and reportable quantities for the additional 21695  
extremely hazardous substances, identify or list hazardous 21696  
chemicals in addition to those identified or listed in rules 21697  
adopted under division (B)(1)(b) of this section and establish 21698  
threshold quantities and categories or health and physical hazards 21699  
for the added chemicals, and identify or list hazardous substances 21700

in addition to those identified or listed in rules adopted under 21701  
division (B)(1)(c) of this section and establish reportable 21702  
quantities for the added hazardous substances. The commission may 21703  
establish threshold planning quantities for the additional 21704  
extremely hazardous substances based upon classes of those 21705  
substances or categories of facilities at which they are present 21706  
and may establish threshold quantities for the additional 21707  
hazardous chemicals based upon classes of those chemicals or 21708  
categories of facilities where they are present. The commission 21709  
shall identify or list such additional substances or chemicals and 21710  
establish threshold planning quantities, threshold quantities, 21711  
reportable quantities, and hazard categories therefor in 21712  
accordance with the criteria and procedures established in rules 21713  
adopted under division (B)(4) of this section and, after 21714  
compliance with those criteria and procedures, by the adoption of 21715  
rules in accordance with Chapter 119. of the Revised Code. The 21716  
commission shall not adopt rules under division (C)(5) of this 21717  
section modifying any threshold planning quantity established in 21718  
rules adopted under division (B)(1)(a) of this section, any 21719  
threshold quantity established in rules adopted under division 21720  
(B)(1)(b) of this section, or any reportable quantity established 21721  
in rules adopted under division (B)(1)(c) of this section. 21722

If, after the commission has adopted rules under division 21723  
(C)(5) of this section identifying or listing an extremely 21724  
hazardous substance, hazardous chemical, or hazardous substance, 21725  
the administrator of the United States environmental protection 21726  
agency identifies or lists the substance or chemical as an 21727  
extremely hazardous substance or hazardous chemical under the 21728  
"Emergency Planning and Community Right-To-Know Act of 1986," 100 21729  
Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a substance 21730  
as a hazardous substance under the "Comprehensive Environmental 21731  
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 21732

42 U.S.C.A. 9602, as amended, the commission shall rescind its 21733  
rules adopted under division (C)(5) of this section pertaining to 21734  
the substance or chemical and adopt the appropriate rules under 21735  
division (B)(1)(a), (b), or (c) of this section. 21736

(6) From time to time, request the director of environmental 21737  
protection and the executive director of the emergency management 21738  
agency to review implementation, administration, and enforcement 21739  
of the chemical emergency response planning and reporting programs 21740  
created by this chapter and rules adopted under it regarding their 21741  
effectiveness in preparing for response to releases of extremely 21742  
hazardous substances, hazardous chemicals, and hazardous 21743  
substances. After completion of any such review, the director of 21744  
environmental protection and the director of public safety shall 21745  
report their findings to the commission. Upon receipt of their 21746  
findings, the commission may make such recommendations for 21747  
legislative and administrative action as the commission finds 21748  
necessary or appropriate to promote achievement of the purposes of 21749  
this chapter. 21750

(D) Except as provided in section 3750.06 of the Revised 21751  
Code, nothing in this chapter applies to the transportation, 21752  
including the storage incident to transportation, of any substance 21753  
or chemical subject to the requirements of this chapter, including 21754  
the transportation and distribution of natural gas. 21755

(E) This chapter authorizes the state, through the emergency 21756  
response commission, the department of public safety, and the 21757  
environmental protection agency, to establish and maintain 21758  
chemical emergency response planning and preparedness, community 21759  
right-to-know, and hazardous substance and extremely hazardous 21760  
substance release reporting programs that are consistent with and 21761  
equivalent in scope, coverage, and content to the "Emergency 21762  
Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 21763  
42 U.S.C.A. 11001, and regulations adopted under it, except as 21764

otherwise specifically required or authorized in this chapter. The 21765  
commission, department, and agencies may do all things necessary, 21766  
incidental, or appropriate to implement, administer, and enforce 21767  
this chapter and to perform the duties and exercise the powers of 21768  
the state emergency response commission under that act and 21769  
regulations adopted under it and under this chapter. 21770

**Sec. 3769.08.** (A) Any person holding a permit to conduct a 21771  
horse-racing meeting may provide a place in the race meeting 21772  
grounds or enclosure at which the permit holder may conduct and 21773  
supervise the pari-mutuel system of wagering by patrons of legal 21774  
age on the live racing programs and simulcast racing programs 21775  
conducted by ~~such~~ the permit holder. 21776

~~Such~~ The pari-mutuel method of wagering upon the live racing 21777  
programs and simulcast racing programs held at or conducted within 21778  
such race track, and at the time of such horse-racing meeting, or 21779  
at other times authorized by the state racing commission, shall 21780  
not be unlawful. No other place, except that provided and 21781  
designated by the permit holder and except as provided in section 21782  
3769.26 of the Revised Code, nor any other method or system of 21783  
betting or wagering, except the pari-mutuel system, shall be used 21784  
or permitted by the permit holder; nor, except as provided in 21785  
section 3769.089 or 3769.26 of the Revised Code, shall the 21786  
pari-mutuel system of wagering be conducted by the permit holder 21787  
on any races except the races at the race track, grounds, or 21788  
enclosure for which the person holds a permit. Each permit holder 21789  
may retain as a commission an amount not to exceed eighteen per 21790  
cent of the total of all moneys wagered. 21791

The pari-mutuel wagering authorized by this section is 21792  
subject to sections 3769.25 to ~~3769.27~~ 3769.28 of the Revised 21793  
Code. 21794

(B) At the close of each racing day, each permit holder 21795

authorized to conduct thoroughbred racing, out of the amount 21796  
retained on that day by the permit holder, shall pay by check, 21797  
draft, or money order to the tax commissioner, as a tax, a sum 21798  
equal to the following percentages of the total of all moneys 21799  
wagered on live racing programs on that day and shall separately 21800  
compute and pay by check, draft, or money order to the tax 21801  
commissioner, as a tax, a sum equal to the following percentages 21802  
of the total of all money wagered on simulcast racing programs on 21803  
that day: 21804

(1) One per cent of the first two hundred thousand dollars 21805  
wagered, or any part ~~thereof~~ of that amount; 21806

(2) Two per cent of the next one hundred thousand dollars 21807  
wagered, or any part ~~thereof~~ of that amount; 21808

(3) Three per cent of the next one hundred thousand dollars 21809  
wagered, or any part ~~thereof~~ of that amount; 21810

(4) Four per cent of all sums over four hundred thousand 21811  
dollars wagered. 21812

Except as otherwise provided in section 3769.089 of the 21813  
Revised Code, each permit holder authorized to conduct 21814  
thoroughbred racing shall use for purse money a sum equal to fifty 21815  
per cent of the pari-mutuel revenues retained by the permit holder 21816  
as a commission after payment of the state tax. This fifty per 21817  
cent payment shall be in addition to the purse distribution from 21818  
breakage specified in this section. 21819

Subject to division (M) of this section, from the moneys paid 21820  
to the tax commissioner by ~~thoroughbred racing~~ thoroughbred racing 21821  
permit holders, one-half of one per cent of the total of all 21822  
moneys so wagered on a racing day shall be paid into the Ohio 21823  
fairs fund created by section 3769.082 of the Revised Code, one 21824  
and one-eighth per cent of the total of all moneys so wagered on a 21825  
racing day shall be paid into the Ohio thoroughbred race fund 21826

created by section 3769.083 of the Revised Code, and one-quarter 21827  
of one per cent of the total of all moneys wagered on a racing day 21828  
by each permit holder shall be paid into the state racing 21829  
commission operating fund created by section 3769.03 of the 21830  
Revised Code. The required payment to the state racing commission 21831  
operating fund does not apply to county and independent fairs and 21832  
agricultural societies. The remaining moneys may be retained by 21833  
the permit holder, except as provided in this section with respect 21834  
to the odd cents redistribution. Amounts paid into the PASSPORT 21835  
fund shall be used solely for the support of the PASSPORT program 21836  
as determined in appropriations made by the general assembly. If 21837  
the PASSPORT program is abolished, the amount that would have been 21838  
paid to the PASSPORT fund under this chapter shall be paid to the 21839  
general revenue fund of the state. As used in this chapter, 21840  
"PASSPORT program" means the PASSPORT program created under 21841  
section 173.40 of the Revised Code. 21842

~~During calendar year 1994, the~~ The total amount paid to the 21843  
Ohio thoroughbred race fund under this section and section 21844  
3769.087 of the Revised Code ~~shall not exceed by more than six per~~ 21845  
~~cent the total amount paid to this fund under this section and~~ 21846  
~~that section during calendar year 1990. During each calendar year~~ 21847  
~~after calendar year 1994, the total amount paid to this fund under~~ 21848  
~~this section and that section shall not exceed by more than six~~ 21849  
~~per cent the total amount paid to this fund under this section and~~ 21850  
~~that section during the immediately preceding calendar year.~~ 21851

Each year, the total amount calculated for payment into the 21852  
Ohio fairs fund under this division, division (C) of this section, 21853  
and section 3769.087 of the Revised Code shall be an amount 21854  
calculated using the percentages specified in this division, 21855  
division (C) of this section, and section 3769.087 of the Revised 21856  
Code. ~~Until January 1, 1996, the total amount actually paid into~~ 21857  
~~the Ohio fairs fund under this division, division (C) of this~~ 21858

~~section, and section 3769.087 of the Revised Code during each 21859  
calendar year shall not exceed the total amount that was actually 21860  
paid into that fund under this division, division (C) of this 21861  
section, and section 3769.087 of the Revised Code during calendar 21862  
year 1990, plus five hundred thousand dollars. Beginning on 21863  
January 1, 1996, and continuing through December 31, 1998, the 21864  
total amount actually paid into the Ohio fairs fund during each 21865  
calendar year under this division, division (C) of this section, 21866  
and section 3769.087 of the Revised Code shall not exceed by more 21867  
than five per cent an amount equal to the total amount actually 21868  
paid into the Ohio fairs fund during the immediately preceding 21869  
calendar year. 21870~~

A permit holder may contract with a thoroughbred horsemen's 21871  
organization for the organization to act as a representative of 21872  
all thoroughbred owners and trainers participating in a 21873  
horse-racing meeting conducted by the permit holder. A 21874  
"thoroughbred horsemen's organization" is any corporation or 21875  
association that represents, through membership or otherwise, more 21876  
than one-half of the aggregate of all thoroughbred owners and 21877  
trainers who were licensed and actively participated in racing 21878  
within this state during the preceding calendar year. Except as 21879  
otherwise provided in this paragraph, any moneys received by a 21880  
thoroughbred horsemen's organization shall be used exclusively for 21881  
the benefit of thoroughbred owners and trainers racing in this 21882  
state through the administrative purposes of the organization, 21883  
benevolent activities on behalf of the horsemen, promotion of the 21884  
horsemen's rights and interests, and promotion of equine research. 21885  
A thoroughbred horsemen's organization may expend not more than an 21886  
aggregate of five per cent of its annual gross receipts, or a 21887  
larger amount as approved by the organization, for dues, 21888  
assessments, and other payments to all other local, national, or 21889  
international organizations having as their primary purposes the 21890  
promotion of thoroughbred horse racing, thoroughbred horsemen's 21891



rights, and equine research.

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(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 wagered, or any part ~~thereof~~ of that amount;

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(2) Two per cent of the next one hundred thousand dollars wagered, or any part ~~thereof~~ of that amount;

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(3) Three per cent of the next one hundred thousand dollars wagered, or any part ~~thereof~~ of that amount;

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(4) Four per cent of all sums over four hundred thousand dollars wagered.

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Except as otherwise provided in division (B) and subject to division (M) of this section, from the moneys paid to the tax commissioner by permit holders authorized to conduct harness or quarter horse racing, one-half of one per cent of all moneys wagered on that racing day shall be paid into the Ohio fairs fund; from the moneys paid to the tax commissioner by permit holders authorized to conduct harness racing, five-eighths of one per cent of all moneys wagered on that racing day shall be paid into the Ohio standardbred development fund; and from the moneys paid to the tax commissioner by permit holders authorized to conduct quarter horse racing, five-eighths of one per cent of all moneys wagered on that racing day shall be paid into the Ohio quarter

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horse development fund.

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(D) In addition, subject to division (M) of this section,  
beginning on January 1, 1996, from the money paid to the tax  
commissioner as a tax under this section and section 3769.087 of  
the Revised Code by harness horse permit holders, one-half of one  
per cent of the amount wagered on a racing day shall be paid into  
the Ohio standardbred development fund. Beginning January 1, 1998,  
the payment to the Ohio standardbred development fund required  
under this division ~~(D) of this section~~ does not apply to county  
agricultural societies or independent agricultural societies.

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~~During calendar year 1994, the~~ The total amount paid to the  
Ohio standardbred development fund under this division, division  
(C) of this section, and section 3769.087 of the Revised Code and  
the total amount paid to the Ohio quarter horse development fund  
under this division and that section ~~shall not exceed by more than  
six per cent the total amount paid to each of these funds under  
this division and that section during calendar year 1990.~~ During  
each calendar year after calendar year 1994, the total amount paid  
to each of these funds shall not exceed by more than six per cent  
the total amount paid into the fund under this division, division  
(C) of this section, and section 3769.087 of the Revised Code in  
the immediately preceding calendar year.

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(E) Subject to division (M) of this section, from the money  
paid as a tax under this chapter by harness and quarter horse  
permit holders, one-quarter of one per cent of the total of all  
moneys wagered on a racing day by each permit holder shall be paid  
into the state racing commission operating fund created by section  
3769.03 of the Revised Code. This division does not apply to  
county and independent fairs and agricultural societies.

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(F) Except as otherwise provided in section 3769.089 of the  
Revised Code, each permit holder authorized to conduct harness

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racing shall ~~pat~~ pay to the harness horsemen's purse pool a sum  
equal to fifty per cent of the pari-mutuel revenues retained by  
the permit holder as a commission after payment of the state tax.  
This fifty per cent payment is to be in addition to the purse  
distribution from breakage specified in this section.

(G) In addition, each permit holder authorized to conduct  
harness racing shall be allowed to retain the odd cents of all  
redistribution to be made on all mutual contributions exceeding a  
sum equal to the next lowest multiple of ten.

Forty per cent of that portion of that total sum of such odd  
cents shall be used by the permit holder for purse money for Ohio  
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.

(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 22019  
of the reduction that may be taken each racing day shall equal 22020  
seventy-five per cent of the tax levied under divisions (B) and 22021  
(C) of this section and section 3769.087 of the Revised Code, and 22022  
division (F)(2) of section 3769.26 of the Revised Code, as 22023  
applicable, divided by the calculated amount each fund should 22024  
receive under divisions (B) and (C) of this section and section 22025  
3769.087 of the Revised Code, and division (F)(2) of section 22026  
3769.26 of the Revised Code and the reduction provided for in this 22027  
division. If the resulting percentage is less than one, that 22028  
percentage shall be multiplied by the amount of the reduction 22029  
provided for in this division. Otherwise, the permit holder shall 22030  
receive the full reduction provided for in this division. The 22031  
amount of the allowable reduction not received shall be carried 22032  
forward and applied against future tax liability. After any 22033  
reductions expire, any reduction carried forward shall be treated 22034  
as a reduction as provided for in this division. If 22035

If more than one permit holder is authorized to conduct 22036  
racing at the facility that is being built or improved, the cost 22037  
of the new race track or capital improvement shall be allocated 22038  
between or among all the permit holders in the ratio that the 22039  
permit holders' number of racing days bears to the total number of 22040  
racing days conducted at the facility. ~~Such~~ 22041

A reduction for a new race track or a capital improvement 22042  
shall start from the day racing is first conducted following the 22043  
date actual construction of the new race track or each capital 22044  
improvement is completed and the construction cost has been 22045  
~~certified~~ approved by the racing commission, unless otherwise 22046  
provided in this section. ~~Such~~ A reduction for a new race track or 22047  
a capital improvement shall continue for a period of twenty-five 22048  
years for new race tracks and for fifteen years for ~~new~~ capital 22049  
improvements if the construction of the capital improvement or new 22050

race track commenced prior to March 29, 1988, and for a period of 22051  
ten years for new race tracks or ~~new~~ capital improvements if the 22052  
construction of the capital improvement or new race track 22053  
commenced on or after March 29, 1988, but before the effective 22054  
date of this amendment, or until the total tax reduction reaches 22055  
seventy per cent of the approved cost of the new race track or ~~new~~ 22056  
capital improvement, as allocated to each permit holder, whichever 22057  
occurs first. ~~The tax~~ A reduction for a new race track or a 22058  
capital improvement approved after the effective date of this 22059  
amendment shall continue until the total tax reduction reaches one 22060  
hundred per cent of the approved cost of the new race track or 22061  
capital improvement, as allocated to each permit holder. 22062

A reduction granted for ~~any~~ a new race track or a capital 22063  
improvement, the application for which was approved by the racing 22064  
commission after March 29, 1988, but before the effective date of 22065  
this amendment, shall not commence nor shall the ten-year period 22066  
begin to run until all prior tax reductions with respect to the 22067  
same race track have ended. The total tax reduction because of 22068  
capital improvements shall not during any one year exceed for all 22069  
permit holders using any one track three-fourths of one per cent 22070  
of the total amount wagered, regardless of the number of capital 22071  
improvements made. Several capital improvements to a race track 22072  
may be consolidated in an application if the racing commission 22073  
approved the application prior to March 29, 1988. No permit holder 22074  
may receive a tax reduction for a capital improvement approved by 22075  
the racing commission on or after March 29, 1988, at a race track 22076  
until all tax reductions have ended for all prior capital 22077  
improvements approved by the racing commission under this section 22078  
or section 3769.20 of the Revised Code at that race track. If 22079  
there are two or more permit holders operating meetings at the 22080  
same track, they may consolidate their applications. The racing 22081  
commission shall notify the tax commissioner when the ~~diminution~~ 22082  
reduction of tax begins and when it ends. ~~Each~~ 22083

Each fiscal year the racinq commission shall submit a report 22084  
to the tax commissioner, the office of budget and management, and 22085  
the ~~legislative budget office of the~~ legislative service 22086  
commission. The report shall identify each capital improvement 22087  
project undertaken under this division and in progress at each 22088  
race track, indicate the total cost of each ~~such~~ project, state 22089  
the tax reduction that resulted from each ~~such~~ project during the 22090  
immediately preceding fiscal year, estimate the tax reduction that 22091  
will result from each ~~such~~ project during the current fiscal year, 22092  
state the total tax reduction that resulted from all such projects 22093  
at all race tracks during the immediately preceding fiscal year, 22094  
and estimate the total tax reduction that will result from all 22095  
such projects at all race tracks during the current fiscal year. 22096

(2) In order to qualify for the reduction in tax, a permit 22097  
holder shall apply to the racing commission in such form as the 22098  
commission may require and shall provide full details of the new 22099  
~~racinq~~ race track or capital improvement, including a schedule for 22100  
its construction and completion, and set forth the costs and 22101  
expenses incurred in connection ~~therewith~~ with it. The racinq 22102  
commission shall not approve an application unless the permit 22103  
holder shows that a contract for the new race track or capital 22104  
improvement has been let under an unrestricted competitive bidding 22105  
procedure, unless the contract is exempted by the controlling 22106  
board because of its unusual nature. In determining whether to 22107  
approve an application, the racinq commission shall consider 22108  
whether the new race track or capital improvement will promote the 22109  
safety, convenience, and comfort of the racing public and horse 22110  
owners and generally tend towards the improvement of racing in 22111  
this state. 22112

(3) If a new race track or capital improvement is approved by 22113  
the racinq commission and construction has started, the tax 22114  
~~adjustment~~ reduction may be authorized by the commission upon 22115

presentation of copies of paid bills in excess of one hundred 22116  
thousand dollars or ten per cent of the approved cost, whichever 22117  
is greater. After the initial authorization, the permit holder 22118  
shall present copies of paid bills. If the permit holder is in 22119  
substantial compliance with the schedule for construction and 22120  
completion of the new race track or capital improvement, the 22121  
racinq commission may authorize the continuation of the tax 22122  
adjustment reduction upon the presentation of ~~such the~~ additional 22123  
paid bills. The total amount of the tax adjustment reduction 22124  
authorized shall not exceed ~~seventy per cent~~ the percentage of the 22125  
approved cost of the new race track or capital improvement 22126  
specified in division (J)(1) of this section. The racinq 22127  
commission may terminate any tax adjustment reduction immediately 22128  
if a permit holder fails to complete the new race track or capital 22129  
improvement, or to substantially comply with the schedule for 22130  
construction and completion of the new race track or capital 22131  
improvement. If a permit holder fails to complete a new race track 22132  
or capital improvement, the racinq commission shall order the 22133  
permit holder to repay to the state the total amount of tax 22134  
reduced. The normal tax paid by the permit holder shall be 22135  
increased by three-fourths of one per cent of the total amount 22136  
wagered until the total amount of the additional tax collected 22137  
equals the total amount of tax reduced. 22138

(4) As used in this section, ~~"capital:~~ 22139

(a) "Capital improvement" means an addition, replacement, or 22140  
remodeling of a structural unit of a race track facility costing 22141  
at least one hundred thousand dollars, including, but not limited 22142  
to, the construction of barns used exclusively for ~~such the~~ race 22143  
track facility, backstretch facilities for horsemen, paddock 22144  
facilities, new pari-mutuel and totalizator equipment and 22145  
appurtenances ~~thereto to that equipment~~ purchased by the track, 22146  
new access roads, new parking areas, the complete reconstruction, 22147



reshaping, and leveling of the ~~race track~~ racing surface and 22148  
appurtenances, the installation of permanent new heating or air 22149  
conditioning, ~~and roof replacement or restoration,~~ installations 22150  
of a permanent nature forming a part of the track structure, and 22151  
construction of buildings that are located on a permit holder's 22152  
premises. "Capital improvement" does not include the cost of 22153  
replacement of equipment that is not permanently installed, 22154  
ordinary repairs, painting, and maintenance required to keep a 22155  
race track facility in ordinary operating condition. "~~New~~ 22156

(b) "New race track" or "~~new racing track~~" includes the 22157  
reconstruction of a race track damaged by fire or other cause that 22158  
has been declared by the racing commission, as a result of the 22159  
damage, to be an inadequate facility for the safe operation of 22160  
horse racing. 22161

(c) "Approved cost" includes all debt service and interest 22162  
costs that are associated with a capital improvement or new race 22163  
track and that the racing commission approves for a tax reduction 22164  
under division (J) of this section. 22165

(5) The racing commission shall not approve an application 22166  
for a tax reduction under this section if it has reasonable cause 22167  
to believe that the actions or negligence of the permit holder 22168  
substantially contributed to the damage suffered by the track due 22169  
to fire or other cause. The racing commission shall obtain any 22170  
data or information available from a fire marshal, law enforcement 22171  
official, or insurance company concerning any fire or other damage 22172  
suffered by a track, prior to approving an application for a tax 22173  
reduction. 22174

(6) The approved cost and expenses to which a tax reduction 22175  
applies shall be determined by generally accepted accounting 22176  
principles and verified by an audit of the permit holder's records 22177  
upon completion of the project by the racing commission, or by an 22178  
independent certified public accountant selected by the permit 22179

holder and approved by the commission. 22180

~~The tax reductions for capital improvements and new tracks 22181  
provided for in this division apply only to tax reductions 22182  
approved by the state racing commission prior to the effective 22183  
date of this amendment. 22184~~

(K) No other license or excise tax or fee, except as provided 22185  
in sections 3769.01 to 3769.14 of the Revised Code, shall be 22186  
assessed or collected from such licensee by any county, township, 22187  
district, municipal corporation, or other body having power to 22188  
assess or collect a tax or fee. That portion of the tax paid under 22189  
this section by permit holders for racing conducted at and during 22190  
the course of an agricultural exposition or fair, and that portion 22191  
of the tax that would have been paid by eligible permit holders 22192  
into the PASSPORT fund as a result of racing conducted at and 22193  
during the course of an agricultural exposition or fair, shall be 22194  
deposited into the state treasury to the credit of the horse 22195  
racing tax fund, which is hereby created for the use of the 22196  
agricultural societies of the several counties in which the taxes 22197  
originate. The state racing commission shall determine eligible 22198  
permit holders for purposes of the preceding sentence, taking into 22199  
account the breed of horse, the racing dates, the geographic 22200  
proximity to the fair, and the best interests of Ohio racing. On 22201  
the first day of any month on which there is money in the fund, 22202  
the ~~director of budget and management~~ tax commissioner shall 22203  
provide for payment to the treasurer of each agricultural society 22204  
the amount of the taxes collected under this section upon racing 22205  
conducted at and during the course of any exposition or fair 22206  
conducted by ~~such~~ the society. 22207

(L) From the tax paid under this section by harness track 22208  
permit holders, the tax commissioner shall pay into the Ohio 22209  
thoroughbred race fund a sum equal to a percentage of the amount 22210  
wagered upon which ~~such~~ the tax is paid. The percentage shall be 22211

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.

(M) Twenty-five per cent of the taxes levied on ~~thoroughbred racing~~ thoroughbred racing permit holders, ~~harness racing~~ harness racing permit holders, and quarter horse racing permit holders under this section, section 3769.087 of the Revised Code, and division (F)(2) of section 3769.26 of the Revised Code shall be paid ~~to~~ into the PASSPORT fund. The tax commissioner shall pay any money remaining, ~~after the payment to~~ into the PASSPORT fund and the reductions provided for in division (J) of this section and in section 3769.20 of the Revised Code, ~~into the Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred development fund, Ohio quarter horse fund, and state racing commission operating fund as prescribed in this section and section 3769.087 of the Revised Code; except that the state racing commission operating fund shall not receive more than two million five hundred thousand dollars in any calendar year.~~ The tax commissioner shall thereafter use and apply the balance of the money paid as a tax by any permit holder to cover any shortage in the accounts of such funds resulting from an insufficient payment as a tax by any other permit holder. The moneys received by the tax commissioner shall be deposited weekly and paid by the tax commissioner into the funds to cover the total aggregate amount due from all permit holders to the funds, as calculated under this section and section 3769.087 of the Revised Code, as applicable. If, after ~~the payment to~~ into the PASSPORT fund, sufficient funds

are not available from the tax deposited by the tax commissioner 22245  
to pay the required ~~amount~~ amounts into the Ohio fairs fund, Ohio 22246  
standardbred development fund, Ohio thoroughbred race fund, Ohio 22247  
quarter horse fund, and the state racing commission operating 22248  
fund, the tax commissioner shall prorate on a proportional basis 22249  
the amount paid to each of the funds. Any shortage to the funds as 22250  
a result of a proration shall be applied against future deposits 22251  
for the same calendar year when funds are available. After this 22252  
application, the tax commissioner shall pay any remaining money 22253  
paid as a tax by all permit holders into the PASSPORT fund. ~~If the~~ 22254  
~~Ohio fairs fund does not receive two million five hundred thousand~~ 22255  
~~dollars in calendar year 1997 or 1998, the tax commissioner shall~~ 22256  
~~pay into the Ohio fairs fund, on a prorated basis, money that~~ 22257  
~~would have been paid into the Ohio thoroughbred race fund, Ohio~~ 22258  
~~standardbred development fund, Ohio quarter horse development~~ 22259  
~~fund, and state racing commission operating fund and the portion~~ 22260  
~~that was retained by the tracks the previous calendar year as a~~ 22261  
~~reduction provided for in division (J) of this section and section~~ 22262  
~~3769.20 of the Revised Code until the previous year's deficiency~~ 22263  
~~is met. Each track that has an existing reduction shall increase~~ 22264  
~~its reduction credit balance by the amount determined by the tax~~ 22265  
~~commissioner that is needed to meet its prorated portion of the~~ 22266  
~~Ohio fairs fund deficiency. The credit balance increase shall be~~ 22267  
~~paid to the tax commissioner as a tax. This division does not~~ 22268  
apply to permit holders conducting racing at the course of an 22269  
agricultural exposition or fair as described in division (K) of 22270  
this section. 22271

**Sec. 3769.20.** (A) To encourage the renovation of existing 22272  
racing facilities for the benefit of the public, breeders, and 22273  
horse owners and to increase the revenue to the state from the 22274  
increase in pari-mutuel wagering resulting from such improvement, 22275  
the taxes paid by a permit holder to the state, in excess of the 22276

amount paid ~~to~~ into the PASSPORT fund, shall be reduced by one per 22277  
cent of the total amount wagered for those permit holders who 22278  
carry out a major capital improvement project. The percentage of 22279  
the reduction that may be taken each racing day shall equal 22280  
seventy-five per cent of the amount of the tax levied under 22281  
divisions (B) and (C) of section 3769.08, section 3769.087, and 22282  
division (F)(2) of section 3769.26 of the Revised Code, as 22283  
applicable, divided by the calculated amount each fund should 22284  
receive under divisions (B) and (C) of section 3769.08, section 22285  
3769.087, and division (F)(2) of section 3769.26 of the Revised 22286  
Code and the reduction provided for in this section. If the 22287  
resulting percentage is less than one, that percentage shall be 22288  
multiplied by the amount of the reduction provided for in this 22289  
section. Otherwise, the permit holder shall receive the full 22290  
reduction provided for in this section. The amount of the 22291  
allowable reduction not received shall be carried forward and 22292  
added to any other reduction balance and applied against future 22293  
tax liability. After any reductions expire, any reduction carried 22294  
forward shall be treated as a reduction as provided for in this 22295  
section. If the amount of allowable ~~abatement~~ reduction exceeds 22296  
the amount of taxes derived from a permit holder, the amount of 22297  
the allowable ~~abatement~~ reduction not used may be carried forward 22298  
and applied against future tax liability. ~~If~~ 22299

If more than one permit holder is authorized to conduct 22300  
racing at the facility that is being improved, the cost of the 22301  
major capital improvement project shall be allocated between or 22302  
among all the permit holders in the ratio that each permit 22303  
holder's number of racing days bears to the total number of racing 22304  
days conducted at the facility. ~~Such~~ 22305

A reduction for a major capital improvement project shall 22306  
start from the day racing is first conducted following the date on 22307  
which the major capital improvement project is completed and the 22308

construction cost has been ~~certified~~ approved by the state racing 22309  
commission, except as otherwise provided in division (E) of this 22310  
section, and shall continue until the total tax reduction equals 22311  
the cost of the major capital improvement project plus debt 22312  
service applicable to the project. In no event, however, shall any 22313  
tax reduction, excluding any reduction balances, be permitted 22314  
under this section after December 31, 2014. The total tax 22315  
reduction because of the major capital improvement project shall 22316  
not during any one year exceed for all permit holders using any 22317  
one track, one per cent of the total amount wagered. The racing 22318  
commission shall notify the tax commissioner when the ~~diminution~~ 22319  
reduction of tax begins and when it ends. 22320

(B) Each fiscal year, the racing commission shall submit a 22321  
report to the tax commissioner, the office of budget and 22322  
management, and the ~~legislative budget office of the~~ legislative 22323  
service commission. The report shall identify each capital 22324  
improvement project undertaken under this section and in progress 22325  
at each race track, indicate the total cost of each ~~such~~ project, 22326  
state the tax reduction that resulted from each ~~such~~ project 22327  
during the immediately preceding fiscal year, estimate the tax 22328  
reduction that will result from each ~~such~~ project during the 22329  
current fiscal year, state the total tax reduction that resulted 22330  
from all such projects at all race tracks during the immediately 22331  
preceding fiscal year, and estimate the total tax reduction that 22332  
will result from all such projects at all race tracks during the 22333  
current fiscal year. 22334

(C) The tax reduction granted pursuant to this section shall 22335  
be in addition to any tax reductions for capital improvements and 22336  
new race tracks provided for in section 3769.08 of the Revised 22337  
Code and approved by the racing commission ~~prior to March 29,~~ 22338  
~~1988.~~ 22339

(D) In order to qualify for the reduction in tax, a permit 22340

holder shall apply to the racing commission in such form as the 22341  
commission may require and shall provide full details of the major 22342  
capital improvement project, including plans and specifications, a 22343  
schedule for the project's construction and completion, and a 22344  
breakdown of proposed costs. In addition, the permit holder shall 22345  
have commenced construction of the major capital improvement 22346  
project or shall have had the application for the project approved 22347  
by the racing commission prior to March 29, 1988. The racing 22348  
commission shall not approve an application unless the permit 22349  
holder shows that a contract for the major capital improvement 22350  
project has been let under an unrestricted competitive bidding 22351  
procedure, unless the contract is exempted by the controlling 22352  
board because of its unusual nature. In determining whether to 22353  
approve an application, the racing commission shall consider 22354  
whether the major capital improvement project will promote the 22355  
safety, convenience, and comfort of the racing public and horse 22356  
owners and generally tend toward the improvement of racing in this 22357  
state. 22358

(E) If the major capital improvement project is approved by 22359  
the racing commission and construction has started, the tax 22360  
~~adjustment~~ reduction may be authorized by the commission upon 22361  
presentation of copies of paid bills in excess of five hundred 22362  
thousand dollars. After the initial authorization, the permit 22363  
holder shall present copies of paid bills in the amount of not 22364  
less than five hundred thousand dollars. If the permit holder is 22365  
in substantial compliance with the schedule for construction and 22366  
completion of the major capital improvement project, the racing 22367  
commission may authorize the continuance of the tax ~~adjustment~~ 22368  
reduction upon the presentation of ~~such~~ the additional paid bills 22369  
in increments of five hundred thousand dollars. The racing 22370  
commission may terminate the tax ~~adjustment~~ reduction if a permit 22371  
holder fails to complete the major capital improvement project or 22372

fails to comply substantially with the schedule for construction 22373  
and completion of the major capital improvement project. If the 22374  
time for completion of the major capital improvement project is 22375  
delayed by acts of God, strikes, or the unavailability of labor or 22376  
materials, the time for completion as set forth in the schedule 22377  
shall be extended by the period of the delay. If a permit holder 22378  
fails to complete the major capital improvement project, the 22379  
racing commission shall order the permit holder to repay to the 22380  
state the total amount of tax reduced, unless the permit holder 22381  
has spent at least six million dollars on the project. The normal 22382  
tax paid by the permit holder under section 3769.08 of the Revised 22383  
Code shall be increased by one per cent of the total amount 22384  
wagered until the total amount of the additional tax collected 22385  
equals the total amount of tax reduced. Any action taken by the 22386  
racing commission pursuant to this section in terminating the tax 22387  
adjustment or requiring repayment of the amount of tax reduced 22388  
shall be subject to Chapter 119. of the Revised Code. 22389

(F) As used in this section, "major capital improvement 22390  
project" means the renovation, reconstruction, or remodeling, 22391  
costing at least six million dollars, of a race track facility, 22392  
including, but not limited to, the construction of barns used 22393  
exclusively for that race track facility, backstretch facilities 22394  
for horsemen, paddock facilities, pari-mutuel and totalizator 22395  
equipment and appurtenances to that equipment purchased by the 22396  
track, new access roads, new parking areas, the complete 22397  
reconstruction, reshaping, and leveling of the ~~race track~~ racing 22398  
surface and appurtenances, grandstand enclosure, installation of 22399  
permanent new heating or air conditioning, roof replacement, and 22400  
installations of a permanent nature forming a part of the track 22401  
structure. 22402

(G) The cost and expenses to which the tax reduction granted 22403  
under this section applies shall be determined by generally 22404



accepted accounting principles and be verified by an audit of the 22405  
permit holder's records, upon completion of the major capital 22406  
improvement project, either by the racing commission or by an 22407  
independent certified public accountant selected by the permit 22408  
holder and approved by the commission. 22409

(H) This section and section 3769.201 of the Revised Code 22410  
govern any tax reduction granted to a permit holder for the cost 22411  
to the permit holder of any cleanup, repair, or improvement 22412  
required as a result of damage caused by the 1997 Ohio river flood 22413  
to the place, track, or enclosure for which the permit is issued. 22414

**Sec. 3770.06.** (A) There is hereby created the state lottery 22415  
gross revenue fund, which shall be in the custody of the treasurer 22416  
of state but shall not be part of the state treasury. All gross 22417  
revenues received from sales of lottery tickets, fines, fees, and 22418  
related proceeds shall be deposited into the fund. The treasurer 22419  
of state shall invest any portion of the fund not needed for 22420  
immediate use in the same manner as, and subject to all provisions 22421  
of law with respect to the investment of, state funds. The 22422  
treasurer of state shall disburse money from the fund on order of 22423  
the director of the state lottery commission or the director's 22424  
designee. All revenues of the state lottery gross revenue fund 22425  
that are not paid to holders of winning lottery tickets, that are 22426  
not required to meet short-term prize liabilities, that are not 22427  
paid to lottery sales agents in the form of ~~agent~~ bonuses, 22428  
commissions, or reimbursements, and that are not paid to financial 22429  
institutions to reimburse ~~such~~ those institutions for sales agent 22430  
nonsufficient funds shall be transferred to the state lottery 22431  
fund, which is hereby created in the state treasury. All 22432  
investment earnings of the fund shall be credited to the fund. 22433  
Moneys shall be disbursed from the ~~state lottery~~ fund pursuant to 22434  
vouchers approved by the director ~~of the state lottery commission~~. 22435  
Total disbursements for monetary prize awards to holders of 22436

winning lottery tickets and purchases of goods and services 22437  
awarded as prizes to holders of winning lottery tickets shall be 22438  
of an amount equal to at least fifty per cent of the total revenue 22439  
accruing from the sale of lottery tickets. 22440

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 22441  
there is hereby established in the state treasury the lottery 22442  
profits education fund. Whenever, in the judgment of the director 22443  
of budget and management, the amount to the credit of the state 22444  
lottery fund is in excess of that needed to meet the maturing 22445  
obligations of the commission and as working capital for its 22446  
further operations, the director shall transfer the excess to the 22447  
lottery profits education fund, ~~provided that the amount to be~~ 22448  
~~transferred into the lottery profits education fund shall equal no~~ 22449  
~~less than thirty per cent of the total revenue accruing from the~~ 22450  
~~sale of lottery tickets.~~ Investment earnings of the lottery 22451  
profits education fund shall be credited to the fund. There shall 22452  
also be credited to the fund any repayments of moneys loaned from 22453  
the educational excellence investment fund. The lottery profits 22454  
education fund shall be used solely for the support of elementary, 22455  
secondary, vocational, and special education programs as 22456  
determined in appropriations made by the general assembly, or as 22457  
provided in applicable bond proceedings for the payment of debt 22458  
service on obligations issued to pay costs of capital facilities, 22459  
including those for a system of common schools throughout the 22460  
state pursuant to section 2n of Article VIII, Ohio Constitution. 22461  
When determining the availability of money in the lottery profits 22462  
education fund, the director of budget and management may consider 22463  
all balances and estimated revenues of the fund. 22464

From the amounts that the director of budget and management 22465  
transfers in any fiscal year from the state lottery fund to the 22466  
lottery profits education fund, the director shall transfer the 22467  
initial ten million dollars of ~~such~~ those amounts from the lottery 22468

profits education fund to the school building program bond service 22469  
fund created in division (Q) of section 3318.26 of the Revised 22470  
Code to be pledged for the purpose of paying bond service charges 22471  
as defined in division (C) of section 3318.21 of the Revised Code 22472  
on one or more issuances of obligations, which obligations are 22473  
issued to provide moneys for the school building program 22474  
assistance fund created in section 3318.25 of the Revised Code. 22475

(C) There is hereby established in the state treasury the 22476  
deferred prizes trust fund. With the approval of the director of 22477  
budget and management, an amount sufficient to fund annuity prizes 22478  
shall be transferred from the state lottery fund and credited to 22479  
the trust fund. The treasurer of state shall credit all earnings 22480  
arising from investments purchased under this division to the 22481  
fund. Within sixty days after the end of each fiscal year, the 22482  
director of budget and management shall certify the amount of 22483  
investment earnings necessary to have been credited to the trust 22484  
fund during the fiscal year just ending to provide for continued 22485  
funding of deferred prizes. Any earnings credited in excess of 22486  
this certified amount shall be transferred to the lottery profits 22487  
education fund. To provide all or a part of the amounts necessary 22488  
to fund deferred prizes awarded by the commission, the treasurer 22489  
of state, in consultation with the commission, may invest moneys 22490  
contained in the deferred prizes trust fund in obligations of the 22491  
type permitted for the investment of state funds but whose 22492  
maturities are thirty years or less. Investments of the deferred 22493  
prizes trust fund are not subject to the provisions of division 22494  
(A)(10) of section 135.143 of the Revised Code limiting to five 22495  
per cent the amount of the state's total average portfolio that 22496  
may be invested in debt interests and limiting to one-half of one 22497  
per cent the amount that may be invested in debt interests of a 22498  
single issuer. 22499

All purchases made under this division shall be effected on a 22500

delivery versus payment method and shall be in the custody of the 22501  
treasurer of state. 22502

The treasurer of state may retain an investment advisor, if 22503  
necessary. The commission shall pay any costs incurred by the 22504  
treasurer of state in retaining an investment advisor. 22505

(D) The auditor of state shall conduct annual audits of all 22506  
funds and ~~such~~ any other audits as the auditor of state or the 22507  
general assembly considers necessary. The auditor of state may 22508  
examine all records, files, and other documents of the commission, 22509  
and ~~such~~ records of lottery sales agents ~~as~~ that pertain to their 22510  
activities as agents, for purposes of conducting authorized 22511  
audits. 22512

The state lottery commission shall establish an internal 22513  
audit program before the beginning of each fiscal year, subject to 22514  
the approval of the auditor of state. At the end of each fiscal 22515  
year, the commission shall prepare and submit an annual report to 22516  
the auditor of state for the auditor of state's review and 22517  
approval, specifying the internal audit work completed by the end 22518  
of that fiscal year and reporting on compliance with the annual 22519  
internal audit program. The form and content of the report shall 22520  
be prescribed by the auditor of state under division (C) of 22521  
section 117.20 of the Revised Code. 22522

(E) Whenever, in the judgment of the director of budget and 22523  
management, an amount of net state lottery proceeds is necessary 22524  
to be applied to the payment of debt service on obligations, all 22525  
as defined in sections 151.01 and 151.03 of the Revised Code, the 22526  
director shall transfer that amount directly from the state 22527  
lottery fund or from the lottery profits education fund to the 22528  
bond service fund defined in those sections. The provisions of 22529  
this division ~~(E) of this section~~ are subject to any prior pledges 22530  
or obligation of those amounts to the payment of bond service 22531  
charges as defined in division (C) of section 3318.21 of the 22532

Revised Code, as referred to in division (B) of this section. 22533

**Sec. 3793.04.** The department of alcohol and drug addiction 22534  
services shall develop, administer, and revise as necessary a 22535  
comprehensive statewide alcohol and drug addiction services plan 22536  
for the implementation of this chapter. The plan shall emphasize 22537  
abstinence from the use of alcohol and drugs of abuse as the 22538  
primary goal of alcohol and drug addiction services. The council 22539  
on alcohol and drug addiction services shall advise the department 22540  
in the development and implementation of the plan. 22541

The plan shall provide for the allocation of state and 22542  
federal funds for service furnished by alcohol and drug addiction 22543  
programs under contract with boards of alcohol, drug addiction, 22544  
and mental health services and for distribution of the funds to 22545  
such boards. The plan shall specify the methodology that the 22546  
department will use for determining how funds will be allocated 22547  
and distributed. A portion of the funds shall be allocated on the 22548  
basis of the ratio of the population of each alcohol, drug 22549  
addiction, and mental health service district to the total 22550  
population of the state ~~as~~. The portion of the funds allocated on 22551  
that basis for a fiscal year shall be not less than the average of 22552  
the amount that was allocated on that basis the three previous 22553  
fiscal years. The ratio shall be determined from the most recent 22554  
federal census or the most recent official estimate made by the 22555  
United States census bureau, whichever is more recent, except 22556  
that, for fiscal year 2002, fifty per cent of the ratio shall be 22557  
determined from the 1990 census and fifty per cent shall be 22558  
determined from the 2000 census and, for fiscal year 2003, 22559  
twenty-five per cent of the ratio shall be determined from the 22560  
1990 census and seventy-five per cent shall be determined from the 22561  
2000 census. 22562

The plan shall ensure that alcohol and drug addiction 22563  
services of a high quality are accessible to, and responsive to 22564

the needs of, all persons, especially those who are members of 22565  
underserved groups, including, but not limited to, African 22566  
Americans, Hispanics, native Americans, Asians, juvenile and adult 22567  
offenders, women, and persons with special services needs due to 22568  
age or disability. The plan shall include a program to promote and 22569  
protect the rights of those who receive services. 22570

To aid in formulating the plan and in evaluating the 22571  
effectiveness and results of alcohol and drug addiction services, 22572  
the department, in consultation with the department of mental 22573  
health, shall establish and maintain an information system. The 22574  
department of alcohol and drug addiction services shall specify 22575  
the information that must be provided by boards of alcohol, drug 22576  
addiction, and mental health services and by alcohol and drug 22577  
addiction programs for inclusion in the system. The department 22578  
shall not collect any information for the purpose of identifying 22579  
by name any person who receives a service through a board, except 22580  
as required by the state or federal law to validate appropriate 22581  
reimbursement. 22582

In consultation with boards, programs, and persons receiving 22583  
services, the department shall establish guidelines for the use of 22584  
state and federal funds and for the boards' development of plans 22585  
for services required by sections 340.033 and 3793.05 of the 22586  
Revised Code. 22587

In any fiscal year, the department shall spend, or allocate 22588  
to boards, for methadone maintenance programs or any similar 22589  
programs not more than eight per cent of the total amount 22590  
appropriated to the department for the fiscal year. 22591

**Sec. 3902.23.** Beginning one hundred eighty days after rules 22592  
adopted under section 3902.22 of the Revised Code take effect, no 22593  
third-party payer shall fail to use the standard claim form and 22594  
proof of loss prescribed in those rules, ~~except as provided in~~ 22595

~~section 3729.15 of the Revised Code.~~ 22596

**Sec. 3923.28.** (A) Every policy of group sickness and accident 22597  
insurance providing hospital, surgical, or medical expense 22598  
coverage for other than specific diseases or accidents only, and 22599  
delivered, issued for delivery, or renewed in this state on or 22600  
after January 1, 1979, and that provides coverage for mental or 22601  
emotional disorders, shall provide benefits for services on an 22602  
outpatient basis for each eligible person under the policy who 22603  
resides in this state for mental or emotional disorders, or for 22604  
evaluations, that are at least equal to five hundred fifty dollars 22605  
in any calendar year or twelve-month period. The services shall be 22606  
legally performed by or under the clinical supervision of a 22607  
licensed physician or licensed psychologist, whether performed in 22608  
an office, in a hospital, or in a community mental health facility 22609  
so long as the hospital or community mental health facility is 22610  
approved by the joint commission on accreditation of healthcare 22611  
organizations, the council on accreditation for children and 22612  
family services, or ~~certified by the department of mental health~~ 22613  
~~as being in compliance with standards established under division~~ 22614  
~~(I) of section 5119.01 of the Revised Code~~ the commission on 22615  
accreditation of rehabilitation facilities. 22616

(B) For purposes of this section "community mental health 22617  
facility" means a facility approved by a regional health planning 22618  
agency or a facility providing services under a board of alcohol, 22619  
drug addiction, and mental health services established under 22620  
Chapter 340. of the Revised Code, except that where a board 22621  
provides direct community mental health service, the approval of 22622  
such a board, as to the adequacy of a specific program of such 22623  
services that it provides as a community mental health facility 22624  
shall be by the director of mental health. 22625

(C) Outpatient benefits offered under division (A) of this 22626  
section shall be subject to reasonable contract limitations and 22627

may be subject to reasonable deductibles and co-insurance costs. 22628  
Persons entitled to such benefit under more than one service or 22629  
insurance contract may be limited to a single 22630  
five-hundred-fifty-dollar outpatient benefit for services under 22631  
all contracts. 22632

(D) In order to qualify for participation under division (A) 22633  
of this section, every facility specified in such division shall 22634  
have in effect a plan for utilization review and a plan for peer 22635  
review and every person specified in such division shall have in 22636  
effect a plan for peer review. Such plans shall have the purpose 22637  
of ensuring high quality patient care and effective and efficient 22638  
utilization of available health facilities and services. 22639

(E) Nothing in this section shall be construed to require an 22640  
insurer to pay benefits which are greater than usual, customary, 22641  
and reasonable. 22642

(F)(1) Services performed under the clinical supervision of a 22643  
licensed physician or licensed psychologist, in order to be 22644  
reimbursable under the coverage required in division (A) of this 22645  
section, shall meet both of the following requirements: 22646

(a) The services shall be performed in accordance with a 22647  
treatment plan that describes the expected duration, frequency, 22648  
and type of services to be performed; 22649

(b) The plan shall be reviewed and approved by a licensed 22650  
physician or licensed psychologist every three months. 22651

(2) Payment of benefits for services reimbursable under 22652  
division (F)(1) of this section shall not be restricted to 22653  
services described in the treatment plan or conditioned upon 22654  
standards of clinical supervision that are more restrictive than 22655  
standards of a licensed physician or licensed psychologist, which 22656  
at least equal the requirements of division (F)(1) of this 22657  
section. 22658



Sec. 3923.30. Every person, the state and any of its 22659  
instrumentalities, any county, township, school district, or other 22660  
political subdivisions and any of its instrumentalities, and any 22661  
municipal corporation and any of its instrumentalities, which 22662  
provides payment for health care benefits for any of its employees 22663  
resident in this state, which benefits are not provided by 22664  
contract with an insurer qualified to provide sickness and 22665  
accident insurance, or a health insuring corporation, shall 22666  
include the following benefits in its plan of health care benefits 22667  
commencing on or after January 1, 1979: 22668

(A) If such plan of health care benefits provides payment for 22669  
the treatment of mental or nervous disorders, then such plan shall 22670  
provide benefits for services on an outpatient basis for each 22671  
eligible employee and dependent for mental or emotional disorders, 22672  
or for evaluations, that are at least equal to the following: 22673  
22674

(1) Payments not less than five hundred fifty dollars in a 22675  
twelve-month period, for services legally performed by or under 22676  
the clinical supervision of a licensed physician or a licensed 22677  
psychologist, whether performed in an office, in a hospital, or in 22678  
a community mental health facility so long as the hospital or 22679  
community mental health facility is approved by the joint 22680  
commission on accreditation of ~~hospitals or certified by the~~ 22681  
~~department of mental health as being in compliance with standards~~ 22682  
~~established under division (I) of section 5119.01 of the Revised~~ 22683  
Code healthcare organizations, the council on accreditation for 22684  
children and family services, or the commission on accreditation 22685  
of rehabilitation facilities; 22686

(2) Such benefit shall be subject to reasonable limitations, 22687  
and may be subject to reasonable deductibles and co-insurance 22688  
costs. 22689

(3) In order to qualify for participation under this 22690  
division, every facility specified in this division shall have in 22691  
effect a plan for utilization review and a plan for peer review 22692  
and every person specified in this division shall have in effect a 22693  
plan for peer review. Such plans shall have the purpose of 22694  
ensuring high quality patient care and effective and efficient 22695  
utilization of available health facilities and services. 22696

(4) Such payment for benefits shall not be greater than 22697  
usual, customary, and reasonable. 22698

(5) For purposes of this division, "community mental health 22699  
facility" means a facility as defined in section 3923.28 of the 22700  
Revised Code. 22701

(6)(a) Services performed under the clinical supervision of a 22702  
licensed physician or licensed psychologist, in order to be 22703  
reimbursable under the coverage required in division (A) of this 22704  
section, shall meet both of the following requirements: 22705

(i) The services shall be performed in accordance with a 22706  
treatment plan that describes the expected duration, frequency, 22707  
and type of services to be performed; 22708

(ii) The plan shall be reviewed and approved by a licensed 22709  
physician or licensed psychologist every three months. 22710

(b) Payment of benefits for services reimbursable under 22711  
division (A)(6)(a) of the section shall not be restricted to 22712  
services described in the treatment plan or conditioned upon 22713  
standards of a licensed physician or licensed psychologist, which 22714  
at least equal the requirements of division (A)(6)(a) of this 22715  
section. 22716

(B) Payment for benefits for alcoholism treatment for 22717  
outpatient, inpatient, and intermediate primary care for each 22718  
eligible employee and dependent that are at least equal to the 22719  
following: 22720

(1) Payments not less than five hundred fifty dollars in a 22721  
twelve-month period for services legally performed by or under the 22722  
clinical supervision of a licensed physician or licensed 22723  
psychologist, whether performed in an office, or in a hospital or 22724  
a community mental health facility or alcoholism treatment 22725  
facility so long as the hospital, community mental health 22726  
facility, or alcoholism treatment facility is approved by the 22727  
joint commission on accreditation of hospitals or certified by the 22728  
department of health; 22729

(2) The benefits provided under this division shall be 22730  
subject to reasonable limitations and may be subject to reasonable 22731  
deductibles and co-insurance costs. 22732

(3) A licensed physician or licensed psychologist shall every 22733  
three months certify a patient's need for continued services 22734  
performed by such facilities. 22735

(4) In order to qualify for participation under this 22736  
division, every facility specified in this division shall have in 22737  
effect a plan for utilization review and a plan for peer review 22738  
and every person specified in this division shall have in effect a 22739  
plan for peer review. Such plans shall have the purpose of 22740  
ensuring high quality patient care and efficient utilization of 22741  
available health facilities and services. Such person or 22742  
facilities shall also have in effect a program of rehabilitation 22743  
or a program of rehabilitation and detoxification. 22744

(5) Nothing in this section shall be construed to require 22745  
reimbursement for benefits which is greater than usual, customary, 22746  
and reasonable. 22747

**Sec. 4105.17.** (A) The fee for any inspection, or attempted 22748  
inspection that, due to no fault of a general inspector or the 22749  
division of industrial compliance, is not successfully completed, 22750  
by a general inspector of an elevator required to be inspected 22751

under this chapter is thirty dollars plus five dollars for each 22752  
floor where the elevator stops. The superintendent of the division 22753  
of industrial compliance may assess a fee of ~~thirty one hundred~~ 22754  
twenty-five dollars plus five dollars for each floor where an 22755  
elevator stops for the reinspection of an elevator when a previous 22756  
attempt to inspect that elevator has been unsuccessful through no 22757  
fault of a general inspector or the division of industrial 22758  
compliance. The fee for issuing or renewing a certificate of 22759  
operation under section 4105.15 of the Revised Code is thirty-five 22760  
dollars. 22761

(B) All other fees to be charged for any examination given or 22762  
other service performed by the division of industrial compliance 22763  
pursuant to this chapter shall be prescribed by the board of 22764  
building standards established by section 3781.07 of the Revised 22765  
Code. The fees shall be reasonably related to the costs of such 22766  
examination or other service. 22767

(C) The board of building standards, subject to the approval 22768  
of the controlling board, may establish fees in excess of the fees 22769  
provided in division (A) of this section, provided that the fees 22770  
do not exceed the amounts established in division (A) of this 22771  
section by more than fifty per cent. Any moneys collected under 22772  
this section shall be paid into the state treasury to the credit 22773  
of the industrial compliance operating fund created in section 22774  
121.084 of the Revised Code. 22775

(D) Any person who fails to pay an inspection fee required 22776  
for any inspection conducted by the division pursuant to this 22777  
chapter within forty-five days after the inspection is conducted 22778  
shall pay a late payment fee equal to twenty-five per cent of the 22779  
inspection fee. 22780

(E) In addition to the fee assessed in division (A) of this 22781  
section, the board of building standards shall assess a fee of 22782  
three dollars and twenty-five cents for each certificate of 22783

operation or renewal thereof issued under division (A) of this 22784  
section and for each permit issued under section 4105.16 of the 22785  
Revised Code. The board shall adopt rules, in accordance with 22786  
Chapter 119. of the Revised Code, specifying the manner by which 22787  
the superintendent of the division of industrial compliance shall 22788  
collect and remit to the board the fees assessed under this 22789  
division and requiring that remittance of the fees be made at 22790  
least quarterly. 22791

**Sec. 4115.10.** (A) No person, firm, corporation, or public 22792  
authority that constructs a public improvement with its own 22793  
forces, the total overall project cost of which is fairly 22794  
estimated to be more than the amounts set forth in division (B)(1) 22795  
or (2) of section 4115.03 of the Revised Code, adjusted biennially 22796  
by the director of commerce pursuant to section 4115.034 of the 22797  
Revised Code, shall violate the wage provisions of sections 22798  
4115.03 to 4115.16 of the Revised Code, or suffer, permit, or 22799  
require any employee to work for less than the rate of wages so 22800  
fixed, or violate the provisions of section 4115.07 of the Revised 22801  
Code. Any employee upon any public improvement, except an employee 22802  
to whom or on behalf of whom restitution is made pursuant to 22803  
division (C) of section 4115.13 of the Revised Code, who is paid 22804  
less than the fixed rate of wages applicable thereto may recover 22805  
from such person, firm, corporation, or public authority that 22806  
constructs a public improvement with its own forces the difference 22807  
between the fixed rate of wages and the amount paid to the 22808  
employee and in addition thereto a sum equal to twenty-five per 22809  
cent of that difference. The person, firm, corporation, or public 22810  
authority who fails to pay the rate of wages so fixed also shall 22811  
pay a penalty to the director of seventy-five per cent of the 22812  
difference between the fixed rate of wages and the amount paid to 22813  
the employees on the public improvement. The director shall 22814  
deposit all moneys received from penalties paid to the director 22815

pursuant to this section into the penalty enforcement fund, which 22816  
is hereby created. ~~The penalty enforcement fund shall be in the~~ 22817  
~~custody of the treasurer of state but shall not be part of the~~ 22818  
state treasury. The director shall use the fund for the 22819  
enforcement of sections 4115.03 to 4115.16 of the Revised Code. 22820  
The employee may file suit for recovery within sixty days of the 22821  
director's determination of a violation of sections 4115.03 to 22822  
4115.16 of the Revised Code or is barred from further action under 22823  
this division. Where the employee prevails in a suit, the employer 22824  
shall pay the costs and reasonable attorney's fees allowed by the 22825  
court. 22826

(B) Any employee upon any public improvement who is paid less 22827  
than the prevailing rate of wages applicable thereto may file a 22828  
complaint in writing with the director upon a form furnished by 22829  
the director. At the written request of any employee paid less 22830  
than the prevailing rate of wages applicable, the director shall 22831  
take an assignment of a claim in trust for the assigning employee 22832  
and bring any legal action necessary to collect the claim. The 22833  
employer shall pay the costs and reasonable attorney's fees 22834  
allowed by the court if the employer is found in violation of 22835  
sections 4115.03 to 4115.16 of the Revised Code. 22836

(C) If after investigation pursuant to section 4115.13 of the 22837  
Revised Code, the director determines there is a violation of 22838  
sections 4115.03 to 4115.16 of the Revised Code and a period of 22839  
sixty days has elapsed from the date of the determination, and if: 22840

(1) No employee has brought suit pursuant to division (A) of 22841  
this section; 22842

(2) No employee has requested that the director take an 22843  
assignment of a wage claim pursuant to division (B) of this 22844  
section; 22845

The director shall bring any legal action necessary to 22846  
collect any amounts owed to employees and the ~~bureau~~ director. The 22847

director shall pay over to the affected employees the amounts 22848  
collected to which the affected employees are entitled under 22849  
division (A) of this section. In any action in which the director 22850  
prevails, the employer shall pay the costs and reasonable 22851  
attorney's fees allowed by the court. 22852

(D) Where persons are employed and their rate of wages has 22853  
been determined as provided in section 4115.04 of the Revised 22854  
Code, no person, either for self or any other person, shall 22855  
request, demand, or receive, either before or after the person is 22856  
engaged, that the person so engaged pay back, return, donate, 22857  
contribute, or give any part or all of the person's wages, salary, 22858  
or thing of value, to any person, upon the statement, 22859  
representation, or understanding that failure to comply with such 22860  
request or demand will prevent the procuring or retaining of 22861  
employment, and no person shall, directly or indirectly, aid, 22862  
request, or authorize any other person to violate this section. 22863  
This division does not apply to any agent or representative of a 22864  
duly constituted labor organization acting in the collection of 22865  
dues or assessments of such organization. 22866

(E) The director shall enforce sections 4115.03 to 4115.16 of 22867  
the Revised Code. 22868

(F) For the purpose of supplementing existing resources and 22869  
to assist in enforcing division (E) of this section, the director 22870  
may contract with a person registered as a public accountant under 22871  
Chapter 4701. of the Revised Code to conduct an audit of a person, 22872  
firm, corporation, or public authority. 22873

**Sec. 4121.44.** (A) The administrator of workers' compensation 22874  
shall oversee the implementation of the Ohio workers' compensation 22875  
qualified health plan system as established under section 4121.442 22876  
of the Revised Code. 22877

(B) The administrator shall direct the implementation of the 22878

health partnership program administered by the bureau as set forth 22879  
in section 4121.441 of the Revised Code. To implement the health 22880  
partnership program, the bureau: 22881

(1) Shall certify one or more external vendors, which shall 22882  
be known as "managed care organizations," to provide medical 22883  
management and cost containment services in the health partnership 22884  
program for a period of two years beginning on the date of 22885  
certification, consistent with the standards established under 22886  
this section; 22887

(2) May recertify external vendors for additional periods of 22888  
two years; and 22889

(3) May integrate the certified vendors with bureau staff and 22890  
existing bureau services for purposes of operation and training to 22891  
allow the bureau to assume operation of the health partnership 22892  
program at the conclusion of the certification periods set forth 22893  
in division (B)(1) or (2) of this section. 22894

(C) Any vendor selected shall demonstrate all of the 22895  
following: 22896

(1) Arrangements and reimbursement agreements with a 22897  
substantial number of the medical, professional and pharmacy 22898  
providers currently being utilized by claimants. 22899

(2) Ability to accept a common format of medical bill data in 22900  
an electronic fashion from any provider who wishes to submit 22901  
medical bill data in that form. 22902

(3) A computer system able to handle the volume of medical 22903  
bills and willingness to customize that system to the bureau's 22904  
needs and to be operated by the vendor's staff, bureau staff, or 22905  
some combination of both staffs. 22906

(4) A prescription drug system where pharmacies on a 22907  
statewide basis have access to the eligibility and pricing, at a 22908



discounted rate, of all prescription drugs. 22909

(5) A tracking system to record all telephone calls from 22910  
claimants and providers regarding the status of submitted medical 22911  
bills so as to be able to track each inquiry. 22912

(6) Data processing capacity to absorb all of the bureau's 22913  
medical bill processing or at least that part of the processing 22914  
which the bureau arranges to delegate. 22915

(7) Capacity to store, retrieve, array, simulate, and model 22916  
in a relational mode all of the detailed medical bill data so that 22917  
analysis can be performed in a variety of ways and so that the 22918  
bureau and its governing authority can make informed decisions. 22919

(8) Wide variety of software programs which translate medical 22920  
terminology into standard codes, and which reveal if a provider is 22921  
manipulating the procedures codes, commonly called "unbundling." 22922  
22923

(9) Necessary professional staff to conduct, at a minimum, 22924  
authorizations for treatment, medical necessity, utilization 22925  
review, concurrent review, post-utilization review, and have the 22926  
attendant computer system which supports such activity and 22927  
measures the outcomes and the savings. 22928

(10) Management experience and flexibility to be able to 22929  
react quickly to the needs of the bureau in the case of required 22930  
change in federal or state requirements. 22931

(D)(1) Information contained in a vendor's application for 22932  
certification in the health partnership program, and other 22933  
information furnished to the bureau by a vendor for purposes of 22934  
obtaining certification or to comply with performance and 22935  
financial auditing requirements established by the administrator, 22936  
is for the exclusive use and information of the bureau in the 22937  
discharge of its official duties, and shall not be open to the 22938  
public or be used in any court in any proceeding pending therein, 22939

unless the bureau is a party to the action or proceeding, but the  
information may be tabulated and published by the bureau in  
statistical form for the use and information of other state  
departments and the public. No employee of the bureau, except as  
otherwise authorized by the administrator, shall divulge any  
information secured by the employee while in the employ of the  
bureau 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 other than the administrator or to the employee's  
superior.

(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.

(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.

(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.

(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 health partnership program upon the expiration of the certification or recertification as set forth in division (B)(1) or (2) of this section.

(H) The administrator shall establish and operate a bureau of workers' compensation health care data program. ~~The administrator may contract with the Ohio health care data center for such purposes.~~ The administrator shall develop reporting requirements from all employees, employers and medical providers, medical vendors, and plans that participate in the workers' compensation system. The administrator shall do all of the following:

(1) Utilize the collected data to measure and perform comparison analyses of costs, quality, appropriateness of medical care, and effectiveness of medical care delivered by all components of the workers' compensation system.

(2) Compile data to support activities of the selected vendor or vendors and to measure the outcomes and savings of the health partnership program.

(3) Publish and report compiled data to the governor, the speaker of the house of representatives, and the president of the senate on the first day of each January and July, the measures of outcomes and savings of the health partnership program and the qualified health plan system. The administrator shall protect the confidentiality of all proprietary pricing data.

(I) Any rehabilitation facility the bureau operates is 23004  
eligible for inclusion in the Ohio workers' compensation qualified 23005  
health plan system or the health partnership program under the 23006  
same terms as other providers within health care plans or the 23007  
program. 23008

(J) In areas outside the state or within the state where no 23009  
qualified health plan or an inadequate number of providers within 23010  
the health partnership program exist, the administrator shall 23011  
permit employees to use a nonplan or nonprogram health care 23012  
provider and shall pay the provider for the services or supplies 23013  
provided to or on behalf of an employee for an injury or 23014  
occupational disease that is compensable under this chapter or 23015  
Chapter 4123., 4127., or 4131. of the Revised Code on a fee 23016  
schedule the administrator adopts. 23017

(K) No certified health care provider shall charge, assess, 23018  
or otherwise attempt to collect from an employee, employer, a 23019  
managed care organization, or the bureau any amount for covered 23020  
services or supplies that is in excess of the allowed amount paid 23021  
by a managed care organization, the bureau, or a qualified health 23022  
plan. 23023

(L) The administrator shall permit any employer or group of 23024  
employers who agree to abide by the rules adopted under this 23025  
section and sections 4121.441 and 4121.442 of the Revised Code to 23026  
provide services or supplies to or on behalf of an employee for an 23027  
injury or occupational disease that is compensable under this 23028  
chapter or Chapter 4123., 4127., or 4131. of the Revised Code 23029  
through qualified health plans of the Ohio workers' compensation 23030  
qualified health plan system pursuant to section 4121.442 of the 23031  
Revised Code or through the health partnership program pursuant to 23032  
section 4121.441 of the Revised Code. No amount paid under the 23033  
qualified health plan system pursuant to section 4121.442 of the 23034  
Revised Code by an employer who is a state fund employer shall be 23035

charged to the employer's experience or otherwise be used in 23036  
merit-rating or determining the risk of that employer for the 23037  
purpose of the payment of premiums under this chapter, and if the 23038  
employer is a self-insuring employer, the employer shall not 23039  
include that amount in the paid compensation the employer reports 23040  
under section 4123.35 of the Revised Code. 23041

**Sec. 4123.27.** Information contained in the annual statement 23042  
provided for in section 4123.26 of the Revised Code, and such 23043  
other information as may be furnished to the bureau of workers' 23044  
compensation by employers in pursuance of that section, is for the 23045  
exclusive use and information of the bureau in the discharge of 23046  
its official duties, and shall not be open to the public nor be 23047  
used in any court in any action or proceeding pending therein 23048  
unless the bureau is a party to the action or proceeding; but the 23049  
information contained in the statement may be tabulated and 23050  
published by the bureau in statistical form for the use and 23051  
information of other state departments and the public. No person 23052  
in the employ of the bureau, except those who are authorized by 23053  
the administrator of workers' compensation, shall divulge any 23054  
information secured by the person while in the employ of the 23055  
bureau in respect to the transactions, property, claim files, 23056  
records, or papers of the bureau or in respect to the business or 23057  
mechanical, chemical, or other industrial process of any company, 23058  
firm, corporation, person, association, partnership, or public 23059  
utility to any person other than the administrator or to the 23060  
superior of such employee of the bureau. 23061

Notwithstanding the restrictions imposed by this section, the 23062  
governor, select or standing committees of the general assembly, 23063  
the auditor of state, the attorney general, or their designees, 23064  
pursuant to the authority granted in this chapter and Chapter 23065  
4121. of the Revised Code, may examine any records, claim files, 23066  
or papers in possession of the industrial commission or the 23067

bureau. They also are bound by the privilege that attaches to 23068  
these papers. 23069

The administrator shall report to the director of job and 23070  
family services or to the county director of job and family 23071  
services the name, address, and social security number or other 23072  
identification number of any person receiving workers' 23073  
compensation whose name or social security number or other 23074  
identification number is the same as that of a person required by 23075  
a court or child support enforcement agency to provide support 23076  
payments to a recipient or participant of public assistance, and 23077  
whose name is submitted to the administrator by the director under 23078  
section 5101.36 of the Revised Code. The administrator also shall 23079  
inform the director of the amount of workers' compensation paid to 23080  
the person during such period as the director specifies. 23081

Within fourteen days after receiving from the director of job 23082  
and family services a list of the names and social security 23083  
numbers of recipients or participants of public assistance 23084  
pursuant to section 5101.181 of the Revised Code, the 23085  
administrator shall inform the auditor of state of the name, 23086  
current or most recent address, and social security number of each 23087  
person receiving workers' compensation pursuant to this chapter 23088  
whose name and social security number are the same as that of a 23089  
person whose name or social security number was submitted by the 23090  
director. The administrator also shall inform the auditor of state 23091  
of the amount of workers' compensation paid to the person during 23092  
such period as the director specifies. 23093

The bureau and its employees, except for purposes of 23094  
furnishing the auditor of state with information required by this 23095  
section, shall preserve the confidentiality of recipients or 23096  
participants of public assistance in compliance with division (A) 23097  
of section 5101.181 of the Revised Code. 23098

For the purposes of this section, "public assistance" means 23099

medical assistance provided through the medical assistance program 23100  
established under section 5111.01 of the Revised Code, Ohio works 23101  
first provided under Chapter 5107. of the Revised Code, 23102  
prevention, retention, and contingency ~~assistance~~ benefits and 23103  
services provided under Chapter 5108. of the Revised Code, or 23104  
disability assistance provided under Chapter 5115. of the Revised 23105  
Code. 23106

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 23107  
the Revised Code: 23108

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 23109  
fluid ounces. 23110

(2) "Sale" or "sell" includes exchange, barter, gift, 23111  
distribution, and, except with respect to A-4 permit holders, 23112  
offer for sale. 23113

(B) For the purposes of providing revenues for the support of 23114  
the state and encouraging the grape industries in the state, a tax 23115  
is hereby levied on the sale or distribution of wine in Ohio, 23116  
except for known sacramental purposes, at the rate of thirty cents 23117  
per wine gallon for wine containing not less than four per cent of 23118  
alcohol by volume and not more than fourteen per cent of alcohol 23119  
by volume, ninety-eight cents per wine gallon for wine containing 23120  
more than fourteen per cent but not more than twenty-one per cent 23121  
of alcohol by volume, one dollar and eight cents per wine gallon 23122  
for vermouth, and one dollar and forty-eight cents per wine gallon 23123  
for sparkling and carbonated wine and champagne, the tax to be 23124  
paid by the holders of A-2 and B-5 permits or by any other person 23125  
selling or distributing wine upon which no tax has been paid. From 23126  
the tax paid under this section on wine, vermouth, and sparkling 23127  
and carbonated wine and champagne, the treasurer of state shall 23128  
credit to the Ohio grape industries fund created under section 23129  
924.54 of the Revised Code a sum equal to one cent per gallon for 23130

each gallon upon which the tax is paid. 23131

(C) For the purpose of providing revenues for the support of 23132  
the state, there is hereby levied a tax on prepared and bottled 23133  
highballs, cocktails, cordials, and other mixed beverages at the 23134  
rate of one dollar and twenty cents per wine gallon to be paid by 23135  
holders of A-4 permits or by any other person selling or 23136  
distributing those products upon which no tax has been paid. Only 23137  
one sale of the same article shall be used in computing the amount 23138  
of tax due. The tax on mixed beverages to be paid by holders of 23139  
A-4 permits under this section shall not attach until the 23140  
ownership of the mixed beverage is transferred for valuable 23141  
consideration to a wholesaler or retailer, and no payment of the 23142  
tax shall be required prior to that time. 23143

(D) During the period ~~from June 30, 1995, until~~ of July 1, 23144  
2001, through June 30, 2003, from the tax paid under this section 23145  
on wine, vermouth, and sparkling and carbonated wine and 23146  
champagne, the treasurer of state shall credit to the Ohio grape 23147  
industries fund created under section 924.54 of the Revised Code a 23148  
sum equal to two cents per gallon upon which the tax is paid. The 23149  
amount credited under this division is in addition to the amount 23150  
credited to the Ohio grape industries fund under division (B) of 23151  
this section. 23152

(E) For the purpose of providing revenues for the support of 23153  
the state, there is hereby levied a tax on cider at the rate of 23154  
twenty-four cents per wine gallon to be paid by the holders of A-2 23155  
and B-5 permits or by any other person selling or distributing 23156  
cider upon which no tax has been paid. Only one sale of the same 23157  
article shall be used in computing the amount of the tax due. 23158

**Sec. 4504.05.** The moneys received from a county motor vehicle 23159  
license tax shall be allocated and distributed as follows: 23160

(A) First, for payment of the costs and expenses incurred by 23161



the county in the enforcement and administration of the tax; 23162

(B) The remainder of such moneys shall be credited to funds 23163  
as follows: 23164

(1) With respect to county motor vehicle tax moneys received 23165  
under section 4504.02 of the Revised Code, that part of the total 23166  
amount which is in the same proportion to the total as the number 23167  
of motor vehicles registered in the municipal corporations in the 23168  
county that did not levy a municipal motor vehicle license tax 23169  
immediately prior to the adoption of the county motor vehicle 23170  
license tax is to the total number of motor vehicles registered in 23171  
the county in the most recent registration year, shall be placed 23172  
in a separate fund to be allocated and distributed as provided in 23173  
section 4504.04 of the Revised Code. 23174

The remaining portion shall be placed in the county motor 23175  
vehicle license and gasoline tax fund and shall be allocated and 23176  
disbursed only for the purposes specified in section 4504.02 of 23177  
the Revised Code, other than paying all or part of the costs and 23178  
expenses of municipal corporations in constructing, 23179  
reconstructing, improving, maintaining, and repairing highways, 23180  
roads, and streets designated as necessary and conducive to the 23181  
orderly and efficient flow of traffic within and through the 23182  
county pursuant to section 4504.03 of the Revised Code. 23183

(2) With respect to county motor vehicle tax moneys received 23184  
under section 4504.15 of the Revised Code: 23185

(a) That arising from motor vehicles the district of 23186  
registration of which is a municipal corporation within the county 23187  
that is not levying the tax authorized by section 4504.17 of the 23188  
Revised Code shall be allocated fifty per cent to the county and 23189  
fifty per cent to such municipal corporation in an amount equal to 23190  
the amount of the tax per motor vehicle registered during the 23191  
preceding month in that part of the municipal corporation located 23192

within the county. Moneys allocated to a municipal corporation 23193  
under this section shall be paid directly into the treasury of the 23194  
municipal corporation as provided in section 4501.042 of the 23195  
Revised Code and used only for the purposes described in section 23196  
4504.06 of the Revised Code. The first distribution shall be made 23197  
to a municipal corporation under this division in the second month 23198  
after the county motor vehicle license tax is imposed under 23199  
section 4504.15 of the Revised Code. 23200

(b) That arising from motor vehicles the district of 23201  
registration of which is in an unincorporated area of the county 23202  
shall be allocated seventy per cent to the county and thirty per 23203  
cent to the townships in which the owners of the motor vehicles 23204  
reside in an amount equal to the amount of the tax per motor 23205  
vehicle owned by such a resident in each such township and 23206  
registered during the preceding month in the county. The moneys 23207  
allocated to townships shall be paid into the treasuries of the 23208  
townships and shall be used only for the purposes described in 23209  
section 4504.18 of the Revised Code. The first distribution shall 23210  
be made under this division in the second month after the county 23211  
motor vehicle license tax is imposed under section 4504.15 of the 23212  
Revised Code. 23213

(3) With respect to county motor vehicle tax moneys received 23214  
under section 4504.16 of the Revised Code: 23215

(a) That arising from motor vehicles the district of 23216  
registration of which is a municipal corporation within the county 23217  
that is not levying the tax authorized by section 4504.171 of the 23218  
Revised Code shall be allocated to the county; 23219

(b) ~~That~~ Except as otherwise provided in division (B)(3)(b) 23220  
of this section, that arising from motor vehicles the district of 23221  
registration of which is in an unincorporated area of the county 23222  
shall be allocated seventy per cent to the county and thirty per 23223  
cent to the townships in which the owners of the motor vehicles 23224

reside in an amount equal to the amount of the tax per motor 23225  
vehicle owned by such a resident in each such township and 23226  
registered during the preceding month in the county. The 23227

A board of township trustees may pass a resolution requesting 23228  
an increase in the percentage of moneys allocated to the township 23229  
under division (B)(3)(b) of this section and, upon passage, shall 23230  
forward the resolution to the board of county commissioners. 23231  
Within ninety days after receipt of a resolution from a township 23232  
requesting an increase in the percentage of moneys allocated to 23233  
it, a board of county commissioners shall consider and may pass a 23234  
resolution increasing the percentage of moneys allocated to a 23235  
township under division (B)(3)(b) of this section. A board of 23236  
county commissioners also may initiate and pass a resolution 23237  
increasing the percentage of moneys allocated to a township under 23238  
division (B)(3)(b) of this section. If a board of county 23239  
commissioners passes a resolution under division (B)(3)(b) of this 23240  
section, it shall forward the resolution to the county treasurer, 23241  
and the resolution shall continue until revoked by the board of 23242  
county commissioners. The county treasurer shall make the first 23243  
distribution under any new allocation in the second month after 23244  
receiving the resolution. 23245

The moneys allocated to townships shall be paid into the 23246  
treasuries of the townships and shall be used only for the 23247  
purposes described in section 4504.18 of the Revised Code. The 23248  
first distribution shall be made under this division in the second 23249  
month after the county motor vehicle license tax is imposed under 23250  
section 4504.16 of the Revised Code. 23251

**Sec. 4511.81.** (A) When any child who is in either or both of 23252  
the following categories is being transported in a motor vehicle, 23253  
other than a taxicab or public safety vehicle as defined in 23254  
section 4511.01 of the Revised Code, that is registered in this 23255  
state and is required by the United States department of 23256

transportation to be equipped with seat belts at the time of 23257  
manufacture or assembly, the operator of the motor vehicle shall 23258  
have the child properly secured in accordance with the 23259  
manufacturer's instructions in a child restraint system that meets 23260  
federal motor vehicle safety standards: 23261

(1) A child who is less than four years of age; 23262

(2) A child who weighs less than forty pounds. 23263

(B) When any child who is in either or both of the following 23264  
categories is being transported in a motor vehicle, other than a 23265  
taxicab, that is registered in this state and is owned, leased, or 23266  
otherwise under the control of a nursery school, kindergarten, or 23267  
day-care center, the operator of the motor vehicle shall have the 23268  
child properly secured in accordance with the manufacturer's 23269  
instructions in a child restraint system that meets federal motor 23270  
vehicle safety standards: 23271

(1) A child who is less than four years of age; 23272

(2) A child who weighs less than forty pounds. 23273

(C) The director of public safety shall adopt such rules as 23274  
are necessary to carry out this section. 23275

(D) The failure of an operator of a motor vehicle to secure a 23276  
child in a child restraint system as required by this section is 23277  
not negligence imputable to the child, is not admissible as 23278  
evidence in any civil action involving the rights of the child 23279  
against any other person allegedly liable for injuries to the 23280  
child, is not to be used as a basis for a criminal prosecution of 23281  
the operator of the motor vehicle other than a prosecution for a 23282  
violation of this section, and is not admissible as evidence in 23283  
any criminal action involving the operator of the motor vehicle 23284  
other than a prosecution for a violation of this section. 23285

(E) This section does not apply when an emergency exists that 23286  
threatens the life of any person operating a motor vehicle and to 23287

whom this section otherwise would apply or the life of any child 23288  
who otherwise would be required to be restrained under this 23289  
section. 23290

(F) If a person who is not a resident of this state is 23291  
charged with a violation of division (A) or (B) of this section 23292  
and does not prove to the court, by a preponderance of the 23293  
evidence, that the person's use or nonuse of a child restraint 23294  
system was in accordance with the law of the state of which the 23295  
person is a resident, the court shall impose the fine levied by 23296  
division (H)(2) of section 4511.99 of the Revised Code. 23297

(G) There is hereby created in the state treasury the "child 23298  
highway safety fund," consisting of fines imposed pursuant to 23299  
divisions (H)(1) and (2) of section 4511.99 of the Revised Code 23300  
for violations of divisions (A) and (B) of this section. The money 23301  
in the fund shall be used by the department of health only to 23302  
defray the cost of ~~verifying~~ designating hospitals as pediatric 23303  
trauma centers under section ~~3702.161~~ 3727.081 of the Revised Code 23304  
and to establish and administer a child highway safety program. 23305  
The purpose of the program shall be to educate the public about 23306  
child restraint systems generally and the importance of their 23307  
proper use. The program also shall include a process for providing 23308  
child restraint systems to persons who meet the eligibility 23309  
criteria established by the department, and a toll-free telephone 23310  
number the public may utilize to obtain information about child 23311  
restraint systems and their proper use. 23312

The director of health, in accordance with Chapter 119. of 23313  
the Revised Code, shall adopt any rules necessary to carry out 23314  
this section, including rules establishing the criteria a person 23315  
must meet in order to receive a child restraint system under the 23316  
department's child restraint system program; provided that rules 23317  
relating to the verification of pediatric trauma centers shall not 23318  
be adopted under this section. 23319

Sec. 4701.10. (A) The accountancy board, upon application, 23320  
shall issue Ohio permits to practice public accounting to holders 23321  
of the CPA certificate of certified public accountant issued under 23322  
section 4701.06 or 4701.061 of the Revised Code and to persons 23323  
registered under sections 4701.07 and 4701.09 of the Revised Code 23324  
or the PA registration. Subject to division ~~(D)~~(H)(1) of this 23325  
section, there shall be a triennial Ohio permit fee in an amount 23326  
to be determined by the board not to exceed one hundred fifty 23327  
dollars. All Ohio permits shall expire on the last day of December 23328  
of the year assigned by the board and, subject to division 23329  
~~(D)~~(H)(1) of this section, shall be renewed triennially for a 23330  
period of three years by certificate holders and registrants in 23331  
good standing upon payment of a triennial renewal fee not to 23332  
exceed one hundred fifty dollars. ~~For the purpose of implementing~~ 23333  
~~this section and enforcing section 4701.11 of the Revised Code,~~ 23334  
~~the board may issue an Ohio permit for less than three years'~~ 23335  
~~duration. A prorated fee shall be determined by the board for that~~ 23336  
~~Ohio permit.~~ 23337

(B) The accountancy board may issue Ohio registrations to 23338  
holders of the CPA certificate and the PA registration who are not 23339  
engaged in the practice of public accounting. Such persons shall 23340  
not convey to the general public that they are actively engaged in 23341  
the practice of public accounting in this state. Subject to 23342  
division (H)(1) of this section, there shall be a triennial Ohio 23343  
registration fee in an amount to be determined by the board but 23344  
not exceeding fifty-five dollars. All Ohio registrations shall 23345  
expire on the last day of December of the year assigned by the 23346  
board and, subject to division (H)(1) of this section, shall be 23347  
renewed triennially for a period of three years upon payment by 23348  
certificate holders and registrants in good standing of a renewal 23349  
fee not to exceed fifty-five dollars. 23350

(C) Any person who receives a CPA certificate and who applies 23351

for an initial Ohio permit or Ohio registration more than sixty 23352  
days after issuance of the CPA certificate may, at the board's 23353  
discretion, be subject to a late filing fee not exceeding one 23354  
hundred dollars. 23355

(D) Any person to whom the board has issued an Ohio permit 23356  
who is engaged in the practice of public accounting and who fails 23357  
to renew the permit by the expiration date shall be subject to a 23358  
late filing fee not exceeding one hundred dollars for each full 23359  
month or part of a month after the expiration date in which such 23360  
person did not possess a permit, up to a maximum of one thousand 23361  
two hundred dollars. The board may waive or reduce the late filing 23362  
fee for just cause upon receipt of a written request from such 23363  
person. 23364

(E) Any person to whom the board has issued an Ohio permit or 23365  
Ohio registration who is not engaged in the practice of public 23366  
accounting and who fails to renew the permit or registration by 23367  
the expiration date shall be subject to a late filing fee not 23368  
exceeding fifty dollars for each full month or part of a month 23369  
after the expiration date in which such person did not possess a 23370  
permit or registration, up to a maximum of three hundred dollars. 23371  
The board may waive or reduce the late filing fee for just cause 23372  
upon receipt of a written request from such person. 23373

(F) Failure of any a CPA certificate holder or registrant PA 23374  
registration holder to apply for a ~~triennial~~ either an Ohio permit 23375  
to practice or an Ohio registration within ~~three years~~ one year 23376  
from the expiration date of the Ohio permit to practice or Ohio 23377  
registration last obtained or renewed, or ~~three years~~ one year 23378  
from the date upon which the CPA certificate holder or registrant 23379  
was granted a CPA certificate or registration, shall result in 23380  
suspension of the CPA certificate or PA registration until all 23381  
fees required under divisions (D) and (E) of this section have 23382  
been paid, unless the board determines the failure to have been 23383

due to excusable neglect. In that case, the ~~renewal fee or the fee~~ 23384  
for the issuance or renewal of the ~~original~~ Ohio permit or Ohio 23385  
registration, as the case may be, shall be the amount that the 23386  
board shall determine, but not in excess of fifty dollars plus the 23387  
fee for each triennial period or part of a period the certificate 23388  
holder or registrant did not have either an Ohio permit or an Ohio 23389  
registration. 23390

~~(B) All certificate holders and registrants who are not in~~ 23391  
~~the practice of public accounting in this state shall register~~ 23392  
~~with the board every three years at a fee, not to exceed~~ 23393  
~~fifty-five dollars, established by the board. Such persons shall~~ 23394  
~~not convey to the general public that they are actively engaged in~~ 23395  
~~the practice of public accounting in this state.~~ 23396

~~(C)(G) The board shall suspend the certificate or~~ 23397  
~~registration of any person failing to obtain an Ohio permit in~~ 23398  
~~accordance with this section, except that the board by rule may~~ 23399  
exempt persons from the requirement of holding an Ohio permit or 23400  
Ohio registration for specified reasons, including, but not 23401  
limited to, retirement, health reasons, military service, foreign 23402  
residency, or other just cause. 23403

~~(D)(H)(1) On and after January 1, 1995, the The board, by~~ 23404  
~~rule adopted in accordance with Chapter 119. of the Revised Code,~~ 23405  
~~shall increase:~~ 23406

(a) May provide for the issuance of Ohio permits and Ohio 23407  
registrations for less than three years' duration at prorated 23408  
fees; 23409

(b) Shall add a surcharge to the triennial Ohio permit and 23410  
renewal Ohio registration fee imposed pursuant to this section by 23411  
of at least fifteen dollars but no more than thirty dollars for a 23412  
three-year Ohio permit or Ohio registration, at least ten dollars 23413  
but no more than twenty dollars for a two-year Ohio permit or Ohio 23414  
registration, and at least five dollars but no more than ten 23415



dollars for a one-year Ohio permit or Ohio registration. 23416

(2) ~~Beginning with the first quarter of 1995 and each~~ Each 23417  
~~quarter thereafter,~~ the board, for the purpose provided in section 23418  
4743.05 of the Revised Code, shall certify to the director of 23419  
budget and management the number of ~~triennial~~ Ohio permits and 23420  
Ohio registrations issued or renewed under this chapter during the 23421  
preceding quarter and the amount equal to that number times the 23422  
amount ~~by which~~ of the triennial surcharge added to each Ohio 23423  
permit and ~~renewal~~ Ohio registration fee ~~is increased~~ by the board 23424  
under division ~~(D)~~(H)(1) of this section. 23425

**Sec. 4701.16.** (A) After notice and hearing as provided in 23426  
Chapter 119. of the Revised Code, the accountancy board may 23427  
discipline as described in division (B) of this section a person 23428  
holding an Ohio permit, an Ohio registration, a firm registration, 23429  
a CPA certificate, or a PA registration or any other person whose 23430  
activities are regulated by the board for any one or any 23431  
combination of the following causes: 23432

(1) Fraud or deceit in obtaining a firm registration or in 23433  
obtaining a CPA certificate, a PA registration, an Ohio permit, or 23434  
an Ohio registration; 23435

(2) Dishonesty, fraud, or gross negligence in the practice of 23436  
public accounting; 23437

(3) Violation of any of the provisions of section 4701.14 of 23438  
the Revised Code; 23439

(4) Violation of a rule of professional conduct promulgated 23440  
by the board under the authority granted by this chapter; 23441

(5) Conviction of a felony under the laws of any state or of 23442  
the United States; 23443

(6) Conviction of any crime, an element of which is 23444  
dishonesty or fraud, under the laws of any state or of the United 23445

States;	23446
(7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant, a public accountant, or a public accounting firm by any other state, for any cause other than failure to pay registration fees in that other state;	23447 23448 23449 23450 23451
(8) Suspension or revocation of the right to practice before any state or federal agency;	23452 23453
(9) Failure of a holder of a CPA certificate or PA registration to obtain an Ohio permit or an Ohio registration, or the failure of a public accounting firm to obtain a firm registration;	23454 23455 23456 23457
(10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate;	23458 23459 23460
(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code.	23461 23462
(B) For any of the reasons specified in division (A) of this section, the board may do any of the following:	23463 23464
(1) Revoke, suspend, or refuse to renew any CPA certificate or PA registration or any Ohio permit, Ohio registration, or firm registration;	23465 23466 23467
(2) Disqualify a person who is not a holder of an Ohio permit or a foreign certificate from owning an equity interest in a public accounting firm or qualified firm;	23468 23469 23470
(3) Publicly censure a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration;	23471 23472 23473
(4) Levy against a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio	23474 23475

registration a penalty or fine not to exceed ~~one~~ five thousand 23476  
dollars for each offense. Any fine shall be reasonable and in 23477  
relation to the severity of the offense. 23478

(5) In the case of violations of division (A)(2) or (4) of 23479  
this section, require completion of remedial continuing education 23480  
programs prescribed by the board in addition to those required by 23481  
section 4701.11 of the Revised Code; 23482

(6) In the case of violations of division (A)(2) or (4) of 23483  
this section, require the holder of a CPA certificate, PA 23484  
registration, or firm registration to submit to a peer review by a 23485  
professional committee designated by the board, which committee 23486  
shall report to the board concerning that holder's compliance with 23487  
generally accepted accounting principles, generally accepted 23488  
auditing standards, or other generally accepted technical 23489  
standards; 23490

(7) Revoke or suspend the privileges to offer or render 23491  
attest services in this state or to use a CPA title or designation 23492  
in this state of an individual who holds a foreign certificate. 23493

(C) If the board levies a fine against or suspends the 23494  
certificate of a person or registration of a person or firm for a 23495  
violation of division (A)(2) or (4) of this section, it may waive 23496  
all or any portion of the fine or suspension if the holder of the 23497  
CPA certificate, PA registration, or firm registration complies 23498  
fully with division (B)(5) or (6) of this section. 23499

**Sec. 4713.10.** The state board of cosmetology shall charge and 23500  
collect the following fees: 23501

(A) For application to take the examination for a license to 23502  
practice cosmetology, or any branch thereof, twenty-one dollars; 23503

(B) For the re-examination of any applicant who has 23504  
previously failed to pass the examination, ~~fourteen~~ twenty-one 23505

dollars;	23506
(C) For the issuance or renewal of a cosmetology, manicurist, or esthetics instructor's license, thirty dollars;	23507 23508
(D) For the issuance or renewal of a managing cosmetologist's, managing manicurist's, or managing esthetician's license, thirty dollars;	23509 23510 23511
(E) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;	23512 23513
(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;	23514 23515 23516 23517
(G) For the renewal of a beauty salon, nail salon, or esthetics salon license, fifty dollars;	23518 23519
(H) For the issuance or renewal of a cosmetologist's, manicurist's, or esthetician's license, thirty dollars;	23520 23521
(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;	23522 23523 23524
(J) For the issuance of a license under section 4713.09 of the Revised Code, sixty dollars;	23525 23526
(K) For the issuance of a duplicate of any license, fifteen dollars;	23527 23528
(L) For the preparation and mailing of a licensee's records to another state for a reciprocity license, fifty dollars;	23529 23530
(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.	23531 23532 23533
Each applicant shall, in addition to the fees specified,	23534

furnish the applicant's own models. 23535

**Sec. 4715.03.** (A) The state dental board shall organize by 23536  
the election from its members of a president and a secretary. It 23537  
shall hold meetings monthly at least eight months a year at such 23538  
times and places as the board designates. A majority of the 23539  
members of the board shall constitute a quorum. The board shall 23540  
make such reasonable rules as it determines necessary pursuant to 23541  
Chapter 119. of the Revised Code. 23542

(B) A concurrence of a majority of the members of the board 23543  
shall be required to grant, refuse, suspend, place on probationary 23544  
status, revoke, refuse to renew, or refuse to reinstate a license 23545  
or censure a license holder. 23546

(C) The board shall adopt rules establishing standards for 23547  
the safe practice of dentistry and dental hygiene by qualified 23548  
practitioners and shall, through its policies and activities, 23549  
promote such practice. 23550

The board shall adopt rules in accordance with Chapter 119. 23551  
of the Revised Code establishing universal blood and body fluid 23552  
precautions that shall be used by each person licensed under this 23553  
chapter who performs exposure prone invasive procedures. The rules 23554  
shall define and establish requirements for universal blood and 23555  
body fluid precautions that include the following: 23556

(1) Appropriate use of hand washing; 23557

(2) Disinfection and sterilization of equipment; 23558

(3) Handling and disposal of needles and other sharp 23559  
instruments; 23560

(4) Wearing and disposal of gloves and other protective 23561  
garments and devices. 23562

(D) The board shall administer and enforce the provisions of 23563

this chapter. The board shall investigate evidence which appears 23564  
to show that any person has violated any provision of this 23565  
chapter. Any person may report to the board under oath any 23566  
information such person may have appearing to show a violation of 23567  
any provision of this chapter. In the absence of bad faith, any 23568  
person who reports such information or who testifies before the 23569  
board in any disciplinary proceeding conducted pursuant to Chapter 23570  
119. of the Revised Code is not liable for civil damages as a 23571  
result of ~~his~~ making the report or providing testimony. If after 23572  
investigation the board determines that there are reasonable 23573  
grounds to believe that a violation of this chapter has occurred, 23574  
the board shall conduct disciplinary proceedings pursuant to 23575  
Chapter 119. of the Revised Code or provide for a license holder 23576  
to participate in the quality intervention program established 23577  
under section 4715.031 of the Revised Code. The board shall not 23578  
dismiss any complaint or terminate any investigation except by a 23579  
majority vote of its members. For the purpose of any disciplinary 23580  
proceeding or any investigation conducted ~~prior to a disciplinary~~ 23581  
~~proceeding~~ under this division, the board may administer oaths, 23582  
order the taking of depositions, issue subpoenas, compel the 23583  
attendance and testimony of persons at depositions and compel the 23584  
production of books, accounts, papers, documents, or other 23585  
tangible things. The hearings and investigations of the board 23586  
shall be considered civil actions for the purposes of section 23587  
2305.251 of the Revised Code. Notwithstanding section 121.22 of 23588  
the Revised Code, proceedings of the board relative to the 23589  
investigation of a complaint or the determination whether there 23590  
are reasonable grounds to believe that a violation of this chapter 23591  
has occurred are confidential and are not subject to discovery in 23592  
any civil action. 23593

(E) The board shall examine or cause to be examined eligible 23594  
applicants to practice dentistry and dental hygiene. The board may 23595

distinguish by rule different classes of qualified personnel 23596  
according to skill levels and require all or only certain of these 23597  
classes of qualified personnel to be examined and certified by the 23598  
board. 23599

(F) In accordance with Chapter 119. of the Revised Code, the 23600  
board shall adopt, and may amend or rescind, rules establishing 23601  
the eligibility criteria, the application and permit renewal 23602  
procedures, and safety standards applicable to a dentist licensed 23603  
under this chapter who applies for a permit to employ or use 23604  
conscious intravenous sedation. These rules shall include all of 23605  
the following: 23606

(1) The eligibility requirements and application procedures 23607  
for an eligible dentist to obtain a conscious intravenous sedation 23608  
permit; 23609

(2) The minimum educational and clinical training standards 23610  
required of applicants, which shall include satisfactory 23611  
completion of an advanced cardiac life support course; 23612

(3) The facility equipment and inspection requirements; 23613

(4) Safety standards; 23614

(5) Requirements for reporting adverse occurrences. 23615

**Sec. 4715.031.** (A) The state dental board shall develop and 23616  
implement a quality intervention program. The board may propose 23617  
that the holder of a license issued by the board participate in 23618  
the program if the board determines pursuant to an investigation 23619  
conducted under section 4715.03 of the Revised Code that there are 23620  
reasonable grounds to believe the license holder has violated a 23621  
provision of this chapter due to a clinical or communication 23622  
problem that could be improved through participation in the 23623  
program and determines that the license holder's participation in 23624  
the program is appropriate. The board shall refer a license holder 23625

who agrees to participate in the program to an educational and  
assessment service provider selected by the board.

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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.

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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.

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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.

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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:

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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;

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(B) For license by endorsement, one hundred ~~forty-one~~ ninety 23656  
dollars if issued in an odd-numbered year or ~~two~~ three hundred 23657  
~~thirty-five~~ seventeen dollars if issued in an even-numbered year; 23658

(C) For duplicate license, to be granted upon proof of loss 23659  
of the original, ~~fifteen~~ twenty dollars; 23660

(D) For a general anesthesia permit, ~~ninety-four~~ one hundred 23661  
twenty-seven dollars; 23662

(E) For a conscious intravenous sedation permit, ~~ninety-four~~ 23663  
one hundred twenty-seven dollars. 23664

The fee in division (A) of this section may be refunded to an 23665  
applicant who is unavoidably prevented from attending the 23666  
examination, or the applicant may be examined at the next regular 23667  
or special meeting of the board without an additional fee. 23668

An applicant who fails the first examination may be 23669  
re-examined at the next regular or special meeting of the board 23670  
without an additional fee. 23671

**Sec. 4715.14.** (A) Each person who is licensed to practice 23672  
dentistry in Ohio shall, on or before the first day of January of 23673  
each even-numbered year, register with the state dental board. The 23674  
registration shall be made on a form prescribed by the board and 23675  
furnished by the secretary, shall include the licensee's name, 23676  
address, license number, and such other reasonable information as 23677  
the board may consider necessary, and shall include payment of a 23678  
biennial registration fee of ~~one~~ two hundred ~~sixty-three~~ twenty 23679  
dollars. This fee shall be paid to the treasurer of state. All 23680  
such registrations shall be in effect for the two-year period 23681  
beginning on the first day of January of the even-numbered year 23682  
and ending on the last day of December of the following 23683  
odd-numbered year, and shall be renewed in accordance with the 23684  
standard renewal procedure of sections 4745.01 to 4745.03 of the 23685

Revised Code. The failure of a licensee to renew the licensee's 23686  
registration in accordance with this section shall result in an 23687  
automatic suspension of the licensee's license to practice 23688  
dentistry. 23689

(B) Any dentist whose license has been suspended under this 23690  
section may be reinstated by the payment of the biennial 23691  
registration fee and in addition thereto ~~sixty~~ eighty-one dollars 23692  
to cover costs of the reinstatement; excepting that to any 23693  
licensed dentist who desires to temporarily retire from practice, 23694  
and who has given the board notice in writing to that effect, the 23695  
board shall grant such a retirement, provided only that at that 23696  
time all previous registration fees and additional costs of 23697  
reinstatement have been paid. 23698

(C) Each dentist licensed to practice, whether a resident or 23699  
not, shall notify the secretary in writing of any change in the 23700  
dentist's office address or employment within ten days after such 23701  
change has taken place. On the first day of July of every 23702  
even-numbered year, the secretary shall issue a printed roster of 23703  
the names and addresses so registered. 23704

**Sec. 4715.16.** (A) Upon payment of a fee of ~~seven~~ ten dollars 23705  
~~and fifty cents~~, the state dental board may without examination 23706  
issue a limited resident's license to any person who is a graduate 23707  
of a dental college, is authorized to practice in another state or 23708  
country or qualified to take the regular licensing examination in 23709  
this state, and furnishes the board satisfactory proof of having 23710  
been appointed a dental resident at an accredited dental college 23711  
in this state or at an accredited program of a hospital in this 23712  
state, but has not yet been licensed as a dentist by the board. 23713  
Any person receiving a limited resident's license may practice 23714  
dentistry only in connection with programs operated by the dental 23715  
college or hospital at which the person is appointed as a resident 23716  
as designated on the person's limited resident's license, and only 23717

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 23750  
temporary limited continuing education license to a resident of a 23751  
state other than Ohio who is licensed to practice dentistry in 23752  
such state and is in good standing, is a graduate of an accredited 23753  
dental college, and is registered to participate in the endorsing 23754  
practicum. The determination of whether a dentist is in good 23755  
standing shall be made by the board. 23756

A dentist holding a temporary limited continuing education 23757  
license may practice dentistry only on residents of the state in 23758  
which the dentist is permanently licensed or on patients referred 23759  
by a dentist licensed pursuant to section 4715.12 or 4715.15 of 23760  
the Revised Code to an instructing dentist licensed pursuant to 23761  
one of those sections, and only while participating in a required 23762  
clinical exercise of the endorsing practicum on the premises of 23763  
the facility where the practicum is being conducted. 23764

Practice under a temporary limited continuing education 23765  
license shall be under the direct supervision and full 23766  
professional responsibility of an instructing dentist licensed 23767  
pursuant to section 4715.12 or 4715.15 of the Revised Code, shall 23768  
be limited to the performance of those procedures necessary to 23769  
complete the endorsing practicum, and shall not exceed thirty days 23770  
of actual patient treatment in any year. 23771

(3) A director of a continuing dental education practicum who 23772  
endorses an application for a temporary limited continuing 23773  
education license shall, prior to making the endorsement, notify 23774  
the state dental board in writing of the identity of the sponsors 23775  
and the faculty of the practicum and the dates and locations at 23776  
which it will be offered. The notice shall also include a brief 23777  
description of the course of instruction. The board may prohibit a 23778  
continuing dental education practicum from endorsing applications 23779  
for temporary limited continuing education licenses if the board 23780  
determines that the practicum is engaged in activities that 23781

constitute a threat to public health and safety or do not 23782  
constitute bona fide continuing dental education, or that the 23783  
practicum permits activities which otherwise violate this chapter. 23784  
Any continuing dental education practicum prohibited from 23785  
endorsing applications may request an adjudication pursuant to 23786  
Chapter 119. of the Revised Code. 23787

A temporary limited continuing education license shall be 23788  
valid only when the dentist is participating in the endorsing 23789  
continuing dental education practicum and shall expire at the end 23790  
of one year. If the dentist fails to complete the endorsing 23791  
practicum in one year, the board may, upon the dentist's 23792  
application and payment of a fee of seventy-five dollars, renew 23793  
the temporary limited continuing education license for a 23794  
consecutive one-year period. Only two renewals may be granted. The 23795  
holder of a temporary limited continuing education license may be 23796  
disciplined by the board pursuant to section 4715.30 of the 23797  
Revised Code. 23798

(D) The board shall act either to approve or to deny any 23799  
application for a limited license pursuant to division (A), (B), 23800  
or (C) of this section not later than sixty days of the date the 23801  
board receives the application. 23802

**Sec. 4715.21.** Each person who desires to practice as a dental 23803  
hygienist shall file with the secretary of the state dental board 23804  
a written application for a license, under oath, upon the form 23805  
prescribed. Such applicant shall furnish satisfactory proof of 23806  
being at least eighteen years of age and of good moral character. 23807  
An applicant shall present a diploma or certificate of graduation 23808  
from an accredited dental hygiene school and shall pay the 23809  
examination fee of ~~seventy-one~~ ninety-six dollars if the license 23810  
is issued in an odd-numbered year or one hundred ~~nine~~ forty-seven 23811  
dollars if issued in an even-numbered year. Those passing such 23812

examination as the board prescribes relating to dental hygiene 23813  
shall receive a certificate of registration entitling them to 23814  
practice. If an applicant fails to pass the first examination the 23815  
applicant may apply for a re-examination at the next regular or 23816  
special examination meeting of the board. 23817

No applicant shall be admitted to more than two examinations 23818  
without first presenting satisfactory proof that the applicant has 23819  
successfully completed such refresher courses in an accredited 23820  
dental hygiene school as the state dental board may prescribe. 23821

An accredited dental hygiene school shall be one accredited 23822  
by the council on dental education of the American dental 23823  
association or whose educational standards are recognized by the 23824  
council on dental education of the American dental association and 23825  
approved by the state dental board. 23826

**Sec. 4715.24.** (A) Each person who is licensed to practice as 23827  
a dental hygienist in Ohio shall, on or before the first day of 23828  
January of each even-numbered year, register with the state dental 23829  
board. The registration shall be made on a form prescribed by the 23830  
board and furnished by the secretary, shall include the licensee's 23831  
name, address, license number, and such other reasonable 23832  
information as the board may consider necessary, and shall include 23833  
payment of a biennial registration fee of ~~seventy-five~~ one hundred 23834  
one dollars. This fee shall be paid to the treasurer of state. All 23835  
such registrations shall be in effect for the two-year period 23836  
beginning on the first day of January of each even-numbered year 23837  
and ending on the last day of December of the following 23838  
odd-numbered year, and shall be renewed in accordance with the 23839  
standard renewal procedure of sections 4745.01 to 4745.03 of the 23840  
Revised Code. The failure of a licensee to renew registration in 23841  
accordance with this section shall result in the automatic 23842  
suspension of the licensee's license to practice as a dental 23843  
hygienist. 23844

(B) Any dental hygienist whose license has been suspended 23845  
under this section may be reinstated by the payment of the 23846  
biennial registration fee and in addition thereto ~~twenty-three~~ 23847  
thirty-one dollars to cover the costs of reinstatement. 23848

(C) The license of a dental hygienist shall be exhibited in a 23849  
conspicuous place in the room in which the dental hygienist 23850  
practices. Each dental hygienist licensed to practice, whether a 23851  
resident or not, shall notify the secretary in writing of any 23852  
change in the dental hygienist's office address or employment 23853  
within ten days after the change takes place. 23854

**Sec. 4715.27.** The state dental board may issue a license to 23855  
an applicant who furnishes satisfactory proof of being at least 23856  
eighteen years of age, of good moral character and who 23857  
demonstrates, to the satisfaction of the board, knowledge of the 23858  
laws, regulations, and rules governing the practice of a dental 23859  
hygienist; who proves, to the satisfaction of the board, intent to 23860  
practice as a dental hygienist in this state; who is a graduate 23861  
from an accredited school of dental hygiene and who holds a 23862  
license by examination from a similar dental board, and who passes 23863  
an examination as prescribed by the board relating to dental 23864  
hygiene. 23865

Upon payment of ~~forty-three~~ fifty-eight dollars and upon 23866  
application endorsed by an accredited dental hygiene school in 23867  
this state, the state dental board may without examination issue a 23868  
teacher's certificate to a dental hygienist, authorized to 23869  
practice in another state or country. A teacher's certificate 23870  
shall be subject to annual renewal in accordance with the standard 23871  
renewal procedure of sections 4745.01 to 4745.03 of the Revised 23872  
Code, and shall not be construed as authorizing anything other 23873  
than teaching or demonstrating the skills of a dental hygienist in 23874  
the educational programs of the accredited dental hygiene school 23875

which endorsed the application. 23876

**Sec. 4717.02.** (A) There is hereby created the board of 23877  
embalmers and funeral directors consisting of seven members to be 23878  
appointed by the governor with the advice and consent of the 23879  
senate. ~~Four~~ Five members shall be licensed embalmers and 23880  
practicing funeral directors, each with at least ten consecutive 23881  
years of experience in this state immediately preceding the date 23882  
of the person's appointment. ~~One member;~~ one of these members 23883  
shall be knowledgeable and experienced in operating a crematory 23884  
~~and is not required to be, but may be, a licensed embalmer or~~ 23885  
~~funeral director.~~ Two members shall represent the public; at least 23886  
one of ~~the two~~ these members shall be at least sixty years of age. 23887  
23888

(B) Terms of office are for five years, commencing on the 23889  
first day of July and ending on the last day of June. Each member 23890  
shall hold office from the date of the member's appointment until 23891  
the end of the term for which the member was appointed. Before 23892  
entering upon the duties of the office, each member shall take and 23893  
file with the secretary of state an oath of office as required by 23894  
Section 7 of Article XV, Ohio Constitution. 23895

(C) The governor may remove a member of the board for neglect 23896  
of duty, incompetency, or immoral conduct. Vacancies shall be 23897  
filled in the manner provided for original appointments. Any 23898  
member appointed to fill a vacancy occurring prior to the 23899  
expiration date of the term for which the member's predecessor was 23900  
appointed shall hold office as a member for the remainder of that 23901  
term. A member shall continue in office subsequent to the 23902  
expiration date of the member's term until the member's successor 23903  
takes office, or until a period of sixty days has elapsed, 23904  
whichever occurs first. 23905

(D) Each member of the board shall receive an amount fixed 23906



under division (J) of section 124.15 of the Revised Code for each 23907  
day, not to exceed sixty days per year, employed in the discharge 23908  
of the member's duties as a board member, together with any 23909  
necessary expenses incurred in the performance of those duties. 23910

**Sec. 4717.07.** (A) The board of embalmers and funeral 23911  
directors shall charge and collect the following fees: 23912

(1) For the issuance of an initial embalmer's or funeral 23913  
director's license, five dollars; 23914

(2) For the issuance of an embalmer or funeral director 23915  
registration, twenty-five dollars; 23916

(3) For filing an embalmer or funeral director certificate of 23917  
apprenticeship, ten dollars; 23918

(4) For the application to take the examination for a license 23919  
to practice as an embalmer or funeral director, or to retake a 23920  
section of the examination, thirty-five dollars; 23921

(5) For the biennial renewal of an embalmer's or funeral 23922  
director's license, ~~sixty~~ one hundred twenty dollars; 23923

(6) For the initial issuance ~~and renewal~~ of a license to 23924  
operate a funeral home, one hundred twenty-five dollars and 23925  
biennial renewal of a license to operate a funeral home, two 23926  
hundred fifty dollars; 23927

(7) For the reinstatement of a lapsed embalmer's or funeral 23928  
director's license, the renewal fee prescribed in division (A)(5) 23929  
of this section plus fifty dollars for each month or portion of a 23930  
month the license is lapsed until reinstatement; 23931

(8) For the reinstatement of a lapsed license to operate a 23932  
funeral home, the renewal fee prescribed in division (A)(6) of 23933  
this section plus fifty dollars for each month or portion of a 23934  
month the license is lapsed until reinstatement; 23935

(9) For the initial issuance ~~and renewal~~ of a license to 23936  
operate an embalming facility, one hundred dollars and biennial 23937  
renewal of a license to operate an embalming facility, two hundred 23938  
dollars; 23939

(10) For the reinstatement of a lapsed license to operate an 23940  
embalming facility, the renewal fee prescribed in division (A)(9) 23941  
of this section plus fifty dollars for each month or portion of a 23942  
month the license is lapsed until reinstatement; 23943

(11) For the initial issuance ~~and renewal~~ of a license to 23944  
operate a crematory facility, one hundred dollars and biennial 23945  
renewal of a license to operate a crematory facility, two hundred 23946  
dollars; 23947

(12) For the reinstatement of a lapsed license to operate a 23948  
crematory facility, the renewal fee prescribed in division (A)(11) 23949  
of this section plus fifty dollars for each month or portion of a 23950  
month the license is lapsed until reinstatement; 23951

(13) For the issuance of a duplicate of a license issued 23952  
under this chapter, four dollars. 23953

(B) In addition to the fees set forth in division (A) of this 23954  
section, an applicant shall pay the examination fee assessed by 23955  
any examining agency the board uses for any section of an 23956  
examination required under this chapter. 23957

(C) Subject to the approval of the controlling board, the 23958  
board of embalmers and funeral directors may establish fees in 23959  
excess of the amounts set forth in this section, provided that 23960  
these fees do not exceed the amounts set forth in this section by 23961  
more than fifty per cent. 23962

**Sec. 4717.08.** (A) Every license issued under this chapter 23963  
expires on the last day of December of ~~the~~ each even-numbered year 23964  
~~of its issuance~~ and shall be renewed on or before that date 23965

according to the standard license renewal procedure set forth in 23966  
Chapter 4745. of the Revised Code. Licenses not renewed by the 23967  
last day of December of each even-numbered year are lapsed. 23968

(B) A holder of a lapsed license to operate a funeral home, 23969  
license to operate an embalming facility, or license to operate a 23970  
crematory facility may reinstate the license with the board by 23971  
paying the lapsed license fee established under section 4717.07 of 23972  
the Revised Code. 23973

(C) A holder of a lapsed embalmer's or funeral director's 23974  
license may reinstate the license with the board by paying the 23975  
lapsed license fee established under section 4717.07 of the 23976  
Revised Code, except that if the license is lapsed for more than 23977  
one hundred eighty days after its expiration date, the holder also 23978  
shall take and pass the Ohio laws examination for each license as 23979  
a condition for reinstatement. 23980

**Sec. 4717.09.** (A) Every two years, licensed embalmers and 23981  
funeral directors shall attend between twelve and thirty hours of 23982  
educational programs as a condition for renewal of their licenses. 23983  
The board of embalmers and funeral directors shall ~~determine, by~~ 23984  
~~rule, the educational programs that meet the continuing education~~ 23985  
~~requirements and the number of hours a licensee shall attend~~ adopt 23986  
rules governing the administration and enforcement of the 23987  
continuing education requirements of this section. The board may 23988  
contract with a professional organization or association or other 23989  
third party to assist it in performing functions necessary to 23990  
administer and enforce the continuing education requirements of 23991  
this section. A professional organization or association or other 23992  
third party with whom the board so contracts may charge a 23993  
reasonable fee for performing these functions to licensees or to 23994  
the persons who provide continuing education programs. 23995

(B) A person holding both an embalmer's license and a funeral 23996

director's license need meet only the continuing education 23997  
requirements established by the board for one or the other of 23998  
those licenses in order to satisfy the requirement of division (A) 23999  
of this section. 24000

(C) The board shall not renew the license of a licensee who 24001  
fails to meet the continuing education requirements of this 24002  
section and who has not been granted a waiver or exemption under 24003  
division (D) of this section. 24004

(D) Any licensee who fails to meet the continuing education 24005  
requirements of this section because of undue hardship or 24006  
disability, or who is not actively engaged in the practice of 24007  
funeral directing or embalming in this state, may apply to the 24008  
board for a waiver or an exemption. The board shall determine, by 24009  
rule, the procedures for applying for a waiver or an exemption 24010  
from continuing education requirements under this section and 24011  
under what conditions a waiver or an exemption may be granted. 24012

Sec. 4723.062. The board of nursing may solicit and accept 24013  
grants and services to develop and maintain a program that 24014  
addresses patient safety and health care issues related to the 24015  
supply of and demand for nurses and other health care workers. The 24016  
board shall not solicit or accept a grant or service that 24017  
interferes with the board's independence or objectivity. 24018

All money received by the board under this section shall be 24019  
deposited into the nursing special issue fund which is hereby 24020  
created in the state treasury. The board shall use money in the 24021  
fund to pay the costs it incurs in implementing this section. 24022

**Sec. 4723.08.** (A) The board of nursing may impose fees not to 24023  
exceed the following limits: 24024

(1) For application for licensure by examination to practice 24025  
nursing as a registered nurse or as a licensed practical nurse, 24026

fifty dollars;	24027
(2) For application for licensure by endorsement to practice nursing as a registered nurse or as a licensed practical nurse, fifty dollars;	24028 24029 24030
(3) For application for a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, one hundred dollars;	24031 24032 24033 24034
(4) For application for a temporary dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	24035 24036 24037
(5) For application for a full dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	24038 24039 24040
(6) For application for a certificate to prescribe, fifty dollars;	24041 24042
(7) For verification of a nursing license, certificate of authority, or dialysis technician certificate to another jurisdiction, fifteen dollars;	24043 24044 24045
(8) For providing a replacement copy of a nursing license, certificate of authority, or dialysis technician certificate, fifteen dollars;	24046 24047 24048
(9) For biennial renewal of a nursing license <u>that expires on or before August 31, 2003</u> , thirty-five dollars;	24049 24050
(10) <del>Except as provided in division (C) of this section, for</del> <u>For biennial renewal of a nursing license that expires on or after September 1, 2003, forty-five dollars;</u>	24051 24052 24053
(11) <u>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</u>	24054 24055 24056

<u>nurse practitioner that expires on or before August 31, 2005, one</u>	24057
<u>hundred dollars;</u>	24058
<u>(12) For</u> biennial renewal of a certificate of authority to	24059
practice nursing as a certified registered nurse anesthetist,	24060
clinical nurse specialist, certified nurse-midwife, or certified	24061
nurse practitioner <u>that expires on or after September 1, 2005,</u>	24062
eighty-five dollars;	24063
<del>(11)</del> <u>(13)</u> For renewal of a certificate to prescribe, fifty	24064
dollars;	24065
<del>(12)</del> <u>(14)</u> For biennial renewal of a dialysis technician	24066
certificate, the amount specified in rules adopted under section	24067
4723.79 of the Revised Code;	24068
<del>(13)</del> <u>(15)</u> For processing a late application for renewal of a	24069
nursing license, certificate of authority, or dialysis technician	24070
certificate, fifty dollars;	24071
<del>(14)</del> <u>(16)</u> For application for authorization to approve	24072
continuing nursing education programs and courses from an	24073
applicant accredited by a national accreditation system for	24074
nursing, five hundred dollars;	24075
<del>(15)</del> <u>(17)</u> For application for authorization to approve	24076
continuing nursing education programs and courses from an	24077
applicant not accredited by a national accreditation system for	24078
nursing, one thousand dollars;	24079
<del>(16)</del> <u>(18)</u> For each year for which authorization to approve	24080
continuing nursing education programs and courses is renewed, one	24081
hundred fifty dollars;	24082
<del>(17)</del> <u>(19)</u> For application for approval to operate a dialysis	24083
training program, the amount specified in rules adopted under	24084
section 4723.79 of the Revised Code;	24085
<del>(18)</del> <u>(20)</u> For reinstatement of a lapsed <u>nursing</u> license or,	24086

certificate of authority, or dialysis technician certificate, one 24087  
hundred dollars; 24088

~~(19)~~(21) For written verification of a nursing license, 24089  
certificate of authority, or dialysis technician certificate, 24090  
other than verification to another jurisdiction, five dollars. The 24091  
board may contract for services pertaining to this verification 24092  
process and the collection of the fee, and may permit the 24093  
contractor to retain a portion of the fees as compensation, before 24094  
any amounts are deposited into the state treasury. 24095

(22) For processing a check returned to the board by a 24096  
financial institution as noncollectible, twenty-five dollars. 24097

(B) Each quarter, for purposes of transferring funds under 24098  
section 4743.05 of the Revised Code to the nurse education 24099  
assistance fund created in section 3333.28 of the Revised Code, 24100  
the board of nursing shall certify to the director of budget and 24101  
management the number of biennial licenses renewed under this 24102  
chapter during the preceding quarter and the amount equal to that 24103  
number times five dollars. 24104

~~(C) The fee for biennial renewal of a certificate of 24105  
authority to practice nursing as a certified nurse-midwife, 24106  
certified registered nurse anesthetist, certified nurse 24107  
practitioner, or clinical nurse specialist that expires on or 24108  
before August 31, 2005, is one hundred dollars.~~ 24109

**Sec. 4723.79.** The board of nursing shall adopt rules to 24110  
administer and enforce sections 4723.71 to 4723.79 of the Revised 24111  
Code. The board shall adopt the rules in accordance with Chapter 24112  
119. of the Revised Code. The rules shall establish or specify all 24113  
of the following: 24114

(A) The application process, fee, and requirements for 24115  
approval, reapproval, and withdrawing the approval of a dialysis 24116  
training program under section 4723.74 of the Revised Code. The 24117

requirements shall include standards that must be satisfied 24118  
regarding curriculum, length of training, and instructions in 24119  
patient care. 24120

(B) The application process, fee, and requirements for 24121  
issuance of a certificate under section 4723.75 of the Revised 24122  
Code, except that the amount of the fee shall be no greater than 24123  
the fee charged under division (A)(1) of section 4723.08 of the 24124  
Revised Code; 24125

(C) The application process, fee, and requirements for 24126  
issuance of a temporary certificate under section 4723.76 of the 24127  
Revised Code; 24128

(D) The process for approval of testing organizations under 24129  
section 4723.751 of the Revised Code; 24130

(E) Subjects to be included in a certification examination 24131  
provided for in division (B)(1) of section 4723.75 of the Revised 24132  
Code; 24133

(F) The schedule, fees, and continuing education requirements 24134  
for renewal of a certificate under section 4723.77 of the Revised 24135  
Code, except that the fee for the renewal of a certificate shall 24136  
be no greater than the fee charged under division (A)(9) of 24137  
section 4723.08 of the Revised Code or, effective September 1, 24138  
2003, division (A)(10) of that section; 24139

(G) Standards and procedures for establishing and maintaining 24140  
the dialysis registry required by section 4723.78 of the Revised 24141  
Code, including standards and procedures that persons must follow 24142  
in providing the information to be included in the registry; 24143  
24144

(H) Standards for the administration of medication by 24145  
dialysis technicians under section 4723.72 of the Revised Code; 24146

(I) The information a dialysis provider is to provide to the 24147



board when attesting to a person's competence to perform dialysis; 24148

(J) Standards and procedures for the supervision of dialysis 24149  
technicians who provide dialysis care in a patient's home, 24150  
including monthly home visits by a registered nurse to monitor the 24151  
quality of the dialysis care; 24152

(K) Any other procedures or requirements necessary for the 24153  
administration and enforcement of sections 4723.71 to 4723.79 of 24154  
the Revised Code. 24155

**Sec. 4731.14.** (A) As used in this section, "graduate medical 24156  
education" has the same meaning as in section 4731.091 of the 24157  
Revised Code. 24158

(B) The state medical board shall issue its certificate to 24159  
practice medicine and surgery or osteopathic medicine and surgery 24160  
as follows: 24161

(1) The board shall issue its certificate to each individual 24162  
who was admitted to the board's examination by meeting the 24163  
educational requirements specified in division (B)(1) or (3) of 24164  
section 4731.091 of the Revised Code if the individual passes the 24165  
examination, pays a certificate issuance fee of three hundred 24166  
dollars, and submits evidence satisfactory to the board that the 24167  
individual has successfully completed not less than twelve months 24168  
of graduate medical education or its equivalent as determined by 24169  
the board. 24170

(2) Except as provided in section 4731.142 of the Revised 24171  
Code, the board shall issue its certificate to each individual who 24172  
was admitted to the board's examination by meeting the educational 24173  
requirements specified in division (B)(2) of section 4731.091 of 24174  
the Revised Code if the individual passes the examination, pays a 24175  
certificate issuance fee of three hundred dollars, submits 24176  
evidence satisfactory to the board that the individual has 24177

successfully completed not less than twenty-four months of 24178  
graduate medical education through the second-year level of 24179  
graduate medical education or its equivalent as determined by the 24180  
board, and, if the individual passed the examination prior to 24181  
completing twenty-four months of graduate medical education or its 24182  
equivalent, the individual continues to meet the moral character 24183  
requirements for admission to the board's examination. 24184

(C) Each certificate issued by the board shall be signed by 24185  
its president and secretary, and attested by its seal. The 24186  
certificate shall be on a form prescribed by the board and shall 24187  
indicate the medical degree held by the individual to whom the 24188  
certificate is issued. If the individual holds the degree of 24189  
doctor of medicine, the certificate shall state that the 24190  
individual is authorized to practice medicine and surgery pursuant 24191  
to the laws of this state. If the individual holds the degree of 24192  
doctor of osteopathic medicine, the certificate shall state that 24193  
the individual is authorized to practice osteopathic medicine and 24194  
surgery pursuant to the laws of this state. If the individual 24195  
holds a medical degree other than the degree of doctor of medicine 24196  
or doctor of osteopathic medicine, the certificate shall indicate 24197  
the diploma, degree, or other document issued by the medical 24198  
school or institution the individual attended and shall state that 24199  
the individual is authorized to practice medicine and surgery 24200  
pursuant to the laws of this state. 24201

(D) The certificate shall be prominently displayed in the 24202  
certificate holder's office or place where a major portion of the 24203  
certificate holder's practice is conducted and shall entitle the 24204  
holder to practice either medicine and surgery or osteopathic 24205  
medicine and surgery provided the certificate holder maintains 24206  
current registration as required by section 4731.281 of the 24207  
Revised Code and provided further that such certificate has not 24208  
been revoked, suspended, or limited by action of the state medical 24209

board pursuant to this chapter. 24210

(E) An affirmative vote of not less than six members of the 24211  
board is required for the issuance of a certificate. 24212

~~(F) If an individual receives an initial or renewed training 24213  
certificate under section 4731.291 of the Revised Code and not 24214  
later than four months thereafter applies for a certificate under 24215  
this section, the fee required by division (B)(1) of this section 24216  
shall be reduced by the amount of the fee paid for the training 24217  
certificate. 24218~~

**Sec. 4731.53.** At the time an applicant files an application, 24220  
the applicant shall file with the secretary of the state medical 24221  
board evidence of preliminary education showing that the applicant 24222  
has satisfactorily completed at least two years of collegiate work 24223  
in an approved college of arts and sciences in addition to high 24224  
school graduation. When the entrance examiner finds the 24225  
preliminary education of the applicant sufficient, the entrance 24226  
examiner shall issue a certificate of preliminary examination upon 24227  
the payment to the treasurer of the board of a fee of thirty-five 24228  
dollars. Such certificate shall be attested by the secretary. 24229

The applicant shall also present a diploma from a college of 24230  
podiatric medicine and surgery in good standing as defined by the 24231  
board at the time the diploma was issued. The applicant shall 24232  
present an affidavit that the applicant is the person named in the 24233  
diploma and is the lawful possessor thereof stating the 24234  
applicant's age, residence, the school at which the applicant 24235  
obtained education in podiatric medicine and surgery, the time 24236  
spent in the study of podiatric medicine and surgery, and such 24237  
other facts as the board may require. 24238

The applicant shall also present proof of completion of one 24239  
year of postgraduate training in a podiatric internship, 24240  
residency, or clinical fellowship program accredited by the 24241

council on podiatric medical education or the American podiatric  
medical association. 24242  
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Sec. 4731.573. (A) An individual seeking to pursue an  
internship, residency, or clinical fellowship program in podiatric  
medicine and surgery in this state, who does not hold a  
certificate to practice podiatric medicine and surgery issued  
under this chapter, shall apply to the state medical board for a  
training certificate. The application shall be made on forms that  
the board shall furnish and shall be accompanied by an application  
fee of seventy-five dollars. 24244  
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An applicant for a training certificate shall furnish to the  
board all of the following: 24252  
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(1) Evidence satisfactory to the board that the applicant is  
at least eighteen years of age and is of good moral character; 24254  
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(2) Evidence satisfactory to the board that the applicant has  
been accepted or appointed to participate in this state in one of  
the following: 24256  
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(a) An internship or residency program accredited by either  
the council on podiatric medical education or the American  
podiatric medical association; 24259  
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(b) A clinical fellowship program at an institution with a  
residency program accredited by either the council on podiatric  
medical education or the American podiatric medical association  
that is in a clinical field the same as or related to the clinical  
field of the fellowship program. 24262  
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(3) Information identifying the beginning and ending dates of  
the period for which the applicant has been accepted or appointed  
to participate in the internship, residency, or clinical  
fellowship program; 24267  
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(4) Any other information that the board requires. 24271

(B) If no grounds for denying a certificate under section 4731.22 of the Revised Code apply and the applicant meets the requirements of division (A) of this section, the board shall issue a training certificate to the applicant. The board shall not require an examination as a condition of receiving a training certificate. 24272  
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A training certificate issued pursuant to this section shall be valid only for the period of one year, but may in the discretion of the board and upon application duly made, be renewed annually for a maximum of five years. The fee for renewal of a training certificate shall be thirty-five dollars. 24278  
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The board shall maintain a register of all individuals who hold training certificates. 24283  
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(C) The holder of a valid training certificate shall be entitled to perform such acts as may be prescribed by or incidental to the holder's internship, residency, or clinical fellowship program, but the holder shall not be entitled otherwise to engage in the practice of podiatric medicine and surgery in this state. The holder shall limit activities under the certificate to the programs of the hospitals or facilities for which the training certificate is issued. The holder shall train only under the supervision of the podiatrists responsible for supervision as part of the internship, residency, or clinical fellowship program. A training certificate may be revoked by the board upon proof, satisfactory to the board, that the holder thereof has engaged in practice in this state outside the scope of the internship, residency, or clinical fellowship program for which the training certificate has been issued, or upon proof, satisfactory to the board, that the holder thereof has engaged in unethical conduct or that there are grounds for action against the holder under section 4731.22 of the Revised Code. 24285  
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(D) The board may adopt rules as the board finds necessary to 24303

effect the purpose of this section. 24304

**Sec. 4736.12.** (A) The state board of sanitarian registration shall charge the following fees: 24306  
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(1) To apply as a sanitarian-in-training, ~~fifty-five~~ fifty-seven dollars; 24308  
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(2) For sanitarians-in-training to apply for registration as sanitarians, ~~fifty-five~~ fifty-seven dollars. The applicant shall pay this fee only once regardless of the number of times the applicant takes an examination required under section 4736.08 of the Revised Code. 24310  
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(3) For persons other than sanitarians-in-training to apply for registration as sanitarians, including persons meeting the requirements of section 4736.16 of the Revised Code, one hundred ~~ten~~ fourteen dollars. The applicant shall pay this fee only once regardless of the number of times the applicant takes an examination required under section 4736.08 of the Revised Code. 24315  
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(4) The renewal fee for registered sanitarians shall be fixed by the board and shall not exceed ~~fifty-eight~~ sixty-one dollars. 24321  
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(5) The renewal fee for sanitarians-in-training shall be fixed by the board and shall not exceed ~~fifty-eight~~ sixty-one dollars. 24324  
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(6) For late application for renewal, twenty-five dollars. 24327

The board of sanitarian registration, with the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent. 24328  
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(B) The board of sanitarian registration shall charge separate fees for examinations as required by section 4736.08 of 24332  
24333

the Revised Code, provided that the fees are not in excess of the 24334  
actual cost to the board of conducting the examinations. 24335

(C) The board of sanitarian registration may adopt rules 24336  
establishing fees for all of the following: 24337

(1) Application for the registration of a training agency 24338  
approved under rules adopted by the board pursuant to section 24339  
4736.11 of the Revised Code and for the annual registration 24340  
renewal of an approved training agency. 24341

(2) Application for the review of continuing education hours 24342  
submitted for the board's approval by approved training agencies 24343  
or by registered sanitarians or sanitarians-in-training. 24344

**Sec. 4736.14.** The state board of sanitarian registration may, 24345  
upon application and proof of valid registration, issue a 24346  
certificate of registration to any ~~resident of this state~~ person 24347  
who is or has been registered as a sanitarian by any other state, 24348  
if the requirements of that state at the time of such registration 24349  
are determined by the board to be at least equivalent to the 24350  
requirements of this chapter. 24351

**Sec. 4743.05.** Except as otherwise provided in sections 24352  
4701.20~~7~~ and 4729.65 of the Revised Code, all money collected 24353  
under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 4717., 24354  
4723., 4725., 4729., 4732., 4733., 4734., 4736., 4741., 4753., 24355  
4755., 4757., 4759., and 4761. of the Revised Code, and until 24356  
December 31, 2004, money collected under Chapter 4779. of the 24357  
Revised Code, shall be paid into the state treasury to the credit 24358  
of the occupational licensing and regulatory fund, which is hereby 24359  
created for use in administering such chapters. ~~Money deposited to~~ 24360  
~~the credit of the fund under section 4731.24 of the Revised Code~~ 24361  
~~shall be used until July 1, 1998, for administering Chapters 4730.~~ 24362  
~~and 4731. of the Revised Code.~~ 24363

At the end of each quarter, the director of budget and management shall transfer from the occupational licensing and regulatory fund to the nurse education assistance fund created in section 3333.28 of the Revised Code the amount certified to the director under division (B) of section 4723.08 of the Revised Code.

~~At the end of the first quarter of 1995 and at the end of each quarter thereafter,~~ the director shall transfer from the occupational licensing and regulatory fund to the certified public accountant education assistance fund created in section 4701.26 of the Revised Code the amount certified to the director under division ~~(D)~~(H)(2) of section 4701.10 of the Revised Code.

**Sec. 4775.01.** As used in this chapter:

(A) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.

(B) "Collision" means an occurrence in which two or more objects, whether mobile or stationary, contact one another in a manner that causes the alteration of the surface, structure, or appearance, whether separately or collectively, of an object that is party to the occurrence.

(C) "Collision repair" means any and all restorative or replacement procedures that are performed on and affect or potentially affect the structural, life safety, and cosmetic components of a motor vehicle that has been damaged as a result of a collision. "Collision repair" also includes any procedure that is employed for the purpose of repairing, restoring, replacing, or refinishing, whether wholly or separately, any structural, life safety, or cosmetic component of a motor vehicle to a condition approximating or replicating the function, use, or appearance of the component prior to a collision.



(D) "Motor vehicle collision repair operator" means ~~a~~ any 24394  
~~person who owns or manages, in whole or in part, a motor vehicle~~ 24395  
~~collision repair facility, whether or not mechanical or other~~ 24396  
~~repairs also are performed at the facility,~~ sole proprietorship, 24397  
foreign or domestic partnership, limited liability corporation, or 24398  
other legal entity that is not an employee or agent of a principal 24399  
and performs five or more motor vehicle collision repairs in a 24400  
calendar year, but does not mean any of the following: 24401  
24402

(1) An employee, other than a manager, of a motor vehicle 24403  
collision repair operator; 24404

(2) A motor vehicle dealer licensed pursuant to sections 24405  
4517.01 to 4517.45 of the Revised Code; 24406

(3) A motor vehicle dealer licensed pursuant to sections 24407  
4517.01 to 4517.45 of the Revised Code who also is the owner, part 24408  
owner, or operator of a motor vehicle collision repair facility; 24409

(4) A motor vehicle auction owner licensed pursuant to 24410  
sections 4517.01 to 4517.45 of the Revised Code; 24411

(5) A motor vehicle leasing dealer licensed pursuant to 24412  
sections 4517.01 to 4517.45 of the Revised Code; 24413

(6) A motor vehicle salvage dealer licensed pursuant to 24414  
~~sections 4738.01 to 4738.18~~ Chapter 4738. of the Revised Code; 24415

(7) A person or lessee who owns or leases ten or more motor 24416  
vehicles used principally in connection with any established 24417  
business and who does not perform motor vehicle collision repairs 24418  
on motor vehicles other than the motor vehicles used principally 24419  
in connection with the established business; 24420

(8) A motor vehicle renting dealer as defined in division 24421  
(A)(2) of section 4549.65 of the Revised Code who does not perform 24422  
motor vehicle collision repairs on motor vehicles other than the 24423

motor vehicles used in connection with the established motor  
vehicle renting business; 24424  
24425

(9) A person who performs collision repairs to the motor  
vehicles of a single commercial, industrial, or governmental  
establishment exclusively and does not offer or provide motor  
vehicle collision repair service to the general public; 24426  
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(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. 24430  
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~~(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. 24435  
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**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. 24440  
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(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. 24443  
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**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, 24447  
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may establish fees in excess of or less than that amount, provided 24454  
that such fees do not exceed or are not less than that amount by 24455  
more than fifty per cent. 24456

The board shall adjust the fees as necessary in order to 24457  
provide for the expenses associated with carrying out this chapter 24458  
without causing an excessive build-up of surplus funds in the 24459  
motor vehicle collision repair registration fund, which is hereby 24460  
created in the state treasury. 24461

(B) If the board has notified or attempted to notify a motor 24462  
vehicle collision repair operator that the operator is required to 24463  
be registered under this chapter, and the operator fails to 24464  
register, the initial fee for the registration of such an 24465  
unregistered operator for each business location at which the 24466  
operator conducts business as an operator, is the initial fee then 24467  
in effect plus an additional amount equal to the initial fee then 24468  
in effect for each calendar year that the operator is not 24469  
registered after the board has notified or attempted to notify the 24470  
operator. 24471

(C) The board shall deposit all fees and fines collected 24472  
under this chapter into the motor vehicle collision repair 24473  
registration fund, ~~which is hereby created in the state treasury.~~ 24474  
The board shall use the fund solely for the administration and 24475  
enforcement of this chapter. 24476

**Sec. 4775.99.** (A) Whoever violates section 4775.02 of the 24477  
Revised Code shall be fined not more than one thousand dollars on 24478  
a first offense. On each subsequent offense, the offender shall be 24479  
fined not less than one thousand nor more than five thousand 24480  
dollars. 24481

(B) After conducting an investigation and upon establishing 24482  
that a violation of section 4775.02 of the Revised Code has 24483  
occurred, the board of motor vehicle collision repair 24484

registration, in addition to any other action it may take or any 24485  
other penalty imposed pursuant to this chapter, may impose an 24486  
administrative fine on the person or entity that committed the 24487  
violation in an amount of not more than one thousand dollars on a 24488  
first offense. On each subsequent offense, the board may impose an 24489  
administrative fine of not less than one thousand dollars nor more 24490  
than five thousand dollars. If the administrative fine is not 24491  
paid, the attorney general, upon the board's request, shall 24492  
commence a civil action to collect the administrative fine. 24493

**Sec. 4905.87.** (A) To the extent funding is available in the 24494  
biomass energy program fund, the public utilities commission shall 24495  
maintain a program to promote the development and use of biomass 24496  
energy. 24497

(B) The biomass energy program fund is hereby created in the 24498  
state treasury. Money received by the commission for the program 24499  
maintained under this section shall be credited to the fund, and 24500  
used for that program. 24501

**Sec. 5101.14.** (A) Within available funds, the department of 24503  
job and family services shall make payments to the counties within 24504  
thirty days after the beginning of each calendar quarter for a 24505  
part of their costs for services to children performed pursuant to 24506  
Chapter 5153. of the Revised Code. 24507

Funds provided to the county under this section shall be 24508  
deposited into the children services fund created pursuant to 24509  
section 5101.144 of the Revised Code. 24510

(B)(1) The funds distributed under this section shall be used 24511  
for the following: 24512

(a) Home-based services to children and families; 24513

(b) Protective services to children; 24514

(c) To find, develop, and approve adoptive homes;	24515
(d) Short-term, out-of-home care and treatment for children;	24516
(e) Costs for the care of a child who resides with a caretaker relative, other than the child's parent, and is in the legal custody of a public children services agency pursuant to a voluntary temporary custody agreement entered into under division (A) of section 5103.15 of the Revised Code or in the legal custody of a public children services agency or the caretaker relative pursuant to an allegation or adjudication of abuse, neglect, or dependency made under Chapter 2151. of the Revised Code;	24517 24518 24519 24520 24521 24522 24523 24524
(f) Other services a public children services agency considers necessary to protect children from abuse, neglect, or dependency.	24525 24526 24527
(2) No funds distributed under this section shall be used for the costs of maintaining a child in a children's home owned and operated by the county.	24528 24529 24530
(C) In each fiscal year, the amount of funds available for distribution under this section shall be allocated to counties as follows:	24531 24532 24533
(1) If the amount is less than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the percentage of the funding it received in the immediately preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;	24534 24535 24536 24537 24538 24539
(2) If the amount is equal to the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the amount it received in the preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;	24540 24541 24542 24543 24544 24545

(3) If the amount is greater than the amount initially 24546  
appropriated for the immediately preceding fiscal year, each 24547  
county shall receive the amount determined under division (C)(2) 24548  
of this section as a base allocation, plus a percentage of the 24549  
amount that exceeds the amount initially appropriated for the 24550  
immediately preceding fiscal year. The amount exceeding the amount 24551  
initially appropriated in the immediately preceding fiscal year 24552  
shall be allocated to the counties as follows: 24553

(a) Twelve per cent divided equally among all counties; 24554

(b) Forty-eight per cent in the ratio that the number of 24555  
residents of the county under the age of eighteen bears to the 24556  
total number of such persons residing in this state; 24557

(c) Forty per cent in the ratio that the number of residents 24558  
of the county with incomes under the federal poverty guideline 24559  
bears to the total number of such persons in this state. 24560

As used in division (C)(3)(c) of this section, "federal 24561  
poverty guideline" means the poverty guideline as defined by the 24562  
United States office of management and budget and revised by the 24563  
United States secretary of health and human services in accordance 24564  
with section 673 of the "Community Services Block Grant Act," 95 24565  
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 24566

(D) The director of job and family services may adopt rules 24567  
as necessary for the allocation of funds under this section. The 24568  
rules shall be adopted in accordance with section 111.15 of the 24569  
Revised Code. 24570

(E)(1) As used in this division, "services to children" 24571  
~~includes only~~ means children's protective services, home-based 24572  
services to children and families, foster home services, 24573  
residential treatment services, adoptive services, and independent 24574  
living services. 24575

(2) Except as otherwise provided in this section, the 24576

allocation of funds for a fiscal year to a county under this 24577  
section shall be reduced by the department if in the preceding 24578  
calendar year the total amount expended for services to children 24579  
from local funds ~~and funds distributed to the county under section~~ 24580  
~~5101.46 of the Revised Code~~ was less than the total expended from 24581  
~~those sources~~ that source in the second preceding calendar year. 24582  
The reduction shall be equal to the difference between the total 24583  
expended in the preceding calendar year and the total expended in 24584  
the second preceding calendar year. 24585

The determination of whether the amount expended for services 24586  
to children was less in the preceding calendar year than in the 24587  
second preceding calendar year shall not include a difference due 24588  
to any of the following factors to the extent that the difference 24589  
does not exceed the amount attributable to that factor: 24590

(a) An across-the-board reduction in the county budget as a 24591  
whole; 24592

(b) A reduced or failed levy specifically earmarked for 24593  
children services; 24594

(c) ~~A reduced allocation of funds to the county under section~~ 24595  
~~5101.24 of the Revised Code;~~ 24596

~~(d)~~ The closure of, or a reduction in the operating capacity 24597  
of, a children's home owned and operated by the county. 24598

(3) Funds withheld under this division may be reallocated by 24599  
the department to other counties. The department may grant whole 24600  
or partial waivers of the provisions of this division. 24601

(F) Children who are in the temporary or permanent custody of 24602  
a certified public or private nonprofit agency or institution, or 24603  
who are in adoptions subsidized under division (B) of section 24604  
5153.163 of the Revised Code are eligible for medical assistance 24605  
through the medical assistance program established under section 24606  
5111.01 of the Revised Code. 24607

(G) Within ninety days after the end of each fiscal year, 24608  
each county shall return any unspent funds to the department. 24609

~~(H) The department shall prepare an annual report detailing 24610  
on a county-by-county basis the services provided with funds 24611  
distributed under this section. The report shall be submitted to 24612  
the general assembly by the thirtieth day of September each year 24613  
and also shall be made available to the public. 24614~~

~~(I) In accordance with Chapter 119. of the Revised Code, the 24615  
director shall adopt, and may amend and rescind, rules prescribing 24616  
reports on expenditures to be submitted by the counties as 24617  
necessary for the implementation of this section. 24618~~

**Sec. 5101.141.** (A) The department of job and family services 24619  
shall act as the single state agency to administer federal 24620  
payments for foster care and adoption assistance made pursuant to 24621  
Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 24622  
670 (1980), as amended. The director of job and family services 24623  
shall adopt rules to implement this authority. Internal management 24624  
rules governing financial and administrative requirements 24625  
applicable to public children services agencies, private child 24626  
placing agencies, and private noncustodial agencies shall be 24627  
adopted in accordance with section 111.15 of the Revised Code. 24628  
Rules establishing eligibility, program participation, and other 24629  
requirements shall be adopted in accordance with Chapter 119. of 24630  
the Revised Code. A public children services agency to which the 24631  
department distributes Title IV-E funds shall administer the funds 24632  
in accordance with those rules. 24633

(B)(1) The county, on behalf of each child eligible for 24634  
foster care maintenance payments under Title IV-E of the "Social 24635  
Security Act," shall make payments to cover the cost of providing 24636  
all of the following: 24637

(a) The child's food, clothing, shelter, daily supervision, 24638



and school supplies; 24639

(b) The child's personal incidentals; 24640

(c) Reasonable travel to the child's home for visitation. 24641

(2) In addition to payments made under division (B)(1) of 24642  
this section, the county may, on behalf of each child eligible for 24643  
foster care maintenance payments under Title IV-E of the "Social 24644  
Security Act," make payments to cover the cost of providing the 24645  
following: 24646

(a) Liability insurance with respect to the child; 24647

(b) If the county is participating in the demonstration 24648  
project established under division (A) of section 5101.142 of the 24649  
Revised Code, services provided under the project. 24650

(3) With respect to a child who is in a child-care 24651  
institution, including any type of group home designed for the 24652  
care of children or any privately operated program consisting of 24653  
two or more certified foster homes operated by a common 24654  
administrative unit, the foster care maintenance payments made by 24655  
the county on behalf of the child shall include the reasonable 24656  
cost of the administration and operation of the institution, group 24657  
home, or program, as necessary to provide the items described in 24658  
divisions (B)(1) and (2) of this section. 24659

(C) To the extent that either foster care maintenance 24660  
payments under division (B) of this section or Title IV-E adoption 24661  
assistance payments for maintenance costs require the expenditure 24662  
of county funds, the board of county commissioners shall report 24663  
the nature and amount of each expenditure of county funds to the 24664  
department. 24665

(D) The department shall distribute to public children 24666  
services agencies that incur and report such expenditures federal 24667  
financial participation received for administrative and training 24668

costs incurred in the operation of foster care maintenance and 24669  
adoption assistance programs. The department may withhold not more 24670  
than ~~two~~ three per cent of the federal financial participation 24671  
received. The funds withheld may be used only to fund the Ohio 24672  
child welfare training program established under section 5153.60 24673  
of the Revised Code and the university partnership program for 24674  
college and university students majoring in social work who have 24675  
committed to work for a public children services agency upon 24676  
graduation. The funds withheld shall be in addition to any 24677  
administration and training cost for which the department is 24678  
reimbursed through its own cost allocation plan. 24679

(E) All federal financial participation funds received by a 24680  
county pursuant to this section shall be deposited into the 24681  
county's children services fund created pursuant to section 24682  
5101.144 of the Revised Code. 24683

(F) The department shall periodically publish and distribute 24684  
the maximum amounts that the department will reimburse public 24685  
children services agencies for making payments on behalf of 24686  
children eligible for foster care maintenance payments. 24687

(G) The department, by and through its director, is hereby 24688  
authorized to develop, participate in the development of, 24689  
negotiate, and enter into one or more interstate compacts on 24690  
behalf of this state with agencies of any other states, for the 24691  
provision of medical assistance and other social services to 24692  
children in relation to whom all of the following apply: 24693

(1) They have special needs. 24694

(2) This state or another state that is a party to the 24695  
interstate compact is providing adoption assistance on their 24696  
behalf. 24697

(3) They move into this state from another state or move out 24698  
of this state to another state. 24699

**Sec. 5101.145.** (A) For the purposes of this section, "Title 24700  
IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 24701  
42 U.S.C.A. 670 (1980). 24702

(B) In adopting rules under section 5101.141 of the Revised 24703  
Code regarding financial requirements applicable to public 24704  
children services agencies, private child placing agencies, and 24705  
private noncustodial agencies, the department of job and family 24706  
services shall establish ~~both of the following:~~ 24707

~~(1) A single form for the agencies to report costs 24708  
reimbursable under Title IV-E and costs reimbursable under 24709  
medicaid;~~ 24710

~~(2) Procedures procedures to monitor cost reports submitted 24711  
by the agencies. The procedures shall be used to do both of the 24712  
following: 24713~~

~~(1) Determine which of the costs are reimbursable under Title 24714  
IV-E; 24715~~

~~(2) Ensure that costs reimbursable under medicaid are 24716  
excluded from determinations made under division (B)(1) of this 24717  
section. 24718~~

**Sec. 5101.184.** (A) The director of job and family services 24719  
shall work with the tax commissioner to collect overpayments of 24720  
assistance under Chapter 5107., 5111., or 5115., former Chapter 24721  
5113., or ~~sections~~ section 5101.54 to ~~5101.543~~ of the Revised Code 24722  
from refunds of state income taxes for taxable year 1992 and 24723  
thereafter that are payable to the recipients of such 24724  
overpayments. 24725

Any overpayment of assistance, whether obtained by fraud or 24726  
misrepresentation, as the result of an error by the recipient or 24727  
by the agency making the payment, or in any other manner, may be 24728

collected under this section. Any reduction under section 5747.12 24729  
or 5747.121 of the Revised Code to an income tax refund shall be 24730  
made before a reduction under this section. No reduction shall be 24731  
made under this section if the amount of the refund is less than 24732  
twenty-five dollars after any reduction under section 5747.12 of 24733  
the Revised Code. A reduction under this section shall be made 24734  
before any part of the refund is contributed under section 24735  
5747.113 of the Revised Code to the natural areas and preserves 24736  
fund or the nongame and endangered wildlife fund, or is credited 24737  
under section 5747.12 of the Revised Code against tax due in any 24738  
subsequent year. 24739

The director and the tax commissioner, by rules adopted in 24740  
accordance with Chapter 119. of the Revised Code, shall establish 24741  
procedures to implement this division. The procedures shall 24742  
provide for notice to a recipient of assistance and an opportunity 24743  
for the recipient to be heard before the recipient's income tax 24744  
refund is reduced. 24745

(B) The director of job and family services may enter into 24746  
agreements with the federal government to collect overpayments of 24747  
assistance from refunds of federal income taxes that are payable 24748  
to recipients of the overpayments. 24749

**Sec. ~~5101.071~~ 5101.251.** (A) Not later than ninety days after 24750  
~~the effective date of this section December 8, 1994,~~ the director 24751  
of job and family services shall develop and provide a training 24752  
program to assist caseworkers in county departments of job and 24753  
family services and public children services agencies in 24754  
understanding the dynamics of domestic violence and the 24755  
relationship domestic violence has to child abuse. ~~The program~~ 24756  
~~shall be coordinated with other department of job and family~~ 24757  
~~services programs regarding family violence.~~ 24758

(B) Not later than ninety days after ~~the effective date of~~ 24759

~~this section~~ December 9, 1994, the director of job and family services shall adopt internal management rules in accordance with section 111.15 of the Revised Code establishing policies for dealing with domestic violence and the victims of domestic violence. The rules shall include all of the following:

(1) A rule designating types and categories of employees of county departments of job and family services and employees of public children services agencies to receive training in the handling of domestic violence cases and a policy for the training of the designated types and categories of employees in the handling of those cases.

(2) Guidelines directing how county departments of job and family services and county children services boards shall respond to identified domestic violence problems and to the needs of children directly or indirectly involved in situations involving domestic violence.

(C) Each county department of job and family services and each public children services agency shall require its employees to complete the training described in divisions (A) and (B) of this section in accordance with the rules adopted by the director of job and family services pursuant to division (B) of this section.

**Sec. 5101.36.** Any application for public assistance gives a right of subrogation to the department of job and family services for any workers' compensation benefits payable to a person who is subject to a support order, as defined in section 3119.01 of the Revised Code, on behalf of the applicant, to the extent of any public assistance payments made on the applicant's behalf. If the director of job and family services, in consultation with a child support enforcement agency and the administrator of the bureau of workers' compensation, determines that a person responsible for

support payments to a recipient of public assistance is receiving 24791  
workers' compensation, the director shall notify the administrator 24792  
of the amount of the benefit to be paid to the department of job 24793  
and family services. 24794

For purposes of this section, "public assistance" means 24795  
medical assistance provided through the medical assistance program 24796  
established under section 5111.01 of the Revised Code~~7~~i Ohio works 24797  
first provided under Chapter 5107. of the Revised Code~~7~~i 24798  
prevention, retention, and contingency ~~assistance~~ benefits and 24799  
services provided under Chapter 5108. of the Revised Code~~7~~i or 24800  
disability assistance provided under Chapter 5115. of the Revised 24801  
Code. 24802

**Sec. 5101.521.** When the body of a dead person is found in a 24803  
township or municipal corporation, and such person was not an 24804  
inmate of a correctional, benevolent, or charitable institution of 24805  
this state, and the body is not claimed by any person for private 24806  
interment or cremation at the person's own expense, or delivered 24807  
for the purpose of medical or surgical study or dissection in 24808  
accordance with section 1713.34 of the Revised Code, ~~or the person~~ 24809  
~~was not eligible for burial assistance under section 5101.52 of~~ 24810  
~~the Revised Code,~~ it shall be disposed of as follows: 24811

(A) If the person was a legal resident of the county, the 24812  
proper officers of the township or municipal corporation in which 24813  
the person's body was found shall cause it to be buried or 24814  
cremated at the expense of the township or municipal corporation 24815  
in which the person had a legal residence at the time of death. 24816

(B) If the person had a legal residence in any other county 24817  
of the state at the time of death, the superintendent of the 24818  
county home of the county in which such body was found shall cause 24819  
it to be buried or cremated at the expense of the township or 24820  
municipal corporation in which the person had a legal residence at 24821

the time of death. 24822

(C) If the person was an inmate of a correctional institution 24823  
of the county or a patient or resident of a benevolent institution 24824  
of the county, the person had no legal residence in the state, or 24825  
the person's legal residence is unknown, the superintendent shall 24826  
cause the person to be buried or cremated at the expense of the 24827  
county. 24828

Such officials shall provide, at the grave of the person or, 24829  
if the person's cremated remains are buried, at the grave of the 24830  
person's cremated remains, a stone or concrete marker on which the 24831  
person's name and age, if known, and date of death shall be 24832  
inscribed. 24833

A political subdivision is not relieved of its duty to bury 24834  
or cremate a person at its expense under this section when the 24835  
body is claimed by an indigent person. 24836

**Sec. 5101.54.** (A) The director of job and family services 24837  
shall administer the food stamp program in accordance with the 24838  
"Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 24839  
amended. The department may: 24840

(1) Prepare and submit to the secretary of the United States 24841  
department of agriculture a plan for the administration of the 24842  
food stamp program; 24843

(2) Prescribe forms for applications, certificates, reports, 24844  
records, and accounts of county departments of job and family 24845  
services, and other matters; 24846

(3) Require such reports and information from each county 24847  
department of job and family services as may be necessary and 24848  
advisable; 24849

(4) Administer and expend any sums appropriated by the 24850  
general assembly for the purposes of this section and all sums 24851

paid to the state by the United States as authorized by the Food Stamp Act of 1977; 24852  
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(5) Conduct such investigations as are necessary; 24854

(6) Enter into interagency agreements and cooperate with investigations conducted by the department of public safety, including providing information for investigative purposes, exchanging property and records, passing through federal financial participation, modifying any agreements with the United States department of agriculture, providing for the supply, security, and accounting of food stamp ~~coupons~~ benefits for investigative purposes, and meeting any other requirements necessary for the detection and deterrence of illegal activities in the state food stamp program; 24855  
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(7) Adopt rules in accordance with Chapter 119. of the Revised Code governing employment and training requirements of recipients of food stamp benefits, including rules specifying which recipients are subject to the requirements and establishing sanctions for failure to satisfy the requirements. The rules shall be consistent with 7 U.S.C.A. 2015 and, to the extent practicable, may provide for food stamp benefit recipients to participate in work activities, developmental activities, and alternative work activities established under sections 5107.40 to 5107.69 of the Revised Code that are comparable to programs authorized by 7 U.S.C.A. 2015(d)(4). The rules may reference rules adopted under section 5107.05 of the Revised Code governing work activities, developmental activities, and alternative work activities established under sections 5107.40 to 5107.69 of the Revised Code. 24865  
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(8) Adopt rules in accordance with section 111.15 of the Revised Code that are consistent with the Food Stamp Act of 1977, as amended, and regulations adopted thereunder governing the following: 24880  
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(a) Eligibility requirements for the food stamp program;	24884
(b) Sanctions for failure to comply with eligibility requirements;	24885 24886
(c) Allotment of food stamp <del>coupons</del> <u>benefits</u> ;	24887
(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;	24888 24889 24890 24891 24892
(e) Administration of the program by county departments of job and family services;	24893 24894
(f) Other requirements necessary for the efficient administration of the program.	24895 24896
(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.	24897 24898 24899 24900 24901 24902 24903
(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.	24904 24905 24906 24907 24908 24909 24910 24911
(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	24912 24913

amended, and that is determined to be in immediate need of food 24914  
assistance, shall receive certification of eligibility for program 24915  
benefits, pending verification, within twenty-four hours, or, if 24916  
mitigating circumstances occur, within seventy-two hours, after 24917  
application, if: 24918

(1) The results of the application interview indicate that 24919  
the household will be eligible upon full verification; 24920

(2) Information sufficient to confirm the statements in the 24921  
application has been obtained from at least one additional source, 24922  
not a member of the applicant's household. Such information shall 24923  
be recorded in the case file, and shall include: 24924

(a) The name of the person who provided the name of the 24925  
information source; 24926

(b) The name and address of the information source; 24927

(c) A summary of the information obtained. 24928

The period of temporary eligibility shall not exceed one 24929  
month from the date of certification of temporary eligibility. If 24930  
eligibility is established by full verification, benefits shall 24931  
continue without interruption as long as eligibility continues. 24932

At the time of application, the county department of job and 24933  
family services shall provide to a household described in this 24934  
division a list of community assistance programs that provide 24935  
emergency food. 24936

(D) All applications shall be approved or denied through full 24937  
verification within thirty days from receipt of the application by 24938  
the county department of job and family services. 24939

(E) Nothing in this section shall be construed to prohibit 24940  
the certification of households that qualify under federal 24941  
regulations to receive food stamps without charge under the "Food 24942  
Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended. 24943

(F) Any person who applies for food stamps under this section 24944  
shall receive a voter registration application under section 24945  
3503.10 of the Revised Code. 24946

**Sec. 5101.80.** (A) The department of job and family services 24947  
shall do all of the following: 24948

(1) Prepare and submit to the United States secretary of 24949  
health and human services a Title IV-A state plan, and amendments 24950  
to the plan that the department determines necessary, for the Ohio 24951  
works first program established under Chapter 5107. of the Revised 24952  
Code and the prevention, retention, and contingency program 24953  
established under Chapter 5108. of the Revised Code; 24954

(2) Prescribe forms for applications, certificates, reports, 24955  
records, and accounts of county departments of job and family 24956  
services, and other matters related to the Ohio works first 24957  
program and the prevention, retention, and contingency program; 24958

(3) Make such reports, in such form and containing such 24959  
information as the department may find necessary to assure the 24960  
correctness and verification of such reports, regarding the Ohio 24961  
works first program and the prevention, retention, and contingency 24962  
program; 24963

(4) Require reports and information from each county 24964  
department of job and family services as may be necessary or 24965  
advisable regarding the Ohio works first program and the 24966  
prevention, retention, and contingency program; 24967

(5) Afford a fair hearing in accordance with section 5101.35 24968  
of the Revised Code to any applicant for, or participant or former 24969  
participant of, the Ohio works first program or the prevention, 24970  
retention, and contingency program aggrieved by a decision 24971  
regarding either program; 24972

(6) Administer and expend, pursuant to Chapters 5107. and 24973

5108. of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended;

(7) Conduct investigations as are necessary regarding the Ohio works first program and the prevention, retention, and contingency program;

(8) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents;

(9) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following:

(a) Examine issues of process, practice, impact, and outcomes;

(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received ~~assistance~~ benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;

(c) Provide the department ~~an initial report of the evaluation not later than two years after October 1, 1997, and provide subsequent~~ with reports at times the department specifies.

(10) ~~Not later than March 1, 1998, and the first day of each September and March thereafter until September 1, 2001, prepare a county by county report concerning individuals who cease to~~

~~participate in Ohio works first that contains the reasons the~~ 25005  
~~individuals ceased to participate, including employment, marital~~ 25006  
~~status, and relocation.~~ 25007

~~(11)~~ Not later than January 1, 2001, and the first day of 25008  
each January and July thereafter, prepare a report containing 25009  
information on the following: 25010

(a) ~~A county by county breakdown of individuals who cease to~~ 25011  
~~participate in Ohio works first and the reasons the individuals~~ 25012  
~~ceased to participate, including Individuals exhausting the time~~ 25013  
limits for participation set forth in section 5107.18 of the 25014  
Revised Code. 25015

(b) Individuals who have been exempted from the time limits 25016  
set forth in section 5107.18 of the Revised Code and the reasons 25017  
for the exemption. 25018

~~(12)~~(11) Not later than January 1, 2001, and on a quarterly 25019  
basis thereafter until December 1, 2003, prepare, to the extent 25020  
the necessary data is available to the department, a report based 25021  
on information determined under section 5107.80 of the Revised 25022  
Code that states how many former Ohio works first participants 25023  
entered the workforce during the most recent previous quarter for 25024  
which the information is known and includes information regarding 25025  
the earnings of those former participants. The report shall 25026  
include a county-by-county breakdown and shall not contain the 25027  
names or social security numbers of former participants. 25028

(B) The department shall provide copies of the reports it 25029  
receives under division (A)(9) of this section and prepares under 25030  
divisions (A)(10), (11), and (12) of this section to the governor, 25031  
the president and minority leader of the senate, and the speaker 25032  
and minority leader of the house of representatives. The 25033  
department shall provide copies of the reports to any private or 25034  
government entity on request. 25035

(C) An authorized representative of the department or a county department of job and family services shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section.

**Sec. 5101.821.** Except as otherwise approved by the director of budget and management, the department of job and family services shall deposit federal funds received under Title IV-A of the "Social Security Act," 42 U.S.C.A. 601, 110 Stat. 2113 (1996), into the temporary assistance for needy families (TANF) federal fund, which is hereby created in the state treasury. The department shall use money in the fund for the Ohio works first program established under Chapter 5107. of the Revised Code; the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code; and any other purposes consistent with Title IV-A, federal regulations, federal waivers granted by the United States secretary of health and human services, state law, the Title IV-A state plan and amendments submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, and rules adopted by the department under section 5107.05 of the Revised Code.

**Sec. 5101.83.** (A) As used in this section:

(1) "Assistance group" has the same meaning as in sections 5107.02 and 5108.01 of the Revised Code, except that it also means a group provided benefits and services under the prevention, retention, and contingency program because the members of the group share a common need for benefits and services.

(2) "Fraudulent assistance" means assistance and service, including cash assistance, provided under the Ohio works first program established under Chapter 5107., or benefits and services

provided under the prevention, retention, and contingency program 25066  
established under Chapter 5108. of the Revised Code, to or on 25067  
behalf of an assistance group that is provided as a result of 25068  
fraud by a member of the assistance group, including an 25069  
intentional violation of the program's requirements. "Fraudulent 25070  
assistance" does not include assistance or ~~services~~ services to or 25071  
on ~~be-half~~ behalf of an assistance group that is provided as a 25072  
result of an error that is the fault of a county department of job 25073  
and family services or the state department of job and family 25074  
services. 25075

(B) If a county director of job and family services 25076  
determines that an assistance group has received fraudulent 25077  
assistance, the assistance group is ineligible to participate in 25078  
the Ohio works first program or the prevention, retention, and 25079  
contingency program until a member of the assistance group repays 25080  
the cost of the fraudulent assistance. If a member repays the cost 25081  
of the fraudulent assistance and the assistance group otherwise 25082  
meets the eligibility requirements for the Ohio works first 25083  
program or the prevention, retention, and contingency program, the 25084  
assistance group shall not be denied the opportunity to 25085  
participate in the program. 25086

This section does not limit the ability of a county 25087  
department of job and family services to recover erroneous 25088  
payments under section 5107.76 of the Revised Code. 25089

The state department of job and family services shall adopt 25090  
rules in accordance with Chapter 119. of the Revised Code to 25091  
implement this section. 25092

**Sec. 5101.85.** As used in sections 5101.851 to ~~5101.854~~ 25093  
5101.853 of the Revised Code, "kinship caregiver" means any of the 25094  
following who is eighteen years of age or older and is caring for 25095  
a child in place of the child's parents: 25096

(A) The following individuals related by blood or adoption to the child:	25097 25098
(1) Grandparents, including grandparents with the prefix " <u>great,</u> " " <u>great-great,</u> " or " <u>great-great-great</u> ";	25099 25100
(2) Siblings;	25101
(3) Aunts, uncles, nephews, and nieces, including such relatives with the prefix " <u>great,</u> " " <u>great-great,</u> " " <u>grand,</u> " or " <u>great-grand</u> ";	25102 25103 25104
(4) First cousins and first cousins once removed.	25105
(B) Stepparents and stepsiblings of the child;	25106
(C) Spouses and former spouses of individuals named in divisions (A) and (B) of this section;	25107 25108
(D) A legal guardian of the child;	25109
(E) A legal custodian of the child.	25110
<b>Sec. <del>5101.853</del> <u>5101.851</u>.</b> <del>(A) As used in this section,</del>	25111
<del>"qualified state expenditures" has the meaning provided by section</del>	25112
<del>409(a)(7)(B)(i) of the "Personal Responsibility and Work</del>	25113
<del>Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42</del>	25114
<del>U.S.C.A. 609(a)(7)(B)(i).</del>	25115
<del>(B) Using qualified state expenditures and based on the</del>	25116
<del>recommendations of the kinship care services planning council, the</del>	25117
<del>The department of job and family services shall may establish a</del>	25118
<del>program providing support services to kinship caregivers statewide</del>	25119
<del>program of kinship care navigators to assist kinship caregivers</del>	25120
<del>who are seeking information regarding, or assistance obtaining,</del>	25121
<del>services and benefits available at the state and local level that</del>	25122
<del>addresses address the needs of those caregivers residing in each</del>	25123
<del>county. The department shall establish the program no later than</del>	25124
<del>March 31, 2000. The program shall provide to kinship caregivers</del>	25125



<u>information and referral services and assistance obtaining support</u>	25126
services <del>that include</del> <u>including</u> the following:	25127
<del>(1)</del> <u>(A)</u> Publicly funded child day-care;	25128
<del>(2)</del> <u>(B)</u> Respite care;	25129
<del>(3)</del> <u>(C)</u> Training related to caring for special needs children;	25130
	25131
<del>(4)</del> <u>(D)</u> A toll-free telephone number that may be called to	25132
obtain basic information about the rights of, and services	25133
available to, kinship caregivers;	25134
<del>(5)</del> <u>(E)</u> Legal services.	25135
<u>Sec. 5101.852.</u> Within available funds, the department of job	25136
<u>and family services shall make payments to public children</u>	25137
<u>services agencies for the purpose of permitting the agencies to</u>	25138
<u>provide kinship care navigator information and referral services</u>	25139
<u>and assistance obtaining support services to kinship caregivers</u>	25140
<u>pursuant to the kinship care navigator program. The department may</u>	25141
<u>provide training and technical assistance concerning the needs of</u>	25142
<u>kinship caregivers to employees of public children services</u>	25143
<u>agencies and to persons or entities that serve kinship caregivers</u>	25144
<u>or perform the duties of a kinship care navigator and are under</u>	25145
<u>contract with an agency.</u>	25146
<u>Sec. <del>5101.854</del> 5101.853.</u> The department of job and family	25147
services shall <u>may</u> adopt rules in accordance with Chapter 119. of	25148
the Revised Code to implement the <u>kinship care navigators</u> program	25149
<u>to provide support services to kinship caregivers. To the extent</u>	25150
<u>permitted by federal law and the Revised Code, the rules may</u>	25151
<u>expand eligibility for programs administered by the department in</u>	25152
<u>a manner making kinship caregivers eligible for the programs. <u>The</u></u>	25153
<u>rules shall be adopted under Chapter 119. of the Revised Code,</u>	25154
<u>except that rules governing fiscal and administrative matters</u>	25155

related to implementation of the navigators program are internal 25156  
management rules and shall be adopted under section 111.15 of the 25157  
Revised Code. 25158

**Sec. 5103.031.** (A) Except as provided in section 5103.033 of 25159  
the Revised Code, the department of job and family services may 25160  
not issue a certificate under section 5103.03 of the Revised Code 25161  
to a foster home unless the foster caregiver successfully 25162  
completes the following amount of preplacement training through 25163  
the Ohio child welfare training program or a preplacement training 25164  
program operated under section 5103.034 of the Revised Code: 25165

(1) If the foster home is a family foster home, at least 25166  
twelve hours; 25167

(2) If the foster home is a specialized foster home, at least 25168  
thirty-six hours. 25169

(B) No child may be placed in a family foster home unless the 25170  
foster caregiver completes at least twelve additional hours of 25171  
preplacement training through the Ohio child welfare training 25172  
program or a preplacement training program operated under section 25173  
5103.034 of the Revised Code. 25174

**Sec. 5103.033.** The department of job and family services may 25175  
issue or renew a certificate under section 5103.03 of the Revised 25176  
Code to a foster home for the care of a child who is in the 25177  
custody of a public children services agency or private child 25178  
placing agency pursuant to an agreement entered into under section 25179  
5103.15 of the Revised Code regarding a child who was less than 25180  
six months of age on the date the agreement was executed if the 25181  
foster caregiver successfully completes the following amount of 25182  
training: 25183

(A) For an initial certificate, at least twelve hours of 25184  
preplacement training through the Ohio child welfare training 25185

program or a preplacement training program operated under section 25186  
5103.034 of the Revised Code; 25187

(B) For renewal of a certificate, at least twelve hours each 25188  
year of continuing training in accordance with the foster 25189  
caregiver's needs assessment and continuing training plan 25190  
developed and implemented under section ~~5103.034~~ 5103.035 of the 25191  
Revised Code. 25192

**Sec. 5103.036.** For the purpose of determining whether a 25193  
foster caregiver has satisfied the requirement of section 5103.031 25194  
or 5103.032 of the Revised Code, a recommending agency shall 25195  
accept training obtained from the Ohio child welfare training 25196  
program or pursuant to a preplacement training program or 25197  
continuing training program operated under section 5103.034 of the 25198  
Revised Code regardless of whether the agency operated the 25199  
preplacement training program or continuing training program. The 25200  
agency may require that the foster caregiver successfully complete 25201  
additional training as a condition of the agency recommending that 25202  
the department of job and family services certify or recertify the 25203  
foster caregiver's foster home under section 5103.03 of the 25204  
Revised Code. 25205

**Sec. 5103.0312.** ~~The department of job and family services~~ A 25206  
public children services agency, private child placing agency, or 25207  
private noncustodial agency acting as a recommending agency for 25208  
foster caregivers who hold certificates issued under section 25209  
5103.03 of the Revised Code shall pay those foster caregivers who 25210  
have ~~been issued a foster home certificate and~~ had at least one 25211  
foster child placed in their home a stipend to reimburse them for 25212  
attending training courses provided by the Ohio child welfare 25213  
training program or pursuant to a preplacement training program or 25214  
continuing training program operated under section 5103.034 of the 25215  
Revised Code. The payment shall be based on a ~~per diem~~ stipend 25216

rate established by the department of job and family services. The 25217  
~~payment to foster caregivers stipend rate~~ shall be the same 25218  
regardless of the type of recommending agency from which a foster 25219  
caregiver seeks a recommendation. The department shall ~~pay a~~ 25220  
~~foster caregiver for attending preplacement training courses~~ 25221  
~~during the first month a foster child is placed in the foster~~ 25222  
~~caregiver's home, pursuant to rules adopted under section~~ 25223  
5103.0316 of the Revised Code, reimburse the recommending agency 25224  
for stipend payments it makes in accordance with this section. 25225

**Sec. 5103.0313.** The department of job and family services 25226  
shall reimburse ~~a~~ the following for the cost of providing 25227  
preplacement and continuing training to foster caregivers: 25228

(A) The Ohio child welfare training program; 25229

(B) A public children services agency, private child placing 25230  
agency, or private noncustodial agency for the cost to the agency 25231  
of providing training to a foster caregiver through a preplacement 25232  
training program or continuing training program operated under 25233  
section 5103.034 of the Revised Code. The 25234

The reimbursement shall be on a per diem basis and limited to 25235  
the cost associated with the trainer, obtaining a site at which 25236  
the training is provided, and the administration of the training. 25237  
A reimbursement rate shall be the same regardless of whether the 25238  
training program is operated by the Ohio child welfare training 25239  
program or a public children services agency, private child 25240  
placing agency, or private noncustodial agency. 25241

**Sec. 5103.0316.** Not later than ninety days after ~~the~~ 25242  
~~effective date of this section~~ January 1, 2001, the department of 25243  
job and family services shall adopt rules in accordance with 25244  
Chapter 119. of the Revised Code as necessary for the efficient 25245  
administration of sections 5103.031 to 5103.0316 of the Revised 25246

Code. The rules shall provide for all of the following: 25247

(A) For the purpose of section 5103.038 of the Revised Code, 25248  
the date by which a public children services agency, private child 25249  
placing agency, or private noncustodial agency that seeks to 25250  
operate a preplacement training program or continuing training 25251  
program under section 5103.034 of the Revised Code must submit to 25252  
the department a proposal outlining the program; 25253

(B) Requirements governing the department's reimbursement of 25254  
the Ohio child welfare training program and public children 25255  
services agencies, private child placing agencies, and private 25256  
noncustodial agencies under section sections 5103.0312 and 25257  
5103.0313 of the Revised Code; 25258

(C) Any other matter the department considers appropriate. 25259

**Sec. 5103.07.** The department of job and family services shall 25260  
administer funds received under Title IV-B of the "Social Security 25261  
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 620, as amended, and the 25262  
"Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 25263  
U.S.C.A. 5101, as amended, ~~and the "Family Violence Prevention and~~ 25264  
~~Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as~~ 25265  
~~amended.~~ In administering these funds, the department may 25266  
establish a child welfare services program, and a child abuse and 25267  
neglect prevention and adoption reform program, ~~and a family~~ 25268  
~~violence prevention program.~~ The department has all powers 25269  
necessary for the adequate administration of these funds and 25270  
programs. The director of job and family services may adopt 25271  
internal management rules in accordance with section 111.15 of the 25272  
Revised Code ~~and issue appropriate orders~~ as necessary for the 25273  
~~adequate administration of these funds and programs~~ to carry out 25274  
the purposes of this section. 25275

**Sec. 5107.02.** As used in this chapter: 25276

(A) <u>"Adult"</u> means an individual who is not a minor child.	25277
(B) <u>"Assistance group"</u> 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.	25278 25279 25280
(C) <u>"Custodian"</u> 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.	25281 25282 25283 25284
(D) <u>"Guardian"</u> 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.	25285 25286 25287 25288 25289 25290
(E) <u>"Minor child"</u> means either of the following:	25291
(1) An individual who has not attained age eighteen;	25292
(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.	25293 25294 25295
(F) <u>"Minor head of household"</u> means a minor child who is <u>a</u> <u>either of the following:</u>	25296 25297
(1) <u>At least six months pregnant and a member of an assistance group that does not include an adult;</u>	25298 25299
(2) <u>A parent of a child included in the same assistance group that does not include an adult.</u>	25300 25301
(G) <u>"Ohio works first"</u> means the program established by this chapter known as temporary assistance for needy families in Title IV-A.	25302 25303 25304
(H) <u>"Payment standard"</u> means the amount specified in rules	25305

adopted under section 5107.05 of the Revised Code that is the 25306  
maximum amount of cash assistance an assistance group may receive 25307  
under Ohio works first from state and federal funds. 25308

(I) "Specified relative" means the following individuals who 25309  
are age eighteen or older: 25310

(1) The following individuals related by blood or adoption: 25311

(a) Grandparents, including grandparents with the prefix 25312  
"great," "great-great," or "great-great-great"; 25313

(b) Siblings; 25314

(c) Aunts, uncles, nephews, and nieces, including such 25315  
relatives with the prefix "great," "great-great," "grand," or 25316  
"great-grand"; 25317

(d) First cousins and first cousins once removed. 25318

(2) Stepparents and stepsiblings; 25319

(3) Spouses and former spouses of individuals named in 25320  
division (I)(1) or (2) of this section. 25321

(J) "Title IV-A" or "Title IV-D" means Title IV-A or Title 25322  
IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 25323  
301, as amended. 25324

**Sec. 5107.10.** (A) As used in this section: 25325

(1) "Countable income," "gross earned income," and "gross 25326  
unearned income" have the meanings established in rules adopted 25327  
under section 5107.05 of the Revised Code. 25328

(2) "Gross income" means gross earned income and gross 25329  
unearned income. 25330

(3) "Strike" means continuous concerted action in failing to 25331  
report to duty; willful absence from one's position; or stoppage 25332  
of work in whole from the full, faithful, and proper performance 25333

of the duties of employment, for the purpose of inducing, 25334  
influencing, or coercing a change in wages, hours, terms, and 25335  
other conditions of employment. "Strike" does not include a 25336  
stoppage of work by employees in good faith because of dangerous 25337  
or unhealthful working conditions at the place of employment that 25338  
are abnormal to the place of employment. 25339

(B) Under the Ohio works first program, an assistance group 25340  
shall receive, except as otherwise provided by this chapter, 25341  
time-limited cash assistance. In the case of an assistance group 25342  
that includes a minor head of household or adult, assistance shall 25343  
be provided in accordance with the self-sufficiency contract 25344  
entered into under section 5107.14 of the Revised Code. 25345

(C) To be eligible to participate in Ohio works first, an 25346  
assistance group must meet all of the following requirements: 25347

(1) The assistance group, except as provided in division (E) 25348  
of this section, must include at least one of the following: 25349

(a) A minor child who, except as provided in section 5107.24 25350  
of the Revised Code, resides with a parent, or specified relative 25351  
caring for the child, or, to the extent permitted by Title IV-A 25352  
and federal regulations adopted until Title IV-A, resides with a 25353  
guardian or custodian caring for the child; 25354

(b) A parent residing with and caring for the parent's minor 25355  
child who receives supplemental security income under Title XVI of 25356  
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 25357  
as amended, or federal, state, or local adoption assistance; 25358

(c) A specified relative residing with and caring for a minor 25359  
child who is related to the specified relative in a manner that 25360  
makes the specified relative a specified relative and receives 25361  
supplemental security income or federal, state, or local foster 25362  
care or adoption assistance; 25363

(d) A woman at least six months pregnant. 25364



(2) The assistance group must meet the income requirements established by division (D) of this section. 25365  
25366

(3) No member of the assistance group may be involved in a strike. 25367  
25368

(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. 25369  
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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. 25372  
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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: 25375  
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(a) Determine whether the assistance group's gross income exceeds the following amount: 25379  
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Size of Assistance Group	Gross Income	
1	\$423	25381 25382
2	\$537	25383
3	\$630	25384
4	\$750	25385
5	\$858	25386
6	\$942	25387
7	\$1,038	25388
8	\$1,139	25389
9	\$1,241	25390
10	\$1,343	25391
11	\$1,440	25392
12	\$1,542	25393
13	\$1,643	25394
14	\$1,742	25395

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\$1,844

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For each person in the assistance group that brings the 25397  
assistance group to more than fifteen persons, add one hundred two 25398  
dollars to the amount of gross income for an assistance group of 25399  
fifteen specified in division (D)(1)(a) of this section. 25400

In making this determination, the county department shall 25401  
disregard amounts that federal statutes or regulations and 25402  
sections 5101.17 and 5117.10 of the Revised Code require be 25403  
disregarded. The assistance group is ineligible to participate in 25404  
Ohio works first if the assistance group's gross income, less the 25405  
amounts disregarded, exceeds the amount specified in division 25406  
(D)(1)(a) of this section. 25407

(b) If the assistance group's gross income, less the amounts 25408  
disregarded pursuant to division (D)(1)(a) of this section, does 25409  
not exceed the amount specified in that division, determine 25410  
whether the assistance group's countable income is less than the 25411  
payment standard. The assistance group is ineligible to 25412  
participate in Ohio works first if the assistance group's 25413  
countable income equals or exceeds the payment standard. 25414

(2) To determine whether an assistance group participating in 25415  
Ohio works first continues to be eligible to participate, a county 25416  
department of job and family services shall determine whether the 25417  
assistance group's countable income continues to be less than the 25418  
payment standard. In making this determination, the county 25419  
department shall disregard the first two hundred fifty dollars and 25420  
fifty per cent of the remainder of the assistance group's gross 25421  
earned income. No amounts shall be disregarded from the assistance 25422  
group's gross unearned income. The assistance group ceases to be 25423  
eligible to participate in Ohio works first if its countable 25424  
income, less the amounts disregarded, equals or exceeds the 25425  
payment standard. 25426

(3) If an assistance group reapplies to participate in Ohio 25427

works first not more than four months after ceasing to 25428  
participate, a county department of job and family services shall 25429  
use the income requirement established by division (D)(2) of this 25430  
section to determine eligibility for resumed participation rather 25431  
than the income requirement established by division (D)(1) of this 25432  
section. 25433

(E)(1) An assistance group may continue to participate in 25434  
Ohio works first even though a public children services agency 25435  
removes the assistance group's minor children from the assistance 25436  
group's home due to abuse, neglect, or dependency if the agency 25437  
does both of the following: 25438

(a) Notifies the county department of job and family services 25439  
at the time the agency removes the children that it believes the 25440  
children will be able to return to the assistance group within six 25441  
months; 25442

(b) Informs the county department at the end of each of the 25443  
first five months after the agency removes the children that the 25444  
parent, guardian, custodian, or specified relative of the children 25445  
is cooperating with the case plans prepared for the children under 25446  
section 2151.412 of the Revised Code and that the agency is making 25447  
reasonable efforts to return the children to the assistance group. 25448

(2) An assistance group may continue to participate in Ohio 25449  
works first pursuant to division (E)(1) of this section for not 25450  
more than six payment months. This division does not affect the 25451  
eligibility of an assistance group that includes a woman at least 25452  
six months pregnant. 25453

**Sec. 5107.14.** An assistance group is ineligible to 25454  
participate in Ohio works first unless the minor head of household 25455  
or each adult member of the assistance group, not later than 25456  
thirty days after applying for or undergoing a redetermination of 25457  
eligibility for the program, enters into a written 25458

self-sufficiency contract with the county department of job and 25459  
family services. The contract shall set forth the rights and 25460  
responsibilities of the assistance group as applicants for and 25461  
participants of the program, including work responsibilities 25462  
established under sections 5107.40 to 5107.69 of the Revised Code 25463  
and other requirements designed to assist the assistance group in 25464  
achieving self sufficiency and personal responsibility. The county 25465  
department shall provide without charge a copy of the contract to 25466  
each assistance group member who signs it. 25467

Each self-sufficiency contract shall include, based on 25468  
appraisals conducted under section 5107.41 of the Revised Code and 25469  
assessments conducted under section 5107.70 of the Revised Code, 25470  
the following: 25471

(A) The assistance group's plan, developed under section 25472  
5107.41 of the Revised Code, to achieve the goal of self 25473  
sufficiency and personal responsibility through unsubsidized 25474  
employment within the time limit for participating in Ohio works 25475  
first established by section 5107.18 of the Revised Code; 25476

(B) Work activities, developmental activities, and 25477  
alternative work activities to which members of the assistance 25478  
group are assigned under sections 5107.40 to 5107.69 of the 25479  
Revised Code; 25480

(C) The responsibility of a caretaker member of the 25481  
assistance group to cooperate in establishing a minor child's 25482  
paternity and establishing, modifying, and enforcing a support 25483  
order for the child in accordance with section 5107.22 of the 25484  
Revised Code; 25485

(D) Other responsibilities that members of the assistance 25486  
group must satisfy to participate in Ohio works first and the 25487  
consequences for failure or refusal to satisfy the 25488  
responsibilities; 25489

(E) An agreement that the assistance group will comply with 25490  
the conditions of participating in Ohio works first established by 25491  
this chapter and sections ~~5101.19~~, 5101.58, 5101.59, and 5101.83 25492  
of the Revised Code; 25493

(F) Assistance and services the county department will 25494  
provide to the assistance group; 25495

(G) Assistance and services the child support enforcement 25496  
agency and public children services agency will provide to the 25497  
assistance group pursuant to a plan of cooperation entered into 25498  
under section 307.983 of the Revised Code; 25499

(H) Other provisions designed to assist the assistance group 25500  
in achieving self sufficiency and personal responsibility; 25501

(I) Procedures for assessing whether responsibilities are 25502  
being satisfied and whether the contract should be amended; 25503

(J) Procedures for amending the contract. 25504

**Sec. 5107.18.** (A) Except as provided in divisions (B), (C), 25505  
(D), and (E) of this section, an assistance group is ineligible to 25506  
participate in Ohio works first if the assistance group includes 25507  
an ~~adult~~ individual who has participated in the program for 25508  
thirty-six months as any of the following: an adult head of 25509  
household, minor head of household, or spouse of an adult head of 25510  
household or minor head of household. The time limit applies 25511  
regardless of whether the thirty-six months are consecutive. 25512

(B) An assistance group that has ceased to participate in 25513  
Ohio works first pursuant to division (A) of this section for at 25514  
least twenty-four months, whether consecutive or not, may reapply 25515  
to participate in the program if good cause exists as determined 25516  
by the county department of job and family services. Good cause 25517  
may include losing employment, inability to find employment, 25518  
divorce, domestic violence considerations, and unique personal 25519

circumstances. The assistance group must provide a county 25520  
department of job and family services verification acceptable to 25521  
the county department of whether any members of the assistance 25522  
group had employment during the period the assistance group was 25523  
not participating in Ohio works first and the amount and sources 25524  
of the assistance group's income during that period. If a county 25525  
department is satisfied that good cause exists for the assistance 25526  
group to reapply to participate in Ohio works first, the 25527  
assistance group may reapply. Except as provided in divisions (C), 25528  
(D), and (E) of this section, the assistance group may not 25529  
participate in Ohio works first for more than twenty-four 25530  
additional months. The time limit applies regardless of whether 25531  
the twenty-four months are consecutive. 25532

(C) In determining the number of months a parent or pregnant 25533  
woman has received assistance under Title IV-A, a county 25534  
department of job and family services shall disregard any month 25535  
during which the parent or pregnant woman was a minor child but 25536  
was neither a minor head of household nor married to the head of 25537  
an assistance group. 25538

(D) In determining the number of months an adult has received 25539  
assistance under Title IV-A, a county department of job and family 25540  
services shall disregard any month during which the adult lived on 25541  
an Indian reservation or in an Alaska native village, as those 25542  
terms are used in 42 U.S.C.A. 608(a)(7)(D), if, during the month, 25543  
at least one thousand individuals lived on the reservation or in 25544  
the village and at least fifty per cent of the adults living on 25545  
the reservation or in the village were unemployed. 25546

(E) A county department of job and family services may exempt 25548  
not more than twenty per cent of the average monthly number of 25549  
Ohio works first ~~participants~~ assistance groups from the time 25550  
limit established by this section on the grounds that the county 25551

department determines that the time limit is a hardship. In the 25552  
case of the time limit established by division (A) of this 25553  
section, a county department may not exempt an assistance group 25554  
until the group has exhausted its thirty-six months of cash 25555  
assistance. 25556

(F) The department of job and family services shall 25557  
continually monitor the percentage of the average monthly number 25558  
of Ohio works first ~~participants~~ assistance groups in each county 25559  
that is exempted under division (E) of this section from the time 25560  
limit established by this section. On determining that the 25561  
percentage in any county equals or exceeds eighteen per cent, the 25562  
department shall immediately notify the county department of job 25563  
and family services. 25564

(G) Only participation in Ohio works first on or after 25565  
October 1, 1997, applies to the time limit established by this 25566  
section. The time limit applies regardless of the source of 25567  
funding for the program. Assistance under Title IV-A provided by 25568  
any state applies to the time limit. The time limit is a lifetime 25569  
limit. No assistance group shall receive assistance under the 25570  
program in violation of the time limit for assistance under Title 25571  
IV-A established by section 408(a)(7) of the "Social Security 25572  
Act," as amended by the "Personal Responsibility and Work 25573  
Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42 25574  
U.S.C.A. 608 (a)(7). 25575

**Sec. 5108.01.** As used in this chapter: 25576

(A) "Assistance group" means a group of individuals treated 25577  
as a unit for purposes of determining eligibility for the 25578  
prevention, retention, and contingency program. 25579

~~(B) "Minor child" means either of the following:~~ 25580

~~(1) An individual who has not attained age eighteen;~~ 25581

~~(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.~~ 25582  
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~~(C)~~ "Prevention, retention, and contingency program" means the program established by this chapter and funded in part with federal funds provided under Title IV-A. 25585  
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~~(D)~~(C) "Title IV-A" means Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 25588  
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**Sec. ~~5108.06~~ 5108.03.** Under the prevention, retention, and contingency program, ~~an assistance group that includes at least one minor child or a pregnant woman and meets the program's eligibility requirements~~ a county department of job and family services shall receive assistance or provide benefits and services needed that individuals need to overcome immediate barriers to achieving or maintaining self sufficiency and personal responsibility. A county department shall provide the benefits and services in accordance with either the model design for the program that the department of job and family services develops under section 5108.05 of the Revised Code or the county department's own policies for the program developed under section 5108.06 of the Revised Code. 25590  
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**Sec. ~~5108.07~~ 5108.05.** The department of job and family services shall develop a model design for the prevention, retention, and contingency program that county departments of job and family services may adopt under section ~~5108.08~~ 5108.06 of the Revised Code. ~~The model design must be consistent with Title IV-A, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, and amendments to the plan.~~ No rules shall be adopted to develop the model 25603  
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design. The department shall provide each county department a 25612  
written copy of the model design. 25613

**Sec. ~~5108.08~~ 5108.06.** Each county department of job and 25614  
family services shall either adopt the model design for the 25615  
prevention, retention, and contingency program the department of 25616  
job and family services develops under section ~~5108.07~~ 5108.05 of 25617  
the Revised Code or develop its own policies for the program. To 25618  
develop its own policies, a county department shall adopt a 25619  
written statement of the policies governing the program. The 25620  
policies may be a modification of the model design, different from 25621  
the model design, or a combination. ~~The policies shall establish~~ 25622  
~~or specify eligibility requirements, assistance or services to be~~ 25623  
~~provided under the program, administrative requirements, and other~~ 25624  
~~matters the county department determines necessary.~~ A county 25625  
department may amend its statement of policies to modify, 25626  
terminate, and establish new policies. ~~The policies must be~~ 25627  
~~consistent with Title IV-A, federal regulations, state law, the~~ 25628  
~~Title IV-A state plan submitted to the United States secretary of~~ 25629  
~~health and human services under section 5101.80 of the Revised~~ 25630  
~~Code, and amendments to the plan.~~ 25631

A county department of job and family services shall inform 25632  
the department of job and family services of whether it has 25633  
adopted the model design or developed its own policies for the 25634  
prevention, retention, and contingency program. If a county 25635  
department develops its own policies, it shall provide the 25636  
department a written copy of the statement of policies and any 25637  
amendments it adopts to the statement. 25638

**Sec. 5108.07.** The model design for the prevention, retention, 25639  
and contingency program that the department of job and family 25640  
services develops under section 5108.05 of the Revised Code and 25641  
policies for the program that a county department of job and 25642

family services may develop under section 5108.06 of the Revised Code shall establish or specify eligibility requirements for assistance groups that apply for the program under section 5108.10 of the Revised Code, benefits and services to be provided under the program to assistance groups, administrative requirements, and other matters the department, in the case of the model design, or a county department, in the case of county policies, determine are necessary. 25643  
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The model design and a county department's policies may establish eligibility requirements for, and specify benefits and services to be provided to, types of groups, such as students in the same class, that share a common need for the benefits and services. If the model design or a county department's policies include such a provision, the model design or county department's policies shall require that each individual who is to receive the benefits and services meet the eligibility requirements established for the type of group of which the individual is a member. The model design or county department's policies also shall require that the county department providing the benefits and services certify the group's eligibility, specify the duration that the group is to receive the benefits and services, and maintain the eligibility information for each member of the group receiving the benefits and services. 25651  
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The model design and a county department's policies may specify benefits and services that a county department may provide for the general public, including billboards that promote the prevention, and reduction in the incidence, of out-of-wedlock pregnancies or encourage the formation and maintenance of two-parent families. 25666  
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The model design and a county department's policies must be consistent with Title IV-A, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of 25672  
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health and human services under section 5101.80 of the Revised Code, and amendments to the plan. All benefits and services to be provided under the model design or a county department's policies must be allowable uses of federal Title IV-A funds as specified in 42 U.S.C.A. 604(a), except that they may not be "assistance" as defined in 45 C.F.R. 260.31(a). The benefits and services shall be benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

**Sec. 5108.08.** Benefits and services provided under the prevention, retention, and contingency program are inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other like process.

**Sec. 5108.09.** When a state hearing under division (B) of section 5101.35 of the Revised Code or an administrative appeal under division (C) of that section is held regarding the prevention, retention, and contingency program, the hearing officer, director of job and family services, or director's designee shall base the decision in the hearing or appeal on the following:

(A) If the county department of job and family services involved in the hearing or appeal adopted the department of job and family services' model design for the program developed under section ~~5108.07~~ 5108.05 of the Revised Code, the model design;

(B) If the county department developed its own policies for the program, the county department's written statement of policies adopted under section ~~5108.08~~ 5108.06 of the Revised Code and any amendments the county department adopted to the statement.

**Sec. 5108.10.** An assistance group seeking to participate in the prevention, retention, and contingency program shall apply to

a county department of job and family services using an 25704  
application containing information the county department requires. 25705

When a county department receives an application for 25706  
participation in the prevention, retention, and contingency 25707  
program, it shall promptly make an investigation and record of the 25708  
circumstances of the applicant in order to ascertain the facts 25709  
surrounding the application and to obtain such other information 25710  
as may be required. On completion of the investigation, the county 25711  
department shall determine whether the applicant is eligible to 25712  
participate, the ~~assistance~~ benefits or services the applicant 25713  
should receive, and the approximate date when participation is to 25714  
begin. 25715

**Sec. 5111.01.** As used in this chapter, "medical assistance 25716  
program" or "medicaid" means the program that is authorized by 25717  
this ~~section~~ chapter and provided by the department ~~if~~ of job and 25718  
family services under this chapter, Title XIX of the "Social 25719  
Security Act," 49 ~~79~~ Stat. 620 ~~286~~ (1935 ~~1965~~), 42 U.S.C.A. 301 25720  
~~1396~~, as amended, and the waivers of Title XIX requirements 25721  
granted to the department by the health care financing 25722  
administration of the United States department of health and human 25723  
services. 25724

The department of job and family services shall act as the 25725  
single state agency to supervise the administration of the 25726  
medicaid program. As the single state agency, the department shall 25727  
comply with 42 C.F.R. 431.10(e). The department's rules governing 25728  
medicaid are binding on other agencies that administer components 25729  
of the medicaid program. No agency may establish, by rule or 25730  
otherwise, a policy governing medicaid that is inconsistent with a 25731  
medicaid policy established, in rule or otherwise, by the director 25732  
of job and family services. 25733

(A) The department of job and family services may provide 25734

medical assistance under the medicaid program as long as federal 25735  
funds are provided for such assistance, to the following: 25736

(1) Families with children that meet either of the following 25737  
conditions: 25738

(a) The family meets the income, resource, and family 25739  
composition requirements in effect on July 16, 1996, for the 25740  
former aid to dependent children program as those requirements 25741  
were established by Chapter 5107. of the Revised Code, federal 25742  
waivers granted pursuant to requests made under former section 25743  
5101.09 of the Revised Code, and rules adopted by the department 25744  
or any changes the department makes to those requirements in 25745  
accordance with paragraph (a)(2) of section 114 of the "Personal 25746  
Responsibility and Work Opportunity Reconciliation Act of 1996," 25747  
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 25748  
implementing section 5111.019 of the Revised Code. An adult loses 25749  
eligibility for medical assistance under division (A)(1)(a) of 25750  
this section pursuant to division (E) of section 5107.16 of the 25751  
Revised Code. 25752

(b) The family does not meet the requirements specified in 25753  
division (A)(1)(a) of this section but is eligible for medical 25754  
assistance pursuant to section 5101.18 of the Revised Code. 25755

(2) Aged, blind, and disabled persons who meet the following 25756  
conditions: 25757

(a) Receive federal aid under Title XVI of the "Social 25758  
Security Act," or are eligible for but are not receiving such aid, 25759  
provided that the income from all other sources for individuals 25760  
with independent living arrangements shall not exceed one hundred 25761  
seventy-five dollars per month. The income standards hereby 25762  
established shall be adjusted annually at the rate that is used by 25763  
the United States department of health and human services to 25764  
adjust the amounts payable under Title XVI. 25765

(b) Do not receive aid under Title XVI, but meet any of the following criteria: 25766  
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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; 25768  
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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; 25777  
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(iii) Are eligible for medical assistance pursuant to section 5101.18 of the Revised Code. 25780  
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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; 25782  
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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. 25785  
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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 25793  
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program. 25797

(C) The department may expand eligibility for medical 25798  
assistance to include individuals under age nineteen with family 25799  
incomes at or below one hundred fifty per cent of the federal 25800  
poverty guidelines, except that the eligibility expansion shall 25801  
not occur unless the department receives the approval of the 25802  
federal government. The department may implement the eligibility 25803  
expansion authorized under this division on any date selected by 25804  
the department, but not sooner than January 1, 1998. 25805

(D) In addition to any other authority or requirement to 25806  
adopt rules under this chapter, the director may adopt rules in 25807  
accordance with section 111.15 of the Revised Code as the director 25808  
considers necessary to establish standards, procedures, and other 25809  
requirements regarding the provision of medical assistance. The 25810  
rules may establish requirements to be followed in applying for 25811  
medical assistance, making determinations of eligibility for 25812  
medical assistance, and verifying eligibility for medical 25813  
assistance. The rules may include special conditions as the 25814  
department determines appropriate for making applications, 25815  
determining eligibility, and verifying eligibility for any medical 25816  
assistance that the department may provide pursuant to division 25817  
(C) of this section and section 5111.014 or 5111.019 of the 25818  
Revised Code. 25819

**Sec. 5111.0110.** (A) The director of job and family services 25820  
shall submit to the United States secretary of health and human 25821  
services an amendment to the state medicaid plan to implement the 25822  
"Breast and Cervical Cancer Prevention and Treatment Act of 2000," 25823  
114 Stat. 1381, 42 U.S.C.A. 1396a, as amended, to provide medical 25824  
assistance to women who meet all of the following requirements: 25825

(1) Are under age sixty-five; 25826

(2) Are not otherwise eligible for medicaid; 25827

(3) Have been screened for breast and cervical cancer under the centers for disease control and prevention breast and cervical cancer early detection program established under 42 U.S.C.A. 300k in accordance with 42 U.S.C.A. 300n; 25828  
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(4) Need treatment for breast or cervical cancer; 25832

(5) Are not otherwise covered under creditable coverage, as defined in 42 U.S.C.A. 300gg(c). 25833  
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(B) If the United States secretary of health and human services approves the state medicaid plan amendment submitted under division (A) of this section, the director of job and family services shall implement the amendment. The medical assistance provided under the amendment shall be limited to medical assistance provided during the period in which a woman who meets the requirements of division (A) of this section requires treatment for breast or cervical cancer. 25835  
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**Sec. 5111.041.** (A) As used in this section, "habilitation center" means a habilitation center certified under section 5123.041 of the Revised Code by the director of mental retardation and developmental disabilities ~~for the provision of~~ to provide habilitation center services under this section. 25843  
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~~(B) Habilitation centers shall verify the availability of matching funds for Title XIX of the Social Security Act for reimbursement of habilitation services as defined in section 5123.041 of the Revised Code and such matching funds shall be provided in accordance with 42 C.F.R. 433.45~~ To the extent provided in rules adopted under division (C) of this section, the medicaid program shall cover habilitation center services provided by a habilitation center. 25848  
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(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the 25856  
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medicaid program's coverage of habilitation services provided by 25858  
habilitation centers. The rules shall establish or provide for all 25859  
of the following: 25860

(1) The requirements a habilitation center must meet to 25861  
obtain certification under section 5123.041 of the Revised Code; 25862

(2) Making habilitation center services provided by 25863  
habilitation centers available to medicaid recipients with a 25864  
medical need for the services; 25865

(3) The amount, duration, and scope of the medicaid program's 25866  
coverage of the habilitation center services, including all of the 25867  
following: 25868

(a) The conditions under which the medicaid program covers 25869  
the habilitation center services; 25870

(b) The amount the medicaid program pays for the habilitation 25871  
center services or the method by which the amount is determined; 25872  
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(c) The manner in which the medicaid program pays for the 25874  
habilitation center services. 25875

(D) A county board of mental retardation and developmental 25876  
disabilities that has local administrative authority under 25877  
division (B) of section 5126.055 of the Revised Code for 25878  
habilitation center services shall pay the nonfederal share of 25879  
medicaid expenditures for the services if all of the following 25880  
apply: 25881

(1) The habilitation center services are provided to a 25882  
medicaid recipient who is a current resident of the county that 25883  
the county board serves; 25884

(2) The county board has determined, under section 5126.041 25885  
of the Revised Code, that the medicaid recipient is eligible for 25886  
county board services; 25887

<u>(3) The habilitation center services are provided by a</u>	25888
<u>habilitation center with a medicaid provider agreement and the</u>	25889
<u>habilitation center meets either of the following requirements:</u>	25890
<u>(a) Is operated by the county board;</u>	25891
<u>(b) Has contracted with the county board or the department of</u>	25892
<u>mental retardation and developmental disabilities to provide the</u>	25893
<u>habilitation center services.</u>	25894
<u>(4) No school district is required to pay the nonfederal</u>	25895
<u>share under division (E) of this section.</u>	25896
<u>(E) A school district shall pay the nonfederal share of</u>	25897
<u>medicaid expenditures for habilitation center services if all of</u>	25898
<u>the following apply:</u>	25899
<u>(1) The habilitation center services are provided to a</u>	25900
<u>medicaid recipient who is a student enrolled in a school of the</u>	25901
<u>district;</u>	25902
<u>(2) The habilitation center services are included in the</u>	25903
<u>student's individualized education program provided under section</u>	25904
<u>3323.08 of the Revised Code;</u>	25905
<u>(3) The habilitation center services are provided by a</u>	25906
<u>habilitation center with a medicaid provider agreement and the</u>	25907
<u>habilitation center meets either of the following requirements:</u>	25908
<u>(a) Is operated by the school district;</u>	25909
<u>(b) Has contracted with the school district to provide the</u>	25910
<u>habilitation center services.</u>	25911
<u>(F) The departments of mental retardation and developmental</u>	25912
<u>disabilities and job and family services may approve, reduce,</u>	25913
<u>deny, or terminate a service included in the individualized</u>	25914
<u>service plan developed for a medicaid recipient eligible for</u>	25915
<u>habilitation center services. The departments shall consider the</u>	25916
<u>recommendations a county board of mental retardation and</u>	25917

developmental disabilities makes under division (B)(1) 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. 25918  
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**Sec. 5111.042.** 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 with mental retardation or other developmental disability who is eligible for medicaid case management services. The departments shall consider the recommendations a county board of mental retardation and developmental disabilities makes under division (B)(1) 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. 25923  
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**Sec. 5111.081.** The prescription drug rebates fund is hereby created in the state treasury. All rebates paid by drug manufacturers to the department of job and family services in accordance with a rebate agreement required by 42 U.S.C.A. 1396r-8 shall be credited to the fund. The department of job and family services shall use money credited to the fund to pay for medicaid services and contracts. 25936  
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**Sec. 5111.17.** (A) ~~As used in this section, "community-based clinic" means a clinic that provides prenatal, family planning, well child, or primary care services and is funded in whole or in part by the state or federal government.~~ 25943  
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(B) On receipt of a waiver from the United States department 25947

of health and human services of any federal requirement that would 25948  
otherwise be violated, the department of job and family services 25949  
shall may establish in ~~Franklin, Hamilton, and Lucas~~ some or all 25950  
counties a managed care system under which designated recipients 25951  
of medical assistance are required to obtain ~~medical~~ health care 25952  
services from providers designated by the department. The 25953  
~~department may stagger implementation of the managed care system,~~ 25954  
~~but the system shall be implemented in at least one county not~~ 25955  
~~later than January 1, 1995, and in all three counties not later~~ 25956  
~~than July 1, 1996.~~ 25957

~~(C)(B) The department, by rule adopted under this section,~~ 25958  
~~may require any recipients in any other county to receive all or~~ 25959  
~~some of their care through managed care organizations that~~ 25960  
~~contract with the department and are paid by the department~~ 25961  
~~pursuant to a capitation or other risk-based methodology~~ 25962  
~~prescribed in the rules, and to receive their care only from~~ 25963  
~~providers designated by the organizations may enter into contracts~~ 25964  
~~with managed care organizations to authorize the organizations to~~ 25965  
~~provide health care services to medical assistance recipients~~ 25966  
~~participating in a managed care system established under this~~ 25967  
~~section.~~ 25968

~~(D) In accordance with rules adopted under division (G) of~~ 25969  
~~this section, the department may issue requests for proposals from~~ 25970  
~~managed care organizations interested in contracting with the~~ 25971  
~~department to provide managed care to participating medical~~ 25972  
~~assistance recipients.~~ 25973

~~(E) A health insuring corporation under contract with the~~ 25974  
~~department under this section may enter into an agreement with any~~ 25975  
~~community-based clinic for the provision of medical services to~~ 25976  
~~medical assistance recipients participating in the managed care~~ 25977  
~~system if the clinic is willing to accept the terms, conditions,~~ 25978  
~~and payment procedures established by the health insuring~~ 25979

corporation.

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~~(F)~~(C) For the purpose of determining the amount the  
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.

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~~(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.

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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.

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(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

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state law, provider agreements, or rules adopted by the 26011  
department. All investment earnings of the fund shall be credited 26012  
to the fund. Moneys credited to the fund shall be used solely for 26013  
the following purposes: 26014

(1) To reimburse managed care organizations that have paid 26015  
finances for failures to meet performance standards or other 26016  
requirements and that have come into compliance by meeting 26017  
requirements as specified by the department; 26018

(2) To provide financial incentive awards established 26019  
pursuant to division (A) of this section and specified in 26020  
contracts between managed care organizations and the department. 26021

**Sec. 5111.20.** As used in sections 5111.20 to 5111.32 26022  
5111.3415 of the Revised Code: 26023

(A) "Allowable costs" are those costs determined by the 26024  
department of job and family services to be reasonable and do not 26025  
include fines paid under sections 5111.35 to 5111.61 and section 26026  
5111.99 of the Revised Code. 26027

(B) "Capital costs" means costs of ownership and nonextensive 26028  
renovation. 26029

(1) "Cost of ownership" means the actual expense incurred for 26030  
all of the following: 26031

(a) Depreciation and interest on any capital assets that cost 26032  
five hundred dollars or more per item, including the following: 26033  
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(i) Buildings; 26035

(ii) Building improvements that are not approved as 26036  
nonextensive renovations under section 5111.25 or 5111.251 of the 26037  
Revised Code; 26038

(iii) Equipment; 26039

(iv) Extensive renovations;	26040
(v) Transportation equipment.	26041
(b) Amortization and interest on land improvements and leasehold improvements;	26042 26043
(c) Amortization of financing costs;	26044
(d) Except as provided in division <del>(I)</del> <u>(M)</u> of this section, lease and rent of land, building, and equipment.	26045 26046
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.	26047 26048 26049
(2) "Costs of nonextensive renovation" means the actual expense incurred for depreciation or amortization and interest on renovations that are not extensive renovations.	26050 26051 26052
(C) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	26053 26054
(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.	26055 26056 26057 26058 26059
<u>(E)(1) "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>	26060 26061 26062 26063 26064
<u>(a) Changing an operator's form of legal organization, including forming a partnership or corporation from a sole proprietorship;</u>	26065 26066 26067
<u>(b) Transferring ownership of the operator to another entity,</u>	26068

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  
transferred; 26069  
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(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; 26073  
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(d) If the operator is a partnership, dissolution of the  
partnership; 26076  
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(e) If the operator is a partnership, changing the  
composition of the partnership unless both of the following apply: 26078  
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(i) The change in composition does not cause the  
partnership's dissolution under state law. 26080  
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(ii) The partners agree that the change in composition does  
not constitute a change in operator. 26082  
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(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. 26084  
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(2) The following actions, alone, do not constitute a change  
of operator: 26088  
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(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; 26090  
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(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; 26094  
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(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 same corporation continues to be the operator of the nursing facility or intermediate care facility for the mentally retarded.

(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.

(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.

(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.

~~(F)~~(G) "Desk-reviewed" means that costs as reported on a cost

report submitted under section 5111.26 of the Revised Code have 26131  
been subjected to a desk review under division (A) of section 26132  
5111.27 of the Revised Code and preliminarily determined to be 26133  
allowable costs. 26134

~~(G)~~(H) "Direct care costs" means all of the following: 26135

(1)(a) Costs for registered nurses, licensed practical 26136  
nurses, and nurse aides employed by the facility; 26137

(b) Costs for direct care staff, administrative nursing 26138  
staff, medical directors, social services staff, activities staff, 26139  
psychologists and psychology assistants, social workers and 26140  
counselors, habilitation staff, qualified mental retardation 26141  
professionals, program directors, respiratory therapists, 26142  
habilitation supervisors, and except as provided in division 26143  
~~(G)~~(H)(2) of this section, other persons holding degrees 26144  
qualifying them to provide therapy; 26145

(c) Costs of purchased nursing services; 26146

(d) Costs of quality assurance; 26147

(e) Costs of training and staff development, employee 26148  
benefits, payroll taxes, and workers' compensation premiums or 26149  
costs for self-insurance claims and related costs as specified in 26150  
rules adopted by the director of job and family services in 26151  
accordance with Chapter 119. of the Revised Code, for personnel 26152  
listed in divisions ~~(G)~~(H)(1)(a), (b), and (d) of this section; 26153

(f) Costs of consulting and management fees related to direct 26154  
care; 26155

(g) Allocated direct care home office costs. 26156

(2) In addition to the costs specified in division ~~(G)~~(H)(1) 26157  
of this section, for intermediate care facilities for the mentally 26158  
retarded only, direct care costs include both of the following: 26159

(a) Costs for physical therapists and physical therapy 26160

assistants, occupational therapists and occupational therapy 26161  
assistants, speech therapists, and audiologists; 26162

(b) Costs of training and staff development, employee 26163  
benefits, payroll taxes, and workers' compensation premiums or 26164  
costs for self-insurance claims and related costs as specified in 26165  
rules adopted by the director of job and family services in 26166  
accordance with Chapter 119. of the Revised Code, for personnel 26167  
listed in division ~~(G)~~(H)(2)(a) of this section. 26168

(3) Costs of other direct-care resources that are specified 26169  
as direct care costs in rules adopted by the director of job and 26170  
family services in accordance with Chapter 119. of the Revised 26171  
Code. 26172

~~(H)~~(I) "Entering operator" means the person or government 26173  
entity that will become the operator of a nursing facility or 26174  
intermediate care facility for the mentally retarded when a change 26175  
of operator occurs. 26176

(J) "Exiting operator" means the person or government entity 26177  
that will cease to be the operator of a nursing facility or 26178  
intermediate care facility for the mentally retarded when a change 26179  
of operator or facility closure occurs. 26180

(K) "Facility closure" means actions resulting in the 26181  
relocation of all residents of a nursing facility or intermediate 26182  
care facility for the mentally retarded and discontinuance of the 26183  
use of the building, or part of the building, that houses the 26184  
facility as a nursing facility or intermediate care facility for 26185  
the mentally retarded. A facility closure occurs regardless of 26186  
whether one or more of the residents are relocated to another of 26187  
the operator's nursing facilities or intermediate care facilities 26188  
for the mentally retarded. A facility closure also occurs 26189  
regardless of whether or when the department of health terminates 26190  
the facility's certification under Title XIX of the "Social 26191

<u>Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended.</u>	26192
(L) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.	26193 26194
<del>(I)</del> (M) "Indirect care costs" means all reasonable costs other than direct care costs, other protected costs, or capital costs. "Indirect care costs" includes but is not limited to costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted by the director of job and family services in accordance with Chapter 119. of the Revised Code, for personnel listed in this division. Notwithstanding division (B)(1) of this section, "indirect care costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the facility's cost report for the cost reporting period ending December 31, 1992.	26195 26196 26197 26198 26199 26200 26201 26202 26203 26204 26205 26206 26207 26208 26209 26210 26211 26212 26213 26214 26215 26216 26217 26218
<del>(J)</del> (N) "Inpatient days" means all days during which a resident, regardless of payment source, occupies a bed in a nursing facility or intermediate care facility for the mentally retarded that is included in the facility's certified capacity under Title XIX of the "Social Security Act," 49 Stat. 610 (1935),	26219 26220 26221 26222 26223

42 U.S.C.A. 301, as amended. Therapeutic or hospital leave days 26224  
for which payment is made under section 5111.33 of the Revised 26225  
Code are considered inpatient days proportionate to the percentage 26226  
of the facility's per resident per day rate paid for those days. 26227

~~(K)~~(O) "Intermediate care facility for the mentally retarded" 26228  
means an intermediate care facility for the mentally retarded 26229  
certified as in compliance with applicable standards for the 26230  
medical assistance program by the director of health in accordance 26231  
with Title XIX of the "Social Security Act." 26232

~~(L)~~(P)(1) "Licensed bed days available" means the number of 26233  
calendar days in a cost reporting period multiplied by the number 26234  
of licensed beds in a nursing facility during the cost reporting 26235  
period. If the number of licensed beds in a nursing facility 26236  
changes one or more times during a cost reporting period, 26237  
"licensed bed days available" shall be determined for each period 26238  
during the cost reporting period in which the number of licensed 26239  
beds was the same. The "licensed bed days available" for the cost 26240  
reporting period is the sum of those determinations. 26241

(2) If a nursing facility is not required to be licensed, the 26242  
number of medicaid certified beds shall substitute for the number 26243  
of licensed beds when calculating "licensed bed days available." 26244  
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(Q) "Maintenance and repair expenses" means, except as 26246  
provided in division ~~(X)~~(DD)(2) of this section, expenditures that 26247  
are necessary and proper to maintain an asset in a normally 26248  
efficient working condition and that do not extend the useful life 26249  
of the asset two years or more. "Maintenance and repair expenses" 26250  
includes but is not limited to the cost of ordinary repairs such 26251  
as painting and wallpapering. 26252

~~(M)~~(R) "Nursing facility" means a facility, or a distinct 26253  
part of a facility, that is certified as a nursing facility by the 26254  
director of health in accordance with Title XIX of the "Social 26255

Security Act," and is not an intermediate care facility for the 26256  
mentally retarded. "Nursing facility" includes a facility, or a 26257  
distinct part of a facility, that is certified as a nursing 26258  
facility by the director of health in accordance with Title XIX of 26259  
the "Social Security Act," and is certified as a skilled nursing 26260  
facility by the director in accordance with Title XVIII of the 26261  
"Social Security Act." 26262

~~(N)~~(S) "Operator" means the person or government entity 26263  
responsible for the daily operating and management decisions for a 26264  
nursing facility or intermediate care facility for the mentally 26265  
retarded. 26266

(T) "Other protected costs" means costs for medical supplies; 26267  
real estate, franchise, and property taxes; natural gas, fuel oil, 26268  
water, electricity, sewage, and refuse and hazardous medical waste 26269  
collection; allocated other protected home office costs; and any 26270  
additional costs defined as other protected costs in rules adopted 26271  
by the director of job and family services in accordance with 26272  
Chapter 119. of the Revised Code. 26273

~~(O)~~(U) "Owner" means any person or government entity that has 26274  
at least five per cent ownership or interest, either directly, 26275  
indirectly, or in any combination, in a nursing facility or 26276  
intermediate care facility for the mentally retarded. 26277

~~(P)~~(V) "Patient" includes "resident." 26278

~~(Q)~~(W) Except as provided in divisions ~~(Q)~~(W)(1) and ~~(2)~~ to 26279  
(5) of this section, "per diem" means a nursing facility's or 26280  
intermediate care facility for the mentally retarded's actual, 26281  
allowable costs in a given cost center in a cost reporting period, 26282  
divided by the facility's inpatient days for that cost reporting 26283  
period. 26284

(1) When calculating indirect care costs for the purpose of 26285  
establishing rates under section 5111.24 of the Revised Code for 26286

nursing facility services provided on or after July 1, 2001, "per diem" means a nursing facility's actual, allowable indirect care costs in a cost reporting period divided by the facility's licensed bed days available in that cost reporting period.

(2) When calculating indirect care costs for the purpose of establishing rates under section ~~5111.24~~ or 5111.241 of the Revised Code for intermediate care facility services for the mentally retarded, "per diem" means ~~a facility's~~ an intermediate care facility for the mentally retarded's actual, allowable indirect care costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been eighty-five per cent.

~~(2)~~(3) When calculating capital costs for the purpose of establishing rates under section 5111.25 of the Revised Code for nursing facility services provided on or after July 1, 2001, "per diem" means a nursing facility's actual, allowable capital costs in a cost reporting period divided by the facility's licensed bed days available in that cost reporting period.

(4) When calculating capital costs for the purpose of establishing rates under section ~~5111.25~~ or 5111.251 of the Revised Code for intermediate care facility services for the mentally retarded, "per diem" means ~~a facility's~~ an intermediate care facility for the mentally retarded's actual, allowable capital costs in a cost reporting period divided by the greater of the facility's inpatient days for that 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.

~~(R)~~(5) When calculating other protected costs for the purpose of establishing rates under section 5111.235 of the Revised Code for nursing facility services provided on or after July 1, 2001, "per diem" means a nursing facility's actual, allowable other

protected costs in a cost reporting period divided by the 26319  
facility's licensed bed days available in that cost reporting 26320  
period. 26321

~~(X)~~ "Provider" means ~~a person or government entity that~~ 26322  
~~operates a nursing facility or intermediate care facility for the~~ 26323  
~~mentally retarded under an operator that holds~~ a provider 26324  
agreement. 26325

~~(S)~~(Y) "Provider agreement" means a contract between the 26326  
department of job and family services and a ~~nursing facility or~~ 26327  
~~intermediate care facility for the mentally retarded~~ provider for 26328  
the provision of nursing facility services or intermediate care 26329  
facility services for the mentally retarded under the medical 26330  
assistance program. 26331

~~(T)~~(Z) "Purchased nursing services" means services that are 26332  
provided in a nursing facility by registered nurses, licensed 26333  
practical nurses, or nurse aides who are not employees of the 26334  
facility. 26335

~~(U)~~(AA) "Reasonable" means that a cost is an actual cost that 26336  
is appropriate and helpful to develop and maintain the operation 26337  
of patient care facilities and activities, including normal 26338  
standby costs, and that does not exceed what a prudent buyer pays 26339  
for a given item or services. Reasonable costs may vary from 26340  
provider to provider and from time to time for the same provider. 26341

~~(V)~~(BB) "Related party" means an individual or organization 26342  
that, to a significant extent, has common ownership with, is 26343  
associated or affiliated with, has control of, or is controlled 26344  
by, the provider. 26345

(1) An individual who is a relative of an owner is a related 26346  
party. 26347

(2) Common ownership exists when an individual or individuals 26348  
possess significant ownership or equity in both the provider and 26349



the other organization. Significant ownership or equity exists 26350  
when an individual or individuals possess five per cent ownership 26351  
or equity in both the provider and a supplier. Significant 26352  
ownership or equity is presumed to exist when an individual or 26353  
individuals possess ten per cent ownership or equity in both the 26354  
provider and another organization from which the provider 26355  
purchases or leases real property. 26356

(3) Control exists when an individual or organization has the 26357  
power, directly or indirectly, to significantly influence or 26358  
direct the actions or policies of an organization. 26359

(4) An individual or organization that supplies goods or 26360  
services to a provider shall not be considered a related party if 26361  
all of the following conditions are met: 26362

(a) The supplier is a separate bona fide organization. 26363

(b) A substantial part of the supplier's business activity of 26364  
the type carried on with the provider is transacted with others 26365  
than the provider and there is an open, competitive market for the 26366  
types of goods or services the supplier furnishes. 26367

(c) The types of goods or services are commonly obtained by 26368  
other nursing facilities or intermediate care facilities for the 26369  
mentally retarded from outside organizations and are not a basic 26370  
element of patient care ordinarily furnished directly to patients 26371  
by the facilities. 26372

(d) The charge to the provider is in line with the charge for 26373  
the goods or services in the open market and no more than the 26374  
charge made under comparable circumstances to others by the 26375  
supplier. 26376

~~(W)~~(CC) "Relative of owner" means an individual who is 26377  
related to an owner of a nursing facility or intermediate care 26378  
facility for the mentally retarded by one of the following 26379  
relationships: 26380

(1) Spouse;	26381
(2) Natural parent, child, or sibling;	26382
(3) Adopted parent, child, or sibling;	26383
(4) Step-parent, step-child, step-brother, or step-sister;	26384
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;	26385 26386
(6) Grandparent or grandchild;	26387
(7) Foster caregiver, foster child, foster brother, or foster sister.	26388 26389
<del>(X)</del> (DD) "Renovation" and "extensive renovation" mean:	26390
(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.	26391 26392 26393 26394 26395 26396
(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:	26397 26398 26399 26400
(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.	26401 26402 26403 26404 26405 26406 26407 26408 26409 26410

"Renovation" does not mean construction of additional space for  
beds that will be added to a facility's licensed or certified  
capacity.

(b) "Extensive renovation" means a renovation that costs more  
than sixty-five per cent and no more than eighty-five per cent of  
the cost of constructing a new bed and that extends the useful  
life of the assets for at least ten years.

For the purposes of division ~~(X)~~(DD)(2) of this section, the  
cost of constructing a new bed shall be considered to be forty  
thousand dollars, adjusted for the estimated rate of inflation  
from January 1, 1993, to the end of the calendar year during which  
the renovation is completed, 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.

The department of job and family services may treat a  
renovation that costs more than eighty-five per cent of the cost  
of constructing new beds as an extensive renovation if the  
department determines that the renovation is more prudent than  
construction of new beds.

**Sec. ~~5111.34~~ 5111.206.** There is hereby created the medicaid  
long-term care reimbursement study council consisting of the  
following twenty-two members:

(A) The director of job and family services;

(B) An employee assigned to the office of medicaid of the  
department of job and family services, appointed by the director  
of job and family services;

(C) The director of health;

(D) The director of aging;

(E) The director of mental retardation and developmental disabilities;	26440 26441
(F) The director of budget and management;	26442
(G) The legislative budget officer;	26443
(H) Two members of the house of representatives, appointed by the speaker of the house of representatives;	26444 26445
(I) Two members of the senate, appointed by the president of the senate;	26446 26447
(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;	26448 26449 26450
(K) Two representatives of each of the following organizations, appointed by their respective governing bodies:	26451 26452
(1) The Ohio academy of nursing homes;	26453
(2) The association of Ohio philanthropic homes and housing for the aging;	26454 26455
(3) The Ohio health care association;	26456
(4) The Ohio private residential association.	26457
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	26458 26459 26460 26461 26462 26463 26464 26465 26466 26467 26468

for membership on the council. The speaker of the house of 26469  
representatives and the president of the senate jointly shall 26470  
appoint the chairperson of the council. Members of the council 26471  
shall serve without compensation. 26472

The council shall review, on an ongoing basis, the system 26473  
established by sections 5111.20 to 5111.32 of the Revised Code for 26474  
reimbursing nursing facilities and intermediate care facilities 26475  
for the mentally retarded under the medical assistance program. 26476  
The council shall recommend any changes it determines are 26477  
necessary. The council periodically shall report its activities, 26478  
findings, and recommendations to the governor, the speaker of the 26479  
house of representatives, and the president of the senate. 26480

**Sec. 5111.22.** A provider agreement between the department of 26481  
job and family services and a nursing facility or intermediate 26482  
care facility for the mentally retarded shall contain the 26483  
following provisions: 26484

(A) The department agrees to: 26485

(1) Make payments to the nursing facility or intermediate 26486  
care facility for the mentally retarded for patients eligible for 26487  
services under the medical assistance program as provided in 26488  
sections 5111.20 to 5111.32 of the Revised Code. ~~Payments shall be~~ 26489  
~~made no later than the fifteenth day of the month following a~~ 26490  
~~month in which care and services are provided to recipients of~~ 26491  
~~medical assistance. Such payments shall be retroactive to the~~ 26492  
~~first day of the month in which an application for benefits is~~ 26493  
~~made or the day a recipient of medical assistance is admitted to~~ 26494  
~~the facility. In the case of newly admitted recipients of medical~~ 26495  
~~assistance, the first payment shall be made no later than sixty~~ 26496  
~~days following the date of authorized admission. No payment shall~~ 26497  
be made for the day a recipient is discharged from the facility. 26498

(2) Provide copies of rules governing the facility's 26499

participation as a provider in the medical assistance program. 26500

Whenever the director of job and family services files a proposed 26501  
rule or proposed rule in revised form under division (D) of 26502  
section 111.15 or division (B) of section 119.03 of the Revised 26503  
Code, the department shall provide the facility with one copy of 26504  
such rule. In the case of a rescission or proposed rescission of a 26505  
rule, the department may provide the rule number and title instead 26506  
of the rules rescinded or proposed to be rescinded. 26507

(B) The provider agrees to: 26508

(1) Maintain eligibility as provided in section 5111.21 of 26509  
the Revised Code; 26510

(2) Keep records relating to a cost reporting period for the 26511  
greater of seven years after the cost report is filed or, if the 26512  
department issues an audit report in accordance with division (B) 26513  
of section 5111.27 of the Revised Code, six years after all appeal 26514  
rights relating to the audit report are exhausted; 26515

(3) File reports as required by the department; 26516

(4) Open all records relating to the costs of its services 26517  
for inspection and audit by the department; 26518

(5) Open its premises for inspection by the department, the 26519  
department of health, and any other state or local authority 26520  
having authority to inspect; 26521

(6) Supply to the department such information as it requires 26522  
concerning the facility's services to patients who are or are 26523  
eligible to be medicaid recipients; 26524

(7) Comply with section 5111.31 of the Revised Code. 26525

The provider agreement may contain other provisions that are 26526  
consistent with law and considered necessary by the department. 26527

A provider agreement shall be effective for no longer than 26528  
twelve months, except that if federal statute or regulations 26529

authorize a longer term, it may be effective for a longer term so 26530  
authorized. A provider agreement may be renewed only if the 26531  
facility is certified by the department of health for 26532  
participation in the medicaid program. 26533

The department of job and family services, in accordance with 26534  
rules adopted by the director pursuant to Chapter 119. of the 26535  
Revised Code, may elect not to enter into, not to renew, or to 26536  
terminate a provider agreement when the department determines that 26537  
such an agreement would not be in the best interests of the 26538  
recipients or of the state. 26539

**Sec. 5111.23.** (A) The department of job and family services 26540  
shall pay each eligible nursing facility and intermediate care 26541  
facility for the mentally retarded a per resident per day rate for 26542  
direct care costs established prospectively for each facility. The 26543  
department shall establish each facility's rate for direct care 26544  
costs quarterly. 26545

(B) Each facility's rate for direct care costs shall be based 26546  
on the facility's cost per case-mix unit, subject to the maximum 26547  
costs per case-mix unit established under division (B)(2) of this 26548  
section, from the calendar year preceding the fiscal year in which 26549  
the rate is paid. To determine the rate, the department shall do 26550  
all of the following: 26551

(1) Determine each facility's cost per case-mix unit for the 26552  
calendar year preceding the fiscal year in which the rate will be 26553  
paid by dividing the facility's desk-reviewed, actual, allowable, 26554  
per diem direct care costs for that year by its annual average 26555  
case-mix score for all residents regardless of payment source 26556  
determined under section 5111.231 of the Revised Code for the same 26557  
calendar year. 26558

(2)(a) Set the maximum cost per case-mix unit for each peer 26559  
group of nursing facilities specified in rules adopted under 26560

division (E) of this section at a percentage above the cost per  
case-mix unit of the facility in the group that has the group's  
median medicaid inpatient day for the calendar year preceding the  
fiscal year in which the rate will be paid, as calculated under  
division (B)(1) of this section, that is no less than the  
percentage calculated under division (D)(1) of this section.

(b) Set the maximum cost per case-mix unit for each peer  
group of intermediate care facilities for the mentally retarded  
with more than eight beds specified in rules adopted under  
division (E) of this section at a percentage above the cost per  
case-mix unit of the facility in the group that has the group's  
median medicaid inpatient day for the calendar year preceding the  
fiscal year in which the rate will be paid, as calculated under  
division (B)(1) of this section, that is no less than the  
percentage calculated under division (D)(2) of this section.

(c) Set the maximum cost per case-mix unit for each peer  
group of intermediate care facilities for the mentally retarded  
with eight or fewer beds specified in rules adopted under division  
(E) of this section at a percentage above the cost per case-mix  
unit of the facility in the group that has the group's median  
medicaid inpatient day for the calendar year preceding the fiscal  
year in which the rate will be paid, as calculated under division  
(B)(1) of this section, that is no less than the percentage  
calculated under division (D)(3) of this section.

(d) In calculating the maximum cost per case-mix unit under  
divisions (B)(2)(a) to (c) of this section for each peer group,  
the department shall exclude from its calculations the cost per  
case-mix unit of any facility in the group that participated in  
the medical assistance program under the same operator for less  
than twelve months during the calendar year preceding the fiscal  
year in which the rate will be paid.

(3) Estimate the rate of inflation for the eighteen-month



period beginning on the first day of July of the calendar year 26593  
preceding the fiscal year in which the rate will be paid and 26594  
ending on the thirty-first day of December of the fiscal year in 26595  
which the rate will be paid, using the employment cost index for 26596  
total compensation, health services component, published by the 26597  
United States bureau of labor statistics. If the estimated 26598  
inflation rate for the eighteen-month period is different from the 26599  
actual inflation rate for that period, as measured using the same 26600  
index, the difference shall be added to or subtracted from the 26601  
inflation rate estimated under division (B)(3) of this section for 26602  
the following fiscal year. 26603

(4) The department shall not recalculate a maximum cost per 26604  
case-mix unit under division (B)(2) of this section or a 26605  
percentage under division (D) of this section based on additional 26606  
information that it receives after the maximum costs per case-mix 26607  
unit or percentages are set. The department shall recalculate a 26608  
maximum cost per case-mix units or percentage only if it made an 26609  
error in computing the maximum cost per case-mix unit or 26610  
percentage based on information available at the time of the 26611  
original calculation. 26612

(C) Each facility's rate for direct care costs shall be 26613  
determined as follows for each calendar quarter within a fiscal 26614  
year: 26615

(1) ~~Multiply~~ For rates paid for nursing facility services 26616  
provided on or after July 1, 2001, multiply the lesser of the 26617  
following by the nursing facility's quarterly average case-mix 26618  
score for residents who are medicaid recipients determined under 26619  
section 5111.231 of the Revised Code for the calendar quarter that 26620  
preceded the immediately preceding calendar quarter: 26621

(a) The facility's cost per case-mix unit for the calendar 26622  
year preceding the fiscal year in which the rate will be paid, as 26623  
determined under division (B)(1) of this section; 26624

(b) The maximum cost per case-mix unit established for the 26625  
fiscal year in which the rate will be paid for the facility's peer 26626  
group under division (B)(2)(a) of this section; 26627

(2) For rates paid for intermediate care facility services 26628  
for the mentally retarded, multiply the lesser of the following by 26629  
the intermediate care facility for the mentally retarded's 26630  
quarterly average case-mix score for all residents regardless of 26631  
payment source determined under section 5111.231 of the Revised 26632  
Code for the calendar quarter that preceded the immediately 26633  
preceding calendar quarter: 26634

(a) The facility's cost per case-mix unit for the calendar 26635  
year preceding the fiscal year in which the rate will be paid, as 26636  
determined under division (B)(1) of this section; 26637

(b) The maximum cost per case-mix unit established for the 26638  
fiscal year in which the rate will be paid for the facility's peer 26639  
group under division (B)(2)(b) or (c) of this section. 26640

(3) Adjust the product determined under division (C)(1) and 26641  
(2) of this section by the inflation rate estimated under division 26642  
(B)(3) of this section. 26643

(D)(1) The department shall calculate the percentage above 26644  
the median cost per case-mix unit determined under division (B)(1) 26645  
of this section for the facility that has the median medicaid 26646  
inpatient day for calendar year 1992 for all nursing facilities 26647  
that would result in payment of all desk-reviewed, actual, 26648  
allowable direct care costs for eighty-five per cent of the 26649  
medicaid inpatient days for nursing facilities for calendar year 26650  
1992. 26651

(2) The department shall calculate the percentage above the 26652  
median cost per case-mix unit determined under division (B)(1) of 26653  
this section for the facility that has the median medicaid 26654  
inpatient day for calendar year 1992 for all intermediate care 26655

facilities for the mentally retarded with more than eight beds 26656  
that would result in payment of all desk-reviewed, actual, 26657  
allowable direct care costs for eighty and one-half per cent of 26658  
the medicaid inpatient days for such facilities for calendar year 26659  
1992. 26660

(3) The department shall calculate the percentage above the 26661  
median cost per case-mix unit determined under division (B)(1) of 26662  
this section for the facility that has the median medicaid 26663  
inpatient day for calendar year 1992 for all intermediate care 26664  
facilities for the mentally retarded with eight or fewer beds that 26665  
would result in payment of all desk-reviewed, actual, allowable 26666  
direct care costs for eighty and one-half per cent of the medicaid 26667  
inpatient days for such facilities for calendar year 1992. 26668

(E) The director of job and family services shall adopt rules 26669  
in accordance with Chapter 119. of the Revised Code that specify 26670  
peer groups of nursing facilities, intermediate care facilities 26671  
for the mentally retarded with more than eight beds, and 26672  
intermediate care facilities for the mentally retarded with eight 26673  
or fewer beds, based on findings of significant per diem direct 26674  
care cost differences due to geography and facility bed-size. The 26675  
rules also may specify peer groups based on findings of 26676  
significant per diem direct care cost differences due to other 26677  
factors which may include, in the case of intermediate care 26678  
facilities for the mentally retarded, case-mix. 26679

(F) The department, in accordance with division ~~(C)~~(D) of 26680  
section 5111.231 of the Revised Code and rules adopted under 26681  
division ~~(D)~~(E) of that section, may assign case-mix scores or 26682  
costs per case-mix unit if a facility fails to submit assessment 26683  
information necessary to calculate its case-mix score in 26684  
accordance with that section. 26685

**Sec. 5111.231.** (A)(1) The department of job and family 26686

services shall determine quarterly and annual case-mix scores for 26687  
nursing facilities by using data for each resident, regardless of 26688  
payment source, all of the following: 26689

(a) Data from a resident assessment instrument specified in 26690  
rules adopted in accordance with Chapter 119. of the ~~Revised~~ 26691  
~~Revised~~ Code pursuant to section ~~19119~~ 1919(e)(5) of the "Social 26692  
Security Act," 49 79 Stat. ~~620~~ 286 (~~1935~~ 1965), 42 U.S.C.A. 26693  
1396r(e)(5), as amended and the, for the following residents: 26694

(i) When determining a nursing facility's annual case-mix 26695  
score, each resident, regardless of payment source; 26696

(ii) When determining a nursing facility's quarterly case-mix 26697  
score for the purpose of calculating rates to be paid for nursing 26698  
facility services provided on or after July 1, 2001, each resident 26699  
who is medicaid recipient. 26700

(b) Except as provided in rules adopted under division 26701  
(A)(2)(a) or (b) of this section, the case-mix values established 26702  
by the United States department of health and human services- 26703  
~~Except;~~ 26704

(c) Except as modified in rules adopted under division 26705  
(A)~~(1)~~(2)(c) of this section, the department also shall use the 26706  
grouper methodology used on June 30, 1999, by the United States 26707  
department of health and human services for prospective payment of 26708  
skilled nursing facilities under the medicare program established 26709  
by Title XVIII of the "Social Security Act," 49 79 Stat. ~~620~~ 286 26710  
(~~1935~~ 1965), 42 U.S.C.A. ~~301~~ 1395, as amended. ~~The~~ 26711

(2) The director of job and family services may adopt rules 26712  
in accordance with Chapter 119. of the Revised Code that do any of 26713  
the following: 26714

(a) Adjust the case-mix values specified in division 26715  
(A)(1)(b) of this section to reflect changes in relative wage 26716  
differentials that are specific to this state; 26717

(b) Express all of the case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another;

(c) Modify the grouper methodology as follows:

(i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology;

(ii) Prohibit the use of the index maximizer element of the methodology;

(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;

(iv) Make other changes the medicaid long-term care reimbursement study council established by section ~~5111.34~~ 5111.206 of the Revised Code approves.

~~(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.

~~(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 26749  
facility on the last day of the quarter. 26750

Except as provided in division ~~(C)~~ (D) of this section, the 26751  
department, after the end of each calendar year and pursuant to 26752  
procedures specified in rules adopted in accordance with Chapter 26753  
119. of the Revised Code, shall calculate an annual average 26754  
case-mix score for each nursing facility and intermediate care 26755  
facility for the mentally retarded using the facility's quarterly 26756  
case-mix scores for that calendar year. 26757

~~(C)~~(D)(1) If a facility does not timely submit information 26758  
for a calendar quarter necessary to calculate its case-mix score, 26759  
or submits incomplete or inaccurate information for a calendar 26760  
quarter, the department may assign the facility a quarterly 26761  
average case-mix score that is five per cent less than the 26762  
facility's quarterly average case-mix score for the preceding 26763  
calendar quarter. If the facility was subject to an exception 26764  
review under division (C) of section 5111.27 of the Revised Code 26765  
for the preceding calendar quarter, the department may assign a 26766  
quarterly average case-mix score that is five per cent less than 26767  
the score determined by the exception review. If the facility was 26768  
assigned a quarterly average case-mix score for the preceding 26769  
quarter, the department may assign a quarterly average case-mix 26770  
score that is five per cent less than that score assigned for the 26771  
preceding quarter. 26772

The department may use a quarterly average case-mix score 26773  
assigned under division ~~(C)~~(D)(1) of this section, instead of a 26774  
quarterly average case-mix score calculated based on the 26775  
facility's submitted information, to calculate the facility's rate 26776  
for direct care costs being established under section 5111.23 of 26777  
the Revised Code for one or more months, as specified in rules 26778  
adopted under division ~~(D)~~(E) of this section, of the quarter for 26779  
which the rate established under section 5111.23 of the Revised 26780

Code will be paid. 26781

Before taking action under division ~~(C)~~(D)(1) of this 26782  
section, the department shall permit the facility a reasonable 26783  
period of time, specified in rules adopted under division ~~(D)~~(E) 26784  
of this section, to correct the information. In the case of an 26785  
intermediate care facility for the mentally retarded, the 26786  
department shall not assign a quarterly average case-mix score due 26787  
to late submission of corrections to assessment information unless 26788  
the facility fails to submit corrected information prior to the 26789  
eighty-first day after the end of the calendar quarter to which 26790  
the information pertains. In the case of a nursing facility, the 26791  
department shall not assign a quarterly average case-mix score due 26792  
to late submission of corrections to assessment information unless 26793  
the facility fails to submit corrected information prior to the 26794  
earlier of the eighty-first day after the end of the calendar 26795  
quarter to which the information pertains or the deadline for 26796  
submission of such corrections established by regulations adopted 26797  
by the United States department of health and human services under 26798  
Titles XVIII and XIX of the Social Security Act. 26799

(2) If a facility is paid a rate calculated using a quarterly 26800  
average case-mix score assigned under division ~~(C)~~(D)(1) of this 26801  
section for more than six months in a calendar year, the 26802  
department may assign the facility a cost per case-mix unit that 26803  
is five per cent less than the facility's actual or assigned cost 26804  
per case-mix unit for the preceding calendar year. The department 26805  
may use the assigned cost per case-mix unit, instead of 26806  
calculating the facility's actual cost per case-mix unit in 26807  
accordance with section 5111.23 of the Revised Code, to establish 26808  
the facility's rate for direct care costs for the following fiscal 26809  
year. 26810

(3) The department shall take action under division ~~(C)~~(D)(1) 26811  
or (2) of this section only in accordance with rules adopted under 26812

division ~~(D)~~(E) of this section. The department shall not take an 26813  
action that affects rates for prior payment periods except in 26814  
accordance with sections 5111.27 and 5111.28 of the Revised Code. 26815

~~(D)~~(E) The director may adopt rules in accordance with 26816  
Chapter 119. of the Revised Code that do any of the following: 26817

(1) Specify the medium or media through which the completed 26818  
assessment information shall be submitted; 26819

(2) Establish procedures under which the department will 26820  
review assessment information for accuracy and notify the facility 26821  
of any information that requires correction; 26822

(3) Establish procedures for facilities to correct assessment 26823  
information. The procedures may prohibit an intermediate care 26824  
facility for the mentally retarded from submitting corrected 26825  
assessment information, for the purpose of calculating its annual 26826  
average case-mix score, more than two calendar quarters after the 26827  
end of the quarter to which the information pertains or, if the 26828  
information pertains to the quarter ending the thirty-first day of 26829  
December, after the thirty-first day of the following March. The 26830  
procedures may limit the content of corrections by nursing 26831  
facilities in the manner required by regulations adopted by the 26832  
United States department of health and human services under Titles 26833  
XVIII and XIX of the Social Security Act and prohibit a nursing 26834  
facility from submitting corrected assessment information, for the 26835  
purpose of calculating its annual average case-mix score, more 26836  
than the earlier of the following: 26837

(a) Two calendar quarters after the end of the quarter to 26838  
which the information pertains or, if the information pertains to 26839  
the quarter ending the thirty-first day of December, after the 26840  
thirty-first day of the following March; 26841  
26842  
26843



(b) The deadline for submission of such corrections 26844  
established by regulations adopted by the United States department 26845  
of health and human services under Titles XVIII and XIX of the 26846  
Social Security Act. 26847

(4) Specify when and how the department will assign case-mix 26848  
scores or costs per case-mix unit under division ~~(C)~~(D) of this 26849  
section if information necessary to calculate the facility's 26850  
average annual or quarterly case-mix score is not provided or 26851  
corrected in accordance with the procedures established by the 26852  
rules. Notwithstanding any other provision of sections 5111.20 to 26853  
5111.32 of the Revised Code, the rules also may provide for 26854  
exclusion of case-mix scores assigned under division ~~(C)~~(D) of 26855  
this section from calculation of the facility's annual average 26856  
case-mix score and the maximum cost per case-mix unit for the 26857  
facility's peer group. 26858

**Sec. 5111.25.** (A) The department of job and family services 26859  
shall pay each eligible nursing facility a per resident per day 26860  
rate for its reasonable capital costs established prospectively 26861  
each fiscal year for each facility. Except as otherwise provided 26862  
in sections 5111.20 to 5111.32 of the Revised Code, the rate shall 26863  
be based on the facility's capital costs for the calendar year 26864  
preceding the fiscal year in which the rate will be paid. The rate 26865  
shall equal the sum of divisions (A)(1) ~~to (3)~~ and (2) of this 26866  
section: 26867

(1) The lesser of the following: 26868

(a) Eighty-eight and sixty-five one-hundredths per cent of 26869  
the facility's desk-reviewed, actual, allowable, per diem cost of 26870  
ownership and eighty-five per cent of the facility's actual, 26871  
allowable, per diem cost of nonextensive renovation determined 26872  
under division (F) of this section; 26873

(b) Eighty-eight and sixty-five one-hundredths per cent of 26874

the following limitation: 26875

(i) For the fiscal year beginning July 1, 1993, sixteen 26876  
dollars per resident day; 26877

(ii) For the fiscal year beginning July 1, 1994, sixteen 26878  
dollars per resident day, adjusted to reflect the rate of 26879  
inflation for the twelve-month period beginning July 1, 1992, and 26880  
ending June 30, 1993, using the consumer price index for shelter 26881  
costs for all urban consumers for the north central region, 26882  
published by the United States bureau of labor statistics; 26883

(iii) For subsequent fiscal years, the limitation in effect 26884  
during the previous fiscal year, adjusted to reflect the rate of 26885  
inflation for the twelve-month period beginning on the first day 26886  
of July for the calendar year preceding the calendar year that 26887  
precedes the fiscal year and ending on the following thirtieth day 26888  
of June, using the consumer price index for shelter costs for all 26889  
urban consumers for the north central region, published by the 26890  
United States bureau of labor statistics. 26891

(2) Any efficiency incentive determined under division (D) of 26892  
this section; 26893

~~(3) Any amounts for return on equity determined under 26894  
division (H) of this section. 26895~~

Buildings shall be depreciated using the straight line method 26896  
over forty years or over a different period approved by the 26897  
department. Components and equipment shall be depreciated using 26898  
the straight-line method over a period designated in rules adopted 26899  
by the director of job and family services in accordance with 26900  
Chapter 119. of the Revised Code, consistent with the guidelines 26901  
of the American hospital association, or over a different period 26902  
approved by the department. Any rules adopted under this division 26903  
that specify useful lives of buildings, components, or equipment 26904  
apply only to assets acquired on or after July 1, 1993. 26905

Depreciation for costs paid or reimbursed by any government agency 26906  
shall not be included in cost of ownership or renovation unless 26907  
that part of the payment under sections 5111.20 to 5111.32 of the 26908  
Revised Code is used to reimburse the government agency. 26909

(B) The capital cost basis of nursing facility assets shall 26910  
be determined in the following manner: 26911

(1) For purposes of calculating the rate to be paid for the 26912  
fiscal year beginning July 1, 1993, for facilities with dates of 26913  
licensure on or before June 30, 1993, the capital cost basis shall 26914  
be equal to the following: 26915

(a) For facilities that have not had a change of ~~ownership~~ 26916  
operator during the period beginning January 1, 1993, and ending 26917  
June 30, 1993, the desk-reviewed, actual, allowable capital cost 26918  
basis that is listed on the facility's cost report for the cost 26919  
reporting period ending December 31, 1992, plus the actual, 26920  
allowable capital cost basis of any assets constructed or acquired 26921  
after December 31, 1992, but before July 1, 1993, if the aggregate 26922  
capital costs of those assets would increase the facility's rate 26923  
for capital costs by twenty or more cents per resident per day. 26924

(b) For facilities that have a date of licensure or had a 26925  
change of ~~ownership~~ operator during the period beginning January 26926  
1, 1993, and ending June 30, 1993, the actual, allowable capital 26927  
cost basis of the person or government entity that owns the 26928  
facility on June 30, 1993. 26929

Capital cost basis shall be calculated as provided in 26930  
division (B)(1) of this section subject to approval by the United 26931  
States health care financing administration of any necessary 26932  
amendment to the state plan for providing medical assistance. 26933

The department shall include the actual, allowable capital 26934  
cost basis of assets constructed or acquired during the period 26935  
beginning January 1, 1993, and ending June 30, 1993, in the 26936

calculation for the facility's rate effective July 1, 1993, if the  
aggregate capital costs of the assets would increase the  
facility's rate by twenty or more cents per resident per day and  
the facility provides the department with sufficient documentation  
of the costs before June 1, 1993. If the facility provides the  
documentation after that date, the department shall adjust the  
facility's rate to reflect the costs of the assets one month after  
the first day of the month after the department receives the  
documentation.

(2) Except as provided in division (B)(4) of this section,  
for purposes of calculating the rates to be paid for fiscal years  
beginning after June 30, 1994, for facilities with dates of  
licensure on or before June 30, 1993, the capital cost basis of  
each asset shall be equal to the desk-reviewed, actual, allowable,  
capital cost basis that is listed on the facility's cost report  
for the calendar year preceding the fiscal year during which the  
rate will be paid.

(3) For facilities with dates of licensure after June 30,  
1993, the capital cost basis shall be determined in accordance  
with the principles of the medicare program established under  
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42  
U.S.C.A. 301, as amended, except as otherwise provided in sections  
5111.20 to 5111.32 of the Revised Code.

(4) Except as provided in division (B)(5) of this section, if  
a provider transfers an interest in a facility to another provider  
after June 30, 1993, there shall be no increase in the capital  
cost basis of the asset if the providers are related parties. If  
the providers are not related parties or if they are related  
parties and division (B)(5) of this section requires the  
adjustment of the capital cost basis under this division, the  
basis of the asset shall be adjusted by the lesser of the  
following:

(a) One-half of the change in construction costs during the 26969  
time that the transferor held the asset, as calculated by the 26970  
department of job and family services using the "Dodge building 26971  
cost indexes, northeastern and north central states," published by 26972  
Marshall and Swift; 26973

(b) One-half of the change in the consumer price index for 26974  
all items for all urban consumers, as published by the United 26975  
States bureau of labor statistics, during the time that the 26976  
transferor held the asset. 26977

(5) If a provider transfers an interest in a facility to 26978  
another provider who is a related party, the capital cost basis of 26979  
the asset shall be adjusted as specified in division (B)(4) of 26980  
this section for a transfer to a provider that is not a related 26981  
party if all of the following conditions are met: 26982

(a) The related party is a relative of the owner; 26983

(b) Except as provided in division (B)(5)(c)(ii) of this 26984  
section, the provider making the transfer retains no ownership 26985  
interest in the facility; 26986

(c) The department of job and family services determines that 26987  
the transfer is an arm's length transaction pursuant to rules the 26988  
department shall adopt in accordance with Chapter 119. of the 26989  
Revised Code no later than December 31, 2000. The rules shall 26990  
provide that a transfer is an arm's length transaction if all of 26991  
the following apply: 26992

(i) Once the transfer goes into effect, the provider that 26993  
made the transfer has no direct or indirect interest in the 26994  
provider that acquires the facility or the facility itself, 26995  
including interest as an owner, officer, director, employee, 26996  
independent contractor, or consultant, but excluding interest as a 26997  
creditor. 26998

(ii) The provider that made the transfer does not reacquire 26999

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 27031  
between the same parties as the lease in existence on May 27, 27032  
1992. 27033

(2) Subject to the limitation specified in division (A)(1) of 27034  
this section, for a lease of a facility that was in existence but 27035  
not operated under a lease on May 27, 1992, actual, allowable cost 27036  
of ownership shall include the lesser of the annual lease expense 27037  
or the annual depreciation expense and imputed interest expense 27038  
that would be calculated at the inception of the lease using the 27039  
lessor's entire historical capital asset cost basis, adjusted by 27040  
the lesser of the following amounts: 27041

(a) One-half of the change in construction costs during the 27042  
time the lessor held each asset until the beginning of the lease, 27043  
as calculated by the department using the "Dodge building cost 27044  
indexes, northeastern and north central states," published by 27045  
Marshall and Swift; 27046

(b) One-half of the change in the consumer price index for 27047  
all items for all urban consumers, as published by the United 27048  
States bureau of labor statistics, during the time the lessor held 27049  
each asset until the beginning of the lease. 27050

(3) Subject to the limitation specified in division (A)(1) of 27051  
this section, for a lease of a facility with a date of licensure 27052  
on or after May 27, 1992, that is initially operated under a 27053  
lease, actual, allowable cost of ownership shall include the 27054  
annual lease expense if there was a substantial commitment of 27055  
money for construction of the facility after December 22, 1992, 27056  
and before July 1, 1993. If there was not a substantial commitment 27057  
of money after December 22, 1992, and before July 1, 1993, actual, 27058  
allowable cost of ownership shall include the lesser of the annual 27059  
lease expense or the sum of the following: 27060

(a) The annual depreciation expense that would be calculated 27061

at the inception of the lease using the lessor's entire historical  
capital asset cost basis; 27062  
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(b) The greater of the lessor's actual annual amortization of  
financing costs and interest expense at the inception of the lease 27064  
or the imputed interest expense calculated at the inception of the 27065  
lease using seventy per cent of the lessor's historical capital 27066  
asset cost basis. 27067  
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(4) Subject to the limitation specified in division (A)(1) of 27069  
this section, for a lease of a facility with a date of licensure 27070  
on or after May 27, 1992, that was not initially operated under a 27071  
lease and has been in existence for ten years, actual, allowable 27072  
cost of ownership shall include the lesser of the annual lease 27073  
expense or the annual depreciation expense and imputed interest 27074  
expense that would be calculated at the inception of the lease 27075  
using the entire historical capital asset cost basis of the 27076  
lessor, adjusted by the lesser of the following: 27077

(a) One-half of the change in construction costs during the 27078  
time the lessor held each asset until the beginning of the lease, 27079  
as calculated by the department using the "Dodge building cost 27080  
indexes, northeastern and north central states," published by 27081  
Marshall and Swift; 27082

(b) One-half of the change in the consumer price index for 27083  
all items for all urban consumers, as published by the United 27084  
States bureau of labor statistics, during the time the lessor held 27085  
each asset until the beginning of the lease. 27086

(5) Subject to the limitation specified in division (A)(1) of 27087  
this section, for a new lease of a facility that was operated 27088  
under a lease on May 27, 1992, actual, allowable cost of ownership 27089  
shall include the lesser of the annual new lease expense or the 27090  
annual old lease payment. If the old lease was in effect for ten 27091  
years or longer, the old lease payment from the beginning of the 27092



old lease shall be adjusted by the lesser of the following: 27093

(a) One-half of the change in construction costs from the 27094  
beginning of the old lease to the beginning of the new lease, as 27095  
calculated by the department using the "Dodge building cost 27096  
indexes, northeastern and north central states," published by 27097  
Marshall and Swift; 27098

(b) One-half of the change in the consumer price index for 27099  
all items for all urban consumers, as published by the United 27100  
States bureau of labor statistics, from the beginning of the old 27101  
lease to the beginning of the new lease. 27102

(6) Subject to the limitation specified in division (A)(1) of 27103  
this section, for a new lease of a facility that was not in 27104  
existence or that was in existence but not operated under a lease 27105  
on May 27, 1992, actual, allowable cost of ownership shall include 27106  
the lesser of annual new lease expense or the annual amount 27107  
calculated for the old lease under division (C)(2), (3), (4), or 27108  
(6) of this section, as applicable. If the old lease was in effect 27109  
for ten years or longer, the lessor's historical capital asset 27110  
cost basis shall be adjusted by the lesser of the following for 27111  
purposes of calculating the annual amount under division (C)(2), 27112  
(3), (4), or (6) of this section: 27113

(a) One-half of the change in construction costs from the 27114  
beginning of the old lease to the beginning of the new lease, as 27115  
calculated by the department using the "Dodge building cost 27116  
indexes, northeastern and north central states," published by 27117  
Marshall and Swift; 27118

(b) One-half of the change in the consumer price index for 27119  
all items for all urban consumers, as published by the United 27120  
States bureau of labor statistics, from the beginning of the old 27121  
lease to the beginning of the new lease. 27122

In the case of a lease under division (C)(3) of this section 27123

of a facility for which a substantial commitment of money was made 27124  
after December 22, 1992, and before July 1, 1993, the old lease 27125  
payment shall be adjusted for the purpose of determining the 27126  
annual amount. 27127

(7) For any revision of a lease described in division (C)(1), 27128  
(2), (3), (4), (5), or (6) of this section, or for any subsequent 27129  
lease of a facility operated under such a lease, other than 27130  
execution of a new lease, the portion of actual, allowable cost of 27131  
ownership attributable to the lease shall be the same as before 27132  
the revision or subsequent lease. 27133

(8) Except as provided in division (C)(9) of this section, if 27134  
a provider leases an interest in a facility to another provider 27135  
who is a related party, the related party's actual, allowable cost 27136  
of ownership shall include the lesser of the annual lease expense 27137  
or the reasonable cost to the lessor. 27138

(9) If a provider leases an interest in a facility to another 27139  
provider who is a related party, regardless of the date of the 27140  
lease, the related party's actual, allowable cost of ownership 27141  
shall include the annual lease expense, subject to the limitations 27142  
specified in divisions (C)(1) to (7) of this section, if all of 27143  
the following conditions are met: 27144

(a) The related party is a relative of owner; 27145

(b) If the lessor retains an ownership interest, it is, 27146  
except as provided in division (C)(9)(c)(ii) of this section, in 27147  
only the real property and any improvements on the real property; 27148

(c) The department of job and family services determines that 27149  
the lease is an arm's length transaction pursuant to rules the 27150  
department shall adopt in accordance with Chapter 119. of the 27151  
Revised Code no later than December 31, 2000. The rules shall 27152  
provide that a lease is an arm's length transaction if all of the 27153  
following apply: 27154

(i) Once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (C)(9)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a lessor.

(ii) The lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility as if the lease never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The lease satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (B)(5) of this section or actual, allowable cost of ownership was determined most recently under division (C)(9) of this section.

(10) This division does not apply to leases of specific items of equipment.

(D)(1) Subject to division (D)(2) of this section, the department shall pay each nursing facility an efficiency incentive that is equal to fifty per cent of the difference between the following:

(a) Eighty-eight and sixty-five one-hundredths per cent of the facility's desk-reviewed, actual, allowable, per diem cost of ownership;

(b) The applicable amount specified in division (E) of this

section.	27186
(2) The efficiency incentive paid to a nursing facility shall not exceed the greater of the following:	27187 27188
(a) The efficiency incentive the facility was paid during the fiscal year ending June 30, 1994;	27189 27190
(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.	27191 27192 27193 27194 27195 27196 27197 27198 27199
(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.	27200 27201 27202 27203 27204
(E) The following amounts shall be used to calculate efficiency incentives for nursing facilities under this section:	27205 27206
(1) For facilities with dates of licensure prior to January 1, 1958, four dollars and twenty-four cents per patient day;	27207 27208
(2) For facilities with dates of licensure after December 31, 1957, but prior to January 1, 1968:	27209 27210
(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;	27211 27212 27213
(b) Four dollars and twenty-four cents per patient day if the cost of construction was less than three thousand five hundred	27214 27215

dollars per bed.	27216
(3) For facilities with dates of licensure after December 31, 1967, but prior to January 1, 1976:	27217
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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;	27219
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(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;	27222
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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.	27226
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(4) For facilities with dates of licensure after December 31, 1975, but prior to January 1, 1979:	27229
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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;	27231
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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;	27234
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(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;	27238
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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.	27242
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	27244
(5) For facilities with dates of licensure after December 31,	27245

1978, but prior to January 1, 1981:	27246
(a) Seven dollars and seventy-four cents per patient day if	27247
the cost of construction was seven thousand six hundred	27248
twenty-five dollars or more per bed;	27249
(b) Seven dollars and twenty-four cents per patient day if	27250
the cost of construction was less than seven thousand six hundred	27251
twenty-five dollars per bed but exceeded six thousand eight	27252
hundred dollars per bed;	27253
(c) Six dollars and twenty-four cents per patient day if the	27254
cost of construction was six thousand eight hundred dollars or	27255
less per bed but exceeded five thousand one hundred fifty dollars	27256
per bed;	27257
(d) Five dollars and twenty-four cents per patient day if the	27258
cost of construction was five thousand one hundred fifty dollars	27259
or less but exceeded three thousand five hundred dollars per bed;	27260
	27261
(e) Four dollars and twenty-four cents per patient day if the	27262
cost of construction was three thousand five hundred dollars or	27263
less per bed.	27264
(6) For facilities with dates of licensure in 1981 or any	27265
year thereafter prior to December 22, 1992, the following amount:	27266
(a) For facilities with construction costs less than seven	27267
thousand six hundred twenty-five dollars per bed, the applicable	27268
amounts for the construction costs specified in divisions	27269
(E)(5)(b) to (e) of this section;	27270
(b) For facilities with construction costs of seven thousand	27271
six hundred twenty-five dollars or more per bed, six dollars per	27272
patient day, provided that for 1981 and annually thereafter prior	27273
to December 22, 1992, department shall do both of the following to	27274
the six-dollar amount:	27275

(i) Adjust the amount for fluctuations in construction costs 27276  
calculated by the department using the "Dodge building cost 27277  
indexes, northeastern and north central states," published by 27278  
Marshall and Swift, using 1980 as the base year; 27279

(ii) Increase the amount, as adjusted for inflation under 27280  
division (E)(6)(b)(i) of this section, by one dollar and 27281  
seventy-four cents. 27282

(7) For facilities with dates of licensure on or after 27283  
January 1, 1992, seven dollars and ninety-seven cents, adjusted 27284  
for fluctuations in construction costs between 1991 and 1993 as 27285  
calculated by the department using the "Dodge building cost 27286  
indexes, northeastern and north central states," published by 27287  
Marshall and Swift, and then increased by one dollar and 27288  
seventy-four cents. 27289

For the fiscal year that begins July 1, 1994, each of the 27290  
amounts listed in divisions (E)(1) to (7) of this section shall be 27291  
increased by twenty-five cents. For the fiscal year that begins 27292  
July 1, 1995, each of those amounts shall be increased by an 27293  
additional twenty-five cents. For subsequent fiscal years, each of 27294  
those amounts, as increased for the prior fiscal year, shall be 27295  
adjusted to reflect the rate of inflation for the twelve-month 27296  
period beginning on the first day of July of the calendar year 27297  
preceding the calendar year that precedes the fiscal year and 27298  
ending on the following thirtieth day of June, using the consumer 27299  
price index for shelter costs for all urban consumers for the 27300  
north central region, as published by the United States bureau of 27301  
labor statistics. 27302

If the amount established for a nursing facility under this 27303  
division is less than the amount that applied to the facility 27304  
under division (B) of former section 5111.25 of the Revised Code, 27305  
as the former section existed immediately prior to December 22, 27306  
1992, the amount used to calculate the efficiency incentive for 27307

the facility under division (D)(2) of this section shall be the amount that was calculated under division (B) of the former section.

(F) Beginning July 1, 1993, regardless of the facility's date of licensure or the date of the nonextensive renovations, the rate for the costs of nonextensive renovations for nursing facilities shall be eighty-five per cent of the desk-reviewed, actual, allowable, per diem, nonextensive renovation costs. 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 nonextensive renovations ends before the depreciation expense for the renovation costs has been fully reported, the former lessee shall not report the undepreciated balance as an expense.

(1) For a nonextensive renovation made after July 1, 1993, to qualify for payment under this division, both of the following conditions must be met:

(a) At least five years have elapsed since the date of licensure of the portion of the facility that is proposed to be renovated, except that this condition does not apply if the renovation is necessary to meet the requirements of federal, state, or local statutes, ordinances, rules, or policies.

(b) The provider has obtained prior approval from the department of job and family services, and if required the director of health has granted a certificate of need for the renovation under section 3702.52 of the Revised Code. The provider shall submit a plan that describes in detail the changes in capital assets to be accomplished by means of the renovation and the timetable for completing the project. The time for completion of the project shall be no more than eighteen months after the renovation begins. The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code



that specify criteria and procedures for prior approval of  
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.

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(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.

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~~(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~~

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~~that the facility was operated under a provider agreement. If a~~ 27372  
~~nursing facility is sold after ten or more years of operation~~ 27373  
~~under a provider agreement, the owner shall not refund any excess~~ 27374  
~~depreciation to the department. The owner of a facility that is~~ 27375  
~~sold or that voluntarily terminates participation in the medical~~ 27376  
~~assistance program also shall refund any other amount that the~~ 27377  
~~department properly finds to be due after the audit conducted~~ 27378  
~~under this division section 5111.3412 of the Revised Code. For the~~ 27379  
~~purposes of this division, "depreciation paid to the facility"~~ 27380  
~~means the amount paid to the nursing facility for cost of~~ 27381  
~~ownership pursuant to this section less any amount paid for~~ 27382  
~~interest costs, amortization of financing costs, and lease~~ 27383  
~~expenses. For the purposes of this division, "excess depreciation"~~ 27384  
~~is the nursing facility's depreciated basis, which is the owner's~~ 27385  
~~cost less accumulated depreciation, subtracted from the purchase~~ 27386  
~~price net of selling costs but not exceeding the amount of~~ 27387  
~~depreciation paid to the facility.~~ 27388

~~A cost report shall be filed with the department within~~ 27389  
~~ninety days after the date on which the transaction of sale is~~ 27390  
~~closed or participation is voluntarily terminated. The report~~ 27391  
~~shall show the accumulated depreciation, the sales price, and~~ 27392  
~~other information required by the department. The amount of the~~ 27393  
~~last two monthly payments to a nursing facility made pursuant to~~ 27394  
~~division (A)(1) of section 5111.22 of the Revised Code before a~~ 27395  
~~sale or termination of participation shall be held in escrow by a~~ 27396  
~~bank, trust company, or savings and loan association, except that~~ 27397  
~~if the amount the owner will be required to refund under this~~ 27398  
~~section is likely to be less than the amount of the last two~~ 27399  
~~monthly payments, the department shall take one of the following~~ 27400  
~~actions instead of withholding the amount of the last two monthly~~ 27401  
~~payments:~~ 27402

~~(1) In the case of an owner that owns other facilities that~~ 27403

~~participate in the medical assistance program, obtain a promissory  
note in an amount sufficient to cover the amount likely to be  
refunded;~~ 27404  
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~~(2) In the case of all other owners, withhold the amount of  
the last monthly payment to the nursing facility.~~ 27407  
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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.~~ 27409  
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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~~ 27429  
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~~to the department at least forty-five days prior to entering into  
any contract of sale or terminating participation at any future  
time.~~ 27436  
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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.~~ 27439  
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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.~~ 27446  
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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.~~ 27451  
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**Sec. 5111.251.** (A) The department of job and family services 27465  
shall pay each eligible intermediate care facility for the 27466

mentally retarded for its reasonable capital costs, a per resident 27467  
per day rate established prospectively each fiscal year for each 27468  
intermediate care facility for the mentally retarded. Except as 27469  
otherwise provided in sections 5111.20 to 5111.32 of the Revised 27470  
Code, the rate shall be based on the facility's capital costs for 27471  
the calendar year preceding the fiscal year in which the rate will 27472  
be paid. The rate shall equal the sum of the following: 27473

(1) The facility's desk-reviewed, actual, allowable, per diem 27474  
cost of ownership for the preceding cost reporting period, limited 27475  
as provided in divisions (C) and (F) of this section; 27476

(2) Any efficiency incentive determined under division (B) of 27477  
this section; 27478

(3) Any amounts for renovations determined under division (D) 27479  
of this section; 27480

(4) Any amounts for return on equity determined under 27481  
division (I) of this section. 27482

Buildings shall be depreciated using the straight line method 27483  
over forty years or over a different period approved by the 27484  
department. Components and equipment shall be depreciated using 27485  
the straight line method over a period designated by the director 27486  
of job and family services in rules adopted in accordance with 27487  
Chapter 119. of the Revised Code, consistent with the guidelines 27488  
of the American hospital association, or over a different period 27489  
approved by the department of job and family services. Any rules 27490  
adopted under this division that specify useful lives of 27491  
buildings, components, or equipment apply only to assets acquired 27492  
on or after July 1, 1993. Depreciation for costs paid or 27493  
reimbursed by any government agency shall not be included in costs 27494  
of ownership or renovation unless that part of the payment under 27495  
sections 5111.20 to 5111.32 of the Revised Code is used to 27496  
reimburse the government agency. 27497

(B) The department of job and family services shall pay to 27498  
each intermediate care facility for the mentally retarded an 27499  
efficiency incentive equal to fifty per cent of the difference 27500  
between any desk-reviewed, actual, allowable cost of ownership and 27501  
the applicable limit on cost of ownership payments under division 27502  
(C) of this section. For purposes of computing the efficiency 27503  
incentive, depreciation for costs paid or reimbursed by any 27504  
government agency shall be considered as a cost of ownership, and 27505  
the applicable limit under division (C) of this section shall 27506  
apply both to facilities with more than eight beds and facilities 27507  
with eight or fewer beds. The efficiency incentive paid to a 27508  
facility with eight or fewer beds shall not exceed three dollars 27509  
per patient day, adjusted annually for the inflation rate for the 27510  
twelve-month period beginning on the first day of July of the 27511  
calendar year preceding the calendar year that precedes the fiscal 27512  
year for which the efficiency incentive is determined and ending 27513  
on the thirtieth day of the following June, using the consumer 27514  
price index for shelter costs for all urban consumers for the 27515  
north central region, as published by the United States bureau of 27516  
labor statistics. 27517

(C) Cost of ownership payments to intermediate care 27518  
facilities for the mentally retarded with more than eight beds 27519  
shall not exceed the following limits: 27520

(1) For facilities with dates of licensure prior to January 27521  
1, 1958, not exceeding two dollars and fifty cents per patient 27522  
day; 27523

(2) For facilities with dates of licensure after December 31, 27524  
1957, but prior to January 1, 1968, not exceeding: 27525

(a) Three dollars and fifty cents per patient day if the cost 27526  
of construction was three thousand five hundred dollars or more 27527  
per bed; 27528

(b) Two dollars and fifty cents per patient day if the cost of construction was less than three thousand five hundred dollars per bed.	27529 27530 27531
(3) For facilities with dates of licensure after December 31, 1967, but prior to January 1, 1976, not exceeding:	27532 27533
(a) Four dollars and fifty cents per patient day if the cost of construction was five thousand one hundred fifty dollars or more per bed;	27534 27535 27536
(b) Three dollars and fifty cents per patient day if the cost of construction was less than five thousand one hundred fifty dollars per bed, but exceeds three thousand five hundred dollars per bed;	27537 27538 27539 27540
(c) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	27541 27542 27543
(4) For facilities with dates of licensure after December 31, 1975, but prior to January 1, 1979, not exceeding:	27544 27545
(a) Five dollars and fifty cents per patient day if the cost of construction was six thousand eight hundred dollars or more per bed;	27546 27547 27548
(b) Four dollars and fifty cents per patient day if the cost of construction was less than six thousand eight hundred dollars per bed but exceeds five thousand one hundred fifty dollars per bed;	27549 27550 27551 27552
(c) Three dollars and fifty cents per patient day if the cost of construction was five thousand one hundred fifty dollars or less per bed, but exceeds three thousand five hundred dollars per bed;	27553 27554 27555 27556
(d) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less	27557 27558

per bed.	27559
(5) For facilities with dates of licensure after December 31, 1978, but prior to January 1, 1980, not exceeding:	27560
	27561
(a) Six dollars per patient day if the cost of construction was seven thousand six hundred twenty-five dollars or more per bed;	27562
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	27564
(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;	27565
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	27568
(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;	27569
	27570
	27571
(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;	27572
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	27574
(e) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	27575
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	27577
(6) For facilities with dates of licensure after December 31, 1979, but prior to January 1, 1981, not exceeding:	27578
	27579
(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;	27580
	27581
	27582
(b) Six dollars per patient day if the beds were originally licensed as nursing home beds by the department of health.	27583
	27584
(7) For facilities with dates of licensure after December 31, 1980, but prior to January 1, 1982, not exceeding:	27585
	27586
(a) Twelve dollars per patient day if the beds were	27587



originally licensed as residential facility beds by the department	27588
of mental retardation and developmental disabilities;	27589
(b) Six dollars and forty-five cents per patient day if the	27590
beds were originally licensed as nursing home beds by the	27591
department of health.	27592
(8) For facilities with dates of licensure after December 31,	27593
1981, but prior to January 1, 1983, not exceeding:	27594
(a) Twelve dollars per patient day if the beds were	27595
originally licensed as residential facility beds by the department	27596
of mental retardation and developmental disabilities;	27597
(b) Six dollars and seventy-nine cents per patient day if the	27598
beds were originally licensed as nursing home beds by the	27599
department of health.	27600
(9) For facilities with dates of licensure after December 31,	27601
1982, but prior to January 1, 1984, not exceeding:	27602
(a) Twelve dollars per patient day if the beds were	27603
originally licensed as residential facility beds by the department	27604
of mental retardation and developmental disabilities;	27605
(b) Seven dollars and nine cents per patient day if the beds	27606
were originally licensed as nursing home beds by the department of	27607
health.	27608
(10) For facilities with dates of licensure after December	27609
31, 1983, but prior to January 1, 1985, not exceeding:	27610
(a) Twelve dollars and twenty-four cents per patient day if	27611
the beds were originally licensed as residential facility beds by	27612
the department of mental retardation and developmental	27613
disabilities;	27614
(b) Seven dollars and twenty-three cents per patient day if	27615
the beds were originally licensed as nursing home beds by the	27616
department of health.	27617

(11) For facilities with dates of licensure after December 31, 1984, but prior to January 1, 1986, not exceeding:	27618 27619
(a) Twelve dollars and fifty-three cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	27620 27621 27622 27623
(b) Seven dollars and forty cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	27624 27625 27626
(12) For facilities with dates of licensure after December 31, 1985, but prior to January 1, 1987, not exceeding:	27627 27628
(a) Twelve dollars and seventy cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	27629 27630 27631
(b) Seven dollars and fifty cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	27632 27633 27634
(13) For facilities with dates of licensure after December 31, 1986, but prior to January 1, 1988, not exceeding:	27635 27636
(a) Twelve dollars and ninety-nine cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	27637 27638 27639 27640
(b) Seven dollars and sixty-seven cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	27641 27642 27643
(14) For facilities with dates of licensure after December 31, 1987, but prior to January 1, 1989, not exceeding thirteen dollars and twenty-six cents per patient day;	27644 27645 27646
(15) For facilities with dates of licensure after December	27647

31, 1988, but prior to January 1, 1990, not exceeding thirteen dollars and forty-six cents per patient day;	27648 27649
(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;	27650 27651 27652
(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;	27653 27654 27655
(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;	27656 27657 27658
(19) For facilities with dates of licensure after December 31, 1992, not exceeding fourteen dollars and twenty-eight cents per patient day.	27659 27660 27661
(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	27662 27663 27664 27665 27666 27667 27668 27669 27670 27671 27672 27673 27674 27675 27676 27677 27678

the tenancy of a lessee that has made renovations ends before the 27679  
depreciation expense for the renovation costs has been fully 27680  
reported, the former lessee shall not report the undepreciated 27681  
balance as an expense. 27682

For a nonextensive renovation to qualify for payment under 27683  
this division, both of the following conditions must be met: 27684

(1) At least five years have elapsed since the date of 27685  
licensure or date of an extensive renovation of the portion of the 27686  
facility that is proposed to be renovated, except that this 27687  
condition does not apply if the renovation is necessary to meet 27688  
the requirements of federal, state, or local statutes, ordinances, 27689  
rules, or policies. 27690

(2) The provider has obtained prior approval from the 27691  
department of job and family services. The provider shall submit a 27692  
plan that describes in detail the changes in capital assets to be 27693  
accomplished by means of the renovation and the timetable for 27694  
completing the project. The time for completion of the project 27695  
shall be no more than eighteen months after the renovation begins. 27696  
The director of job and family services shall adopt rules in 27697  
accordance with Chapter 119. of the Revised Code that specify 27698  
criteria and procedures for prior approval of renovation projects. 27699  
No provider shall separate a project with the intent to evade the 27700  
characterization of the project as a renovation or as an extensive 27701  
renovation. No provider shall increase the scope of a project 27702  
after it is approved by the department of job and family services 27703  
unless the increase in scope is approved by the department. 27704

(E) The amounts specified in divisions (C) and (D) of this 27705  
section shall be adjusted beginning July 1, 1993, for the 27706  
estimated inflation for the twelve-month period beginning on the 27707  
first day of July of the calendar year preceding the calendar year 27708  
that precedes the fiscal year for which rate will be paid and 27709  
ending on the thirtieth day of the following June, using the 27710

consumer price index for shelter costs for all urban consumers for 27711  
the north central region, as published by the United States bureau 27712  
of labor statistics. 27713

(F)(1) For facilities of eight or fewer beds that have dates 27714  
of licensure or have been granted project authorization by the 27715  
department of mental retardation and developmental disabilities 27716  
before July 1, 1993, and for facilities of eight or fewer beds 27717  
that have dates of licensure or have been granted project 27718  
authorization after that date if the facilities demonstrate that 27719  
they made substantial commitments of funds on or before that date, 27720  
cost of ownership shall not exceed eighteen dollars and thirty 27721  
cents per resident per day. The eighteen-dollar and thirty-cent 27722  
amount shall be increased by the change in the "Dodge building 27723  
cost indexes, northeastern and north central states," published by 27724  
Marshall and Swift, during the period beginning June 30, 1990, and 27725  
ending July 1, 1993, and by the change in the consumer price index 27726  
for shelter costs for all urban consumers for the north central 27727  
region, as published by the United States bureau of labor 27728  
statistics, annually thereafter. 27729

(2) For facilities with eight or fewer beds that have dates 27730  
of licensure or have been granted project authorization by the 27731  
department of mental retardation and developmental disabilities on 27732  
or after July 1, 1993, for which substantial commitments of funds 27733  
were not made before that date, cost of ownership payments shall 27734  
not exceed the applicable amount calculated under division (F)(1) 27735  
of this section, if the department of job and family services 27736  
gives prior approval for construction of the facility. If the 27737  
department does not give prior approval, cost of ownership 27738  
payments shall not exceed the amount specified in division (C) of 27739  
this section. 27740

(3) Notwithstanding divisions (D) and (F)(1) and (2) of this 27741  
section, the total payment for cost of ownership, cost of 27742

ownership efficiency incentive, and capitalized costs of 27743  
renovations for an intermediate care facility for the mentally 27744  
retarded with eight or fewer beds shall not exceed the sum of the 27745  
limitations specified in divisions (C) and (D) of this section. 27746

(G) Notwithstanding any provision of this section or section 27747  
5111.24 of the Revised Code, the director of job and family 27748  
services may adopt rules in accordance with Chapter 119. of the 27749  
Revised Code that provide for a calculation of a combined maximum 27750  
payment limit for indirect care costs and cost of ownership for 27751  
intermediate care facilities for the mentally retarded with eight 27752  
or fewer beds. 27753

(H) ~~After June 30, 1980, the owner of an intermediate care 27754  
facility for the mentally retarded operating under a provider 27755  
agreement shall provide written notice to the department of job 27756  
and family services at least forty-five days prior to entering 27757  
into any contract of sale for the facility or voluntarily 27758  
terminating participation in the medical assistance program. After 27759  
the date on which a transaction of sale of an intermediate care 27760  
facility for the mentally retarded is closed, the owner of the 27761  
facility shall refund to the department the amount of excess 27762  
depreciation paid to the facility by the department for each year 27763  
the owner has operated the facility under a provider agreement and 27764  
prorated according to the number of medicaid patient days for 27765  
which the facility has received payment. If an intermediate care 27766  
facility for the mentally retarded is sold after five or fewer 27767  
years of operation under a provider agreement, the refund to the 27768  
department shall be equal to the excess depreciation paid to the 27769  
facility. If an intermediate care facility for the mentally 27770  
retarded is sold after more than five years but less than ten 27771  
years of operation under a provider agreement, the refund to the 27772  
department shall equal the excess depreciation paid to the 27773  
facility multiplied by twenty per cent, multiplied by the number 27774~~

of years less than ten that a facility was operated under a 27775  
provider agreement. If an intermediate care facility for the 27776  
mentally retarded is sold after ten or more years of operation 27777  
under a provider agreement, the owner shall not refund any excess 27778  
depreciation to the department. For the purposes of this division, 27779  
"depreciation paid to the facility" means the amount paid to the 27780  
intermediate care facility for the mentally retarded for cost of 27781  
ownership pursuant to this section less any amount paid for 27782  
interest costs. For the purposes of this division, "excess 27783  
depreciation" is the intermediate care facility for the mentally 27784  
retarded's depreciated basis, which is the owner's cost less 27785  
accumulated depreciation, subtracted from the purchase price but 27786  
not exceeding the amount of depreciation paid to the facility. 27787

~~A cost report shall be filed with the department within 27788  
ninety days after the date on which the transaction of sale is 27789  
closed or participation is voluntarily terminated for an 27790  
intermediate care facility for the mentally retarded subject to 27791  
this division. The report shall show the accumulated depreciation, 27792  
the sales price, and other information required by the department. 27793  
The amount of the last two monthly payments to an intermediate 27794  
care facility for the mentally retarded made pursuant to division 27795  
(A)(1) of section 5111.22 of the Revised Code before a sale or 27796  
voluntary termination of participation shall be held in escrow by 27797  
a bank, trust company, or savings and loan association, except 27798  
that if the amount the owner will be required to refund under this 27799  
section is likely to be less than the amount of the last two 27800  
monthly payments, the department shall take one of the following 27801  
actions instead of withholding the amount of the last two monthly 27802  
payments:~~ 27803

~~(1) In the case of an owner that owns other facilities that 27804  
participate in the medical assistance program, obtain a promissory 27805  
note in an amount sufficient to cover the amount likely to be 27806~~

refunded; 27807

~~(2) In the case of all other owners, withhold the amount of 27808  
the last monthly payment to the intermediate care facility for the 27809  
mentally retarded. 27810~~

~~The department shall, within ninety days following the filing 27811  
of the cost report, audit the report and issue an audit report to 27812  
the owner. The department also may audit any other cost reports 27813  
for the facility that have been filed during the previous three 27814  
years. In the audit report, the department shall state its 27815  
findings and the amount of any money owed to the department by the 27816  
intermediate care facility for the mentally retarded. The findings 27817  
shall be subject to an adjudication conducted in accordance with 27818  
Chapter 119. of the Revised Code. No later than fifteen days after 27819  
the owner agrees to a settlement, any funds held in escrow less 27820  
any amounts due to the department shall be released to the owner 27821  
and amounts due to the department shall be paid to the department. 27822  
If the amounts in escrow are less than the amounts due to the 27823  
department, the balance shall be paid to the department within 27824  
fifteen days after the owner agrees to a settlement. If the 27825  
department does not issue its audit report within the ninety-day 27826  
period, the department shall release any money held in escrow to 27827  
the owner. For the purposes of this section, a transfer of 27828  
corporate stock, the merger of one corporation into another, or a 27829  
consolidation does not constitute a sale. 27830~~

~~27831~~

~~If an intermediate care facility for the mentally retarded is 27832  
not sold or its participation is not terminated after notice is 27833  
provided to the department under this division, the department 27834  
shall order any payments held in escrow released to the facility 27835  
upon receiving written notice from the owner that there will be no 27836  
sale or termination of participation. After written notice is 27837  
received from an intermediate care facility for the mentally 27838~~



~~retarded that a sale or termination of participation will not take 27839  
place, the facility shall provide notice to the department at 27840  
least forty-five days prior to entering into any contract of sale 27841  
or terminating participation at any future time. 27842~~

(I) The department of job and family services shall pay each 27843  
eligible proprietary intermediate care facility for the mentally 27844  
retarded a return on the facility's net equity computed at the 27845  
rate of one and one-half times the average of interest rates on 27846  
special issues of public debt obligations issued to the federal 27847  
hospital insurance trust fund for the cost reporting period. No 27848  
facility's return on net equity paid under this division shall 27849  
exceed one dollar per patient day. 27850

In calculating the rate for return on net equity, the 27851  
department shall use the greater of the facility's inpatient days 27852  
during the applicable cost reporting period or the number of 27853  
inpatient days the facility would have had during that period if 27854  
its occupancy rate had been ninety-five per cent. 27855

(J)(1) Except as provided in division (J)(2) of this section, 27856  
if a provider leases or transfers an interest in a facility to 27857  
another provider who is a related party, the related party's 27858  
allowable cost of ownership shall include the lesser of the 27859  
following: 27860

(a) The annual lease expense or actual cost of ownership, 27861  
whichever is applicable; 27862

(b) The reasonable cost to the lessor or provider making the 27863  
transfer. 27864

(2) If a provider leases or transfers an interest in a 27865  
facility to another provider who is a related party, regardless of 27866  
the date of the lease or transfer, the related party's allowable 27867  
cost of ownership shall include the annual lease expense or actual 27868  
cost of ownership, whichever is applicable, subject to the 27869

limitations specified in divisions (B) to (I) of this section, if 27870  
all of the following conditions are met: 27871

(a) The related party is a relative of owner; 27872

(b) In the case of a lease, if the lessor retains any 27873  
ownership interest, it is, except as provided in division 27874  
(J)(2)(d)(ii) of this section, in only the real property and any 27875  
improvements on the real property; 27876

(c) In the case of a transfer, the provider making the 27877  
transfer retains, except as provided in division (J)(2)(d)(iv) of 27878  
this section, no ownership interest in the facility; 27879

(d) The department of job and family services determines that 27880  
the lease or transfer is an arm's length transaction pursuant to 27881  
rules the department shall adopt in accordance with Chapter 119. 27882  
of the Revised Code no later than December 31, 2000. The rules 27883  
shall provide that a lease or transfer is an arm's length 27884  
transaction if all of the following, as applicable, apply: 27885

(i) In the case of a lease, once the lease goes into effect, 27886  
the lessor has no direct or indirect interest in the lessee or, 27887  
except as provided in division (J)(2)(b) of this section, the 27888  
facility itself, including interest as an owner, officer, 27889  
director, employee, independent contractor, or consultant, but 27890  
excluding interest as a lessor. 27891

(ii) In the case of a lease, the lessor does not reacquire an 27892  
interest in the facility except through the exercise of a lessor's 27893  
rights in the event of a default. If the lessor reacquires an 27894  
interest in the facility in this manner, the department shall 27895  
treat the facility as if the lease never occurred when the 27896  
department calculates its reimbursement rates for capital costs. 27897  
27898

(iii) In the case of a transfer, once the transfer goes into 27899  
effect, the provider that made the transfer has no direct or 27900

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.

(iv) In the case of a transfer, 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.

(v) The lease or transfer satisfies any other criteria  
specified in the rules.

(e) Except in the case of hardship caused by a catastrophic  
event, as determined by the department, or in the case of a lessor  
or 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, allowable cost of ownership was determined most  
recently under this division.

**Sec. 5111.255.** (A) The department of job and family services  
shall establish initial rates for a nursing facility or  
intermediate care facility for the mentally retarded with a first  
date of licensure that is on or after January 1, 1993, including a  
facility that replaces one or more existing facilities, or for a  
nursing facility or intermediate care facility for the mentally  
retarded with a first date of licensure before that date that was  
initially certified for the medical assistance program on or after  
that date, in the following manner:

(1) The rate for direct care costs shall be determined as  
follows:

(a) If there are no cost or resident assessment data as 27931  
necessary to calculate a rate under section 5111.23 of the Revised 27932  
Code, the rate shall be the median cost per case-mix unit 27933  
calculated under division (B)(1) of that section for the relevant 27934  
peer group for the calendar year preceding the fiscal year in 27935  
which the rate will be paid, multiplied by the median annual 27936  
average case-mix score for the peer group for that period and by 27937  
the rate of inflation estimated under division (B)(5) of that 27938  
section. This rate shall be recalculated to reflect the facility's 27939  
actual quarterly average case-mix score, in accordance with that 27940  
section, after it submits its first quarterly assessment 27941  
information that qualifies for use in calculating a case-mix score 27942  
in accordance with rules adopted under division ~~(D)~~(E) of section 27943  
5111.231 of the Revised Code. In recalculating a nursing 27944  
facility's rate for services provided on or after July 1, 2001, 27945  
the department shall use the nursing facility's actual quarterly 27946  
average case-mix score for each resident who is a medicaid 27947  
recipient. In recalculating an intermediate care facility for the 27948  
mentally retarded's rate, the department shall use the facility's 27949  
actual quarterly average case-mix score for each resident, 27950  
regardless of payment source. If the facility's a nursing facility 27951  
or intermediate care facility for the mentally retarded's first 27952  
two quarterly submissions do not contain assessment information 27953  
that qualifies for use in calculating a case-mix score, the 27954  
department shall continue to calculate the rate using the median 27955  
annual case-mix score for the peer group in lieu of an assigned 27956  
quarterly case-mix score. The department shall assign a case-mix 27957  
score or, if necessary, a cost per case-mix unit under division 27958  
~~(E)~~(D) of section 5111.231 of the Revised Code for any subsequent 27959  
submissions that do not contain assessment information that 27960  
qualifies for use in calculating a case-mix score. 27961

(b) If the facility is a replacement facility and the 27962

facility or facilities that are being replaced are in operation 27963  
immediately before the replacement facility opens, the rate shall 27964  
be the same as the rate for the replaced facility or facilities, 27965  
proportionate to the number of beds in each replaced facility. If 27966  
one or more of the replaced facilities is not in operation 27967  
immediately before the replacement facility opens, its proportion 27968  
shall be determined under division (A)(1)(a) of this section. 27969

(2) The rate for other protected costs shall be one hundred 27970  
fifteen per cent of the median rate for the applicable type of 27971  
facility calculated for the fiscal year under section 5111.235 of 27972  
the Revised Code. 27973

(3) The rate for indirect care costs shall be the applicable 27974  
maximum rate for the facility's peer group as specified in 27975  
division (B) of section 5111.24 or division (B) of section 27976  
5111.241 of the Revised Code. 27977

(4) The rate for capital costs for nursing facility services 27978  
provided on or after July 1, 2001, shall be determined under 27979  
section 5111.25 of the Revised Code using licensed bed days 27980  
available. 27981

(5) The rate for capital costs for intermediate care facility 27982  
services for the mentally retarded shall be determined under 27983  
section ~~5111.25~~ or 5111.251 of the Revised Code using the greater 27984  
of actual inpatient days or an imputed occupancy rate of eighty 27985  
per cent. 27986

(B) The department shall adjust the rates established under 27987  
division (A) of this section at both of the following times: 27988

(1) Effective the first day of July, to reflect new rate 27989  
calculations for all facilities under sections 5111.23 to 5111.25 27990  
and 5111.251 of the Revised Code; 27991

(2) Following the facility's submission of its cost report 27992  
under division (A)(1)(b) of section 5111.26 of the Revised Code. 27993

The department shall pay the rate adjusted based on the cost report beginning the first day of the calendar quarter that begins more than ninety days after the department receives the cost report.

**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.

(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 28026  
shall apply the recalculated rate to the periods when the provider 28027  
received the incorrect rate to determine the amount of the 28028  
overpayment. The provider shall refund the amount of the 28029  
overpayment. 28030

In addition to requiring a refund under this division, the 28031  
department may charge the provider interest at the applicable rate 28032  
specified in this division from the time the overpayment was made. 28033

(1) If the overpayment resulted from costs reported for 28034  
calendar year 1993, the interest shall be no greater than one and 28035  
one-half times the average bank prime rate. 28036

(2) If the overpayment resulted from costs reported for 28037  
subsequent calendar years: 28038

(a) The interest shall be no greater than two times the 28039  
average bank prime rate if the overpayment was equal to or less 28040  
than one per cent of the total medicaid payments to the provider 28041  
for the fiscal year for which the incorrect information was used 28042  
to establish a rate. 28043

(b) The interest shall be no greater than two and one-half 28044  
times the current average bank prime rate if the overpayment was 28045  
greater than one per cent of the total medicaid payments to the 28046  
provider for the fiscal year for which the incorrect information 28047  
was used to establish a rate. 28048

~~(3) The department shall determine the average bank prime 28049  
rate using statistical release H.15, "selected interest rates," a 28050  
weekly publication of the federal reserve board, or any successor 28051  
publication. If statistical release H.15, or its successor, ceases 28052  
to contain the bank prime rate information or ceases to be 28053  
published, the department shall request a written statement of the 28054  
average bank prime rate from the federal reserve bank of Cleveland 28055  
or the federal reserve board. 28056~~

(C) The department also may impose the following penalties: 28057

(1) If a provider does not furnish invoices or other 28058  
documentation that the department requests during an audit within 28059  
sixty days after the request, no more than the greater of one 28060  
thousand dollars per audit or twenty-five per cent of the 28061  
cumulative amount by which the costs for which documentation was 28062  
not furnished increased the total medicaid payments to the 28063  
provider during the fiscal year for which the costs were used to 28064  
establish a rate; 28065

(2) If an ~~owner~~ operator fails to provide notice of ~~sale of~~ 28066  
~~the facility or voluntary termination of participation in the~~ 28067  
~~medical assistance program, as~~ closure in the time required by 28068  
~~section 5111.25 or 5111.251~~ 3721.19 or 5123.195 of the Revised 28069  
Code, or to provide notice of change of operator under section 28070  
5111.34 of the Revised Code in the time provided in division (A) 28071  
of section 5111.341 of the Revised Code, no more than ~~two per cent~~ 28072  
~~of the last~~ the current average bank prime rate plus four per cent 28073  
of two monthly month's average payments to the operator under the 28074  
medical assistance program. 28075

(D) If the provider continues to participate in the medical 28076  
assistance program, the department shall deduct any amount that 28077  
the provider is required to refund under this section, and the 28078  
amount of any interest charged or penalty imposed under this 28079  
section, from the next available payment from the department to 28080  
the provider. The department and the provider may enter into an 28081  
agreement under which the amount, together with interest, is 28082  
deducted in installments from payments from the department to the 28083  
provider. If the provider does not continue to participate in the 28084  
medical assistance program, the department shall deduct any amount 28085  
that the provider is required to refund under this section, and 28086  
the amount of any interest charged or penalty imposed under this 28087  
section, from the amount withheld under division (A) of section 28088



5111.348 of the Revised Code and any security provided to the 28089  
department under that section. 28090

(E) The department shall transmit refunds and penalties to 28091  
the treasurer of state for deposit in the general revenue fund. 28092

(F) For the purpose of this section, the department shall 28093  
determine the average bank prime rate using statistical release 28094  
H.15, "selected interest rates," a weekly publication of the 28095  
federal reserve board, or any successor publication. If 28096  
statistical release H.15, or its successor, ceases to contain the 28097  
bank prime rate information or ceases to be published, the 28098  
department shall request a written statement of the average bank 28099  
prime rate from the federal reserve bank of Cleveland or the 28100  
federal reserve board. 28101

**Sec. 5111.29.** (A) The director of job and family services 28102  
shall adopt rules in accordance with Chapter 119. of the Revised 28103  
Code that establish a process under which a nursing facility or 28104  
intermediate care facility for the mentally retarded, or a group 28105  
or association of facilities, may seek reconsideration of rates 28106  
established under sections 5111.23 to 5111.28 of the Revised Code, 28107  
including a rate for direct care costs recalculated before the 28108  
effective date of the rate as a result of an exception review of 28109  
resident assessment information conducted under section 5111.27 of 28110  
the Revised Code. 28111

(1) Except as provided in divisions (A)(2) to (4) of this 28112  
section, the only issue that a facility, group, or association may 28113  
raise in the rate reconsideration shall be whether the rate was 28114  
calculated in accordance with sections 5111.23 to 5111.28 of the 28115  
Revised Code and the rules adopted under those sections. The rules 28116  
shall permit a facility, group, or association to submit written 28117  
arguments or other materials that support its position. The rules 28118  
shall specify time frames within which the facility, group, or 28119

association and the department must act. If the department  
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, 28152  
or findings of violations of certification requirements by the 28153  
department of health. An increase under division (A)(2) of this 28154  
section is subject to any rate limitations or maximum rates 28155  
established by sections 5111.23 to 5111.28 of the Revised Code for 28156  
specific cost centers. Any rate increase granted under division 28157  
(A)(2) of this section shall take effect on the first day of the 28158  
first month after the department receives the request. 28159

(3) The rules shall provide that the department, through the 28160  
rate reconsideration process, may increase a facility's rate as 28161  
calculated under sections 5111.23 to 5111.28 of the Revised Code 28162  
if the department, in its sole discretion, determines that the 28163  
rate as calculated under those sections works an extreme hardship 28164  
on the facility. 28165

(4) The rules shall provide that when beds certified for the 28166  
medical assistance program are added to an existing facility, 28167  
replaced at the same site, or subject to a change of ~~ownership or~~ 28168  
~~lease~~ operator, the department, through the rate reconsideration 28169  
process, shall increase the facility's rate for capital costs 28170  
proportionately, as limited by any applicable limitation under 28171  
section 5111.25 or 5111.251 of the Revised Code, to account for 28172  
the costs of the beds that are added, replaced, or subject to a 28173  
change of ~~ownership or lease~~ operator. The department shall make 28174  
this increase one month after the first day of the month after the 28175  
department receives sufficient documentation of the costs. Any 28176  
rate increase granted under division (A)(4) of this section after 28177  
June 30, 1993, shall remain in effect until the effective date of 28178  
a rate calculated under section 5111.25 or 5111.251 of the Revised 28179  
Code that includes costs incurred for a full calendar year for the 28180  
bed addition, bed replacement, or change of ~~ownership or lease~~ 28181  
operator. The facility shall report double accumulated 28182  
depreciation in an amount equal to the depreciation included in 28183

the rate adjustment on its cost report for the first year of 28184  
operation. During the term of any loan used to finance a project 28185  
for which a rate adjustment is granted under division (A)(4) of 28186  
this section, if the facility is operated by the same provider, 28187  
the facility shall subtract from the interest costs it reports on 28188  
its cost report an amount equal to the difference between the 28189  
following: 28190

(a) The actual, allowable interest costs for the loan during 28191  
the calendar year for which the costs are being reported; 28192

(b) The actual, allowable interest costs attributable to the 28193  
loan that were used to calculate the rates paid to the facility 28194  
during the same calendar year. 28195

(5) The department's decision at the conclusion of the 28196  
reconsideration process shall not be subject to any administrative 28197  
proceedings under Chapter 119. or any other provision of the 28198  
Revised Code. 28199

(B) Any audit disallowance that the department makes as the 28200  
result of an audit under section 5111.27 of the Revised Code, any 28201  
adverse finding that results from an exception review of resident 28202  
assessment information conducted under that section after the 28203  
effective date of the facility's rate that is based on the 28204  
assessment information, and any penalty the department imposes 28205  
under division (C) of section 5111.28 of the Revised Code shall be 28206  
subject to an adjudication conducted in accordance with Chapter 28207  
119. of the Revised Code. 28208

Sec. 5111.34. (A) Before a change of operator occurs, the 28209  
exiting operator and entering operator shall each provide the 28210  
department of job and family services written notice of the intent 28211  
that the change of operator to occur. 28212

(B) The exiting operator shall provide all of the following 28213  
in the written notice to the department: 28214

<u>(1) The name of the exiting operator and, if any, exiting operator's authorized agent;</u>	28215
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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>	28217
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<u>(3) The exiting operator's medical assistance provider agreement number;</u>	28220
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<u>(4) The name of the entering operator;</u>	28222
<u>(5) The proposed date that the change of operator is to occur;</u>	28223
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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>	28225
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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>	28228
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<u>(8) The signature of the exiting operator's representative.</u>	28231
<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>	28232
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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>	28236
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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>	28242
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operator, copies of all the actual leases, management agreements, 28245  
and sales contracts and supporting documents, relating to the 28246  
facility's change of operator. 28247

Sec. 5111.341. The department of job and family services may 28248  
enter into a provider agreement with an entering operator that 28249  
goes into effect at 12:01 a.m. on the date the change of operator 28250  
occurs if all of the following requirements are met: 28251

(A) The exiting operator and entering operator comply with 28252  
section 5111.34 of the Revised Code as follows: 28253

(1) At least forty-five days before the change of operator is 28254  
to occur if the change of operator does not entail the relocation 28255  
of residents; 28256

(2) At least ninety days before the change of operator is to 28257  
occur if the change of operator entails the relocation of 28258  
residents. 28259

(B) The entering operator furnishes to the department copies 28260  
of all the fully executed leases, management agreements, and sales 28261  
contracts and supporting documents relating to the nursing 28262  
facility or intermediate care facility for the mentally retarded's 28263  
change of operator not later than ten days after the change of 28264  
operator occurs; 28265

(C) The entering operator is eligible for medicaid payments 28266  
as provided in section 5111.21 of the Revised Code. 28267

Sec. 5111.342. (A) The department of job and family services 28268  
may enter into a provider agreement with an entering operator that 28269  
goes into effect at 12:01 a.m. on the date determined under 28270  
division (B) of this section if all of the following are the case: 28271

(1) The exiting operator and entering operator comply with 28272  
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<u>section 5111.34 of the Revised Code;</u>	28274
<u>(2) The entering operator furnishes to the department copies</u>	28275
<u>of all the fully executed leases, management agreements, and sales</u>	28276
<u>contracts and supporting documents relating to the nursing</u>	28277
<u>facility or intermediate care facility for the mentally retarded's</u>	28278
<u>change of operator;</u>	28279
<u>(3) The requirement of division (A)(1) of this section is met</u>	28280
<u>after the time provided in division (A) of section 5111.341 of the</u>	28281
<u>Revised Code or the requirement of division (A)(2) of this section</u>	28282
<u>is met after the time provided in division (B) of section 5111.341</u>	28283
<u>of the Revised Code, or both;</u>	28284
<u>(4) The entering operator is eligible for medicaid payments</u>	28285
<u>as provided in section 5111.21 of the Revised Code.</u>	28286
<u>(B) The department shall determine the date a provider</u>	28287
<u>agreement entered into under this section is to go into effect as</u>	28288
<u>follows:</u>	28289
<u>(1) The effective date shall give the department sufficient</u>	28290
<u>time to process the change of operator, assure no duplicate</u>	28291
<u>payments are made, make the withholding required by section</u>	28292
<u>5111.348 of the Revised Code, and withhold the final payment to</u>	28293
<u>the exiting operator until ninety days after the exiting operator</u>	28294
<u>submits to the department a properly completed cost report under</u>	28295
<u>section 5111.349 of the Revised Code.</u>	28296
<u>(2) The effective date shall be no earlier than the date by</u>	28297
<u>which the exiting operator and entering operator have complied</u>	28298
<u>with section 5111.34 of the Revised Code and no later than the</u>	28299
<u>following after that date:</u>	28300
<u>(a) Forty-five days if the change of operator does not entail</u>	28301
<u>the relocation of residents;</u>	28302
<u>(b) Ninety days if the change of operator entails the</u>	28303

<u>relocation of residents.</u>	28304
<u>Sec. 5111.343. A provider agreement that the department of</u>	28305
<u>job and family services enters into with an entering operator</u>	28306
<u>under section 5111.341 or 5111.342 of the Revised Code shall</u>	28307
<u>satisfy all of the following requirements:</u>	28308
<u>(A) Comply with all applicable federal statutes and</u>	28309
<u>regulations;</u>	28310
<u>(B) Comply with section 5111.22 of the Revised Code and all</u>	28311
<u>other applicable state statutes and rules;</u>	28312
<u>(C) Include all the terms and conditions of the exiting</u>	28313
<u>operator's provider agreement, including, but not limited to, all</u>	28314
<u>of the following:</u>	28315
<u>(1) Any plan of correction;</u>	28316
<u>(2) Compliance with health and safety standards;</u>	28317
<u>(3) Compliance with the ownership and financial interest</u>	28318
<u>disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3;</u>	28319
<u>(4) Compliance with the civil rights requirements of 45</u>	28320
<u>C.F.R. parts 80, 84, and 90;</u>	28321
<u>(5) Compliance with additional requirements imposed by the</u>	28322
<u>department;</u>	28323
<u>(6) Any sanctions relating to remedies for violation of the</u>	28324
<u>provider agreement, including deficiencies, compliance periods,</u>	28325
<u>accountability periods, monetary penalties, notification for</u>	28326
<u>correction of contract violations, and history of deficiencies.</u>	28327
<u>(D) Require the entering operator to assume the exiting</u>	28328
<u>operator's remaining debt to the department that the department is</u>	28329
<u>unable to collect from the exiting operator;</u>	28330
<u>(E) Have a different provider number than the exiting</u>	28331



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 28362  
under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 28363  
42 U.S.C.A. 1396, as amended, or licensure under Chapter 3107. of 28364  
the Revised Code; 28365

(B) The department of mental retardation and developmental 28366  
disabilities' determination that a change of operator has or has 28367  
not occurred for purposes of licensure under section 5123.19 of 28368  
the Revised Code. 28369

**Sec. 5111.347.** On receipt of a written notice under section 28370  
5111.34 of the Revised Code of an intended change of operator or 28371  
written notice under section 3721.19 or 5123.195 of the Revised 28372  
Code of an intended facility closure, the department of job and 28373  
family services shall determine the amount of any overpayments 28374  
made under the medicaid program to the exiting operator, including 28375  
overpayments the exiting operator disputes, and other actual and 28376  
potential debts the exiting operator owes or may owe to the 28377  
department under the medicaid program. The department shall 28378  
determine the amount of any overpayments by settlement or final 28379  
rate recalculation. If a settlement is unavailable for any period 28380  
before the effective date of the entering operator's provider 28381  
agreement or the date of the facility closure, the department 28382  
shall make a reasonable estimate of any overpayment for the 28383  
period. The department shall base the reasonable estimate on 28384  
settlements from prior periods, available audit findings, the 28385  
projected impact of prospective rates, and other information 28386  
available to the department. In determining the exiting operator's 28387  
other actual and potential debts to the department under the 28388  
medicaid program, the department shall include all of the 28389  
following: 28390

(A) Refunds due the department under division (G) of section 28391  
5111.25 of the Revised Code or division (H) of section 5111.251 of 28392

<u>the Revised Code for excess depreciation;</u>	28393
<u>(B) Interest owed to the department;</u>	28394
<u>(C) Final civil monetary and other penalties for which all</u> <u>right of appeal has been exhausted;</u>	28395 28396
<u>(D) Third-party liabilities;</u>	28397
<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>	28398 28399 28400
<u>(F) A billings and claims reconciliation.</u>	28401
<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>	28402 28403 28404 28405
<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>	28406 28407 28408 28409 28410 28411
<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>	28412 28413 28414
<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>	28415 28416 28417
<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>	28418 28419 28420 28421

form of a security.

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(D) The department shall release to the exiting operator the actual amount withheld under division (A) of this section if the exiting operator does both of the following:

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(1) Files a complete and adequate cost report in accordance with section 5111.349 of the Revised Code;

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(2) Provides the department a security in the amount the department is required to withhold under division (A) of this section, less any of that amount provided to the department in the form of a security under division (C) of this section.

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(E) Security provided to the department under division (C) or (D) of this section shall be in either or both of the following forms:

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(1) In the case of a change of operator, the entering operator's nontransferable, unconditional, written agreement to pay the department any debt the exiting operator owes the department under the medicaid program;

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(2) A form of collateral or security acceptable to the department that satisfies both of the following conditions:

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(a) Is at least equal to the amount the department is required to withhold under division (A) of this section, less any amounts the department has received through actual withholding or one or more other forms of security under this division;

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(b) Is payable to the department if the exiting operator fails to pay any debt owed the department under the medicaid program within fifteen days of receiving the department's written demand for payment of the debt.

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**Sec. 5111.349.** Not later than ninety days after the effective date of an entering operator's provider agreement or the date of a

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facility closure, the exiting operator shall file with the  
department of job and family services a cost report for the period  
that begins with the day after the last day covered by the  
operator's most recent previous cost report required by section  
5111.26 of the Revised Code and ends on the effective date of the  
entering operator's provider agreement or the date of the facility  
closure. The cost report shall include, as applicable, all of the  
following:

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(A) The nursing facility or intermediate care facility for  
the mentally retarded's accumulated depreciation and sales price;

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(B) A list of assets transferred to the entering operator;

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(C) Any other information the department requires.

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**Sec. 5111.3410.** If an exiting operator fails to file a cost  
report with the department of job and family services in  
accordance with section 5111.349 of the Revised Code, all payments  
under the medicaid program for the period the cost report covers  
are deemed overpayments until the date the department receives the  
complete and adequate cost report. After notice and opportunity  
for a hearing in accordance with Chapter 119. of the Revised Code,  
the department may impose on the exiting operator a penalty of one  
hundred dollars for each calendar day the complete and adequate  
cost report is late.

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**Sec. 5111.3411.** The department of job and family services may  
not provide an exiting operator final payment under the medicaid  
program until the department receives all complete and adequate  
cost reports the exiting operator must file under sections 5111.26  
and 5111.349 of the Revised Code.

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**Sec. 5111.3412.** The department of job and family services

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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. 28479  
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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: 28488  
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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; 28494  
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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. 28499  
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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 28502  
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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: 28509  
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(A) From the exiting operator; 28511

(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. 28512  
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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 28522  
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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 28571  
or contracting agency shall deliver to the facility, at least 28572  
thirty days prior to the day that is six months after the exit 28573  
interview, a written order terminating the facility's 28574  
participation in the medical assistance program. The order shall 28575  
take effect and the facility's participation shall terminate on 28576  
the day that is six months after the exit interview. The order 28577  
shall not take effect if, after it is delivered to the facility 28578  
and prior to the effective date of the order, the department of 28579  
health determines on the basis of a follow-up survey that the 28580  
facility has corrected the deficiency or deficiencies. 28581

An order issued under this section is subject to appeal under 28582  
Chapter 119. of the Revised Code; however, the order may take 28583  
effect prior to or during the pendency of any hearing under that 28584  
chapter. In that case, the department of job and family services 28585  
or contracting agency shall provide the facility an opportunity 28586  
for a hearing in accordance with section 5111.60 of the Revised 28587  
Code. 28588

(D) Except as provided in division (E) of this section, 28589  
whenever the department of job and family services or a 28590  
contracting agency terminates a facility's participation in the 28591  
medical assistance program pursuant to this section, the provider 28592  
shall repay the department the federal share of all payments made 28593  
by the department to the facility under the medical assistance 28594  
program during the six-month period following the exit interview 28595  
of the survey that was the basis for citing the deficiency or 28596  
cluster of deficiencies. The provider shall repay the department 28597  
within thirty days after the department repays to the federal 28598  
government the federal share of payments made to the facility 28599  
during that six-month period. 28600

(E) A provider is not required to repay the department of job 28601  
and family services if either of the following is the case: 28602

(1) The facility has brought an appeal under Chapter 119. of 28603  
the Revised Code of termination of its participation in the 28604  
medical assistance program, except that the provider shall repay 28605  
the department of job and family services within thirty days after 28606  
the facility exhausts its right to appeal under that chapter. 28607

(2) The facility complied with the plan of correction 28608  
approved by the department of health and the obligation to repay 28609  
resulted from the department's failure to provide timely 28610  
verification to the United States department of health and human 28611  
services of the facility's compliance with the plan of correction. 28612

(F) If a provider's obligation to repay the department of job 28613  
and family services under division (D) of this section results 28614  
from disallowance of federal financial participation by the United 28615  
States department of health and human services, the provider shall 28616  
not be required to repay the department of job and family services 28617  
until the federal disallowance becomes final. 28618

(G) Any fines paid under sections 5111.35 to 5111.62 of the 28619  
Revised Code during any period for which the facility is required 28620  
to repay the department of job and family services under division 28621  
(D) of this section shall be offset against the amount the 28622  
provider is required to repay the department for that period. 28623

(H) Prior to a change of ownership operator of a facility for 28624  
which a provider has an obligation to repay the department of job 28625  
and family services under division (D) of this section that has 28626  
not become final, or has become final but not been paid, the 28627  
department may do one or more of the following: 28628

(1) Require the provider to place money in escrow, or obtain 28629  
a bond, in sufficient amount to indemnify the state against the 28630  
provider's failure to repay the department after the change of 28631  
ownership operator occurs; 28632

(2) Place a lien on the facility's real property; 28633

(3) Use any method to recover the payments that is available 28634  
to the attorney general to recover payments on behalf of the 28635  
department of job and family services. 28636

Sec. 5111.63. (A) As used in this section and in section 28637  
5111.64 of the Revised Code: 28638

(1) "Facility" means a facility, or part of a facility, 28639  
certified as a nursing facility or skilled nursing facility under 28640  
Title XVIII or Title XIX of the "Social Security Act," 49 Stat. 28641  
286 (1965), 42 U.S.C. 1395 and 1396, as amended. "Facility" does 28642  
not include an intermediate care facility for the mentally 28643  
retarded, as defined in section 5111.20 of the Revised Code. 28644

(2) "Transfer or discharge" means the movement of resident to 28645  
a bed outside of the facility in which the resident resides, 28646  
regardless of whether the bed is in the same physical plant. 28647  
"Transfer or discharge" does not include the movement of a 28648  
resident to a different bed in the same facility. 28649

(3) "Physician" means an individual authorized under Chapter 28650  
4731. of the Revised Code to practice medicine and surgery or 28651  
osteopathic medicine and surgery. 28652

(4) "Resident" means a resident of a facility who is one of 28653  
the following: 28654

(a) A recipient of medicaid under section 5111.01 of the 28655  
Revised Code; 28656

(b) A beneficiary under Title XVIII of the "Social Security 28657  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 28658

(B) The administrator of a facility may transfer or discharge 28659  
a resident from the facility only under the following 28660  
circumstances: 28661

(1) The welfare and needs of the resident cannot be met in 28662

<u>the facility;</u>	28663
<u>(2) The resident's health has improved sufficiently so that</u>	28664
<u>the resident no longer needs the services provided by the</u>	28665
<u>facility;</u>	28666
<u>(3) The safety of individuals in the facility is endangered;</u>	28667
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<u>(4) The health of individuals in the facility would otherwise</u>	28669
<u>be endangered;</u>	28670
<u>(5) The resident has failed, after reasonable and appropriate</u>	28671
<u>notice, to pay for a stay at the facility, regardless of the</u>	28672
<u>method of payment;</u>	28673
<u>(6) The facility ceases to operate;</u>	28674
<u>(7) The reason specified in division (C)(1) or (2) of section</u>	28675
<u>3721.16 of the Revised Code.</u>	28676
<u>In the case of a transfer or discharge described in division</u>	28677
<u>(B)(1), (2), (3), (4), or (5) of this section, the transfer or</u>	28678
<u>discharge shall be documented in the resident's medical record. In</u>	28679
<u>the case of a transfer or discharge described in division (B)(1)</u>	28680
<u>or (2) of this section, the documentation shall be made by the</u>	28681
<u>resident's physician. In the case of a transfer or discharge</u>	28682
<u>described in division (B)(4) of this section, the documentation</u>	28683
<u>shall be made by a physician. In the case of a transfer or</u>	28684
<u>discharge described in division (B)(5) of this section of a</u>	28685
<u>resident who becomes eligible for the medicaid program after</u>	28686
<u>admission to the facility, the facility may assess a resident only</u>	28687
<u>those charges that are allowed under the medicaid program.</u>	28688
<u>(C) The administrator of a facility proposing to transfer or</u>	28689
<u>discharge a resident as described in division (B) of this section</u>	28690
<u>shall notify in writing the resident and the resident's sponsor or</u>	28691
<u>legal representative of the proposed transfer or discharge. The</u>	28692

notice shall be made in accordance with 42 C.F.R. 483.12, as 28693  
amended. On the date notice is provided to a resident, the 28694  
administrator shall forward a copy of the notice to the legal 28695  
services office of the department of job and family services. 28696

Not later than ninety days after the date a resident receives 28697  
notice of a proposed transfer or discharge, the resident may 28698  
request a hearing before the department of job and family services 28699  
under the hearing procedure described in section 5111.64 of the 28700  
Revised Code. A facility shall permit a resident who requests a 28701  
hearing not later than ten days after the date the resident 28702  
receives the notice to remain in the facility pending the order of 28703  
the hearing officer. 28704

**Sec. 5111.64.** (A) The department of job and family services 28705  
shall establish and administer a hearing procedure for a resident 28706  
of a facility to appeal a proposed transfer or discharge from a 28707  
facility. The department may contract with the department of 28708  
health to establish and administer the hearing procedure. If the 28709  
department of job and family services contracts with the 28710  
department of health, the department of health shall have the same 28711  
authority under this section as the department of job and family 28712  
services. 28713

(B) The hearing procedure shall provide for all of the 28714  
following: 28715

(1) The hearing to be conducted by a hearing officer who 28716  
shall be an employee of the department of job and family services 28717  
or a hearing examiner who is under contract with the department; 28718

(2) The hearing to be tape-recorded; 28719

(3) The hearing officer to issue an order based on the facts 28720  
presented at the hearing not later than ninety days after receipt 28721  
of the request for hearing; 28722

(4) Notice of the contents of the order to be provided to the resident and the administrator of the facility. 28723  
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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. 28725  
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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. 28727  
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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. 28736  
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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. 28739  
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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: 28746  
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(1) Eligibility requirements for the medicaid waiver components; 28749  
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(2) The type, amount, duration, and scope of services the medicaid waiver components provide; 28751  
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<u>(3) The conditions under which the medicaid waiver components cover services;</u>	28753 28754
<u>(4) The amount the medicaid waiver components pay for services or the method by which the amount is determined;</u>	28755 28756
<u>(5) The manner in which the medicaid waiver components pay for services;</u>	28757 28758
<u>(6) Safeguards for the health and welfare of medicaid recipients receiving services under a medicaid waiver component;</u>	28759 28760
<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>	28761 28762 28763 28764 28765
<u>(8) Other policies necessary for the efficient administration of the medicaid waiver components.</u>	28766 28767
<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>	28768 28769 28770 28771
<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>	28772 28773 28774 28775 28776 28777 28778 28779
<u>(1) If the violator is a county family services agency, take action under section 5101.24 of the Revised Code;</u>	28780 28781
<u>(2) If the violator is not a county family services agency,</u>	28782

establish a corrective action plan for the violator and impose 28783  
fiscal, administrative, or both types of sanctions on the violator 28784  
in accordance with rules adopted under division (B) of this 28785  
section. 28786

**Sec. 5111.86.** The department of job and family services may 28787  
enter into interagency agreements with one or more other state 28788  
agencies to have the state agency administer one or more 28789  
components of the medicaid program, or one or more aspects of a 28790  
component, under the department's supervision. A state agency that 28791  
enters into such an interagency agreement shall comply with any 28792  
rules the director of job and family services has adopted 28793  
governing the component, or aspect of the component, that the 28794  
state agency is to administer, including any rules establishing 28795  
review, audit, and corrective action plan requirements. 28796

A state agency that enters into an interagency agreement with 28797  
the department under this section shall reimburse the department 28798  
for the nonfederal share of the cost to the department of 28799  
performing, or contracting for the performance of, a fiscal audit 28800  
of the component of the medicaid program, or aspect of the 28801  
component, that the state agency administers if rules governing 28802  
the component, or aspect of the component, require that a fiscal 28803  
audit be conducted. 28804

There is hereby created in the state treasury the medicaid 28805  
administrative reimbursement fund. The department shall use money 28806  
in the fund to pay for the nonfederal share of the cost of a 28807  
fiscal audit for which a state agency is required by this section 28808  
to reimburse the department. The department shall deposit the 28809  
reimbursements into the fund. 28810

**Sec. 5111.87.** As used in this section and section 5111.871 of 28811  
the Revised Code, "intermediate care facility for the mentally 28812



retarded" has the same meaning as in section 5111.20 of the 28813  
Revised Code. 28814

The director of job and family services may apply to the 28815  
United States secretary of health and human services for one or 28816  
more medicaid waivers under which home or community-based services 28817  
are provided to individuals with mental retardation or other 28818  
developmental disability as an alternative to placement in an 28819  
intermediate care facility for the mentally retarded. 28820

**Sec. ~~5111.87~~ 5111.871.** The department of job and family 28821  
services shall enter into an interagency agreement with the 28822  
department of mental retardation and developmental disabilities 28823  
under section 5111.86 of the Revised Code with regard to the 28824  
component of the medicaid program established by the department of 28825  
job and family services under ~~a waiver~~ one or more waivers from 28826  
the United States secretary of health and human services pursuant 28827  
to section 1915 of the "Social Security Act," 49 Stat. 620 (1935), 28828  
42 U.S.C.A. 1396n, as amended, to provide eligible ~~medical~~ 28829  
~~assistance~~ medicaid recipients with home or community-based 28830  
services as an alternative to placement in an intermediate care 28831  
facility for the mentally retarded ~~as defined in section 5111.20~~ 28832  
~~of the Revised Code.~~ The agreement shall provide for the 28833  
department of mental retardation and developmental disabilities to 28834  
administer the ~~program~~ component in accordance with the terms of 28835  
the waiver. The ~~departments~~ directors of job and family services 28836  
and mental retardation and developmental disabilities shall adopt 28837  
rules in accordance with Chapter 119. of the Revised Code 28838  
governing the ~~program~~ component. 28839

If the department of mental retardation and developmental 28840  
disabilities or the department of job and family services denies 28841  
an individual's application for home or community-based services 28842  
provided under this medicaid component, the department that made 28843

the denial shall timely notify the individual that the individual may request a hearing under section 5101.35 of the Revised Code. 28844  
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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. 28846  
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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: 28858  
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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; 28865  
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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; 28869  
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(C) Anything else the department considers appropriate. 28872

Sec. 5111.873. (A) Not later than the effective date of the 28873

first of any medicaid waivers the United States secretary of 28874  
health and human services grants pursuant to a request made under 28875  
section 5111.87 of the Revised Code, the director of job and 28876  
family services shall adopt rules in accordance with Chapter 119. 28877  
of the Revised Code establishing statewide fee schedules for home 28878  
or community-based services provided under the component of the 28879  
medicaid program that the department of mental retardation and 28880  
developmental disabilities administers under section 5111.871 of 28881  
the Revised Code. The rules shall provide for all of the 28882  
following: 28883

(1) The department of mental retardation and developmental 28884  
disabilities arranging for the initial and ongoing collection of 28885  
cost information from a comprehensive, statistically valid sample 28886  
of persons and government entities providing the services at the 28887  
time the information is obtained; 28888

(2) The collection of consumer-specific information through 28889  
an assessment instrument the department of mental retardation and 28890  
developmental disabilities shall develop; 28891

(3) With the information collected pursuant to divisions 28892  
(A)(1) and (2) of this section, an analysis of that information, 28893  
and other information the director determines relevant, methods 28894  
and standards for calculating the fee schedules that do all of the 28895  
following: 28896

(a) Assure that the fees are consistent with efficiency, 28897  
economy, and quality of care; 28898

(b) Consider the intensity of consumer resource need; 28899

(c) Recognize variations in different geographic areas 28900  
regarding the resources necessary to assure the health and welfare 28901  
of consumers; 28902

(d) Recognize variations in environmental supports available 28903  
to consumers. 28904

(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.

(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.

**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.

The director shall:

(A) Adopt rules for the proper execution of the powers and duties of the department with respect to the institutions under

its control, and require the performance of additional duties by 28936  
the officers of the institutions as necessary to fully meet the 28937  
requirements, intents, and purposes of this chapter. In case of an 28938  
apparent conflict between the powers conferred upon any managing 28939  
officer and those conferred by such sections upon the department, 28940  
the presumption shall be conclusive in favor of the department. 28941  
28942

(B) Adopt rules for the nonpartisan management of the 28943  
institutions under the department's control. An officer or 28944  
employee of the department or any officer or employee of any 28945  
institution under its control who, by solicitation or otherwise, 28946  
exerts influence directly or indirectly to induce any other 28947  
officer or employee of the department or any of its institutions 28948  
to adopt the exerting officer's or employee's political views or 28949  
to favor any particular person, issue, or candidate for office 28950  
shall be removed from the exerting officer's or employee's office 28951  
or position, by the department in case of an officer or employee, 28952  
and by the governor in case of the director. 28953

(C) Appoint such employees, including the medical director, 28954  
as are necessary for the efficient conduct of the department, and 28955  
prescribe their titles and duties; 28956

(D) Prescribe the forms of affidavits, applications, medical 28957  
certificates, orders of hospitalization and release, and all other 28958  
forms, reports, and records that are required in the 28959  
hospitalization or admission and release of all persons to the 28960  
institutions under the control of the department, or are otherwise 28961  
required under this chapter or Chapter 5122. of the Revised Code; 28962

(E) Contract with hospitals licensed by the department under 28963  
section 5119.20 of the Revised Code for the care and treatment of 28964  
mentally ill patients, or with persons, organizations, or agencies 28965  
for the custody, supervision, care, or treatment of mentally ill 28966  
persons receiving services elsewhere than within the enclosure of 28967

a hospital operated under section 5119.02 of the Revised Code; 28968

(F) Exercise the powers and perform the duties relating to 28969  
community mental health facilities and services that are assigned 28970  
to the director under this chapter and Chapter 340. of the Revised 28971  
Code; 28972

(G) Adopt rules under Chapter 119. of the Revised Code for 28973  
the establishment of minimum standards, including standards for 28974  
use of seclusion and restraint, of mental health services that are 28975  
not inconsistent with nationally recognized applicable standards 28976  
and that facilitate participation in federal assistance programs+ 28977  
For purposes of certifying a community mental health program, 28978  
agency, or facility under division (M) of section 5119.61 of the 28979  
Revised Code and conducting reviews, evaluations, and audits under 28980  
division (A)(3) of section 340.03 of the Revised Code, the rules 28981  
shall establish minimum standards that the program, agency, or 28982  
facility must meet in the prevention of inappropriate service 28983  
delivery. Initial rules regarding the prevention of inappropriate 28984  
service delivery shall be adopted not later than ninety days after 28985  
the effective date of this amendment. 28986

(H) Develop and implement clinical evaluation and monitoring 28987  
of services that are operated by the department; 28988

(I) At the director's discretion, adopt rules establishing 28989  
standards for the adequacy of services provided by community 28990  
mental health facilities, and certify the compliance of such 28991  
facilities ~~with the standards for the purpose of authorizing their~~ 28992  
~~participation in the health care plans of health insuring~~ 28993  
~~corporations under Chapter 1751. and sickness and accident~~ 28994  
~~insurance policies issued under Chapter 3923. of the Revised Code;~~ 28995

(J) Adopt rules establishing standards for the performance of 28996  
evaluations by a forensic center or other psychiatric program or 28997  
facility of the mental condition of defendants ordered by the 28998

court under section 2919.271, or 2945.371 of the Revised Code, and 28999  
for the treatment of defendants who have been found incompetent to 29000  
stand trial and ordered by the court under section 2945.38, 29001  
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 29002  
treatment in facilities; 29003

(K) On behalf of the department, have the authority and 29004  
responsibility for entering into contracts and other agreements; 29005

(L) Prepare and publish regularly a state mental health plan 29006  
that describes the department's philosophy, current activities, 29007  
and long-term and short-term goals and activities; 29008

(M) Adopt rules in accordance with Chapter 119. of the 29009  
Revised Code specifying the supplemental services that may be 29010  
provided through a trust authorized by section 1339.51 of the 29011  
Revised Code; 29012

(N) Adopt rules in accordance with Chapter 119. of the 29013  
Revised Code establishing standards for the maintenance and 29014  
distribution to a beneficiary of assets of a trust authorized by 29015  
section 1339.51 of the Revised Code; 29016

(O) As used in division (I) of this section: 29017

(1) "Community mental health facility" means a facility that 29018  
provides community mental health services and is included in the 29019  
community mental health plan for the alcohol, drug addiction, and 29020  
mental health service district in which it is located. 29021

(2) "Community mental health service" means services, other 29022  
than inpatient services, provided by a community mental health 29023  
facility. 29024

**Sec. 5119.06.** (A) The department of mental health shall: 29025

(1) Establish and support a program at the state level to 29026  
promote a community support system in accordance with section 29027

340.03 of the Revised Code to be available for every alcohol, drug 29028  
addiction, and mental health service district. The department 29029  
shall define the essential elements of a community support system, 29030  
shall assist in identifying resources and coordinating the 29031  
planning, evaluation, and delivery of services to facilitate the 29032  
access of mentally ill people to public services at federal, 29033  
state, and local levels, and shall operate inpatient and other 29034  
mental health services pursuant to the approved community mental 29035  
health plan. 29036

(2) Provide training, consultation, and technical assistance 29037  
regarding mental health programs and services and appropriate 29038  
prevention and mental health promotion activities, including those 29039  
that are culturally sensitive, to employees of the department, 29040  
community mental health agencies and boards, and other agencies 29041  
providing mental health services; 29042

(3) Promote and support a full range of mental health 29043  
services that are available and accessible to all residents of 29044  
this state, especially for severely mentally disabled children, 29045  
adolescents, and adults, and other special target populations, 29046  
including racial and ethnic minorities, as determined by the 29047  
department. 29048

(4) Design and set criteria for the determination of severe 29049  
mental disability; 29050

(5) Establish ~~criteria~~ standards for evaluation of mental 29051  
health programs; 29052

(6) Promote, direct, conduct, and coordinate scientific 29053  
research, taking ethnic and racial differences into consideration 29054  
concerning the causes and prevention of mental illness, methods of 29055  
providing effective services and treatment, and means of enhancing 29056  
the mental health of all residents of this state; 29057

(7) Foster the establishment and availability of vocational 29058



rehabilitation services and the creation of employment 29059  
opportunities for consumers of mental health services, including 29060  
members of racial and ethnic minorities; 29061

(8) Establish a program to protect and promote the rights, 29062  
health, and safety of persons receiving mental health services, 29063  
including the issuance of guidelines on informed consent and other 29064  
rights; 29065

(9) Establish, in consultation with board of alcohol, drug 29066  
addiction, and mental health services representatives and after 29067  
consideration of the recommendations of the medical director, 29068  
guidelines for the development of community mental health plans 29069  
and the review and approval or disapproval of such plans submitted 29070  
pursuant to section 340.03 of the Revised Code; 29071

(10) Promote the involvement of persons who are receiving or 29072  
have received mental health services, including families and other 29073  
persons having a close relationship to a person receiving mental 29074  
health services, in the planning, evaluation, delivery, and 29075  
operation of mental health services. 29076

(11) Notify and consult with the relevant constituencies that 29077  
may be affected by rules, standards, and guidelines issued by the 29078  
department of mental health. These constituencies shall include 29079  
consumers of mental health services and their families, and may 29080  
include public and private providers, employee organizations, and 29081  
others when appropriate. Whenever the department proposes the 29082  
adoption, amendment, or rescission of rules under Chapter 119. of 29083  
the Revised Code, the notification and consultation required by 29084  
this division shall occur prior to the commencement of proceedings 29085  
under Chapter 119. The department shall adopt rules under Chapter 29086  
119. of the Revised Code that establish procedures for the 29087  
notification and consultation required by this division. 29088  
29089

(12) In cooperation with board of alcohol, drug addiction, 29090  
and mental health services representatives, provide training 29091  
regarding the provision of community-based mental health services 29092  
to those department employees who are utilized in state-operated, 29093  
community-based mental health services; 29094

(13) Provide ~~oversight and~~ consultation to the department of 29095  
rehabilitation and correction ~~for~~ concerning the delivery of 29096  
mental health services in state correctional institutions; 29097

~~(14) Audit mental health programs in state correctional 29098  
institutions operated by the department of rehabilitation and 29099  
correction for compliance with standards that have been jointly 29100  
developed and promulgated by the department of mental health and 29101  
the department of rehabilitation and correction. The standards 29102  
shall include monitoring mechanisms to provide for quality of 29103  
services in these programs. 29104~~

(B) The department of mental health may negotiate and enter 29105  
into agreements with other agencies and institutions, both public 29106  
and private, for the joint performance of its duties. 29107

(C) The department shall adopt rules in accordance with 29108  
Chapter 119. of the Revised Code as it considers necessary to 29109  
administer the program established under division (A)(8) of this 29110  
section. Initial rules regarding the health and safety of persons 29111  
receiving mental health services shall be adopted not later than 29112  
ninety days after the effective date of this amendment. 29113

**Sec. 5119.61.** Any provision in this chapter that refers to a 29114  
board of alcohol, drug addiction, and mental health services also 29115  
refers to the community mental health board in an alcohol, drug 29116  
addiction, and mental health service district that has a community 29117  
mental health board. 29118

The director of mental health with respect to all facilities 29119

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 29151  
a person with mental illness or a severe mental disability. 29152

(2) Rules may be adopted to govern the method of paying a 29153  
community mental health facility described in division (B) of 29154  
section 5111.022 of the Revised Code for providing services 29155  
established by division (A) of that section. Such rules must be 29156  
consistent with the contract entered into between the departments 29157  
~~of human job and family~~ services and mental health under division 29158  
(E) of that section. 29159

(B) Adopt rules requiring each public or private agency 29160  
providing mental health services or facilities under a contract 29161  
with a board of alcohol, drug addiction, and mental health 29162  
services and any program operated by such a board to have a 29163  
written policy that addresses the rights of clients including all 29164  
of the following: 29165

(1) The right to a copy of the agency's policy of client 29166  
rights; 29167

(2) The right at all times to be treated with consideration 29168  
and respect for the client's privacy and dignity; 29169

(3) The right to have access to the client's own psychiatric, 29170  
medical, or other treatment records unless access is specifically 29171  
restricted in the client's treatment plan for clear treatment 29172  
reasons; 29173

(4) The right to have a client rights officer provided by the 29174  
board or agency advise the client of the client's rights, 29175  
including the client's rights under Chapter 5122. of the Revised 29176  
Code if the client is committed to the board or agency. 29177

(C) Require each board of alcohol, drug addiction, and mental 29178  
health services to ensure that each contract agency establishes 29179  
grievance procedures available to all recipients of services or 29180  
applicants for services; 29181

(D) Define minimum standards for qualifications of personnel, 29182  
professional services, and mental health professionals as defined 29183  
in section 340.02 of the Revised Code; 29184

(E) Review and evaluate, and, taking into account the 29185  
findings and recommendations of the board of alcohol, drug 29186  
addiction, and mental health services of the district served by 29187  
the program and the requirements and priorities of the state 29188  
mental health plan, including the needs of residents of the 29189  
district now residing in state mental institutions, approve and 29190  
allocate funds to support community programs, and make 29191  
recommendations for needed improvements to boards of alcohol, drug 29192  
addiction, and mental health services; 29193

(F) Withhold state and federal funds for any program, in 29194  
whole or in part, from a board of alcohol, drug addiction, and 29195  
mental health services in the event of failure of that program to 29196  
comply with Chapter 340. or section 5119.61 or 5119.62 of the 29197  
Revised Code or rules of the department of mental health. The 29198  
director shall identify the areas of noncompliance and the action 29199  
necessary to achieve compliance. The director shall offer 29200  
technical assistance to the board to achieve compliance. The 29201  
director shall give the board a reasonable time within which to 29202  
comply or to present its position that it is in compliance. Before 29203  
withholding funds, a hearing shall be conducted to determine if 29204  
there are continuing violations and that either assistance is 29205  
rejected or the board is unable to achieve compliance. Subsequent 29206  
to the hearing process, if it is determined that compliance has 29207  
not been achieved, the director may allocate all or part of the 29208  
withheld funds to a public or private agency to provide the 29209  
services not in compliance until the time that there is 29210  
compliance. The director shall establish rules pursuant to Chapter 29211  
119. of the Revised Code to implement this division. 29212

(G) Withhold state or federal funds from a board of alcohol, 29213

drug addiction, and mental health services that denies available 29214  
service on the basis of religion, race, color, creed, sex, 29215  
national origin, age, disability as defined in section 4112.01 of 29216  
the Revised Code, developmental disability, or the inability to 29217  
pay; 29218

(H) Provide consultative services to community mental health 29219  
programs with the knowledge and cooperation of the board of 29220  
alcohol, drug addiction, and mental health services; 29221

(I) Provide to boards of alcohol, drug addiction, and mental 29222  
health services state or federal funds, in addition to those 29223  
allocated under section 5119.62 of the Revised Code, for special 29224  
programs or projects the director considers necessary but for 29225  
which local funds are not available; 29226

(J)(1) Establish criteria by which a board of alcohol, drug 29227  
addiction, and mental health services reviews and evaluates the 29228  
quality, effectiveness, and efficiency of services provided 29229  
through its community mental health plan, including services 29230  
described in division (A) of section 5111.022 of the Revised Code 29231  
that are provided by community health facilities described in 29232  
division (B) of that section. The criteria established for a 29233  
board's use in reviewing and evaluating the services provided 29234  
through its plan shall include consideration of whether the 29235  
providers of mental health services have prevented inappropriate 29236  
service delivery. Initial criteria regarding the prevention of 29237  
inappropriate service delivery shall be established not later than 29238  
ninety days after the effective date of this amendment. The 29239

(2) The department shall assess a board's review and 29240  
evaluation of services and the compliance of each board with this 29241  
section, Chapter 340. or section 5119.62 of the Revised Code, and 29242  
other state or federal law and regulations. The 29243

(3) The department, in cooperation with the board, 29244

periodically shall review and evaluate the quality, effectiveness, 29245  
and efficiency of services provided through each board. The 29246

(4) The department shall collect information that is 29247  
necessary to perform these the functions specified in divisions 29248  
(J)(1) to (3) of this section. 29249

(K) Develop and operate a community mental health information 29250  
system. 29251

Boards of alcohol, drug abuse, and mental health services 29252  
shall submit information requested by the department in the form 29253  
and manner prescribed by the department. Information collected by 29254  
the department shall include, but not be limited to, all of the 29255  
following: 29256

(1) Information regarding units of services provided in whole 29257  
or in part under contract with a board, including diagnosis and 29258  
special needs, demographic information, the number of units of 29259  
service provided, past treatment, financial status, and service 29260  
dates in accordance with rules adopted by the department in 29261  
accordance with Chapter 119. of the Revised Code; 29262

(2) Financial information other than price or price-related 29263  
data regarding expenditures of boards and community mental health 29264  
agencies, including units of service provided, budgeted and actual 29265  
expenses by type, and sources of funds. 29266

Boards shall submit the information specified in division 29267  
(K)(1) of this section no less frequently than annually for each 29268  
client, and each time the client's case is opened or closed. The 29269  
department shall not collect any information for the purpose of 29270  
identifying by name any person who receives a service through a 29271  
board of alcohol, drug addiction, and mental health services, 29272  
except as required by state or federal law to validate appropriate 29273  
reimbursement. For the purposes of division (K)(1) of this 29274  
section, the department shall use an identification system that is 29275

consistent with applicable nationally recognized standards. 29276

(L) Review each board's plan submitted pursuant to section 29277  
340.03 of the Revised Code and approve or disapprove it in whole 29278  
or in part. Periodically, in consultation with representatives of 29279  
boards and after considering the recommendations of the medical 29280  
director, the director shall issue criteria for determining when a 29281  
plan is complete, criteria for plan approval or disapproval, and 29282  
provisions for conditional approval. The factors that the director 29283  
considers may include, but are not limited to, the following: 29284

29285

(1) The mental health needs of all persons residing within 29286  
the board's service district, especially severely mentally 29287  
disabled children, adolescents, and adults; 29288

(2) The demonstrated quality, effectiveness, efficiency, and 29289  
cultural relevance of the services provided in each service 29290  
district, the extent to which any services are duplicative of 29291  
other available services, and whether the services meet the needs 29292  
identified above; 29293

(3) The adequacy of the board's accounting for the 29294  
expenditure of funds. 29295

If the director disapproves all or part of any plan, the 29296  
director shall provide the board an opportunity to present its 29297  
position. The director shall inform the board of the reasons for 29298  
the disapproval and of the criteria that must be met before the 29299  
plan may be approved. The director shall give the board a 29300  
reasonable time within which to meet the criteria, and shall offer 29301  
technical assistance to the board to help it meet the criteria. 29302

If the approval of a plan remains in dispute thirty days 29303  
prior to the conclusion of the fiscal year in which the board's 29304  
current plan is scheduled to expire, the board or the director may 29305  
request that the dispute be submitted to a mutually agreed upon 29306



third-party mediator with the cost to be shared by the board and 29307  
the department. The mediator shall issue to the board and the 29308  
department recommendations for resolution of the dispute. Prior to 29309  
the conclusion of the fiscal year in which the current plan is 29310  
scheduled to expire, the director, taking into consideration the 29311  
recommendations of the mediator, shall make a final determination 29312  
and approve or disapprove the plan, in whole or in part. 29313

(M) Visit and evaluate any community mental health program, 29314  
agency, or facility, in cooperation with a board of alcohol, drug 29315  
addiction, and mental health services, to determine if the 29316  
services meet minimum standards pursuant to division (G) of 29317  
section 5119.01 of the Revised Code. If the director determines 29318  
that the services meet minimum standards, the director shall so 29319  
certify. 29320

If the director determines that the services of any program, 29321  
agency, or facility that has a contract with a board do not meet 29322  
minimum standards, the director shall identify the areas of 29323  
noncompliance, specify what action is necessary to meet the 29324  
standards, and offer technical assistance to the board so that it 29325  
may assist the program, agency, or facility to meet minimum 29326  
standards. The director shall give the board a reasonable time 29327  
within which to demonstrate that the services meet minimum 29328  
standards or to bring the program or facility into compliance with 29329  
the standards. If the director concludes that the services 29330  
continue to fail to meet minimum standards, the director may 29331  
request that the board reallocate the funds for those services to 29332  
another program, agency, or facility which meets minimum 29333  
standards. If the board does not reallocate those funds in a 29334  
reasonable period of time, the director may withhold state and 29335  
federal funds for the services and allocate those funds directly 29336  
to a public or private agency that meets minimum standards. 29337

Each program, agency, and facility shall pay a fee for the 29338

certification review required by this division. Fees shall be paid 29339  
into the sale of goods and services fund created pursuant to 29340  
section 5119.161 of the Revised Code. 29341

~~The director shall adopt~~ (N)(1) Adopt rules under Chapter 29342  
119. of the Revised Code to implement ~~this~~ division (M) of this 29343  
section. The rules shall do all of the following: 29344

~~(1)(a)~~ (a) Establish the process for certification of services of 29345  
programs, agencies, or facilities; 29346

~~(2)(b)~~ (b) Set the amount of certification review fees based on a 29347  
portion of the cost of performing the review; 29348

~~(3)(c)~~ (c) Specify the type of notice and hearing to be provided 29349  
prior to a decision whether to reallocate funds. 29350

(2) For the purpose of increasing the cost-effectiveness of 29351  
community mental health services, the department of mental health, 29352  
not later than ninety days after the effective date of this 29353  
amendment, shall reduce the certification requirements established 29354  
in the rules adopted under division (N)(1) of this section. 29355

**Sec. 5123.01.** As used in this chapter: 29356

(A) "Chief medical officer" means the licensed physician 29357  
appointed by the managing officer of an institution for the 29358  
mentally retarded with the approval of the director of mental 29359  
retardation and developmental disabilities to provide medical 29360  
treatment for residents of the institution. 29361

(B) "Chief program director" means a person with special 29362  
training and experience in the diagnosis and management of the 29363  
mentally retarded, certified according to division (C) of this 29364  
section in at least one of the designated fields, and appointed by 29365  
the managing officer of an institution for the mentally retarded 29366  
with the approval of the director to provide habilitation and care 29367  
for residents of the institution. 29368

(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 29400  
5111.871 of the Revised Code. 29401

(I) "Indigent person" means a person who is unable, without 29402  
substantial financial hardship, to provide for the payment of an 29403  
attorney and for other necessary expenses of legal representation, 29404  
including expert testimony. 29405

~~(H)~~(J) "Institution" means a public or private facility, or a 29406  
part of a public or private facility, that is licensed by the 29407  
appropriate state department and is equipped to provide 29408  
residential habilitation, care, and treatment for the mentally 29409  
retarded. 29410

~~(I)~~(K) "Licensed physician" means a person who holds a valid 29411  
certificate issued under Chapter 4731. of the Revised Code 29412  
authorizing the person to practice medicine and surgery or 29413  
osteopathic medicine and surgery, or a medical officer of the 29414  
government of the United States while in the performance of the 29415  
officer's official duties. 29416

~~(J)~~(L) "Managing officer" means a person who is appointed by 29417  
the director of mental retardation and developmental disabilities 29418  
to be in executive control of an institution for the mentally 29419  
retarded under the jurisdiction of the department. 29420

~~(K)~~(M) "Medicaid" has the same meaning as in section 5111.01 29421  
of the Revised Code. 29422

(N) "Medicaid case management services" means case management 29423  
services provided to an individual with mental retardation or 29424  
other developmental disability that the state medicaid plan 29425  
requires. 29426

(O) "Mentally retarded person" means a person having 29427  
significantly subaverage general intellectual functioning existing 29428  
concurrently with deficiencies in adaptive behavior, manifested 29429  
during the developmental period. 29430

~~(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.	29462
(4) It results in one of the following:	29463
(a) In the case of a person under three years of age, at least one developmental delay or an established risk;	29464 29465
(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;	29466 29467 29468
(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.	29469 29470 29471 29472 29473 29474 29475
(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.	29476 29477 29478 29479
<del>(S)</del> "Developmentally disabled person" means a person with a developmental disability.	29480 29481
<del>(T)</del> "State institution" means an institution that is tax-supported and under the jurisdiction of the department.	29482 29483
<del>(U)</del> "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	29484 29485 29486 29487 29488 29489 29490 29491

assistance area in which the person resides. No adult person 29492  
coming into this state and having a spouse or minor children 29493  
residing in another state shall obtain a legal settlement in this 29494  
state as long as the spouse or minor children are receiving public 29495  
assistance, care, or support at the expense of the other state or 29496  
its subdivisions. For the purpose of determining the legal 29497  
settlement of a person who is living in a public or private 29498  
institution or in a home subject to licensing by the department of 29499  
job and family services, the department of mental health, or the 29500  
department of mental retardation and developmental disabilities, 29501  
the residence of the person shall be considered as though the 29502  
person were residing in the county in which the person was living 29503  
prior to the person's entrance into the institution or home. 29504  
Settlement once acquired shall continue until a person has been 29505  
continuously absent from Ohio for a period of one year or has 29506  
acquired a legal residence in another state. A woman who marries a 29507  
man with legal settlement in any county immediately acquires the 29508  
settlement of her husband. The legal settlement of a minor is that 29509  
of the parents, surviving parent, sole parent, parent who is 29510  
designated the residential parent and legal custodian by a court, 29511  
other adult having permanent custody awarded by a court, or 29512  
guardian of the person of the minor, provided that: 29513

(1) A minor female who marries shall be considered to have 29514  
the legal settlement of her husband and, in the case of death of 29515  
her husband or divorce, she shall not thereby lose her legal 29516  
settlement obtained by the marriage. 29517

(2) A minor male who marries, establishes a home, and who has 29518  
resided in this state for one year without receiving general 29519  
assistance prior to July 17, 1995, under former Chapter 5113. of 29520  
the Revised Code, disability assistance under Chapter 5115. of the 29521  
Revised Code, or assistance from a private agency that maintains 29522  
records of assistance given shall be considered to have obtained a 29523

legal settlement in this state. 29524

(3) The legal settlement of a child under eighteen years of 29525  
age who is in the care or custody of a public or private child 29526  
caring agency shall not change if the legal settlement of the 29527  
parent changes until after the child has been in the home of the 29528  
parent for a period of one year. 29529

No person, adult or minor, may establish a legal settlement 29530  
in this state for the purpose of gaining admission to any state 29531  
institution. 29532

~~(R)~~(V)(1) "Resident" means, subject to division (R)(2) of 29533  
this section, a person who is admitted either voluntarily or 29534  
involuntarily to an institution or other facility pursuant to 29535  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 29536  
Code subsequent to a finding of not guilty by reason of insanity 29537  
or incompetence to stand trial or under this chapter who is under 29538  
observation or receiving habilitation and care in an institution. 29539

(2) "Resident" does not include a person admitted to an 29540  
institution or other facility under section 2945.39, 2945.40, 29541  
2945.401, or 2945.402 of the Revised Code to the extent that the 29542  
reference in this chapter to resident, or the context in which the 29543  
reference occurs, is in conflict with any provision of sections 29544  
2945.37 to 2945.402 of the Revised Code. 29545

~~(S)~~(W) "Respondent" means the person whose detention, 29546  
commitment, or continued commitment is being sought in any 29547  
proceeding under this chapter. 29548

~~(T)~~(X) "Working day" and "court day" mean Monday, Tuesday, 29549  
Wednesday, Thursday, and Friday, except when such day is a legal 29550  
holiday. 29551

~~(U)~~(Y) "Prosecutor" means the prosecuting attorney, village 29552  
solicitor, city director of law, or similar chief legal officer 29553  
who prosecuted a criminal case in which a person was found not 29554



guilty by reason of insanity, who would have had the authority to 29555  
prosecute a criminal case against a person if the person had not 29556  
been found incompetent to stand trial, or who prosecuted a case in 29557  
which a person was found guilty. 29558

~~(V)~~(Z) "Court" means the probate division of the court of 29559  
common pleas. 29560

**Sec. 5123.041.** (A) As used in this section, "habilitation 29561  
center" means a habilitation center certified under division (C) 29562  
of this section for the provision of that provides habilitation 29563  
center services under section 5111.041 of the Revised Code. 29564

(B) The department of mental retardation and developmental 29565  
disabilities shall do all of the following pursuant to an 29566  
interagency agreement with the department of job and family 29567  
services entered into under section 5111.86 of the Revised Code: 29568

(1) Certify habilitation centers that meet the certification 29569  
requirements established by rules adopted by the director of job 29570  
and family services under section 5111.041 of the Revised Code; 29571

(2) Accept and process medicaid reimbursement claims from 29572  
habilitation centers providing habilitation center services to 29573  
medicaid recipients under section 5111.041 of the Revised Code; 29574

(3) With medicaid funds provided to the department from the 29575  
department of job and family services, pay the medicaid 29576  
reimbursement claims accepted and processed under division (B)(2) 29577  
of this section; 29578

(4) Perform the other duties included in the interagency 29579  
agreement. 29580

(C) The director of mental retardation and developmental 29581  
disabilities shall adopt rules in accordance with Chapter 119. of 29582  
the Revised Code that do all of the following: 29583

(1) ~~Specify standards~~ Establish procedures for certification 29584

of habilitation centers; 29585

~~(2) Define habilitation services and programs, other than services provided by the department of education;~~ 29586  
29587

~~(3) Establish the fee that may be assessed under division (D) of this section;~~ 29588  
29589

~~(4)(3) Specify how the department of mental retardation and developmental disabilities will implement and administer the habilitation services program perform its duties under this section.~~ 29590  
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~~(C) The director shall certify habilitation centers that meet the standards specified by rules adopted under this section.~~ 29594  
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(D) The department of mental retardation and developmental disabilities may assess the fee established by rule under division ~~(B)(3)(C)(2)~~ of this section for providing services related to the habilitation services program performing its duties under this section. The fee may be retained from any funds payment 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, as amended makes under division (B)(3) of this section. 29596  
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**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. 29604  
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Sec. 5123.045. (A) No person or government entity shall 29616  
receive payment for providing home or community-based services 29617  
unless certified under this section or certified as a supported 29618  
living provider under section 5126.431 of the Revised Code. 29619

(B) The department of mental retardation and developmental 29620  
disabilities shall do both of the following in accordance with 29621  
Chapter 119. of the Revised Code: 29622

(1) Certify a person or government entity to provide home or 29623  
community-based services if the person or government entity 29624  
satisfies the requirements for certification established by rules 29625  
adopted under division (C) of this section; 29626

(2) Revoke a certificate when required to do so by rules 29627  
adopted under division (C) of this section. 29628

(C) The director of mental retardation and developmental 29629  
disabilities shall adopt rules in accordance with Chapter 119. of 29630  
the Revised Code establishing certification requirements and 29631  
procedures for a person or government entity that seeks to provide 29632  
home or community-based services and is not certified as a 29633  
supported living provider under section 5126.431 of the Revised 29634  
Code. The rules shall include procedures for all of the following: 29635  
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(1) Ensuring that providers comply with section 5126.281 of 29637  
the Revised Code; 29638

(2) Evaluating the services provided to ensure that they are 29639  
provided in a quality manner advantageous to the individual 29640  
receiving the services and protecting the due process rights of 29641  
any person affected by a decision made following an evaluation. 29642  
The procedures shall require that all of the following be 29643  
considered as part of an evaluation: 29644

(a) The provider's experience and financial responsibility; 29645

	29646
<u>(b) The provider's ability to comply with standards for the home or community-based services that the provider provides;</u>	29647 29648
<u>(c) The provider's ability to meet the needs of the individuals served;</u>	29649 29650
<u>(d) Any other factor the director considers relevant.</u>	29651
<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>	29652 29653 29654 29655 29656
<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>	29657 29658 29659 29660 29661 29662
<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>	29663 29664 29665 29666 29667 29668 29669
<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>	29670 29671 29672 29673 29674 29675

all the information and conditions specified in that section. A 29676  
plan shall be approved or disapproved not later than forty-five 29677  
days after the last of the plan's components are submitted to the 29678  
department under division (B) of section 5126.054 of the Revised 29679  
Code. 29680

In approving plans under this section, the department shall 29681  
ensure that the aggregate of all plans provide for the increased 29682  
enrollment into home or community-based services during each state 29683  
fiscal year of at least five hundred individuals who did not 29684  
receive residential services, supported living, or home or 29685  
community-based services the prior state fiscal year if the 29686  
department has enough additional enrollment available for this 29687  
purpose. 29688

If it approves a county board's plan, the department may 29689  
authorize distribution to the county board of amounts the 29690  
department has allocated to the county board for home or 29691  
community-based services. The department may distribute the 29692  
amounts within fifteen days of the distribution authorization. The 29693  
department may distribute the amounts directly to the county board 29694  
or assign the amounts to home or community-based service 29695  
allocations used for payment authorization of home or 29696  
community-based services. 29697

The department shall establish accountability mechanisms that 29698  
the department shall use to determine whether a county board is 29699  
complying with the programmatic and financial outcomes specified 29700  
its approved plan. If the department determines that a county 29701  
board is not in compliance with the programmatic or financial 29702  
outcomes specified in its approved plan, the department may take 29703  
corrective action, including either of the following: 29704

(A) Providing the county board technical assistance; 29705

(B) Suspending the county board's plan and entering into a 29706

contract with a person or government entity selected by the 29707  
department under which the administration and implementation of 29708  
the plan is assigned to the person or government entity. The 29709  
department shall re-approve the county board's plan and allow the 29710  
county board to resume administration and implementation of the 29711  
plan when the department is satisfied that the county board has 29712  
successfully implemented all parts of a plan of correction and is 29713  
capable of complying with the programmatic or financial outcomes 29714  
specified in the plan. 29715

**Sec. 5123.047.** (A) The department of mental retardation and 29716  
developmental disabilities shall pay the nonfederal share of 29717  
medicaid expenditures for habilitation center services provided to 29718  
an individual with mental retardation or other developmental 29719  
disability unless section 5111.041 of the Revised Code requires a 29720  
county board of mental retardation and developmental disabilities 29721  
or a school district to pay the nonfederal share. 29722

(B) The department shall pay the nonfederal share of medicaid 29723  
expenditures for medicaid case management services if either of 29724  
the following apply: 29725

(1) The services are provided to an individual with mental 29726  
retardation or other developmental disability who a county board 29727  
has determined under section 5126.041 of the Revised Code is not 29728  
eligible for county board services; 29729

(2) The services are provided to an individual with mental 29730  
retardation or other developmental disability by a public or 29731  
private agency with which the department has contracted under 29732  
section 5123.56 of the Revised Code to provide protective services 29733  
to the individual. 29734

(C) The department shall pay the nonfederal share of medicaid 29735  
expenditures for home or community-based services provided to an 29736  
individual with mental retardation or other developmental 29737

disability who a county board has determined under section 29738  
5126.041 of the Revised Code is not eligible for county board 29739  
services. 29740

Sec. 5123.048. (A) For state fiscal year 2002, the department 29741  
of mental retardation and developmental disabilities shall assign 29742  
to a county board of mental retardation and developmental 29743  
disabilities the nonfederal share of medicaid expenditures for 29744  
habilitation center services that a private habilitation center 29745  
provides if all of the following apply: 29746

(1) The individuals who receive the services also received 29747  
the services from the center pursuant to a contract the center had 29748  
with the department in state fiscal year 2001; 29749

(2) The county board determined under section 5126.041 of the 29750  
Revised Code that the individuals who receive the services are 29751  
eligible for county board services; 29752

(3) The county board contracts with the center to provide the 29753  
services after the center's contract with the department ends. 29754

(B) The department shall also make the assignment under 29755  
division (A) of this section for each successive state fiscal year 29756  
that the county board contracts with the private habilitation 29757  
center to provide the habilitation center services to the 29758  
individuals who received the services pursuant to the contract the 29759  
department had with the center in state fiscal year 2001. 29760

(C) The amount the department shall assign under divisions 29761  
(A) and (B) of this section shall be adequate to ensure that the 29762  
habilitation center services the individuals receive are 29763  
comparable in scope to the habilitation center services they 29764  
received when the private habilitation center was under contract 29765  
with the department. 29766

(D) A county board shall use the assignment it receives under 29767

divisions (A) and (B) of this section to pay the nonfederal share 29768  
of the medicaid expenditures for the habilitation center services 29769  
the county board is required by division (D) of section 5111.041 29770  
of the Revised Code to pay. 29771

**Sec. 5123.049.** The director of mental retardation and 29772  
developmental disabilities shall adopt rules in accordance with 29773  
Chapter 119. of the Revised Code governing the authorization and 29774  
payment of home or community-based services, medicaid case 29775  
management services, and habilitation center services. The rules 29776  
shall provide for private providers of the services to receive one 29777  
hundred per cent of the medicaid allowable payment amount and for 29778  
government providers of the services to receive the federal share 29779  
of the medicaid allowable payment, less the amount withheld as a 29780  
fee under section 5123.0412 of the Revised Code and any amount 29781  
that may be required to be deposited into a county MR/DD medicaid 29782  
reserve fund under section 5705.091 of the Revised Code. The rules 29783  
shall establish the process by which county boards of mental 29784  
retardation and developmental disabilities shall certify and 29785  
provide the nonfederal share of medicaid expenditures that the 29786  
county board is required by division (A) of section 5126.056 of 29787  
the Revised Code to pay. 29788

**Sec. 5123.0410.** (A) An individual with mental retardation or 29789  
other developmental disability who moves from one county in this 29790  
state to another county in this state shall receive home or 29791  
community-based services in the new county that are comparable in 29792  
scope to the home or community-based services the individual 29793  
receives in the prior county at the time the individual moves. If 29794  
the county board serving the county to which the individual moves 29795  
determines under section 5126.041 of the Revised Code that the 29796  
individual is eligible for county board services, the county board 29797  
shall ensure that the individual receives the comparable services. 29798



If the county board does not make that determination, the 29799  
department of mental retardation and developmental disabilities 29800  
shall ensure that the individual receives the comparable services. 29801

If the home or community-based services that the individual 29802  
receives at the time the individual moves includes residential 29803  
services, the department shall reduce the amount the department 29804  
allocates to the county board serving the county the individual 29805  
left for those residential services by an amount that equals the 29806  
payment the department authorizes or projects, or both, for those 29807  
services from the last day the individual resides in the county to 29808  
the last day of the state fiscal year in which the individual 29809  
moves. The department shall increase the amount the department 29810  
allocates to the county board serving the county the individual 29811  
moves to by the same amount. The department shall make the 29812  
reduction and increase effective the day the department determines 29813  
the individual has residence in the new county. The department 29814  
shall determine the amount that is to be reduced and increased in 29815  
accordance with the department's rules for authorizing payments 29816  
for home or community-based services established adopted under 29817  
section 5123.049 of the Revised Code. The department shall 29818  
annualize the reduction and increase for the subsequent state 29819  
fiscal year as necessary. 29820

**Sec. 5123.0411.** The department of mental retardation and 29821  
developmental disabilities may bring a mandamus action against a 29822  
county board of mental retardation and developmental disabilities 29823  
that fails to pay the nonfederal share of medicaid expenditures 29824  
that the county board is required by division (A) of section 29825  
5126.056 of the Revised Code to pay. The department may bring the 29826  
mandamus action in the court of common pleas of the county served 29827  
by the county board or in the Franklin county court of common 29828  
pleas. 29829

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>	29861
<u>(d) Claims processing;</u>	29862
<u>(e) Quality assurance oversight;</u>	29863
<u>(f) Other duties the departments identify.</u>	29864
<u>(2) Providing technical support to county boards' local administrative authority under section 5126.055 of the Revised Code for the services.</u>	29865 29866 29867
<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>	29868 29869 29870 29871 29872 29873
<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>	29874 29875 29876 29877 29878
<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>	29879 29880 29881 29882 29883 29884 29885 29886 29887 29888
<u>(A) County MR/DD medicaid reserve funds;</u>	29889

(B) A state MR/DD risk fund; 29890

(C) A state insurance against MR/DD risk fund. 29891

Sec. 5123.195. No residential facility shall terminate its 29892  
status as a provider under the medicaid program under Chapter 29893  
5111. of the Revised Code unless it has, at least ninety days 29894  
prior to such termination, provided written notice to the 29895  
department of job and family services of such action. This 29896  
requirement does not apply in cases where the department of job 29897  
and family services terminates a residential facility's provider 29898  
agreement or provider status. 29899

**Sec. 5123.60.** (A) A legal rights service is hereby created 29900  
and established to protect and advocate the rights of mentally ill 29901  
persons, mentally retarded persons, developmentally disabled 29902  
persons, and other disabled persons who may be represented by the 29903  
service pursuant to division (L) of this section; to receive and 29904  
act upon complaints concerning institutional and hospital 29905  
practices and conditions of institutions for mentally retarded or 29906  
developmentally disabled persons and hospitals for the mentally 29907  
ill; and to assure that all persons detained, hospitalized, 29908  
discharged, or institutionalized, and all persons whose detention, 29909  
hospitalization, discharge, or institutionalization is sought or 29910  
has been sought under this chapter or Chapter 5122. of the Revised 29911  
Code are fully informed of their rights and adequately represented 29912  
by counsel in proceedings under this chapter or Chapter 5122. of 29913  
the Revised Code and in any proceedings to secure the rights of 29914  
~~such~~ those persons. Notwithstanding the definitions of "mentally 29915  
retarded person" and "developmentally disabled person" in section 29916  
5123.01 of the Revised Code, the legal rights service shall 29917  
determine who is a mentally retarded or developmentally disabled 29918  
person for purposes of this section and sections 5123.601 to 29919  
5123.604 of the Revised Code. 29920

(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

chief justice of the supreme court, three members shall be 29953  
appointed by the speaker of the house of representatives, and 29954  
three members shall be appointed by the president of the senate. 29955  
At least two members shall have experience in the field of 29956  
developmental disabilities, and at least two members shall have 29957  
experience in the field of mental health. No member shall be a 29958  
provider or related to a provider of services to mentally 29959  
retarded, developmentally disabled, or mentally ill persons. ~~Terms~~ 29960

(3) Terms of office of the members of the commission shall be 29961  
for three years, each term ending on the same day of the month of 29962  
the year as did the term which it succeeds. Each member shall 29963  
serve subsequent to the expiration of the member's term until a 29964  
successor is appointed and qualifies, or until sixty days has 29965  
elapsed, whichever occurs first. ~~All~~ No member shall serve more 29966  
than two consecutive terms. 29967

All vacancies in the membership of the commission shall be 29968  
filled in the manner prescribed for the regular appointments to 29969  
the commission and shall be limited to the unexpired terms. ~~No~~ 29970  
~~member shall serve more than two consecutive terms.~~ The 29971  
administrator shall not pursue any legal action under division (G) 29972  
or (H) of this section until any vacancies existing in the 29973  
membership of the commission have been filled. 29974

(4) The commission shall meet at least four times each year. 29975  
Members shall be reimbursed for their necessary and actual 29976  
expenses incurred in the performance of their official duties. 29977

(5) The administrator of the legal rights service shall be 29978  
appointed for a five-year term, subject to removal for mental or 29979  
physical incapacity to perform the duties of the office, 29980  
conviction of violation of any law relating to the administrator's 29981  
powers and duties, or other good cause shown. 29982

The administrator shall be a person who has had special 29983  
training and experience in the type of work with which the legal 29984

rights service is charged. If the administrator is not an 29985  
attorney, the administrator shall seek legal counsel when 29986  
appropriate. The salary of the administrator shall be established 29987  
in accordance with section 124.14 of the Revised Code. 29988

(E) The legal rights service shall be completely independent 29989  
of the department of mental health and the department of mental 29990  
retardation and developmental disabilities and, notwithstanding 29991  
section 109.02 of the Revised Code, shall also be independent of 29992  
the office of the attorney general. The administrator of the legal 29993  
rights service, staff, and attorneys designated by the 29994  
administrator to represent persons detained, hospitalized, or 29995  
institutionalized under this chapter or Chapter 5122. of the 29996  
Revised Code shall have ready access to the following: 29997

(1) During normal business hours and at other reasonable 29998  
times, ~~to~~ all records relating to expenditures of state and 29999  
federal funds or to the commitment, care, treatment, and 30000  
habilitation of all persons represented by the legal rights 30001  
service, including those who may be represented pursuant to 30002  
division (L) of this section, or persons detained, hospitalized, 30003  
institutionalized, or receiving services under this chapter or 30004  
Chapter 340., 5119., 5122., or 5126. of the Revised Code that are 30005  
records maintained by the following entities providing services 30006  
for those persons: departments; institutions; hospitals; community 30007  
residential facilities; boards of alcohol, drug addiction, and 30008  
mental health services; county boards of mental retardation and 30009  
developmental disabilities; contract agencies of those boards; and 30010  
any other entity providing services to persons who may be 30011  
represented by the service pursuant to division (L) of this 30012  
section; 30013

(2) ~~To any~~ Any records maintained in computerized data banks 30014  
of the departments or boards or, in the case of persons who may be 30015  
represented by the service pursuant to division (L) of this 30016

section, any other entity that provides services to those persons; 30017

(3) During their normal working hours, ~~to~~ personnel of the 30018  
departments, facilities, boards, agencies, institutions, 30019  
hospitals, and other service-providing entities; 30020

(4) At any time, ~~to~~ all persons detained, hospitalized, or 30021  
institutionalized; persons receiving services under this chapter 30022  
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 30023  
persons who may be represented by the service pursuant to division 30024  
(L) of this section. 30025

(F) The administrator of the legal rights service shall do 30026  
the following: 30027

(1) Administer and organize the work of the legal rights 30028  
service and establish administrative or geographic divisions as 30029  
the administrator considers necessary, proper, and expedient; 30030

(2) Adopt and promulgate rules and prescribe duties for the 30031  
efficient conduct of the business and general administration of 30032  
the legal rights service; 30033

(3) Appoint and discharge employees, and hire ~~such~~ experts, 30034  
consultants, advisors, or other professionally qualified persons 30035  
as the administrator considers necessary to carry out the duties 30036  
of the legal rights service; 30037

(4) Apply for and accept grants of funds, and accept 30038  
charitable gifts and bequests; 30039

(5) Prepare and submit a budget to the general assembly for 30040  
the operation of the legal rights service; 30041

(6) Enter into contracts and make ~~such~~ expenditures ~~as are~~ 30042  
necessary for the efficient operation of the legal rights service; 30043

(7) Annually prepare a report of activities and submit copies 30044  
of the report to the governor, the chief justice of the supreme 30045  
court, the president of the senate, the speaker of the house of 30046



representatives, the director of mental health, and the director 30047  
of mental retardation and developmental disabilities, and make the 30048  
report available to the public. 30049

(G) The legal rights service may act directly or contract 30050  
with other organizations or individuals for the provision of the 30051  
services envisioned under this section. Whenever possible, the 30052  
administrator shall attempt to facilitate the resolution of 30053  
complaints through administrative channels. If Subject to division 30054  
(D)(3) of this section, if attempts at administrative resolution 30055  
prove unsatisfactory, the administrator may pursue any legal, 30056  
administrative, and other appropriate remedies or approaches that 30057  
may be necessary to accomplish the purposes of this section. 30058  
Relationships between personnel and the agents of the legal rights 30059  
service and its clients shall be fiduciary relationships, and all 30060  
communications shall be confidential, as if between attorney and 30061  
client. 30062

(H) The Subject to division (D)(3) of this section, the legal 30063  
rights service, on the order of the administrator, with the 30064  
approval of the commission, may compel by subpoena the appearance 30065  
and sworn testimony of any person the administrator reasonably 30066  
believes may be able to provide information or to produce any 30067  
documents, books, records, papers, or other information necessary 30068  
to carry out its duties. 30069

(I) The legal rights service may conduct public hearings. 30070

(J) The legal rights service may request from any 30071  
governmental agency any cooperation, assistance, services, or data 30072  
that will enable it to perform its duties. 30073

(K) In any malpractice action filed against the administrator 30074  
of the legal rights service, a member of the staff of the legal 30075  
rights service, or an attorney designated by the administrator to 30076  
perform legal services under division (E) of this section, the 30077

state shall, when the administrator, member, or attorney has acted 30078  
in good faith and in the scope of employment, indemnify the 30079  
administrator, member, or attorney for any judgment awarded or 30080  
amount negotiated in settlement, and for any court costs or legal 30081  
fees incurred in defense of the claim. 30082

This division does not limit or waive, and shall not be 30083  
construed to limit or waive, any defense that is available to the 30084  
legal rights service, its administrator or employees, persons 30085  
under a personal services contract with it, or persons designated 30086  
under division (E) of this section, including, but not limited to, 30087  
any defense available under section 9.86 of the Revised Code. 30088

(L) In addition to providing services to mentally ill, 30089  
mentally retarded, or developmentally disabled persons, when a 30090  
grant authorizing the provision of services to other individuals 30091  
is accepted pursuant to division (F)(4) of this section, the legal 30092  
rights service and its ombudsperson section may provide advocacy 30093  
or ombudsperson services to those other individuals and exercise 30094  
any other authority granted by this section or sections 5123.601 30095  
to 5123.604 of the Revised Code on behalf of those individuals. 30096  
Determinations of whether an individual is eligible for services 30097  
under this division shall be made by the legal rights service. 30098

**Sec. 5123.71.** (A)(1) Proceedings for the involuntary 30099  
institutionalization of a person pursuant to sections 5123.71 to 30100  
5123.76 of the Revised Code shall be commenced by the filing of an 30101  
affidavit with the probate division of the court of common pleas 30102  
of the county where the person ~~person's is located~~ resides or 30103  
where the person is institutionalized, in the manner and form 30104  
prescribed by the department of mental retardation and 30105  
developmental disabilities either on information or actual 30106  
knowledge, whichever is determined to be proper by the court. The 30107  
affidavit may be filed only by a person who has custody of the 30108

individual as a parent, guardian, or service provider or by a 30109  
person acting on behalf of the department or a county board of 30110  
mental retardation and developmental disabilities. This section 30111  
does not apply regarding the institutionalization of a person 30112  
pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 30113  
Revised Code. 30114

The affidavit shall contain an allegation setting forth the 30115  
specific category or categories under division ~~(H)~~(P) of section 30116  
5123.01 of the Revised Code upon which the commencement of 30117  
proceedings is based and a statement of the factual ground for the 30118  
belief that the person is a mentally retarded person subject to 30119  
institutionalization by court order. Except as provided in 30120  
division (A)(2) of this section, the affidavit shall be 30121  
accompanied by both of the following: 30122

(a) A comprehensive evaluation report prepared by the 30123  
person's evaluation team that includes a statement by the members 30124  
of the team certifying that they have performed a comprehensive 30125  
evaluation of the person and that they are of the opinion that the 30126  
person is a mentally retarded person subject to 30127  
institutionalization by court order; 30128

(b) An assessment report prepared by the county board of 30129  
mental retardation and developmental disabilities under section 30130  
5123.711 of the Revised Code specifying that the individual is in 30131  
need of services on an emergency or priority basis. 30132

(2) ~~A~~ In lieu of the comprehensive evaluation report, the 30133  
affidavit may be accompanied by a written and sworn statement that 30134  
the person or the guardian of a person adjudicated incompetent has 30135  
refused to allow a comprehensive evaluation and county board 30136  
assessment and assessment reports. Immediately after accepting an 30137  
affidavit that is not accompanied by the reports of a 30138  
comprehensive evaluation and county board assessment, the court 30139  
shall cause a comprehensive evaluation and county board assessment 30140

of the person named in the affidavit to be performed. The 30141  
evaluation shall be conducted in the least restrictive environment 30142  
possible and the assessment shall be conducted in the same manner 30143  
as assessments conducted under section 5123.711 of the Revised 30144  
Code. The evaluation and assessment must be completed before a 30145  
probable cause hearing or full hearing may be held under section 30146  
5123.75 or 5123.76 of the Revised Code. 30147

A written report of the evaluation team's findings and the 30148  
county board's assessment shall be filed with the court. The 30149  
reports shall, consistent with the rules of evidence, be accepted 30150  
as probative evidence in any proceeding under section 5123.75 or 30151  
5123.76 of the Revised Code. If the counsel for the person who is 30152  
evaluated or assessed is known, the court shall send to the 30153  
counsel a copy of the reports as soon as possible after they are 30154  
filed and prior to any proceedings under section 5123.75 or 30155  
5123.76 of the Revised Code. 30156

(B) ~~, if the division may the,,~~ Any person who is 30157  
involuntarily detained in an institution or otherwise is in 30158  
custody under this chapter shall be informed ~~the person~~ of the 30159  
right to do the following: 30160

(1) Immediately make a reasonable number of telephone calls 30161  
or use other reasonable means to contact an attorney, a physician, 30162  
or both, to contact any other person or persons to secure 30163  
representation by counsel, or to obtain medical assistance, and be 30164  
provided assistance in making calls if the assistance is needed 30165  
and requested; 30166

(2) Retain counsel and have independent expert evaluation 30167  
and, if the person is an indigent person, be represented by 30168  
court-appointed counsel and have independent expert evaluation at 30169  
court expense; 30170

(3) Upon request, have a hearing to determine whether there 30171  
is probable cause to believe that the person is a mentally 30172

retarded person subject to institutionalization by court order. 30173

(C) No person who is being treated by spiritual means through 30174  
prayer alone in accordance with a recognized religious method of 30175  
healing may be ordered detained or involuntarily committed unless 30176  
the court has determined that the person represents a very 30177  
substantial risk of self-impairment, self-injury, or impairment or 30178  
injury to ~~self to~~ others. 30179

**Sec. 5123.76.** (A) The full hearing shall be conducted in a 30180  
manner consistent with the procedures outlined in this chapter and 30181  
with due process of law. The hearing shall be held by a judge of 30182  
the probate division or, upon transfer by the judge of the probate 30183  
division, by another judge of the court of common pleas, or a 30184  
referee designated by the judge of the probate division. Any 30185  
referee designated by the judge of the probate division must be an 30186  
attorney. 30187

(1) The following shall be made available to counsel for the 30188  
respondent: 30189

(a) All relevant documents, information, and evidence in the 30190  
custody or control of the state or prosecutor; 30191

(b) All relevant documents, information, and evidence in the 30192  
custody or control of the institution, facility, or program in 30193  
which the respondent currently is held or in which the respondent 30194  
has been held pursuant to these proceedings; 30195

(c) With the consent of the respondent, all relevant 30196  
documents, information, and evidence in the custody or control of 30197  
any institution or person other than the state. 30198

(2) The respondent has the right to be represented by counsel 30199  
of the respondent's choice and has the right to attend the hearing 30200  
except if unusual circumstances of compelling medical necessity 30201  
exist that render the respondent unable to attend and the 30202

respondent has not expressed a desire to attend. 30203

(3) If the respondent is not represented by counsel and the 30204  
court determines that the conditions specified in division (A)(2) 30205  
of this section justify the respondent's absence and the right to 30206  
counsel has not been validly waived, the court shall appoint 30207  
counsel forthwith to represent the respondent at the hearing, 30208  
reserving the right to tax costs of appointed counsel to the 30209  
respondent unless it is shown that the respondent is indigent. If 30210  
the court appoints counsel, or if the court determines that the 30211  
evidence relevant to the respondent's absence does not justify the 30212  
absence, the court shall continue the case. 30213

(4) The respondent shall be informed of the right to retain 30214  
counsel, to have independent expert evaluation, and, if an 30215  
indigent person, to be represented by court appointed counsel and 30216  
have expert independent evaluation at court expense. 30217

(5) The hearing may be closed to the public unless counsel 30218  
for the respondent requests that the hearing be open to the 30219  
public. 30220

(6) Unless objected to by the respondent, the respondent's 30221  
counsel, or the designee of the director of mental retardation and 30222  
developmental disabilities, the court, for good cause shown, may 30223  
admit persons having a legitimate interest in the proceedings. 30224

(7) The affiant under section 5123.71 of the Revised Code 30225  
shall be subject to subpoena by either party. 30226

(8) The court shall examine the sufficiency of all documents 30227  
filed and shall inform the respondent, if present, and the 30228  
respondent's counsel of the nature of the content of the documents 30229  
and the reason for which the respondent is being held or for which 30230  
the respondent's placement is being sought. 30231

(9) The court shall receive only relevant, competent, and 30232  
material evidence. 30233

(10) The designee of the director shall present the evidence 30234  
for the state. In proceedings under this chapter, the attorney 30235  
general shall present the comprehensive evaluation, assessment, 30236  
diagnosis, prognosis, record of habilitation and care, if any, and 30237  
less restrictive habilitation plans, if any. The attorney general 30238  
does not have a similar presentation responsibility in connection 30239  
with a person who has been found not guilty by reason of insanity 30240  
and who is the subject of a hearing under section 2945.40 of the 30241  
Revised Code to determine whether the person is a mentally 30242  
retarded person subject to institutionalization by court order. 30243

(11) The respondent has the right to testify and the 30244  
respondent or the respondent's counsel has the right to subpoena 30245  
witnesses and documents and to present and cross-examine 30246  
witnesses. 30247

(12) The respondent shall not be compelled to testify and 30248  
shall be so advised by the court. 30249

(13) On motion of the respondent or the respondent's counsel 30250  
for good cause shown, or upon the court's own motion, the court 30251  
may order a continuance of the hearing. 30252

(14) To an extent not inconsistent with this chapter, the 30253  
Rules of Civil Procedure shall be applicable. 30254

(B) Unless, upon completion of the hearing, the court finds 30255  
by clear and convincing evidence that the respondent named in the 30256  
affidavit is a mentally retarded person subject to 30257  
institutionalization by court order, it shall order the 30258  
respondent's discharge forthwith. 30259

(C) If, upon completion of the hearing, the court finds by 30260  
clear and convincing evidence that the respondent is a mentally 30261  
retarded person subject to institutionalization by court order, 30262  
the court may order the respondent's discharge or order the 30263  
respondent, for a period not to exceed ninety days, to any of the 30264

following: 30265

(1) A public institution, provided that commitment of the 30266  
respondent to the institution will not cause the institution to 30267  
exceed its licensed capacity determined in accordance with section 30268  
5123.19 of the Revised Code and provided that such a placement is 30269  
indicated by the comprehensive evaluation report filed pursuant to 30270  
section 5123.71 of the Revised Code; 30271

(2) A private institution; 30272

(3) A county mental retardation program; 30273

(4) Receive private habilitation and care; 30274

(5) Any other suitable facility, program, or the care of any 30275  
person consistent with the comprehensive evaluation, assessment, 30276  
diagnosis, prognosis, and habilitation needs of the respondent. 30277

(D) Any order made pursuant to division (C)(2), (4), or (5) 30278  
of this section shall be conditional upon the receipt by the court 30279  
of consent by the facility, program, or person to accept the 30280  
respondent. 30281

(E) In determining the place to which, or the person with 30282  
whom, the respondent is to be committed, the court shall consider 30283  
the comprehensive evaluation, assessment, diagnosis, and projected 30284  
habilitation plan for the respondent, and shall order the 30285  
implementation of the least restrictive alternative available and 30286  
consistent with habilitation goals. 30287

(F) If, at any time it is determined by the director of the 30288  
facility or program to which, or the person to whom, the 30289  
respondent is committed that the respondent could be equally well 30290  
habilitated in a less restrictive environment that is available, 30291  
the following shall occur: 30292

(1) The respondent shall be released by the director of the 30293  
facility or program or by the person forthwith and referred to the 30294



court together with a report of the findings and recommendations 30295  
of the facility, program, or person. 30296

(2) The director of the facility or program or the person 30297  
shall notify the respondent's counsel and the designee of the 30298  
director of mental retardation and developmental disabilities. 30299

(3) The court shall dismiss the case or order placement in 30300  
the less restrictive environment. 30301

(G)(1) Except as provided in divisions (G)(2) and (3) of this 30302  
section, any person who has been committed under this section may 30303  
apply at any time during the ninety-day period for voluntary 30304  
admission to an institution under section 5123.69 of the Revised 30305  
Code. Upon admission of a voluntary resident, the managing officer 30306  
immediately shall notify the court, the respondent's counsel, and 30307  
the designee of the director in writing of that fact by mail or 30308  
otherwise, and, upon receipt of the notice, the court shall 30309  
dismiss the case. ~~is admitted~~ 30310

(2) ~~admitted~~ A person who is found incompetent to stand trial 30311  
or not guilty by reason of insanity and who is committed pursuant 30312  
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 30313  
Code shall not be voluntarily admitted to an institution pursuant 30314  
to division (G)(1) of this section until after the termination of 30315  
the commitment, as described in division (J) of section 2945.401 30316  
of the Revised Code. 30317

(H) If, at the end of any commitment period, the respondent 30318  
has not already been discharged or has not requested voluntary 30319  
admission status, the director of the facility or program, or the 30320  
person to whose care the respondent has been committed, shall 30321  
discharge the respondent forthwith, unless at least ten days 30322  
before the expiration of that period the designee of the director 30323  
of mental retardation and developmental disabilities or the 30324  
prosecutor files an application with the court requesting 30325

continued commitment. 30326

(1) An application for continued commitment shall include a 30327  
written report containing a current comprehensive evaluation and 30328  
assessment, a diagnosis, a prognosis, an account of progress and 30329  
past habilitation, and a description of alternative habilitation 30330  
settings and plans, including a habilitation setting that is the 30331  
least restrictive setting consistent with the need for 30332  
habilitation. A copy of the application shall be provided to 30333  
respondent's counsel. The requirements for notice under section 30334  
5123.73 of the Revised Code and the provisions of divisions (A) to 30335  
(E) of this section apply to all hearings on such applications. 30336

(2) A hearing on the first application for continued 30337  
commitment shall be held at the expiration of the first ninety-day 30338  
period. The hearing shall be mandatory and may not be waived. 30339

(3) Subsequent periods of commitment not to exceed one 30340  
hundred eighty days each may be ordered by the court if the 30341  
designee of the director of mental retardation and developmental 30342  
disabilities files an application for continued commitment, after 30343  
a hearing is held on the application or without a hearing if no 30344  
hearing is requested and no hearing required under division (H)(4) 30345  
of this section is waived. Upon the application of a person 30346  
involuntarily committed under this section, supported by an 30347  
affidavit of a licensed physician alleging that the person is no 30348  
longer a mentally retarded person subject to institutionalization 30349  
by court order, the court for good cause shown may hold a full 30350  
hearing on the person's continued commitment prior to the 30351  
expiration of any subsequent period of commitment set by the 30352  
court. 30353

(4) A mandatory hearing shall be held at least every two 30354  
years after the initial commitment. 30355

(5) If the court, after a hearing upon a request to continue 30356

commitment, finds that the respondent is a mentally retarded 30357  
person subject to institutionalization by court order, the court 30358  
may make an order pursuant to divisions (C), (D), and (E) of this 30359  
section. 30360

(I) Notwithstanding the provisions of division (H) of this 30361  
section, no person who is found to be a mentally retarded person 30362  
subject to institutionalization by court order pursuant to 30363  
division ~~(H)~~(P)(2) of section 5123.01 of the Revised Code shall be 30364  
held under involuntary commitment for more than five years. 30365

(J) The managing officer admitting a person pursuant to a 30366  
judicial proceeding, within ten working days of the admission, 30367  
shall make a report of the admission to the department. 30368

~~entity entity entity entity~~ 30369

**Sec. 5126.01.** As used in this chapter: 30370

(A) "Adult services" means a range of habilitation services 30371  
designed to meet the individual needs of persons who are eighteen 30372  
years of age or over and are not enrolled in a program or service 30373  
under Chapter 3323. of the Revised Code, and of persons sixteen 30374  
and seventeen years of age who are eligible under rules adopted by 30375  
the director of mental retardation and developmental disabilities 30376  
pursuant to Chapter 119. of the Revised Code. Such services may 30377  
include habilitation programs and services, sheltered employment 30378  
providing a structured work environment, job training, job 30379  
placement, supported employment, competitive employment, and 30380  
planned therapeutic and work activities providing meaningful tasks 30381  
designed to improve the effectiveness or degree with which an 30382  
individual meets the standards of personal independence and social 30383  
responsibility expected of the individual's age and cultural 30384  
group. 30385

(B) As used in this division, "substantial functional 30386

limitation," "developmental delay," and "established risk" have 30387  
the meanings established pursuant to section 5123.011 of the 30388  
Revised Code. 30389

"Developmental disability" means a severe, chronic disability 30390  
that is characterized by all of the following: 30391

(1) It is attributable to a mental or physical impairment or 30392  
a combination of mental and physical impairments, other than a 30393  
mental or physical impairment solely caused by mental illness as 30394  
defined in division (A) of section 5122.01 of the Revised Code; 30395

(2) It is manifested before age twenty-two; 30396

(3) It is likely to continue indefinitely; 30397

(4) It results in one of the following: 30398

(a) In the case of a person under age three, at least one 30399  
developmental delay or an established risk; 30400

(b) In the case of a person at least age three but under age 30401  
six, at least two developmental delays or an established risk; 30402

(c) In the case of a person age six or older, a substantial 30403  
functional limitation in at least three of the following areas of 30404  
major life activity, as appropriate for the person's age: 30405  
self-care, receptive and expressive language, learning, mobility, 30406  
self-direction, capacity for independent living, and, if the 30407  
person is at least age sixteen, capacity for economic 30408  
self-sufficiency. 30409

(5) It causes the person to need a combination and sequence 30410  
of special, interdisciplinary, or other type of care, treatment, 30411  
or provision of services for an extended period of time that is 30412  
individually planned and coordinated for the person. 30413

(C) "Early childhood services" means a planned program of 30414  
habilitation designed to meet the needs of individuals with mental 30415  
retardation or other developmental disabilities who have not 30416

attained compulsory school age. 30417

(D) "Habilitation" means the process by which the staff of 30418  
the facility or agency assists an individual with mental 30419  
retardation or other developmental disability in acquiring and 30420  
maintaining those life skills that enable the individual to cope 30421  
more effectively with the demands of the individual's own person 30422  
and environment, and in raising the level of the individual's 30423  
personal, physical, mental, social, and vocational efficiency. 30424  
Habilitation includes, but is not limited to, programs of formal, 30425  
structured education and training. 30426

(E) "Habilitation center services" means services provided by 30427  
a habilitation center certified by the department of mental 30428  
retardation and developmental disabilities under section 5123.041 30429  
of the Revised Code and covered by the medicaid program pursuant 30430  
to rules adopted under section 5111.041 of the Revised Code. 30431

(F) "Home or community-based services" means medicaid-funded 30432  
home or community-based services provided under a medicaid 30433  
component the department of mental retardation and developmental 30434  
disabilities administers pursuant to section 5111.871 of the 30435  
Revised Code. 30436

(G) "Medicaid" has the same meaning as in section 5111.01 of 30437  
the Revised Code. 30438

(H) "Medicaid case management services" means case management 30439  
services provided to an individual with mental retardation or 30440  
other developmental disability that the state medicaid plan 30441  
requires. 30442

(I) "Mental retardation" means a mental impairment manifested 30443  
during the developmental period characterized by significantly 30444  
subaverage general intellectual functioning existing concurrently 30445  
with deficiencies in the effectiveness or degree with which an 30446  
individual meets the standards of personal independence and social 30447

responsibility expected of the individual's age and cultural 30448  
group. 30449

~~(F)~~(J) "Residential services" means services to individuals 30450  
with mental retardation or other developmental disabilities to 30451  
provide housing, food, clothing, habilitation, staff support, and 30452  
related support services necessary for the health, safety, and 30453  
welfare of the individuals and the advancement of their quality of 30454  
life. 30455

~~(G)~~(K) "Resources" means available capital and other assets, 30456  
including moneys received from the federal, state, and local 30457  
governments, private grants, and donations; appropriately 30458  
qualified personnel; and appropriate capital facilities and 30459  
equipment. 30460

~~(H)~~(L) "Supportive home services" means a range of services 30461  
to families of individuals with mental retardation or other 30462  
developmental disabilities to develop and maintain increased 30463  
acceptance and understanding of such persons, increased ability of 30464  
family members to teach the person, better coordination between 30465  
school and home, skills in performing specific therapeutic and 30466  
management techniques, and ability to cope with specific 30467  
situations. 30468

~~(I)~~(M) "Supported living" means services provided to an 30469  
individual with mental retardation or other developmental 30470  
disability through any public or private resources, including 30471  
moneys from the individual, that enhance the individual's 30472  
reputation in community life and advance the individual's quality 30473  
of life by doing the following: 30474

(1) Providing the support necessary to enable an individual 30475  
to live in a residence of the individual's choice and to choose to 30476  
live alone, with any number of individuals who are not disabled, 30477  
or with not more than three individuals with mental retardation 30478  
and developmental disabilities unless the individuals are related 30479

by blood or marriage;	30480
(2) Encouraging the individual's participation in the community;	30481 30482
(3) Promoting the individual's rights and autonomy;	30483
(4) Encouraging the increase of the individual's skills and competence.	30484 30485
"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.	30486 30487 30488 30489
<b>Sec. 5126.042.</b> (A) As used in this section:	30490
(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:	30491 30492 30493 30494 30495
(a) Loss of present residence for any reason, including legal action;	30496 30497
(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;	30498 30499 30500 30501
(c) Abuse, neglect, or exploitation of the individual;	30502
(d) Health and safety conditions that pose a serious risk to the individual or others of immediate harm or death;	30503 30504
(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.	30505 30506 30507

(2) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code. 30508  
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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.~~ 30510  
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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. 30514  
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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. 30523  
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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. 30527  
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In addition to maintaining waiting lists and service substitution waiting lists, a board shall maintain a long-term 30537  
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service planning registry for individuals who wish to record their 30539  
intention to request in the future a service they are not 30540  
currently receiving. The purpose of the registry is to enable the 30541  
board to document requests and to plan appropriately. The board 30542  
may not place an individual on the registry who meets the 30543  
conditions for receipt of services on an emergency ~~or priority~~ 30544  
basis. 30545

(C) A county board shall establish a separate waiting list 30546  
for each of the following categories of services, and may 30547  
establish separate waiting lists within the waiting lists: 30548

(1) Early childhood services; 30549

(2) Educational programs for preschool and school age 30550  
children; 30551

(3) Adult services; 30552

(4) Case management services; 30553

(5) Residential services and supported living; 30554

(6) Transportation services; 30555

(7) Other services determined necessary and appropriate for 30556  
persons with mental retardation or a developmental disability 30557  
according to their individual habilitation or service plans; 30558

(8) Family support services provided under section 5126.11 of 30559  
the Revised Code. 30560

(D)(1) In accordance with the county board's plan approved 30561  
under section 5123.046 of the Revised Code and except as provided 30562  
in division (D)(2) of this section, a county board shall give an 30563  
individual who is eligible for home or community-based services 30564  
and meets any of the following requirements priority over any 30565  
other individual on a waiting list established under division (C) 30566  
of this section other than an individual placed on the waiting 30567  
list on an emergency status: 30568

<u>(a) Does not receive residential services or supported</u>	30569
<u>living, either needs services in the individual's current living</u>	30570
<u>arrangement or will need services in a new living arrangement, and</u>	30571
<u>has a primary caretaker who is sixty years of age or older;</u>	30572
<u>(b) Is less than twenty-two years of age, does not receive</u>	30573
<u>residential services or supported living, resides in the home of</u>	30574
<u>the individual's family, and has at least one of the following:</u>	30575
<u>(i) Service needs that the county board determines are</u>	30576
<u>unusual in scope or intensity due to severe behavior problems for</u>	30577
<u>which a behavior support plan is needed;</u>	30578
<u>(ii) An emotional disorder for which anti-psychotic</u>	30579
<u>medication is needed;</u>	30580
<u>(iii) A medical condition that leaves the individual</u>	30581
<u>dependent on life-support medical technology;</u>	30582
<u>(iv) A condition affecting multiple body systems for which a</u>	30583
<u>combination of specialized medical, psychological, educational, or</u>	30584
<u>habilitation services are needed;</u>	30585
<u>(v) A condition the county board determines to be comparable</u>	30586
<u>in severity to any condition described in division (D)(1)(b)(i) to</u>	30587
<u>(iv) of this section and places the individual at significant risk</u>	30588
<u>of institutionalization.</u>	30589
<u>(c) Is twenty-two years of age or older and is determined by</u>	30590
<u>the county board to have intensive needs for residential services</u>	30591
<u>on an in-home or out-of-home basis;</u>	30592
<u>(d) Resides in an intermediate care facility for the mentally</u>	30593
<u>retarded or nursing facility and chooses to move to another</u>	30594
<u>setting.</u>	30595
<u>(2) No more than two hundred individuals in the state may</u>	30596
<u>receive priority for services during state fiscal years 2002 and</u>	30597
<u>2003 pursuant to division (D)(1)(b) of this section. No more than</u>	30598

seventy-five individuals in the state may receive priority for 30599  
services during state fiscal years 2002 and 2003 pursuant to 30600  
division (D)(1)(d) of this section. 30601

(E) Prior to establishing any waiting list under this 30602  
section, a county board shall develop and implement a policy for 30603  
waiting lists that complies with this section and rules that the 30604  
department of mental retardation and developmental disabilities 30605  
shall adopt in accordance with Chapter 119. of the Revised Code. 30606  
The department's rules shall include procedures to be followed to 30607  
ensure that the due process rights of individuals placed on 30608  
waiting lists are not violated. 30609

Prior to placing an individual on a waiting list, the county 30610  
board shall assess the service needs of the individual in 30611  
accordance with all applicable state and federal laws. The county 30612  
board shall place the individual on the appropriate waiting list 30613  
and may place the individual on more than one waiting list. 30614

At least annually, the county board shall reassess the 30615  
service needs of each individual on a waiting list. If it 30616  
determines that an individual no longer needs a program or 30617  
service, the county board shall remove the individual from the 30618  
waiting list. If it determines that an individual needs a program 30619  
or service other than the one for which the individual is on the 30620  
waiting list, the county board shall provide the program or 30621  
service to the individual or place the individual on a waiting 30622  
list for the program or service in accordance with the board's 30623  
policy for waiting lists. 30624

When a program or service for which there is a waiting list 30625  
becomes available, the county board shall reassess the service 30626  
needs of the individual next scheduled on the waiting list to 30627  
receive that program or service. If the reassessment demonstrates 30628  
that the individual continues to need the program or service, the 30629  
board shall offer the program or service to the individual. If it 30630

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 30662  
authority to provide services, programs, or supports. 30663

Sec. 5126.046. For the purpose of obtaining additional 30664  
federal medicaid funds for home or community-based services, 30665  
medicaid case management services, and habilitation center 30666  
services, a county board of mental retardation and developmental 30667  
disabilities may do both of the following: 30668

(A) Transfer an individual with mental retardation or other 30669  
developmental disability who meets all of the following 30670  
requirements to home or community-based services that include 30671  
supported living or family support services: 30672

(1) Is twenty-two years of age or older; 30673

(2) Receives supported living or family support services; 30674

(3) Is eligible for the home or community-based services. 30675

(B) Transfer an individual with mental retardation or other 30676  
developmental disability who meets all of the following 30677  
requirements to home or community-based services that include 30678  
adult services: 30679

(1) Receives adult services; 30680

(2) Resides in the individual's own home or the home of the 30681  
individual's family and will continue to reside in that home after 30682  
the transfer; 30683

(3) Is eligible for the home or community-based services. 30684

Sec. 5126.047. (A) Each county board of mental retardation 30685  
and developmental disabilities that has local administrative 30686  
authority under division (A) of section 5126.055 of the Revised 30687  
Code for habilitation, vocational, or community employment 30688  
services provided as part of home or community-based services 30689

shall create a list of all persons and government entities 30690  
eligible to provide such habilitation, vocational, or community 30691  
employment services. If the county board chooses and is eligible 30692  
to provide such habilitation, vocational, or community employment 30693  
services, the county board shall include itself on the list. The 30694  
county board shall make the list available to each individual with 30695  
mental retardation or other developmental disability who resides 30696  
in the county and is eligible for such habilitation, vocational, 30697  
or community employment services. The county board shall also make 30698  
the list available to such individuals' families. 30699

An individual with mental retardation or other developmental 30700  
disability who is eligible for habilitation, vocational, or 30701  
community employment services may choose the provider of the 30702  
services. 30703

If a county board has local administrative authority under 30704  
division (A) of section 5126.055 of the Revised Code for 30705  
habilitation, vocational, and community employment services 30706  
provided as part of home or community-based services, the county 30707  
board shall pay the nonfederal share of the habilitation, 30708  
vocational, and community employment services when required by 30709  
section 5126.056 of the Revised Code. The department of mental 30710  
retardation and developmental disabilities shall pay the 30711  
nonfederal share of such habilitation, vocational, and community 30712  
employment services when required by section 5123.047 of the 30713  
Revised Code. 30714

(B) Each month, the department of mental retardation and 30715  
developmental disabilities shall create a list of all persons and 30716  
government entities eligible to provide residential services and 30717  
supported living. The department shall include on the list all 30718  
residential facilities licensed under section 5123.19 of the 30719  
Revised Code and all supported living providers certified under 30720  
section 5126.431 of the Revised Code. The department shall 30721

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. 30722  
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An individual who is eligible for residential services or supported living may choose the provider of the residential services or supported living. 30731  
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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. 30734  
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(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. 30743  
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(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 30751  
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implementation of this section. The rules shall include procedures 30754  
for individuals to choose their service providers. The rules shall 30755  
not be limited by a provider selection system established under 30756  
section 5126.42 of the Revised Code, including any pool of 30757  
providers created pursuant to a provider selection system. 30758  
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**Sec. 5126.05.** (A) Subject to the rules established by the 30760  
director of mental retardation and developmental disabilities 30761  
pursuant to Chapter 119. of the Revised Code for programs and 30762  
services offered pursuant to this chapter, and subject to the 30763  
rules established by the state board of education pursuant to 30764  
Chapter 119. of the Revised Code for programs and services offered 30765  
pursuant to Chapter 3323. of the Revised Code, the county board of 30766  
mental retardation and developmental disabilities shall: 30767

(1) Administer and operate facilities, programs, and services 30768  
as provided by this chapter and Chapter 3323. of the Revised Code 30769  
and establish policies for their administration and operation; 30770  
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(2) Coordinate, monitor, and evaluate existing services and 30772  
facilities available to individuals with mental retardation and 30773  
developmental disabilities; 30774

(3) Provide early childhood services, supportive home 30775  
services, and adult services, according to the plan and priorities 30776  
developed under section 5126.04 of the Revised Code; 30777

(4) Provide or contract for special education services 30778  
pursuant to Chapters 3317. and 3323. of the Revised Code and 30779  
ensure that related services, as defined in section 3323.01 of the 30780  
Revised Code, are available according to the plan and priorities 30781  
developed under section 5126.04 of the Revised Code; 30782

(5) Adopt a budget, authorize expenditures for the purposes 30783  
specified in this chapter and do so in accordance with section 30784



319.16 of the Revised Code, approve attendance of board members 30785  
and employees at professional meetings and approve expenditures 30786  
for attendance, and exercise such powers and duties as are 30787  
prescribed by the director; 30788

(6) Submit annual reports of its work and expenditures, 30789  
pursuant to sections 3323.09 and 5126.12 of the Revised Code, to 30790  
the director, the superintendent of public instruction, and the 30791  
board of county commissioners at the close of the fiscal year and 30792  
at such other times as may reasonably be requested; 30793

(7) Authorize all positions of employment, establish 30794  
compensation, including but not limited to salary schedules and 30795  
fringe benefits for all board employees, approve contracts of 30796  
employment for management employees that are for a term of more 30797  
than one year, employ legal counsel under section 309.10 of the 30798  
Revised Code, and contract for employee benefits; 30799

(8) Provide case management services, as defined in rules 30800  
adopted by the director of mental retardation and developmental 30801  
disabilities, in accordance with section 5126.15 of the Revised 30802  
Code; 30803

(9) Certify respite care homes pursuant to rules adopted 30804  
under section 5123.171 of the Revised Code by the director of 30805  
mental retardation and developmental disabilities. 30806

(B) To the extent that rules adopted under this section apply 30807  
to the identification and placement of handicapped children under 30808  
Chapter 3323. of the Revised Code, they shall be consistent with 30809  
the standards and procedures established under sections 3323.03 to 30810  
3323.05 of the Revised Code. 30811

(C) Any county board may enter into contracts with other such 30812  
boards and with public or private, nonprofit, or profit-making 30813  
agencies or organizations of the same or another county, to 30814  
provide the facilities, programs, and services authorized or 30815

required, upon such terms as may be agreeable, and in accordance 30816  
with this chapter and Chapter 3323. of the Revised Code and rules 30817  
adopted thereunder and in accordance with sections 307.86 and 30818  
5126.071 of the Revised Code. 30819

(D) A county board may combine transportation for children 30820  
and adults enrolled in programs and services offered under section 30821  
5126.12 with transportation for children enrolled in classes 30822  
funded under section 3317.20 or units approved under section 30823  
3317.05 of the Revised Code. 30824

(E) A county board may purchase all necessary insurance 30825  
policies, may purchase equipment and supplies through the 30826  
department of administrative services or from other sources, and 30827  
may enter into agreements with public agencies or nonprofit 30828  
organizations for cooperative purchasing arrangements. 30829

(F) A county board may receive by gift, grant, devise, or 30830  
bequest any moneys, lands, or property for the benefit of the 30831  
purposes for which the board is established and hold, apply, and 30832  
dispose of the moneys, lands, and property according to the terms 30833  
of the gift, grant, devise, or bequest. All money received by 30834  
gift, grant, bequest, or disposition of lands or property received 30835  
by gift, grant, devise, or bequest shall be deposited in the 30836  
county treasury to the credit of such board and shall be available 30837  
for use by the board for purposes determined or stated by the 30838  
donor or grantor, but may not be used for personal expenses of the 30839  
board members. Any interest or earnings accruing from such gift, 30840  
grant, devise, or bequest shall be treated in the same manner and 30841  
subject to the same provisions as such gift, grant, devise, or 30842  
bequest. 30843

(G) The board of county commissioners shall levy taxes and 30844  
make appropriations sufficient to enable the county board of 30845  
mental retardation and developmental disabilities to perform its 30846  
functions and duties, and may utilize any available local, state, 30847

and federal funds for such purpose. 30848

**Sec. 5126.051.** (A) To the extent that resources are 30849  
available, a county board of mental retardation and developmental 30850  
disabilities ~~may~~ shall provide for or arrange residential services 30851  
and supported living for individuals with mental retardation and 30852  
developmental disabilities. 30853

A county board may acquire, convey, lease, or sell property 30854  
for residential services and supported living and enter into loan 30855  
agreements, including mortgages, for the acquisition of such 30856  
property. A county board is not required to comply with provisions 30857  
of Chapter 307. of the Revised Code providing for competitive 30858  
bidding or sheriff sales in the acquisition, lease, conveyance, or 30859  
sale of property under this division, but the acquisition, lease, 30860  
conveyance, or sale must be at fair market value determined by 30861  
appraisal of one or more disinterested persons appointed by the 30862  
board. 30863

Any action taken by a county board under this division that 30864  
will incur debt on the part of the county shall be taken in 30865  
accordance with Chapter 133. of the Revised Code. A county board 30866  
shall not incur any debt on the part of the county without the 30867  
prior approval of the board of county commissioners. 30868

(B)(1) To the extent that resources are available, in 30869  
addition to sheltered employment and work activities provided as 30870  
adult services pursuant to division (A)(3) of section 5126.05 of 30871  
the Revised Code, a county board of mental retardation and 30872  
developmental disabilities may provide or arrange for job 30873  
training, vocational evaluation, and community employment services 30874  
to mentally retarded and developmentally disabled individuals who 30875  
are age eighteen and older and not enrolled in a program or 30876  
service under Chapter 3323. of the Revised Code or age sixteen or 30877  
seventeen and eligible for adult services under rules adopted by 30878

the director of mental retardation and developmental disabilities 30879  
under Chapter 119. of the Revised Code. These services shall be 30880  
provided in accordance with the individual's individual service or 30881  
habilitation plan and shall include support services specified in 30882  
the plan. 30883

(2) A county board may, in cooperation with the Ohio 30884  
rehabilitation services commission, seek federal funds for job 30885  
training and community employment. 30886

(3) A county board may contract with any agency, board, or 30887  
other entity that is accredited by the commission on accreditation 30888  
of rehabilitation facilities to provide services. A county board 30889  
that is accredited by the commission on accreditation of 30890  
rehabilitation facilities may provide services for which it is 30891  
certified by the commission. 30892

(C) To the extent that resources are available, a county 30893  
board may provide services to an individual with mental 30894  
retardation or other developmental disability in addition to those 30895  
provided pursuant to this section, section 5126.05 of the Revised 30896  
Code, or any other section of this chapter. The services shall be 30897  
provided in accordance with the individual's habilitation or 30898  
service plan and may be provided in collaboration with other 30899  
entities of state or local government. 30900

**Sec. 5126.054.** (A) Each county board of mental retardation 30901  
and developmental disabilities shall, by resolution, develop a 30902  
three-calendar year plan that includes all of the following 30903  
components: 30904

(1) An assessment component that includes all of the 30905  
following: 30906

(a) The number of individuals with mental retardation or 30907  
other developmental disability residing in the county who need 30908

medicaid case management services and habilitation center 30909  
services; 30910

(b) The number of individuals with mental retardation or 30911  
other developmental disability residing in the county who need the 30912  
level of care provided by an intermediate care facility for the 30913  
mentally retarded and may seek home or community-based services, 30914  
the service needs of those individuals, and the projected 30915  
annualized cost for services; 30916

(c) The source of funds available to the county board to pay 30917  
the nonfederal share of medicaid expenditures that the county 30918  
board is required by division (A) of section 5126.056 of the 30919  
Revised Code to pay; 30920

(d) Any other applicable information or conditions that the 30921  
department of mental retardation and developmental disabilities 30922  
requires as a condition of approving the plan under section 30923  
5123.046 of the Revised Code. 30924

(2) A component that provides for the recruitment, training, 30925  
and retention of the direct care staff necessary to implement 30926  
services included in individualized service plans, including 30927  
behavior management services and health management services such 30928  
as delegated nursing and other habilitation services, and protect 30929  
the health and welfare of individuals receiving services included 30930  
in the individual's individualized service plan by complying with 30931  
safeguards for unusual and major unusual incidents, day-to-day 30932  
program management, and other requirements the department shall 30933  
identify. A county board shall develop this component in 30934  
collaboration with providers of medicaid-funded services with 30935  
which the county board contracts. A county board shall include all 30936  
of the following in the component: 30937

(a) The source and amount of funds available for the 30938  
component; 30939

(b) A plan and timeline for implementing the component with the medicaid providers under contract with the county board; 30940  
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(c) The mechanisms the county board shall use to ensure the financial and program accountability of the medicaid provider's implementation of the component. 30942  
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(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: 30945  
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(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; 30949  
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(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; 30954  
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(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; 30960  
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(d) Assurances adequate to the department that the county board will comply with all of the following requirements: 30964  
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(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; 30966  
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(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. 30971  
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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. 30978  
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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; 30984  
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(f) Programmatic and financial outcomes expected from the implementation of the plan; 30993  
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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. 30995  
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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: 30998  
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31001

(1) Submit the components required by divisions (A)(1) and (2) of this section to the department not later than July 15, 2001; 31002  
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(2) Submit the component required by division (A)(3) of this section to the department not later than October 1, 2001. 31005  
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(C) A county board whose plan developed under division (A) of this section is approved by the department under section 5123.046 of the Revised Code shall update and renew the plan in accordance with a schedule the department shall develop. 31007  
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31010

**Sec. 5126.055.** (A) Except as provided in division (G) of this section, a county board of mental retardation and developmental disabilities with an approved plan under section 5123.046 of the Revised Code has local administrative authority to do all of the following for an individual with mental retardation or other developmental disability who resides in the county that the county board serves and seeks or receives home or community-based services: 31011  
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(1) Perform assessments and evaluations of the individual. As part of the assessment and evaluation process, the county board shall do all of the following: 31019  
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(a) Make a recommendation to the department of mental retardation and developmental disabilities on whether the department should approve or deny the individual's application for the services, including on the basis of whether the individual needs the level of care an intermediate care facility for the mentally retarded provides; 31022  
31023  
31024  
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(b) If the individual's application is denied because of the county board's recommendation and the individual requests a hearing under section 5101.35 of the Revised Code, present, with the department of mental retardation and developmental 31028  
31029  
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31031



disabilities or department of job and family services, whichever 31032  
denies the application, the reasons for the recommendation and 31033  
denial at the hearing; 31034

(c) If the individual's application is approved, recommend to 31035  
the departments of mental retardation and developmental 31036  
disabilities and job and family services the services that should 31037  
be included in the individual's individualized service plan and, 31038  
if either department reduces, denies, or terminates a service 31039  
included in the individual's individualized service plan under 31040  
section 5111.871 of the Revised Code because of the county board's 31041  
recommendation, present, with the department that made the 31042  
reduction, denial, or termination, the reasons for the 31043  
recommendation and reduction, denial, or termination at a hearing 31044  
under section 5101.35 of the Revised Code. 31045

(2) In accordance with the rules adopted under section 31046  
5126.047 of the Revised Code, perform the county board's duties 31047  
under that section regarding assisting the individual's right to 31048  
choose a qualified and willing provider of the services and, at a 31049  
hearing under section 5101.35 of the Revised Code, present 31050  
evidence of the process for appropriate assistance in choosing 31051  
providers; 31052

(3) Unless the county board provides the services under 31053  
division (A)(4) of this section, contract with the person or 31054  
government entity the individual chooses in accordance with 31055  
section 5126.047 of the Revised Code to provide the services if 31056  
the person or government entity is qualified and agrees to provide 31057  
the services. The contract shall require the provider to agree to 31058  
furnish, in accordance with the provider's medicaid provider 31059  
agreement and for the authorized reimbursement rate, the services 31060  
the individual requires. 31061

(4) If the county board is accredited under section 5126.081 31062  
of the Revised Code to provide the services and agrees to provide 31063

the services to the individual and the individual chooses the 31064  
county board to provide the services, furnish, in accordance with 31065  
the county board's medicaid provider agreement and for the 31066  
authorized reimbursement rate, the services the individual 31067  
requires; 31068

(5) Monitor the services provided to the individual and 31069  
ensure the individual's health, safety, and welfare. The 31070  
monitoring shall include quality assurance activities. If the 31071  
county board provides the services, the department of mental 31072  
retardation and developmental disabilities shall also monitor the 31073  
services. 31074

(B) Except as provided in division (G) of this section, a 31075  
county board with an approved plan under section 5123.046 of the 31076  
Revised Code has local administrative authority to do all of the 31077  
following for an individual with mental retardation or other 31078  
developmental disability who resides in the county that the county 31079  
board serves and seeks or receives medicaid case management 31080  
services or habilitation center services, other than habilitation 31081  
center services for which a school district is required by 31082  
division (E) of section 5111.041 of the Revised Code to pay the 31083  
nonfederal share: 31084

(1) Perform assessments and evaluations of the individual for 31085  
the purpose of recommending to the departments of mental 31086  
retardation and developmental disabilities and job and family 31087  
services the services that should be included in the individual's 31088  
individualized service plan; 31089

(2) If the department of mental retardation and developmental 31090  
disabilities or department of job and family services reduces, 31091  
denies, or terminates a service included in the individual's 31092  
individualized service plan under section 5111.041 or 5111.042 of 31093  
the Revised Code because of the county board's recommendation 31094  
under division (B)(1) of this section, present, with the 31095

department that made the reduction, denial, or termination, the 31096  
reasons for the recommendation and reduction, denial, or 31097  
termination at a hearing under section 5101.35 of the Revised Code 31098  
and inform the individual that the individual may file a complaint 31099  
with the county board under section 5126.06 of the Revised Code at 31100  
the same time the individual pursues an appeal under section 31101  
5101.35 of the Revised Code; 31102

(3) In accordance with rules the departments of mental 31103  
retardation and developmental disabilities and job and family 31104  
services shall adopt in accordance with Chapter 119. of the 31105  
Revised Code governing the process for individuals to choose 31106  
providers of medicaid case management services and habilitation 31107  
center services, assist the individual in choosing the provider of 31108  
the services. The rules shall provide for both of the following: 31109

(a) The county board providing the individual up-to-date 31110  
information about qualified providers that the department of 31111  
mental retardation and developmental disabilities shall make 31112  
available to the county board; 31113

(b) If the individual chooses a provider who is qualified and 31114  
willing to provide the services but is denied that provider, the 31115  
individual receiving timely notice that the individual may request 31116  
a hearing under section 5101.35 of the Revised Code and, at the 31117  
hearing, the county board presenting evidence of the process for 31118  
appropriate assistance in choosing providers. 31119

(4) Unless the county board provides the services under 31120  
division (B)(5) of this section, contract with the person or 31121  
government entity that the individual chooses in accordance with 31122  
the rules adopted under division (B)(3) of this section to provide 31123  
the services if the person or government entity is qualified and 31124  
agrees to provide the services. The contract shall require the 31125  
provider to agree to furnish, in accordance with the provider's 31126  
medicaid provider agreement and for the authorized reimbursement 31127

rate, the services the individual requires. 31128

(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; 31129  
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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. 31136  
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(C) A county board shall perform its local administrative authority under this section in accordance with all of the following: 31141  
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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; 31144  
31145  
31146

(2) All applicable federal and state laws; 31147

(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; 31148  
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31151

(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; 31152  
31153  
31154

(5) The department of mental retardation and developmental disabilities' oversight. 31155  
31156

(D) The departments of mental retardation and developmental 31157

disabilities and job and family services shall communicate with 31158  
and provide training to county boards regarding local 31159  
administrative authority granted by this section. The 31160  
communication and training shall include issues regarding audit 31161  
protocols and other standards established by the United States 31162  
department of health and human services that the departments 31163  
determine appropriate for communication and training. County 31164  
boards shall participate in the training. The departments shall 31165  
assess the county board's compliance against uniform standards 31166  
that the departments shall establish. 31167

(E) A county board may not delegate its local administrative 31168  
authority granted under this section but may contract with a 31169  
person or government entity, including a council of governments, 31170  
for assistance with its local administrative authority. A county 31171  
board that enters into such a contract shall notify the director 31172  
of mental retardation and developmental disabilities. The notice 31173  
shall include the tasks and responsibilities that the contract 31174  
gives to the person or government entity. The person or government 31175  
entity shall comply in full with all requirements to which the 31176  
county board is subject regarding the person or government 31177  
entity's tasks and responsibilities under the contract. The county 31178  
remains ultimately responsible for the tasks and responsibilities. 31179  
31180

(F) A county board that has local administrative authority 31181  
under this section shall, through the departments of mental 31182  
retardation and developmental disabilities and job and family 31183  
services, reply to, and cooperate in arranging compliance with, a 31184  
program or fiscal audit or program violation exception that a 31185  
state or federal audit or review discovers. The department of job 31186  
and family services shall timely notify the department of mental 31187  
retardation and developmental disabilities and the county board of 31188  
any adverse findings. After receiving the notice, the county 31189

board, in conjunction with the department of mental retardation 31190  
and developmental disabilities, shall cooperate fully with the 31191  
department of job and family services and timely prepare and send 31192  
to the department a written plan of correction or response to the 31193  
adverse findings. The county board is liable for any adverse 31194  
findings that result from an action it takes or fails to take in 31195  
its implementation of local administrative authority. 31196

(G)(1) If the department of mental retardation and 31197  
developmental disabilities or department of job and family 31198  
services determines that a county board's implementation of its 31199  
local administrative authority under this section is deficient, 31200  
the department that makes the determination shall require that 31201  
county board do the following: 31202

(a) If the deficiency affects the health, safety, or welfare 31203  
of an individual with mental retardation or other developmental 31204  
disability, correct the deficiency within twenty-four hours; 31205  
31206

(b) If the deficiency does not affect the health, safety, or 31207  
welfare of an individual with mental retardation or other 31208  
developmental disability, submit a plan of correction to the 31209  
department that is acceptable to the department within sixty days 31210  
and correct the deficiency within the time required by the plan of 31211  
correction. 31212

(2) If the county board fails to correct a deficiency within 31213  
the time required by division (G)(1) of this section to the 31214  
satisfaction of the department, or submit an acceptable plan of 31215  
correction within the time required by division (G)(1)(b) of this 31216  
section, the department shall do one of the following until the 31217  
county board's local administrative authority is restored under 31218  
division (G)(3) of this section: 31219

(a) Assign the county board's local administrative authority 31220  
to one or more other county boards or a regional council 31221

established under section 5126.13 of the Revised Code; 31222

(b) Contract with a person or government entity that provides 31223  
management services but not medicaid-funded services to perform 31224  
the local administrative authority. 31225

(3) If the department takes action under division (G)(2) of 31226  
this section, the department of mental retardation and 31227  
developmental disabilities shall closely monitor all aspects of 31228  
the county board's implementation of a plan of correction. The 31229  
department shall restore the county board's local administrative 31230  
authority when the department is satisfied that the county board 31231  
has successfully implemented all parts of the plan of correction 31232  
and is capable of adhering to medicaid standards. 31233

**Sec. 5126.056.** (A) A county board of mental retardation and 31234  
developmental disabilities that has local administrative authority 31235  
under division (A) of section 5126.055 of the Revised Code for 31236  
home or community-based services shall pay the nonfederal share of 31237  
medicaid expenditures for such services provided to an individual 31238  
with mental retardation or other developmental disability who the 31239  
county board determines under section 5126.041 of the Revised Code 31240  
is eligible for county board services. 31241

A county board that has local administrative authority under 31242  
division (B) of section 5126.055 of the Revised Code for medicaid 31243  
case management services shall pay the nonfederal share of 31244  
medicaid expenditures for such services provided to an individual 31245  
with mental retardation or other developmental disability who the 31246  
county board determines under section 5126.041 of the Revised Code 31247  
is eligible for county board services unless division (B)(2) of 31248  
section 5123.047 of the Revised Code requires the department of 31249  
mental retardation and developmental disabilities to pay the 31250  
nonfederal share. 31251

A county board shall pay the nonfederal share of medicaid 31252

<u>expenditures for habilitation center services when required to do</u>	31253
<u>so by division (D) of section 5111.041 of the Revised Code.</u>	31254
<u>(B) A county board may use the following funds to pay the</u>	31255
<u>nonfederal share of the services that the county board is required</u>	31256
<u>by division (A) of this section to pay:</u>	31257
<u>(1) To the extent consistent with the levy that generated the</u>	31258
<u>taxes, the following taxes:</u>	31259
<u>(a) Taxes levied pursuant to division (L) of section 5705.19</u>	31260
<u>of the Revised Code and section 5705.222 of the Revised Code;</u>	31261
<u>(b) Taxes levied under section 5705.191 of the Revised Code</u>	31262
<u>that the board of county commissioners allocates to the county</u>	31263
<u>board to pay the nonfederal share of the services.</u>	31264
<u>(2) Funds that the department of mental retardation and</u>	31265
<u>developmental disabilities distributes to the county board under</u>	31266
<u>sections 5126.11, 5126.12, 5126.15, 5126.18, and 5126.44 of the</u>	31267
<u>Revised Code;</u>	31268
<u>(3) Funds that the department allocates to the county board</u>	31269
<u>for habilitation center services provided under section 5111.041</u>	31270
<u>of the Revised Code;</u>	31271
<u>(4) Earned federal revenue funds the county board receives</u>	31272
<u>for medicaid services the county board provides pursuant to the</u>	31273
<u>county board's valid medicaid provider agreement.</u>	31274
<u>(C) If by December 31, 2001, the United States secretary of</u>	31275
<u>health and human services allows for at least five hundred</u>	31276
<u>additional individuals to receive home or community-based</u>	31277
<u>services, each county board shall provide, by the last day of each</u>	31278
<u>calendar year, assurances to the department of mental retardation</u>	31279
<u>and developmental disabilities that the county board will have the</u>	31280
<u>following amount available to pay the nonfederal share of the</u>	31281
<u>services that the county board is required by division (A) of this</u>	31282



<u>section to pay:</u>	31283
<u>(1) For calendar year 2003, at least one-third of the value</u>	31284
<u>of one-half, effective mill levied in the county the preceding</u>	31285
<u>year;</u>	31286
<u>(2) For calendar year 2004, at least two-thirds of the value</u>	31287
<u>of one-half, effective mill levied in the county the preceding</u>	31288
<u>year;</u>	31289
<u>(3) For calendar year 2005 and each calendar year thereafter,</u>	31290
<u>at least the value of one-half, effective mill levied in the</u>	31291
<u>county the preceding year.</u>	31292
<u>(D) Each year, each county board shall adopt a resolution</u>	31293
<u>specifying the amount of funds it will use in the next year to pay</u>	31294
<u>the nonfederal share of the services that the county board is</u>	31295
<u>required by division (A) of this section to pay. The amount</u>	31296
<u>specified shall be adequate to assure that the services will be</u>	31297
<u>available in the county in a manner that conforms to all</u>	31298
<u>applicable state and federal laws. A county board shall state in</u>	31299
<u>its resolution that the payment of the nonfederal share represents</u>	31300
<u>an ongoing financial commitment of the county board. A county</u>	31301
<u>board shall adopt the resolution in time for the county auditor to</u>	31302
<u>make the determination required by division (E) of this section.</u>	31303
<u>(E) Each year, a county auditor shall determine whether the</u>	31304
<u>amount of funds a county board specifies in the resolution it</u>	31305
<u>adopts under division (D) of this section will be available in the</u>	31306
<u>following year for the county board to pay the nonfederal share of</u>	31307
<u>the services that the county board is required by division (A) of</u>	31308
<u>this section to pay. The county auditor shall make the</u>	31309
<u>determination not later than the last day of the year before the</u>	31310
<u>year in which the funds are to be used.</u>	31311
<b>Sec. 5126.12. (A) As used in this section:</b>	31312

(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. 31345

(6) "Community employment program" means community employment 31346  
services provided outside of a sheltered workshop setting under 31347  
which the person earns competitive wages for the performance of 31348  
work. 31349

(7) "Traditional adult services" means vocational and 31350  
nonvocational activities conducted within a sheltered workshop or 31351  
adult activity center or supportive home services. 31352

(B) Each county board of mental retardation and developmental 31353  
disabilities shall certify to the director of mental retardation 31354  
and developmental disabilities all of the following: 31355

(1) On or before the fifteenth day of October, the average 31356  
daily membership for the first full week of programs and services 31357  
during October receiving: 31358

(a) Early childhood services provided pursuant to section 31359  
5126.05 of the Revised Code for children who are less than three 31360  
years of age on the thirtieth day of September of the academic 31361  
year; 31362

(b) Special education for handicapped children in approved 31363  
school age ~~units~~ classes; 31364

(c) Adult services for persons sixteen years of age and older 31365  
operated pursuant to section 5126.05 and division (B) of section 31366  
5126.051 of the Revised Code. Separate counts shall be made for 31367  
the following: 31368

(i) Persons enrolled in traditional adult services who are 31369  
eligible for but not enrolled in active treatment under the 31370  
community alternative funding system; 31371

(ii) Persons enrolled in traditional adult services who are 31372  
eligible for and enrolled in active treatment under the community 31373  
alternative funding system; 31374

(iii) Persons enrolled in traditional adult services but who 31375  
are not eligible for active treatment under the community 31376  
alternative funding system; 31377

(iv) Persons participating in community employment services. 31378  
To be counted as participating in community employment services, a 31379  
person must have spent an average of no less than ten hours per 31380  
week in that employment during the preceding six months. 31381

(d) Other programs in the county for individuals with mental 31382  
retardation and developmental disabilities that have been approved 31383  
for payment of subsidy by the department of mental retardation and 31384  
developmental disabilities. 31385

The membership in each such program and service in the county 31386  
shall be reported on forms prescribed by the department of mental 31387  
retardation and developmental disabilities. 31388

The department of mental retardation and developmental 31389  
disabilities shall adopt rules defining full-time equivalent 31390  
enrollees and for determining the average daily membership 31391  
therefrom, except that certification of average daily membership 31392  
in approved school age ~~units~~ classes shall be in accordance with 31393  
rules adopted by the state board of education. The average daily 31394  
membership figure shall be determined by dividing the amount 31395  
representing the sum of the number of enrollees in each program or 31396  
service in the week for which the certification is made by the 31397  
number of days the program or service was offered in that week. No 31398  
enrollee may be counted in average daily membership for more than 31399  
one program or service. 31400

(2) By the fifteenth day of December, the number of children 31401  
enrolled in approved preschool units on the first day of December; 31402

(3) On or before the thirtieth day of March, an itemized 31403  
report of all income and operating expenditures for the 31404  
immediately preceding calendar year, in the format specified by 31405

the department of mental retardation and developmental 31406  
disabilities; 31407

(4) By the fifteenth day of February, a report of the total 31408  
annual cost per enrollee for operation of programs and services in 31409  
the preceding calendar year. The report shall include a grand 31410  
total of all programs operated, the cost of the individual 31411  
programs, and the sources of funds applied to each program. 31412

(5) That each required certification and report is in 31413  
accordance with rules established by the department of mental 31414  
retardation and developmental disabilities and the state board of 31415  
education for the operation and subsidization of the programs and 31416  
services. 31417

(C) To compute payments under this section to the board for 31418  
the fiscal year, the department of mental retardation and 31419  
developmental disabilities shall use the certification of average 31420  
daily membership required by division (B)(1) of this section 31421  
exclusive of the average daily membership in any approved school 31422  
age ~~unit~~ class and the number in any approved preschool unit. 31423

(D) The department shall pay each county board for each 31424  
fiscal year an amount equal to nine hundred fifty dollars times 31425  
the certified number of persons who on the first day of December 31426  
of the academic year are under three years of age and are not in 31427  
an approved preschool unit. For persons who are at least age 31428  
sixteen and are not in an approved school age ~~unit~~ class, the 31429  
department shall pay each county board for each fiscal year the 31430  
following amounts: 31431

(1) One thousand dollars times the certified average daily 31432  
membership of persons enrolled in traditional adult services who 31433  
are eligible for but not enrolled in active treatment under the 31434  
community alternative funding system; 31435

(2) One thousand two hundred dollars times the certified 31436

average daily membership of persons enrolled in traditional adult 31437  
services who are eligible for and enrolled in active treatment 31438  
under the community alternative funding system; 31439

(3) No less than one thousand five hundred dollars times the 31440  
certified average daily membership of persons enrolled in 31441  
traditional adult services but who are not eligible for active 31442  
treatment under the community alternative funding system; 31443

(4) No less than one thousand five hundred dollars times the 31444  
certified average daily membership of persons participating in 31445  
community employment services. 31446

(E) The department shall distribute this subsidy to county 31447  
boards in semiannual installments of equal amounts. The 31448  
installments shall be made not later than the thirty-first day of 31449  
August and the thirty-first day of January. 31450

(F) The director of mental retardation and developmental 31451  
disabilities shall make efforts to obtain increases in the 31452  
subsidies for early childhood services and adult services so that 31453  
the amount of the subsidies is equal to at least fifty per cent of 31454  
the statewide average cost of those services minus any applicable 31455  
federal reimbursements for those services. The director shall 31456  
advise the director of budget and management of the need for any 31457  
such increases when submitting the biennial appropriations request 31458  
for the department. 31459

(G) In determining the reimbursement of a county board for 31460  
the provision of case management and family support services and 31461  
other services required or approved by the director for which 31462  
children three through twenty-one years of age are eligible, the 31463  
department shall include the average daily membership in approved 31464  
school age or preschool units. The department, in accordance with 31465  
this section and upon receipt and approval of the certification 31466  
required by this section and any other information it requires to 31467

enable it to determine a board's payments, shall pay the agency 31468  
providing the specialized training the amounts payable under this 31469  
section. 31470

**Sec. 5126.18.** (A) The department of mental retardation and 31471  
developmental disabilities may pay to each county board of mental 31472  
retardation and developmental disabilities whose hypothetical 31473  
local revenue per enrollee is less than the hypothetical statewide 31474  
average revenue per enrollee the amount computed under division 31475  
(B) of this section. The department may make the payment to a 31476  
county board only if the plan the county board develops under 31477  
section 5126.054 of the Revised Code is approved under section 31478  
5123.046 of the Revised Code. If this section is implemented in 31479  
any year, payments shall be made on or before the thirtieth day of 31480  
September. 31481

(B) Except as provided in division (C) of this section, the 31482  
amount to be paid to a county board shall be equal to the 31483  
following: 31484

(1) If the county board's effective tax rate is equal to or 31485  
greater than one mill, the product obtained by multiplying the 31486  
following two quantities: 31487

(a) The amount by which the hypothetical statewide average 31488  
revenue per enrollee exceeds the county board's hypothetical local 31489  
revenue per enrollee; 31490

(b) The county board's infant and adult enrollment. 31491

(2) If the county board's effective tax rate is less than one 31492  
mill, the product obtained by multiplying the following three 31493  
quantities: 31494

(a) The amount by which the hypothetical statewide average 31495  
revenue per enrollee exceeds the county board's hypothetical local 31496  
revenue per enrollee; 31497

(b) The county board's infant and adult enrollment;	31498
(c) The quotient obtained by dividing the county board's effective tax rate by one mill.	31499 31500
(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.	31501 31502 31503 31504 31505
(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.	31506 31507 31508 31509 31510 31511 31512 31513 31514
(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.	31515 31516 31517
(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>	31518 31519 31520 31521 31522 31523 31524 31525 31526 31527
(E) Each county board that receives a payment under this	31528



section shall, for each year it receives a payment, certify to the 31529  
department that it will make a good faith effort to obtain 31530  
revenues, including federal funds, for services to individuals 31531  
included in its infant and adult enrollment. 31532

**Sec. 5126.357.** (A) As used in this section: 31533

(1) "In-home care" means the supportive services provided 31534  
within the home of an individual who receives funding for the 31535  
services as a county board client, including any client who 31536  
receives residential services funded through ~~the medical~~ 31537  
~~assistance program's~~ home ~~and or~~ community-based services ~~waivers~~ 31538  
~~administered by the department of mental retardation and~~ 31539  
~~developmental disabilities~~, family support services provided under 31540  
section 5126.11 of the Revised Code, or supported living provided 31541  
in accordance with sections 5126.41 to 5126.47 of the Revised 31542  
Code. "In-home care" includes care that is provided outside a 31543  
client's home in places incidental to the home, and while 31544  
traveling to places incidental to the home, except that "in-home 31545  
care" does not include care provided in the facilities of a county 31546  
board of mental retardation and developmental disabilities or care 31547  
provided in schools. 31548

(2) "Parent" means either parent of a child, including an 31549  
adoptive parent but not a foster parent. 31550

(3) "Unlicensed in-home care worker" means an individual who 31551  
provides in-home care but is not a health care professional. A 31552  
county board worker may be an unlicensed in-home care worker. 31553

(4) "Family member" means a parent, sibling, spouse, son, 31554  
daughter, grandparent, aunt, uncle, cousin, or guardian of the 31555  
individual with mental retardation or a developmental disability 31556  
if the individual with mental retardation or developmental 31557  
disabilities lives with the person and is dependent on the person 31558  
to the extent that, if the supports were withdrawn, another living 31559

arrangement would have to be found. 31560

(B) Except as provided in division (D) of this section, a 31561  
family member of an individual with mental retardation or a 31562  
developmental disability may authorize an unlicensed in-home care 31563  
worker to give or apply prescribed medication or perform other 31564  
health care tasks as part of the in-home care provided to the 31565  
individual, if the family member is the primary supervisor of the 31566  
care and the unlicensed in-home care worker has been selected by 31567  
the family member and is under the direct supervision of the 31568  
family member. Sections 4723.62 and 5126.351 to 5126.356 of the 31569  
Revised Code do not apply to the in-home care authorized by a 31570  
family member under this section. Instead, a family member shall 31571  
obtain a prescription, if applicable, and written instructions 31572  
from a health care professional for the care to be provided to the 31573  
individual. The family member shall authorize the unlicensed 31574  
in-home care worker to provide the care by preparing a written 31575  
document granting the authority. The family member shall provide 31576  
the unlicensed in-home care worker with appropriate training and 31577  
written instructions in accordance with the instructions obtained 31578  
from the health care professional. 31579

(C) A family member who authorizes an unlicensed in-home care 31580  
worker to give or apply prescribed medication or perform other 31581  
health care tasks retains full responsibility for the health and 31582  
safety of the individual receiving the care and for ensuring that 31583  
the worker provides the care appropriately and safely. No entity 31584  
that funds or monitors the provision of in-home care may be held 31585  
liable for the results of the care provided under this section by 31586  
an unlicensed in-home care worker, including such entities as the 31587  
county board of mental retardation and developmental disabilities, 31588  
any other entity that employs an unlicensed in-home care worker, 31589  
and the department of mental retardation and developmental 31590  
disabilities. 31591

An unlicensed in-home care worker who is authorized under 31592  
this section by a family member to provide care to an individual 31593  
may not be held liable for any injury caused in providing the 31594  
care, unless the worker provides the care in a manner that is not 31595  
in accordance with the training and instructions received or the 31596  
worker acts in a manner that constitutes wanton or reckless 31597  
misconduct. 31598

(D) A county board of mental retardation and developmental 31599  
disabilities may evaluate the authority granted by a family member 31600  
under this section to an unlicensed in-home care worker at any 31601  
time it considers necessary and shall evaluate the authority on 31602  
receipt of a complaint. If the board determines that a family 31603  
member has acted in a manner that is inappropriate for the health 31604  
and safety of the individual receiving the services, the 31605  
authorization granted by the family member to an unlicensed 31606  
in-home care worker is void, and the family member may not 31607  
authorize other unlicensed in-home care workers to provide the 31608  
care. In making such a determination, the board shall use 31609  
appropriately licensed health care professionals and shall provide 31610  
the family member an opportunity to file a complaint under section 31611  
5126.06 of the Revised Code. 31612

**Sec. 5126.431.** (A) Pursuant to Chapter 119. of the Revised 31613  
Code, the department of mental retardation and developmental 31614  
disabilities shall adopt rules establishing standards and 31615  
procedures for certification of persons and government entities 31616  
that provide or propose to provide, under contract with ~~the~~ 31617  
~~department until July 1, 1995, or with~~ a county board of mental 31618  
retardation and developmental disabilities, supported living for 31619  
individuals with mental retardation or developmental disabilities. 31620  
The rules shall allow a person or government entity to 31621  
automatically satisfy a standard for certification under this 31622  
section if the person holds a current, valid license under section 31623

5123.19 of the Revised Code to operate a residential facility and 31624  
had to satisfy the standard to obtain the residential facility 31625  
license. 31626

(B) Pursuant to Chapter 119. of the Revised Code, the 31627  
department shall adopt rules establishing quality assurance 31628  
standards for supported living provided to individuals by 31629  
providers certified under this section. 31630

(C) The rules adopted under this section shall include the 31631  
following: 31632

(1) Procedures for ensuring that providers comply with 31633  
section 5126.281 of the Revised Code; 31634

(2) Methods of evaluating the services provided and 31635  
protecting the due process rights of any individual or entity 31636  
affected by an evaluation or decision made pursuant to this 31637  
section; 31638

(3) Procedures for revoking certification. 31639

(D)(1) Providers shall be evaluated to ensure that services 31640  
are provided in a quality manner advantageous to the individual 31641  
receiving the services. When evaluations are conducted, the 31642  
following shall be considered: 31643

(a) The provider's experience and financial responsibility; 31644

(b) The ability to comply with program standards for 31645  
supported living; 31646

(c) The ability to meet the needs of the individuals served; 31647

~~(d) The ability to work cooperatively with the department,~~ 31648  
~~county boards, and other providers;~~ 31649

~~(e) Any other factor considered relevant.~~ 31650

(2) The records of evaluations conducted under this section 31651  
are public records for purposes of section 149.43 of the Revised 31652

Code and shall be made available on request of any person, 31653  
including individuals being served, individuals seeking supported 31654  
living, and county boards. 31655

(E) The department shall certify providers in accordance with 31656  
the rules adopted under this section. The department may revoke a 31657  
provider's certification for good cause, including misfeasance, 31658  
malfeasance, nonfeasance, confirmed abuse or neglect, financial 31659  
irresponsibility, or other conduct the department determines is 31660  
injurious to individuals being served. 31661

**Sec. 5139.01.** (A) As used in this chapter: 31662

(1) "Commitment" means the transfer of the physical custody 31663  
of a child or youth from the court to the department of youth 31664  
services. 31665

(2) "Permanent commitment" means a commitment that vests 31666  
legal custody of a child in the department of youth services. 31667

(3) "Legal custody," insofar as it pertains to the status 31668  
that is created when a child is permanently committed to the 31669  
department of youth services, means a legal status in which the 31670  
department has the following rights and responsibilities: the 31671  
right to have physical possession of the child; the right and duty 31672  
to train, protect, and control the child; the responsibility to 31673  
provide the child with food, clothing, shelter, education, and 31674  
medical care; and the right to determine where and with whom the 31675  
child shall live, subject to the minimum periods of, or periods 31676  
of, institutional care prescribed in section 2151.355 of the 31677  
Revised Code; provided, that these rights and responsibilities are 31678  
exercised subject to the powers, rights, duties, and 31679  
responsibilities of the guardian of the person of the child, and 31680  
subject to any residual parental rights and responsibilities. 31681

(4) Unless the context requires a different meaning, 31682

"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.

(12) "Juvenile traffic offender" has the same meaning as in  
section 2151.021 of the Revised Code.

(13) "Public safety beds" means all of the following:

(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;

(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;

(c) Children who satisfy all of the following:

(i) They are at least twelve years of age but less than  
eighteen years of age.

(ii) They are adjudicated delinquent children for having  
committed acts that if committed by an adult would be a felony.

(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.

(iv) They are in the care and custody of an institution or a  
community corrections facility.

(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.	31807 31808
(18) "Category one offense" and "category two offense" have the same meanings as in section 2151.26 of the Revised Code.	31809 31810
(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:	31811 31812 31813 31814 31815 31816 31817 31818
(a) An act that if committed by an adult would be a felony;	31819
(b) An act that if committed by an adult would be a misdemeanor;	31820 31821
(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.	31822 31823 31824
(20) "Unruly child" has the same meaning as in section 2151.022 of the Revised Code.	31825 31826
(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.	31827 31828 31829 31830
(22) "Release authority" means the release authority of the department of youth services that is established by section 5139.50 of the Revised Code.	31831 31832 31833
(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	31834 31835 31836

an employee of the department of youth services under specific 31837  
terms and conditions for reintegration of the child into the 31838  
community. 31839

(24) "Victim" means the person identified in a police report, 31840  
complaint, or information as the victim of an act that would have 31841  
been a criminal offense if committed by an adult and that provided 31842  
the basis for adjudication proceedings resulting in a child's 31843  
commitment to the legal custody of the department of youth 31844  
services. 31845

(25) "Victim's representative" means a member of the victim's 31846  
family or another person whom the victim or another authorized 31847  
person designates in writing, pursuant to section 5139.56 of the 31848  
Revised Code, to represent the victim with respect to proceedings 31849  
of the release authority of the department of youth services and 31850  
with respect to other matters specified in that section. 31851

(26) "Member of the victim's family" means a spouse, child, 31852  
stepchild, sibling, parent, stepparent, grandparent, other 31853  
relative, or legal guardian of a child but does not include a 31854  
person charged with, convicted of, or adjudicated a delinquent 31855  
child for committing a criminal or delinquent act against the 31856  
victim or another criminal or delinquent act arising out of the 31857  
same conduct, criminal or delinquent episode, or plan as the 31858  
criminal or delinquent act committed against the victim. 31859

(27) "Judicial release" means a release of a child from 31860  
institutional care or institutional care in a secure facility that 31861  
is granted by a court pursuant to division (B) of section 2151.38 31862  
of the Revised Code during the period specified in that division. 31863

(28) "Early release" means a release of a child from 31864  
institutional care or institutional care in a secure facility that 31865  
is granted by a court pursuant to division (C) of section 2151.38 31866  
of the Revised Code during the period specified in that division. 31867

(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 31898  
director's entire time to the duties of the director's office and 31899  
shall hold no other office or position of trust or profit during 31900  
the director's term of office. 31901

The director is the chief executive and administrative 31902  
officer of the department and has all the powers of a department 31903  
head set forth in Chapter 121. of the Revised Code. The director 31904  
may adopt rules for the government of the department, the conduct 31905  
of its officers and employees, the performance of its business, 31906  
and the custody, use, and preservation of the department's 31907  
records, papers, books, documents, and property. The director 31908  
shall be an appointing authority within the meaning of Chapter 31909  
124. of the Revised Code. Whenever this or any other chapter or 31910  
section of the Revised Code imposes a duty on or requires an 31911  
action of the department, the duty or action shall be performed by 31912  
the director or, upon the director's order, in the name of the 31913  
department. 31914

**Sec. 5139.11.** The department of youth services shall do all 31915  
of the following: 31916

(A) Through a program of education, promotion, and 31917  
organization, form groups of local citizens and assist these 31918  
groups in conducting activities aimed at the prevention and 31919  
control of juvenile delinquency, making use of local people and 31920  
resources for the following purposes: 31921

(1) Combatting local conditions known to contribute to 31922  
juvenile delinquency; 31923

(2) Developing recreational and other programs for youth 31924  
work; 31925

(3) Providing adult sponsors for delinquent children cases; 31926

(4) Dealing with other related problems of the locality; 31927

(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;	31928 31929 31930 31931
(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;	31932 31933 31934
(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;	31935 31936 31937 31938
(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;	31939 31940 31941 31942
(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;	31943 31944 31945 31946
(G) Assemble and distribute information relating to juvenile delinquency and report on studies relating to community conditions that affect the problem of juvenile delinquency;	31947 31948 31949
(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;	31950 31951 31952 31953 31954 31955 31956 31957 31958

(I) Evaluate the rehabilitation of children committed to the department and prepare and submit periodic reports to the committing court for the following purposes:

(1) Evaluating the effectiveness of institutional treatment;

(2) Making recommendations for early release where appropriate and recommending terms and conditions for release;

(3) Reviewing the placement of children and recommending alternative placements where appropriate.

(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;

(K)(1) Coordinate and assist juvenile justice systems by doing the following:

(a) Performing juvenile justice system planning in the state, including any planning that is required by any federal law;

(b) Collecting, analyzing, and correlating information and data concerning the juvenile justice system in the state;

(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;

(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;

(e) Administering within the state any juvenile justice acts that the governor requires the department to administer;

<u>(f) Implementing the state comprehensive plans;</u>	31989
<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>	31990 31991 31992
<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>	31993 31994 31995 31996
<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>	31997 31998 31999 32000 32001 32002 32003 32004 32005 32006 32007
<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>	32008 32009 32010
<u>(k) Overseeing the activities of metropolitan county criminal justice services agencies, administrative planning districts, and juvenile justice coordinating councils in the state;</u>	32011 32012 32013 32014
<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>	32015 32016 32017 32018
<u>(m) Preparing and recommending legislation to the general</u>	32019



assembly and governor for the improvement of the juvenile justice system in the state; 32020  
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(n) Assisting, advising, and making any reports that are required by the governor, attorney general, or general assembly. 32022  
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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. 32024  
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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. 32028  
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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. 32031  
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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 32047  
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32049

children services agency shall determine whether the child could 32050  
remain safely with, or be safely returned to, the family if the 32051  
emergency were alleviated by providing ~~assistance~~ benefits and 32052  
services under the prevention, retention, and contingency program 32053  
established under Chapter 5108. of the Revised Code. If it is 32054  
determined that the child could remain safely with, or be safely 32055  
returned to, the family, the agency, with the cooperation of the 32056  
child's family, shall determine the amount of ~~assistance~~ benefits 32057  
and services necessary to prevent the removal of the child from 32058  
the home or to permit the child's return to the home and may 32059  
provide the ~~assistance~~ benefits and services pursuant to a plan of 32060  
cooperation entered into under section 307.983 of the Revised 32061  
Code. 32062

**Sec. 5153.60.** The department of job and family services shall 32063  
establish a statewide program that provides the training section 32064  
5153.122 of the Revised Code requires public children services 32065  
agency caseworkers and supervisors to complete. The program may 32066  
also provide the preplacement and continuing training described in 32067  
sections 5103.039, 5103.0310, and 5103.0311 of the Revised Code 32068  
that foster caregivers are required by sections 5103.031, 32069  
5103.032, and 5103.033 of the Revised Code to obtain. The program 32070  
shall be called the "Ohio child welfare training program." 32071

**Sec. 5153.69.** The training program steering committee shall 32073  
monitor and evaluate the Ohio child welfare training program to 32074  
ensure ~~that~~ the following: 32075

(A) That the Ohio child welfare training program is a 32076  
competency-based training system that satisfies the training 32077  
requirements for public children services agency caseworkers and 32078  
supervisors under section 5153.122 of the Revised Code; 32079

(B) That, if the Ohio child welfare training program provides 32080

preplacement or continuing training for foster caregivers, it 32081  
meets the same requirements that preplacement training programs 32082  
and continuing training programs must meet pursuant to section 32083  
5103.038 of the Revised Code to obtain approval by the department 32084  
of job and family services, except that the Ohio child welfare 32085  
training program is not required to obtain department approval. 32086  
32087

**Sec. 5153.78.** (A) As used in this section: 32088

(1) "Title IV-B" means Title IV-B of the "Social Security Act 32089  
of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 32090

(2) "Title IV-E" means Title IV-E of the "Social Security 32091  
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 32092

(3) "Title XX" has the same meaning as in section 5101.46 of 32093  
the Revised Code. 32094

(B) For purposes of adequately funding the Ohio child welfare 32095  
training program, the department of job and family services ~~shall~~ 32096  
may use any of the following to ~~adequately fund the Ohio child~~ 32097  
~~welfare training program:~~ 32098

(1) The federal financial participation funds withheld 32099  
pursuant to division (D) of section 5101.141 of the Revised Code 32100  
in an amount determined by the department; 32101

(2) Funds available under Title XX, Title IV-B, and Title 32102  
IV-E to pay for training costs; 32103

(3) ~~Any other~~ Other available state or federal funds. 32104

**Sec. 5705.091.** The board of county commissioners of each 32105  
county shall establish a county mental retardation and 32106  
developmental disabilities general fund. Notwithstanding sections 32107  
5705.09 and 5705.10 of the Revised Code, proceeds from levies 32108  
under section 5705.222 and division (L) of section 5705.19 of the 32109

Revised Code shall be deposited to the credit of the county mental 32110  
retardation and developmental disabilities general fund. Accounts 32111  
shall be established within the county mental retardation and 32112  
developmental disabilities general fund for each of the several 32113  
particular purposes of the levies as specified in the resolutions 32114  
under which the levies were approved, and proceeds from different 32115  
levies that were approved for the same particular purpose shall be 32116  
credited to accounts for that purpose. Other money received by the 32117  
county for the purposes of Chapters 3323. and 5126. of the Revised 32118  
Code and not required by state or federal law to be deposited to 32119  
the credit of a different fund shall also be deposited to the 32120  
credit of the county mental retardation and developmental 32121  
disabilities general fund, in an account appropriate to the 32122  
particular purpose for which the money was received. Unless 32123  
otherwise provided by law, an unexpended balance at the end of a 32124  
fiscal year in any account in the county mental retardation and 32125  
developmental disabilities general fund shall be appropriated the 32126  
next fiscal year to the same fund. 32127

A county board of mental retardation and developmental 32128  
disabilities may request, by resolution, that the board of county 32129  
commissioners establish a county mental retardation and 32130  
developmental disabilities capital fund for money to be used for 32131  
acquisition, construction, or improvement of capital facilities or 32132  
acquisition of capital equipment used in providing services to 32133  
mentally retarded and developmentally disabled persons. The county 32134  
board of mental retardation and developmental disabilities shall 32135  
transmit a certified copy of the resolution to the board of county 32136  
commissioners. Upon receiving the resolution, the board of county 32137  
commissioners shall establish a county mental retardation and 32138  
developmental disabilities capital fund. 32139

A county board shall request, by resolution, that the board 32140  
of county commissioners establish a county MR/DD medicaid reserve 32141

fund if such fund must be established for the county board to be 32142  
in compliance with the component required by division (A)(3) of 32143  
section 5126.054 of the Revised Code of a county board plan 32144  
approved by the department of mental retardation and developmental 32145  
disabilities under section 5123.046 of the Revised Code. On 32146  
receipt of the resolution, the board of county commissioners shall 32147  
establish a county MR/DD medicaid reserve fund. The portion of 32148  
federal revenue funds that the county board earns for providing 32149  
medicaid case management services and home or community-based 32150  
services that is needed for the county board to pay for 32151  
extraordinary costs, including extraordinary costs for services to 32152  
individuals with mental retardation or other developmental 32153  
disability, and ensure the availability of adequate funds in the 32154  
event a county property tax levy for services for individuals with 32155  
mental retardation or other developmental disability fails shall 32156  
be deposited into the fund. The county board shall use money in 32157  
the fund for those purposes. 32158

**Sec. 5705.41.** No subdivision or taxing unit shall: 32159

(A) Make any appropriation of money except as provided in 32160  
Chapter 5705. of the Revised Code; provided, that the 32161  
authorization of a bond issue shall be deemed to be an 32162  
appropriation of the proceeds of the bond issue for the purpose 32163  
for which such bonds were issued, but no expenditure shall be made 32164  
from any bond fund until first authorized by the taxing authority; 32165

(B) Make any expenditure of money unless it has been 32166  
appropriated as provided in such chapter; 32167

(C) Make any expenditure of money except by a proper warrant 32168  
drawn against an appropriate fund; 32169

(D)(1) Except as otherwise provided in division (D)(2) of 32170  
this section and section 5705.44 of the Revised Code, make any 32171  
contract or give any order involving the expenditure of money 32172

unless there is attached thereto a certificate of the fiscal 32173  
officer of the subdivision that the amount required to meet the 32174  
obligation or, in the case of a continuing contract to be 32175  
performed in whole or in part in an ensuing fiscal year, the 32176  
amount required to meet the obligation in the fiscal year in which 32177  
the contract is made, has been lawfully appropriated for such 32178  
purpose and is in the treasury or in process of collection to the 32179  
credit of an appropriate fund free from any previous encumbrances. 32180  
This certificate need be signed only by the subdivision's fiscal 32181  
officer. Every such contract made without such a certificate shall 32182  
be void, and no warrant shall be issued in payment of any amount 32183  
due thereon. If no certificate is furnished as required, upon 32184  
receipt by the taxing authority of the subdivision or taxing unit 32185  
of a certificate of the fiscal officer stating that there was at 32186  
the time of the making of such contract or order and at the time 32187  
of the execution of such certificate a sufficient sum appropriated 32188  
for the purpose of such contract and in the treasury or in process 32189  
of collection to the credit of an appropriate fund free from any 32190  
previous encumbrances, such taxing authority may authorize the 32191  
drawing of a warrant in payment of amounts due upon such contract, 32192  
but such resolution or ordinance shall be passed within thirty 32193  
days from the receipt of such certificate; provided that, if the 32194  
amount involved is less than one hundred dollars in the case of 32195  
counties or one thousand dollars in the case of all other 32196  
subdivisions or taxing units, the fiscal officer may authorize it 32197  
to be paid without such affirmation of the taxing authority of the 32198  
subdivision or taxing unit, if such expenditure is otherwise 32199  
valid. 32200

(2) Annually, the board of county commissioners may adopt a 32201  
resolution exempting for the current fiscal year county purchases 32202  
of seven hundred fifty dollars or less from the requirement of 32203  
division (D)(1) of this section that a certificate be attached to 32204  
any contract or order involving the expenditure of money. The 32205

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,

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 32270  
predictable operating expense. Such a certification shall not 32271  
extend beyond the end of the fiscal year or, in the case of a 32272  
board of county commissioners that has established a quarterly 32273  
spending plan under section 5705.392 of the Revised Code, beyond 32274  
the quarter to which the plan applies. Such a certificate shall be 32275  
signed by the fiscal officer and may, but need not, be limited to 32276  
a specific vendor. An itemized statement of obligations incurred 32277  
and expenditures made under such a certificate shall be rendered 32278  
to the fiscal officer for each certificate issued. More than one 32279  
such certificate may be outstanding at any time. 32280

In any case in which a contract is entered into upon a per 32281  
unit basis, the head of the department, board, or commission for 32282  
the benefit of which the contract is made shall make an estimate 32283  
of the total amount to become due upon such contract, which 32284  
estimate shall be certified in writing to the fiscal officer of 32285  
the subdivision. Such a contract may be entered into if the 32286  
appropriation covers such estimate, or so much thereof as may be 32287  
due during the current year. In such a case the certificate of the 32288  
fiscal officer based upon the estimate shall be a sufficient 32289  
compliance with the law requiring a certificate. 32290

Any certificate of the fiscal officer attached to a contract 32291  
shall be binding upon the political subdivision as to the facts 32292  
set forth therein. Upon request of any person receiving an order 32293  
or entering into a contract with any political subdivision, the 32294  
certificate of the fiscal officer shall be attached to such order 32295  
or contract. "Contract" as used in this section excludes current 32296  
payrolls of regular employees and officers. 32297

Taxes and other revenue in process of collection, or the 32298  
proceeds to be derived from authorized bonds, notes, or 32299  
certificates of indebtedness sold and in process of delivery, 32300  
shall for the purpose of this section be deemed in the treasury or 32301

in process of collection and in the appropriate fund. This section 32302  
applies neither to the investment of sinking funds by the trustees 32303  
of such funds, nor to investments made under sections 731.56 to 32304  
731.59 of the Revised Code. 32305

No district authority shall, in transacting its own affairs, 32306  
do any of the things prohibited to a subdivision by this section, 32307  
but the appropriation referred to shall become the appropriation 32308  
by the district authority, and the fiscal officer referred to 32309  
shall mean the fiscal officer of the district authority. 32310

**Sec. 5705.44.** When contracts or leases run beyond the 32311  
termination of the fiscal year in which they are made, the fiscal 32312  
officer of the taxing authority shall make a certification for the 32313  
amount required to meet the obligation of such contract or lease 32314  
maturing in such fiscal year. The amount of the obligation under 32315  
such contract or lease remaining unfulfilled at the end of a 32316  
fiscal year, and which will become payable during the next fiscal 32317  
year, shall be included in the annual appropriation measure for 32318  
the next year as a fixed charge. 32319

The certificate required by section 5705.41 of the Revised 32320  
Code as to money in the treasury shall not be required for 32321  
contracts on which payments are to be made from the earnings of a 32322  
publicly operated water works or public utility, but in the case 32323  
of any such contract made without such certification, no payment 32324  
shall be made on account thereof, and no claim or demand thereon 32325  
shall be recoverable, except out of such earnings. That 32326  
certificate also shall not be required if requiring the 32327  
certificate makes it impossible for a county board of mental 32328  
retardation and developmental disabilities to pay the nonfederal 32329  
share of medicaid expenditures that the county board is required 32330  
by division (A) of section 5126.056 of the Revised Code to pay. 32331

Sec. 5709.17. (A) Real estate held or occupied by an 32332  
association or corporation, organized or incorporated under the 32333  
laws of this state relative to soldiers' memorial associations, 32334  
monumental building associations, or cemetery associations or 32335  
corporations, which in the opinion of the trustees, directors, or 32336  
managers thereof is necessary and proper to carry out the object 32337  
intended for such association or corporation, shall be exempt from 32338  
taxation. 32339

(B) Real estate and tangible personal property held or 32340  
occupied by a war veterans' organization, which is organized 32341  
exclusively for charitable purposes and incorporated under the 32342  
laws of this state or the United States, except real estate held 32343  
by such organization for the production of rental income, shall be 32344  
exempt from taxation. 32345

(C) Tangible personal property held by a corporation 32346  
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 32347  
section 501(c)(3) of the Internal Revenue Code, and exempt from 32348  
taxation under section 501(a) of the Internal Revenue Code shall 32349  
be exempt from taxation if it is surplus property obtained as 32350  
described in 112 Stat. 1340, 36 U.S.C.A. 40730. 32351

Sec. 5721.30. As used in sections 5721.30 to 5721.42 of the 32352  
Revised Code: 32353

(A) "Tax certificate," "certificate," or "duplicate 32354  
certificate" means a document which may be issued as a physical 32355  
certificate, in book-entry form, or through an electronic medium, 32356  
at the discretion of the county treasurer. Such document shall 32357  
contain the information required by section 5721.31 of the Revised 32358  
Code and shall be prepared, transferred, or redeemed in the manner 32359  
prescribed by sections 5721.30 to 5721.41 of the Revised Code. As 32360  
used in those sections, "tax certificate," "certificate," and 32361  
"duplicate certificate" do not refer to the delinquent land tax 32362

certificate or the delinquent vacant land tax certificate issued 32363  
under section 5721.13 of the Revised Code. 32364

(B) "Certificate parcel" means the parcel of delinquent land 32365  
that is the subject of and is described in a tax certificate. 32366

(C) "Certificate holder" means a person who purchases a tax 32367  
certificate under section 5721.32 or 5721.33 of the Revised Code, 32368  
or a person to whom a tax certificate has been transferred 32369  
pursuant to section 5721.36 of the Revised Code. 32370

(D) "Certificate purchase price" means, with respect to the 32371  
sale of tax certificates under sections 5721.32 and 5721.33 of the 32372  
Revised Code, the amount equal to delinquent taxes, assessments, 32373  
penalties, and interest computed under section 323.121 of the 32374  
Revised Code charged against a certificate parcel at the time the 32375  
tax certificate respecting that parcel is sold, not including any 32376  
delinquent taxes, assessments, penalties, interest, and charges, 32377  
the lien for which has been conveyed to a certificate holder 32378  
through a prior sale of a tax certificate respecting that parcel; 32379  
provided, however, that payment of the certificate purchase price 32380  
in a sale under section 5721.33 of the Revised Code may be made 32381  
wholly in cash or partially in cash and partially by noncash 32382  
consideration acceptable to the county treasurer from the 32383  
purchaser. In the event that any such noncash consideration is 32384  
delivered to pay a portion of the certificate purchase price, such 32385  
noncash consideration may be subordinate to the rights of the 32386  
holders of other obligations whose proceeds paid the cash portion 32387  
of the certificate purchase price. 32388

"Certificate purchase price" also includes the amount of the 32389  
fee charged by the county treasurer to the purchaser of the 32390  
certificate under division (H) of section 5721.32 of the Revised 32391  
Code. 32392

(E) With respect to a sale of tax certificates under section 32393

5721.32 of the Revised Code and except as provided in division	32394
(E)(3) of this section, "certificate redemption price" means the	32395
amount determined under division (E)(1) or (2) of this section.	32396
(1) During the first year after the date on which a tax	32397
certificate is sold, the sum of the following:	32398
(a) The certificate purchase price;	32399
(b) The greater of the following:	32400
(i) Interest, at the certificate rate of interest, accruing	32401
during the certificate interest period on the certificate purchase	32402
price;	32403
(ii) Six per cent of the certificate purchase price.	32404
(c) The fee charged by the county treasurer to the purchaser	32405
of the certificate under division (H) of section 5721.32 of the	32406
Revised Code.	32407
(2) After the first year after the date on which a tax	32408
certificate is sold, the sum of the following:	32409
(a)(i) If division (E)(1)(b)(i) applied during the first	32410
year, the certificate purchase price;	32411
(ii) If division (E)(1)(b)(ii) applied during the first year,	32412
the sum of the certificate purchase price plus six per cent of the	32413
certificate purchase price.	32414
(b)(i) If division (E)(1)(b)(i) applied during the first	32415
year, interest at the certificate rate of interest accruing during	32416
the certificate interest period on the certificate purchase price;	32417
(ii) If division (E)(1)(b)(ii) applied during the first year,	32418
interest at the certificate rate of interest, accruing during the	32419
part of the certificate interest period that begins one year after	32420
the date of the sale of the certificate, on the sum of the	32421
certificate purchase price plus six per cent of the certificate	32422

purchase price.	32423
(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.	32424 32425 32426
(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.	32427 32428 32429 32430 32431
(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:	32432 32433 32434
(1) The certificate purchase price;	32435
(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;	32436 32437 32438 32439 32440
(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;	32441 32442 32443
(4) Any other fees charged by any county office in connection with the recording of tax certificates.	32444 32445
(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.	32446 32447 32448 32449 32450 32451 32452

(H) "Cash" means United States currency, certified checks, 32453  
money orders, bank drafts, or electronic transfer of funds, and 32454  
excludes any other form of payment. 32455

(I) "The date on which a tax certificate is sold," "the date 32456  
the certificate was sold," "the date the certificate is 32457  
purchased," and any other phrase of similar content mean, with 32458  
respect to a sale pursuant to an auction under section 5721.32 of 32459  
the Revised Code, the date designated by the county treasurer for 32460  
the submission of bids and, with respect to a negotiated sale 32461  
under section 5721.33 of the Revised Code, the date of delivery of 32462  
the tax certificates to the purchasers thereof pursuant to a tax 32463  
certificate sale/purchase agreement. 32464

(J) "Purchaser of a tax certificate pursuant to section 32465  
5721.32 of the Revised Code" means the winning bidder in an 32466  
auction of a tax certificate held under section 5721.32 of the 32467  
Revised Code. 32468

(K) "Certificate interest period" means, with respect to a 32469  
tax certificate sold under section 5721.32 of the Revised Code, 32470  
the period beginning on the date the certificate is purchased and, 32471  
with respect to a tax certificate sold under section 5721.33 of 32472  
the Revised Code, the period beginning on the date of delivery of 32473  
the tax certificate, and in either case ending on one of the 32474  
following dates: 32475

(1) In the case of foreclosure proceedings instituted under 32476  
section 5721.37 of the Revised Code, the date the certificate 32477  
holder submits a payment to the treasurer under division (B) of 32478  
that section; 32479

(2) In the case of a certificate parcel redeemed under 32480  
division (A) or (C) of section 5721.38 of the Revised Code, the 32481  
date the owner of record of the certificate parcel, or any other 32482  
person entitled to redeem that parcel, pays to the county 32483

treasurer or to the certificate holder, as applicable, the full 32484  
amount determined under that section. 32485

(L) "County treasurer" means, with respect to the sale of tax 32486  
certificates under section 5721.32 of the Revised Code, the county 32487  
treasurer of a county having a population of at least two hundred 32488  
thousand according to the then most recent federal decennial 32489  
census and, with respect to the sale of tax certificates under 32490  
section 5721.33 of the Revised Code, the county treasurer of a 32491  
county having a population of at least one million ~~four~~ three 32492  
hundred thousand according to the then most recent federal 32493  
decennial census. 32494

(M) "Qualified trustee" means a trust company within the 32495  
state or a bank having the power of a trust company within the 32496  
state with a combined capital stock, surplus, and undivided 32497  
profits of at least one hundred million dollars. 32498

(N) "Tax certificate sale/purchase agreement" means the 32499  
purchase and sale agreement described in division (C) of section 32500  
5721.33 of the Revised Code setting forth the certificate purchase 32501  
price, plus any applicable premium or less any applicable 32502  
discount, including, without limitation, the amount thereof to be 32503  
paid in cash and the amount and nature of any noncash 32504  
consideration, the date of delivery of the tax certificates, and 32505  
the other terms and conditions of the sale, including, without 32506  
limitation, the rate of interest that the tax certificates shall 32507  
bear. 32508

(O) "Noncash consideration" means any form of consideration 32509  
other than cash, including, but not limited to, promissory notes 32510  
whether subordinate or otherwise. 32511

(P) "Private attorney" means for purposes of section 5721.37 32512  
of the Revised Code, any attorney licensed to practice law in this 32513  
state, whether practicing with a firm of attorneys or otherwise, 32514



whose license has not been revoked or otherwise suspended and who 32515  
brings foreclosure proceedings pursuant to section 5721.37 of the 32516  
Revised Code on behalf of a certificate holder. 32517

(Q) "Related certificate parcel" means, with respect to a 32518  
certificate holder, the certificate parcel with respect to which 32519  
the certificate holder has purchased and holds a tax certificate 32520  
pursuant to sections 5721.30 to 5721.41 of the Revised Code and, 32521  
with respect to a tax certificate, the certificate parcel against 32522  
which the tax certificate has been sold pursuant to those 32523  
sections. 32524

**Sec. 5725.31.** (A) As used in this section: 32525

(1) "Eligible employee" and "eligible training costs" have 32526  
the same meanings as in section 5733.42 of the Revised Code. 32527

(2) "Tax assessed under this chapter" means, in the case of a 32528  
dealer in intangibles, the tax assessed under sections 5725.13 to 32529  
5725.17 of the Revised Code and, in the case of a domestic 32530  
insurance company, the taxes assessed under sections 5725.18 to 32531  
5725.26 of the Revised Code. 32532

(3) "Taxpayer" means a dealer in intangibles or a domestic 32533  
insurance company subject to a tax assessed under this chapter. 32534

(4) "Credit period" means, in the case of a dealer in 32535  
intangibles, the calendar year ending on the thirty-first day of 32536  
December next preceding the day the report is required to be 32537  
returned under section 5725.14 of the Revised Code and, in the 32538  
case of a domestic insurance company, the calendar year ending on 32539  
the thirty-first day of December next preceding the day the annual 32540  
statement is required to be returned under section 5725.18 or 32541  
5725.181 of the Revised Code. 32542

(B) There is hereby allowed a nonrefundable credit against 32543  
the tax imposed under this chapter for a taxpayer for which a tax 32544

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 32576  
distributed in a thirty-day period by the company through a meter 32577  
of an end user in this state: 32578

KILOWATT HOURS DISTRIBUTED TO	RATE PER	
AN END USER	KILOWATT HOUR	
For the first 2,000	\$.00465	32581
For the next 2,001 to 15,000	\$.00419	32582
For 15,001 and above	\$.00363	32583

If no meter is used to measure the kilowatt hours of 32584  
electricity distributed by the company, the rates shall apply to 32585  
the estimated kilowatt hours of electricity distributed to an 32586  
unmetered location in this state. 32587

The electric distribution company shall base the monthly tax 32588  
on the kilowatt hours of electricity distributed to an end user 32589  
through the meter of the end user that is not measured for a 32590  
thirty-day period by dividing the days in the measurement period 32591  
into the total kilowatt hours measured during the measurement 32592  
period to obtain a daily average usage. The tax shall be 32593  
determined by obtaining the sum of divisions (A)(1), (2), and (3) 32594  
of this section and multiplying that amount by the number of days 32595  
in the measurement period: 32596

(1) Multiplying \$0.00465 per kilowatt hour for the first 32597  
sixty-seven kilowatt hours distributed using a daily average; 32598

(2) Multiplying \$0.00419 for the next sixty-eight to five 32599  
hundred kilowatt hours distributed using a daily average; 32600

(3) Multiplying \$0.00363 for the remaining kilowatt hours 32601  
distributed using a daily average. 32602

Except as provided in division (C) of this section, the 32603  
electric distribution company shall pay the tax to the treasurer 32604  
of state in accordance with section 5727.82 of the Revised Code. 32605

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

municipal corporation's general fund and reports shall be filed in 32669  
accordance with divisions (A)(4) and (5) of section 5727.82 of the 32670  
Revised Code, except that "municipal corporation" shall be 32671  
substituted for "treasurer of state" and "tax commissioner." A 32672  
self-assessing purchaser that pays the excise tax as provided in 32673  
this division shall not be required to pay the tax to the electric 32674  
distribution company from which its electricity is distributed. If 32675  
a self-assessing purchaser's receipt of electricity is not subject 32676  
to the tax as measured under this division, the tax on the receipt 32677  
of such electricity shall be measured and paid as provided in 32678  
division (A) of this section. 32679

(3) In the case of the acquisition of a package, unless the 32680  
elements of the package are separately stated isolating the total 32681  
price of electricity from the price of the remaining elements of 32682  
the package, the tax imposed under this section applies to the 32683  
entire price of the package. If the elements of the package are 32684  
separately stated, the tax imposed under this section applies to 32685  
the total price of the electricity. 32686

(4) Any electric supplier that sells electricity as part of a 32687  
package shall separately state to the purchaser the total price of 32688  
the electricity and, upon request by the tax commissioner, the 32689  
total price of each of the other elements of the package. 32690

(5) The tax commissioner may adopt rules relating to the 32691  
computation of the total price of electricity with respect to 32692  
self-assessing purchasers, which may include rules to establish 32693  
the total price of electricity purchased as part of a package. 32694

(6) ~~Application~~ An annual application for registration as a 32695  
self-assessing purchaser shall be made for each qualifying meter 32696  
or location, on a form prescribed by the tax commissioner. The 32697  
registration year begins on the first day of may and ends on the 32698  
following thirtieth day of April. Persons may apply after the 32699  
first day of May for the remainder of the registration year. In 32700

the case of an applicant applying on the basis of an estimated 32701  
consumption of forty-five million kilowatt hours over the course 32702  
of the succeeding twelve months, the applicant shall provide such 32703  
information as the tax commissioner considers to be necessary to 32704  
estimate such consumption. At the time of making the application 32705  
and by the first day of May of each year, excluding May 1, 2000, a 32706  
self-assessing purchaser shall pay a fee of five hundred dollars 32707  
to the treasurer of state for each qualifying meter or location. 32708  
The treasurer of state shall deposit such fees into the kilowatt 32709  
hour excise tax administration fund, which is hereby created in 32710  
the state treasury. Money in the fund shall be used to defray the 32711  
tax commissioner's cost in administering the tax owed under 32712  
section 5727.81 of the Revised Code by self-assessing purchasers. 32713  
After the application is approved by the tax commissioner, the 32714  
registration shall remain in effect for the current registration 32715  
year, or until canceled by the registrant upon written 32716  
notification to the commissioner of the election to pay the tax in 32717  
accordance with division (A) of this section, or until canceled by 32718  
the tax commissioner for not paying the tax or fee under division 32719  
(C) of this section, or for not meeting the qualifications in 32720  
division (C)(2) of this section. The tax commissioner shall give 32721  
written notice to the electric distribution company from which 32722  
electricity is delivered to a self-assessing purchaser of the 32723  
purchaser's self-assessing status, and the electric distribution 32724  
company is relieved of the obligation to pay the tax imposed by 32725  
division (A) of this section for electricity distributed to that 32726  
self-assessing purchaser until it is notified by the tax 32727  
commissioner that the self-assessing purchaser's registration is 32728  
canceled. Within fifteen days of notification of the canceled 32729  
registration, the electric distribution company shall be 32730  
responsible for payment of the tax imposed by division (A) of this 32731  
section on electricity distributed to a purchaser that is no 32732  
longer registered as a self-assessing purchaser. A self-assessing 32733

purchaser with a canceled registration must file a report and 32734  
remit the tax imposed by division (A) of this section on all 32735  
electricity it receives for any measurement period prior to the 32736  
tax being reported and paid by the electric distribution company. 32737  
A self-assessing purchaser whose registration is canceled by the 32738  
tax commissioner is not eligible to register as a self-assessing 32739  
purchaser for two years after the registration is canceled. 32740

(7) If the tax commissioner cancels the self-assessing 32741  
registration of a purchaser registered on the basis of its 32742  
estimated consumption because the purchaser does not consume at 32743  
least forty-five million kilowatt hours of electricity over the 32744  
course of the twelve-month period for which the estimate was made, 32745  
the tax commissioner shall assess and collect from the purchaser 32746  
the difference between (a) the amount of tax that would have been 32747  
payable under division (A) of this section on the electricity 32748  
distributed to the purchaser during that period and (b) the amount 32749  
of tax paid by the purchaser on such electricity pursuant to 32750  
division (C)(2)(a) of this section. The assessment shall be paid 32751  
within sixty days after the tax commissioner issues it, regardless 32752  
of whether the purchaser files a petition for reassessment under 32753  
section 5727.89 of the Revised Code covering that period. If the 32754  
purchaser does not pay the assessment within the time prescribed, 32755  
the amount assessed is subject to the additional charge and the 32756  
interest prescribed by divisions (B) and (C) of section 5727.82 of 32757  
the Revised Code, and is subject to assessment under section 32758  
5727.89 of the Revised Code. If the purchaser is a qualified end 32759  
user, division (C)(7) of this section applies only to electricity 32760  
it consumes in other than its qualifying manufacturing process. 32761

(D) The tax imposed by this section does not apply to the 32762  
distribution of any kilowatt hours of electricity to the federal 32763  
government, to an end user located at a federal facility that uses 32764  
electricity for the enrichment of uranium, to a qualified 32765



regeneration meter, or to an end user for any day the end user is 32766  
a qualified end user. The exemption under this division for a 32767  
qualified end user only applies to the manufacturing location 32768  
where the qualified end user uses more than three million kilowatt 32769  
hours per day in a qualifying manufacturing process. 32770

**Sec. 5727.811.** (A) For the purpose of raising revenue for 32771  
public education and state and local government operations, an 32772  
excise tax is hereby levied on every natural gas distribution 32773  
company for all natural gas volumes billed by, or on behalf of, 32774  
the company ~~on and after~~ beginning with the measurement period 32775  
that includes July 1, 2001. Except as provided in divisions (C) or 32776  
(D) of this section, the tax shall be levied at the following 32777  
rates per MCF of natural gas distributed by the company through a 32778  
meter of an end user in this state: 32779

MCF DISTRIBUTED TO AN END USER	RATE PER MCF	
For the first 100 MCF per month	\$.1593	32781
For the next 101 to 2000 MCF per month	\$.0877	32782
For 2001 and above MCF per month	\$.0411	32783

If no meter is used to measure the MCF of natural gas 32784  
distributed by the company, the rates shall apply to the estimated 32785  
MCF of natural gas distributed to an unmetered location in this 32786  
state. 32787

(B) A natural gas distribution company shall base the tax on 32788  
the MCF of natural gas distributed to an end user through the 32789  
meter of the end user in this state that is estimated to be 32790  
consumed by the end user as reflected on the end user's customer 32791  
statement from the natural gas distribution company. The natural 32792  
gas distribution company shall pay the tax levied by this section 32793  
to the treasurer of state in accordance with section 5727.82 of 32794  
the Revised Code. 32795

(C) A natural gas distribution company with fifty thousand 32796

customers or less may elect to apply the rates specified in 32797  
division (A) of this section to the aggregate of the natural gas 32798  
distributed by the company through the meter of all its customers 32799  
in this state, and upon such election, this method shall be used 32800  
to determine the amount of tax to be paid by such company. 32801

(D) A natural gas distribution company shall pay the tax 32802  
imposed by this section at the rate of \$.02 per MCF of natural gas 32803  
distributed by the company through the meter of a flex customer. 32804  
The natural gas distribution company correspondingly shall reduce 32805  
the per MCF rate that it charges the flex customer for natural gas 32806  
distribution services by \$.02 per MCF of natural gas distributed 32807  
to the flex customer. 32808

(E) Except as provided in division (F) of this section, each 32809  
natural gas distribution company shall pay the tax imposed by this 32810  
section in all of the following circumstances: 32811

(1) The natural gas is distributed by the company through a 32812  
meter of an end user in this state; 32813

(2) The natural gas distribution company is distributing 32814  
natural gas through a meter located in another state, but the 32815  
natural gas is consumed in this state in the manner prescribed by 32816  
the tax commissioner; 32817

(3) The natural gas distribution company is distributing 32818  
natural gas in this state without the use of a meter, but the 32819  
natural gas is consumed in this state as estimated and in the 32820  
manner prescribed by the tax commissioner. 32821

(F) The tax levied by this section does not apply to the 32822  
distribution of natural gas to the federal government, or natural 32823  
gas produced by an end user in this state that is consumed by that 32824  
end user or its affiliates and is not distributed through the 32825  
facilities of a natural gas company. 32826

Sec. 5727.84. (A) As used in this section and sections	32827
5727.85, 5727.86, and 5727.87 of the Revised Code:	32828
(1) "School district" means a city, local, or exempted	32829
village school district.	32830
(2) "Joint vocational school district" means a joint	32831
vocational school district created under section 3311.16 of the	32832
Revised Code, and includes a cooperative education school district	32833
created under section 3311.52 or 3311.521 of the Revised Code and	32834
a county school financing district created under section 3311.50	32835
of the Revised Code.	32836
(3) "Local taxing unit" means a subdivision or taxing unit,	32837
as defined in section 5705.01 of the Revised Code, a park district	32838
created under Chapter 1545. of the Revised Code, or a township	32839
park district established under section 511.23 of the Revised	32840
Code, but excludes school districts and joint vocational school	32841
districts.	32842
(4) "State education aid" means the sum of <del>the state basic</del>	32843
<del>aid and state special education</del> aid amounts computed for a school	32844
district <u>or joint vocational school district</u> under <del>divisions (A)</del>	32845
<del>and (C) of section 3317.022</del> <u>Chapter 3317.</u> of the Revised Code.	32846
(5) "State education aid offset" means the amount certified	32847
for each school district under division (A)(1) of section 5727.85	32848
of the Revised Code.	32849
(6) " <del>Adjusted total taxable value</del> <u>Recognized valuation</u> " has	32850
the same meaning as in section 3317.02 of the Revised Code.	32851
(7) "Electric company tax value loss" means the amount	32852
determined under division (D) of this section.	32853
(8) "Natural gas company tax value loss" means the amount	32854
determined under division (E) of this section.	32855

(9) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.	32856 32857
(10) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	32858 32859
(11) "Fixed-rate levy loss" means the amount determined under division (G) of this section.	32860 32861
(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.	32862 32863 32864 32865 32866
(13) "Fixed-sum levy loss" means the amount determined under division (H) of this section.	32867 32868
(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.	32869 32870 32871
(B) All money arising from the tax imposed by section 5727.81 of the Revised Code shall be credited as follows:	32872 32873
(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.	32874 32875 32876 32877
(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.	32878 32879 32880
(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.	32881 32882 32883 32884
(4) Twenty-five and nine-tenths per cent, less an amount	32885

equal to seventy per cent of the total state education aid offset, 32886  
shall be credited to the school district property tax replacement 32887  
fund, which is hereby created in the state treasury for the 32888  
purpose of making the payments described in section 5727.85 of the 32889  
Revised Code. 32890

(5) Eleven and one-tenth per cent shall be credited to the 32891  
local government property tax replacement fund, which is hereby 32892  
created in the state treasury for the purpose of making the 32893  
payments described in section 5727.86 of the Revised Code. 32894

(6) Beginning in the fiscal year in which payments are 32895  
required to be made under sections 5727.85 and 5727.86 of the 32896  
Revised Code, if the revenue arising from the tax levied by 32897  
section 5727.81 of the Revised Code is less than five hundred 32898  
fifty-two million dollars, the amount credited to the general 32899  
revenue fund under division (B)(1) of this section shall be 32900  
reduced by the amount necessary to credit to each of the funds in 32901  
divisions (B)(2), (3), (4), and (5) of this section the amount it 32902  
would have received if the tax did raise five hundred fifty-two 32903  
million dollars for that fiscal year. The tax commissioner shall 32904  
certify to the director of budget and management the amounts that 32905  
shall be credited under this division. 32906

(C) All money arising from the tax imposed by section 32907  
5727.811 of the Revised Code shall be credited as follows: 32908

(1) Seventy per cent, less an amount equal to thirty per cent 32909  
of the total state education aid offset, shall be credited to the 32910  
school district property tax replacement fund for the purpose of 32911  
making the payments described in section 5727.85 of the Revised 32912  
Code. 32913

(2) Thirty per cent shall be credited to the local government 32914  
property tax replacement fund for the purpose of making the 32915  
payments described in section 5727.86 of the Revised Code. 32916

(3) An amount equal to thirty per cent of the total state education aid offset shall be credited to the general revenue fund. 32917  
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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. 32920  
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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: 32931  
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32934

(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. 32935  
32936  
32937

(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; 32938  
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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. 32943  
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32945  
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(2) The difference obtained by subtracting the amount 32948  
described in division (D)(2)(b) from the amount described in 32949  
division (D)(2)(a) of this section. 32950

(a) The three-year average for tax years 1996, 1997, and 1998 32951  
of the assessed value from nuclear fuel materials and assemblies 32952  
assessed against a person under Chapter 5711. of the Revised Code 32953  
from the leasing of them to an electric company for those 32954  
respective tax years, as reflected in the preliminary assessments; 32955  
32956

(b) The three-year average assessed value from nuclear fuel 32957  
materials and assemblies assessed under division (D)(2)(a) of this 32958  
section for tax years 1996, 1997, and 1998, as reflected in the 32959  
preliminary assessments, using an assessment rate of twenty-five 32960  
per cent. 32961

(E) Not later than January 1, 2002, the tax commissioner 32962  
shall determine for each taxing district its natural gas company 32963  
tax value loss, which is the sum of the amounts described in 32964  
divisions (E)(1) and (2) of this section: 32965

(1) The difference obtained by subtracting the amount 32966  
described in division (E)(1)(b) from the amount described in 32967  
division (E)(1)(a) of this section. 32968

(a) The value of all natural gas company tangible personal 32969  
property, other than property described in division (E)(2) of this 32970  
section, as assessed by the tax commissioner for tax year 1999 on 32971  
a preliminary assessment, or an amended preliminary assessment if 32972  
issued prior to March 1, 2000, and apportioned to the taxing 32973  
district for tax year 1999; 32974

(b) The value of all natural gas company tangible personal 32975  
property, other than property described in division (E)(2) of this 32976  
section, as assessed by the tax commissioner for tax year 1999 had 32977  
the property been apportioned to the taxing district for tax year 32978

2001, and assessed at the rates in effect for tax year 2001. 32979

(2) The difference in the value of current gas obtained by 32980  
subtracting the amount described in division (E)(2)(b) from the 32981  
amount described in division (E)(2)(a) of this section. 32982

(a) The three-year average assessed value of current gas as 32983  
assessed by the tax commissioner for tax years 1997, 1998, and 32984  
1999 on a preliminary assessment, or an amended preliminary 32985  
assessment if issued prior to March 1, 2001, and as apportioned in 32986  
the taxing district for those respective years; 32987

(b) The three-year average assessed value from current gas 32988  
under division (E)(2)(a) of this section for tax years 1997, 1998, 32989  
and 1999, as reflected in the preliminary assessment, using an 32990  
assessment rate of twenty-five per cent. 32991

(F) The tax commissioner may request that natural gas 32992  
companies, electric companies, and rural electric companies file a 32993  
report to help determine the tax value loss under divisions (D) 32994  
and (E) of this section. The report shall be filed within thirty 32995  
days of the commissioner's request. A company that fails to file 32996  
the report or does not timely file the report is subject to the 32997  
penalty in section 5727.60 of the Revised Code. 32998

(G) Not later than January 1, 2002, the tax commissioner 32999  
shall determine for each school district, joint vocational school 33000  
district, and local taxing unit its fixed-rate levy loss, which is 33001  
the sum of its electric company tax value loss multiplied by the 33002  
tax rate in effect in tax year 1998 for fixed-rate levies and its 33003  
natural gas company tax value loss multiplied by the tax rate in 33004  
effect in tax year 1999 for fixed-rate levies. 33005

(H) Not later than January 1, 2002, the tax commissioner 33006  
shall determine for each school district, joint vocational school 33007  
district, and local taxing unit its fixed-sum levy loss, which is 33008  
the amount obtained by subtracting the amount described in 33009



division (H)(2) of this section from the amount described in 33010  
division (H)(1) of this section: 33011

(1) The sum of the electric company tax value loss multiplied 33012  
by the tax rate in effect in tax year 1998, and the natural gas 33013  
company tax value loss multiplied by the tax rate in effect in tax 33014  
year 1999, for fixed-sum levies for all taxing districts within 33015  
each school district, joint vocational school district, and local 33016  
taxing unit. For the years 2002 through 2006, this computation 33017  
shall include school district emergency levies that existed in 33018  
1998 in the case of the electric company tax value loss, and 1999 33019  
in the case of the natural gas company tax value loss, and all 33020  
other fixed-sum levies that existed in 1998 in the case of the 33021  
electric company tax value loss and 1999 in the case of the 33022  
natural gas company tax value loss and continue to be charged in 33023  
the tax year preceding the distribution year. For the years 2007 33024  
through 2016 in the case of school district emergency levies, and 33025  
for all years after 2006 in the case of all other fixed-sum 33026  
levies, this computation shall exclude all fixed-sum levies that 33027  
existed in 1998 in the case of the electric company tax value loss 33028  
and 1999 in the case of the natural gas company tax value loss, 33029  
but are no longer in effect in the tax year preceding the 33030  
distribution year. For the purposes of this section, an emergency 33031  
levy that existed in 1998 in the case of the electric company tax 33032  
value loss, and 1999 in the case of the natural gas company tax 33033  
value loss, continues to exist in a year beginning on or after 33034  
January 1, 2007, but before January 1, 2017, if, in that year, the 33035  
board of education levies a school district emergency levy for an 33036  
annual sum at least equal to the annual sum levied by the board in 33037  
tax year 1998 or 1999, respectively, less the amount of the 33038  
payment certified under this division for 2002. 33039

(2) The total taxable value in tax year 1998 in the case of 33040  
the electric company tax value loss and 1999 in the case of the 33041

natural gas company tax value loss in each school district, joint 33042  
vocational school district, and local taxing unit multiplied by 33043  
one-fourth of one mill. 33044

If the amount computed under division (H) of this section for 33045  
any school district, joint vocational school district, or local 33046  
taxing unit is greater than zero, that amount shall equal the 33047  
fixed-sum levy loss reimbursed pursuant to division (E) of section 33048  
5727.85 of the Revised Code or division (A)(2) of section 5727.86 33049  
of the Revised Code, and the one-fourth of one mill that is 33050  
subtracted under division (H)(2) of this section shall be 33051  
apportioned among all contributing fixed-sum levies in the 33052  
proportion of each levy to the sum of all fixed-sum levies within 33053  
each school district, joint vocational school district, or local 33054  
taxing unit. 33055

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 33056  
section, in computing the tax value loss, fixed-rate levy loss, 33057  
and fixed-sum levy loss, the tax commissioner shall use the 33058  
greater of the 1998 tax rate or the 1999 tax rate in the case of 33059  
levy losses associated with the electric company tax value loss, 33060  
but the 1999 tax rate shall not include for this purpose any tax 33061  
levy approved by the voters after June 30, 1999, and the tax 33062  
commissioner shall use the greater of the 1999 or the 2000 tax 33063  
rate in the case of levy losses associated with the natural gas 33064  
company tax value loss, but the 2000 tax rate shall not include 33065  
for this purpose any tax levy approved by the voters after 33066  
November 7, 2000. 33067

(J) Not later than January 1, 2002, the tax commissioner 33068  
shall certify to the department of education the tax value loss 33069  
determined under divisions (D) and (E) of this section for each 33070  
taxing district. 33071

**Sec. 5727.85.** (A) By the thirty-first day of July of each 33072

year, beginning in 2002 and ending in 2016, the department of 33073  
education shall determine the following for each school district 33074  
eligible for payment under division (C) of this section: 33075

(1) The state education aid offset, which is the difference 33076  
obtained by subtracting the amount described in division (A)(1)(b) 33077  
of this section from the amount described in division (A)(1)(a) of 33078  
this section: 33079

(a) The state education aid computed for the school district 33080  
for the current fiscal year on the basis of ~~the adjusted total~~ 33081  
~~taxable value~~ recognized valuation; 33082

(b) The state education aid that would be computed for the 33083  
school district for the current fiscal year if the district's 33084  
~~adjusted total taxable value~~ recognized valuation included the tax 33085  
value loss for all taxing districts in the school district. 33086

(2) The difference obtained by subtracting the state 33087  
education aid offset determined under division (A)(1) of this 33088  
section from the fixed-rate levy loss determined under division 33089  
(G) of section 5727.84 of the Revised Code for all taxing 33090  
districts in each school district. The department of education 33091  
shall certify the amount so determined to the director of budget 33092  
and management. 33093

(B) Not later than the thirty-first day of October of the 33094  
years 2006 through 2016, the department of education shall 33095  
determine all of the following for each school district: 33096

(1) The amount obtained by subtracting the district's state 33097  
education aid computed for fiscal year 2002 from the district's 33098  
state education aid computed for the current fiscal year; 33099

(2) The inflation-adjusted property tax loss. The 33100  
inflation-adjusted property tax loss equals the fixed-rate levy 33101  
loss determined under division (G) of section 5727.84 of the 33102

Revised Code for all taxing districts in each school district plus 33103  
the product obtained by multiplying that loss by the cumulative 33104  
percentage increase in the consumer price index from January 1, 33105  
2002, to the thirtieth day of June of the current year. 33106

(3) The difference obtained by subtracting the amount 33107  
computed under division (B)(1) from the amount of the 33108  
inflation-adjusted property tax loss. If this difference is zero 33109  
or a negative number, no further payments shall be made under 33110  
division (C) of this section to the school district from the 33111  
school district property tax replacement fund. If the difference 33112  
is greater than zero, the department of education shall certify 33113  
the amount calculated in division (A)(2) of this section to the 33114  
director of budget and management not later than the thirty-first 33115  
day of December of each year, beginning in 2006 and ending in 33116  
2016. 33117

(C) For all taxing districts in each school district, the 33118  
director of budget and management shall pay from the school 33119  
district property tax replacement fund to the county undivided 33120  
income tax fund in the proper county treasury all of the 33121  
following: 33122

(1) In February 2002, one-half of the fixed-rate levy loss 33123  
certified under division (G) of section 5727.84 of the Revised 33124  
Code on or before the day prescribed for the settlement under 33125  
division (A) of section 321.24 of the Revised Code. 33126

(2) From August 2002 through August 2006, one-half of the 33127  
amount certified for that fiscal year under division (A)(2) of 33128  
this section on or before each of the days prescribed for the 33129  
settlements under divisions (A) and (C) of section 321.24 of the 33130  
Revised Code. 33131

(3) From February 2007 through August 2016, one-half of the 33132  
amount certified for that calendar year under division (B)(3) of 33133

this section on or before each of the days prescribed for the 33134  
settlements under divisions (A) and (C) of section 321.24 of the 33135  
Revised Code. 33136

The county treasurer shall distribute amounts paid under 33137  
divisions (C)(1), (2), and (3) of this section to the proper 33138  
school district as if they had been levied and collected as taxes, 33139  
and the school district shall apportion the amounts so received 33140  
among its funds in the same proportions as if those amounts had 33141  
been levied and collected as taxes. 33142

(D) Not later than January 1, 2002, for all taxing districts 33143  
in each joint vocational school district, the tax commissioner 33144  
shall certify to the director of budget and management the 33145  
fixed-rate levy loss determined under division (G) of section 33146  
5727.84 of the Revised Code. From February 2002 to August 2016, 33147  
the director shall pay from the school district property tax 33148  
replacement fund to the county undivided income tax fund in the 33149  
proper county treasury, one-half of the fixed-rate levy loss so 33150  
certified for each year on or before each of the days prescribed 33151  
for the settlements under divisions (A) and (C) of section 321.24 33152  
of the Revised Code. The county treasurer shall distribute such 33153  
amounts to the proper joint vocational school district as if they 33154  
had been levied and collected as taxes, and the joint vocational 33155  
school district shall apportion the amounts so received among its 33156  
funds in the same proportions as if those amounts had been levied 33157  
and collected as taxes. 33158

(E)(1) Not later than January 1, 2002, for each fixed-sum 33159  
levy levied by each school district or joint vocational school 33160  
district and for each year for which a determination is made under 33161  
division (H) of section 5727.84 of the Revised Code that a 33162  
fixed-sum levy loss is to be reimbursed, the tax commissioner 33163  
shall certify to the director of budget and management the 33164  
fixed-sum levy loss determined under that division. The 33165

certification shall cover a time period sufficient to include all 33166  
fixed-sum levies for which the tax commissioner made such a 33167  
determination. The director shall pay from the school district 33168  
property tax replacement fund to the county undivided income tax 33169  
fund in the proper county treasury one-half of the fixed-sum levy 33170  
loss so certified for each year on or before each of the days 33171  
prescribed for the settlements under divisions (A) and (C) of 33172  
section 321.24 of the Revised Code. The county treasurer shall 33173  
distribute the amounts to the proper school district or joint 33174  
vocational school district as if they had been levied and 33175  
collected as taxes, and the district shall apportion the amounts 33176  
so received among its funds in the same proportions as if those 33177  
amounts had been levied and collected as taxes. 33178

(2) Beginning in 2003, by the thirty-first day of January of 33179  
each year, the tax commissioner shall review the certification 33180  
originally made under division (E)(1) of this section. If the 33181  
commissioner determines that a fixed-sum levy that had been 33182  
scheduled to be reimbursed in the current year has expired, a 33183  
revised certification for that and all subsequent years shall be 33184  
made to the director of budget and management. 33185

(F) By August 5, 2002, the tax commissioner shall estimate 33186  
the amount of money in the school district property tax 33187  
replacement fund in excess of the amount necessary to make 33188  
payments in that month under divisions (C), (D), and (E) of this 33189  
section. Notwithstanding division (C) of this section, the 33190  
department of education, in consultation with the tax commissioner 33191  
and from those excess funds, may pay any school district four and 33192  
one-half times the amount certified under division (A)(2) of this 33193  
section. Payments shall be made in order from the smallest annual 33194  
loss to the largest annual loss. A payment made under this 33195  
division shall be in lieu of the payment to be made in August 2002 33196  
under division (C)(2) of this section. No payments shall be made 33197

in the manner established in this division to any school district 33198  
with annual losses from permanent improvement fixed-rate levies in 33199  
excess of twenty thousand dollars, or annual losses from any other 33200  
fixed-rate levies in excess of twenty thousand dollars. A school 33201  
district receiving a payment under this division is no longer 33202  
entitled to any further payments under division (C) of this 33203  
section. 33204

(G) On the thirty-first day of July of 2003, 2004, 2005, and 33205  
2006, and on the thirty-first day of January and July of 2007 and 33206  
each year thereafter, if the amount credited to the school 33207  
district property tax replacement fund exceeds the amount needed 33208  
to make payments from the fund under divisions (C), (D), and (E) 33209  
of this section in the following month, the director of budget and 33210  
management shall distribute the excess among school districts and 33211  
joint vocational school districts. The amount distributed to each 33212  
district shall bear the same proportion to the excess remaining in 33213  
the fund as the ADM of the district bears to the ADM of all of the 33214  
districts. For the purpose of this division, "ADM" means the 33215  
formula ADM in the case of a school district, and the average 33216  
daily membership reported under section 3317.03 of the Revised 33217  
Code in the case of a joint vocational school district. 33218

If, in the opinion of the director of budget and management, 33219  
the excess remaining in the school district property tax 33220  
replacement fund in any year is not sufficient to warrant 33221  
distribution under this division, the excess shall remain to the 33222  
credit of the fund. 33223

Amounts received by a school district or joint vocational 33224  
school district under this division shall be used exclusively for 33225  
capital improvements. 33226

(H) If the total amount in the school district property tax 33227  
replacement fund is insufficient to make all payments under 33228  
divisions (C), (D), and (E) of this section, the payments required 33229

under division (E) of this section shall be made first in their 33230  
entirety. After all payments are made under division (E) of this 33231  
section, payments under divisions (C) and (D) of this section 33232  
shall be made from the balance of money available in the 33233  
proportion of each school district's or joint vocational school 33234  
district's payment amount to the total amount of payments under 33235  
divisions (C) and (D) of this section. 33236

(I) If all or a part of the territory of a school district or 33237  
joint vocational school district is merged with or transferred to 33238  
another district, the tax commissioner shall adjust the payments 33239  
made under this section to each of the districts in proportion to 33240  
the tax value loss apportioned to the merged or transferred 33241  
territory. 33242

(J) There is hereby created the public utility property tax 33243  
study committee, effective January 1, 2011. The committee shall 33244  
consist of the following seven members: the tax commissioner, 33245  
three members of the senate appointed by the president of the 33246  
senate, and three members of the house of representatives 33247  
appointed by the speaker of the house of representatives. The 33248  
appointments shall be made not later than January 31, 2011. The 33249  
tax commissioner shall be the chairperson of the committee. 33250

The committee shall study the extent to which each school 33251  
district or joint vocational school district has been compensated, 33252  
under sections 5727.84 and 5727.85 of the Revised Code as enacted 33253  
by Substitute Senate Bill No. 3 of the 123rd general assembly and 33254  
any subsequent acts, for the property tax loss caused by the 33255  
reduction in the assessment rates for natural gas, electric, and 33256  
rural electric company tangible personal property. Not later than 33257  
June 30, 2011, the committee shall issue a report of its findings, 33258  
including any recommendations for providing additional 33259  
compensation for the property tax loss or regarding remedial 33260  
legislation, to the president of the senate and the speaker of the 33261



house of representatives, at which time the committee shall cease 33262  
to exist. 33263

The department of taxation and department of education shall 33264  
provide such information and assistance as is required for the 33265  
committee to carry out its duties. 33266

**Sec. 5729.07.** As used in this section: 33267

(A) "Eligible employee" and "eligible training costs" have 33268  
the same meanings as in section 5733.42 of the Revised Code. 33269

(B) "Credit period" means the calendar year ending on the 33270  
thirty-first day of December next preceding the day the annual 33271  
statement is required to be returned under section 5729.02 of the 33272  
Revised Code. 33273

There is hereby allowed a nonrefundable credit against the 33274  
tax imposed under this chapter for a foreign insurance company for 33275  
which a tax credit certificate is issued under section 5733.42 of 33276  
the Revised Code. The credit may be claimed for credit periods 33277  
beginning on or after January 1, ~~2001~~ 2003, and ending on or 33278  
before December 31, ~~2003~~ 2005. The amount of the credit shall 33279  
equal one-half of the average of the eligible training costs paid 33280  
or incurred by the company during the three calendar years 33281  
immediately preceding the credit period for which the credit is 33282  
claimed, not to exceed one thousand dollars for each eligible 33283  
employee on account of whom eligible training costs were paid or 33284  
incurred by the company. The credit claimed by a company for each 33285  
credit period shall not exceed one hundred thousand dollars. 33286

A foreign insurance company shall apply to the director of 33287  
job and family services for a tax credit certificate in the manner 33288  
prescribed by division (C) of section 5733.42 of the Revised Code. 33289  
Divisions (C) to (H) of that section govern the tax credit allowed 33290  
by this section, except that "credit period" shall be substituted 33291

for "tax year with respect to a calendar year" wherever that 33292  
phrase appears in those divisions and that the company shall be 33293  
considered a taxpayer for the purposes of those divisions. 33294

A foreign insurance company may carry forward the credit 33295  
allowed under this section to the extent that the credit exceeds 33296  
the company's tax due for the credit period. The company may carry 33297  
the excess credit forward for three credit periods following the 33298  
credit period for which the credit is first claimed under this 33299  
section. The credit allowed by this section is in addition to any 33300  
credit allowed under section 5729.031 of the Revised Code. 33301

The reduction in the tax due under this chapter to the extent 33302  
of the credit allowed by this section does not increase the amount 33303  
of the tax otherwise due under section 5729.06 of the Revised 33304  
Code. 33305

**Sec. 5733.053.** (A) As used in this section: 33306

(1) "Transfer" means a transaction or series of related 33307  
transactions in which a corporation directly or indirectly 33308  
transfers or distributes substantially all of its assets or equity 33309  
to another corporation, if the transfer or distribution qualifies 33310  
for nonrecognition of gain or loss under the Internal Revenue 33311  
Code. 33312

(2) "Transferor" means a corporation that has made a 33313  
transfer. 33314

(3) "Transferee" means a corporation that received 33315  
substantially all of the assets or equity of a transferor in a 33316  
transfer. 33317

(B) ~~For~~ Except as provided in division (F) of this section, 33318  
for purposes of valuing its issued and outstanding shares of stock 33319  
under division (B) of section 5733.05 of the Revised Code, a 33320  
transferee shall add to its net income allocated or apportioned to 33321

this state its transferor's net income allocated or apportioned to 33322  
this state. The transferee shall add such income in computing its 33323  
tax for the same tax year or years that such income would have 33324  
been reported by the transferor if the transfer had not been made. 33325  
The transferee shall add such income only to the extent the income 33326  
is not required to be reported by the transferor for the purposes 33327  
of the tax imposed by divisions (A) and (B) of section 5733.06 of 33328  
the Revised Code. 33329

(C) The following shall be determined in the same manner as 33330  
if the transfer had not been made: 33331

(1) The transferor's net income allocated or apportioned to 33332  
this state for the tax year under divisions (B)(1) and (2) of 33333  
section 5733.05 of the Revised Code; 33334

(2) The transferor's requirements for the combination of net 33335  
income under section 5733.052 of the Revised Code; 33336

(3) Any other determination regarding the transferor that is 33337  
necessary to avoid an absurd or unreasonable result in the 33338  
application of this chapter. 33339

(D) A transferee shall be allowed the following credits and 33340  
shall make the following adjustments in the same manner that they 33341  
would have been available to the transferor: 33342

(1) The credits enumerated in section 5733.98 of the Revised 33343  
Code; 33344

(2) The deduction under division (I)(1) of section 5733.04 of 33345  
the Revised Code for net operating losses incurred by its 33346  
transferor, subject to the limitations set forth in sections 381 33347  
and 382 of the Internal Revenue Code concerning net operating loss 33348  
carryovers; 33349

(3) Any other deduction from or addition to net income under 33350  
this chapter involving the transferor, the disallowance of which 33351  
would be absurd or unreasonable. Such adjustments to net income 33352

and allowance of credits shall be subject to the limitations set 33353  
forth in sections 381 and 382 of the Internal Revenue Code and 33354  
regulations prescribed thereunder. 33355

(E) If a transferee subject to this section subsequently 33356  
becomes a transferor, any net income that the transferee would 33357  
have been required to add under division (B) of this section shall 33358  
be included in its income as a transferor and any credits or 33359  
adjustments to which the transferee would have been entitled under 33360  
division (D) of this section shall be available to it as a 33361  
transferor. 33362

(F) The amendments made to this section by Am. Sub. S.B. 287 33363  
of the 123rd general assembly do not apply to any transfer for 33364  
which negotiations began prior to January 1, 2001, and that was 33365  
commenced in and completed during calendar year 2001, unless the 33366  
transferee makes an election prior to December 31, 2001, to apply 33367  
the section. 33368

**Sec. 5733.056.** (A) As used in this section: 33369

(1) "Billing address" means the address where any notice, 33370  
statement, or bill relating to a customer's account is mailed, as 33371  
indicated in the books and records of the taxpayer on the first 33372  
day of the taxable year or on such later date in the taxable year 33373  
when the customer relationship began. 33374

(2) "Borrower or credit card holder located in this state" 33375  
means: 33376

(a) A borrower, other than a credit card holder, that is 33377  
engaged in a trade or business and maintains its commercial 33378  
domicile in this state; or 33379

(b) A borrower that is not engaged in a trade or business, or 33380  
a credit card holder, whose billing address is in this state. 33381

(3) "Branch" means a "domestic branch" as defined in section 33382

3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 33383  
1813(o), as amended. 33384

(4) "Compensation" means wages, salaries, commissions, and 33385  
any other form of remuneration paid to employees for personal 33386  
services that are included in such employee's gross income under 33387  
the Internal Revenue Code. In the case of employees not subject to 33388  
the Internal Revenue Code, such as those employed in foreign 33389  
countries, the determination of whether such payments would 33390  
constitute gross income to such employees under the Internal 33391  
Revenue Code shall be made as though such employees were subject 33392  
to the Internal Revenue Code. 33393

(5) "Credit card" means a credit, travel, or entertainment 33394  
card. 33395

(6) "Credit card issuer's reimbursement fee" means the fee a 33396  
taxpayer receives from a merchant's bank because one of the 33397  
persons to whom the taxpayer has issued a credit card has charged 33398  
merchandise or services to the credit card. 33399

(7) "Deposits" has the meaning given in section 3 of the 33400  
"Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 1813(1), 33401  
as amended. 33402

(8) "Employee" means, with respect to a particular taxpayer, 33403  
any individual who under the usual common law rules applicable in 33404  
determining the employer-employee relationship, has the status of 33405  
an employee of that taxpayer. 33406

(9) "Gross rents" means the actual sum of money or other 33407  
consideration payable for the use or possession of property. 33408  
"Gross rents" includes: 33409

(a) Any amount payable for the use or possession of real 33410  
property or tangible personal property whether designated as a 33411  
fixed sum of money or as a percentage of receipts, profits, or 33412  
otherwise; 33413

(b) Any amount payable as additional rent or in lieu of rent, 33414  
such as interest, taxes, insurance, repairs, or any other amount 33415  
required to be paid by the terms of a lease or other arrangement; 33416  
and 33417

(c) A proportionate part of the cost of any improvement to 33418  
real property made by or on behalf of the taxpayer which reverts 33419  
to the owner or lessor upon termination of a lease or other 33420  
arrangement. The amount to be included in gross rents is the 33421  
amount of amortization or depreciation allowed in computing the 33422  
taxable income base for the taxable year. However, where a 33423  
building is erected on leased land, by or on behalf of the 33424  
taxpayer, the value of the land is determined by multiplying the 33425  
gross rent by eight, and the value of the building is determined 33426  
in the same manner as if owned by the taxpayer. 33427

(d) The following are not included in the term "gross rents": 33428  
33429

(i) Reasonable amounts payable as separate charges for water 33430  
and electric service furnished by the lessor; 33431

(ii) Reasonable amounts payable as service charges for 33432  
janitorial services furnished by the lessor; 33433

(iii) Reasonable amounts payable for storage, provided such 33434  
amounts are payable for space not designated and not under the 33435  
control of the taxpayer; and 33436

(iv) That portion of any rental payment which is applicable 33437  
to the space subleased from the taxpayer and not used by it. 33438

(10) "Loan" means any extension of credit resulting from 33439  
direct negotiations between the taxpayer and its customer, or the 33440  
purchase, in whole or in part, of such extension of credit from 33441  
another. Loans include debt obligations of subsidiaries, 33442  
participations, syndications, and leases treated as loans for 33443  
federal income tax purposes. "Loan" does not include: properties 33444

treated as loans under section 595 of the Internal Revenue Code; 33445  
futures or forward contracts; options; notional principal 33446  
contracts such as swaps; credit card receivables, including 33447  
purchased credit card relationships; non-interest bearing balances 33448  
due from depositor institutions; cash items in the process of 33449  
collection; federal funds sold; securities purchased under 33450  
agreements to resell; assets held in a trading account; 33451  
securities; interests in a real estate mortgage investment conduit 33452  
or other mortgage-backed or asset-backed security; and other 33453  
similar items. 33454

(11) "Loan secured by real property" means that fifty per 33455  
cent or more of the aggregate value of the collateral used to 33456  
secure a loan or other obligation, when valued at fair market 33457  
value as of the time the original loan or obligation was incurred, 33458  
was real property. 33459

(12) "Merchant discount" means the fee, or negotiated 33460  
discount, charged to a merchant by the taxpayer for the privilege 33461  
of participating in a program whereby a credit card is accepted in 33462  
payment for merchandise or services sold to the card holder. 33463

(13) "Participation" means an extension of credit in which an 33464  
undivided ownership interest is held on a pro rata basis in a 33465  
single loan or pool of loans and related collateral. In a loan 33466  
participation, the credit originator initially makes the loan and 33467  
then subsequently resells all or a portion of it to other lenders. 33468  
The participation may or may not be known to the borrower. 33469

(14) "Principal base of operations" with respect to 33470  
transportation property means the place of more or less permanent 33471  
nature from which the property is regularly directed or 33472  
controlled. With respect to an employee, the "principal base of 33473  
operations" means the place of more or less permanent nature from 33474  
which the employee regularly (a) starts work and to which the 33475  
employee customarily returns in order to receive instructions from 33476

the employer or (b) communicates with the employee's customers or	33477
other persons or (c) performs any other functions necessary to the	33478
exercise of the trade or profession at some other point or points.	33479
(15) "Qualified institution" means a financial institution	33480
that on or after June 1, 1997:	33481
(a)(i) Has consummated one or more approved transactions with	33482
insured banks with different home states that would qualify under	33483
section 102 of the "Riegle-Neal Interstate Banking and Branching	33484
Efficiency Act of 1994," Public Law 103-328, 108 <del>stat.</del> <u>Stat.</u> 2338;	33485
	33486
(ii) Is a federal savings association or federal savings bank	33487
that has consummated one or more interstate acquisitions that	33488
result in a financial institution that has branches in more than	33489
one state; or	33490
(iii) Has consummated one or more approved interstate	33491
acquisitions under authority of Title XI of the Revised Code that	33492
result in a financial institution that has branches in more than	33493
one state; and	33494
(b) Has at least ten per cent of its deposits in this state	33495
as of the last day of June prior to the beginning of the tax year.	33496
(16) "Real property owned" and "tangible personal property	33497
owned" mean real and tangible personal property, respectively, on	33498
which the taxpayer may claim depreciation for federal income tax	33499
purposes, or to which the taxpayer holds legal title and on which	33500
no other person may claim depreciation for federal income tax	33501
purposes, or could claim depreciation if subject to federal income	33502
tax. Real and tangible personal property do not include coin,	33503
currency, or property acquired in lieu of or pursuant to a	33504
foreclosure.	33505
(17) "Regular place of business" means an office at which the	33506
taxpayer carries on its business in a regular and systematic	33507



manner and which is continuously maintained, occupied, and used by 33508  
employees of the taxpayer. 33509

(18) "State" means a state of the United States, the District 33510  
of Columbia, the commonwealth of Puerto Rico, or any territory or 33511  
possession of the United States. 33512

(19) "Syndication" means an extension of credit in which two 33513  
or more persons fund and each person is at risk only up to a 33514  
specified percentage of the total extension of credit or up to a 33515  
specified dollar amount. 33516

(20) "Transportation property" means vehicles and vessels 33517  
capable of moving under their own power, such as aircraft, trains, 33518  
water vessels and motor vehicles, as well as any equipment or 33519  
containers attached to such property, such as rolling stock, 33520  
barges, trailers, or the like. 33521

(B) The annual financial institution report determines the 33522  
value of the issued and outstanding shares of stock of the 33523  
taxpayer, and is the base or measure of the franchise tax 33524  
liability. Such determination shall be made as of the date shown 33525  
by the report to have been the beginning of the financial 33526  
institution's annual accounting period that includes the first day 33527  
of January of the tax year. For purposes of this section, division 33528  
(A) of section 5733.05, and division (D) of section 5733.06 of the 33529  
Revised Code, the value of the issued and outstanding shares of 33530  
stock of the financial institution shall include the total value, 33531  
as shown by the books of the financial institution, of its 33532  
capital, surplus, whether earned or unearned, undivided profits, 33533  
and reserves, but exclusive of: 33534

(1) Reserves for accounts receivable, depreciation, 33535  
depletion, and any other valuation reserves with respect to 33536  
specific assets; 33537

(2) Taxes due and payable during the year for which such 33538

report was made; 33539

(3) Voting stock and participation certificates in 33540  
corporations chartered pursuant to the "Farm Credit Act of 1971," 33541  
85 Stat. 597, 12 U.S.C. 2091, as amended; 33542

(4) Good will, appreciation, and abandoned property as set up 33543  
in the annual report of the financial institution, provided a 33544  
certified balance sheet of the company is made available upon the 33545  
request of the tax commissioner. Such balance sheet shall not be a 33546  
part of the public records, but shall be a confidential report for 33547  
use of the tax commissioner only. 33548

(5) A portion of the value of the issued and outstanding 33549  
shares of stock of such financial institution equal to the amount 33550  
obtained by multiplying such value by the quotient obtained by: 33551

(a) Dividing (1) the amount of the financial institution's 33552  
assets, as shown on its books, represented by investments in the 33553  
capital stock and indebtedness of public utilities of which at 33554  
least eighty per cent of the utility's issued and outstanding 33555  
common stock is owned by the financial institution by (2) the 33556  
total assets of such financial institution as shown on its books; 33557

(b) Dividing (1) the amount of the financial institution's 33558  
assets, as shown on its books, represented by investments in the 33559  
capital stock and indebtedness of insurance companies of which at 33560  
least eighty per cent of the insurance company's issued and 33561  
outstanding common stock is owned by the financial institution by 33562  
(2) the total assets of such financial institution as shown on its 33563  
books; 33564

(c) Dividing (1) the amount of the financial institution's 33565  
assets, as shown on its books, represented by investments in the 33566  
capital stock and indebtedness of other financial institutions of 33567  
which at least twenty-five per cent of the other financial 33568  
institution's issued and outstanding common stock is owned by the 33569

financial institution by (2) the total assets of the financial 33570  
institution as shown on its books. Division (B)(5)(c) of this 33571  
section applies only with respect to such other financial 33572  
institutions that for the tax year immediately following the 33573  
taxpayer's taxable year will pay the tax imposed by division (D) 33574  
of section 5733.06 of the Revised Code. 33575

(6) Land that has been determined pursuant to section 5713.31 33576  
of the Revised Code by the county auditor of the county in which 33577  
the land is located to be devoted exclusively to agricultural use 33578  
as of the first Monday of June in the financial institution's 33579  
taxable year. 33580

(7) Property within this state used exclusively during the 33581  
taxable year for qualified research as defined in section 5733.05 33582  
of the Revised Code. 33583

(C) The base upon which the tax levied under division (D) of 33584  
section 5733.06 of the Revised Code shall be computed by 33585  
multiplying the value of a financial institution's issued and 33586  
outstanding shares of stock as determined in division (B) of this 33587  
section by a fraction. The numerator of the fraction is the sum of 33588  
the following: the property factor multiplied by fifteen, the 33589  
payroll factor multiplied by fifteen, and the sales factor 33590  
multiplied by seventy. The denominator of the fraction is one 33591  
hundred, provided that the denominator shall be reduced by fifteen 33592  
if the property factor has a denominator of zero, by fifteen if 33593  
the payroll factor has a denominator of zero, and by seventy if 33594  
the sales factor has a denominator of zero. 33595

(D) A financial institution shall calculate the property 33596  
factor as follows: 33597

(1) The property factor is a fraction, the numerator of which 33598  
is the average value of real property and tangible personal 33599  
property rented to the taxpayer that is located or used within 33600

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 33633  
commissioner or is elected by the taxpayer, the same method of 33634  
valuation must be used consistently by the taxpayer with respect 33635  
to property within and without this state and on all subsequent 33636  
returns unless the taxpayer receives prior permission from the tax 33637  
commissioner or the tax commissioner requires a different method 33638  
of determining value. 33639

(4)(a) The average value of real property and tangible 33640  
personal property that the taxpayer has rented from another and is 33641  
not treated as property owned by the taxpayer for federal income 33642  
tax purposes, shall be determined annually by multiplying the 33643  
gross rents payable during the taxable year by eight. 33644

(b) Where the use of the general method described in division 33645  
(D)(4)(a) of this section results in inaccurate valuations of 33646  
rented property, any other method which properly reflects the 33647  
value may be adopted by the tax commissioner or by the taxpayer 33648  
when approved in writing by the tax commissioner. Once approved, 33649  
such other method of valuation must be used on all subsequent 33650  
returns unless the taxpayer receives prior approval from the tax 33651  
commissioner or the tax commissioner requires a different method 33652  
of valuation. 33653

(5)(a) Except as described in division (D)(5)(b) of this 33654  
section, real property and tangible personal property owned by or 33655  
rented to the taxpayer is considered to be located within this 33656  
state if it is physically located, situated, or used within this 33657  
state. 33658

(b) Transportation property is included in the numerator of 33659  
the property factor to the extent that the property is used in 33660  
this state. The extent an aircraft will be deemed to be used in 33661  
this state and the amount of value that is to be included in the 33662  
numerator of this state's property factor is determined by 33663  
multiplying the average value of the aircraft by a fraction, the 33664

numerator of which is the number of landings of the aircraft in 33665  
this state and the denominator of which is the total number of 33666  
landings of the aircraft everywhere. If the extent of the use of 33667  
any transportation property within this state cannot be 33668  
determined, then the property will be deemed to be used wholly in 33669  
the state in which the property has its principal base of 33670  
operations. A motor vehicle will be deemed to be used wholly in 33671  
the state in which it is registered. 33672

(6)(a)(i) A loan, other than a loan or advance described in 33673  
division (D)(6)(d) of this section, is considered to be located 33674  
within this state if it is properly assigned to a regular place of 33675  
business of the taxpayer within this state. 33676

(ii) A loan is properly assigned to the regular place of 33677  
business with which it has a preponderance of substantive 33678  
contacts. A loan assigned by the taxpayer to a regular place of 33679  
business without the state shall be presumed to have been properly 33680  
assigned if: 33681

(I) The taxpayer has assigned, in the regular course of its 33682  
business, such loan on its records to a regular place of business 33683  
consistent with federal or state regulatory requirements; 33684

(II) Such assignment on its records is based upon substantive 33685  
contacts of the load to such regular place of business; and 33686  
33687

(III) The taxpayer uses the records reflecting assignment of 33688  
loans for the filing of all state and local tax returns for which 33689  
an assignment of loans to a regular place of business is required. 33690

(iii) The presumption of proper assignment of a loan provided 33691  
in division (D)(6)(a)(ii) of this section may be rebutted upon a 33692  
showing by the tax commissioner, supported by a preponderance of 33693  
the evidence, that the preponderance of substantive contacts 33694  
regarding such loan did not occur at the regular place of business 33695

to which it was assigned on the taxpayer's records. When such 33696  
presumption has been rebutted, the loan shall then be located 33697  
within this state if (1) the taxpayer had a regular place of 33698  
business within this state at the time the loan was made; and (2) 33699  
the taxpayer fails to show, by a preponderance of the evidence, 33700  
that the preponderance of substantive contacts regarding such load 33701  
did not occur within this state. 33702  
33703

(b) In the case of a loan which is assigned by the taxpayer 33704  
to a place without this state which is not a regular place of 33705  
business, it shall be presumed, subject to rebuttal by the 33706  
taxpayer on a showing supported by the preponderance of evidence, 33707  
that the preponderance of substantive contacts regarding the loan 33708  
occurred within this state if, at the time the loan was made the 33709  
taxpayer's commercial domicile was within this state. 33710

(c) To determine the state in which the preponderance of 33711  
substantive contacts relating to a loan have occurred, the facts 33712  
and circumstances regarding the loan at issue shall be reviewed on 33713  
a case-by-case basis and consideration shall be given to such 33714  
activities as the solicitation, investigation, negotiation, 33715  
approval, and administration of the loan. The terms 33716  
"solicitation," "investigation," "negotiation," "approval," and 33717  
"administration" are defined as follows: 33718

(i) "Solicitation" is either active or passive. Active 33719  
solicitation occurs when an employee of the taxpayer initiates the 33720  
contact with the customer. Such activity is located at the regular 33721  
place of business which the taxpayer's employee is regularly 33722  
connected with or working out of, regardless of where the services 33723  
of such employee were actually performed. Passive solicitation 33724  
occurs when the customer initiates the contact with the taxpayer. 33725  
If the customer's initial contact was not at a regular place of 33726  
business of the taxpayer, the regular place of business, if any, 33727

where the passive solicitation occurred is determined by the facts 33728  
in each case. 33729

(ii) "Investigation" is the procedure whereby employees of 33730  
the taxpayer determine the creditworthiness of the customer as 33731  
well as the degree of risk involved in making a particular 33732  
agreement. Such activity is located at the regular place of 33733  
business which the taxpayer's employees are regularly connected 33734  
with or working out of, regardless of where the services of such 33735  
employees were actually performed. 33736

(iii) Negotiation is the procedure whereby employees of the 33737  
taxpayer and its customer determine the terms of the agreement, 33738  
such as the amount, duration, interest rate, frequency of 33739  
repayment, currency denomination, and security required. Such 33740  
activity is located at the regular place of business to which the 33741  
taxpayer's employees are regularly connected or working from, 33742  
regardless of where the services of such employees were actually 33743  
performed. 33744

(iv) "Approval" is the procedure whereby employees or the 33745  
board of directors of the taxpayer make the final determination 33746  
whether to enter into the agreement. Such activity is located at 33747  
the regular place of business to which the taxpayer's employees 33748  
are regularly connected or working from, regardless of where the 33749  
services of such employees were actually performed. If the board 33750  
of directors makes the final determination, such activity is 33751  
located at the commercial domicile of the taxpayer. 33752

(v) "Administration" is the process of managing the account. 33753  
This process includes bookkeeping, collecting the payments, 33754  
corresponding with the customer, reporting to management regarding 33755  
the status of the agreement, and proceeding against the borrower 33756  
or the security interest if the borrower is in default. Such 33757  
activity is located at the regular place of business that oversees 33758  
this activity. 33759



(d) A loan or advance to a subsidiary corporation at least 33760  
fifty-one per cent of whose common stock is owned by the financial 33761  
institution shall be allocated in and out of the state by the 33762  
application of a ratio whose numerator is the sum of the net book 33763  
value of the subsidiary's real property owned in this state and 33764  
the subsidiary's tangible personal property owned in this state 33765  
and whose denominator is the sum of the subsidiary's real property 33766  
owned wherever located and the subsidiary's tangible personal 33767  
property owned wherever located. For purposes of calculating this 33768  
ratio, the taxpayer shall determine net book value in accordance 33769  
with generally accepted accounting principles. If the subsidiary 33770  
corporation owns at least fifty-one per cent of the common stock 33771  
of another corporation, the ratio shall be calculated by including 33772  
the other corporation's real property and tangible personal 33773  
property. The calculation of the ratio applies with respect to all 33774  
lower-tiered subsidiaries, provided that the immediate parent 33775  
corporation of the subsidiary owns at least fifty-one per cent of 33776  
the common stock of that subsidiary. 33777

(7) For purposes of determining the location of credit card 33778  
receivables, credit card receivables shall be treated as loans and 33779  
shall be subject to division (D)(6) of this section. 33780

(8) A loan that has been properly assigned to a state shall, 33781  
absent any change of material fact, remain assigned to that state 33782  
for the length of the original term of the loan. Thereafter, the 33783  
loan may be properly assigned to another state if the loan has a 33784  
preponderance of substantive contact to a regular place of 33785  
business there. 33786

(E) A financial institution shall calculate the payroll 33787  
factor as follows: 33788

(1) The payroll factor is a fraction, the numerator of which 33789  
is the total amount paid in this state during the taxable year by 33790  
the taxpayer for compensation, and the denominator of which is the 33791

total compensation paid both within and without this state during the taxable year.	33792 33793
(2) Compensation is paid in this state if any one of the following tests, applied consecutively, is met:	33794 33795
(a) The employee's services are performed entirely within this state.	33796 33797
(b) The employee's services are performed both within and without this state, but the service performed without this state is incidental to the employee's service within this state. The term "incidental" means any service which is temporary or transitory in nature, or which is rendered in connection with an isolated transaction.	33798 33799 33800 33801 33802 33803
(c) The employee's services are performed both within and without this state, and:	33804 33805
(i) The employee's principal base of operations is within this state; or	33806 33807
(ii) There is no principal base of operations in any state in which some part of the services are performed, but the place from which the services are directed or controlled is in this state; or	33808 33809 33810 33811
(iii) The principal base of operations and the place from which the services are directed or controlled are not in any state in which some part of the service is performed but the employee's residence is in this state.	33812 33813 33814 33815
(F) A financial institution shall calculate the sales factor as follows:	33816 33817
(1) The sales factor is a fraction, the numerator of which is the receipts of the taxpayer in this state during the taxable year and the denominator of which is the receipts of the taxpayer within and without this state during the taxable year. The method	33818 33819 33820 33821

of calculating receipts for purposes of the denominator is the 33822  
same as the method used in determining receipts for purposes of 33823  
the numerator. 33824

(2) The numerator of the sales factor includes receipts from 33825  
the lease or rental of real property owned by the taxpayer if the 33826  
property is located within this state, or receipts from the 33827  
sublease of real property if the property is located within this 33828  
state. 33829

(3)(a) Except as described in division (F)(3)(b) of this 33830  
section the numerator of the sales factor includes receipts from 33831  
the lease or rental of tangible personal property owned by the 33832  
taxpayer if the property is located within this state when it is 33833  
first placed in service by the lessee. 33834

(b) Receipts from the lease or rental of transportation 33835  
property owned by the taxpayer are included in the numerator of 33836  
the sales factor to the extent that the property is used in this 33837  
state. The extent an aircraft will be deemed to be used in this 33838  
state and the amount of receipts that is to be included in the 33839  
numerator of this state's sales factor is determined by 33840  
multiplying all the receipts from the lease or rental of the 33841  
aircraft by a fraction, the numerator of which is the number of 33842  
landings of the aircraft in this state and the denominator of 33843  
which is the total number of landings of the aircraft. If the 33844  
extent of the use of any transportation property within this state 33845  
cannot be determined, then the property will be deemed to be used 33846  
wholly in the state in which the property has its principal base 33847  
of operations. A motor vehicle will be deemed to be used wholly in 33848  
the state in which it is registered. 33849

(4)(a) The numerator of the sales factor includes interest 33850  
and fees or penalties in the nature of interest from loans secured 33851  
by real property if the property is located within this state. If 33852  
the property is located both within this state and one or more 33853

other states, the receipts described in this paragraph are 33854  
included in the numerator of the sales factor if more than fifty 33855  
per cent of the fair market value of the real property is located 33856  
within this state. If more than fifty per cent of the fair market 33857  
value of the real property is not located within any one state, 33858  
then the receipts described in this paragraph shall be included in 33859  
the numerator of the sales factor if the borrower is located in 33860  
this state. 33861

(b) The determination of whether the real property securing a 33862  
loan is located within this state shall be made as of the time the 33863  
original agreement was made and any and all subsequent 33864  
substitutions of collateral shall be disregarded. 33865

(5) The numerator of the sales factor includes interest and 33866  
fees or penalties in the nature of interest from loans not secured 33867  
by real property if the borrower is located in this state. 33868

(6) The numerator of the sales factor includes net gains from 33869  
the sale of loans. Net gains from the sale of loans includes 33870  
income recorded under the coupon stripping rules of section 1286 33871  
of the Internal Revenue Code. 33872

(a) The amount of net gains, but not less than zero, from the 33873  
sale of loans secured by real property included in the numerator 33874  
is determined by multiplying such net gains by a fraction the 33875  
numerator of which is the amount included in the numerator of the 33876  
sales factor pursuant to division (F)(4) of this section and the 33877  
denominator of which is the total amount of interest and fees or 33878  
penalties in the nature of interest from loans secured by real 33879  
property. 33880

(b) The amount of net gains, but not less than zero, from the 33881  
sale of loans not secured by real property included in the 33882  
numerator is determined by multiplying such net gains by a 33883  
fraction the numerator of which is the amount included in the 33884

numerator of the sales factor pursuant to division (F)(5) of this 33885  
section and the denominator of which is the total amount of 33886  
interest and fees or penalties in the nature of interest from 33887  
loans not secured by real property. 33888

(7) The numerator of the sales factor includes interest and 33889  
fees or penalties in the nature of interest from credit card 33890  
receivables and receipts from fees charged to card holders, such 33891  
as annual fees, if the billing address of the card holder is in 33892  
this state. 33893

(8) The numerator of the sales factor includes net gains, but 33894  
not less than zero, from the sale of credit card receivables 33895  
multiplied by a fraction, the numerator of which is the amount 33896  
included in the numerator of the sales factor pursuant to division 33897  
(F)(7) of this section and the denominator of which is the 33898  
taxpayer's total amount of interest and fees or penalties in the 33899  
nature of interest from credit card receivables and fees charged 33900  
to card holders. 33901

(9) The numerator of the sales factor includes all credit 33902  
card issuer's reimbursement fees multiplied by a fraction, the 33903  
numerator of which is the amount included in the numerator of the 33904  
sales factor pursuant to division (F)(7) of this section and the 33905  
denominator of which is the taxpayer's total amount of interest 33906  
and fees or penalties in the nature of interest from credit card 33907  
receivables and fees charged to card holders. 33908

(10) The numerator of the sales factor includes receipts from 33909  
merchant discount if the commercial domicile of the merchant is in 33910  
this state. Such receipts shall be computed net of any card holder 33911  
charge backs, but shall not be reduced by any interchange 33912  
transaction fees or by any issuer's reimbursement fees paid to 33913  
another for charges made by its card holders. 33914

(11)(a)(i) The numerator of the sales factor includes loan 33915

servicing fees derived from loans secured by real property 33916  
multiplied by a fraction the numerator of which is the amount 33917  
included in the numerator of the sales factor pursuant to division 33918  
(F)(4) of this section and the denominator of which is the total 33919  
amount of interest and fees or penalties in the nature of interest 33920  
from loans secured by real property. 33921

(ii) The numerator of the sales factor includes loan 33922  
servicing fees derived from loans not secured by real property 33923  
multiplied by a fraction the numerator of which is the amount 33924  
included in the numerator of the sales factor pursuant to division 33925  
(F)(5) of this section and the denominator of which is the total 33926  
amount of interest and fees or penalties in the nature of interest 33927  
from loans not secured by real property. 33928

(b) In circumstances in which the taxpayer receives loan 33929  
servicing fees for servicing either the secured or the unsecured 33930  
loans of another, the numerator of the sales factor shall include 33931  
such fees if the borrower is located in this state. 33932

(12) The numerator of the sales factor includes receipts from 33933  
services not otherwise apportioned under this section if the 33934  
service is performed in this state. If the service is performed 33935  
both within and without this state, the numerator of the sales 33936  
factor includes receipts from services not otherwise apportioned 33937  
under this section, if a greater proportion of the income 33938  
producing activity is performed in this state based on cost of 33939  
performance. 33940

(13)(a) Interest, dividends, net gains, but not less than 33941  
zero, and other income from investment assets and activities and 33942  
from trading assets and activities shall be included in the sales 33943  
factor. Investment assets and activities and trading assets and 33944  
activities include but are not limited to: investment securities; 33945  
trading account assets; federal funds; securities purchased and 33946  
sold under agreements to resell or repurchase; options; futures 33947

contracts; forward contracts; notional principal contracts such as 33948  
swaps; equities; and foreign currency transactions. With respect 33949  
to the investment and trading assets and activities described in 33950  
divisions (F)(13)(a)(i) and (ii) of this section, the sales factor 33951  
shall include the amounts described in such divisions. 33952

(i) The sales factor shall include the amount by which 33953  
interest from federal funds sold and securities purchased under 33954  
resale agreements exceeds interest expense on federal funds 33955  
purchased and securities sold under repurchase agreements. 33956

(ii) The sales factor shall include the amount by which 33957  
interest, dividends, gains, and other income from trading assets 33958  
and activities, including, but not limited to, assets and 33959  
activities in the matched book, in the arbitrage book, and foreign 33960  
currency transactions, exceed amounts paid in lieu of interest, 33961  
amounts paid in lieu of dividends, and losses from such assets and 33962  
activities. 33963

(b) The numerator of the sales factor includes interest, 33964  
dividends, net gains, but not less than zero, and other income 33965  
from investment assets and activities and from trading assets and 33966  
activities described in division (F)(13)(a) of this section that 33967  
are attributable to this state. 33968

(i) The amount of interest, other than interest described in 33969  
division (F)(13)(b)(iv) of this section, dividends, other than 33970  
dividends described in that division, net gains, but not less than 33971  
zero, and other income from investment assets and activities in 33972  
the investment account to be attributed to this state and included 33973  
in the numerator is determined by multiplying all such income from 33974  
such assets and activities by a fraction, the numerator of which 33975  
is the average value of such assets which are properly assigned to 33976  
a regular place of business of the taxpayer within this state and 33977  
the denominator of which is the average value of all such assets. 33978

(ii) The amount of interest from federal funds sold and 33979  
purchased and from securities purchased under resale agreements 33980  
and securities sold under repurchase agreements attributable to 33981  
this state and included in the numerator is determined by 33982  
multiplying the amount described in division (F)(13)(a)(i) of this 33983  
section from such funds and such securities by a fraction, the 33984  
numerator of which is the average value of federal funds sold and 33985  
securities purchased under agreements to resell which are properly 33986  
assigned to a regular place of business of the taxpayer within 33987  
this state and the denominator of which is the average value of 33988  
all such funds and such securities. 33989

(iii) The amount of interest, dividends, gains, and other 33990  
income from trading assets and activities, including but not 33991  
limited to assets and activities in the matched book, in the 33992  
arbitrage book, and foreign currency transaction, but excluding 33993  
amounts described in division (F)(13)(b)(i) or (ii) of this 33994  
section, attributable to this state and included in the numerator 33995  
is determined by multiplying the amount described in division 33996  
(F)(13)(a)(ii) of this section by a fraction, the numerator of 33997  
which is the average value of such trading assets which are 33998  
properly assigned to a regular place of business of the taxpayer 33999  
within this state and the denominator of which is the average 34000  
value of all such assets. 34001

(iv) The amount of dividends received on the capital stock 34002  
of, and the amount of interest received from loans and advances 34003  
to, subsidiary corporations at least fifty-one per cent of whose 34004  
common stock is owned by the reporting financial institution shall 34005  
be allocated in and out of this state by the application of a 34006  
ratio whose numerator is the sum of the net book value of the 34007  
payor's real property owned in this state and the payor's tangible 34008  
personal property owned in this state and whose denominator is the 34009  
sum of the net book value of the payor's real property owned 34010



wherever located and the payor's tangible personal property owned 34011  
wherever located. For purposes of calculating this ratio, the 34012  
taxpayer shall determine net book value in accordance with 34013  
generally accepted accounting principles. 34014

(v) For purposes of this division, average value shall be 34015  
determined using the rules for determining the average value of 34016  
tangible personal property set forth in division (D)(2) and (3) of 34017  
this section. 34018

(c) In lieu of using the method set forth in division 34019  
(F)(13)(b) of this section, the taxpayer may elect, or the tax 34020  
commissioner may require in order to fairly represent the business 34021  
activity of the taxpayer in this state, the use of the method set 34022  
forth in division (F)(13)(c) of this section. 34023

(i) The amount of interest, other than interest described in 34024  
division (F)(13)(b)(iv) of this section, dividends, other than 34025  
dividends described in that division, net gains, but not less than 34026  
zero, and other income from investment assets and activities in 34027  
the investment account to be attributed to this state and included 34028  
in the numerator is determined by multiplying all such income from 34029  
such assets and activities by a fraction, the numerator of which 34030  
is the gross income from such assets and activities which are 34031  
properly assigned to a regular place of business of the taxpayer 34032  
within this state, and the denominator of which is the gross 34033  
income from all such assets and activities. 34034

(ii) The amount of interest from federal funds sold and 34035  
purchased and from securities purchased under resale agreements 34036  
and securities sold under repurchase agreements attributable to 34037  
this state and included in the numerator is determined by 34038  
multiplying the amount described in division (F)(13)(a)(i) of this 34039  
section from such funds and such securities by a fraction, the 34040  
numerator of which is the gross income from such funds and such 34041  
securities which are properly assigned to a regular place of 34042

business of the taxpayer within this state and the denominator of 34043  
which is the gross income from all such funds and such securities. 34044

(iii) The amount of interest, dividends, gains, and other 34045  
income from trading assets and activities, including, but not 34046  
limited to, assets and activities in the matched book, in the 34047  
arbitrage book, and foreign currency transactions, but excluding 34048  
amounts described in division (F)(13)(a)(i) or (ii) of this 34049  
section, attributable to this state and included in the numerator, 34050  
is determined by multiplying the amount described in division 34051  
(F)(13)(a)(ii) of this section by a fraction, the numerator of 34052  
which is the gross income from such trading assets and activities 34053  
which are properly assigned to a regular place of business of the 34054  
taxpayer within this state and the denominator of which is the 34055  
gross income from all such assets and activities. 34056

(iv) The amount of dividends received on the capital stock 34057  
of, and the amount of interest received from loans and advances 34058  
to, subsidiary corporations at least fifty-one per cent of whose 34059  
common stock is owned by the reporting financial institution shall 34060  
be allocated in and out of this state by the application of a 34061  
ratio whose numerator is the sum of the net book value of the 34062  
payor's real property owned in this state and the payor's tangible 34063  
personal property owned in this state and whose denominator is the 34064  
sum of the payor's real property owned wherever located and the 34065  
payor's tangible personal property owned wherever located. For 34066  
purposes of calculating this ratio, the taxpayer shall determine 34067  
net book value in accordance with generally accepted accounting 34068  
principles. 34069

(d) If the taxpayer elects or is required by the tax 34070  
commissioner to use the method set forth in division (F)(13)(c) of 34071  
this section, it shall use this method on all subsequent returns 34072  
unless the taxpayer receives prior permission from the tax 34073  
commissioner to use or the tax commissioner requires a different 34074

method. 34075

(e) The taxpayer shall have the burden of proving that an 34076  
investment asset or activity or trading asset or activity was 34077  
properly assigned to a regular place of business outside of this 34078  
state by demonstrating that the day-to-day decisions regarding the 34079  
asset or activity occurred at a regular place of business outside 34080  
this state. Where the day-to-day decisions regarding an investment 34081  
asset or activity or trading asset or activity occur at more than 34082  
one regular place of business and one such regular place of 34083  
business is in this state and one such regular place of business 34084  
is outside this state such asset or activity shall be considered 34085  
to be located at the regular place of business of the taxpayer 34086  
where the investment or trading policies or guidelines with 34087  
respect to the asset or activity are established. Unless the 34088  
taxpayer demonstrates to the contrary, such policies and 34089  
guidelines shall be presumed to be established at the commercial 34090  
domicile of the taxpayer. 34091

(14) The numerator of the sales factor includes all other 34092  
receipts if either: 34093

(a) The income-producing activity is performed solely in this 34094  
state; or 34095

(b) The income-producing activity is performed both within 34096  
and without this state and a greater proportion of the 34097  
income-producing activity is performed within this state than in 34098  
any other state, based on costs of performance. 34099

(G) A qualified institution may calculate the base upon which 34100  
the fee provided for in division (D) of section 5733.06 ~~(D)~~ of the 34101  
~~revised code~~ Revised Code is determined for each of the tax years 34102  
1998, 1999, 2000, ~~and~~ 2001, 2002, and 2003 by multiplying the 34103  
value of its issued and outstanding shares of stock determined 34104  
under division (B) of this section by a single deposits fraction 34105

whose numerator is the deposits assigned to branches in this state 34106  
and whose denominator is the deposits assigned to branches 34107  
everywhere. Deposits shall be assigned to branches in the same 34108  
manner in which the assignment is made for regulatory purposes. If 34109  
the base calculated under this division is less than the base 34110  
calculated under division (C) of this section, then the qualifying 34111  
institution may elect to substitute the base calculated under this 34112  
division for the base calculated under division (C) of this 34113  
section. Such election may be made annually for each of the tax 34114  
years 1998, 1999, 2000, ~~and~~ 2001, 2002, and 2003 on the corporate 34115  
report. The election need not accompany the report; rather, the 34116  
election may accompany a subsequently filed but timely application 34117  
for refund, a subsequently filed but timely amended report, or a 34118  
subsequently filed but timely petition for reassessment. The 34119  
election is not irrevocable and it applies only to the specified 34120  
tax year. Nothing in this division shall be construed to extend 34121  
any statute of limitations set forth in this chapter 34122

(H) If the apportionment provisions of this section do not 34123  
fairly represent the extent of the taxpayer's business activity in 34124  
this state, the taxpayer may petition for or the tax commissioner 34125  
may require, in respect to all or any part of the taxpayer's 34126  
business activity, if reasonable: 34127

(1) Separate accounting; 34128

(2) The exclusion of any one or more of the factors; 34129

(3) The inclusion of one or more additional factors which 34130  
will fairly represent the taxpayer's business activity in this 34131  
state; or 34132

(4) The employment of any other method to effectuate an 34133  
equitable allocation and apportionment of the taxpayer's value. 34134

**Sec. 5733.06.** The tax hereby charged each corporation subject 34135  
to this chapter shall be the greater of the sum of divisions (A) 34136

and (B) of this section, after the reduction, if any, provided by 34137  
division (J) of this section, or division (C) of this section, 34138  
after the reduction, if any, provided by division (J) of this 34139  
section, except that the tax hereby charged each financial 34140  
institution subject to this chapter shall be the amount computed 34141  
under division (D) of this section: 34142

(A) Except as set forth in division (F) of this section, five 34143  
and one-tenth per cent upon the first fifty thousand dollars of 34144  
the value of the taxpayer's issued and outstanding shares of stock 34145  
as determined under division (B) of section 5733.05 of the Revised 34146  
Code; 34147

(B) Except as set forth in division (F) of this section, 34148  
eight and one-half per cent upon the value so determined in excess 34149  
of fifty thousand dollars; or 34150

(C) Except as otherwise provided under division (G) of this 34151  
section, four mills times that portion of the value of the issued 34152  
and outstanding shares of stock as determined under division (C) 34153  
of section 5733.05 of the Revised Code. For the purposes of 34154  
division (C) of this section, division (C)(2) of section 5733.065, 34155  
and division (C) of section 5733.066 of the Revised Code, the 34156  
value of the issued and outstanding shares of stock of a qualified 34157  
holding company is zero. 34158

(D) The tax charged each financial institution subject to 34159  
this chapter shall be that portion of the value of the issued and 34160  
outstanding shares of stock as determined under division (A) of 34161  
section 5733.05 of the Revised Code, multiplied by the following 34162  
amounts: 34163

(1) For tax years prior to the 1999 tax year, fifteen mills; 34164

(2) For the 1999 tax year, fourteen mills; 34165

(3) For tax year 2000 and thereafter, thirteen mills. 34166

(E) No tax shall be charged from any corporation that has  
been adjudicated bankrupt, or for which a receiver has been  
appointed, or that has made a general assignment for the benefit  
of creditors, except for the portion of the then current tax year  
during which the tax commissioner finds such corporation had the  
power to exercise its corporate franchise unimpaired by such  
proceedings or act. The minimum payment for all corporations shall  
be fifty dollars.

The tax charged to corporations under this chapter for the  
privilege of engaging in business in this state, which is an  
excise tax levied on the value of the issued and outstanding  
shares of stock, shall in no manner be construed as prohibiting or  
otherwise limiting the powers of municipal corporations, joint  
economic development zones created under section 715.691 of the  
Revised Code, and joint economic development districts created  
under section 715.70 or 715.71 or sections 715.72 to 715.81 of the  
Revised Code in this state to impose an income tax on the income  
of such corporations.

(F) If two or more taxpayers satisfy the ownership or control  
requirements of division (A) of section 5733.052 of the Revised  
Code, each such taxpayer shall substitute "the taxpayer's pro-rata  
amount" for "fifty thousand dollars" in divisions (A) and (B) of  
this section. For purposes of this division, "the taxpayer's  
pro-rata amount" is an amount that, when added to the other such  
taxpayers' pro-rata amounts, does not exceed fifty thousand  
dollars. For the purpose of making that computation, the  
taxpayer's pro-rata amount shall not be less than zero. Nothing in  
this division derogates from or eliminates the requirement to make  
the alternative computation of tax under division (C) of this  
section.

(G) The tax liability of any corporation under division (C)  
of this section shall not exceed one hundred fifty thousand

dollars. 34199

(H)(1) For the purposes of division (H) of this section, 34200  
"exiting corporation" means a corporation that satisfies all of 34201  
the following conditions: 34202

(a) The corporation had nexus with or in this state under the 34203  
Constitution of the United States during any portion of a calendar 34204  
year; 34205

(b) The corporation was not a corporation described in 34206  
division (A) of section 5733.01 of the Revised Code on the first 34207  
day of January immediately following that calendar year; 34208

(c) The corporation was not a financial institution on the 34209  
first day of January immediately following that calendar year; 34210

(d) If the corporation was a transferor as defined in section 34211  
5733.053 of the Revised Code, the corporation's transferee was not 34212  
required to add to the transferee's net income the income of the 34213  
transferor pursuant to division (B) of that section; 34214

(e) During any portion of that calendar year, or any portion 34215  
of the immediately preceding calendar year, the corporation had 34216  
net income that was not included in a report filed by the 34217  
corporation or its transferee pursuant to section 5733.02, 34218  
5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code; 34219

(f) The corporation would have been subject to the tax 34220  
computed under divisions (A), (B), (C), (F), and (G) of this 34221  
section if the corporation is assumed to be a corporation 34222  
described in division (A) of section 5733.01 of the Revised Code 34223  
on the first day of January immediately following the calendar 34224  
year to which division (H)(1)(a) of this section refers. 34225

(2) For the purposes of division (H) of this section, 34226  
"unreported net income" means net income that was not previously 34227  
included in a report filed pursuant to section 5733.02, 5733.021, 34228

5733.03, 5733.031, or 5733.053 of the Revised Code and that was 34229  
realized or recognized during the calendar year to which division 34230  
(H)(1) of this section refers or the immediately preceding 34231  
calendar year. 34232

(3) Each exiting corporation shall pay a tax computed by 34233  
first allocating and apportioning the unreported net income 34234  
pursuant to division (B) of section 5733.05 and section 5733.051 34235  
and, if applicable, section 5733.052 of the Revised Code. The 34236  
exiting corporation then shall compute the tax due on its 34237  
unreported net income allocated and apportioned to this state by 34238  
applying divisions (A), (B), and (F) of this section to that 34239  
income. 34240

(4) Divisions (C) and (G) of this section, division (D)(2) of 34241  
section 5733.065, and division (C) of section 5733.066 of the 34242  
Revised Code do not apply to an exiting corporation, but exiting 34243  
corporations are subject to every other provision of this chapter. 34244

(5) Notwithstanding division (B) of section 5733.01 or 34245  
sections 5733.02, 5733.021, and 5733.03 of the Revised Code to the 34246  
contrary, each exiting corporation shall report and pay the tax 34247  
due under division (H) of this section on or before the 34248  
thirty-first day of May immediately following the calendar year to 34249  
which division (H)(1)(a) of this section refers. The exiting 34250  
corporation shall file that report on the form most recently 34251  
prescribed by the tax commissioner for the purposes of complying 34252  
with sections 5733.02 and 5733.03 of the Revised Code. Upon 34253  
request by the corporation, the tax commissioner may extend the 34254  
date for filing the report. 34255

(6) If, on account of the application of section 5733.053 of 34256  
the Revised Code, net income is subject to the tax imposed by 34257  
divisions (A) and (B) of this section, such income shall not be 34258  
subject to the tax imposed by division (H)(3) of this section. 34259



(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. 34291  
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(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. 34294  
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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. 34299  
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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. 34318  
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Sec. 5733.401. (A) As used in this section: 34321

(1) "Investment pass-through entity" means a pass-through 34322  
entity having for its qualifying taxable year at least ninety per 34323  
cent of its gross income from transaction fees in connection with 34324  
the acquisition, ownership, or disposition of intangible property, 34325  
loan fees, financing fees, consent fees, waiver fees, application 34326  
fees, net management fees, dividend income, interest income, net 34327  
capital gains from the sale or exchange of intangible property, or 34328  
distributive shares of income from pass-through entities; and 34329  
having for its qualifying taxable year at least ninety per cent of 34330  
the net book value of its assets represented by intangible assets. 34331  
Such percentages shall be the quarterly average of those 34332  
percentages as calculated during the pass-through entity's taxable 34333  
year. 34334

(2) "Net management fees" means management fees that a 34335  
pass-through entity earns or receives from all sources, reduced by 34336  
management fees that the pass-through entity incurs or pays to any 34337  
person. 34338

(B) For the purposes of divisions (A) and (C) of this section 34339  
only, an investment in a pass-through entity shall be deemed to be 34340  
an investment in an intangible asset. 34341

(C) Except as otherwise provided in division (D) of this 34342  
section, for the purposes of division (A) of section 5733.40 of 34343  
the Revised Code, an investment pass-through entity shall exclude 34344  
from the calculation of the adjusted qualifying amount all 34345  
transaction fees in connection with the acquisition, ownership, or 34346  
disposition of intangible property; loan fees; financing fees; 34347  
consent fees; waiver fees; application fees; net management 34348  
fees, but if such fees exceed five per cent of the entity's net 34349  
income calculated in accordance with generally accepted accounting 34350  
principles, all net management fees shall be included in the 34351  
calculation of the adjusted qualifying amount; dividend income; 34352

interest income; net capital gains from the sale or exchange of 34353  
intangible property; and all types and classifications of income 34354  
attributable to distributive shares of income from other 34355  
pass-through entities. Nothing in this division shall be construed 34356  
to provide for an exclusion of any item from adjusted qualifying 34357  
amount more than once. 34358

(D) Sections 5733.057 and 5747.231 of the Revised Code do not 34359  
apply for the purposes of making the determinations required by 34360  
division (A) of this section or claiming the exclusion provided by 34361  
division (C) of this section. 34362

**Sec. 5733.42.** (A) As used in this section: 34363

(1) "Eligible training program" means a program to provide 34364  
job skills to eligible employees who are unable effectively to 34365  
function on the job due to skill deficiencies or who would 34366  
otherwise be displaced because of their skill deficiencies or 34367  
inability to use new technology, or to provide job skills to 34368  
eligible employees that enable them to perform other job duties 34369  
for the taxpayer. Eligible training programs do not include 34370  
executive, management, or personal enrichment training programs, 34371  
or training programs intended exclusively for personal career 34372  
development. 34373

(2) "Eligible employee" means an individual who is employed 34374  
in this state by a taxpayer and has been so employed by the same 34375  
taxpayer for at least one hundred eighty consecutive days before 34376  
the day an application for the credit is filed under this section. 34377  
"Eligible employee" does not include any employee for which a 34378  
credit is claimed pursuant to division (A)(5) of section 5709.65 34379  
of the Revised Code for all or any part of the same year, an 34380  
employee who is not a full-time employee, or executive or 34381  
managerial personnel except for the immediate supervisors of 34382  
nonexecutive, nonmanagerial personnel. 34383

(3) "Eligible training costs" means: 34384

(a) Direct instructional costs, such as instructor salaries, 34385  
materials and supplies, textbooks and manuals, videotapes, and 34386  
other instructional media and training equipment used exclusively 34387  
for the purpose of training eligible employees; 34388

(b) Wages paid to eligible employees for time devoted 34389  
exclusively to an eligible training program during normal paid 34390  
working hours. 34391

(4) "Full-time employee" means an individual who is employed 34392  
for consideration for at least thirty-five hours per week, or who 34393  
renders any other standard of service generally accepted by custom 34394  
or specified by contract as full-time employment. 34395

(5) "Partnership" includes a limited liability company formed 34396  
under Chapter 1705. of the Revised Code or under the laws of 34397  
another state, provided that the company is not classified for 34398  
federal income tax purposes as an association taxable as a 34399  
corporation. 34400

(B) There is hereby allowed a nonrefundable credit against 34401  
the tax imposed by section 5733.06 of the Revised Code for 34402  
taxpayers for which a tax credit certificate is issued under 34403  
division (C) of this section. The credit may ~~not~~ be claimed for 34404  
~~any tax year after tax year years 2004, except for amounts carried~~ 34405  
~~forward to subsequent tax years to the extent allowed under~~ 34406  
~~division (J) of this section 2005, and 2006, but may not be~~ 34407  
claimed for tax years 2002 and 2003. The amount of the credit for 34408  
each tax year shall equal one-half of the average of the eligible 34409  
training costs paid or incurred by the taxpayer during the three 34410  
calendar years immediately preceding the tax year for which the 34411  
credit is claimed, not to exceed one thousand dollars for each 34412  
eligible employee on account of whom eligible training costs were 34413  
paid or incurred by the taxpayer during those calendar years. The 34414

credit claimed by a taxpayer each tax year shall not exceed one 34415  
hundred thousand dollars. 34416

(C) A taxpayer who proposes to conduct an eligible training 34417  
program may apply to the director of job and family services for a 34418  
tax credit certificate under this section. The taxpayer may apply 34419  
for such a certificate for each tax year with respect to a 34420  
calendar year in which the taxpayer paid or incurred eligible 34421  
training costs, subject to division (L) of this section. The 34422  
director shall prescribe the form of the application, which shall 34423  
require a detailed description of the proposed training program. 34424  
The director may require applicants to remit an application fee 34425  
with each application filed with the director. The fee shall not 34426  
exceed the reasonable and necessary expenses incurred by the 34427  
director in receiving, reviewing, and approving such applications 34428  
and issuing tax credit certificates. Proceeds from fees shall be 34429  
used solely for the purpose of receiving, reviewing, and approving 34430  
such applications and issuing such certificates. 34431

After receipt of an application, the director shall authorize 34432  
a credit under this section by issuing a tax credit certificate, 34433  
in the form prescribed by the director, if the director determines 34434  
all of the following: 34435

(1) The proposed training program is an eligible training 34436  
program under this section; 34437

(2) The proposed training program is economically sound and 34438  
will benefit the people of this state by improving workforce 34439  
skills and strengthening the economy of this state; 34440

(3) Receiving the tax credit is a major factor in the 34441  
taxpayer's decision to go forward with the training program; 34442

(4) Authorization of the credit is consistent with division 34443  
(H) of this section. 34444

The credit also is allowed for a taxpayer that is a partner 34445

in a partnership that pays or incurs eligible training costs. Such 34446  
a taxpayer shall determine the taxpayer's credit amount in the 34447  
manner prescribed by division (K) of this section. 34448

(D) If the director of job and family services denies an 34449  
application for a tax credit certificate, the director shall send 34450  
notice of the denial and the reason for denial to the applicant by 34451  
certified mail, return receipt requested. If the director 34452  
determines that an authorized training program, as actually 34453  
conducted, fails to meet the requirements of this section or to 34454  
comply with any condition set forth in the authorization, the 34455  
director may reduce the amount of the tax credit previously 34456  
granted. If the director reduces a tax credit, the director shall 34457  
send notice of the reduction and the reason for the reduction to 34458  
the taxpayer by certified mail, return receipt requested, and 34459  
shall certify the reduction to the tax commissioner or, in the 34460  
case of the reduction of a credit claimed by an insurance company, 34461  
the superintendent of insurance. The tax commissioner or 34462  
superintendent of insurance shall reduce the credit that may be 34463  
claimed by the taxpayer accordingly. Within sixty days after 34464  
receiving a notice of denial or notice of reduction of the tax 34465  
credit, an applicant or taxpayer may request, in writing, a 34466  
hearing before the director to review the denial or reduction. 34467  
Within sixty days after receiving a request that is filed within 34468  
the prescribed time, the director shall hold such a hearing at a 34469  
location to be determined by the director. Within thirty days 34470  
after the hearing is adjourned, the director shall issue a 34471  
redetermination affirming, reversing, or modifying the denial or 34472  
reduction of the tax credit and send notice of the redetermination 34473  
to the applicant or taxpayer by certified mail, return receipt 34474  
requested, and shall issue a notice of the redetermination to the 34475  
tax commissioner or superintendent of insurance. If an applicant 34476  
or taxpayer is aggrieved by the director's redetermination, the 34477

applicant or taxpayer may appeal the redetermination to the board 34478  
of tax appeals in the manner prescribed by section 5717.02 of the 34479  
Revised Code. 34480

(E) A taxpayer to which a tax credit certificate is issued 34481  
shall retain records indicating the eligible training costs it 34482  
pays or incurs for the eligible training program for which the 34483  
certificate is issued for four years following the end of the tax 34484  
year for which the credit is claimed. Such records shall be open 34485  
to inspection by the director of job and family services upon the 34486  
director's request during business hours. 34487

Financial statements and other information submitted by an 34488  
applicant to the director of job and family services for a tax 34489  
credit under this section, and any information taken for any 34490  
purpose from such statements or information, are not public 34491  
records subject to section 149.43 of the Revised Code. However, 34492  
the director of job and family services, the tax commissioner, or 34493  
superintendent of insurance may make use of the statements and 34494  
other information for purposes of issuing public reports or in 34495  
connection with court proceedings concerning tax credits allowed 34496  
under this section and sections 5725.31, 5729.07, and 5747.39 of 34497  
the Revised Code. 34498

(F) The director of job and family services, in accordance 34499  
with Chapter 119. of the Revised Code, shall adopt rules necessary 34500  
to implement this section and sections 5725.31, 5729.07, and 34501  
5747.39 of the Revised Code. The rules shall be adopted after 34502  
consultation with the tax commissioner and the superintendent of 34503  
insurance. At the time the director gives public notice under 34504  
division (A) of section 119.03 of the Revised Code of the adoption 34505  
of the rules, the director shall submit copies of the proposed 34506  
rules to the chairpersons and ranking minority members of the 34507  
standing committees in the senate and the house of representatives 34508  
to which legislation on economic development matters are 34509



customarily referred. 34510

(G) On or before the thirtieth day of September of ~~2001,~~ 34511  
~~2002,~~ 2003, ~~and~~ 2004, 2005, and 2006, the director of job and 34512  
family services shall submit a report to the governor, the 34513  
president of the senate, and the speaker of the house of 34514  
representatives on the tax credit program under this section and 34515  
sections 5725.31, 5729.07, and 5747.39 of the Revised Code. The 34516  
report shall include information on the number of training 34517  
programs that were authorized under those sections during the 34518  
preceding calendar year, a description of each authorized training 34519  
program, the dollar amounts of the credits granted, and an 34520  
estimate of the impact of the credits on the economy of this 34521  
state. 34522

(H) The aggregate amount of credits authorized under this 34523  
section and sections 5725.31, 5729.07, and 5747.39 of the Revised 34524  
Code shall not exceed twenty million dollars per calendar year. No 34525  
more than ten million dollars in credits per calendar year shall 34526  
be authorized for persons engaged primarily in manufacturing. No 34527  
less than five million dollars in credits per calendar year shall 34528  
be set aside for persons engaged primarily in activities other 34529  
than manufacturing and having fewer than five hundred employees. 34530  
Subject to such limits, credits shall be authorized for applicants 34531  
meeting the requirements of this section in the order in which 34532  
they submit complete and accurate applications. 34533

(I) A nonrefundable credit allowed under this section shall 34534  
be claimed in the order required under section 5733.98 of the 34535  
Revised Code. 34536

(J) The taxpayer may carry forward any credit amount in 34537  
excess of its tax due after allowing for any other credits that 34538  
precede the credit under this section in the order required under 34539  
section 5733.98 of the Revised Code. The excess credit may be 34540  
carried forward for three years following the tax year for which 34541

it is first claimed under this section. 34542

(K) A taxpayer that is a partner in a partnership on the last 34543  
day of the third calendar year of the three-year period during 34544  
which the partnership pays or incurs eligible training costs may 34545  
claim a credit under this section for the tax year immediately 34546  
following that calendar year. The amount of a partner's credit 34547  
equals the partner's interest in the partnership on the last day 34548  
of such calendar year multiplied by the credit available to the 34549  
partnership as computed by the partnership. 34550

(L) The director of job and family services shall not 34551  
authorize any credits under this section and sections 5725.31, 34552  
5729.07, and 5747.39 of the Revised Code for eligible training 34553  
costs paid or incurred after December 31, ~~2003~~ 2005. 34554

**Sec. 5739.01.** As used in this chapter: 34555

(A) "Person" includes individuals, receivers, assignees, 34556  
trustees in bankruptcy, estates, firms, partnerships, 34557  
associations, joint-stock companies, joint ventures, clubs, 34558  
societies, corporations, the state and its political subdivisions, 34559  
and combinations of individuals of any form. 34560

(B) "Sale" and "selling" include all of the following 34561  
transactions for a consideration in any manner, whether absolutely 34562  
or conditionally, whether for a price or rental, in money or by 34563  
exchange, and by any means whatsoever: 34564

(1) All transactions by which title or possession, or both, 34565  
of tangible personal property, is or is to be transferred, or a 34566  
license to use or consume tangible personal property is or is to 34567  
be granted; 34568

(2) All transactions by which lodging by a hotel is or is to 34569  
be furnished to transient guests; 34570

(3) All transactions by which: 34571

(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

number or account in this state, or that both originates and 34603  
terminates in this state; but does not include transactions by 34604  
which telecommunications service is paid for by using a prepaid 34605  
authorization number or prepaid telephone calling card, or by 34606  
which local telecommunications service is obtained from a 34607  
coin-operated telephone and paid for by using coin; 34608

(g) Landscaping and lawn care service is or is to be 34609  
provided; 34610

(h) Private investigation and security service is or is to be 34611  
provided; 34612

(i) Information services or tangible personal property is 34613  
provided or ordered by means of a nine hundred telephone call; 34614

(j) Building maintenance and janitorial service is or is to 34615  
be provided; 34616

(k) Employment service is or is to be provided; 34617

(l) Employment placement service is or is to be provided; 34618

(m) Exterminating service is or is to be provided; 34619

(n) Physical fitness facility service is or is to be 34620  
provided; 34621

(o) Recreation and sports club service is or is to be 34622  
provided. 34623

(4) All transactions by which printed, imprinted, 34624  
overprinted, lithographic, multilithic, blueprinted, photostatic, 34625  
or other productions or reproductions of written or graphic matter 34626  
are or are to be furnished or transferred; 34627

(5) The production or fabrication of tangible personal 34628  
property for a consideration for consumers who furnish either 34629  
directly or indirectly the materials used in the production of 34630  
fabrication work; and include the furnishing, preparing, or 34631

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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: 34652

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(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used directly in production by farming, agriculture, horticulture, or floriculture. The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

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(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter

the person's grain and that is designed to be disassembled without 34664  
significant damage to its component parts. 34665

(6) All transactions in which all of the shares of stock of a 34666  
closely held corporation are transferred, if the corporation is 34667  
not engaging in business and its entire assets consist of boats, 34668  
planes, motor vehicles, or other tangible personal property 34669  
operated primarily for the use and enjoyment of the shareholders; 34670

(7) All transactions in which a warranty, maintenance or 34671  
service contract, or similar agreement by which the vendor of the 34672  
warranty, contract, or agreement agrees to repair or maintain the 34673  
tangible personal property of the consumer is or is to be 34674  
provided; 34675

(8) All transactions by which a prepaid authorization number 34676  
or a prepaid telephone calling card is or is to be transferred. 34677

(C) "Vendor" means the person providing the service or by 34678  
whom the transfer effected or license given by a sale is or is to 34679  
be made or given and, for sales described in division (B)(3)(i) of 34680  
this section, the telecommunications service vendor that provides 34681  
the nine hundred telephone service; if two or more persons are 34682  
engaged in business at the same place of business under a single 34683  
trade name in which all collections on account of sales by each 34684  
are made, such persons shall constitute a single vendor. 34685

Physicians, dentists, hospitals, and veterinarians who are 34686  
engaged in selling tangible personal property as received from 34687  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 34688  
articles, are vendors. Veterinarians who are engaged in 34689  
transferring to others for a consideration drugs, the dispensing 34690  
of which does not require an order of a licensed veterinarian or 34691  
physician under federal law, are vendors. 34692

(D)(1) "Consumer" means the person for whom the service is 34693  
provided, to whom the transfer effected or license given by a sale 34694

is or is to be made or given, to whom the service described in 34695  
division (B)(3)(f) or (i) of this section is charged, or to whom 34696  
the admission is granted. 34697

(2) Physicians, dentists, hospitals, and blood banks operated 34698  
by nonprofit institutions and persons licensed to practice 34699  
veterinary medicine, surgery, and dentistry are consumers of all 34700  
tangible personal property and services purchased by them in 34701  
connection with the practice of medicine, dentistry, the rendition 34702  
of hospital or blood bank service, or the practice of veterinary 34703  
medicine, surgery, and dentistry. In addition to being consumers 34704  
of drugs administered by them or by their assistants according to 34705  
their direction, veterinarians also are consumers of drugs that 34706  
under federal law may be dispensed only by or upon the order of a 34707  
licensed veterinarian or physician, when transferred by them to 34708  
others for a consideration to provide treatment to animals as 34709  
directed by the veterinarian. 34710

(3) A person who performs a facility management, or similar 34711  
service contract for a contractee is a consumer of all tangible 34712  
personal property and services purchased for use in connection 34713  
with the performance of such contract, regardless of whether title 34714  
to any such property vests in the contractee. The purchase of such 34715  
property and services is not subject to the exception for resale 34716  
under division (E)(1) of this section. 34717

(4)(a) In the case of a person who purchases printed matter 34718  
for the purpose of distributing it or having it distributed to the 34719  
public or to a designated segment of the public, free of charge, 34720  
that person is the consumer of that printed matter, and the 34721  
purchase of that printed matter for that purpose is a sale. 34722

(b) In the case of a person who produces, rather than 34723  
purchases, printed matter for the purpose of distributing it or 34724  
having it distributed to the public or to a designated segment of 34725  
the public, free of charge, that person is the consumer of all 34726

tangible personal property and services purchased for use or 34727  
consumption in the production of that printed matter. That person 34728  
is not entitled to claim exception under division (E)(8) of this 34729  
section for any material incorporated into the printed matter or 34730  
any equipment, supplies, or services primarily used to produce the 34731  
printed matter. 34732

(c) The distribution of printed matter to the public or to a 34733  
designated segment of the public, free of charge, is not a sale to 34734  
the members of the public to whom the printed matter is 34735  
distributed or to any persons who purchase space in the printed 34736  
matter for advertising or other purposes. 34737

(5) A person who makes sales of any of the services listed in 34738  
division (B)(3) of this section is the consumer of any tangible 34739  
personal property used in performing the service. The purchase of 34740  
that property is not subject to the resale exception under 34741  
division (E)(1) of this section. 34742

(E) "Retail sale" and "sales at retail" include all sales 34743  
except those in which the purpose of the consumer is: 34744

(1) To resell the thing transferred or benefit of the service 34745  
provided, by a person engaging in business, in the form in which 34746  
the same is, or is to be, received by the person; 34747

(2) To incorporate the thing transferred as a material or a 34748  
part, into tangible personal property to be produced for sale by 34749  
manufacturing, assembling, processing, or refining, or to use or 34750  
consume the thing transferred directly in producing a product for 34751  
sale by mining, including without limitation the extraction from 34752  
the earth of all substances ~~which~~ that are classed geologically as 34753  
minerals, production of crude oil and natural gas, farming, 34754  
agriculture, horticulture, or floriculture, and persons engaged in 34755  
rendering farming, agricultural, horticultural, or floricultural 34756  
services, and services in the exploration for, and production of, 34757



crude oil and natural gas, for others are deemed engaged directly 34758  
in farming, agriculture, horticulture, and floriculture, or 34759  
exploration for, and production of, crude oil and natural gas; 34760  
directly in the rendition of a public utility service, except that 34761  
the sales tax levied by section 5739.02 of the Revised Code shall 34762  
be collected upon all meals, drinks, and food for human 34763  
consumption sold upon Pullman and railroad coaches. This paragraph 34764  
does not exempt or except from "retail sale" or "sales at retail" 34765  
the sale of tangible personal property that is to be incorporated 34766  
into a structure or improvement to real property. 34767

(3) To hold the thing transferred as security for the 34768  
performance of an obligation of the vendor; 34769

(4) To use or consume the thing transferred in the process of 34770  
reclamation as required by Chapters 1513. and 1514. of the Revised 34771  
Code; 34772

(5) To resell, hold, use, or consume the thing transferred as 34773  
evidence of a contract of insurance; 34774

(6) To use or consume the thing directly in commercial 34775  
fishing; 34776

(7) To incorporate the thing transferred as a material or a 34777  
part into, or to use or consume the thing transferred directly in 34778  
the production of, magazines distributed as controlled circulation 34779  
publications; 34780

(8) To use or consume the thing transferred in the production 34781  
and preparation in suitable condition for market and sale of 34782  
printed, imprinted, overprinted, lithographic, multilithic, 34783  
blueprinted, photostatic, or other productions or reproductions of 34784  
written or graphic matter; 34785

(9) To use the thing transferred, as described in section 34786  
5739.011 of the Revised Code, primarily in a manufacturing 34787  
operation to produce tangible personal property for sale; 34788

(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 34820  
an integral part of the performance of the service. 34821

As used in division (E) of this section, "thing" includes all 34822  
transactions included in divisions (B)(3)(a), (b), and (e) of this 34823  
section. 34824

Sales conducted through a coin-operated device that activates 34825  
vacuum equipment or equipment that dispenses water, whether or not 34826  
in combination with soap or other cleaning agents or wax, to the 34827  
consumer for the consumer's use on the premises in washing, 34828  
cleaning, or waxing a motor vehicle, provided no other personal 34829  
property or personal service is provided as part of the 34830  
transaction, are not retail sales or sales at retail. 34831

(F) "Business" includes any activity engaged in by any person 34832  
with the object of gain, benefit, or advantage, either direct or 34833  
indirect. "Business" does not include the activity of a person in 34834  
managing and investing the person's own funds. 34835

(G) "Engaging in business" means commencing, conducting, or 34836  
continuing in business, and liquidating a business when the 34837  
liquidator thereof holds ~~self~~ itself out to the public as 34838  
conducting such business. Making a casual sale is not engaging in 34839  
business. 34840

(H)(1) "Price," except as provided in divisions (H)(2) and 34841  
(3) of this section, means the aggregate value in money of 34842  
anything paid or delivered, or promised to be paid or delivered, 34843  
in the complete performance of a retail sale, without any 34844  
deduction on account of the cost of the property sold, cost of 34845  
materials used, labor or service cost, interest, discount paid or 34846  
allowed after the sale is consummated, or any other expense. If 34847  
the retail sale consists of the rental or lease of tangible 34848  
personal property, "price" means the aggregate value in money of 34849  
anything paid or delivered, or promised to be paid or delivered, 34850

in the complete performance of the rental or lease, without any 34851  
deduction for tax, interest, labor or service charge, damage 34852  
liability waiver, termination or damage charge, discount paid or 34853  
allowed after the lease is consummated, or any other expense. The 34854  
sales tax shall be calculated and collected by the lessor on each 34855  
payment made by the lessee. Price does not include the 34856  
consideration received as a deposit refundable to the consumer 34857  
upon return of a beverage container, the consideration received as 34858  
a deposit on a carton or case that is used for such returnable 34859  
containers, or the consideration received as a refundable security 34860  
deposit for the use of tangible personal property to the extent 34861  
that it actually is refunded, if the consideration for such 34862  
refundable deposit is separately stated from the consideration 34863  
received or to be received for the tangible personal property 34864  
transferred in the retail sale. Such separation must appear in the 34865  
sales agreement or on the initial invoice or initial billing 34866  
rendered by the vendor to the consumer. Price is the amount 34867  
received inclusive of the tax, provided the vendor establishes to 34868  
the satisfaction of the tax commissioner that the tax was added to 34869  
the price. When the price includes both a charge for tangible 34870  
personal property and a charge for providing a service and the 34871  
sale of the property and the charge for the service are separately 34872  
taxable, or have a separately determinable tax status, the price 34873  
shall be separately stated for each such charge so the tax can be 34874  
correctly computed and charged. 34875

The tax collected by the vendor from the consumer under this 34876  
chapter is not part of the price, but is a tax collection for the 34877  
benefit of the state and of counties levying an additional sales 34878  
tax pursuant to section 5739.021 or 5739.026 of the Revised Code 34879  
and of transit authorities levying an additional sales tax 34880  
pursuant to section 5739.023 of the Revised Code. Except for the 34881  
discount authorized in section 5739.12 of the Revised Code, no 34882

person other than the state or such a county or transit authority 34883  
shall derive any benefit from the collection or payment of such 34884  
tax. 34885

(2) In the case of a sale of any new motor vehicle by a new 34886  
motor vehicle dealer, as defined in section 4517.01 of the Revised 34887  
Code, in which another motor vehicle is accepted by the dealer as 34888  
part of the consideration received, "price" has the same meaning 34889  
as in division (H)(1) of this section, reduced by the credit 34890  
afforded the consumer by the dealer for the motor vehicle received 34891  
in trade. 34892

(3) In the case of a sale of any watercraft or outboard motor 34893  
by a watercraft dealer licensed in accordance with section 34894  
1547.543 of the Revised Code, in which another watercraft, 34895  
watercraft and trailer, or outboard motor is accepted by the 34896  
dealer as part of the consideration received, "price" has the same 34897  
meaning as in division (H)(1) of this section, reduced by the 34898  
credit afforded the consumer by the dealer for the watercraft, 34899  
watercraft and trailer, or outboard motor received in trade. As 34900  
used in division (H)(3) of this section, "watercraft" includes an 34901  
outdrive unit attached to the watercraft. 34902

(I) "Receipts" means the total amount of the prices of the 34903  
sales of vendors, provided that cash discounts allowed and taken 34904  
on sales at the time they are consummated are not included, minus 34905  
any amount deducted as a bad debt pursuant to section 5739.121 of 34906  
the Revised Code. "Receipts" does not include the sale price of 34907  
property returned or services rejected by consumers when the full 34908  
sale price and tax are refunded either in cash or by credit. 34909

(J) "Place of business" means any location at which a person 34910  
engages in business. 34911

(K) "Premises" includes any real property or portion thereof 34912  
upon which any person engages in selling tangible personal 34913

property at retail or making retail sales and also includes any 34914  
real property or portion thereof designated for, or devoted to, 34915  
use in conjunction with the business engaged in by such person. 34916

(L) "Casual sale" means a sale of an item of tangible 34917  
personal property ~~which~~ that was obtained by the person making the 34918  
sale, through purchase or otherwise, for the person's own use in 34919  
this state and ~~which~~ was previously subject to any state's taxing 34920  
jurisdiction on its sale or use, and includes such items acquired 34921  
for the seller's use ~~which~~ that are sold by an auctioneer employed 34922  
directly by the person for such purpose, provided the location of 34923  
such sales is not the auctioneer's permanent place of business. As 34924  
used in this division, "permanent place of business" includes any 34925  
location where such auctioneer has conducted more than two 34926  
auctions during the year. 34927

(M) "Hotel" means every establishment kept, used, maintained, 34928  
advertised, or held out to the public to be a place where sleeping 34929  
accommodations are offered to guests<sup>7</sup>. "Hotel" includes only those 34930  
establishments in which five or more rooms are used for the 34931  
accommodation of such guests, whether ~~such~~ the rooms are in one or 34932  
several structures, except as specified by a board of county 34933  
commissioners, a board of township trustees, or the legislative 34934  
authority of a municipal corporation as provided in division (G) 34935  
of section 5739.024 of the Revised Code. 34936

(N) "Transient guests" means persons occupying a room or 34937  
rooms for sleeping accommodations for less than thirty consecutive 34938  
days. 34939

(O) "Making retail sales" means the effecting of transactions 34940  
wherein one party is obligated to pay the price and the other 34941  
party is obligated to provide a service or to transfer title to or 34942  
possession of the item sold. "Making retail sales" does not 34943  
include the preliminary acts of promoting or soliciting the retail 34944  
sales, other than the distribution of printed matter which 34945

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 34978  
transit authority, the secretary-treasurer thereof, and with 34979  
respect to a county ~~which~~ that is a transit authority, the fiscal 34980  
officer of the county transit board if one is appointed pursuant 34981  
to section 306.03 of the Revised Code or the county auditor if the 34982  
board of county commissioners operates the county transit system. 34983

(U) "Transit authority" means a regional transit authority 34984  
created pursuant to section 306.31 of the Revised Code or a county 34985  
in which a county transit system is created pursuant to section 34986  
306.01 of the Revised Code. For the purposes of this chapter, a 34987  
transit authority must extend to at least the entire area of a 34988  
single county. A transit authority ~~which~~ that includes territory 34989  
in more than one county must include all the area of the most 34990  
populous county ~~which~~ that is a part of such transit authority. 34991  
County population shall be measured by the most recent census 34992  
taken by the United States census bureau. 34993

(V) "Legislative authority" means, with respect to a regional 34994  
transit authority, the board of trustees thereof, and with respect 34995  
to a county ~~which~~ that is a transit authority, the board of county 34996  
commissioners. 34997

(W) "Territory of the transit authority" means all of the 34998  
area included within the territorial boundaries of a transit 34999  
authority as they from time to time exist. Such territorial 35000  
boundaries must at all times include all the area of a single 35001  
county or all the area of the most populous county ~~which~~ that is a 35002  
part of such transit authority. County population shall be 35003  
measured by the most recent census taken by the United States 35004  
census bureau. 35005

(X) "Providing a service" means providing or furnishing 35006  
anything described in division (B)(3) of this section for 35007  
consideration. 35008



(Y)(1)(a) "Automatic data processing" means processing of 35009  
others' data, including keypunching or similar data entry services 35010  
together with verification thereof, or providing access to 35011  
computer equipment for the purpose of processing data. 35012

(b) "Computer services" means providing services consisting 35013  
of specifying computer hardware configurations and evaluating 35014  
technical processing characteristics, computer programming, and 35015  
training of computer programmers and operators, provided in 35016  
conjunction with and to support the sale, lease, or operation of 35017  
taxable computer equipment or systems. 35018

(c) "Electronic information services" means providing access 35019  
to computer equipment by means of telecommunications equipment for 35020  
the purpose of either of the following: 35021

(i) Examining or acquiring data stored in or accessible to 35022  
the computer equipment; 35023

(ii) Placing data into the computer equipment to be retrieved 35024  
by designated recipients with access to the computer equipment. 35025  
35026

(d) "Automatic data processing, computer services, or 35027  
electronic information services" shall not include personal or 35028  
professional services. 35029

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 35030  
section, "personal and professional services" means all services 35031  
other than automatic data processing, computer services, or 35032  
electronic information services, including but not limited to: 35033

(a) Accounting and legal services such as advice on tax 35034  
matters, asset management, budgetary matters, quality control, 35035  
information security, and auditing and any other situation where 35036  
the service provider receives data or information and studies, 35037  
alters, analyzes, interprets, or adjusts such material; 35038

(b) Analyzing business policies and procedures;	35039
(c) Identifying management information needs;	35040
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	35041 35042 35043
(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;	35044 35045 35046 35047
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	35048 35049 35050
(g) Testing of business procedures;	35051
(h) Training personnel in business procedure applications;	35052
(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;	35053 35054 35055 35056 35057 35058
(j) Providing debt collection services by any oral, written, graphic, or electronic means.	35059 35060
The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.	35061 35062
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	35063 35064 35065
(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in	35066 35067

transportation of personal property belonging to others for 35068  
consideration over or on highways, roadways, streets, or any 35069  
similar public thoroughfare; 35070

(2) A person who engages in the transportation of personal 35071  
property belonging to others for consideration over or on 35072  
highways, roadways, streets, or any similar public thoroughfare 35073  
but who could not have engaged in such transportation on December 35074  
11, 1985, unless the person was the holder of a permit or 35075  
certificate of the types described in division (Z)(1) of this 35076  
section; 35077

(3) A person who leases a motor vehicle to and operates it 35078  
for a person described by division (Z)(1) or (2) of this section. 35079

(AA) "Telecommunications service" means the transmission of 35080  
any interactive, two-way electromagnetic communications, including 35081  
voice, image, data, and information, through the use of any medium 35082  
such as wires, cables, microwaves, cellular radio, radio waves, 35083  
light waves, or any combination of those or similar media. 35084  
"Telecommunications service" includes message toll service even 35085  
though the vendor provides the message toll service by means of 35086  
wide area transmission type service or private communications 35087  
service purchased from another telecommunications service 35088  
provider, but does not include any of the following: 35089

(1) Sales of incoming or outgoing wide area transmission 35090  
service or wide area transmission type service, including eight 35091  
hundred or eight-hundred-type service, to the person contracting 35092  
for the receipt of that service; 35093

(2) Sales of private communications service to the person 35094  
contracting for the receipt of that service that entitles the 35095  
purchaser to exclusive or priority use of a communications channel 35096  
or group of channels between exchanges; 35097

(3) Sales of telecommunications service by companies subject 35098

to the excise tax imposed by Chapter 5727. of the Revised Code; 35099

(4) Sales of telecommunications service to a provider of 35100  
telecommunications service, including access services, for use in 35101  
providing telecommunications service; 35102

(5) Value-added nonvoice services in which computer 35103  
processing applications are used to act on the form, content, 35104  
code, or protocol of the information to be transmitted; 35105

(6) Transmission of interactive video programming by a cable 35106  
television system as defined in section 505.90 of the Revised 35107  
Code. 35108

(BB) "Industrial laundry cleaning services" means removing 35109  
soil or dirt from or supplying towels, linens, or articles of 35110  
clothing that belong to others and are used in a trade or 35111  
business. 35112

(CC) "Magazines distributed as controlled circulation 35113  
publications" means magazines containing at least twenty-four 35114  
pages, at least twenty-five per cent editorial content, issued at 35115  
regular intervals four or more times a year, and circulated 35116  
without charge to the recipient, provided that such magazines are 35117  
not owned or controlled by individuals or business concerns which 35118  
conduct such publications as an auxiliary to, and essentially for 35119  
the advancement of the main business or calling of, those who own 35120  
or control them. 35121

(DD) "Landscaping and lawn care service" means the services 35122  
of planting, seeding, sodding, removing, cutting, trimming, 35123  
pruning, mulching, aerating, applying chemicals, watering, 35124  
fertilizing, and providing similar services to establish, promote, 35125  
or control the growth of trees, shrubs, flowers, grass, ground 35126  
cover, and other flora, or otherwise maintaining a lawn or 35127  
landscape grown or maintained by the owner for ornamentation or 35128  
other nonagricultural purpose. However, "landscaping and lawn care 35129

service" does not include the providing of such services by a 35130  
person who has less than five thousand dollars in sales of such 35131  
services during the calendar year. 35132

(EE) "Private investigation and security service" means the 35133  
performance of any activity for which the provider of such service 35134  
is required to be licensed pursuant to Chapter 4749. of the 35135  
Revised Code, or would be required to be so licensed in performing 35136  
such services in this state, and also includes the services of 35137  
conducting polygraph examinations and of monitoring or overseeing 35138  
the activities on or in, or the condition of, the consumer's home, 35139  
business, or other facility by means of electronic or similar 35140  
monitoring devices. "Private investigation and security service" 35141  
does not include special duty services provided by off-duty police 35142  
officers, deputy sheriffs, and other peace officers regularly 35143  
employed by the state or a political subdivision. 35144

(FF) "Information services" means providing conversation, 35145  
giving consultation or advice, playing or making a voice or other 35146  
recording, making or keeping a record of the number of callers, 35147  
and any other service provided to a consumer by means of a nine 35148  
hundred telephone call, except when the nine hundred telephone 35149  
call is the means by which the consumer makes a contribution to a 35150  
recognized charity. 35151

(GG) "Research and development" means designing, creating, or 35152  
formulating new or enhanced products, equipment, or manufacturing 35153  
processes, and conducting scientific or technological inquiry and 35154  
experimentation in the physical sciences with the goal of 35155  
increasing scientific knowledge which may reveal the bases for new 35156  
or enhanced products, equipment, or manufacturing processes. 35157  
35158

(HH) "Qualified research and development equipment" means 35159  
capitalized tangible personal property, and leased personal 35160  
property that would be capitalized if purchased, used by a person 35161

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.

(4) Transactions between members of an affiliated group, as 35193  
defined in division (B)(3)(e) of this section. 35194

(KK) "Employment placement service" means locating or finding 35195  
employment for a person or finding or locating an employee to fill 35196  
an available position. 35197

(LL) "Exterminating service" means eradicating or attempting 35198  
to eradicate vermin infestations from a building or structure, or 35199  
the area surrounding a building or structure, and includes 35200  
activities to inspect, detect, or prevent vermin infestation of a 35201  
building or structure. 35202

(MM) "Physical fitness facility service" means all 35203  
transactions by which a membership is granted, maintained, or 35204  
renewed, including initiation fees, membership dues, renewal fees, 35205  
monthly minimum fees, and other similar fees and dues, by a 35206  
physical fitness facility such as an athletic club, health spa, or 35207  
gymnasium, which entitles the member to use the facility for 35208  
physical exercise. 35209

(NN) "Recreation and sports club service" means all 35210  
transactions by which a membership is granted, maintained, or 35211  
renewed, including initiation fees, membership dues, renewal fees, 35212  
monthly minimum fees, and other similar fees and dues, by a 35213  
recreation and sports club, which entitles the member to use the 35214  
facilities of the organization. "Recreation and sports club" means 35215  
an organization that has ownership of, or controls or leases on a 35216  
continuing, long-term basis, the facilities used by its members 35217  
and includes an aviation club, gun or shooting club, yacht club, 35218  
card club, swimming club, tennis club, golf club, country club, 35219  
riding club, amateur sports club, or similar organization. 35220

(OO) "Livestock" means farm animals commonly raised for food 35221  
or food production, and includes but is not limited to cattle, 35222  
sheep, goats, swine, and poultry. "Livestock" does not include 35223

invertebrates, fish, amphibians, reptiles, horses, domestic pets, 35224  
animals for use in laboratories or for exhibition, or other 35225  
animals not commonly raised for food or food production. 35226

(PP) "Livestock structure" means a building or structure used 35227  
exclusively for the housing, raising, feeding, or sheltering of 35228  
livestock, and includes feed storage or handling structures and 35229  
structures for livestock waste handling. 35230

(QQ) "Horticulture" means the growing, cultivation, and 35231  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 35232  
and nursery stock. As used in this division, "nursery stock" has 35233  
the same meaning as in section 927.51 of the Revised Code. 35234

(RR) "Horticulture structure" means a building or structure 35235  
used exclusively for the commercial growing, raising, or 35236  
overwintering of horticultural products, and includes the area 35237  
used for stocking, storing, and packing horticultural products 35238  
when done in conjunction with the production of those products. 35239

(SS) "Newspaper" means an unbound publication bearing a title 35240  
or name that is regularly published, at least as frequently as 35241  
biweekly, and distributed from a fixed place of business to the 35242  
public in a specific geographic area, and that contains a 35243  
substantial amount of news matter of international, national, or 35244  
local events of interest to the general public. 35245

(TT) "Professional racing team" means a person that employs 35246  
at least twenty full-time employees for the purpose of conducting 35247  
a motor vehicle racing business for profit. The person must 35248  
conduct the business with the purpose of racing one or more motor 35249  
racing vehicles in at least ten competitive professional racing 35250  
events each year that comprise all or part of a motor racing 35251  
series sanctioned by one or more motor racing sanctioning 35252  
organizations. A "motor racing vehicle" means a vehicle for which 35253  
the chassis, engine, and parts are designed exclusively for motor 35254



racing, and does not include a stock or production model vehicle 35255  
that may be modified for use in racing. For the purposes of this 35256  
division: 35257

(1) A "competitive professional racing event" is a motor 35258  
vehicle racing event sanctioned by one or more motor racing 35259  
sanctioning organizations, at which aggregate cash prizes in 35260  
excess of eight hundred thousand dollars are awarded to the 35261  
competitors. 35262

(2) "Full-time employee" means an individual who is employed 35263  
for consideration for thirty-five or more hours a week, or who 35264  
renders any other standard of service generally accepted by custom 35265  
or specified by contract as full-time employment. 35266

(UU)(1) "Prepaid authorization number" means a numeric or 35267  
alphanumeric combination that represents a prepaid account that 35268  
can be used by the account holder solely to obtain 35269  
telecommunications service, and includes any renewals or increases 35270  
in the prepaid account. 35271

(2) "Prepaid telephone calling card" means a tangible item 35272  
that contains a prepaid authorization number that can be used 35273  
solely to obtain telecommunications service, and includes any 35274  
renewals or increases in the prepaid account. 35275

**Sec. 5739.02.** For the purpose of providing revenue with which 35276  
to meet the needs of the state, for the use of the general revenue 35277  
fund of the state, for the purpose of securing a thorough and 35278  
efficient system of common schools throughout the state, for the 35279  
purpose of affording revenues, in addition to those from general 35280  
property taxes, permitted under constitutional limitations, and 35281  
from other sources, for the support of local governmental 35282  
functions, and for the purpose of reimbursing the state for the 35283  
expense of administering this chapter, an excise tax is hereby 35284  
levied on each retail sale made in this state. 35285

(A) The tax shall be collected pursuant to the schedules in section 5739.025 of the Revised Code.	35286 35287
The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.	35288 35289
In the case of a sale, the price of which consists in whole or in part of rentals for the use of the thing transferred, the tax, as regards such rentals, shall be measured by the installments thereof.	35290 35291 35292 35293
In the case of a sale of a service defined under division (MM) or (NN) of section 5739.01 of the Revised Code, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall be measured by the installments thereof.	35294 35295 35296 35297 35298
(B) The tax does not apply to the following:	35299
(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;	35300 35301 35302 35303
(2) Sales of food for human consumption off the premises where sold;	35304 35305
(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;	35306 35307 35308
(4) Sales of newspapers, and of magazine subscriptions shipped by second class mail, and sales or transfers of magazines distributed as controlled circulation publications;	35309 35310 35311
(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;	35312 35313 35314 35315

(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;

(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telephone or telegraph company, all terms as defined in section 5727.01 of the Revised Code;

(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code;

(9) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year. If the number of days on which such sales are made exceeds six in any calendar year, the

church or organization shall be considered to be engaged in 35348  
business and all subsequent sales by it shall be subject to the 35349  
tax. In counting the number of days, all sales by groups within a 35350  
church or within an organization shall be considered to be sales 35351  
of that church or organization, except that sales made by separate 35352  
student clubs and other groups of students of a primary or 35353  
secondary school, and sales made by a parent-teacher association, 35354  
booster group, or similar organization that raises money to 35355  
support or fund curricular or extracurricular activities of a 35356  
primary or secondary school, shall not be considered to be sales 35357  
of such school, and sales by each such club, group, association, 35358  
or organization shall be counted separately for purposes of the 35359  
six-day limitation. This division does not apply to sales by a 35360  
noncommercial educational radio or television broadcasting 35361  
station. 35362

(10) Sales not within the taxing power of this state under 35363  
the Constitution of the United States; 35364

(11) The transportation of persons or property, unless the 35365  
transportation is by a private investigation and security service; 35366

(12) Sales of tangible personal property or services to 35367  
churches, to organizations exempt from taxation under section 35368  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 35369  
nonprofit organizations operated exclusively for charitable 35370  
purposes in this state, no part of the net income of which inures 35371  
to the benefit of any private shareholder or individual, and no 35372  
substantial part of the activities of which consists of carrying 35373  
on propaganda or otherwise attempting to influence legislation; 35374  
sales to offices administering one or more homes for the aged or 35375  
one or more hospital facilities exempt under section 140.08 of the 35376  
Revised Code; and sales to organizations described in division (D) 35377  
of section 5709.12 of the Revised Code. 35378

"Charitable purposes" means the relief of poverty; the 35379

improvement of health through the alleviation of illness, disease, 35380  
or injury; the operation of an organization exclusively for the 35381  
provision of professional, laundry, printing, and purchasing 35382  
services to hospitals or charitable institutions; the operation of 35383  
a home for the aged, as defined in section 5701.13 of the Revised 35384  
Code; the operation of a radio or television broadcasting station 35385  
that is licensed by the federal communications commission as a 35386  
noncommercial educational radio or television station; the 35387  
operation of a nonprofit animal adoption service or a county 35388  
humane society; the promotion of education by an institution of 35389  
learning that maintains a faculty of qualified instructors, 35390  
teaches regular continuous courses of study, and confers a 35391  
recognized diploma upon completion of a specific curriculum; the 35392  
operation of a parent-teacher association, booster group, or 35393  
similar organization primarily engaged in the promotion and 35394  
support of the curricular or extracurricular activities of a 35395  
primary or secondary school; the operation of a community or area 35396  
center in which presentations in music, dramatics, the arts, and 35397  
related fields are made in order to foster public interest and 35398  
education therein; the production of performances in music, 35399  
dramatics, and the arts; or the promotion of education by an 35400  
organization engaged in carrying on research in, or the 35401  
dissemination of, scientific and technological knowledge and 35402  
information primarily for the public. 35403

Nothing in this division shall be deemed to exempt sales to 35404  
any organization for use in the operation or carrying on of a 35405  
trade or business, or sales to a home for the aged for use in the 35406  
operation of independent living facilities as defined in division 35407  
(A) of section 5709.12 of the Revised Code. 35408

(13) Building and construction materials and services sold to 35409  
construction contractors for incorporation into a structure or 35410  
improvement to real property under a construction contract with 35411

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; 35444

(15) Sales to persons engaged in any of the activities 35445  
mentioned in division (E)(2) or (9) of section 5739.01 of the 35446  
Revised Code, to persons engaged in making retail sales, or to 35447  
persons who purchase for sale from a manufacturer tangible 35448  
personal property that was produced by the manufacturer in 35449  
accordance with specific designs provided by the purchaser, of 35450  
packages, including material, labels, and parts for packages, and 35451  
of machinery, equipment, and material for use primarily in 35452  
packaging tangible personal property produced for sale, including 35453  
any machinery, equipment, and supplies used to make labels or 35454  
packages, to prepare packages or products for labeling, or to 35455  
label packages or products, by or on the order of the person doing 35456  
the packaging, or sold at retail. "Packages" includes bags, 35457  
baskets, cartons, crates, boxes, cans, bottles, bindings, 35458  
wrappings, and other similar devices and containers, and 35459  
"packaging" means placing therein. 35460

(16) Sales of food to persons using food stamp ~~coupons~~ 35461  
benefits to purchase the food. As used in division (B)(16) of this 35462  
section, "food" has the same meaning as in the "Food Stamp Act of 35463  
1977," 91 Stat. 958, 7 U.S.C. 2012, as amended, and federal 35464  
regulations adopted pursuant to that act. 35465

(17) Sales to persons engaged in farming, agriculture, 35466  
horticulture, or floriculture, of tangible personal property for 35467  
use or consumption directly in the production by farming, 35468  
agriculture, horticulture, or floriculture of other tangible 35469  
personal property for use or consumption directly in the 35470  
production of tangible personal property for sale by farming, 35471  
agriculture, horticulture, or floriculture; or material and parts 35472  
for incorporation into any such tangible personal property for use 35473  
or consumption in production; and of tangible personal property 35474  
for such use or consumption in the conditioning or holding of 35475

products produced by and for such use, consumption, or sale by 35476  
persons engaged in farming, agriculture, horticulture, or 35477  
floriculture, except where such property is incorporated into real 35478  
property; 35479

(18) Sales of drugs dispensed by a licensed pharmacist upon 35480  
the order of a licensed health professional authorized to 35481  
prescribe drugs to a human being, as the term "licensed health 35482  
professional authorized to prescribe drugs" is defined in section 35483  
4729.01 of the Revised Code; insulin as recognized in the official 35484  
United States pharmacopoeia; urine and blood testing materials 35485  
when used by diabetics or persons with hypoglycemia to test for 35486  
glucose or acetone; hypodermic syringes and needles when used by 35487  
diabetics for insulin injections; epoetin alfa when purchased for 35488  
use in the treatment of persons with end-stage renal disease; 35489  
hospital beds when purchased for use by persons with medical 35490  
problems for medical purposes; and oxygen and oxygen-dispensing 35491  
equipment when purchased for use by persons with medical problems 35492  
for medical purposes; 35493

(19) Sales of artificial limbs or portion thereof, breast 35494  
prostheses, and other prosthetic devices for humans; braces or 35495  
other devices for supporting weakened or nonfunctioning parts of 35496  
the human body; wheelchairs; devices used to lift wheelchairs into 35497  
motor vehicles and parts and accessories to such devices; crutches 35498  
or other devices to aid human perambulation; and items of tangible 35499  
personal property used to supplement impaired functions of the 35500  
human body such as respiration, hearing, or elimination. No 35501  
exemption under this division shall be allowed for nonprescription 35502  
drugs, medicines, or remedies; items or devices used to supplement 35503  
vision; items or devices whose function is solely or primarily 35504  
cosmetic; or physical fitness equipment. This division does not 35505  
apply to sales to a physician or medical facility for use in the 35506  
treatment of a patient. 35507



(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 35540  
public highways, used in intraplant or interplant transfers or 35541  
shipment of eggs in the process of preparation for sale, when the 35542  
plant or plants within or between which such transfers or 35543  
shipments occur are operated by the same person. "Packages" 35544  
includes containers, cases, baskets, flats, fillers, filler flats, 35545  
cartons, closure materials, labels, and labeling materials, and 35546  
"packaging" means placing therein. 35547

(25)(a) Sales of water to a consumer for residential use, 35548  
except the sale of bottled water, distilled water, mineral water, 35549  
carbonated water, or ice; 35550

(b) Sales of water by a nonprofit corporation engaged 35551  
exclusively in the treatment, distribution, and sale of water to 35552  
consumers, if such water is delivered to consumers through pipes 35553  
or tubing. 35554

(26) Fees charged for inspection or reinspection of motor 35555  
vehicles under section 3704.14 of the Revised Code; 35556

(27) Sales to persons licensed to conduct a food service 35557  
operation pursuant to section 3717.43 of the Revised Code, of 35558  
tangible personal property primarily used directly for the 35559  
following: 35560

(a) To prepare food for human consumption for sale; 35561

(b) To preserve food that has been or will be prepared for 35562  
human consumption for sale by the food service operator, not 35563  
including tangible personal property used to display food for 35564  
selection by the consumer; 35565

(c) To clean tangible personal property used to prepare or 35566  
serve food for human consumption for sale. 35567

(28) Sales of animals by nonprofit animal adoption services 35568  
or county humane societies; 35569

(29) Sales of services to a corporation described in division	35570
(A) of section 5709.72 of the Revised Code, and sales of tangible	35571
personal property that qualifies for exemption from taxation under	35572
section 5709.72 of the Revised Code;	35573
(30) Sales and installation of agricultural land tile, as	35574
defined in division (B)(5)(a) of section 5739.01 of the Revised	35575
Code;	35576
(31) Sales and erection or installation of portable grain	35577
bins, as defined in division (B)(5)(b) of section 5739.01 of the	35578
Revised Code;	35579
(32) The sale, lease, repair, and maintenance of, parts for,	35580
or items attached to or incorporated in, motor vehicles that are	35581
primarily used for transporting tangible personal property by a	35582
person engaged in highway transportation for hire;	35583
(33) Sales to the state headquarters of any veterans'	35584
organization in Ohio that is either incorporated and issued a	35585
charter by the congress of the United States or is recognized by	35586
the United States veterans administration, for use by the	35587
headquarters;	35588
(34) Sales to a telecommunications service vendor of tangible	35589
personal property and services used directly and primarily in	35590
transmitting, receiving, switching, or recording any interactive,	35591
two-way electromagnetic communications, including voice, image,	35592
data, and information, through the use of any medium, including,	35593
but not limited to, poles, wires, cables, switching equipment,	35594
computers, and record storage devices and media, and component	35595
parts for the tangible personal property. The exemption provided	35596
in division (B)(34) of this section shall be in lieu of all other	35597
exceptions under division (E)(2) of section 5739.01 of the Revised	35598
Code to which a telecommunications service vendor may otherwise be	35599
entitled based upon the use of the thing purchased in providing	35600

the telecommunications service. 35601

(35) Sales of investment metal bullion and investment coins. 35602  
"Investment metal bullion" means any elementary precious metal 35603  
that has been put through a process of smelting or refining, 35604  
including, but not limited to, gold, silver, platinum, and 35605  
palladium, and which is in such state or condition that its value 35606  
depends upon its content and not upon its form. "Investment metal 35607  
bullion" does not include fabricated precious metal that has been 35608  
processed or manufactured for one or more specific and customary 35609  
industrial, professional, or artistic uses. "Investment coins" 35610  
means numismatic coins or other forms of money and legal tender 35611  
manufactured of gold, silver, platinum, palladium, or other metal 35612  
under the laws of the United States or any foreign nation with a 35613  
fair market value greater than any statutory or nominal value of 35614  
such coins. 35615

(36)(a) Sales where the purpose of the consumer is to use or 35616  
consume the things transferred in making retail sales and 35617  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 35618  
certificates, or other advertising material that prices and 35619  
describes tangible personal property offered for retail sale. 35620

(b) Sales to direct marketing vendors of preliminary 35621  
materials such as photographs, artwork, and typesetting that will 35622  
be used in printing advertising material; of printed matter that 35623  
offers free merchandise or chances to win sweepstake prizes and 35624  
that is mailed to potential customers with advertising material 35625  
described in division (B)(36)(a) of this section; and of equipment 35626  
such as telephones, computers, facsimile machines, and similar 35627  
tangible personal property primarily used to accept orders for 35628  
direct marketing retail sales. 35629

(c) Sales of automatic food vending machines that preserve 35630  
food with a shelf life of forty-five days or less by refrigeration 35631  
and dispense it to the consumer. 35632

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 35664  
collect and transmit data by means of telemetry and other forms of 35665  
communication. 35666

(41) Sales of used manufactured homes and used mobile homes, 35667  
as defined in section 5739.0210 of the Revised Code, made on or 35668  
after January 1, 2000; 35669

(42) Sales of tangible personal property and services to a 35670  
provider of electricity used or consumed directly and primarily in 35671  
generating, transmitting, or distributing electricity for use by 35672  
others, including property that is or is to be incorporated into 35673  
and will become a part of the consumer's production, transmission, 35674  
or distribution system and that retains its classification as 35675  
tangible personal property after incorporation; fuel or power used 35676  
in the production, transmission, or distribution of electricity; 35677  
and tangible personal property and services used in the repair and 35678  
maintenance of the production, transmission, or distribution 35679  
system, including only those motor vehicles as are specially 35680  
designed and equipped for such use. The exemption provided in this 35681  
division shall be in lieu of all other exceptions in division 35682  
(E)(2) of section 5739.01 of the Revised Code to which a provider 35683  
of electricity may otherwise be entitled based on the use of the 35684  
tangible personal property or service purchased in generating, 35685  
transmitting, or distributing electricity. 35686

For the purpose of the proper administration of this chapter, 35687  
and to prevent the evasion of the tax, it is presumed that all 35688  
sales made in this state are subject to the tax until the contrary 35689  
is established. 35690

As used in this section, except in division (B)(16) of this 35691  
section, "food" includes cereals and cereal products, milk and 35692  
milk products including ice cream, meat and meat products, fish 35693  
and fish products, eggs and egg products, vegetables and vegetable 35694  
products, fruits, fruit products, and pure fruit juices, 35695

condiments, sugar and sugar products, coffee and coffee 35696  
substitutes, tea, and cocoa and cocoa products. It does not 35697  
include: spirituous or malt liquors; soft drinks; sodas and 35698  
beverages that are ordinarily dispensed at bars and soda fountains 35699  
or in connection therewith, other than coffee, tea, and cocoa; 35700  
root beer and root beer extracts; malt and malt extracts; mineral 35701  
oils, cod liver oils, and halibut liver oil; medicines, including 35702  
tonics, vitamin preparations, and other products sold primarily 35703  
for their medicinal properties; and water, including mineral, 35704  
bottled, and carbonated waters, and ice. 35705

(C) The levy of an excise tax on transactions by which 35706  
lodging by a hotel is or is to be furnished to transient guests 35707  
pursuant to this section and division (B) of section 5739.01 of 35708  
the Revised Code does not prevent any of the following: 35709

(1) A municipal corporation or township from levying an 35710  
excise tax for any lawful purpose not to exceed three per cent on 35711  
transactions by which lodging by a hotel is or is to be furnished 35712  
to transient guests in addition to the tax levied by this section. 35713  
If a municipal corporation or township repeals a tax imposed under 35714  
division (C)(1) of this section and a county in which the 35715  
municipal corporation or township has territory has a tax imposed 35716  
under division (C) of section 5739.024 of the Revised Code in 35717  
effect, the municipal corporation or township may not reimpose its 35718  
tax as long as that county tax remains in effect. A municipal 35719  
corporation or township in which a tax is levied under division 35720  
(B)(2) of section 351.021 of the Revised Code may not increase the 35721  
rate of its tax levied under division (C)(1) of this section to 35722  
any rate that would cause the total taxes levied under both of 35723  
those divisions to exceed three per cent on any lodging 35724  
transaction within the municipal corporation or township. 35725

(2) A municipal corporation or a township from levying an 35726  
additional excise tax not to exceed three per cent on such 35727

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. 35728  
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(3) A county from levying an excise tax pursuant to division (A) of section 5739.024 of the Revised Code. 35731  
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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. 35733  
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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. 35737  
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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. 35741  
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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. 35746  
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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. 35751  
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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 35755  
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which lodging by a hotel is or is to be furnished to transient 35758  
guests. The board shall establish all regulations necessary to 35759  
provide for the administration and allocation of the tax. The 35760  
regulations may prescribe the time for payment of the tax, and may 35761  
provide for the imposition of a penalty or interest, or both, for 35762  
late payments, provided that the penalty does not exceed ten per 35763  
cent of the amount of tax due, and the rate at which interest 35764  
accrues does not exceed the rate per annum prescribed pursuant to 35765  
section 5703.47 of the Revised Code. Except as ~~otherwise~~ provided 35766  
in divisions (A)(2) and (3) of this section, the regulations shall 35767  
provide, after deducting the real and actual costs of 35768  
administering the tax, for the return to each municipal 35769  
corporation or township that does not levy an excise tax on such 35770  
transactions, a uniform percentage of the tax collected in the 35771  
municipal corporation or in the unincorporated portion of the 35772  
township from each such transaction, not to exceed thirty-three 35773  
and one-third per cent. The remainder of the revenue arising from 35774  
the tax shall be deposited in a separate fund and shall be spent 35775  
solely to make contributions to the convention and visitors' 35776  
bureau operating within the county, including a pledge and 35777  
contribution of any portion of such remainder pursuant to an 35778  
agreement authorized by section 307.695 of the Revised Code. 35779  
Except as ~~otherwise~~ provided ~~under~~ in division (A)(2) or (3) of 35780  
this section, on and after May 10, 1994, a board of county 35781  
commissioners may not levy an excise tax pursuant to this division 35782  
in any municipal corporation or township located wholly or partly 35783  
within the county that has in effect an ordinance or resolution 35784  
levying an excise tax pursuant to division (B) of this section. 35785  
The board of a county that has levied a tax under division (C) of 35786  
this section may, by resolution adopted within ninety days after 35787  
July 15, 1985, by a majority of the members of the board, amend 35788  
the resolution levying a tax under this division to provide for a 35789

portion of that tax to be pledged and contributed in accordance 35790  
with an agreement entered into under section 307.695 of the 35791  
Revised Code. A tax, any revenue from which is pledged pursuant to 35792  
such an agreement, shall remain in effect at the rate at which it 35793  
is imposed for the duration of the period for which the revenue 35794  
therefrom has been so pledged. 35795

(2) A board of county commissioners that levies an excise tax 35796  
under division (A)(1) of this section on June 30, 1997, at a rate 35797  
of three per cent, and that has pledged revenue from the tax to an 35798  
agreement entered into under section 307.695 of the Revised Code, 35799  
may amend the resolution levying that tax to provide for an 35800  
increase in the rate of the tax up to five per cent on each 35801  
transaction; to provide that revenue from the increase in the rate 35802  
shall be spent solely to make contributions to the convention and 35803  
visitors' bureau operating within the county to be used 35804  
specifically for promotion, advertising, and marketing of the 35805  
region in which the county is located; to provide that the rate in 35806  
excess of the three per cent levied under division (A)(1) of this 35807  
section shall remain in effect at the rate at which it is imposed 35808  
for the duration of the period during which any agreement is in 35809  
effect that was entered into under section 307.695 of the Revised 35810  
Code by the board of county commissioners levying a tax under 35811  
division (A)(1) of this section; and to provide that no portion of 35812  
that revenue need be returned to townships or municipal 35813  
corporations as would otherwise be required under division (A)(1) 35814  
of this section. 35815

(3) A board of county commissioners that levies a tax under 35816  
division (A)(1) of this section on March 18, 1999, at a rate of 35817  
three per cent may, by resolution adopted not later than 35818  
forty-five days after March 18, 1999, amend the resolution levying 35819  
the tax to provide for all of the following: 35820

(a) That the rate of the tax shall be increased by not more 35821

than an additional four per cent on each transaction; 35822

(b) That all of the revenue from the increase in rate shall 35823  
be pledged and contributed to a convention facilities authority 35824  
established by the board of county commissioners under Chapter 35825  
351. of the Revised Code on or before November 15, 1998, and used 35826  
to pay costs of constructing, maintaining, operating, and 35827  
promoting a facility in the county, including paying bonds, or 35828  
notes issued in anticipation of bonds, as provided by that 35829  
chapter; 35830

(c) That no portion of the revenue arising from the increase 35831  
in rate need be returned to municipal corporations or townships as 35832  
otherwise required under division (A)(1) of this section; 35833

(d) That the increase in rate shall not be subject to 35834  
diminution by initiative or referendum or by law while any bonds, 35835  
or notes in anticipation of bonds, issued by the authority under 35836  
Chapter 351. of the Revised Code to which the revenue is pledged 35837  
remain outstanding in accordance with their terms, unless 35838  
provision is made by law or by the board of county commissioners 35839  
for an adequate substitute therefor that is satisfactory to the 35840  
trustee if a trust agreement secures the bonds. 35841

Division (A)(3) of this section does not apply to the board 35842  
of county commissioners of any county in which a convention center 35843  
or facility exists or is being constructed on November 15, 1998, 35844  
or of any county in which a convention facilities authority levies 35845  
a tax pursuant to section 351.021 of the Revised Code on that 35846  
date. 35847

As used in division (A)(3) of this section, "costs" and 35848  
"facility" have the same meanings as in section 351.01 of the 35849  
Revised Code, and "convention center" has the same meaning as in 35850  
section 307.695 of the Revised Code. 35851

(B) The legislative authority of a municipal corporation or 35852

the board of trustees of a township that is not wholly or partly 35853  
located in a county that has in effect a resolution levying an 35854  
excise tax pursuant to division (A)(1) of this section may by 35855  
ordinance or resolution levy an excise tax not to exceed three per 35856  
cent on transactions by which lodging by a hotel is or is to be 35857  
furnished to transient guests. The legislative authority of the 35858  
municipal corporation or township shall deposit at least fifty per 35859  
cent of the revenue from the tax levied pursuant to this division 35860  
into a separate fund, which shall be spent solely to make 35861  
contributions to convention and visitors' bureaus operating within 35862  
the county in which the municipal corporation or township is 35863  
wholly or partly located, and the balance of such revenue shall be 35864  
deposited in the general fund. The municipal corporation or 35865  
township shall establish all regulations necessary to provide for 35866  
the administration and allocation of the tax. The regulations may 35867  
prescribe the time for payment of the tax, and may provide for the 35868  
imposition of a penalty or interest, or both, for late payments, 35869  
provided that the penalty does not exceed ten per cent of the 35870  
amount of tax due, and the rate at which interest accrues does not 35871  
exceed the rate per annum prescribed pursuant to section 5703.47 35872  
of the Revised Code. The levy of a tax under this division is in 35873  
addition to any tax imposed on the same transaction by a municipal 35874  
corporation or a township as authorized by division (C)(1) of 35875  
section 5739.02 of the Revised Code. 35876

(C) For the purpose of making the payments authorized by 35877  
section 307.695 of the Revised Code to construct and equip a 35878  
convention center in the county and to cover the costs of 35879  
administering the tax, a board of county commissioners of a county 35880  
where a tax imposed under division (A)(1) of this section is in 35881  
effect may, by resolution adopted within ninety days after July 35882  
15, 1985, by a majority of the members of the board, levy an 35883  
additional excise tax not to exceed three per cent on transactions 35884

by which lodging by a hotel is or is to be furnished to transient 35885  
guests. The tax authorized by this division shall be in addition 35886  
to any tax that is levied pursuant to division (A) of this 35887  
section, but it shall not apply to transactions subject to a tax 35888  
levied by a municipal corporation or township pursuant to the 35889  
authorization granted by division (C)(1) of section 5739.02 of the 35890  
Revised Code. The board shall establish all regulations necessary 35891  
to provide for the administration and allocation of the tax. The 35892  
regulations may prescribe the time for payment of the tax, and may 35893  
provide for the imposition of a penalty or interest, or both, for 35894  
late payments, provided that the penalty does not exceed ten per 35895  
cent of the amount of tax due, and the rate at which interest 35896  
accrues does not exceed the rate per annum prescribed pursuant to 35897  
section 5703.47 of the Revised Code. All revenues arising from the 35898  
tax shall be expended in accordance with section 307.695 of the 35899  
Revised Code. A tax imposed under this section shall remain in 35900  
effect at the rate at which it is imposed for the duration of the 35901  
period for which the revenue therefrom has been pledged pursuant 35902  
to such section. 35903

(D) For the purpose of providing contributions under division 35904  
(B)(1) of section 307.671 of the Revised Code to enable the 35905  
acquisition, construction, and equipping of a port authority 35906  
educational and cultural facility in the county and, to the extent 35907  
provided for in the cooperative agreement authorized by that 35908  
section, for the purpose of paying debt service charges on bonds, 35909  
or notes in anticipation thereof, described in division (B)(1)(b) 35910  
of that section, a board of county commissioners, by resolution 35911  
adopted within ninety days after December 22, 1992, by a majority 35912  
of the members of the board, may levy an additional excise tax not 35913  
to exceed one and one-half per cent on transactions by which 35914  
lodging by a hotel is or is to be furnished to transient guests. 35915  
The excise tax authorized by this division shall be in addition to 35916

any tax that is levied pursuant to divisions (A), (B), and (C) of 35917  
this section, to any excise tax levied pursuant to division (C) of 35918  
section 5739.02 of the Revised Code, and to any excise tax levied 35919  
pursuant to section 351.021 of the Revised Code. The board of 35920  
county commissioners shall establish all regulations necessary to 35921  
provide for the administration and allocation of the tax that are 35922  
not inconsistent with this section or section 307.671 of the 35923  
Revised Code. The regulations may prescribe the time for payment 35924  
of the tax, and may provide for the imposition of a penalty or 35925  
interest, or both, for late payments, provided that the penalty 35926  
does not exceed ten per cent of the amount of tax due, and the 35927  
rate at which interest accrues does not exceed the rate per annum 35928  
prescribed pursuant to section 5703.47 of the Revised Code. All 35929  
revenues arising from the tax shall be expended in accordance with 35930  
section 307.671 of the Revised Code and division (D) of this 35931  
section. The levy of a tax imposed under this section may not 35932  
commence prior to the first day of the month next following the 35933  
execution of the cooperative agreement authorized by section 35934  
307.671 of the Revised Code by all parties to that agreement. Such 35935  
tax shall remain in effect at the rate at which it is imposed for 35936  
the period of time described in division (C) of section 307.671 of 35937  
the Revised Code for which the revenue from the tax has been 35938  
pledged by the county to the corporation pursuant to such section, 35939  
but, to any extent provided for in the cooperative agreement, for 35940  
no lesser period than the period of time required for payment of 35941  
the debt service charges on bonds, or notes in anticipation 35942  
thereof, described in division (B)(1)(b) of that section. 35943

(E) For the purpose of paying the costs of acquiring, 35944  
constructing, equipping, and improving a municipal educational and 35945  
cultural facility, including debt service charges on bonds 35946  
provided for in division (B) of section 307.672 of the Revised 35947  
Code, and for such additional purposes as are determined by the 35948

county in the resolution levying the tax or amendments thereto, 35949  
including subsequent amendments providing for paying costs of 35950  
acquiring, constructing, renovating, rehabilitating, equipping, 35951  
and improving a port authority educational and cultural performing 35952  
arts facility, as defined in section 307.674 of the Revised Code, 35953  
including debt service charges on bonds provided for in division 35954  
(B) of section 307.674 of the Revised Code, the legislative 35955  
authority of a county, by resolution adopted within ninety days 35956  
after June 30, 1993, by a majority of the members of the 35957  
legislative authority, may levy an additional excise tax not to 35958  
exceed one and one-half per cent on transactions by which lodging 35959  
by a hotel is or is to be furnished to transient guests. The 35960  
excise tax authorized by this division shall be in addition to any 35961  
tax that is levied pursuant to divisions (A), (B), (C), and (D) of 35962  
this section, to any excise tax levied pursuant to division (C) of 35963  
section 5739.02 of the Revised Code, and to any excise tax levied 35964  
pursuant to section 351.021 of the Revised Code. The legislative 35965  
authority of the county shall establish all regulations necessary 35966  
to provide for the administration and allocation of the tax. The 35967  
regulations may prescribe the time for payment of the tax, and may 35968  
provide for the imposition of a penalty or interest, or both, for 35969  
late payments, provided that the penalty does not exceed ten per 35970  
cent of the amount of tax due, and the rate at which interest 35971  
accrues does not exceed the rate per annum prescribed pursuant to 35972  
section 5703.47 of the Revised Code. All revenues arising from the 35973  
tax shall be expended in accordance with section 307.672 of the 35974  
Revised Code and division (E) of this section. The levy of a tax 35975  
imposed under this division shall not commence prior to the first 35976  
day of the month next following the execution of the cooperative 35977  
agreement authorized by section 307.672 of the Revised Code by all 35978  
parties to that agreement. Such tax shall remain in effect at the 35979  
rate at which it is imposed for the period of time determined by 35980  
the legislative authority of the county, but not to exceed fifteen 35981

years. 35982

(F) The legislative authority of a county that has levied a 35983  
tax under division (E) of this section may, by resolution adopted 35984  
within one hundred eighty days after ~~the effective date of this~~ 35985  
~~amendment~~ January 4, 2001, by a majority of the members of the 35986  
legislative authority, amend the resolution levying a tax under 35987  
division (E) of this section to provide for the use of the 35988  
proceeds of that tax, to the extent that it is no longer needed 35989  
for its original purpose as determined by the parties to a 35990  
cooperative agreement amendment pursuant to division (D) of 35991  
section 307.672 of the Revised Code, to pay costs of acquiring, 35992  
constructing, renovating, rehabilitating, equipping, and improving 35993  
a port authority educational and cultural performing arts 35994  
facility, including debt service charges on bonds provided for in 35995  
division (B) of section 307.674 of the Revised Code, and to pay 35996  
all obligations under any guaranty agreements, reimbursement 35997  
agreements, or other credit enhancement agreements described in 35998  
division (C) of section 307.674 of the Revised Code. The 35999  
resolution may also provide for the extension of the tax at the 36000  
same rate for the longer of the period of time determined by the 36001  
legislative authority of the county, but not to exceed an 36002  
additional twenty-five years, or the period of time required to 36003  
pay all debt service charges on bonds provided for in division (B) 36004  
of section 307.672 of the Revised Code and on port authority 36005  
revenue bonds provided for in division (B) of section 307.674 of 36006  
the Revised Code. All revenues arising from the amendment and 36007  
extension of the tax shall be expended in accordance with section 36008  
307.674 of the Revised Code and divisions (E) and (F) of this 36009  
section. 36010

(G) A board of county commissioners, board of township 36011  
trustees, or the legislative authority of a municipal corporation 36012  
may adopt a resolution or ordinance at any time specifying that 36013



"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 36046  
notice of the collection, and the commissioner shall afford the 36047  
spouse an opportunity to be heard on the complaint. The 36048  
commissioner shall waive or extend the twenty-one-day period if 36049  
the recipient's spouse establishes that such action is necessary 36050  
to avoid unjust, unfair, or unreasonable results. After the 36051  
hearing, the commissioner shall make a final determination of the 36052  
portion of the refund available for collection of the overpayment. 36053

(D) The welfare overpayment intercept fund is hereby created 36054  
in the state treasury. The tax commissioner shall deposit amounts 36055  
collected from income tax refunds under this section to the credit 36056  
of the welfare overpayment intercept fund. The director of job and 36057  
family services shall distribute money in the fund in accordance 36058  
with appropriate federal or state laws and procedures regarding 36059  
collection of welfare overpayments. 36060

Sec. 5747.221. For (A) As used in this section, "investment 36061  
pass-through entity" has the same meaning as in section 5733.401 36062  
of the Revised Code. 36063

(B) Except as provided in division (C) of this section, for 36064  
the purposes of sections 5747.20, 5747.21, and 5747.22 of the 36065  
Revised Code, no item of income or deduction shall be allocated or 36066  
apportioned to this state to the extent that such item represents 36067  
~~or relates to~~ the portion of an adjusted qualifying amount for 36068  
which the withholding tax is not imposed under section 5747.41 of 36069  
the Revised Code by reason of division (C) of section 5733.401 of 36070  
the Revised Code. This section shall be applied without regard to 36071  
division (I) of section 5733.40 of the Revised Code. 36072

(C) If a taxpayer has a direct or indirect investment in an 36073  
investment pass-through entity that has a direct or indirect 36074  
investment in any other pass-through entity, division (B) of this 36075  
section does not apply to any item of income, gain, deduction, or 36076

loss where, under section 5747.231 of the Revised Code, the item 36077  
is directly or indirectly attributable to either of the following: 36078

(1) A distributive share of income or gain from a 36079  
pass-through entity that does not qualify as an investment 36080  
pass-through entity; 36081

(2) A pass-through entity's income or gain to which division 36082  
(C) of section 5733.401 of the Revised Code does not apply. 36083  
36084

An indirect investment includes any interest that a person 36085  
constructively owns on account of the attribution rules set forth 36086  
in section 267, 318, or 1563 of the Internal Revenue Code. 36087

**Sec. 5747.39.** As used in this section, "eligible employee" 36088  
and "eligible training costs" have the same meanings as in section 36089  
5733.42 of the Revised Code, and "pass-through entity" includes a 36090  
sole proprietorship. 36091

For taxable years beginning after December 31, ~~2000~~ 2002, 36092  
there is hereby allowed a nonrefundable credit against the tax 36093  
imposed by section 5747.02 of the Revised Code for a taxpayer that 36094  
is an investor in a pass-through entity for which a tax credit 36095  
certificate is issued under section 5733.42 of the Revised Code. 36096  
The amount of eligible training costs for which a credit may be 36097  
claimed by all taxpayers that are investors in an entity shall 36098  
equal one-half of the average of the eligible training costs 36099  
incurred by the entity during the three calendar years that end in 36100  
the taxable year for which the credit is claimed, but shall not 36101  
exceed one thousand dollars for each eligible employee on account 36102  
of whom such costs were paid or incurred by the entity, and the 36103  
total amount of credits that may be claimed by all such taxpayers 36104  
shall not exceed one hundred thousand dollars each year. Each 36105  
taxpayer's credit shall be claimed for the taxpayer's taxable year 36106  
that includes the last day of the third calendar year of the 36107

three-year period during which eligible training costs are paid or 36108  
incurred by the entity. The credit may be claimed for eligible 36109  
training costs paid or incurred on or before December 31, ~~2003~~ 36110  
2005. The amount of a taxpayer's credit shall equal the taxpayer's 36111  
interest in the entity on the last day of the third calendar year 36112  
of the three-year period ending in or with the last day of the 36113  
taxpayer's taxable year, multiplied by the credit available to the 36114  
entity as computed by the entity. 36115

The credit shall be claimed in the order prescribed by 36116  
section 5747.98 of the Revised Code. A taxpayer may carry forward 36117  
the credit to the extent that the taxpayer's credit exceeds the 36118  
taxpayer's tax due after allowing for any other credits that 36119  
precede the credit allowed by this section in the order prescribed 36120  
by section 5747.98 of the Revised Code. The taxpayer may carry the 36121  
excess credit forward for three taxable years following the 36122  
taxable year for which the taxpayer first claims the credit under 36123  
this section. 36124

A pass-through entity shall apply to the director of job and 36125  
family services for a tax credit certificate in the manner 36126  
prescribed by division (C) of section 5733.42 of the Revised Code. 36127  
Divisions (C) to (H) of that section govern the tax credit allowed 36128  
by this section, except that "taxable year" shall be substituted 36129  
for "tax year" wherever that phrase appears in those divisions, 36130  
and that "pass-through entity" shall be substituted for "taxpayer" 36131  
wherever "taxpayer" appears in those divisions. 36132

**Sec. 6101.25.** The board of directors of a conservancy 36133  
district may construct, improve, operate, maintain, and protect 36134  
parks, parkways, forest preserves, bathing beaches, playgrounds, 36135  
and other recreational facilities upon the lands owned or 36136  
controlled by the district, or upon lands located within the 36137  
district owned or controlled by the United States government or 36138  
any department of it, by this state or any department or division 36139

of it, or by any political subdivision, if authorized by lease, 36140  
contract, or other arrangements with the appropriate agency of 36141  
government having ownership or control. The board may acquire by 36142  
lease, purchase, or appropriation property additional to that 36143  
required for the purposes for which the district was incorporated, 36144  
in order to provide for the protection, more adequate development, 36145  
and fuller public use and enjoyment of the improvements and 36146  
facilities. The board may impose and collect charges for the use 36147  
of the properties, improvements, and facilities maintained or 36148  
operated by the district for recreational purposes. Moneys 36149  
collected from these charges may be used to promote the district's 36150  
recreational facilities. 36151

In case the revenues derived or to be derived from the 36152  
properties, improvements, and facilities maintained, operated, 36153  
used, or acquired by the district for recreational purposes are 36154  
not sufficient for the purposes of this section, the board, with 36155  
the approval of the court, may provide for the payment of 36156  
obligations incurred under this section by the levy of special 36157  
assessments upon all the taxable property of the district and upon 36158  
public corporations having lands within the district. 36159

In no case shall the obligations incurred under this section 36160  
be paid from the proceeds of special assessments levied under 36161  
section 6101.48 or 6101.53 of the Revised Code, or of bonds or 36162  
notes issued in anticipation of them. After special assessments 36163  
against the taxable property and public corporations are approved 36164  
by the court, the board of appraisers of the conservancy district 36165  
shall appraise the benefits to be conferred on each parcel of 36166  
taxable property and public corporation by reason of the 36167  
acquisition and construction of the properties and improvements 36168  
authorized by the board of directors under this section, and shall 36169  
appraise the damages accruing to persons and public corporations 36170  
from the improvements. The provisions of this chapter that refer 36171

to the determination of benefits and damages apply to the 36172  
appraisals made under this section, but they shall be separate 36173  
from other appraisals of benefits and damages made under this 36174  
chapter, and separate records of them shall be prepared. After the 36175  
appraisal of benefits has been approved by the court, and within 36176  
the amount of benefits so determined, the board of directors may 36177  
levy assessments on the taxable property and public corporations 36178  
benefited to pay the cost of the properties and improvements 36179  
acquired and constructed under this section, and may issue bonds 36180  
and notes in anticipation of the collection of these assessments. 36181  
In addition, the board of directors may annually levy a 36182  
maintenance assessment for the purposes of this section on the 36183  
taxable property and public corporations upon the basis of total 36184  
appraised benefits. The provisions of this chapter that relate to 36185  
assessments for district purposes and to bonds and notes issued in 36186  
anticipation of the assessments apply to the assessments 36187  
authorized under this section and the bonds and notes issued in 36188  
anticipation of the assessments. Improvement, bond retirement, and 36189  
maintenance funds shall be established for recreational purposes 36190  
in conformity with section 6101.44 of the Revised Code, which 36191  
shall be separate from one another and from other funds of the 36192  
district, and no transfers shall be made to them from the other 36193  
funds of the district. The proceeds of all bonds, notes, and 36194  
assessments authorized by this section and all receipts derived 36195  
from the recreational properties, improvements, and facilities 36196  
owned, controlled, operated, or maintained by the district shall 36197  
be paid into those funds, and all expenditures in accordance with 36198  
this section shall be made from them. 36199

**Sec. 6109.13.** No official, officer, or employee in charge of 36200  
or being employed in the maintenance and operation of a public 36201  
water system and no other person, ~~or firm, or corporation~~ shall 36202  
establish or permit to be established any connection whereby water 36203

from a private, auxiliary, or emergency water system may enter the 36204  
public water system, unless ~~such~~ the private, auxiliary, or 36205  
emergency water system, and the method of connection and use of 36206  
~~such~~ the system, ~~has~~ have been approved by the environmental 36207  
protection agency. However, a backflow prevention device shall not 36208  
be required when a physical separation exists between the public 36209  
water system and the private, auxiliary, or emergency water 36210  
system. 36211

As used in this section: 36212

(A) "Backflow prevention device" means any device, method, or 36213  
type of construction that is intended to prevent backflow into a 36214  
potable water sytem. 36215

(B) "Physical separation" means that there is no direct or 36216  
indirect connection between a public water system and a private, 36217  
auxiliary, or emergency water system. 36218

**Sec. 6109.21.** (A) Except as provided in divisions (D) and (E) 36219  
of this section, on and after January 1, 1994, no person shall 36220  
operate or maintain a public water system in this state without a 36221  
license issued by the director of environmental protection. A 36222  
person who operates or maintains a public water system on January 36223  
1, 1994, shall obtain an initial license under this section in 36224  
accordance with the following schedule: 36225

(1) If the public water system is a community water system, 36226  
not later than January 31, 1994; 36227

(2) If the public water system is not a community water 36228  
system and serves a nontransient population, not later than 36229  
January 31, 1994; 36230

(3) If the public water system is not a community water 36231  
system and serves a transient population, not later than January 36232  
31, 1995. 36233

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;



(2) Issue the license renewal subject to terms and conditions 36266  
that the director determines are necessary to ensure compliance 36267  
with this chapter and rules adopted under it; 36268

(3) Deny the license renewal if the director finds that the 36269  
public water system was not operated in substantial compliance 36270  
with this chapter and rules adopted under it. 36271

(C) The director may suspend or revoke a license or license 36272  
renewal issued under this section if the director finds that the 36273  
public water system was not operated in substantial compliance 36274  
with this chapter and rules adopted under it. The director shall 36275  
adopt, and may amend and rescind, rules in accordance with Chapter 36276  
119. of the Revised Code governing such suspensions and 36277  
revocations. 36278

(D)(1) As used in division (D) of this section, "church" 36279  
means a fellowship of believers, congregation, society, 36280  
corporation, convention, or association that is formed primarily 36281  
or exclusively for religious purposes and that is not formed or 36282  
operated for the private profit of any person. 36283

(2) This section does not apply to a church that operates or 36284  
maintains a public water system solely to provide water for that 36285  
church or for a campground that is owned by the church and 36286  
operated primarily or exclusively for members of the church and 36287  
their families. A church that, on or before March 5, 1996, has 36288  
obtained a license under this section for such a public water 36289  
system need not obtain a license renewal under this section. 36290

(E) This section does not apply to any public or nonpublic 36291  
school that meets minimum standards of the state board of 36292  
education that operates or maintains a public water system solely 36293  
to provide water for that school. 36294

**Sec. 6111.035.** (A) The director of environmental protection, 36295

consistent with the Federal Water Pollution Control Act and the 36296  
regulations adopted thereunder, without application therefor, may 36297  
issue, modify, revoke, or terminate a general permit under this 36298  
chapter for both of the following: 36299

(1) Discharge of stormwater; the discharge of liquids, 36300  
sediments, solids, or water-borne mining related waste, such as, 36301  
but not limited to, acids, metallic cations, or their salts, from 36302  
coal mining and reclamation operations as defined in section 36303  
1513.01 of the Revised Code; or treatment works whose discharge 36304  
would have de minimis impact on the waters of the state receiving 36305  
the discharge; 36306

(2) Installation or modification of disposal systems or any 36307  
parts thereof, including disposal systems for stormwater or for 36308  
coal mining and reclamation operations as defined in section 36309  
1513.01 of the Revised Code. 36310

A general permit shall apply to a class or category of 36311  
discharges or disposal systems or to persons conducting similar 36312  
activities, within any area of the state, including the entire 36313  
state. 36314

A general permit shall not be issued unless the director 36315  
determines that the discharges authorized by the permit will have 36316  
only minimal cumulative adverse effects on the environment when 36317  
the discharges are considered collectively and individually and 36318  
if, in the opinion of the director, the discharges, installations, 36319  
or modifications authorized by the permit are more appropriately 36320  
authorized by a general permit than by an individual permit. 36321

A general permit shall be issued subject to applicable 36322  
mandatory provisions and may be issued subject to any applicable 36323  
permissive provision of the Federal Water Pollution Control Act 36324  
and the regulations adopted thereunder. 36325

The director, at the director's discretion, may require any 36326

person authorized to discharge or to install or modify a disposal 36327  
system under a general permit to apply for and obtain an 36328  
individual permit for the discharge, installation, or 36329  
modification. When a particular discharge, installation, or 36330  
modification is subject to an individual permit, a general permit 36331  
shall not apply to that discharge, installation, or modification 36332  
until the individual permit is revoked, terminated, or modified to 36333  
exclude the discharge, installation, or modification. 36334

(B) Notwithstanding any requirement under Chapter 119. of the 36335  
Revised Code concerning the manner in which notice of a permit 36336  
action is provided, the director shall not be required to provide 36337  
certified mail notice to persons subject to the issuance, 36338  
modification, revocation, or termination of a general permit under 36339  
division (A) of this section. 36340

Notwithstanding section 3745.07 of the Revised Code 36341  
concerning the location of newspapers in which notices of permit 36342  
actions are published, the director shall cause notice of the 36343  
issuance, modification, revocation, or termination of a general 36344  
permit to be published in the newspapers of general circulation 36345  
determined by the director to provide reasonable notice to persons 36346  
affected by the permit action in the geographic area covered by 36347  
the general permit within the time periods prescribed by section 36348  
3745.07 of the Revised Code. Any notice under this section or 36349  
section 3745.07 of the Revised Code concerning the issuance, 36350  
modification, revocation, or termination of a general permit shall 36351  
include a summary of the permit action and instructions on how to 36352  
obtain a copy of the full text of the permit action. The director 36353  
may take other appropriate measures, such as press releases and 36354  
notice to trade journals, associations, and other persons known to 36355  
the director to desire notification, in order to provide notice of 36356  
the director's actions concerning the issuance, modification, 36357  
revocation, or termination of a general permit; however, the 36358

failure to provide such notice shall not invalidate any general 36359  
permit. 36360

(C) Notwithstanding any other provision of the Revised Code, 36361  
a person subject to the proposed issuance, modification, 36362  
revocation, or termination of a general permit under division (A) 36363  
of this section may request an adjudication hearing pursuant to 36364  
section 119.07 of the Revised Code concerning the proposed action 36365  
within thirty days after publication of the notice of the proposed 36366  
action in newspapers of general circulation pursuant to division 36367  
(B) of this section. This division shall not be interpreted to 36368  
affect the authority of the director to take actions on general 36369  
permits in forms other than proposed general permits. 36370

(D) The director may exercise all incidental powers required 36371  
to carry out this section, including, without limitation, the 36372  
adoption, amendment, and rescission of rules to implement a 36373  
general permit program for classes or categories of dischargers or 36374  
disposal systems. 36375

(E) On and after the date on which the United States 36376  
environmental protection agency approves the NPDES program 36377  
submitted by the director of agriculture under section 903.08 of 36378  
the Revised Code, this section does not apply to storm water from 36379  
an animal feeding facility, as defined in section 903.01 of the 36380  
Revised Code, or to manure, as defined in that section. 36381

(F) As used in this section, "Federal Water Pollution Control 36382  
Act" means the "Federal Water Pollution Control Act Amendments of 36383  
1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean 36384  
Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, the "Act of 36385  
October 21, 1980," 94 Stat. 2360, 33 U.S.C.A. 1254, the "Municipal 36386  
Wastewater Treatment Construction Grant Amendments of 1981," 95 36387  
Stat. 1623, 33 U.S.C.A. 1281, and the "Water Quality Act of 1987," 36388  
101 Stat. 7, 33 U.S.C.A. 1251. 36389

**Section 2.** That existing sections 9.06, 9.821, 9.822, 102.02, 36390  
103.143, 105.41, 111.16, 111.18, 111.23, 111.25, 118.08, 120.06, 36391  
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3729.43, 3729.45, 3729.46, 3729.55, 3729.61, 3729.99, 5101.143, 36445  
5101.52, 5101.541, 5101.542, 5101.543, 5101.851, 5101.852, 36446  
5111.341, 5111.88, 5126.054, and 5139.281 of the Revised Code are 36447  
hereby repealed. 36448

**Section 3.** That the versions of sections 2152.43 and 5139.31 36449  
of the Revised Code that are scheduled to take effect January 1, 36450  
2002, be amended to read as follows: 36451

**Sec. 2152.43.** (A) ~~A board of county commissioners that~~ 36452

~~provides a detention facility and the board of trustees of a 36453  
district detention facility may apply to the department of youth 36454  
services under section 5139.281 of the Revised Code for assistance 36455  
in defraying the cost of operating and maintaining the facility. 36456  
The application shall be made on forms prescribed and furnished by 36457  
the department. 36458~~

The board of county commissioners of each county that 36459  
participates in a district detention facility may apply to the 36460  
department of youth services for assistance in defraying the 36461  
county's share of the cost of acquisition or construction of the 36462  
facility, as provided in section 5139.271 of the Revised Code. 36463  
Application shall be made in accordance with rules adopted by the 36464  
department. No county shall be reimbursed for expenses incurred in 36465  
the acquisition or construction of a district detention facility 36466  
that serves a district having a population of less than one 36467  
hundred thousand. 36468

(B)(1) The joint boards of county commissioners of district 36469  
detention facilities shall defray all necessary expenses of the 36470  
facility ~~not paid from funds made available under section 5139.281 36471  
of the Revised Code,~~ through annual assessments of taxes, through 36472  
gifts, or through other means. 36473

If any county withdraws from a district under division (D) of 36474  
section 2152.41 of the Revised Code, it shall continue to have 36475  
levied against its tax duplicate any tax levied by the district 36476  
during the period in which the county was a member of the district 36477  
for current operating expenses, permanent improvements, or the 36478  
retirement of bonded indebtedness. The levy shall continue to be a 36479  
levy against the tax duplicate of the county until the time that 36480  
it expires or is renewed. 36481

(2) The current expenses of maintaining the facility not paid 36482  
from funds made available under ~~section 5139.281 of the Revised 36483  
Code~~ or division (C) of this section, and the cost of ordinary 36484

repairs to the facility, shall be paid by each county in 36485  
accordance with one of the following methods as approved by the 36486  
joint board of county commissioners: 36487

(a) In proportion to the number of children from that county 36488  
who are maintained in the facility during the year; 36489

(b) By a levy submitted by the joint board of county 36490  
commissioners under division (A) of section 5705.19 of the Revised 36491  
Code and approved by the electors of the district; 36492

(c) In proportion to the taxable property of each county, as 36493  
shown by its tax duplicate; 36494

(d) In any combination of the methods for payment described 36495  
in division (B)(2)(a), (b), or (c) of this section. 36496

(C) When any person donates or bequeaths any real or personal 36497  
property to a county or district detention facility, the juvenile 36498  
court or the trustees of the facility may accept and use the gift, 36499  
consistent with the best interest of the institution and the 36500  
conditions of the gift. 36501

**Sec. 5139.31.** The department of youth services may inspect 36502  
any school, forestry camp, district detention facility, or other 36503  
facility for which an application for financial assistance has 36504  
been made to the department under section 2152.43, 2151.651, or 36505  
2151.652 of the Revised Code or for which financial assistance has 36506  
been granted by the department under section 5139.27, 5139.271, or 36507  
5139.28, ~~or 5139.281~~ of the Revised Code. The inspection may 36508  
include, but need not be limited to, examination and evaluation of 36509  
the physical condition of the school, forestry camp, district 36510  
detention facility, or other facility, including any equipment 36511  
used in connection with it; observation and evaluation of the 36512  
training and treatment of children admitted to it; examination and 36513  
analysis and copying of any papers, records, or other documents 36514  
relating to the qualifications of personnel, the commitment of 36515



children to it, and its administration. 36516

**Section 4.** That the existing versions of sections 2152.43 and 36517  
5139.31 of the Revised Code that are scheduled to take effect 36518  
January 1, 2002, are hereby repealed. 36519

**Section 5.** Sections 3 and 4 of this act shall take effect on 36520  
January 1, 2002. 36521

**Section 6.** That the versions of sections 5139.01 and 5139.11 36522  
of the Revised Code that are scheduled to take effect January 1, 36523  
2002, be amended to read as follows: 36524

**Sec. 5139.01.** (A) As used in this chapter: 36525

(1) "Commitment" means the transfer of the physical custody 36526  
of a child or youth from the court to the department of youth 36527  
services. 36528

(2) "Permanent commitment" means a commitment that vests 36529  
legal custody of a child in the department of youth services. 36530

(3) "Legal custody," insofar as it pertains to the status 36531  
that is created when a child is permanently committed to the 36532  
department of youth services, means a legal status in which the 36533  
department has the following rights and responsibilities: the 36534  
right to have physical possession of the child; the right and duty 36535  
to train, protect, and control the child; the responsibility to 36536  
provide the child with food, clothing, shelter, education, and 36537  
medical care; and the right to determine where and with whom the 36538  
child shall live, subject to the minimum periods of, or periods 36539  
of, institutional care prescribed in sections 2152.13 to 2152.18 36540  
of the Revised Code; provided, that these rights and 36541  
responsibilities are exercised subject to the powers, rights, 36542  
duties, and responsibilities of the guardian of the person of the 36543

child, and subject to any residual parental rights and 36544  
responsibilities. 36545

(4) Unless the context requires a different meaning, 36546  
"institution" means a state facility that is created by the 36547  
general assembly and that is under the management and control of 36548  
the department of youth services or a private entity with which 36549  
the department has contracted for the institutional care and 36550  
custody of felony delinquents. 36551

(5) "Full-time care" means care for twenty-four hours a day 36552  
for over a period of at least two consecutive weeks. 36553

(6) "Placement" means the conditional release of a child 36554  
under the terms and conditions that are specified by the 36555  
department of youth services. The department shall retain legal 36556  
custody of a child released pursuant to division (C) of section 36557  
2152.22 of the Revised Code or division (C) of section 5139.06 of 36558  
the Revised Code until the time that it discharges the child or 36559  
until the legal custody is terminated as otherwise provided by 36560  
law. 36561

(7) "Home placement" means the placement of a child in the 36562  
home of the child's parent or parents or in the home of the 36563  
guardian of the child's person. 36564

(8) "Discharge" means that the department of youth services' 36565  
legal custody of a child is terminated. 36566

(9) "Release" means the termination of a child's stay in an 36567  
institution and the subsequent period during which the child 36568  
returns to the community under the terms and conditions of 36569  
supervised release. 36570

(10) "Delinquent child" has the same meaning as in section 36571  
2152.02 of the Revised Code. 36572

(11) "Felony delinquent" means any child who is at least 36573

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.

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(12) "Juvenile traffic offender" has the same meaning as in  
section 2152.02 of the Revised Code.

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(13) "Public safety beds" means all of the following:

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(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;

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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;

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(c) Children who satisfy all of the following:

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(i) They are at least twelve years of age but less than  
eighteen years of age.

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(ii) They are adjudicated delinquent children for having  
committed acts that if committed by an adult would be a felony.

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(iii) They are committed to the department of youth services  
by the juvenile court of a county that has had one-tenth of one

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per cent or less of the statewide adjudications for felony delinquents as averaged for the past four fiscal years. 36604  
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(iv) They are in the care and custody of an institution or a community corrections facility. 36606  
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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. 36608  
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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. 36616  
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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. 36622  
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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: 36667

(a) It is housed in a building or other structure that has no 36668  
associated major restraining construction, including, but not 36669  
limited to, a security fence. 36670

(b) It provides twenty-four-hour care, supervision, and 36671  
programs for felony delinquents who are in residence. 36672

(18) "Category one offense" and "category two offense" have 36673  
the same meanings as in section 2151.26 of the Revised Code. 36674

(19) "Disciplinary time" means additional time that the 36675  
department of youth services requires a felony delinquent to serve 36676  
in an institution, that delays the person's or felony delinquent's 36677  
planned release, and that the department imposes upon the person 36678  
or felony delinquent following the conduct of an internal due 36679  
process hearing for having committed any of the following acts 36680  
while committed to the department and in the care and custody of 36681  
an institution: 36682

(a) An act that if committed by an adult would be a felony; 36683

(b) An act that if committed by an adult would be a 36684  
misdemeanor; 36685

(c) An act that is not described in division (A)(19)(a) or 36686  
(b) of this section and that violates an institutional rule of 36687  
conduct of the department. 36688

(20) "Unruly child" has the same meaning as in section 36689  
2151.022 of the Revised Code. 36690

(21) "Revocation" means the act of revoking a child's 36691  
supervised release for a violation of a term or condition of the 36692  
child's supervised release in accordance with section 5139.52 of 36693  
the Revised Code. 36694

(22) "Release authority" means the release authority of the 36695  
department of youth services that is established by section 36696

5139.50 of the Revised Code. 36697

(23) "Supervised release" means the event of the release of a 36698  
child under this chapter from an institution and the period after 36699  
that release during which the child is supervised and assisted by 36700  
an employee of the department of youth services under specific 36701  
terms and conditions for reintegration of the child into the 36702  
community. 36703

(24) "Victim" means the person identified in a police report, 36704  
complaint, or information as the victim of an act that would have 36705  
been a criminal offense if committed by an adult and that provided 36706  
the basis for adjudication proceedings resulting in a child's 36707  
commitment to the legal custody of the department of youth 36708  
services. 36709

(25) "Victim's representative" means a member of the victim's 36710  
family or another person whom the victim or another authorized 36711  
person designates in writing, pursuant to section 5139.56 of the 36712  
Revised Code, to represent the victim with respect to proceedings 36713  
of the release authority of the department of youth services and 36714  
with respect to other matters specified in that section. 36715

(26) "Member of the victim's family" means a spouse, child, 36716  
stepchild, sibling, parent, stepparent, grandparent, other 36717  
relative, or legal guardian of a child but does not include a 36718  
person charged with, convicted of, or adjudicated a delinquent 36719  
child for committing a criminal or delinquent act against the 36720  
victim or another criminal or delinquent act arising out of the 36721  
same conduct, criminal or delinquent episode, or plan as the 36722  
criminal or delinquent act committed against the victim. 36723

(27) "Judicial release to court supervision" means a release 36724  
of a child from institutional care or institutional care in a 36725  
secure facility that is granted by a court pursuant to division 36726  
(B) of section 2152.22 of the Revised Code during the period 36727

specified in that division. 36728

(28) "Judicial release to department of youth services 36729  
supervision" means a release of a child from institutional care or 36730  
institutional care in a secure facility that is granted by a court 36731  
pursuant to division (C) of section 2152.22 of the Revised Code 36732  
during the period specified in that division. 36733

(29) "Comprehensive plan" means a document that coordinates, 36734  
evaluates, and otherwise assists, on an annual or multi-year 36735  
basis, all of the functions of the criminal and juvenile justice 36736  
systems of the state or a specified area of the state, that 36737  
conforms to the priorities of the state with respect to criminal 36738  
and juvenile justice systems, and that conforms with the 36739  
requirements of all federal criminal justice acts. These functions 36740  
include, but are not limited to, all of the following: 36741

(a) Crime and delinquency prevention; 36742

(b) Identification, detection, apprehension, and detention of 36743  
persons charged with criminal offenses or delinquent acts; 36744

(c) Assistance to crime victims or witnesses, except that the 36745  
comprehensive plan does not include the functions of the attorney 36746  
general pursuant to sections 109.91 and 109.92 of the Revised 36747  
Code; 36748

(d) Adjudication or diversion of persons charged with 36749  
criminal offenses or delinquent acts; 36750

(e) Custodial treatment of criminal offenders and delinquent 36751  
children; 36752

(f) Institutional and noninstitutional rehabilitation of 36753  
criminal offenders and delinquent children. 36754

(30) "Administrative planning district," "criminal justice 36755  
coordinating council," "juvenile justice system," and 36756  
"metropolitan county criminal justice services agency" have the 36757



same meanings as in section 181.51 of the Revised Code. 36758

(B) There is hereby created the department of youth services. 36759  
The governor shall appoint the director of the department with the 36760  
advice and consent of the senate. The director shall hold office 36761  
during the term of the appointing governor but subject to removal 36762  
at the pleasure of the governor. Except as otherwise authorized in 36763  
section 108.05 of the Revised Code, the director shall devote the 36764  
director's entire time to the duties of the director's office and 36765  
shall hold no other office or position of trust or profit during 36766  
the director's term of office. 36767

The director is the chief executive and administrative 36768  
officer of the department and has all the powers of a department 36769  
head set forth in Chapter 121. of the Revised Code. The director 36770  
may adopt rules for the government of the department, the conduct 36771  
of its officers and employees, the performance of its business, 36772  
and the custody, use, and preservation of the department's 36773  
records, papers, books, documents, and property. The director 36774  
shall be an appointing authority within the meaning of Chapter 36775  
124. of the Revised Code. Whenever this or any other chapter or 36776  
section of the Revised Code imposes a duty on or requires an 36777  
action of the department, the duty or action shall be performed by 36778  
the director or, upon the director's order, in the name of the 36779  
department. 36780

**Sec. 5139.11.** The department of youth services shall do all 36781  
of the following: 36782

(A) Through a program of education, promotion, and 36783  
organization, form groups of local citizens and assist these 36784  
groups in conducting activities aimed at the prevention and 36785  
control of juvenile delinquency, making use of local people and 36786  
resources for the following purposes: 36787

(1) Combatting local conditions known to contribute to 36788

juvenile delinquency;	36789
(2) Developing recreational and other programs for youth	36790
work;	36791
(3) Providing adult sponsors for delinquent children cases;	36792
(4) Dealing with other related problems of the locality.	36793
(B) Advise local, state, and federal officials, public and	36794
private agencies, and lay groups on the needs for and possible	36795
methods of the reduction and prevention of juvenile delinquency	36796
and the treatment of delinquent children;	36797
(C) Consult with the schools and courts of this state on the	36798
development of programs for the reduction and prevention of	36799
delinquency and the treatment of delinquents;	36800
(D) Cooperate with other agencies whose services deal with	36801
the care and treatment of delinquent children to the end that	36802
delinquent children who are state wards may be assisted whenever	36803
possible to a successful adjustment outside of institutional care;	36804
(E) Cooperate with other agencies in surveying, developing,	36805
and utilizing the recreational resources of a community as a means	36806
of combatting the problem of juvenile delinquency and effectuating	36807
rehabilitation;	36808
(F) Hold district and state conferences from time to time in	36809
order to acquaint the public with current problems of juvenile	36810
delinquency and develop a sense of civic responsibility toward the	36811
prevention of juvenile delinquency;	36812
(G) Assemble and distribute information relating to juvenile	36813
delinquency and report on studies relating to community conditions	36814
that affect the problem of juvenile delinquency;	36815
(H) Assist any community within the state by conducting a	36816
comprehensive survey of the community's available public and	36817
private resources, and recommend methods of establishing a	36818

community program for combatting juvenile delinquency and crime, 36819  
but no survey of that type shall be conducted unless local 36820  
individuals and groups request it through their local authorities, 36821  
and no request of that type shall be interpreted as binding the 36822  
community to following the recommendations made as a result of the 36823  
request; 36824

(I) Evaluate the rehabilitation of children committed to the 36825  
department and prepare and submit periodic reports to the 36826  
committing court for the following purposes: 36827

(1) Evaluating the effectiveness of institutional treatment; 36828

(2) Making recommendations for judicial release under section 36829  
2152.22 of the Revised Code if appropriate and recommending 36830  
conditions for judicial release; 36831

(3) Reviewing the placement of children and recommending 36832  
alternative placements where appropriate. 36833

(J) Coordinate dates for hearings to be conducted under 36834  
section 2152.22 of the Revised Code and assist in the transfer and 36835  
release of children from institutionalization to the custody of 36836  
the committing court; 36837

(K)(1) Coordinate and assist juvenile justice systems by 36838  
doing the following: 36839

(a) Performing juvenile justice system planning in the state, 36840  
including any planning that is required by any federal law; 36841

(b) Collecting, analyzing, and correlating information and 36842  
data concerning the juvenile justice system in the state; 36843

(c) Cooperating with and providing technical assistance to 36844  
state departments, administrative planning districts, metropolitan 36845  
county criminal justice services agencies, criminal justice 36846  
coordinating councils, and agencies, offices, and departments of 36847  
the juvenile justice system in the state, and other appropriate 36848

<u>organizations and persons;</u>	36849
<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>	36850 36851 36852 36853
<u>(e) Administering within the state any juvenile justice acts that the governor requires the department to administer;</u>	36854 36855
<u>(f) Implementing the state comprehensive plans;</u>	36856
<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>	36857 36858 36859
<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>	36860 36861 36862 36863
<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>	36864 36865 36866 36867 36868 36869 36870 36871 36872 36873 36874
<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>	36875 36876 36877
<u>(k) Overseeing the activities of metropolitan county criminal</u>	36878

justice services agencies, administrative planning districts, and 36879  
juvenile justice coordinating councils in the state; 36880  
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(l) Advising the general assembly and governor on legislation 36882  
and other significant matters that pertain to the improvement and 36883  
reform of the juvenile justice system in the state; 36884  
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(m) Preparing and recommending legislation to the general 36886  
assembly and governor for the improvement of the juvenile justice 36887  
system in the state; 36888

(n) Assisting, advising, and making any reports that are 36889  
required by the governor, attorney general, or general assembly. 36890

(2) Division (K)(1) of this section does not limit the 36891  
discretion or authority of the attorney general with respect to 36892  
crime victim assistance and criminal and juvenile justice 36893  
programs. 36894

(3) Nothing in division (K)(1) of this section is intended to 36895  
diminish or alter the status of the office of the attorney general 36896  
as a criminal justice services agency. 36897

**Section 7.** That the existing versions of sections 5139.01 and 36898  
5139.11 of the Revised Code that are scheduled to take effect 36899  
January 1, 2002, are hereby repealed. 36900

**Section 8.** Sections 6 and 7 of this act shall take effect on 36901  
January 1, 2002. 36902

**Section 9.** Except as otherwise provided, all appropriation 36903  
items (AI) in this act are appropriated out of any moneys in the 36904  
state treasury to the credit of the designated fund that are not 36905  
otherwise appropriated. For all appropriations made in this act, 36906  
the amounts in the first column are for fiscal year 2002 and the 36907

amounts in the second column are for fiscal year 2003.				36908				
				36909				
FND ALI	AI TITLE		FY 2002	FY 2003	36910			
<b>Section 10. ACC ACCOUNTANCY BOARD OF OHIO</b>				36911				
General Services Fund Group				36912				
4J8 889-601	CPA Education	\$	204,400	\$	209,510	36913		
	Assistance							
4K9 889-609	Operating Expenses	\$	870,318	\$	917,458	36914		
TOTAL GSF General Services Fund					36915			
Group				\$	1,074,718	\$	1,126,968	36916
TOTAL ALL BUDGET FUND GROUPS				\$	1,074,718	\$	1,126,968	36917
<b>Section 11. PAY ACCRUED LEAVE LIABILITY</b>				36919				
Accrued Leave Liability Fund Group				36920				
806 995-666	Accrued Leave Fund	\$	52,083,178	\$	56,760,331	36921		
807 995-667	Disability Fund	\$	42,843,384	\$	47,127,722	36922		
TOTAL ALF Accrued Leave Liability					36923			
Fund Group				\$	94,926,562	\$	103,888,053	36924
Agency Fund Group				36925				
808 995-668	State Employee Health	\$	163,866,236	\$	187,635,594	36926		
	Benefit Fund							
809 995-669	Dependent Care	\$	3,050,554	\$	3,355,609	36927		
	Spending Account							
810 995-670	Life Insurance	\$	2,109,592	\$	2,236,167	36928		
	Investment Fund							
811 995-671	Parental Leave Benefit	\$	4,914,815	\$	6,143,519	36929		
	Fund							
TOTAL AGY Agency Fund Group				\$	173,941,197	\$	199,370,889	36930
TOTAL ALL BUDGET FUND GROUPS				\$	268,867,759	\$	303,258,942	36931
ACCRUED LEAVE LIABILITY FUND							36932	

The foregoing appropriation item 995-666, Accrued Leave Fund, 36933  
shall be used to make payments from the Accrued Leave Liability 36934  
Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 36935  
If it is determined by the Director of Budget and Management that 36936  
additional amounts are necessary, the amounts are appropriated. 36937

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 36938

The foregoing appropriation item 995-667, Disability Fund, 36939  
shall be used to make payments from the State Employee Disability 36940  
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 36941  
Revised Code. If it is determined by the Director of Budget and 36942  
Management that additional amounts are necessary, the amounts are 36943  
appropriated. 36944

STATE EMPLOYEE HEALTH BENEFIT FUND 36945

The foregoing appropriation item 995-668, State Employee 36946  
Health Benefit Fund, shall be used to make payments from the State 36947  
Employee Health Benefit Fund (Fund 808), pursuant to section 36948  
124.87 of the Revised Code. If it is determined by the Director of 36949  
Budget and Management that additional amounts are necessary, the 36950  
amounts are appropriated. 36951

DEPENDENT CARE SPENDING ACCOUNT 36952

The foregoing appropriation item 995-669, Dependent Care 36953  
Spending Account, shall be used to make payments from the 36954  
Dependent Care Spending Account (Fund 809) to employees eligible 36955  
for dependent care expenses. If it is determined by the Director 36956  
of Budget and Management that additional amounts are necessary, 36957  
the amounts are appropriated. 36958

LIFE INSURANCE INVESTMENT FUND 36959

The foregoing appropriation item 995-670, Life Insurance 36960  
Investment Fund, shall be used to make payments from the Life 36961  
Insurance Investment Fund (Fund 810) for the costs and expenses of 36962

the state's life insurance benefit program pursuant to section 36963  
 125.212 of the Revised Code. If it is determined by the Director 36964  
 of Budget and Management that additional amounts are necessary, 36965  
 the amounts are appropriated. 36966

PARENTAL LEAVE BENEFIT FUND 36967

The foregoing appropriation item 995-671, Parental Leave 36968  
 Benefit Fund, shall be used to make payments from the Parental 36969  
 Leave Benefit Fund (Fund 811) to employees eligible for parental 36970  
 leave benefits pursuant to section 124.137 of the Revised Code. If 36971  
 it is determined by the Director of Budget and Management that 36972  
 additional amounts are necessary, the amounts are appropriated. 36973

**Section 12. ADJ ADJUTANT GENERAL** 36974

General Revenue Fund 36975

GRF 745-401	Ohio Military Reserve	\$	14,901	\$	15,200	36976
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GRF 745-403	Armory Deferred	\$	250,000	\$	250,000	36977
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Maintenance

GRF 745-404	Air National Guard	\$	1,771,706	\$	1,844,980	36978
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GRF 745-409	Central Administration	\$	3,975,185	\$	4,222,598	36979
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GRF 745-499	Army National Guard	\$	3,723,726	\$	3,828,978	36980
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GRF 745-502	Ohio National Guard	\$	106,980	\$	103,058	36981
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Unit Fund

TOTAL GRF	General Revenue Fund	\$	9,842,498		10,264,814	36982
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General Services Fund Group 36983

534 745-612	Armory Improvements	\$	529,014	\$	534,304	36984
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536 745-620	Camp Perry Clubhouse	\$	1,054,359	\$	1,094,970	36985
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and Rental

537 745-604	ONG Maintenance	\$	214,464	\$	219,826	36986
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TOTAL GSF	General Services Fund	\$	1,797,837	\$	1,849,100	36987
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Group

Federal Special Revenue Fund Group 36988



3E8	745-628	Air National Guard Operations and Maintenance Agreement	\$	11,821,084	\$	12,770,931	36989
3R8	745-603	Counter Drug Operations	\$	25,000	\$	25,000	36990
3S0	745-602	Higher Ground Training	\$	20,000	\$	20,000	36991
341	745-615	Air National Guard Base Security	\$	1,770,744	\$	1,841,573	36992
342	745-616	Army National Guard Service Agreement	\$	6,429,352	\$	6,749,210	36993
TOTAL FED	Federal Special Revenue Fund Group		\$	20,066,180	\$	21,406,714	36994
	State Special Revenue Fund Group						36995
528	745-605	Marksmanship Activities	\$	64,466	\$	66,078	36996
TOTAL SSR	State Special Revenue Fund Group		\$	64,466	\$	66,078	36997
TOTAL ALL BUDGET FUND GROUPS			\$	31,770,981	\$	33,586,706	36998
	ARMORY DEFERRED MAINTENANCE						36999
	Of the foregoing appropriation item 745-403, Armory Deferred Maintenance, all disbursements shall be made based on a spending plan approved by the Director of Budget and Management.						37000 37001 37002
	ARMY NATIONAL GUARD SERVICE AGREEMENT AND ARMY NATIONAL GUARD TRAINING SITE AGREEMENT						37003 37004
	On July 1, 2001, or as soon thereafter as possible, the Adjutant General shall certify to the Director of Budget and Management the cash balance in Fund 343, Army National Guard Training Site Agreement. The Director of Budget and Management shall transfer the certified amount from Fund 343 to Fund 342, Army National Guard Service Agreement. Any existing encumbrances in appropriation item 745-619, Army National Guard Training Site Agreement (Fund 343), shall be canceled and reestablished against						37005 37006 37007 37008 37009 37010 37011 37012

appropriation item 745-616, Army National Guard Service Agreement 37013  
(Fund 342). The amounts of the reestablished encumbrances are 37014  
appropriated, and Fund 343 is abolished. 37015

**Section 13.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 37016

General Revenue Fund 37017

GRF 100-402 Unemployment \$ 107,713 \$ 109,114 37018

Compensation

GRF 100-405 Agency Audit Expenses \$ 662,147 \$ 614,704 37019

GRF 100-406 County & University \$ 850,133 \$ 838,777 37020

Human Resources

Services

GRF 100-409 Departmental \$ 948,332 \$ 975,481 37021

Information Services

GRF 100-410 Veterans' Records \$ 480,000 \$ 480,000 37022

Conversion

GRF 100-414 Ohio Geographically \$ 512,410 \$ 510,807 37023

Referenced Information

Program

GRF 100-416 Strategic Technology \$ 3,470,440 \$ 5,000,000 37024

Development Programs

GRF 100-417 MARCS \$ 5,350,344 \$ 6,176,160 37025

GRF 100-419 Ohio SONET \$ 4,527,924 \$ 4,625,879 37026

GRF 100-420 Innovation Ohio \$ 144,000 \$ 144,000 37027

GRF 100-421 ERP Project \$ 600,000 \$ 624,000 37028

Implementation

GRF 100-433 State of Ohio Computer \$ 5,003,580 \$ 5,027,234 37029

Center

GRF 100-439 Equal Opportunity \$ 817,894 \$ 861,093 37030

Certification Programs

GRF 100-447 OBA - Building Rent \$ 100,075,600 \$ 119,923,600 37031

Payments

GRF 100-448 OBA - Building \$ 26,098,000 \$ 26,098,000 37032

		Operating Payments				
GRF 100-449	DAS - Building	\$	5,126,955	\$	5,126,968	37033
		Operating Payments				
GRF 100-451	Minority Affairs	\$	119,706	\$	118,043	37034
GRF 100-734	Major Maintenance	\$	70,224	\$	68,376	37035
GRF 102-321	Construction	\$	1,392,590	\$	1,396,506	37036
		Compliance				
GRF 130-321	State Agency Support	\$	3,632,427	\$	3,740,888	37037
		Services				
TOTAL GRF	General Revenue Fund	\$	159,990,419	\$	182,459,630	37038
	General Services Fund Group					37039
112 100-616	DAS Administration	\$	5,243,105	\$	5,503,547	37040
115 100-632	Central Service Agency	\$	399,438	\$	376,844	37041
117 100-644	General Services	\$	5,790,000	\$	7,091,000	37042
		Division - Operating				
122 100-637	Fleet Management	\$	1,600,913	\$	1,652,189	37043
125 100-622	Human Resources	\$	23,895,125	\$	24,640,311	37044
		Division - Operating				
127 100-627	Vehicle Liability	\$	3,373,835	\$	3,487,366	37045
		Insurance				
128 100-620	Collective Bargaining	\$	3,242,859	\$	3,360,952	37046
130 100-606	Risk Management	\$	185,900	\$	197,904	37047
		Reserve				
131 100-639	State Architect's Office	\$	7,504,787	\$	7,772,789	37048
132 100-631	DAS Building Management	\$	10,887,913	\$	11,362,872	37049
188 100-649	Equal Opportunity Programs	\$	1,214,691	\$	1,253,311	37050
201 100-653	General Services	\$	1,779,000	\$	1,833,000	37051
		Resale Merchandise				
210 100-612	State Printing	\$	6,648,503	\$	6,928,823	37052
4H2 100-604	Governor's Residence	\$	22,628	\$	23,194	37053

		Gift					
4P3	100-603	Departmental MIS	\$	7,447,713	\$	7,761,365	37054
		Services					
427	100-602	Investment Recovery	\$	4,204,735	\$	4,179,184	37055
5C3	100-608	Skilled Trades	\$	2,237,200	\$	2,332,464	37056
5D7	100-621	Workforce Development	\$	12,000,000	\$	12,000,000	37057
5L7	100-610	Professional	\$	2,700,000	\$	2,700,000	37058
		Development					
		TOTAL GSF General Services Fund					37059
		Group	\$	100,378,345	\$	104,457,115	37060
		Intragovernmental Service Fund Group					37061
133	100-607	Information Technology	\$	104,482,097	\$	111,387,436	37062
		Fund					
4N6	100-617	Major Computer	\$	12,000,000	\$	4,500,000	37063
		Purchases					
		TOTAL ISF Intragovernmental					37064
		Service Fund Group	\$	116,482,097	\$	115,887,436	37065
		Agency Fund Group					37066
113	100-628	Unemployment	\$	3,500,000	\$	3,577,000	37067
		Compensation					
124	100-629	Payroll Deductions	\$	1,877,100,000	\$	1,999,100,000	37068
		TOTAL AGY Agency Fund Group	\$	1,880,600,000	\$	2,002,677,000	37069
		Holding Account Redistribution Fund Group					37070
R08	100-646	General Services	\$	20,000	\$	20,000	37071
		Refunds					
		TOTAL 090 Holding Account					37072
		Redistribution Fund Group	\$	20,000	\$	20,000	37073
		TOTAL ALL BUDGET FUND GROUPS	\$	2,257,470,861	\$	2,405,501,181	37074
		<b>Section 13.01. AGENCY AUDIT EXPENSES</b>					37076
		Of the foregoing appropriation item 100-405, Agency Audit					37077
		Expenses, up to \$145,261 in fiscal year 2002 and up to \$74,447 in					37078

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

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

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** 37147

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** 37155

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

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**



With approval of the Director of Budget and Management, the 37201  
Department of Administrative Services may seek reimbursement from 37202  
state agencies for the actual costs and expenses the department 37203  
incurs in the collective bargaining arbitration process. The 37204  
reimbursements shall be processed through intrastate transfer 37205  
vouchers and placed in the Collective Bargaining Fund (Fund 128). 37206

**Section 13.08. EQUAL OPPORTUNITY PROGRAM** 37207

The Department of Administrative Services, with the approval 37208  
of the Director of Budget and Management, shall establish charges 37209  
for recovering the costs of administering the activities supported 37210  
by the Equal Opportunity Programs Fund (Fund 188). These charges 37211  
shall be deposited to the credit of the Equal Opportunity Programs 37212  
Fund (Fund 188) upon payment made by state agencies, 37213  
state-supported or state-assisted institutions of higher 37214  
education, and tax-supported agencies, municipal corporations, and 37215  
other political subdivisions of the state, for services rendered. 37216

**Section 13.09. MERCHANDISE FOR RESALE** 37217

The foregoing appropriation item 100-653, General Services 37218  
Resale Merchandise, shall be used to account for merchandise for 37219  
resale, which is administered by the General Services Division. 37220  
Deposits to the fund may comprise the cost of merchandise for 37221  
resale and shipping fees. 37222

**Section 13.10. GOVERNOR'S RESIDENCE GIFT** 37223

The foregoing appropriation item 100-604, Governor's 37224  
Residence Gift, shall be used to provide part or all of the 37225  
funding related to construction, goods, or services for the 37226  
Governor's residence. All receipts for this purpose shall be 37227  
deposited into Fund 4H2. 37228

**Section 13.11. DEPARTMENTAL MIS** 37229

The foregoing appropriation item 100-603, Departmental MIS 37230  
Services, may be used to pay operating expenses of management 37231  
information systems activities in the Department of Administrative 37232  
Services. The Department of Administrative Services shall 37233  
establish charges for recovering the costs of management 37234  
information systems activities. These charges shall be deposited 37235  
to the credit of the Departmental MIS Fund (Fund 4P3). 37236

Notwithstanding any other language to the contrary, the 37237  
Director of Budget and Management may transfer up to \$3,000,000 of 37238  
fiscal year 2002 appropriations and up to \$3,000,000 of fiscal 37239  
year 2003 appropriations from appropriation item 100-603, 37240  
Departmental MIS Services, to any Department of Administrative 37241  
Services non-General Revenue Fund appropriation item. The 37242  
appropriations transferred shall be used to make payments for 37243  
management information systems services. Notwithstanding any other 37244  
language to the contrary, the Director of Budget and Management 37245  
may transfer up to \$217,313 of fiscal year 2002 appropriations and 37246  
up to \$193,031 of fiscal year 2003 appropriations from 37247  
appropriation item 100-409, Departmental Information Services, to 37248  
any Department of Administrative Services appropriation item in 37249  
the General Revenue Fund. The appropriations transferred shall be 37250  
used to make payments for management information systems services. 37251  
37252

**Section 13.12. INVESTMENT RECOVERY FUND** 37253

Notwithstanding division (B) of section 125.14 of the Revised 37254  
Code, cash balances in the Investment Recovery Fund may be used to 37255  
support the operating expenses of the Federal Surplus Operating 37256  
Program created in sections 125.84 to 125.90 of the Revised Code. 37257

Notwithstanding division (B) of section 125.14 of the Revised 37258

Code, cash balances in the Investment Recovery Fund may be used to 37259  
support the operating expenses of the State Property Inventory and 37260  
Fixed Assets Management System Program. 37261

Of the foregoing appropriation item 100-602, Investment 37262  
Recovery, up to \$2,045,302 in fiscal year 2002 and up to 37263  
\$1,959,192 in fiscal year 2003 shall be used to pay the operating 37264  
expenses of the State Surplus Property Program, the Surplus 37265  
Federal Property Program, and the State Property Inventory and 37266  
Fixed Assets Management System Program pursuant to Chapter 125. of 37267  
the Revised Code and this section. If additional appropriations 37268  
are necessary for the operations of these programs, the Director 37269  
of Administrative Services shall seek increased appropriations 37270  
from the Controlling Board under section 131.35 of the Revised 37271  
Code. 37272

Of the foregoing appropriation item 100-602, Investment 37273  
Recovery, \$2,045,302 in fiscal year 2002 and \$1,959,192 in fiscal 37274  
year 2003 shall be used to transfer proceeds from the sale of 37275  
surplus property from the Investment Recovery Fund to non-General 37276  
Revenue Funds pursuant to division (A)(2) of section 125.14 of the 37277  
Revised Code. If it is determined by the Director of 37278  
Administrative Services that additional appropriations are 37279  
necessary for the transfer of such sale proceeds, the Director of 37280  
Administrative Services may request the Director of Budget and 37281  
Management to increase the amounts. Such amounts are appropriated. 37282  
37283

Notwithstanding division (B) of section 125.14 of the Revised 37284  
Code, the Director of Budget and Management, at the request of the 37285  
Director of Administrative Services, shall transfer up to 37286  
\$2,500,000 of the amounts held for transfer to the General Revenue 37287  
Fund from the Investment Recovery Fund (Fund 427) to the General 37288  
Services Fund (Fund 117) during the biennium beginning July 1, 37289  
2001, and ending June 30, 2003. The cash transferred to the 37290

General Services Fund shall be used to pay the operating expenses 37291  
of the Competitive Sealed Proposal Program. 37292

**Section 13.13. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM** 37293

Effective with the implementation of the Multi-Agency Radio 37294  
Communications System, the Director of Administrative Services 37295  
shall collect user fees from participants in the system. The 37296  
Director of Administrative Services, with the advice of the 37297  
Multi-Agency Radio Communications System Steering Committee and 37298  
the Director of Budget and Management, shall determine the amount 37299  
of the fees and the manner by which the fees shall be collected. 37300  
Such user charges shall comply with the applicable cost principles 37301  
issued by the federal Office of Management and Budget. All moneys 37302  
from user charges and fees shall be deposited in the state 37303  
treasury to the credit of the Multi-Agency Radio Communications 37304  
System Administration Fund (Fund 5C2). 37305

**Section 13.14. WORKFORCE DEVELOPMENT FUND** 37306

There is hereby established in the state treasury the 37307  
Workforce Development Fund (Fund 5D7). The foregoing appropriation 37308  
item 100-621, Workforce Development, shall be used to make 37309  
payments from the fund. The fund shall be under the supervision of 37310  
the Department of Administrative Services, which may adopt rules 37311  
with regard to administration of the fund. The fund shall be used 37312  
to pay the costs of the Workforce Development Program established 37313  
by Article 37 of the contract between the State of Ohio and 37314  
OCSEA/AFSCME, Local 11, effective March 1, 2000. The program shall 37315  
be administered in accordance with the contract. Revenues shall 37316  
accrue to the fund as specified in the contract. The fund may be 37317  
used to pay direct and indirect costs of the program that are 37318  
attributable to staff, consultants, and service providers. All 37319  
income derived from the investment of the fund shall accrue to the 37320

fund.	37321
If it is determined by the Director of Administrative Services that additional appropriation amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management increase such amounts. Such amounts are appropriated.	37322 37323 37324 37325 37326
<b>Section 13.15. PROFESSIONAL DEVELOPMENT FUND</b>	37327
The foregoing appropriation item 100-610, Professional Development, shall be used to make payments from the Professional Development Fund (Fund 5L7) pursuant to section 124.182 of the Revised Code.	37328 37329 37330 37331
<b>Section 13.16. COMPUTER EQUIPMENT PURCHASES</b>	37332
The Director of Administrative Services shall compute the amount of revenue attributable to the amortization of all equipment purchases from appropriation item 100-607, Information Technology Fund; appropriation item 100-617, Major Computer Purchases; and appropriation item CAP-837, Major Equipment Purchases, which is recovered by the Department of Administrative Services as part of the rates charged by the Information Technology Fund (Fund 133) created in section 125.15 of the Revised Code. The Director of Budget and Management may transfer cash in an amount not to exceed the amount of amortization computed from the Information Technology Fund (Fund 133) to Major Computer Purchases (Fund 4N6).	37333 37334 37335 37336 37337 37338 37339 37340 37341 37342 37343 37344
<b>Section 13.17. INFORMATION TECHNOLOGY ASSESSMENT</b>	37345
The Director of Administrative Services, with the approval of the Director of Budget and Management, may establish an information technology assessment for the purpose of recovering the cost of selected infrastructure development and statewide	37346 37347 37348 37349

programs. Such assessment shall comply with applicable cost 37350  
principles issued by the federal Office of Management and Budget. 37351  
During the fiscal year 2001-2003 biennium, the information 37352  
technology assessment may be used to partially fund the cost of 37353  
electronic-government infrastructure. The information technology 37354  
assessment shall be charged to all organized bodies, offices, or 37355  
agencies established by the laws of the state for the exercise of 37356  
any function of state government except for the General Assembly, 37357  
any legislative agency, the Supreme Court, the other courts of 37358  
record in Ohio, or any judicial agency, the Adjutant General, the 37359  
Bureau of Workers' Compensation, and institutions administered by 37360  
a board of trustees. Any state-entity exempted by this section my 37361  
utilize the infrastructure or statewide program by participating 37362  
in the information technology assessment. All charges for the 37363  
information technology assessment shall be deposited to the credit 37364  
of the Information Technology Fund (Fund 133) created in section 37365  
125.15 of the Revised Code. 37366

**Section 13.18. E-GOVERNMENT DEVELOPMENT FUND** 37367

The Director of Budget and Management shall transfer any cash 37368  
balances remaining in the E-Government Development Fund (Fund 5M6) 37369  
after November 30, 2001, from the E-Government Development Fund to 37370  
the Information Technology Fund (Fund 133) created in section 37371  
125.15 of the Revised Code. 37372

**Section 13.19. UNEMPLOYMENT COMPENSATION FUND** 37373

The foregoing appropriation item 100-628, Unemployment 37374  
Compensation, shall be used to make payments from the Unemployment 37375  
Compensation Fund (Fund 113), pursuant to section 4141.241 of the 37376  
Revised Code. If it is determined that additional amounts are 37377  
necessary, such amounts are appropriated. 37378

**Section 13.20. PAYROLL WITHHOLDING FUND** 37379

The foregoing appropriation item 100-629, Payroll Deductions, 37380  
shall be used to make payments from the Payroll Withholding Fund 37381  
(Fund 124). If it is determined by the Director of Budget and 37382  
Management that additional appropriation amounts are necessary, 37383  
such amounts are appropriated. 37384

**Section 13.21. GENERAL SERVICES REFUNDS** 37385

The foregoing appropriation item 100-646, General Services 37386  
Refunds, shall be used to hold bid guarantee and building plans 37387  
and specifications deposits until they are refunded. The Director 37388  
of Administrative Services may request that the Director of Budget 37389  
and Management transfer cash received for the costs of providing 37390  
the building plans and specifications to contractors from the 37391  
General Services Refund Fund to Fund 131, State Architect's 37392  
Office. Prior to the transfer of cash, the Director of 37393  
Administrative Services shall certify that such amounts are in 37394  
excess of amounts required for refunding deposits and are directly 37395  
related to costs of producing building plans and specifications. 37396  
If it is determined that additional appropriations are necessary, 37397  
such amounts are appropriated. 37398

**Section 13.22. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT** 37399  
**SERVICE PAYMENTS** 37400

The Director of Administrative Services, in consultation with 37401  
the Multi-Agency Radio Communication System (MARCS) Steering 37402  
Committee and the Director of Budget and Management, shall 37403  
determine the share of debt service payments attributable to 37404  
spending for MARCS components that are not specific to any one 37405  
agency and that shall be charged to agencies supported by the 37406  
motor fuel tax. Such share of debt service payments shall be 37407

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** 37416

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** 37421

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** 37427

General Revenue Fund				37428
GRF 036-100 Personal Services	\$	254,538	\$ 267,265	37429
GRF 036-200 Maintenance	\$	47,500	\$ 47,175	37430
GRF 036-300 Equipment	\$	19,000	\$ 18,870	37431
GRF 036-501 CAAM Awards and Scholarships	\$	15,200	\$ 15,096	37432
GRF 036-502 Community Projects	\$	38,000	\$ 27,750	37433
TOTAL GRF General Revenue Fund	\$	374,238	\$ 376,156	37434
State Special Revenue Fund Group				37435



4H3 036-601 Commission on African American Males - Gifts/Grants	\$	10,000	\$	10,000	37436
TOTAL SSR State Special Revenue Fund Group	\$	10,000	\$	10,000	37437
TOTAL ALL BUDGET FUND GROUPS	\$	384,238	\$	386,156	37438
COMMISSION ON AFRICAN AMERICAN MALES PROGRESS REVIEW					37439
No later than December 31, 2001, the Commission on African American Males shall submit to the chairperson and ranking minority member of the Human Services Subcommittee of the Finance and Appropriations Committee of the House of Representatives a report that demonstrates the progress that has been made toward meeting the Commission's mission statement.					37440 37441 37442 37443 37444 37445
<b>Section 15.</b> JCR JOINT COMMITTEE ON AGENCY RULE REVIEW					37446
General Revenue Fund					37447
GRF 029-321 Operating Expenses	\$	365,881	\$	365,881	37448
TOTAL GRF General Revenue Fund	\$	365,881	\$	365,881	37449
TOTAL ALL BUDGET FUND GROUPS	\$	365,881	\$	365,881	37450
OPERATING					37451
The Chief Administrative Officer of the House of Representatives and the Clerk of the Senate shall determine, by mutual agreement, which of them shall act as fiscal agent for the Joint Committee on Agency Rule Review.					37452 37453 37454 37455
<b>Section 16.</b> AGE DEPARTMENT OF AGING					37456
General Revenue Fund					37457
GRF 490-321 Operating Expenses	\$	2,798,946	\$	2,798,946	37458
GRF 490-403 PASSPORT	\$	60,630,444	\$	62,563,924	37459
GRF 490-404 Eldercare	\$	98,000	\$	78,400	37460
GRF 490-405 Golden Buckeye Card	\$	377,560	\$	377,560	37461
GRF 490-406 Senior Olympics	\$	39,862	\$	39,862	37462

GRF 490-407	Long-Term Care Consumer Guide	\$	622,799	\$	622,799	37463
GRF 490-408	STARS	\$	2,073,752	\$	2,083,552	37464
GRF 490-409	Ohio Community Service Council Operations	\$	311,640	\$	311,640	37465
GRF 490-410	Long-Term Care Ombudsman	\$	1,412,058	\$	1,412,058	37466
GRF 490-411	Senior Community Services	\$	13,684,750	\$	13,684,750	37467
GRF 490-412	Residential State Supplement	\$	12,534,591	\$	12,290,915	37468
GRF 490-414	Alzheimers Respite	\$	4,436,673	\$	4,436,673	37469
GRF 490-416	Transportation For Elderly	\$	183,000	\$	183,000	37470
GRF 490-499	Senior Employment Program	\$	15,574	\$	15,574	37471
GRF 490-504	Senior Facilities	\$	200,000	\$	200,000	37472
GRF 490-506	Senior Volunteers	\$	491,614	\$	496,580	37473
TOTAL GRF	General Revenue Fund	\$	99,911,263	\$	101,596,233	37474
General Services Fund Group						37475
480 490-606	Senior Citizens Services Special Events	\$	363,587	\$	372,677	37476
TOTAL GSF	General Services Fund Group	\$	363,587	\$	372,677	37477 37478
Federal Special Revenue Fund Group						37479
3C4 490-607	PASSPORT	\$	129,645,833	\$	144,875,065	37480
3M3 490-611	Federal Aging Nutrition	\$	22,943,588	\$	23,517,178	37481
3M4 490-612	Federal Supportive Services	\$	21,025,940	\$	21,545,338	37482
3R7 490-617	Ohio Community Service	\$	7,350,920	\$	7,350,920	37483

Council Programs				
322	490-618	Older Americans	\$ 10,873,661	\$ 11,144,778 37484
Support Services				
TOTAL FED Federal Special Revenue				37485
Fund Group			\$ 191,839,942	\$ 208,433,279 37486
State Special Revenue Fund Group				37487
4C4	490-609	Regional Long-Term	\$ 440,185	\$ 451,190 37488
Care Ombudsman Program				
4J4	490-610	PASSPORT/Residential	\$ 24,000,000	\$ 24,000,000 37489
State Supplement				
4U9	490-602	PASSPORT Fund	\$ 5,000,000	\$ 5,000,000 37490
5K9	490-613	Nursing Home Consumer	\$ 400,000	\$ 400,000 37491
Guide				
624	490-604	OCSC Community Support	\$ 2,500	\$ 2,500 37492
TOTAL SSR State Special Revenue				37493
Fund Group			\$ 29,842,685	\$ 29,853,690 37494
TOTAL ALL BUDGET FUND GROUPS			\$ 321,957,477	\$ 340,255,879 37495

**Section 16.01. PRE-ADMISSION REVIEW FOR NURSING FACILITY** 37497

ADMISSION 37498

Pursuant to sections 5101.751 and 5101.754 of the Revised 37499  
Code and an interagency agreement, the Department of Job and 37500  
Family Services shall designate the Department of Aging to perform 37501  
assessments under sections 5101.75 and 5111.204 of the Revised 37502  
Code. Of the foregoing appropriation item 490-403, PASSPORT, the 37503  
Department of Aging may use not more than \$2,390,300 in fiscal 37504  
year 2002 and \$2,450,058 in fiscal year 2003 to perform the 37505  
assessments for persons not eligible for Medicaid in accordance 37506  
with the department's interagency agreement with the Department of 37507  
Job and Family Services and to assist individuals in planning for 37508  
their long-term health care needs. 37509

**Section 16.02. PASSPORT** 37510

Appropriation item 490-403, PASSPORT, and the amounts set 37511  
aside for the PASSPORT Waiver Program in appropriation item 37512  
490-610, PASSPORT/Residential State Supplement, may be used to 37513  
assess clients regardless of Medicaid eligibility. 37514

The Director of Aging shall adopt rules under section 111.15 37515  
of the Revised Code governing the nonwaiver funded PASSPORT 37516  
program, including client eligibility. 37517

The Department of Aging shall administer the Medicaid Waiver 37518  
funded PASSPORT Home Care program as delegated by the Department 37519  
of Job and Family Services in an interagency agreement. The 37520  
foregoing appropriation item 490-403, PASSPORT, and the amounts 37521  
set aside for the PASSPORT Waiver Program in appropriation item 37522  
490-610, PASSPORT/Residential State Supplement, shall be used to 37523  
provide the required state match for federal Medicaid funds 37524  
supporting the Medicaid Waiver funded PASSPORT Home Care program. 37525  
Appropriation item 490-403, PASSPORT, and the amounts set aside 37526  
for the PASSPORT Waiver Program in appropriation item 490-610, 37527  
PASSPORT/Residential State Supplement, may also be used to support 37528  
the Department of Aging's administrative costs associated with 37529  
operating the PASSPORT program. 37530

The foregoing appropriation item 490-607, PASSPORT, shall be 37531  
used to provide the federal matching share for all PASSPORT 37532  
program costs determined by the Department of Job and Family 37533  
Services to be eligible for Medicaid reimbursement. 37534

ELDERCARE PILOT 37535

The foregoing appropriation item 490-404, Eldercare, shall be 37536  
used to fund the existing eldercare service programs and shall be 37537  
limited to providing services to those persons who are enrolled in 37538  
these programs on the effective date of this section. 37539

SENIOR COMMUNITY SERVICES 37540

The foregoing appropriation item 490-411, Senior Community 37541

Services, shall be used for services designated by the Department 37542  
of Aging, including, but not limited to, home-delivered meals, 37543  
transportation services, personal care services, respite services, 37544  
home repair, and care coordination. Service priority shall be 37545  
given to low income, frail, and cognitively impaired persons 60 37546  
years of age and over. The department shall promote cost sharing 37547  
by service recipients for those services funded with block grant 37548  
funds, including, where possible, sliding-fee scale payment 37549  
systems based on the income of service recipients. 37550

ALZHEIMERS RESPITE 37551

The foregoing appropriation item 490-414, Alzheimers Respite, 37552  
shall be used only to fund Alzheimer's disease services under 37553  
section 173.04 of the Revised Code. 37554

TRANSPORTATION FOR ELDERLY 37555

The foregoing appropriation item 490-416, Transportation for 37556  
Elderly, shall be used for non-capital expenses related to 37557  
transportation services for the elderly that provide access to 37558  
such things as healthcare services, congregate meals, 37559  
socialization programs, and grocery shopping. The appropriation 37560  
shall be allocated to the following agencies: 37561

(A) \$45,000 per fiscal year to the Cincinnati Jewish 37562  
Vocational Services; 37563

(B) \$45,000 per fiscal year to the Cleveland Jewish Community 37564  
Center; 37565

(C) \$45,000 per fiscal year to the Columbus Jewish 37566  
Federation; 37567

(D) \$20,000 per fiscal year to the Dayton Jewish Family 37568  
Services; 37569

(E) \$10,000 per fiscal year to the Akron Jewish Community 37570  
Center; 37571

(F) \$5,000 per fiscal year to the Youngstown Jewish Federation;	37572 37573
(G) \$3,000 per fiscal year to the Canton Jewish Federation;	37574
(H) \$10,000 per fiscal year to the Toledo Jewish Federation.	37575
Agencies receiving funding from appropriation item 490-XXX, Transportation for Elderly, shall coordinate services with other local service agencies.	37576 37577 37578
RESIDENTIAL STATE SUPPLEMENT	37579
Under the Residential State Supplement Program, the amount used to determine whether a resident is eligible for payment and for determining the amount per month the eligible resident will receive shall be as follows:	37580 37581 37582 37583
(A) \$900 for a residential care facility, as defined in section 3721.01 of the Revised Code;	37584 37585
(B) \$900 for an adult group home, as defined in Chapter 3722. of the Revised Code;	37586 37587
(C) \$800 for an adult foster home, as defined in Chapter 173. of the Revised Code;	37588 37589
(D) \$800 for an adult family home, as defined in Chapter 3722. of the Revised Code;	37590 37591
(E) \$800 for an adult community alternative home, as defined in Chapter 3724. of the Revised Code;	37592 37593
(F) \$800 for an adult residential facility, as defined in Chapter 5119. of the Revised Code;	37594 37595
(G) \$600 for adult community mental health housing services, as defined in division (B)(5) of section 173.35 of the Revised Code.	37596 37597 37598
The Departments of Aging and Job and Family Services shall reflect this amount in any applicable rules the departments adopt	37599 37600

under section 173.35 of the Revised Code. 37601

TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS 37602

The Department of Aging may transfer cash by intrastate 37603  
transfer vouchers from the foregoing appropriation items 490-412, 37604  
Residential State Supplement, and 490-610, PASSPORT/Residential 37605  
State Supplement, to the Department of Job and Family Services' 37606  
Fund 4J5, Home and Community-Based Services for the Aged Fund. The 37607  
funds shall be used to make benefit payments to Residential State 37608  
Supplement recipients. 37609

LONG-TERM CARE OMBUDSMAN 37610

The foregoing appropriation item 490-410, Long-Term Care 37611  
Ombudsman, shall be used for a program to fund ombudsman program 37612  
activities in nursing homes, adult care facilities, boarding 37613  
homes, and home and community care services. 37614

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAMS 37615

The foregoing appropriation item 490-609, Regional Long-Term 37616  
Care Ombudsman Programs, shall be used solely to pay the costs of 37617  
operating the regional long-term care ombudsman programs. 37618

PASSPORT/RESIDENTIAL STATE SUPPLEMENT 37619

Of the foregoing appropriation item 490-610, 37620  
PASSPORT/Residential State Supplement, up to \$2,835,000 each 37621  
fiscal year shall be used to fund the Residential State Supplement 37622  
Program. The remaining available funds shall be used to fund the 37623  
PASSPORT program. 37624

**Section 16.03.** RESIDENTIAL STATE SUPPLEMENT 37625

If the Department of Aging, in consultation with the Director 37626  
of Budget and Management, determines that available funding is 37627  
insufficient to make payments to all eligible individuals, the 37628  
department may establish priority policies to further limit 37629

eligibility criteria.				37630	
TRANSFER OF APPROPRIATIONS - FEDERAL AGING NUTRITION, FEDERAL				37631	
SUPPORTIVE SERVICES, AND OLDER AMERICANS SUPPORT SERVICES				37632	
Upon written request of the Director of Aging, the Director				37633	
of Budget and Management may transfer appropriation authority				37634	
among appropriation items 490-611, Federal Aging Nutrition,				37635	
490-612, Federal Supportive Services, and 490-618, Older Americans				37636	
Support Services, in amounts not to exceed 30 per cent of the				37637	
appropriation from which the transfer is made. The Department of				37638	
Aging shall report such transfers to the Controlling Board at the				37639	
next regularly scheduled meeting of the board.				37640	
OHIO COMMUNITY SERVICE COUNCIL				37641	
The foregoing appropriation items 490-409, Ohio Community				37642	
Service Council, and 490-617, Ohio Community Service Council				37643	
Programs, shall be used in accordance with section 121.40 of the				37644	
Revised Code.				37645	
<b>Section 17. AGR DEPARTMENT OF AGRICULTURE</b>				37646	
General Revenue Fund				37647	
GRF 700-321 Operating Expenses	\$	3,060,884	\$	3,034,073	37648
GRF 700-401 Animal Disease Control	\$	4,340,887	\$	4,385,108	37649
GRF 700-402 Amusement Ride Safety	\$	226,451	\$	230,769	37650
GRF 700-403 Dairy Division	\$	1,569,097	\$	1,707,877	37651
GRF 700-404 Ohio Proud	\$	222,856	\$	228,266	37652
GRF 700-405 Animal Damage Control	\$	86,780	\$	84,358	37653
GRF 700-406 Consumer Analytical	\$	889,058	\$	900,001	37654
Lab					
GRF 700-407 Food Safety	\$	1,422,998	\$	1,377,956	37655
GRF 700-409 Farmland Preservation	\$	176,892	\$	182,668	37656
GRF 700-410 Plant Industry	\$	1,517,969	\$	1,561,620	37657
GRF 700-411 International Trade	\$	989,620	\$	998,062	37658



		and Market Development				
GRF	700-412	Weights and Measures	\$	991,136	\$	996,634 37659
GRF	700-413	Gypsy Moth Prevention	\$	633,214	\$	634,279 37660
GRF	700-414	Concentrated Animal	\$	23,275	\$	22,663 37661
		Feeding Facilities				
		Advisory Committee				
GRF	700-415	Poultry Inspection	\$	322,256	\$	320,960 37662
GRF	700-418	Livestock Regulation	\$	1,157,487	\$	1,163,898 37663
		Program				
GRF	700-424	Livestock Testing and	\$	229,996	\$	228,438 37664
		Inspections				
GRF	700-499	Meat Inspection	\$	4,604,566	\$	4,927,168 37665
		Program - State Share				
GRF	700-501	County Agricultural	\$	466,842	\$	466,842 37666
		Societies				
GRF	700-503	Swine and Cattle	\$	113,160	\$	107,076 37667
		Breeder Awards				
TOTAL GRF		General Revenue Fund	\$	23,045,424	\$	23,558,716 37668
		Federal Special Revenue Fund Group				37669
3J4	700-607	Indirect Cost	\$	1,380,026	\$	1,314,020 37670
3R2	700-614	Federal Plant Industry	\$	1,607,887	\$	1,682,330 37671
326	700-618	Meat Inspection	\$	4,401,707	\$	4,959,973 37672
		Service - Federal				
		Share				
336	700-617	Ohio Farm Loan	\$	181,774	\$	181,774 37673
		Revolving Fund				
382	700-601	Cooperative Contracts	\$	1,027,692	\$	1,091,347 37674
TOTAL FED		Federal Special Revenue				37675
Fund Group			\$	8,599,086	\$	9,229,444 37676
		State Special Revenue Fund Group				37677
4C9	700-605	Feed, Fertilizer, and	\$	909,033	\$	975,244 37678
		Lime Inspection				

4E4	700-606	Utility Radiological Safety	\$	69,016	\$	73,059	37679
4P7	700-610	Food Safety Inspection	\$	559,611	\$	575,797	37680
4R0	700-636	Ohio Proud Marketing	\$	125,297	\$	133,614	37681
4R2	700-637	Dairy Inspection Fund	\$	1,183,358	\$	1,174,591	37682
4T6	700-611	Poultry and Meat Inspection	\$	47,294	\$	47,294	37683
4T7	700-613	International Trade and Market Development Rotary	\$	161,991	\$	166,356	37684
4V5	700-615	Animal Industry Lab Fees	\$	626,633	\$	633,097	37685
493	700-603	Fruits and Vegetables Inspection Fees	\$	212,764	\$	171,772	37686
494	700-612	Agricultural Commodity Marketing Program	\$	166,536	\$	169,867	37687
496	700-626	Ohio Grape Industries	\$	1,048,667	\$	1,071,099	37688
497	700-627	Commodity Handlers Regulatory Program	\$	566,862	\$	648,616	37689
5H2	700-608	Metrology Lab	\$	74,674	\$	138,624	37690
5L8	700-604	Livestock Management Program	\$	250,000	\$	250,000	37691
578	700-620	Ride Inspection Fees	\$	634,099	\$	650,774	37692
579	700-630	Scale Certification	\$	230,047	\$	230,047	37693
652	700-634	Laboratory Services	\$	1,179,560	\$	1,144,766	37694
669	700-635	Pesticide Program	\$	2,108,049	\$	2,181,491	37695
TOTAL SSR State Special Revenue							37696
Fund Group			\$	10,153,491	\$	10,436,108	37697
TOTAL ALL BUDGET FUND GROUPS			\$	41,798,001	\$	43,224,268	37698
ANIMAL DISEASE CONTROL							37699
The funds in appropriation item 700-401, Animal Disease							37700
Control, may be used for the detection, prevention, and emergency							37701

management of, and the education of the public regarding, Foot and Mouth disease, Mad Cow disease, and West Nile virus. 37702  
 37703

THE DAIRY INDUSTRY FUND 37704

On July 1, 2001, or as soon thereafter as possible, the 37705  
 Director of Budget and Management shall transfer the cash balance 37706  
 in the License Fees (Fund 4V0) to the Dairy Inspection Fund (Fund 37707  
 4R2). The director shall cancel any existing encumbrances against 37708  
 appropriation item 700-602, License Fees (Fund 4V0), and 37709  
 reestablish them against appropriation item 700-637, Dairy 37710  
 Inspection (Fund 4R2). The amounts of the reestablished 37711  
 encumbrances are appropriated. 37712

**Section 18. AIR AIR QUALITY DEVELOPMENT AUTHORITY** 37713

Agency Fund Group 37714

4Z9 898-602 Small Business	\$	222,719	\$	233,482	37715
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Ombudsman

5A0 898-603 Small Business	\$	192,647	\$	197,463	37716
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Assistance

570 898-601 Operating Expenses	\$	243,070	\$	258,383	37717
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TOTAL AGY Agency Fund Group	\$	658,436	\$	689,328	37718
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TOTAL ALL BUDGET FUND GROUPS	\$	658,436	\$	689,328	37719
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**Section 19. ADA DEPARTMENT OF ALCOHOL AND** 37721

DRUG ADDICTION SERVICES 37722

General Revenue Fund 37723

GRF 038-321 Operating Expenses	\$	1,500,549	\$	1,548,211	37724
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GRF 038-401 Alcohol and Drug	\$	29,742,355	\$	28,946,504	37725
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Addiction Services

GRF 038-404 Prevention Services	\$	1,327,357	\$	1,292,427	37726
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TOTAL GRF General Revenue Fund	\$	32,570,261	\$	31,787,142	37727
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General Services Fund 37728

5B7	038-629	TANF Transfer - Treatment	\$	3,500,000	\$	3,500,000	37729
5EB	038-630	TANF Transfer - Mentoring	\$	1,500,000	\$	1,500,000	37730
TOTAL	GSF	General Services Fund Group	\$	5,000,000	\$	5,000,000	37731
Federal Special Revenue Fund Group							37732
3G3	038-603	Drug Free Schools	\$	3,500,000	\$	3,500,000	37733
3G4	038-614	Substance Abuse Block Grant	\$	65,062,211	\$	65,062,211	37734
3H8	038-609	Demonstration Grants	\$	3,093,075	\$	3,093,075	37735
3J8	038-610	Medicaid	\$	21,500,000	\$	21,500,000	37736
3N8	038-611	Administrative Reimbursement	\$	500,000	\$	500,000	37737
TOTAL	FED	Federal Special Revenue Fund Group	\$	93,655,286	\$	93,655,286	37738 37739
State Special Revenue Fund Group							37740
475	038-621	Statewide Treatment and Prevention	\$	15,100,000	\$	14,550,000	37741
689	038-604	Education and Conferences	\$	245,000	\$	245,000	37742
TOTAL	SSR	State Special Revenue Fund Group	\$	15,345,000	\$	14,795,000	37743 37744
TOTAL	ALL BUDGET	FUND GROUPS	\$	146,570,547	\$	145,237,428	37745
AM. SUB. H.B. 484 OF THE 122nd GENERAL ASSEMBLY							37746
Of the foregoing appropriation item 038-401, Alcohol and Drug Addiction Services, \$4 million in each fiscal year shall be							37747 37748
allocated for services to families, adults, and adolescents							37749
pursuant to the requirements of Am. Sub. H.B. 484 of the 122nd							37750
General Assembly.							37751
ALCOHOL AND DRUG ADDICTION SERVICES TRANSFER							37752

The foregoing appropriation item 038-629, TANF 37753  
Transfer-Treatment, shall be used to provide substance abuse 37754  
prevention and treatment services to children, or their families, 37755  
whose income is at or below 200 per cent of the official income 37756  
poverty guideline. 37757

The foregoing appropriation item 038-630, TANF 37758  
Transfer-Mentoring, shall be used to fund adolescent youth 37759  
mentoring programs for children, or their families, whose income 37760  
is at or below 200 per cent of the official income poverty 37761  
guideline. The Director of Alcohol and Drug Addiction Services and 37762  
the Director of Job and Family Services shall develop operating 37763  
and reporting guidelines for these programs. 37764

PARENT AWARENESS TASK FORCE 37765

The Parent Awareness Task Force shall study ways to engage 37766  
more parents in activities, coalitions, and educational programs 37767  
in Ohio relating to alcohol and other drug abuse prevention. Of 37768  
the foregoing appropriation item 038-404, Prevention Services, 37769  
\$30,000 in each fiscal year may be used to support the functions 37770  
of the Parent Awareness Task Force. 37771

PLAN TO EVALUATE PER CAPITA FORMULA 37772

Not later than June 30, 2002, the Department of Alcohol and 37773  
Drug Addiction Services shall establish a plan to evaluate the 37774  
current per capita formula used in determining how state and 37775  
federal funds for alcohol and drug addiction services are 37776  
allocated under section 3793.04 of the Revised Code. The plan 37777  
shall evaluate all of the following: 37778

(A) Whether population statistics alone should be used to 37779  
quantify the need for funding in a county; 37780

(B) Whether other social and economic demographic indicators 37781  
should be utilized; 37782

(C) The appropriateness of the current per capita formula.				37783
<b>Section 20. AMB AMBULANCE LICENSING BOARD</b>				37784
General Services Fund Group				37785
4N1 915-601 Operating Expenses	\$	240,894	\$ 251,255	37786
TOTAL GSF General Services				37787
Fund Group	\$	240,894	\$ 251,255	37788
TOTAL ALL BUDGET FUND GROUPS	\$	240,894	\$ 251,255	37789
<b>Section 21. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS</b>				37791
General Services Fund Group				37792
4K9 891-609 Operating Expenses	\$	461,465	\$ 484,574	37793
TOTAL GSF General Services Fund				37794
Group	\$	461,465	\$ 484,574	37795
TOTAL ALL BUDGET FUND GROUPS	\$	461,465	\$ 484,574	37796
<b>Section 22. ART OHIO ARTS COUNCIL</b>				37798
General Revenue Fund				37799
GRF 370-100 Personal Services	\$	2,104,509	\$ 2,176,032	37800
GRF 370-200 Maintenance	\$	517,233	\$ 513,694	37801
GRF 370-300 Equipment	\$	21,843	\$ 21,693	37802
GRF 370-502 Program Subsidies	\$	12,799,273	\$ 12,799,273	37803
TOTAL GRF General Revenue Fund	\$	15,442,858	\$ 15,510,692	37804
General Services Fund Group				37805
4B7 370-603 Per Cent for Art	\$	84,672	\$ 86,366	37806
Acquisitions				
460 370-602 Gifts and Donations	\$	334,969	\$ 345,012	37807
TOTAL GSF General Services Fund	\$	419,641	\$ 431,378	37808
Group				
Federal Special Revenue Fund Group				37809
314 370-601 Federal Programs	\$	862,000	\$ 862,000	37810

TOTAL FED Federal Special Revenue	\$	862,000	\$	862,000	37811
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	16,724,499	\$	16,804,070	37812
PER CENT FOR ART ACQUISITIONS					37813
The unobligated balance remaining from prior projects of					37814
appropriation item 370-603, Per Cent for Art Acquisitions, shall					37815
be used by the Ohio Arts Council to pay for start-up costs in					37816
connection with the selection of artists of new Per Cent for Art					37817
projects.					37818
<b>Section 23. AFC OHIO ARTS AND SPORTS FACILITIES</b>					37819
COMMISSION					37820
General Revenue Fund					37821
GRF 371-321 Operating Expenses	\$	100,000	\$	100,000	37822
GRF 371-401 Lease Rental Payments	\$	33,526,100	\$	36,413,200	37823
TOTAL GRF General Revenue Fund	\$	33,626,100	\$	36,513,200	37824
State Special Revenue Fund Group					37825
4T8 371-601 Riffe Theatre	\$	22,628	\$	23,194	37826
Equipment Maintenance					
4T8 371-603 Project Administration	\$	924,075	\$	921,868	37827
TOTAL SSR State Special Revenue	\$	946,703	\$	945,062	37828
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	34,572,803	\$	37,458,262	37829
OHIO BUILDING AUTHORITY LEASE PAYMENTS					37830
Appropriations to the Arts and Sports Facilities Commission					37831
from the General Revenue Fund include \$69,939,300 for the biennium					37832
for appropriation item 371-401, Lease Rental Payments. This					37833
appropriation shall be used for payments to the Ohio Building					37834
Authority for the period July 1, 2001, to June 30, 2003, pursuant					37835
to the primary leases and agreements for those buildings made					37836
under Chapter 152. of the Revised Code which are the source of					37837

funds pledged for bond service charges on related obligations				37838
issued pursuant to Chapter 152. of the Revised Code.				37839
OPERATING EXPENSES				37840
The foregoing appropriation item 371-603, Project				37841
Administration, shall be used by the Ohio Arts and Sports				37842
Facilities Commission to carry out its responsibilities pursuant				37843
to this section and Chapter 3383. of the Revised Code.				37844
Within ten days after the effective date of this section, or				37845
as soon as possible thereafter, the Executive Director of the Ohio				37846
Arts and Sports Facilities Commission shall certify to the				37847
Director of Budget and Management the amount of cash to be				37848
transferred from the Arts Facilities Building Fund (Fund 030) and				37849
the Sports Facilities Building Fund (Fund 024) to the Arts and				37850
Sports Facilities Commission Administration Fund (Fund 4T8).				37851
<b>Section 24. ATH ATHLETIC COMMISSION</b>				37852
General Services Fund Group				37853
4K9 175-609 Athletic Commission - \$	140,088	\$	144,343	37854
Operating				
TOTAL GSF General Services Fund	\$	140,088	\$ 144,343	37855
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	140,088	\$ 144,343	37856
<b>Section 25. AGO ATTORNEY GENERAL</b>				37858
General Revenue Fund				37859
GRF 055-321 Operating Expenses	\$	59,120,482	\$ 61,775,856	37860
GRF 055-405 Law-Related Education	\$	199,790	\$ 204,785	37861
GRF 055-406 Community Police Match	\$	3,013,464	\$ 3,111,336	37862
and Law Enforcement				
Assistance				
GRF 055-411 County Sheriffs	\$	620,506	\$ 636,019	37863



GRF 055-415	County Prosecutors	\$	520,084	\$	533,086	37864
TOTAL GRF	General Revenue Fund	\$	63,474,326	\$	66,261,082	37865
General Services Fund Group						37866
106 055-612	General Reimbursement	\$	14,997,546	\$	15,786,163	37867
107 055-624	Employment Services	\$	1,211,307	\$	1,284,396	37868
195 055-660	Workers' Compensation	\$	7,343,128	\$	7,769,628	37869
Section						
4Y7 055-608	Title Defect	\$	840,260	\$	870,623	37870
Rescission						
4Z2 055-609	BCI Asset Forfeiture	\$	324,009	\$	332,109	37871
and Cost Reimbursement						
418 055-615	Charitable Foundations	\$	1,841,113	\$	1,899,066	37872
420 055-603	Attorney General	\$	435,560	\$	446,449	37873
Antitrust						
421 055-617	Police Officers'	\$	1,134,861	\$	1,193,213	37874
Training Academy Fee						
5A9 055-618	Telemarketing Fraud	\$	51,100	\$	52,378	37875
Enforcement						
590 055-633	Peace Officer Private	\$	94,784	\$	98,370	37876
Security Fund						
629 055-636	Corrupt Activity	\$	105,590	\$	108,230	37877
Investigation and						
Prosecution						
631 055-637	Consumer Protection	\$	1,254,020	\$	1,373,832	37878
Enforcement						
TOTAL GSF	General Services Fund					37879
Group		\$	29,633,278	\$	31,214,457	37880
Federal Special Revenue Fund Group						37881
3E5 055-638	Anti-Drug Abuse	\$	2,939,693	\$	2,939,693	37882
3R6 055-613	Attorney General	\$	1,929,110	\$	1,998,972	37883
Federal Funds						
306 055-620	Medicaid Fraud Control	\$	2,633,348	\$	2,765,015	37884

381	055-611	Civil Rights Legal Service	\$	334,249	\$	354,304	37885
383	055-634	Crime Victims Assistance	\$	14,500,000	\$	15,225,000	37886
TOTAL FED Federal Special Revenue							37887
Fund Group			\$	22,336,400	\$	23,282,984	37888
State Special Revenue Fund Group							37889
4L6	055-606	DARE	\$	3,830,137	\$	3,927,962	37890
402	055-616	Victims of Crime	\$	26,144,763	\$	27,933,893	37891
417	055-621	Domestic Violence Shelter	\$	14,139	\$	14,492	37892
419	055-623	Claims Section	\$	14,017,852	\$	14,749,954	37893
659	055-641	Solid and Hazardous Waste Background Investigations	\$	834,417	\$	880,751	37894
TOTAL SSR State Special Revenue							37895
Fund Group			\$	44,841,308	\$	47,507,052	37896
Holding Account Redistribution Fund Group							37897
R03	055-629	Bingo License Refunds	\$	5,200	\$	5,200	37898
R04	055-631	General Holding Account	\$	275,000	\$	275,000	37899
R05	055-632	Antitrust Settlements	\$	10,400	\$	10,400	37900
R18	055-630	Consumer Frauds	\$	750,000	\$	750,000	37901
R42	055-601	Organized Crime Commission Account	\$	200,000	\$	200,000	37902
TOTAL 090 Holding Account							37903
Redistribution Fund Group			\$	1,240,600	\$	1,240,600	37904
TOTAL ALL BUDGET FUND GROUPS			\$	161,525,912	\$	169,506,175	37905
LAW-RELATED EDUCATION							37906
The foregoing appropriation item 055-405, Law-Related							37907
Education, shall be distributed directly to the Ohio Center for							37908
Law-Related Education for the purposes of providing continuing							37909

citizenship education activities to primary and secondary students 37910  
and accessing additional public and private money for new 37911  
programs. 37912

WORKERS' COMPENSATION SECTION 37913

The Workers' Compensation Section Fund (Fund 195) shall 37914  
receive payments from the Bureau of Workers' Compensation and the 37915  
Ohio Industrial Commission at the beginning of each quarter of 37916  
each fiscal year to fund legal services to be provided to the 37917  
Bureau of Workers' Compensation and the Ohio Industrial Commission 37918  
during the ensuing quarter. Such advance payment shall be subject 37919  
to adjustment. 37920

In addition, the Bureau of Workers' Compensation shall 37921  
transfer payments at the beginning of each quarter for the support 37922  
of the Workers' Compensation Fraud Unit. 37923

All amounts shall be mutually agreed upon by the Attorney 37924  
General, the Bureau of Workers' Compensation, and the Ohio 37925  
Industrial Commission. 37926

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 37927

The foregoing appropriation item 055-636, Corrupt Activity 37928  
Investigation and Prosecution, shall be used as provided by 37929  
division (D)(2) of section 2923.35 of the Revised Code to dispose 37930  
of the proceeds, fines, and penalties credited to the Corrupt 37931  
Activity Investigation and Prosecution Fund, which is created in 37932  
division (D)(1)(b) of section 2923.35 of the Revised Code. If it 37933  
is determined that additional amounts are necessary, the amounts 37934  
are appropriated. 37935

COMMUNITY POLICE MATCH AND LAW ENFORCEMENT ASSISTANCE 37936

In fiscal years 2002 and 2003, the Attorney General's Office 37937  
may request that the Director of Budget and Management transfer 37938  
appropriation authority from appropriation Item 055-321, Operating 37939

Expenses, to appropriation item 055-406, Community Police Match 37940  
and Law Enforcement Assistance. The Director of Budget and 37941  
Management shall then transfer appropriation authority from 37942  
appropriation item 055-321, Operating Expenses, to appropriation 37943  
item 055-406, Community Police Match and Law Enforcement 37944  
Assistance. Moneys transferred to appropriation item 055-406 shall 37945  
be used to pay operating expenses and to provide grants to local 37946  
law enforcement agencies and communities for the purpose of 37947  
supporting law enforcement-related activities. 37948

**Section 26. AUD AUDITOR OF STATE** 37949

General Revenue Fund 37950

GRF 070-321 Operating Expenses \$ 34,052,713 \$ 35,006,189 37951

GRF 070-403 Fiscal Watch/Emergency \$ 1,000,000 \$ 1,000,000 37952

Technical Assistance

GRF 070-405 Electronic Data \$ 1,030,137 \$ 1,058,981 37953

Processing - Auditing  
and Administration

GRF 070-406 Uniform Accounting \$ 2,423,314 \$ 2,458,201 37954

Network/Technology  
Improvements Fund

TOTAL GRF General Revenue Fund \$ 38,506,164 \$ 39,523,371 37955

General Services Fund Group 37956

109 070-601 Public Audit Expense - \$ 9,497,201 \$ 9,629,588 37957

Intra-State

422 070-601 Public Audit Expense - \$ 37,450,472 \$ 37,617,072 37958

Local Government

584 070-603 Training Program \$ 198,200 \$ 217,000 37959

675 070-605 Uniform Accounting \$ 2,809,200 \$ 2,741,600 37960

Network

TOTAL GSF General Services Fund 37961

Group \$ 49,955,073 \$ 50,205,260 37962

Holding Account Redistribution Fund Group				37963
R06 070-604 Continuous Receipts	\$	204,400	\$ 209,510	37964
TOTAL 090 Holding Account				37965
Redistribution Fund Group	\$	204,400	\$ 209,510	37966
TOTAL ALL BUDGET FUND GROUPS	\$	88,665,637	\$ 89,938,141	37967

FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 37968

The foregoing appropriation item 070-403, Fiscal Watch/Emergency Technical Assistance, shall be used for all expenses incurred by the Office of the Auditor of State in its role relating to fiscal watch or fiscal emergency activities under Chapters 118. and 3316. of the Revised Code. Expenses shall include, but shall not be limited to, the following: duties related to the determination or termination of fiscal watch or fiscal emergency of municipal corporations, counties, or townships as outlined in Chapter 118. of the Revised Code and of school districts as outlined in Chapter 3316. of the Revised Code; development of preliminary accounting reports; performance of annual forecasts; provision of performance audits; and supervisory, accounting, or auditing services for the mentioned public entities and school districts. The unencumbered balance of appropriation item 070-403, Fiscal Watch/Fiscal Emergency Technical Assistance, at the end of fiscal year 2002 is transferred to fiscal year 2003 for use under the same appropriation item.

ELECTRONIC DATA PROCESSING 37987

The unencumbered balance of appropriation item 070-405, Electronic Data Processing-Auditing and Administration, at the end of fiscal year 2002 is transferred to fiscal year 2003 for use under the same appropriation item.

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND 37992

The foregoing appropriation item 070-406, Uniform Accounting 37993

Network/Technology Improvements Fund, shall be used to pay the 37994  
costs of developing and implementing the Uniform Accounting 37995  
Network and technology improvements for the Office of the Auditor 37996  
of State. The unencumbered balance of the appropriation at the end 37997  
of fiscal year 2002 is transferred to fiscal year 2003 to pay the 37998  
costs of the developing and implementing the Uniform Accounting 37999  
Network and technology improvements for the Office of the Auditor 38000  
of State. 38001

**Section 27. BRB BOARD OF BARBER EXAMINERS 38002**

General Services Fund Group 38003  
4K9 877-609 Operating Expenses \$ 479,264 \$ 505,999 38004  
TOTAL GSF General Services Fund 38005  
Group \$ 479,264 \$ 505,999 38006  
TOTAL ALL BUDGET FUND GROUPS \$ 479,264 \$ 505,999 38007

**Section 28. OBM OFFICE OF BUDGET AND MANAGEMENT 38009**

General Revenue Fund 38010  
GRF 042-321 Budget Development and \$ 2,356,547 \$ 2,492,956 38011  
Implementation  
GRF 042-401 Office of Quality \$ 583,551 \$ 606,924 38012  
Services  
GRF 042-410 National Association \$ 24,522 \$ 25,296 38013  
Dues  
GRF 042-412 Audit of Auditor of \$ 44,160 \$ 46,080 38014  
State  
TOTAL GRF General Revenue Fund \$ 3,008,780 \$ 3,171,255 38015  
General Services Fund Group 38016  
105 042-603 State Accounting \$ 9,554,743 \$ 9,934,755 38017  
4C1 042-601 Quality Services \$ 125,000 \$ 125,000 38018  
Academy  
TOTAL GSF General Services Fund \$ 9,679,743 \$ 10,059,755 38019

Group

State Special Revenue Fund Group				38020	
5N4 042-602 ERP Project	\$	6,600,000	\$	2,600,000	38021
Implementation					
TOTAL SSR State Special Revenue	\$	6,600,000	\$	2,600,000	38022
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	19,288,523	\$	15,831,011	38023

OFFICE OF QUALITY SERVICES 38024

A portion of the foregoing appropriation item 042-401, Office 38025  
of Quality Services, may be used to provide financial sponsorship 38026  
support for conferences and showcases that promote quality 38027  
improvement efforts. These expenditures are not subject to Chapter 38028  
125. of the Revised Code. 38029

OHIO'S QUALITY SHOWCASE 38030

The Office of Quality Services may cosponsor Ohio's Quality 38031  
Showcase. The office may grant funds to other sponsoring entities 38032  
for the purpose of conducting this event, provided that the grants 38033  
are used exclusively for the direct expenses of the event. 38034

Any state agency, at the discretion and with the approval of 38035  
the director or other executive authority of the agency, may 38036  
provide financial or in-kind support for Ohio's Quality Showcase 38037  
cosponsored by the Office of Quality Services. Any financial 38038  
contribution made by an agency shall not exceed \$5,000 annually. 38039

AUDIT COSTS 38040

Of the foregoing appropriation item 042-603, State 38041  
Accounting, not more than \$450,000 in fiscal year 2002 and 38042  
\$350,000 in fiscal year 2003 shall be used to pay for centralized 38043  
audit costs associated with either Single Audit Schedules or 38044  
financial statements prepared in conformance with generally 38045  
accepted accounting principles for the state. 38046

<b>Section 29. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD</b>				38047
General Revenue Fund				38048
GRF 874-321	Operating Expenses	\$ 4,099,572	\$ 4,222,559	38049
TOTAL GRF	General Revenue Fund	\$ 4,099,572	\$ 4,222,559	38050
General Services Fund Group				38051
4G5 874-603	Capitol Square	\$ 15,000	\$ 15,000	38052
Maintenance Expenses				
4S7 874-602	Statehouse Gift	\$ 623,293	\$ 670,484	38053
Shop/Events				
4T2 874-604	Government Television/	\$ 150,000	\$ 150,000	38054
Telecommunications				
Operating				
TOTAL GSF	General Services			38055
Fund Group		\$ 788,293	\$ 835,484	38056
Underground Parking Garage				38057
208 874-601	Underground Parking	\$ 2,613,603	\$ 2,746,801	38058
Garage Operating				
TOTAL UPG	Underground Parking			38059
Garage		\$ 2,613,603	\$ 2,746,801	38060
TOTAL ALL BUDGET FUND GROUPS		\$ 7,501,468	\$ 7,804,844	38061
<b>Section 30. CHR STATE BOARD OF CHIROPRACTIC EXAMINERS</b>				38063
General Services Fund Group				38064
4K9 878-609	Operating Expenses	\$ 561,949	\$ 591,724	38065
TOTAL GSF	General Services Fund			38066
Group		\$ 561,949	\$ 591,724	38067
TOTAL ALL BUDGET FUND GROUPS		\$ 561,949	\$ 591,724	38068
<b>Section 31. CIV OHIO CIVIL RIGHTS COMMISSION</b>				38070
General Revenue Fund				38071
GRF 876-100	Personal Services	\$ 9,159,420	\$ 9,159,421	38072



GRF 876-200 Maintenance	\$	987,372	\$	987,372	38073
GRF 876-300 Equipment	\$	111,842	\$	111,842	38074
TOTAL GRF General Revenue Fund	\$	10,258,634	\$	10,258,635	38075
Federal Special Revenue Fund Group					38076
334 876-601 Federal Programs	\$	3,327,577	\$	3,884,113	38077
TOTAL FED Federal Special Revenue					38078
Fund Group	\$	3,327,577	\$	3,884,113	38079
State Special Revenue Fund Group					38080
217 876-604 General Reimbursement	\$	20,440	\$	20,951	38081
TOTAL SSR State Special					38082
Revenue Fund Group	\$	20,440	\$	20,951	38083
TOTAL ALL BUDGET FUND GROUPS	\$	13,606,651	\$	14,163,699	38084
<b>Section 32. COM DEPARTMENT OF COMMERCE</b>					38085
General Revenue Fund					38086
GRF 800-402 Grants-Volunteer Fire	\$	912,500	\$	793,750	38087
Departments					
GRF 800-410 Labor and Worker	\$	3,848,792	\$	4,042,587	38088
Safety					
Total GRF General Revenue Fund	\$	4,761,292	\$	4,836,337	38089
General Services Fund Group					38090
163 800-620 Division of	\$	5,873,604	\$	6,189,578	38091
Administration					
5F1 800-635 Small Government Fire	\$	250,000	\$	250,000	38092
Departments					
TOTAL GSF General Services Fund					38093
Group	\$	6,123,604	\$	6,439,578	38094
Federal Special Revenue Fund Group					38095
348 800-622 Underground Storage	\$	195,008	\$	195,008	38096
Tanks					
348 800-624 Leaking Underground	\$	1,850,000	\$	1,850,000	38097
Storage Tanks					

349	800-626	OSHA Enforcement	\$	1,346,000	\$	1,386,380	38098
		TOTAL FED Federal Special Revenue					38099
		Fund Group	\$	3,391,008	\$	3,431,388	38100
		State Special Revenue Fund Group					38101
4B2	800-631	Real Estate Appraisal	\$	69,870	\$	71,267	38102
		Recovery					
4D2	800-605	Auction Education	\$	30,476	\$	30,476	38103
4H9	800-608	Cemeteries	\$	260,083	\$	273,465	38104
4L5	800-609	Fireworks Training and	\$	10,526	\$	10,976	38105
		Education					
4X2	800-619	Financial Institutions	\$	2,020,646	\$	2,134,754	38106
5B8	800-628	Auctioneers	\$	346,769	\$	365,390	38107
5B9	800-632	PI & Security Guard	\$	1,139,377	\$	1,188,716	38108
		Provider					
5K7	800-621	Penalty Enforcement	\$	2,000	\$	2,000	38109
543	800-602	Unclaimed	\$	5,921,792	\$	6,151,051	38110
		Funds-Operating					
543	800-625	Unclaimed Funds-Claims	\$	24,890,602	\$	25,512,867	38111
544	800-612	Banks	\$	6,346,230	\$	6,657,997	38112
545	800-613	Savings Institutions	\$	2,790,960	\$	2,894,399	38113
546	800-610	Fire Marshal	\$	10,245,737	\$	10,777,694	38114
547	800-603	Real Estate	\$	258,796	\$	264,141	38115
		Education/Research					
548	800-611	Real Estate Recovery	\$	150,000	\$	150,000	38116
549	800-614	Real Estate	\$	2,885,785	\$	3,039,837	38117
550	800-617	Securities	\$	4,611,800	\$	4,864,800	38118
552	800-604	Credit Union	\$	2,368,450	\$	2,477,852	38119
553	800-607	Consumer Finance	\$	2,305,339	\$	2,258,822	38120
556	800-615	Industrial Compliance	\$	21,426,840	\$	22,665,776	38121
6A4	800-630	Real Estate	\$	522,125	\$	548,006	38122
		Appraiser-Operating					
653	800-629	UST	\$	1,072,795	\$	1,121,632	38123
		Registration/Permit					

Fee			
TOTAL SSR State Special Revenue			38124
Fund Group	\$ 89,676,998	\$ 93,461,918	38125
Liquor Control Fund Group			38126
043 800-601 Merchandising	\$ 322,741,245	\$ 341,222,192	38127
043 800-627 Liquor Control	\$ 16,250,400	\$ 15,801,163	38128
Operating			
043 800-633 Development Assistance	\$ 16,134,800	\$ 16,141,100	38129
Debt Service			
043 800-636 Revitalization Debt	\$ 1,600,000	\$ 6,700,000	38130
Service			
TOTAL LCF Liquor Control			38131
Fund Group	\$ 356,726,445	\$ 379,864,455	38132
TOTAL ALL BUDGET FUND GROUPS	\$ 460,679,347	\$ 488,033,676	38133

GRANTS-VOLUNTEER FIRE DEPARTMENTS 38134

The foregoing appropriation item 800-402, Grants-Volunteer 38135  
Fire Departments, shall be used to make annual grants to volunteer 38136  
fire departments of up to \$10,000, or up to \$25,000 if the 38137  
volunteer fire department provides service for an area affected by 38138  
a natural disaster. The grant program shall be administered by the 38139  
Fire Marshal under the Department of Commerce. The Fire Marshal 38140  
shall adopt rules necessary for the administration and operation 38141  
of the grant program. 38142

Notwithstanding division (A) of section 121.084 of the 38143  
Revised Code, upon the request of the Director of Commerce, the 38144  
Director of Budget and Management shall transfer \$200,000 cash in 38145  
fiscal year 2002 and \$100,000 cash in fiscal year 2003 from the 38146  
Industrial Compliance Fund (Fund 556) to the General Revenue Fund. 38147

LABOR AND WORKER SAFETY 38148

The Department of Commerce may designate a portion of 38149  
appropriation item 800-410, Labor and Worker Safety, to be used to 38150

match federal funding for the OSHA on-site consultation program.	38151
SMALL GOVERNMENT FIRE DEPARTMENTS	38152
Upon the request of the Director of Commerce, the Director of	38153
Budget and Management shall transfer \$250,000 cash in each fiscal	38154
year from the Industrial Compliance Fund (Fund 556) within the	38155
State Special Revenue Fund Group to the Small Government Fire	38156
Departments Fund (Fund 5F1) within the General Services Fund	38157
Group.	38158
Notwithstanding section 3737.17 of the Revised Code, the	38159
foregoing appropriation item 800-635, Small Government Fire	38160
Departments, may be used to provide loans to private fire	38161
departments.	38162
PENALTY ENFORCEMENT	38163
The foregoing appropriation item 800-621, Penalty	38164
Enforcement, shall be used to enforce sections 4115.03 to 4115.16	38165
of the Revised Code.	38166
On July 1, 2001, or as soon thereafter as possible, the	38167
Director of Budget and Management shall transfer the cash balance	38168
in the Penalty Enforcement Fund that was in the custody of the	38169
state treasury to the Penalty Enforcement Fund (Fund 5K7) that is	38170
created in the state treasury by section 4115.10 of the Revised	38171
Code. The fund shall be used for deposit of moneys received from	38172
penalties paid under section 4115.10 of the Revised Code.	38173
UNCLAIMED FUNDS PAYMENTS	38174
The foregoing appropriation item 800-625, Unclaimed	38175
Funds-Claims, shall be used to pay claims pursuant to section	38176
169.08 of the Revised Code. If it is determined that additional	38177
amounts are necessary, the amounts are appropriated.	38178
INCREASED APPROPRIATION AUTHORITY - MERCHANDISING	38179
The Director of Commerce may, upon concurrence by the	38180

Director of Budget and Management, submit to the Controlling Board 38181  
for approval a request for increased appropriation authority for 38182  
appropriation item 800-601, Merchandising. 38183

CASH BALANCE TRANSFER 38184

On July 1, 2001, or as soon thereafter as possible, the 38185  
Director of Budget and Management shall transfer the cash balance 38186  
in the Salvage and Exchange Fund (Fund 861) to the Liquor Control 38187  
Fund (Fund 043) created in section 4301.12 of the Revised Code. 38188  
Upon the completion of the transfer, the Salvage and Exchange 38189  
Fund, which was created by the Controlling Board during the 38190  
1973-1975 biennium, is abolished. The director shall cancel any 38191  
existing encumbrances against appropriation item 800-634, Salvage 38192  
and Exchange, and reestablish them against appropriation item 38193  
800-627, Liquor Control Operating. 38194

DEVELOPMENT ASSISTANCE DEBT SERVICE 38195

The foregoing appropriation item 800-633, Development 38196  
Assistance Debt Service, shall be used to meet all payments at the 38197  
times they are required to be made during the period from July 1, 38198  
2001, to June 30, 2003, for bond service charges on obligations 38199  
issued under section 166.08 of the Revised Code, but limited to 38200  
the aggregate amount of \$32,275,900. If it is determined that 38201  
additional appropriations are necessary for this purpose, such 38202  
amounts are hereby appropriated, provided that the appropriation 38203  
does not exceed \$25,000,000 in any fiscal year, except as may be 38204  
needed for payments on obligations issued to meet guarantees. 38205

REVITALIZATION DEBT SERVICE 38206

The foregoing appropriation item 800-636, Revitalization Debt 38207  
Service, shall be used to pay debt service and related financing 38208  
costs during the period from July 1, 2001, to June 30, 2003, on 38209  
obligations to be issued for revitalization purposes under Section 38210  
2o of Article VIII, Ohio Constitution, and implementing 38211

legislation. If it is determined that additional appropriations 38212  
are necessary for this purpose, such amounts are hereby 38213  
appropriated. The General Assembly acknowledges: (A) the priority 38214  
of the pledge of a portion of receipts from that source to 38215  
obligations issued and to be issued and guarantees made and to be 38216  
made under Chapter 166. of the Revised Code; and (B) that this 38217  
appropriation is subject to further consideration pursuant to 38218  
implementing legislation. 38219

ADMINISTRATIVE ASSESSMENTS 38220

Notwithstanding any other provision of law to the contrary, 38221  
Fund 163, Administration, shall receive assessments from all 38222  
operating funds of the department in accordance with procedures 38223  
prescribed by the Director of Commerce and approved by the 38224  
Director of Budget and Management. 38225

**Section 33.** OCC OFFICE OF CONSUMERS' COUNSEL 38226

General Services Fund Group 38227

5F5 053-601 Operating Expenses	\$	8,560,182	\$	9,277,518	38228
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TOTAL GSF General Services Fund	\$	8,560,182	\$	9,277,518	38229
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	8,560,182	\$	9,277,518	38230
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CONSUMERS' COUNSEL TRANSFER 38231

On July 1, 2001, or as soon as possible thereafter, the 38232  
Director of Budget and Management shall transfer \$349,758.12 in 38233  
cash from Fund 5F5, Consumers' Counsel Operating Fund, to the 38234  
General Revenue Fund. 38235

**Section 34.** CEB CONTROLLING BOARD 38236

General Revenue Fund 38237

GRF 911-404 Mandate Assistance	\$	2,000,000	\$	2,000,000	38238
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GRF 911-408 Ohio's Bicentennial	\$	5,000,000	\$	7,500,000	38239
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Celebration			
GRF 911-441	Ballot Advertising	\$ 600,000	\$ 600,000 38240
Costs			
TOTAL GRF	General Revenue Fund	\$ 7,600,000	\$ 10,100,000 38241
			State Special Revenue Fund Group 38242
5E2 911-601	Disaster Services	\$ 8,000,000	\$ 4,000,000 38243
TOTAL SSR	State Special	Revenue Fund Group 38244	
			\$ 8,000,000 \$ 4,000,000 38245
TOTAL ALL BUDGET FUND GROUPS	\$ 15,600,000		\$ 14,100,000 38246
FEDERAL SHARE			38247
In transferring appropriations to or from appropriation items			38248
that have federal shares identified in this act, the Controlling			38249
Board shall add or subtract corresponding amounts of federal			38250
matching funds at the percentages indicated by the state and			38251
federal division of the appropriations in this act. Such changes			38252
are appropriated.			38253
DISASTER SERVICES			38254
The foregoing appropriation item 911-601, Disaster Services,			38255
shall be used by the Controlling Board, pursuant to requests			38256
submitted by state agencies, to transfer cash and appropriation			38257
authority to any fund and appropriation item for the payment of			38258
state agency program expenses as follows:			38259
(A) The southern Ohio flooding, referred to as			38260
FEMA-DR-1164-OH;			38261
(B) The flood/storm disaster referred to as FEMA-DR-1227-OH;			38262
(C) The Southern Ohio flooding, referred to as			38263
FEMA-DR-1321-OH;			38264
(D) The flooding referred to as FEMA-DR-1339-OH;			38265
(E) The tornado/storms referred to as FEMA-DR-1343-OH;			38266
(F) Other disasters declared by the Governor, if the Director			38267

of Budget and Management determines that sufficient funds exist	38268
beyond the expected program costs of these disasters.	38269
MANDATE ASSISTANCE	38270
(A) The foregoing appropriation item 911-404, Mandate	38271
Assistance, shall be used to provide financial assistance to local	38272
units of government, school districts, and fire departments for	38273
the cost of the following three unfunded state mandates:	38274
(1) The cost to county prosecutors for prosecuting certain	38275
felonies that occur on the grounds of state institutions operated	38276
by the Department of Rehabilitation and Correction and the	38277
Department of Youth Services;	38278
(2) The cost, primarily to small villages and townships, of	38279
providing firefighter training and equipment or gear;	38280
(3) The cost to school districts of in-service training for	38281
child abuse detection.	38282
(B) The State and Local Government Commission may prepare and	38283
submit to the Controlling Board one or more requests to transfer	38284
appropriations from appropriation item 911-404, Mandate	38285
Assistance, to the state agencies charged with administering the	38286
state financial assistance to be provided under this section. The	38287
state agencies charged with this administrative responsibility are	38288
listed below, as well as the estimated annual amounts that the	38289
commission may propose be used for each program of state financial	38290
assistance.	38291
	38292
	38293
Prosecution Costs	38294
Firefighter Training	38295
Costs	38296
Child Abuse Detection	38297



Training Costs

Education

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the commission may propose to the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the commission, the Controlling Board may, if requested by the commission, transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to one or more of the other programs of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government, school districts, and fire departments under each of the three programs of state financial assistance identified under this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the commission and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the commission and the administering state agency; and the actual costs incurred by local units of government, school districts, and fire departments.

(F) Each of these programs of state financial assistance shall be carried out as follows:

(1) PROSECUTION COSTS

(a) Appropriations may be transferred to the Office of Criminal Justice Services to cover local prosecution costs for aggravated murder, murder, felonies of the first degree, and felonies of the second degree that occur on the grounds of institutions operated by the Department of Rehabilitation and

Correction and the Department of Youth Services. 38328

(b) Upon a delinquency filing in juvenile court or the return 38329  
of an indictment for aggravated murder, murder, or any felony of 38330  
the first or second degree that was committed at a Department of 38331  
Youth Services or a Department of Rehabilitation and Correction 38332  
institution, the affected county may, in accordance with rules 38333  
that the Office of Criminal Justice Services shall adopt, apply to 38334  
the Office of Criminal Justice Services for a grant to cover all 38335  
documented costs that are incurred by the county prosecutor's 38336  
office. 38337

(c) Twice each year, the Office of Criminal Justice Services 38338  
shall designate counties to receive grants from those counties 38339  
that have submitted one or more applications in compliance with 38340  
the rules that have been adopted by the Office of Criminal Justice 38341  
Services for the receipt of such grants. In each year's first 38342  
round of grant awards, if sufficient appropriations have been 38343  
made, up to a total of \$100,000 may be awarded. In each year's 38344  
second round of grant awards, the remaining appropriations 38345  
available for this purpose may be awarded. 38346

(d) If for a given round of grants there are insufficient 38347  
appropriations to make grant awards to all the eligible counties, 38348  
the first priority shall be given to counties with cases involving 38349  
aggravated murder and murder, second priority shall be given to 38350  
cases involving a felony of the first degree, and third priority 38351  
shall be given to cases involving a felony of the second degree. 38352  
Within these priorities, the grant awards shall be based on the 38353  
order in which the applications were received, except that 38354  
applications for cases involving a felony of the first or second 38355  
degree shall not be considered in more than two consecutive rounds 38356  
of grant awards. 38357

(2) FIREFIGHTER TRAINING COSTS 38358

Appropriations may be transferred to the Department of 38359  
Commerce for use as full or partial reimbursement to local units 38360  
of government and fire departments for the cost of firefighter 38361  
training and equipment or gear. In accordance with rules that the 38362  
department shall adopt, a local unit of government or fire 38363  
department may apply to the department for a grant to cover all 38364  
documented costs that are incurred to provide firefighter training 38365  
and equipment or gear. The department shall make grants within the 38366  
limits of the funding provided, with priority given to fire 38367  
departments that serve small villages and townships. 38368

(3) CHILD ABUSE DETECTION TRAINING COSTS 38369

Appropriations may be transferred to the Department of 38370  
Education for disbursement to local school districts as full or 38371  
partial reimbursement for the cost of providing in-service 38372  
training for child abuse detection. In accordance with rules that 38373  
the department shall adopt, a local school district may apply to 38374  
the department for a grant to cover all documented costs that are 38375  
incurred to provide in-service training for child abuse detection. 38376  
The department shall make grants within the limits of the funding 38377  
provided. 38378

(G) If, by the first day of June of each fiscal year, one of 38379  
these three specified unfunded state mandates receives funding 38380  
assistance directly from the General Revenue Fund, as opposed to 38381  
receiving appropriations indirectly through the transfer mechanism 38382  
described in this section, then this state mandate is no longer 38383  
considered unfunded for the purposes of this section. In such a 38384  
circumstance, the State and Local Government Commission may 38385  
prepare and submit a request to the Controlling Board to replace 38386  
this now funded state mandate with another unfunded state mandate. 38387  
If approved by the Controlling Board, this replacement unfunded 38388  
state mandate is eligible for the same amount of state financial 38389  
assistance that the unfunded state mandate it is replacing was 38390

eligible for and under the same general conditions that govern the 38391  
three unfunded state mandates specified in this section. The State 38392  
and Local Government Commission's request to the Controlling Board 38393  
for approval of this replacement unfunded state mandate shall 38394  
include a description of how the program of state financial 38395  
assistance for this replacement unfunded state mandate will be 38396  
implemented. 38397

(H) Within thirty calendar days prior to the end of fiscal 38398  
years 2002 and 2003, each administering agency shall file a report 38399  
with the State and Local Government Commission and the Controlling 38400  
Board providing detailed information on its expenditure of any 38401  
mandate assistance funding that was transferred under this section 38402  
over the course of the current biennium to the administering 38403  
agency by the Controlling Board. 38404

(I) Any moneys allocated within appropriation item 911-404, 38405  
Mandate Assistance, not fully utilized may, upon application of 38406  
the State and Local Government Commission, and with the approval 38407  
of the Controlling Board, be disbursed to boards of county 38408  
commissioners to provide reimbursement for office space, 38409  
equipment, and related mandated expenses for educational service 38410  
centers. 38411

The amount to be disbursed to each county shall be allocated 38412  
proportionately to the ADM of the educational service center for 38413  
which a board of county commissioners is required to provide an 38414  
office under section 3319.19 of the Revised Code. 38415

OHIO'S BICENTENNIAL CELEBRATION 38416

The foregoing appropriation item 911-408, Ohio's Bicentennial 38417  
Celebration, shall be distributed according to a plan approved by 38418  
the Ohio Bicentennial Commission. Pursuant to requests submitted 38419  
by the Ohio Bicentennial Commission, the Controlling Board may 38420  
approve transfers from the foregoing appropriation item 911-408, 38421

Ohio's Bicentennial Celebration, to appropriation item 360-503, 38422  
 Ohio Bicentennial Commission, or to other new or existing 38423  
 appropriation items of a state agency or other entity as specified 38424  
 by the commission. 38425

**BALLOT ADVERTISING COSTS** 38426

Pursuant to requests submitted by the Ohio Ballot Board, the 38427  
 Controlling Board shall approve transfers from the foregoing 38428  
 appropriation item 911-441, Ballot Advertising Costs, to an Ohio 38429  
 Ballot Board appropriation item in order to reimburse county 38430  
 boards of elections for the cost of public notices associated with 38431  
 statewide ballot initiatives. 38432

Of the foregoing appropriation item 911-441, Ballot 38433  
 Advertising Costs, the Director of Budget and Management shall 38434  
 transfer any amounts that are not needed for the purpose of 38435  
 reimbursing county boards of elections for the cost of public 38436  
 notices associated with statewide ballot initiatives to 38437  
 appropriation item 911-404, Mandate Assistance. 38438

**Section 35. COS STATE BOARD OF COSMETOLOGY** 38439

General Services Fund Group				38440	
4K9 879-609 Operating Expenses	\$	2,474,189	\$	2,674,059	38441
TOTAL GSF General Services Fund					38442
Group	\$	2,474,189	\$	2,674,059	38443
TOTAL ALL BUDGET FUND GROUPS	\$	2,474,189	\$	2,674,059	38444

**Section 36. CSW COUNSELOR AND SOCIAL WORKERS BOARD** 38446

General Services Fund Group				38447	
4K9 899-609 Operating Expenses	\$	907,772	\$	953,563	38448
TOTAL GSF General Services Fund					38449
Group	\$	907,772	\$	953,563	38450
TOTAL ALL BUDGET FUND GROUPS	\$	907,772	\$	953,563	38451

Section 37. CLA COURT OF CLAIMS				38453	
General Revenue Fund				38454	
GRF 015-321 Operating Expenses	\$	2,953,045	\$	3,035,730	38455
TOTAL GRF General Revenue Fund	\$	2,953,045	\$	3,035,730	38456
State Special Revenue Fund Group				38457	
5K2 015-603 CLA Victims of Crime	\$	1,891,183	\$	1,602,716	38458
TOTAL SSR State Special Revenue				38459	
Fund Group	\$	1,891,183	\$	1,602,716	38460
TOTAL ALL BUDGET FUND GROUPS	\$	4,844,228	\$	4,638,446	38461
Section 38. CJS OFFICE OF CRIMINAL JUSTICE SERVICES				38463	
General Revenue Fund				38464	
GRF 196-401 Criminal Justice	\$	772,236	\$	798,575	38465
Information System					
GRF 196-403 Violence Prevention	\$	292,891	\$	277,924	38466
GRF 196-405 Center for Violence	\$	375,000	\$	375,000	38467
Prevention					
GRF 196-424 Operating Expenses	\$	1,655,987	\$	1,840,186	38468
TOTAL GRF General Revenue Fund	\$	3,096,114	\$	3,291,685	38469
General Services Fund Group				38470	
4P6 196-601 General Services	\$	107,310	\$	109,992	38471
TOTAL GSF General Services Fund	\$	107,310	\$	109,992	38472
Group					
Federal Special Revenue Fund Group				38473	
3L5 196-604 Justice Programs	\$	29,464,972	\$	29,494,089	38474
TOTAL FED Federal Special Revenue	\$	29,464,972	\$	29,494,089	38475
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	32,668,396	\$	32,895,766	38476
INDIGENT DEFENSE				38477	
The Office of Criminal Justice Services shall make all				38478	

efforts to maximize the amount of funding available for the 38479  
defense of indigent persons. 38480

CRIMINAL JUSTICE INFORMATION SYSTEM 38481

The foregoing appropriation item 196-401, Criminal Justice 38482  
Information System, shall be used by the Office of Criminal 38483  
Justice Services to work on a plan to improve Ohio's criminal 38484  
justice information systems. The Director of Criminal Justice 38485  
Services shall evaluate the progress of this plan and issue a 38486  
report to the Governor, the Speaker and the Minority Leader of the 38487  
House of Representatives, the President and the Minority Leader of 38488  
the Senate, the Criminal Justice Policy Board, and the Legislative 38489  
Service Commission by the first day of January of each year of the 38490  
two-year biennium beginning July 1, 2001, and ending June 30, 38491  
2003. 38492

OPERATING EXPENSES 38493

Of the foregoing appropriation item 196-424, Operating 38494  
Expenses, up to \$577,642 in fiscal year 2002 and up to \$606,109 in 38495  
fiscal year 2003 shall be used for the purpose of matching federal 38496  
funds. 38497

**Section 39. DEN STATE DENTAL BOARD** 38498

General Services Fund Group				38499
4K9 880-609 Operating Expenses	\$	1,250,703	\$ 1,281,056	38500
TOTAL GSF General Services Fund				38501
Group	\$	1,250,703	\$ 1,281,056	38502
TOTAL ALL BUDGET FUND GROUPS	\$	1,250,703	\$ 1,281,056	38503

**Section 40. BDP BOARD OF DEPOSIT** 38505

General Services Fund Group				38506
4M2 974-601 Board of Deposit	\$	838,000	\$ 838,000	38507
TOTAL GSF General Services Fund				38508

Group	\$	838,000	\$	838,000	38509
TOTAL ALL BUDGET FUND GROUPS	\$	838,000	\$	838,000	38510
BOARD OF DEPOSIT EXPENSE FUND					38511
Upon receiving certification of expenses from the Treasurer					38512
of State, the Director of Budget and Management shall transfer					38513
cash from the Investment Earnings Redistribution Fund (Fund 608)					38514
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund					38515
shall be used to pay for banking charges and fees required for the					38516
operation of the State of Ohio Regular Account.					38517
<b>Section 41. DEV DEPARTMENT OF DEVELOPMENT</b>					38518
General Revenue Fund					38519
GRF 195-100 Personal Services	\$	2,651,334	\$	2,920,941	38520
GRF 195-200 Maintenance	\$	589,524	\$	601,314	38521
GRF 195-300 Equipment	\$	108,161	\$	110,324	38522
GRF 195-401 Thomas Edison Program	\$	20,000,000	\$	20,000,000	38523
GRF 195-404 Small Business	\$	2,452,342	\$	2,529,843	38524
Development					
GRF 195-405 Minority Business	\$	2,278,888	\$	2,297,314	38525
Development Division					
GRF 195-406 Transitional and	\$	2,770,145	\$	2,770,155	38526
Permanent Housing					
GRF 195-407 Travel and Tourism	\$	6,345,500	\$	6,448,399	38527
GRF 195-408 Coal Research	\$	210,498	\$	233,237	38528
Development					
GRF 195-409 Utility Payment	\$	666,033	\$	701,173	38529
Administration					
GRF 195-412 Business Development	\$	8,033,935	\$	9,092,851	38530
Grants					
GRF 195-413 Marketing for Economic	\$	655,603	\$	1,578,110	38531
Development					
GRF 195-414 First Frontier Match	\$	490,000	\$	490,000	38532
GRF 195-415 Regional Offices and	\$	6,420,675	\$	6,735,253	38533



		Economic Development					
GRF	195-416	Governor's Office of Appalachia	\$	5,466,954	\$	4,975,126	38534
GRF	195-417	Urban/Rural Initiative	\$	980,000	\$	980,000	38535
GRF	195-422	Technology Action	\$	15,100,000	\$	15,100,000	38536
GRF	195-431	Community Development	\$	2,530,860	\$	2,530,860	38537
		Corporation Grants					
GRF	195-432	International Trade	\$	5,390,000	\$	5,551,700	38538
GRF	195-434	Investment in Training	\$	12,500,000	\$	12,500,000	38539
		Grants					
GRF	195-436	Labor/Management Cooperation	\$	1,146,805	\$	1,152,752	38540
GRF	195-440	Emergency Shelter Housing Grants	\$	2,768,313	\$	2,841,441	38541
GRF	195-441	Low and Moderate Income Housing	\$	19,000,000	\$	19,000,000	38542
GRF	195-497	CDBG Operating Match					38543
		State	\$	1,208,576	\$	1,215,295	38544
		Federal	\$	5,200,000	\$	6,500,000	38545
		CDBG Operating Match	\$	6,408,576	\$	7,715,295	38546
		Total					
GRF	195-498	State Energy Match	\$	153,558	\$	158,548	38547
GRF	195-501	Appalachian Local Development Districts	\$	453,962	\$	453,962	38548
GRF	195-502	Appalachian Regional Commission Dues	\$	219,912	\$	219,912	38549
GRF	195-505	Utility Bill Credits	\$	7,350,000	\$	7,350,000	38550
GRF	195-507	Travel and Tourism Grants	\$	1,274,000	\$	1,274,000	38551
GRF	195-510	Issue 1 Implementation	\$	1,000,000	\$	1,500,000	38552
GRF	195-906	Coal Research and Development General Obligation Debt	\$	8,971,700	\$	9,420,300	38553

Service				
TOTAL GRF General Revenue Fund				38554
State	\$	139,187,278	\$ 142,732,810	38555
Federal	\$	5,200,000	\$ 6,500,000	38556
GRF TOTAL	\$	144,387,278	\$ 149,232,810	38557
General Services Fund Group				38558
135 195-605 Supportive Services	\$	9,038,988	\$ 9,531,707	38559
136 195-621 International Trade	\$	100,000	\$ 24,915	38560
685 195-636 General Reimbursements	\$	1,275,234	\$ 1,323,021	38561
TOTAL GSF General Services Fund				38562
Group	\$	10,414,222	\$ 10,879,643	38563
Federal Special Revenue Fund Group				38564
3K8 195-613 Community Development	\$	65,149,441	\$ 65,088,961	38565
Block Grant				
3K9 195-611 Home Energy Assistance	\$	62,000,000	\$ 62,000,000	38566
Block Grant				
3K9 195-614 HEAP Weatherization	\$	10,412,041	\$ 10,412,041	38567
3L0 195-612 Community Services	\$	22,135,000	\$ 22,135,000	38568
Block Grant				
3V1 195-601 HOME Program	\$	40,000,000	\$ 40,000,000	38569
308 195-602 Appalachian Regional	\$	350,000	\$ 350,200	38570
Commission				
308 195-603 Housing and Urban	\$	5,000,000	\$ 5,000,000	38571
Development				
308 195-605 Federal Projects	\$	7,855,501	\$ 7,855,501	38572
308 195-609 Small Business	\$	3,799,626	\$ 3,799,626	38573
Administration				
308 195-618 Energy Federal Grants	\$	2,803,560	\$ 2,803,560	38574
335 195-610 Oil Overcharge	\$	8,500,000	\$ 8,500,000	38575
380 195-622 Housing Development	\$	4,507,212	\$ 4,696,198	38576
Operating				
TOTAL FED Federal Special Revenue				38577

Fund Group		\$	232,512,381	\$	232,641,087	38578
State Special Revenue Fund Group						38579
4F2 195-639	State Special Projects	\$	1,052,762	\$	1,079,082	38580
4H4 195-641	First Frontier	\$	600,000	\$	650,000	38581
4S0 195-630	Enterprise Zone Operating	\$	211,900	\$	211,900	38582
4S1 195-634	Job Creation Tax Credit Operating	\$	372,700	\$	375,800	38583
4W1 195-646	Minority Business Enterprise Loan	\$	2,572,960	\$	2,580,597	38584
444 195-607	Water and Sewer Commission Loans	\$	511,000	\$	523,775	38585
445 195-617	Housing Finance Operating	\$	3,782,808	\$	3,968,184	38586
450 195-624	Minority Business Bonding Program Administration	\$	13,232	\$	13,563	38587
451 195-625	Economic Development Financing Operating	\$	2,062,451	\$	2,143,918	38588
5M4 195-659	Universal Service	\$	160,000,000	\$	160,000,000	38589
5M5 195-660	Energy Efficiency Revolving Loan	\$	12,000,000	\$	12,000,000	38590
611 195-631	Water and Sewer Administration	\$	15,330	\$	15,713	38591
617 195-654	Volume Cap Administration	\$	200,000	\$	200,000	38592
646 195-638	Low and Moderate Income Housing Trust Fund	\$	21,539,552	\$	22,103,807	38593
TOTAL SSR State Special Revenue						38594
Fund Group		\$	204,934,695	\$	205,866,339	38595
Facilities Establishment Fund						38596

037	195-615	Facilities	\$	56,701,684	\$	58,119,226	38597
		Establishment					
4Z6	195-647	Rural Industrial Park	\$	5,000,000	\$	5,000,000	38598
		Loan					
5D1	195-649	Port Authority Bond	\$	2,500,000	\$	2,500,000	38599
		Reserves					
5D2	195-650	Urban Redevelopment	\$	10,000,000	\$	10,475,000	38600
		Loans					
5H1	195-652	Family Farm Loan	\$	2,246,375	\$	2,246,375	38601
		Guarantee					
TOTAL	037	Facilities					38602
		Establishment Fund	\$	76,448,059	\$	78,340,601	38603
		Coal Research/Development Fund					38604
046	195-632	Coal Research and	\$	12,847,178	\$	13,168,357	38605
		Development Fund					
TOTAL	046	Coal Research/					38606
		Development Fund	\$	12,847,178	\$	13,168,357	38607
TOTAL ALL BUDGET FUND GROUPS			\$	681,543,813	\$	690,128,837	38608

**Section 41.01. WASHINGTON OFFICE** 38610

Of the foregoing appropriation items 195-100, Personal 38611  
 Services, 195-200, Maintenance, and 195-300, Equipment, no more 38612  
 than \$335,700 in fiscal year 2002 and \$335,700 in fiscal year 2003 38613  
 may be transferred to the General Reimbursement Fund (Fund 685) to 38614  
 support the Washington Office. The transfer shall be made using an 38615  
 intrastate transfer voucher. 38616

**THOMAS EDISON PROGRAM** 38617

The foregoing appropriation item 195-401, Thomas Edison 38618  
 Program, shall be used for the purposes of sections 122.28 to 38619  
 122.38 of the Revised Code in order to provide funds for 38620  
 cooperative public and private efforts in technological innovation 38621  
 to promote the development and transfer of technology by and to 38622

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**

The foregoing appropriation item 195-404, Small Business  
Development, shall be used to ensure that the unique needs and  
concerns of small businesses are addressed.

The foregoing appropriation shall be used to provide grants  
to local organizations to support the operation of Small Business  
Development Centers, and other local economic development activity  
promoting small business and for the cost of administering the  
program. The centers shall provide technical, financial, and  
management consultation for small business, and facilitate access  
to state and federal programs. These funds shall be used as  
matching funds for grants from the United States Small Business  
Administration and other federal agencies, pursuant to Public Law  
No. 96-302 (1980) as amended by Public Law No. 98-395 (1984), and  
regulations and policy guidelines for these programs.

In addition, the Office of Small Business shall operate the  
One-Stop Business Permit Center, the Women's Business Resource  
Program, support government procurement assistance, and implement  
and coordinate the duties imposed on the Department of Development

by Am. Sub. S.B. 239 of the 115th General Assembly.	38653
MINORITY BUSINESS DEVELOPMENT DIVISION	38654
Of the foregoing appropriation item 195-405, Minority Business Development Division, no less than \$1,060,000 in each fiscal year shall be used to fund minority contractors and business assistance organizations. The Minority Business Development Division shall determine which cities need minority contractors and business assistance organizations by utilizing United States Census Bureau data and zip codes to locate the highest concentrations of minority businesses. The Minority Business Development Division also shall determine the numbers of minority contractors and business assistance organizations necessary and the amount of funding to be provided each. In addition, the Minority Business Development Division shall continue to plan and implement business conferences.	38655 38656 38657 38658 38659 38660 38661 38662 38663 38664 38665 38666 38667
<b>Section 41.03. TRANSITIONAL AND PERMANENT HOUSING PROGRAM</b>	38668
Of the foregoing appropriation item 195-406, Transitional and Permanent Housing, the Office of Housing and Community Partnerships shall make grants to local governments and nonprofit organizations for the acquisition, rehabilitation, renovation, construction, conversion, operating, and supportive services costs for both new and existing transitional and permanent housing for the homeless.	38669 38670 38671 38672 38673 38674 38675
COAL RESEARCH DEVELOPMENT	38676
The foregoing appropriation item 195-408, Coal Research Development, shall be used for the administrative costs of the Coal Development Office within the Technology Division and for grants that encourage, promote, and assist the use of Ohio coal pursuant to section 1551.32 of the Revised Code.	38677 38678 38679 38680 38681
UTILITY PAYMENT ADMINISTRATION	38682

The foregoing appropriation item 195-409, Utility Payment Administration, shall be used for the administrative costs necessary to provide utility and fuel assistance benefits to eligible low-income Ohio households with elderly and disabled members.

**Section 41.04. BUSINESS DEVELOPMENT**

The foregoing appropriation item 195-412, Business Development Grants, shall be used as an incentive for attracting and retaining business opportunities for the state. Any such business opportunity, whether new, expanding, or relocating in Ohio, is eligible for funding. The project must create or retain a significant number of jobs for Ohioans. Grant awards may be considered only when (1) the project's viability hinges on an award of appropriation item 195-412, Business Development Grants, funds; (2) all other public or private sources of financing have been considered; or (3) the funds act as a catalyst for the infusion into the project of other financing sources.

The department's primary goal shall be to award funds to political subdivisions of the state for off-site infrastructure improvements. In order to meet the particular needs of economic development in a region, the department may elect to award funds directly to a business for on-site infrastructure improvements. Infrastructure improvements mean improvements to water system facilities, sewer and sewage treatment facilities, electric or gas service facilities, fiber optic facilities, rail facilities, site preparation, and parking facilities. The Director of Development may recommend the funds be used in an alternative manner when deemed appropriate to meet an extraordinary economic development opportunity or need.

The foregoing appropriation item 195-412, Business Development Grants, may be expended only after the submission of a

request to the Controlling Board by the Department of Development 38714  
outlining the planned use of the funds, and the subsequent 38715  
approval of the request by the Controlling Board. 38716

The foregoing appropriation item 195-412, Business 38717  
Development Grants, may be used for, but is not limited to, 38718  
construction, rehabilitation, and acquisition projects for rail 38719  
freight assistance as requested by the Department of 38720  
Transportation. The Director of Transportation shall submit the 38721  
proposed projects to the Director of Development for an evaluation 38722  
of potential economic benefit. 38723

**Section 41.05. FIRST FRONTIER MATCH** 38724

The foregoing appropriation item 195-414, First Frontier 38725  
Match, shall be used as matching funds to targeted counties for 38726  
the purpose of marketing state, regional, and local 38727  
characteristics that may attract economic development. Targeted 38728  
counties mean counties that have a population of less than 175,000 38729  
residents. The appropriation may be used either for marketing 38730  
programs by individual targeted counties or regional marketing 38731  
campaigns, which are marketing programs in which at least one 38732  
targeted county is participating with one or more other targeted 38733  
counties or larger counties. 38734

**REGIONAL OFFICES AND ECONOMIC DEVELOPMENT** 38735

The foregoing appropriation item 195-415, Regional Offices 38736  
and Economic Development, shall be used for the operating expenses 38737  
of the Economic Development Division and the regional economic 38738  
development offices and for grants for cooperative economic 38739  
development ventures. 38740

**Section 41.06. GOVERNOR'S OFFICE OF APPALACHIAN OHIO** 38741

The foregoing appropriation item 195-416, Governor's Office 38742



of Appalachia, shall be used for the administrative costs of 38743  
planning and liaison activities for the Governor's Office of 38744  
Appalachian Ohio. Funds not expended for liaison and training 38745  
activities may be expended for special project grants within the 38746  
Appalachian Region. 38747

Of the foregoing appropriation item 195-416, Governor's 38748  
Office of Appalachia, up to \$250,000 each fiscal year shall be 38749  
used to match federal funds from the Appalachian Development 38750  
Commission to provide job training to impact the Appalachian 38751  
Region. 38752

Of the foregoing appropriation item 195-416, Governor's 38753  
Office of Appalachia, \$4,400,000 in each fiscal year shall be used 38754  
in conjunction with other federal and state funds to provide 38755  
financial assistance to projects in Ohio's Appalachian counties in 38756  
order to further the goals of the Appalachian Regional Commission. 38757  
Such projects and project sponsors shall meet Appalachian Regional 38758  
Commission eligibility requirements. Grants shall be administered 38759  
by the Department of Development. 38760

Of the foregoing appropriation item 195-416, Governor's 38761  
Office of Appalachia, \$500,000 in fiscal year 2002 shall be used 38762  
by the Appalachian Energy Grant Authority to make grants to 38763  
eligible applicants to enhance and maintain the economic welfare 38764  
of the Appalachian Region through the support of manufacturing in 38765  
the region. 38766

URBAN/RURAL INITIATIVE 38767

The foregoing appropriation item 195-417, Urban/Rural 38768  
Initiative, shall be used to make grants in accordance with 38769  
sections 122.19 to 122.22 of the Ohio Revised Code. 38770

TECHNOLOGY ACTION 38771

Prior to the release of funds from appropriation item 38772  
195-422, Technology Action, each grant award shall first obtain 38773

approval from eight members of the Technology Action Board and 38774  
from the Controlling Board. 38775

The Technology Action Board shall consist of fourteen members 38776  
appointed by the Governor with the advice and consent of the 38777  
Senate. Six members of the board shall be recognized technology 38778  
and business leaders from the following sectors covering the 38779  
state: Northeast, Southeast, Northwest, Central, Southwest, and 38780  
the Miami Valley Area. One member shall come from the Wright 38781  
Patterson Air Force Laboratory, one member from the NASA Glenn 38782  
Research Center, one member from the Inter-University Council, and 38783  
one member shall be the current Director of the Edison Centers 38784  
Technology Council. The chair of the Technology Action Board shall 38785  
be the Governor's Science and Technology Advisor, with staff and 38786  
other support as needed from the Department of Development's 38787  
Technology Division and from the Board of Regents' Academic and 38788  
Access Division. In addition, the Directors of Development and 38789  
Transportation (or their designees), and the Chancellor of the 38790  
Board of Regents (or the Chancellor's designee) shall serve as 38791  
ex-officio members of the board. 38792

The Technology Action Board, in accordance with Chapter 119. 38793  
of the Revised Code, shall adopt program rules and develop 38794  
guidelines for the release of funds. 38795

Of the foregoing appropriation item 195-422, Technology 38796  
Action, not more than six per cent in each fiscal year shall be 38797  
used for operating expenditures in administering this program. 38798

In addition to the six per cent for operating expenditures, 38799  
an additional administrative amount, not to exceed \$1,500,000 38800  
within the biennium, shall be used for research, analyses, and 38801  
marketing efforts deemed necessary to receive and disseminate 38802  
information about science and technology related opportunities. 38803

**Section 41.07. COMMUNITY DEVELOPMENT CORPORATIONS** 38804

Of the foregoing appropriation item 195-431, Community Development Corporation Grants, a portion of funds in each fiscal year of the biennium shall be used to make grants to the Ohio Community Development Finance Fund, a nonprofit corporation, in order to leverage private-sector funds to assist nonprofit development organizations to create affordable housing and permanent jobs in distressed areas of the state. The remaining moneys shall be used to provide funds to assist local community development corporations to develop affordable housing programs and economic development programs in their neighborhoods, and for operating costs.

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. 38866

The department shall notify each organization that applied 38867  
for a grant under this section of the amount of its grant award, 38868  
if any. To receive a grant, the organization shall provide 38869  
matching funds equal to 50 per cent of the total grant it was 38870  
awarded. The organization shall expend its grant for shelter 38871  
operations and supportive services, which include employment 38872  
assistance, case management, information and referral services, 38873  
transportation, and clothing. In providing employment assistance, 38874  
the organization shall, at a minimum, refer persons to the 38875  
Department of Job and Family Services. 38876

LOW AND MODERATE INCOME HOUSING 38877

The Director of Budget and Management, after consulting with 38878  
the Director of Development, shall transfer up to \$19,000,000 from 38879  
appropriation item 195-441, Low and Moderate Income Housing, to 38880  
appropriation item 195-638, Low and Moderate Income Housing Trust 38881  
Fund. This transfer shall be made via an intrastate transfer 38882  
voucher. 38883

TANF TRANSFER TO CDBG OPERATING MATCH 38884

The Office of Housing and Community Partnerships of the 38885  
Department of Development shall use \$5,200,000 of appropriation 38886  
authority transferred from appropriation item 600-689, TANF Block 38887  
Grant, in the Department of Job and Family Services in fiscal year 38888  
2002 to appropriation item 195-497, CDBG Operating Match, in the 38889  
Department of Development, and \$6,500,000 of appropriation 38890  
authority transferred from appropriation item 600-689, TANF Block 38891  
Grant, in fiscal year 2003 to appropriation item 195-497, CDBG 38892  
Operating Match, to provide grants supportive services for 38893  
low-income families related to housing or homelessness, including 38894  
housing counseling; to provide grants to nonprofit organizations 38895  
to assist families with incomes at or below 200 per cent of the 38896

federal poverty guidelines with down payment assistance for 38897  
homeownership, including the purchase of mobile homes; to provide 38898  
emergency home repair funding for families with incomes at or 38899  
below 200 per cent of the federal poverty guideline; to provide 38900  
operating support for family emergency shelter programs; and to 38901  
provide emergency rent and mortgage assistance for families with 38902  
incomes at or below 200 per cent of the federal poverty guideline. 38903  
TANF funds shall not be used to match federal funds. 38904

The Department of Development shall comply with all TANF 38905  
requirements, including reporting requirements and timelines, as 38906  
specified in state and federal laws, federal regulations, state 38907  
rules, and the Title IV-A state plan, and is responsible for 38908  
payment of any adverse audit finding, final disallowance of 38909  
federal financial participation, or other sanction or penalty 38910  
issued by the federal government or other entity concerning these 38911  
funds. 38912

No more than five per cent of transferred funds may be used 38913  
by the department for administrative expenses of these programs. 38914  
Transfer of funds between these programs shall first obtain 38915  
approval of the Controlling Board. 38916

As used in this section, "federal poverty guideline" means 38917  
the poverty guideline as defined by the United States Office of 38918  
Management and Budget and revised by the United States Secretary 38919  
of Health and Human Services in accordance with section 673 of the 38920  
"Community Services Block Grant Act," 95 Stat. 511 (1981), 42 38921  
U.S.C.A. 9902, as amended. 38922

UTILITY BILL CREDIT 38923

The foregoing appropriation item 195-505, Utility Bill 38924  
Credits, shall be used to provide utility and fuel assistance to 38925  
eligible low-income Ohio households with elderly and disabled 38926  
members. 38927

**Section 41.11. TRAVEL AND TOURISM GRANTS** 38928

The foregoing appropriation item 195-507, Travel and Tourism 38929  
Grants, shall be used to provide grants to local organizations to 38930  
support various local travel and tourism events in Ohio. 38931

Of the foregoing appropriation item 195-507, Travel and 38932  
Tourism Grants, up to \$200,000 in each fiscal year of the biennium 38933  
may be used to support the outdoor dramas Trumpet in the Land, 38934  
Blue Jacket, Tecumseh, and the Becky Thatcher Showboat Drama; 38935  
\$50,000 in each fiscal year shall be used for the Greater 38936  
Cleveland Film Commission; \$50,000 in each fiscal year shall be 38937  
used for the Cincinnati Film Commission; and \$500,000 in each 38938  
fiscal year shall be used for grants to the International Center 38939  
for the Preservation of Wild Animals. 38940

**ISSUE 1 IMPLEMENTATION** 38941

The foregoing appropriation item 195-510, Issue 1 38942  
Implementation, shall be used to begin the implementation of 38943  
Article VIII, Section 20 of the Ohio Constitution. 38944

**COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE** 38945

The foregoing appropriation item 195-906, Coal Research and 38946  
Development General Obligation Debt Service shall be used to pay 38947  
all debt service and financing costs at the times they are 38948  
required to be made under sections 151.01 and 151.07 of the 38949  
Revised Code during the period from July 1, 2001, to June 30, 38950  
2003. The Office of the Sinking Fund or the Director of Budget and 38951  
Management shall effectuate the required payments by an intrastate 38952  
transfer voucher. 38953

**Section 41.12. SUPPORTIVE SERVICES** 38954

The Director of Development may assess divisions of the 38955  
department for the cost of central service operations. Such an 38956

assessment shall be based on a plan submitted to and approved by 38957  
the Office of Budget and Management by the first day of August of 38958  
each fiscal year, and contain the characteristics of 38959  
administrative ease and uniform application. 38960

A division's payments shall be credited to the Supportive 38961  
Services Fund (Fund 135) using an intrastate transfer voucher. 38962

GENERAL REIMBURSEMENT 38963

The foregoing appropriation item 195-636, General 38964  
Reimbursements, shall be used for conference and subscription fees 38965  
and other reimbursable costs. Revenues to the General 38966  
Reimbursement Fund (Fund 685) shall consist of fees and other 38967  
moneys charged for conferences, subscriptions, and other 38968  
administrative costs that are not central service costs. 38969

HEAP WEATHERIZATION 38970

Fifteen per cent of the federal funds received by the state 38971  
for the Home Energy Assistance Block Grant shall be deposited in 38972  
the Department of Development's Federal Special Revenue Fund (Fund 38973  
3K9) and shall be used to provide home weatherization services in 38974  
the state. 38975

HOME PROGRAM 38976

On July 1, 2001, or as soon as possible thereafter, the 38977  
Director of Development shall certify to the Director of Budget 38978  
and Management the cash balance and open encumbrances relating to 38979  
the HOME Program located within Fund 308, appropriation item 38980  
195-603, Housing and Urban Development. The Director of Budget and 38981  
Management shall transfer the certified amount to newly created 38982  
Fund 3V1, HOME Program. Any existing encumbrances in appropriation 38983  
item 195-603 for the HOME Program shall be canceled and 38984  
re-established against appropriation item 195-601, HOME Program. 38985  
These re-established amounts are appropriated. 38986



STATE SPECIAL PROJECTS	38987
The foregoing appropriation item 195-639, State Special	38988
Projects, shall be used as a general account for the deposit of	38989
private-sector funds from utility companies and other	38990
miscellaneous state funds. Private-sector moneys shall be used to	38991
(1) pay the expenses of verifying the income-eligibility of HEAP	38992
applicants, (2) market economic development opportunities in the	38993
state, and (3) leverage additional federal funds. State funds	38994
shall be used to match federal housing grants for the homeless.	38995
<b>Section 41.13. MINORITY BUSINESS ENTERPRISE LOAN</b>	38996
All repayments from the Minority Development Financing	38997
Advisory Board loan program and the Ohio Mini-Loan Guarantee	38998
Program shall be deposited in the State Treasury, to the credit of	38999
the Minority Business Enterprise Loan Fund (Fund 4W1).	39000
All operating costs of administering the Minority Business	39001
Enterprise Loan Fund shall be paid from the Minority Business	39002
Enterprise Loan Fund (Fund 4WI).	39003
MINORITY BUSINESS BONDING FUND	39004
Notwithstanding Chapters 122., 169., and 175. of the Revised	39005
Code and other provisions of Am. Sub. H.B. 283 of the 123rd	39006
General Assembly, the Director of Development may, upon the	39007
recommendation of the Minority Development Financing Advisory	39008
Board, pledge up to \$10,000,000 in the 2001-2003 biennium of	39009
unclaimed funds administered by the Director of Commerce and	39010
allocated to the Minority Business Bonding Program pursuant to	39011
section 169.05 of the Revised Code. The transfer of any cash by	39012
the Director of Budget and Management from the Department of	39013
Commerce's Unclaimed Funds Fund (Fund 543) to the Department of	39014
Development's Minority Business Bonding Fund (Fund 449) shall	39015
occur, if requested by the Director of Development, only if such	39016

funds are needed for payment of losses arising from the Minority  
Business Bonding Program, and only after proceeds of the initial  
transfer of \$2,700,000 by the Controlling Board to the Minority  
Business Bonding Program has been used for that purpose. Moneys  
transferred by the Director of Budget and Management from the  
Department of Commerce for this purpose may be moneys in custodial  
funds held by the Treasurer of State. If expenditures are required  
for payment of losses arising from the Minority Business Bonding  
Program, such expenditures shall be made from appropriation item  
195-623, Minority Business Bonding Contingency in the Minority  
Business Bonding Fund, and such amounts are appropriated.

MINORITY BUSINESS BONDING PROGRAM ADMINISTRATION

Investment earnings of the Minority Business Bonding Fund  
(Fund 449) shall be credited to the Minority Business Bonding  
Program Administration Fund (Fund 450).

**Section 41.14.** ECONOMIC DEVELOPMENT FINANCING OPERATING

The foregoing appropriation item 195-625, Economic  
Development Financing Operating, shall be used for the operating  
expenses of financial assistance programs authorized under Chapter  
166. of the Revised Code and under sections 122.43 and 122.45 of  
the Revised Code.

UNIVERSAL SERVICE FUND

The foregoing appropriation item 195-659, Universal Service,  
shall be used to provide electric utility assistance benefits to  
Percentage of Income Payment Plan (PIPP) electric accounts, to  
fund targeted energy efficiency and customer education services to  
PIPP customers, and to cover the department's administrative costs  
related to the Universal Service Fund Programs.

ENERGY EFFICIENCY REVOLVING LOAN FUND

The foregoing appropriation item 195-660, Energy Efficiency Revolving Loan, shall be used to provide financial assistance to customers for eligible energy efficiency projects for residential, commercial and industrial business, local government, educational institution, nonprofit, and agriculture customers, and to pay for the program's administrative costs as provided in the Revised Code and rules adopted by the Director of Development.

VOLUME CAP ADMINISTRATION 39054

The foregoing appropriation item 195-654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 617) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.

**Section 41.15. FACILITIES ESTABLISHMENT FUND** 39061

The foregoing appropriation item 195-615, Facilities Establishment (Fund 037), shall be used for the purposes of the Facilities Establishment Fund under Chapter 166. of the Revised Code.

Of the foregoing appropriation item 195-615, Facilities Establishment (Fund 037), up to \$5,000,000 in each fiscal year shall be used for the implementation of H.B. 6 of the 124th General Assembly, if the bill is enacted.

Notwithstanding Chapter 166. of the Revised Code, up to \$1,600,000 may be transferred each fiscal year from the Facilities Establishment Fund (Fund 037) to the Economic Development Financing Operating Fund (Fund 451). The transfer is subject to Controlling Board approval pursuant to division (B) of section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, up to 39076

\$3,800,000 may be transferred in each fiscal year of the biennium 39077  
from the Facilities Establishment Fund (Fund 037) to the Minority 39078  
Business Enterprise Loan Fund (Fund 4W1). The transfer is subject 39079  
to Controlling Board approval pursuant to division (B) of section 39080  
166.03 of the Revised Code. 39081

Notwithstanding Chapter 166. of the Revised Code, up to 39082  
\$5,000,000 cash may be transferred during the biennium from the 39083  
Facilities Establishment Fund (Fund 037) to the Port Authority 39084  
Bond Reserves Fund (Fund 5D1) for use by any port authority in 39085  
establishing or supplementing bond reserve funds for any bond 39086  
issuance permitted under Chapter 4582. of the Revised Code. The 39087  
Director of Development shall develop program guidelines for the 39088  
transfer and release of funds, including, but not limited to, a 39089  
provision that a port authority shall receive not more than 39090  
\$2,000,000 total from the fund. The transfer and release of funds 39091  
are subject to Controlling Board approval. 39092

Notwithstanding Chapter 166. of the Revised Code, up to 39093  
\$20,475,000 cash may be transferred during the biennium from the 39094  
Facilities Establishment Fund (Fund 037) to the Urban 39095  
Redevelopment Loans Fund (Fund 5D2) for the purpose of removing 39096  
barriers to urban core redevelopment. The Director of Development 39097  
shall develop program guidelines for the transfer and release of 39098  
funds, including, but not limited to, the completion of all 39099  
appropriate environmental assessments before state assistance is 39100  
committed to a project. 39101

Notwithstanding Chapter 166. of the Revised Code, up to 39102  
\$5,000,000 per fiscal year in cash may be transferred from the 39103  
Facilities Establishment Fund (Fund 037) to the Rural Industrial 39104  
Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling 39105  
Board approval pursuant to section 166.03 of the Revised Code. 39106

FAMILY FARM LOAN PROGRAM 39107

Notwithstanding Chapter 166. of the Revised Code, up to 39108  
\$2,246,375 in each fiscal year shall be transferred from moneys in 39109  
the Facilities Establishment Fund (Fund 037) to the Family Farm 39110  
Loan Fund (Fund 5H1) in the Department of Development. These 39111  
moneys shall be used for loan guarantees. The transfer is subject 39112  
to Controlling Board approval. 39113

Financial assistance from the Family Farm Loan Fund (Fund 39114  
5H1) shall be repaid to Fund 5H1. This fund is established in 39115  
accordance with sections 166.031, 901.80, 901.81, 901.82, and 39116  
901.83 of the Revised Code. 39117

When the Family Farm Loan Fund (Fund 5H1) ceases to exist, 39118  
all outstanding balances, all loan repayments, and any other 39119  
outstanding obligations shall revert to the Facilities 39120  
Establishment Fund (Fund 037). 39121

**Section 41.16. FUND 5F7 TRANSFER** 39122

On July 1, 2001, or as soon as possible thereafter, the 39123  
Director of Budget and Management shall transfer all cash in Fund 39124  
5F7, Local Government Y2K Loan Program, to the General Revenue 39125  
Fund. Upon completion of the transfer, Fund 5F7 is abolished. 39126

**Section 42. OBD OHIO BOARD OF DIETETICS** 39127

General Services Fund Group				39128	
4K9 860-609 Operating Expenses	\$	300,591	\$	317,617	39129
TOTAL GSF General Services Fund				39130	
Group	\$	300,591	\$	317,617	39131
TOTAL ALL BUDGET FUND GROUPS	\$	300,591	\$	317,617	39132

**Section 43. CDR COMMISSION ON DISPUTE RESOLUTION AND** 39134

**CONFLICT MANAGEMENT** 39135

General Revenue Fund 39136

GRF 145-401 Commission on Dispute Resolution/Management	\$	581,192	\$	609,974	39137
TOTAL GRF General Revenue Fund	\$	581,192	\$	609,974	39138
General Services Fund Group					39139
4B6 145-601 Gifts and Grants	\$	160,590	\$	164,605	39140
TOTAL GSF General Services Fund Group	\$	160,590	\$	164,605	39141
Federal Special Revenue Fund Group					39143
3S6 145-602 Dispute Resolution: Federal	\$	32,917	\$	0	39144
TOTAL FED Federal Special Revenue Fund Group	\$	32,917	\$	0	39145
TOTAL ALL BUDGET FUND GROUPS	\$	774,699	\$	774,579	39146

COMMISSION ON DISPUTE RESOLUTION/MANAGEMENT 39147

The foregoing appropriation item 145-401, Commission on Dispute Resolution/Management, shall be used in each fiscal year by the Commission on Dispute Resolution and Conflict Management for the purpose of providing dispute resolution and conflict management training, consultation, and materials for state and local government, communities, school districts, and courts and, in consultation with the Department of Education, for the purpose of offering competitive school conflict programs to school districts.

The Commission shall assist the Department of Education in the development and dissemination of the school conflict management programs to school districts.

**Section 44.** EDU DEPARTMENT OF EDUCATION 39160

General Revenue Fund					39161
GRF 200-100 Personal Services	\$	11,819,828	\$	12,113,828	39162
GRF 200-320 Maintenance and	\$	5,052,866	\$	5,185,051	39163

		Equipment					
GRF	200-406	Head Start	\$	98,843,825	\$	98,843,825	39164
GRF	200-408	Public Preschool	\$	19,506,206	\$	19,506,206	39165
GRF	200-410	Professional	\$	23,463,829	\$	34,810,579	39166
		Development					
GRF	200-411	Family and Children	\$	10,642,188	\$	10,642,188	39167
		First					
GRF	200-416	Vocational Education	\$	2,381,738	\$	2,381,738	39168
		Match					
GRF	200-420	Technical Systems	\$	6,000,000	\$	6,500,000	39169
		Development					
GRF	200-421	Alternative Education	\$	20,000,000	\$	20,000,000	39170
		Programs					
GRF	200-422	School Management	\$	1,485,675	\$	1,571,219	39171
		Assistance					
GRF	200-424	Policy Analysis	\$	642,756	\$	674,894	39172
GRF	200-425	Tech Prep	\$	2,431,012	\$	2,431,012	39173
		Administration					
GRF	200-426	Ohio Educational	\$	39,871,927	\$	39,871,927	39174
		Computer Network					
GRF	200-427	Academic Standards	\$	8,474,999	\$	8,862,500	39175
GRF	200-431	School Improvement	\$	15,850,000	\$	14,625,000	39176
		Initiatives					
GRF	200-432	School Conflict	\$	626,496	\$	657,821	39177
		Management					
GRF	200-433	Reading/Writing	\$	18,962,948	\$	19,276,694	39178
		Improvement					
GRF	200-437	Student Assessment	\$	23,692,045	\$	25,942,045	39179
GRF	200-438	Safe Schools	\$	2,050,000	\$	2,050,000	39180
GRF	200-441	American Sign Language	\$	232,073	\$	236,715	39181
GRF	200-442	Child Care Licensing	\$	1,517,751	\$	1,548,107	39182
GRF	200-444	Professional	\$	1,917,000	\$	1,705,800	39183
		Recruitment					

GRF 200-445	OhioReads Admin/Volunteer Support	\$ 5,485,440	\$ 5,485,440	39184
GRF 200-446	Education Management Information System	\$ 16,579,636	\$ 16,573,430	39185
GRF 200-447	GED Testing/Adult High School	\$ 2,038,678	\$ 2,079,451	39186
GRF 200-455	Community Schools	\$ 4,728,935	\$ 4,824,517	39187
GRF 200-500	School Finance Equity	\$ 23,560,125	\$ 19,975,864	39188
GRF 200-501	Base Cost Funding	\$ 4,263,404,768	\$ 4,432,102,815	39189
GRF 200-502	Pupil Transportation	\$ 334,183,786	\$ 377,305,465	39190
GRF 200-503	Bus Purchase Allowance	\$ 36,735,279	\$ 36,799,984	39191
GRF 200-505	School Lunch Match	\$ 9,639,000	\$ 9,831,780	39192
GRF 200-509	Adult Literacy Education	\$ 7,387,249	\$ 7,574,994	39193
GRF 200-511	Auxiliary Services	\$ 122,782,475	\$ 127,650,709	39194
GRF 200-513	Student Intervention Services	\$ 31,900,000	\$ 38,280,000	39195
GRF 200-514	Post-Secondary/Adult Career-Technical Education	\$ 23,230,243	\$ 23,230,243	39196
GRF 200-520	Disadvantaged Pupil Impact Aid	\$ 360,149,743	\$ 360,149,743	39197
GRF 200-521	Gifted Pupil Program	\$ 45,930,131	\$ 47,983,321	39198
GRF 200-525	Parity Aid	\$ 95,263,845	\$ 200,123,870	39199
GRF 200-532	Nonpublic Administrative Cost Reimbursement	\$ 53,533,703	\$ 55,675,051	39200
GRF 200-534	Desegregation Costs	\$ 500,000	\$ 500,000	39201
GRF 200-540	Special Education Enhancements	\$ 139,006,701	\$ 141,950,428	39202
GRF 200-545	Career-Technical Education Enhancements	\$ 21,673,574	\$ 22,406,349	39203



GRF 200-546	Charge-Off Supplement	\$	39,191,433	\$	28,684,104	39204
GRF 200-552	County MR/DD Boards Vehicle Purchases	\$	1,666,204	\$	1,666,204	39205
GRF 200-553	County MR/DD Boards Transportation Operating	\$	9,575,910	\$	9,575,910	39206
GRF 200-558	Emergency Loan Interest Subsidy	\$	4,500,000	\$	3,300,000	39207
GRF 200-566	OhioReads Grants	\$	27,148,000	\$	27,148,000	39208
GRF 200-570	School Improvement Incentive Grants	\$	1,000,000	\$	1,000,000	39209
GRF 200-574	Substance Abuse Prevention	\$	1,948,200	\$	1,948,200	39210
GRF 200-901	Property Tax Allocation - Education	\$	707,700,000	\$	743,000,000	39211
GRF 200-906	Tangible Tax Exemption - Education	\$	73,500,000	\$	75,700,000	39212
TOTAL GRF	General Revenue Fund	\$	6,779,408,220	\$	7,151,963,021	39213
	General Services Fund Group					39214
138 200-606	Computer Services	\$	6,629,469	\$	6,761,034	39215
4D1 200-602	Ohio Prevention/Education Resource Center	\$	345,000	\$	345,000	39216
4L2 200-681	Teacher Certification and Licensure	\$	4,684,143	\$	4,856,290	39217
452 200-638	Miscellaneous Revenue	\$	1,045,000	\$	1,045,000	39218
5H3 200-687	School District Solvency Assistance	\$	24,000,000	\$	24,000,000	39219
596 200-656	Ohio Career Information System	\$	743,217	\$	769,230	39220
TOTAL GSF	General Services Fund Group	\$	37,446,829	\$	37,776,554	39221 39222

	Federal Special Revenue Fund Group					39223	
3C5	200-661	Federal Dependent Care Programs	\$	18,189,907	\$	18,233,488	39224
3D1	200-664	Drug Free Schools	\$	20,621,375	\$	20,660,570	39225
3D2	200-667	Honors Scholarship Program	\$	2,454,688	\$	2,540,602	39226
3H9	200-605	Head Start Collaboration Project	\$	250,000	\$	250,000	39227
3M0	200-623	ESEA Chapter One	\$	320,505,063	\$	330,172,277	39228
3M1	200-678	ESEA Chapter Two	\$	13,595,978	\$	14,059,555	39229
3M2	200-680	Ind W/Disab Education Act	\$	186,000,000	\$	206,000,000	39230
3L6	200-617	Federal School Lunch	\$	175,274,000	\$	180,181,672	39231
3L7	200-618	Federal School Breakfast	\$	45,746,000	\$	47,026,888	39232
3L8	200-619	Child and Adult Care Programs	\$	60,257,639	\$	61,966,125	39233
3L9	200-621	Vocational Education Basic Grant	\$	43,613,582	\$	45,142,330	39234
3S2	200-641	Tech Literacy Transfer	\$	15,183,430	\$	15,183,430	39235
3T4	200-613	Public Charter Schools	\$	4,887,260	\$	5,055,185	39236
3T6	200-611	Class Size Reduction	\$	32,289,281	\$	33,903,747	39237
3U2	200-662	Teacher Quality Enhancement Grants	\$	1,300,501	\$	1,352,000	39238
3U3	200-665	Reading Excellence Grant Program	\$	10,018,756	\$	0	39239
3U6	200-675	Provision 2 & 3 Grant	\$	191,050	\$	0	39240
309	200-601	Educationally Disadvantaged	\$	20,759,222	\$	21,425,345	39241
366	200-604	Adult Basic Education	\$	17,527,286	\$	18,140,740	39242
367	200-607	School Food Services	\$	10,089,884	\$	10,408,199	39243
368	200-614	Veterans' Training	\$	648,514	\$	671,212	39244
369	200-616	Vocational Education	\$	8,000,000	\$	8,000,000	39245

370	200-624	Education of All Handicapped Children	\$	1,364,246	\$	1,410,908	39246
371	200-631	EEO Title IV	\$	1,155,361	\$	1,213,894	39247
374	200-647	E.S.E.A. Consolidated	\$	110,094	\$	110,094	39248
378	200-660	Math/Science Technology Investments	\$	12,696,055	\$	13,036,530	39249
TOTAL FED Federal Special							39250
Revenue Fund Group			\$	1,022,729,172	\$	1,056,144,791	39251
State Special Revenue Fund Group							39252
4R7	200-695	Indirect Cost Recovery	\$	3,942,779	\$	4,168,947	39253
4V7	200-633	Interagency Vocational Support	\$	695,197	\$	731,674	39254
053	200-900	School District Property Tax Replacement	\$	102,000,000	\$	120,605,324	39255
454	200-610	Guidance and Testing	\$	940,636	\$	956,761	39256
455	200-608	Commodity Foods	\$	10,000,000	\$	11,000,000	39257
598	200-659	Auxiliary Services Mobile Units	\$	1,328,910	\$	1,328,910	39258
620	200-615	Educational Grants	\$	1,525,000	\$	1,525,000	39259
TOTAL SSR State Special Revenue							39260
Fund Group			\$	120,432,522	\$	140,316,616	39261
Lottery Profits Education Fund Group							39262
017	200-612	Base Cost Funding	\$	604,000,000	\$	596,000,000	39263
017	200-682	Lease Rental Payment Reimbursement	\$	29,722,100	\$	25,722,600	39264
TOTAL LPE Lottery Profits							39265
Education Fund Group			\$	633,722,100	\$	621,722,600	39266
TOTAL ALL BUDGET FUND GROUPS			\$	8,593,738,843	\$	9,007,923,582	39267
<b>Section 44.01. MAINTENANCE AND EQUIPMENT</b>							39269
Of the foregoing appropriation item 200-320, Maintenance and							39270

Equipment, up to \$25,000 may be expended in each year of the 39271  
biennium for State Board of Education out-of-state travel. 39272

**Section 44.02. HEAD START** 39273

No later than July 15, 2001, the Director of Budget and 39274  
Management shall transfer \$76,156,175 from Fund 3W6, TANF 39275  
Education, to the General Revenue Fund. No later than July 15, 39276  
2002, the Director of Budget and Management shall transfer 39277  
\$98,843,825 from Fund 3W6, TANF Education, to the General Revenue 39278  
Fund. The transferred funds are appropriated for the appropriation 39279  
item 200-406, Head Start. The foregoing appropriation item 39280  
200-406, Head Start, includes transferred funds of \$76,156,175 in 39281  
fiscal year 2002 and \$98,843,825 in fiscal year 2003. 39282

The foregoing appropriation item 200-406, Head Start, shall 39283  
be distributed by the Department of Education to Head Start 39284  
agencies. A "Head Start agency" means an entity that has been 39285  
approved to be an agency in accordance with Section 641 (42 U.S.C. 39286  
9836) of the Head Start Act and amendments thereto, or an entity 39287  
designated for state Head Start funding under this section. 39288  
Participation in state-funded Head Start programs is voluntary. 39289

Moneys distributed under this heading shall not be used to 39290  
reduce expenditures from funds received by a Head Start agency 39291  
from any other sources. Section 3301.31 of the Revised Code does 39292  
not apply to funds distributed under this heading. In lieu of 39293  
section 3301.31 of the Revised Code, distribution of moneys under 39294  
this heading shall be as follows: 39295

(A) In fiscal years 2002 and 2003, up to two per cent of the 39296  
appropriation may be used by the department for administrative 39297  
costs of complying with this section; developing program capacity; 39298  
and assisting programs with facilities planning, construction, 39299  
renovation, or lease agreements in combination with the Community 39300  
Development Finance Fund (CDFF). Up to \$1,530,000 in fiscal year 39301

2002 and up to \$1,560,600 in fiscal year 2003 may be used for 39302  
training in early literacy for Head Start classroom teachers and 39303  
administrators to support the OhioReads Initiative. 39304

(B) The department shall provide an annual report to the 39305  
Governor, the Speaker of the House of Representatives, the 39306  
President of the Senate, the State Board of Education, Head Start 39307  
grantees, and other interested parties. The report shall include 39308  
the following: 39309

(1) The number and per cent of eligible children by county 39310  
and by grantee; 39311

(2) The amount of state funds requested for continuation per 39312  
grantee; 39313

(3) The amount of state funds received for continuation per 39314  
grantee; 39315

(4) A summary of program performance on the state critical 39316  
performance indicators; 39317

(5) A summary of developmental progress of children 39318  
participating in the state-funded Head Start program; 39319

(6) Any other data reflecting the performance of Head Start 39320  
that the department considers pertinent. 39321

(C) For purposes of this section, "eligible child" means a 39322  
child who is at least three years of age and not of compulsory 39323  
school age whose family earns no more than 100 per cent of the 39324  
federal poverty level, except as otherwise provided in this 39325  
division. 39326

The Department of Education, in consultation with Head Start 39327  
grantees or their designated representatives, shall establish 39328  
criteria under which individual Head Start grantees may apply to 39329  
the department for a waiver to include as "eligible children" 39330  
those children from families earning up to 185 per cent of the 39331

federal poverty level when the children otherwise qualify as 39332  
"eligible children" under this division. 39333

In order to serve children whose families receive child care 39334  
subsidy and whose incomes do not exceed 185 per cent of the 39335  
federal poverty guidelines, Head Start grantees may enroll 39336  
children whose families receive child care subsidy from the Ohio 39337  
Department of Job and Family Services. Head Start grantees 39338  
providing full-day, full-year comprehensive services, or otherwise 39339  
meeting the child care needs of working families, may partner with 39340  
child care centers or family day care homes or may access child 39341  
care subsidy directly. This provision is to meet the child care 39342  
needs of low-income families who are working, in training or 39343  
education programs, or participating in Ohio Works First approved 39344  
activities. 39345

The Department of Education, in consultation with the 39346  
Department of Job and Family Services, interested parties, and 39347  
Head Start agencies shall formulate a method for determining an 39348  
estimate of the number of eligible children and the per cent 39349  
served by grantee(s) in each county. 39350

(D) After setting aside amounts to make any payments due from 39351  
the prior fiscal year, in fiscal years 2002 and 2003, funds shall 39352  
first be distributed to recipients of Head Start funds during the 39353  
preceding fiscal year. Awards under this division may be reduced 39354  
by the amount received in that year for one-time start-up costs 39355  
and may be adjusted for actual months of program operation or 39356  
enrollment as reported during the first full week of December, and 39357  
may be increased by a reasonable percentage for inflation to be 39358  
determined by the Department of Education and in accordance with 39359  
this section. The department may redistribute dollars to programs 39360  
demonstrating an unmet need based on updated assessments of family 39361  
needs and community resources, with special attention to the 39362  
projected impact of welfare reform. In fiscal years 2002 and 2003, 39363

the department may authorize recipients to carry over funds to the 39364  
subsequent fiscal year. 39365

The department may reallocate unobligated or unspent money to 39366  
participating Head Start agencies for purposes of program 39367  
expansion, improvement, or special projects to promote excellence 39368  
and innovation. 39369

(E) Costs for developing and administering a Head Start 39370  
program may not exceed fifteen per cent of the total approved 39371  
costs of the program. 39372

All recipients of funds shall maintain such fiscal control 39373  
and accounting procedures as may be necessary to ensure the 39374  
disbursement of, and accounting for, these funds. The control of 39375  
funds provided in this program, and title to property obtained 39376  
therefrom, shall be under the authority of the approved recipient 39377  
for purposes provided in the program. The approved recipient shall 39378  
administer and use such property and funds for the purposes 39379  
specified. 39380

Each recipient shall furnish the department an annual audit 39381  
that includes the review of state funds received under this 39382  
section. 39383

(F) The department shall prescribe target levels for critical 39384  
performance indicators for the purpose of assessing Head Start 39385  
programs. On-site reviews and follow-up visits shall be based on 39386  
grantee progress in meeting the prescribed target levels. 39387

The department may audit a Head Start agency's financial and 39388  
program records. Head Start agencies that have financial practices 39389  
not in accordance with standard accounting principles, that fail 39390  
to substantially meet the Head Start performance standards, or 39391  
that exhibit below-average performance shall be subject to an 39392  
on-site review. 39393

The department shall require corrective plans of action for 39394

programs not achieving target levels or financial and program 39395  
standards. Action plans shall include activities to be conducted 39396  
by the grantee and timelines for activities to be completed and 39397  
timelines for additional data submission to the department 39398  
demonstrating targets have been met. The Policy Council 39399  
chairperson and the appropriate grantee board official shall sign 39400  
the corrective plans of action. 39401

Programs not meeting performance targets in accordance with 39402  
the plan of action and prescribed timelines may have their 39403  
continuation funding reduced, be disqualified for expansion 39404  
consideration until targets are met, or have all state funds 39405  
withdrawn and a new grantee established. 39406

The department shall require school districts to collect 39407  
"preschool" information by program type. All data shall be 39408  
reported via the Education Management Information System (EMIS). 39409

(G) The department shall require Head Start grantees to 39410  
document child progress, using a common instrument prescribed by 39411  
the department, and report results annually. The department shall 39412  
determine the dates for documenting and reporting. 39413

The State Board of Education shall adopt rules addressing the 39414  
use of screening and assessment data, including, but not limited 39415  
to, all the following: 39416

(1) Protection of the identity of individual children through 39417  
assignment of a unique but not personally identifiable code; 39418  
39419

(2) Parents' rights; 39420

(3) Use of the data by school personnel as it relates to 39421  
kindergarten entrance. 39422

(H) New agencies may be designated for state Head Start 39423  
funding if a Head Start agency voluntarily waives its right for 39424



funding or is de-funded based on performance. 39425

When such a condition exists, the department shall conduct a 39426  
competitive bidding process to select a new agency to provide 39427  
state funded continuation or expansion services. The bidding 39428  
process shall include notices of competitive bidding mailed to 39429  
delegate agencies in the affected area and to newspapers in the 39430  
Head Start service area. 39431

Section 3313.646 of the Revised Code does not apply to funds 39432  
distributed under this section. 39433

(I) It is the intent of the General Assembly that 39434  
appropriations for appropriation items 200-406, Head Start, and 39435  
200-408, Public Preschool, be available for transfer between Head 39436  
Start and public preschool programs so that unallocated funds may 39437  
be used between the two programs. 39438

(J) The Department of Education shall comply with all TANF 39439  
requirements, including reporting requirements and timelines, as 39440  
specified in state and federal laws, federal regulations, state 39441  
rules, and the Title IV-A state plan, and is responsible for 39442  
payment of any adverse audit finding, final disallowance of 39443  
federal financial participation, or other sanction or penalty 39444  
issued by the federal government or other entity concerning these 39445  
funds. 39446

**Section 44.03. PUBLIC PRESCHOOL** 39447

The Department of Education shall distribute the foregoing 39448  
appropriation item 200-408, Public Preschool, to pay the costs of 39449  
comprehensive preschool programs. As used in this section, "school 39450  
district" means a city, local, exempted village, or joint 39451  
vocational school district, or an educational service center. 39452

(A) In fiscal years 2002 and 2003, up to two per cent of the 39453  
total appropriation may be used by the department for 39454

administrative costs of complying with this section; developing 39455  
program capacity; and assisting programs with facilities planning, 39456  
construction, renovation, or lease agreements in conjunction with 39457  
the Community Development Finance Fund (CDFF). 39458

(B) The department shall provide an annual report to the 39459  
Governor, the Speaker of the House of Representatives, the 39460  
President of the Senate, the State Board of Education, Head Start 39461  
grantees, and other interested parties. The report shall include: 39462

(1) The number and per cent of eligible children by county 39463  
and by school district; 39464

(2) The amount of state funds requested for continuation per 39465  
school district; 39466

(3) The amount of state funds received for continuation per 39467  
school district; 39468

(4) A summary of program performance on the state critical 39469  
performance indicators in the public preschool program; 39470

(5) A summary of developmental progress of children 39471  
participating in the state-funded public preschool program; 39472

(6) Any other data reflecting the performance of public 39473  
preschool programs that the department considers pertinent. 39474

(C) For purposes of this section, "eligible child" means a 39475  
child who is at least three years of age whose family earns no 39476  
more than 185 per cent of the federal poverty level. 39477

The Department of Education, in consultation with the 39478  
Department of Job and Family Services, interested parties, and 39479  
Head Start agencies shall formulate a method for determining an 39480  
estimate of the number of eligible children and the percentage 39481  
served by grantees in each county. 39482

(D) After setting aside amounts to make any payments due from 39483  
the prior fiscal year, in fiscal years 2002 and 2003, funds shall 39484

first be distributed to recipients of funds during the preceding 39485  
fiscal year. Awards under this division may be reduced by the 39486  
amount received in that fiscal year for one-time start-up costs 39487  
and may be adjusted for actual months of program operation or 39488  
enrollment as reported during the first full week of December, and 39489  
may be increased by a reasonable percentage to be determined by 39490  
the Department of Education. The department may redistribute 39491  
dollars to programs demonstrating an unmet need based on updated 39492  
assessments of family needs and community resources, with special 39493  
attention to the projected impact of welfare reform. In fiscal 39494  
years 2002 and 2003, the department may authorize recipients to 39495  
carry over funds to the subsequent fiscal year. 39496

The department may reallocate unobligated or unspent money to 39497  
participating school districts for purposes of program expansion, 39498  
improvement, or special projects to promote excellence and 39499  
innovation. 39500

(E) Costs for developing and administering a preschool 39501  
program may not exceed fifteen per cent of the total approved 39502  
costs of the program. 39503

All recipients of funds shall maintain such fiscal control 39504  
and accounting procedures as may be necessary to ensure the 39505  
disbursement of, and accounting for, these funds. The control of 39506  
funds provided in this program, and title to property obtained 39507  
therefrom, shall be under the authority of the approved recipient 39508  
for purposes provided in the program. The approved recipient shall 39509  
administer and use such property and funds for the purposes 39510  
specified. 39511

(F) The department shall prescribe target levels for critical 39512  
performance indicators for the purpose of assessing public 39513  
preschool programs. On-site reviews and follow-up visits shall be 39514  
based on progress in meeting the prescribed target levels. 39515

The department may audit a school district's preschool financial and program records. School districts that have financial practices not in accordance with standard accounting principles, that operate preschool programs that fail to substantially meet the Head Start performance standards, or that exhibit below-average performance shall be subject to an on-site review.

The department shall require corrective plans of action for programs not achieving target levels or financial and program standards. Action plans shall include activities to be conducted by the grantee and timelines for activities to be completed and timelines for additional data submission to the department demonstrating that targets have been met. The appropriate school board official shall sign the corrective plans of action.

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. 39548

(H) Each school district shall develop a sliding fee scale 39549  
based on family incomes in the district and shall charge families 39550  
who earn more than the federal poverty level for preschool. 39551

(I) It is the intent of the General Assembly that 39552  
appropriations for appropriation items 200-406, Head Start, and 39553  
200-408, Public Preschool, be available for transfer between Head 39554  
Start and Public Preschool programs so that unallocated funds may 39555  
be used between the two programs. 39556

**Section 44.04. PROFESSIONAL DEVELOPMENT** 39557

Of the foregoing appropriation item 200-410, Professional 39558  
Development, \$5,997,829 in each fiscal year shall be used by the 39559  
Department of Education to develop a statewide comprehensive 39560  
system of twelve professional development centers that support 39561  
local educators' ability to foster academic achievement in the 39562  
students they serve. The centers shall include training teachers 39563  
on site-based management concepts to encourage teachers to become 39564  
involved in the management of their schools. 39565

Of the foregoing appropriation item 200-410, Professional 39566  
Development, \$5,845,000 in fiscal year 2002 and \$6,000,000 in 39567  
fiscal year 2003 shall be used by the Department of Education to 39568  
pay the application fee for teachers from public and chartered 39569  
nonpublic schools applying to the National Board for Professional 39570  
Teaching Standards for professional teaching certificates or 39571  
licenses that the board offers, and to provide grants in each 39572  
fiscal year to recognize and reward teachers who become certified 39573  
by the board pursuant to section 3319.55 of the Revised Code. 39574

These moneys shall be used to pay for the first 900 39575  
applications in fiscal year 2002 and up to the first 550 39576  
applications in fiscal year 2003 received by the department. Each 39577

prospective applicant for certification or licensure shall submit 39578  
an application to the Department of Education. When the department 39579  
has collected a group of applications, but not later than 30 days 39580  
after receipt of the first application in a group, it shall send 39581  
the applications to the National Board for Professional Teaching 39582  
Standards along with a check to cover the cost of the application 39583  
fee for all applicants in that group. 39584

Of the foregoing appropriation item 200-410, Professional 39585  
Development, up to \$8,296,000 in fiscal year 2002 and up to 39586  
\$19,387,750 in fiscal year 2003 shall be allocated for entry year 39587  
programs. These funds shall be used to support mentoring services 39588  
of beginning teachers, including chartered nonpublic beginning 39589  
teachers. In fiscal year 2002, the Department of Education shall 39590  
select eligible beginning teachers to participate in a year-long 39591  
entry year program that provides mentoring by experienced school 39592  
district and university faculty and Praxis III teacher performance 39593  
assessment. In fiscal year 2003, the program shall also include 39594  
the assessment of all beginning teachers with the Education 39595  
Testing Service's Praxis III examination. 39596

Of the foregoing appropriation item 200-410, Professional 39597  
Development, up to \$650,000 in each fiscal year shall be used to 39598  
continue Ohio leadership academies to develop and train 39599  
superintendents in new leadership and management practices to 39600  
support high performance schools. This training shall be 39601  
coordinated with other locally administered leadership programs. 39602

Of the foregoing appropriation item 200-410, Professional 39603  
Development, up to \$850,000 in each fiscal year shall be used to 39604  
support the Ohio Principal's Leadership Academy that will serve 39605  
principals and their staff teams. An advisory panel comprised of 39606  
national business and education experts shall advise the 39607  
Department of Education on content and delivery of curriculum and 39608  
instruction. 39609

Of the foregoing appropriation item 200-410, Professional Development, up to \$975,000 in each fiscal year shall be used to establish an entry year program for principals, including for chartered nonpublic principals. Grants in fiscal year 2002 shall be issued to pilot sites that shall develop prototypes of the program in a variety of contexts. These sites also shall pilot the School Leaders Licensure Assessment, which was developed by the Educational Testing Service at a cost of \$450 per assessment. Funds in fiscal year 2003 shall be used to implement an entry year program for principals.

Of the foregoing appropriation item 200-410, Professional Development, up to \$500,000 in each fiscal year shall be used by the Rural Appalachian Initiative to create professional development academies for teachers, principals, and superintendents in the Appalachian region. No funding shall be released prior to the Department of Education receiving a satisfactory report of the activities conducted by these professional development academies during the previous year.

Of the foregoing appropriation item 200-410, Professional Development, up to \$250,000 in fiscal year 2002 and up to \$350,000 in fiscal year 2003 shall be used to support a Teacher Recognition Program. Funds awarded shall be used to recognize exemplary performance and support the professional development of educators across the educator life-cycle continuum, and may also be used to support the implementation of an educator-in-residence program.

Of the foregoing appropriation item 200-410, Professional Development, up to \$25,000 in each fiscal year shall be used by the Ohio Teacher Education and Certification Commission to carry out the responsibilities of the 21-member Ohio Teacher Education and Certification Advisory Commission. The advisory commission is charged by the State Board of Education with considering all matters related to educator preparation and licensure, including

standards for educator preparation and licensure, approval of 39642  
institutions and programs, and recommending consideration of 39643  
decisions to the State Board. 39644

Of the foregoing appropriation item 200-410, Professional 39645  
Development, up to \$75,000 in each fiscal year shall be used to 39646  
support the Ohio University Leadership Program. 39647

**Section 44.05. FAMILY AND CHILDREN FIRST** 39648

(A) Of the foregoing appropriation item 200-411, Family and 39649  
Children First, the Department of Education shall transfer up to 39650  
\$3,677,188 in each fiscal year by intrastate transfer voucher to 39651  
the Department of Mental Retardation and Developmental 39652  
Disabilities. These funds shall be spent on direct grants to 39653  
county family and children first councils created under section 39654  
121.37 of the Revised Code. The funds shall be used as partial 39655  
support payment and reimbursement for locally coordinated 39656  
treatment plans for multineeds children that come to the attention 39657  
of the Family and Children First Cabinet Council pursuant to 39658  
section 121.37 of the Revised Code. The treatment plans shall 39659  
include strategies to address each child's academic achievement. 39660  
The Department of Mental Retardation and Developmental 39661  
Disabilities shall administer the distribution of the direct 39662  
grants to the county councils. The Department of Mental 39663  
Retardation and Developmental Disabilities may use up to five per 39664  
cent of this amount for administrative expenses associated with 39665  
the distribution of funds to the county councils. 39666

(B) Of the foregoing appropriation item 200-411, Family and 39667  
Children First, up to \$1,775,000 in each fiscal year shall be used 39668  
as administrative grants to county family and children first 39669  
councils to provide a portion of the salary and fringe benefits 39670  
necessary to fund county council coordinators, administrative 39671  
support, training, or parental involvement. The total initial 39672



grant under this provision to any county family and children first 39673  
council shall not exceed \$20,000. In the event that not all 39674  
counties in the state have established a county council, at the 39675  
beginning of the fourth quarter of a fiscal year, any remaining 39676  
funds to be used as administrative grants may be redirected by the 39677  
Family and Children First Cabinet Council to other priorities and 39678  
activities. Up to \$15,000 of the \$1,775,000 in each fiscal year 39679  
shall be used by the Family and Children First Cabinet Council for 39680  
administrative costs, including stipends to family representatives 39681  
participating in approved activities of the initiative, 39682  
educational and informational forums, and technical assistance to 39683  
local family and children first councils. 39684

(C) Of the foregoing appropriation item 200-411, Family and 39685  
Children First, up to \$5,190,000 in each fiscal year shall be used 39686  
to fund school-based or school-linked school readiness resource 39687  
centers in school districts where there is a concentration of risk 39688  
factors to school readiness and success, including indicators of 39689  
poverty, health, and family stability. The purpose of these 39690  
centers is to assist in providing services to families of 39691  
school-age children who want and need support. 39692

School readiness resource centers shall be located in each of 39693  
the state's 21 urban school districts as defined in division (O) 39694  
of section 3317.02 of the Revised Code, as that section existed 39695  
prior to July 1, 1998. The Ohio Family and Children First Cabinet 39696  
Council, in consultation with the Department of Education and 39697  
school districts, shall identify individual schools based on 39698  
quantitative and qualitative factors that reflect both the need 39699  
for school readiness resource centers and the local capacity for 39700  
redesigning, as necessary, a delivery system of family support 39701  
services. The council and the Department of Education shall 39702  
organize and provide technical assistance to the school districts 39703  
and communities in planning, developing, and implementing the 39704

centers. The council shall also negotiate a performance agreement 39705  
that details required program characteristics, service options, 39706  
and expected results. 39707

Each urban school district and community may receive up to 39708  
\$240,000 to maintain three school readiness resource centers that 39709  
are located in or linked to elementary, middle, and high school 39710  
sites that are connected by student assignment patterns within the 39711  
school districts. Each school district shall work with a 39712  
representative of the local family and children first council and 39713  
a representative cross-section of families and community leaders 39714  
in the district to operate the school readiness resource centers 39715  
based upon conditions agreed to in the performance agreement 39716  
negotiated with the cabinet council. 39717

Up to \$50,000 in each fiscal year may be used by the Ohio 39718  
Family and Children First Cabinet Council for an evaluation of the 39719  
effectiveness of the school readiness resource centers. Up to 39720  
\$100,000 in each fiscal year may be used by the cabinet council to 39721  
approve technical assistance and oversee the implementation of the 39722  
centers. The administration and management of the school readiness 39723  
resource centers may be contracted out through a competitive 39724  
bidding process established by the cabinet council in consultation 39725  
with the Department of Education. 39726

**Section 44.06. VOCATIONAL EDUCATION MATCH** 39727

The foregoing appropriation item 200-416, Vocational 39728  
Education Match, shall be used by the Department of Education to 39729  
provide vocational administration matching funds pursuant to 20 39730  
U.S.C. 2311. 39731

**TECHNICAL SYSTEMS DEVELOPMENT** 39732

The foregoing appropriation item 200-420, Technical Systems 39733  
Development, shall be used to support the development and 39734

implementation of information technology solutions designed to 39735  
improve the performance and customer service of the Department of 39736  
Education. Funds may be used for personnel, maintenance, and 39737  
equipment costs related to the development and implementation of 39738  
these technical system projects. Implementation of these systems 39739  
shall allow the department to provide greater levels of assistance 39740  
to school districts and to provide more timely information to the 39741  
public, including school districts, administrators, and 39742  
legislators. 39743

In each fiscal year, up to \$2,000,000 shall be used for EMIS 39744  
conversion, including district support and technical assistance; 39745  
up to \$350,000 in each year may be used for the department's 39746  
annual maintenance contract for database management software; and 39747  
up to \$200,000 in each year shall be used to support the data 39748  
warehouse project. 39749

ALTERNATIVE EDUCATION PROGRAMS 39750

There is hereby created the Alternative Education Advisory 39751  
Council, which shall consist of one representative from each of 39752  
the following agencies: the Ohio Department of Education; the 39753  
Department of Youth Services; the Ohio Department of Alcohol and 39754  
Drug Addiction Services; the Department of Mental Health; the 39755  
Office of the Governor or, at the Governor's discretion, the 39756  
Office of the Lieutenant Governor; and the Office of the Attorney 39757  
General. 39758

Of the foregoing appropriation item 200-421, Alternative 39759  
Education Programs, not less than \$9,200,107 in each fiscal year 39760  
shall be used for the renewal of successful implementation grants 39761  
and for competitive matching grants to the 21 urban school 39762  
districts as defined in division (O) of section 3317.02 of the 39763  
Revised Code as it existed prior to July 1, 1998, and not less 39764  
than \$9,200,107 in each fiscal year shall be used for the renewal 39765  
of successful implementation of grants and for competitive 39766

matching grants to rural and suburban school districts for 39767  
alternative educational programs for existing and new at-risk and 39768  
delinquent youth. Programs shall be focused on youth in one or 39769  
more of the following categories: those who have been expelled or 39770  
suspended, those who have dropped out of school or who are at risk 39771  
of dropping out of school, those who are habitually truant or 39772  
disruptive, or those on probation or on parole from a Department 39773  
of Youth Services facility. Grants shall be awarded according to 39774  
the criteria established by the Alternative Education Advisory 39775  
Council in 1999. Grants shall be awarded only to programs where 39776  
the grant would not serve as the program's primary source of 39777  
funding. These grants shall be administered by the Department of 39778  
Education. 39779

The Department of Education may waive compliance with any 39780  
minimum education standard established under section 3301.07 of 39781  
the Revised Code for any alternative school that receives a grant 39782  
under this section on the grounds that the waiver will enable the 39783  
program to more effectively educate students enrolled in the 39784  
alternative school. 39785

Of the foregoing appropriation item 200-421, Alternative 39786  
Education Programs, up to \$480,552 in each fiscal year may be used 39787  
for program administration, monitoring, technical assistance, 39788  
support, research, and evaluation. Any unexpended balance may be 39789  
used to provide additional matching grants to urban, suburban, or 39790  
rural school districts as outlined above. 39791

Of the foregoing appropriation item 200-421, Alternative 39792  
Education Programs, \$313,386 in each fiscal year shall be used to 39793  
contract with the Center for Learning Excellence at The Ohio State 39794  
University to provide technical support for the project and the 39795  
completion of formative and summative evaluation of the grants. 39796

Of the foregoing appropriation item 200-421, Alternative 39797  
Education Programs, up to \$805,849 in each fiscal year shall be 39798

used to support Amer-I-Can.	39799
SCHOOL MANAGEMENT ASSISTANCE	39800
The foregoing appropriation item 200-422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal watch and fiscal emergency provisions under Chapter 3316. of the Revised Code.	39801 39802 39803 39804 39805 39806
POLICY ANALYSIS	39807
The foregoing appropriation item 200-424, Policy Analysis, shall be used by the Department of Education to support a system of administrative, statistical, and legislative education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings to inform education policymakers of current trends in education practice, efficient and effective use of resources, and evaluation of programs to improve education results. The database shall be kept current at all times. These research efforts shall be used to supply information and analysis of data to the General Assembly and other state policymakers, including the Office of Budget and Management and the Legislative Service Commission.	39808 39809 39810 39811 39812 39813 39814 39815 39816 39817 39818 39819 39820
The Department of Education may use funding from this appropriation item to purchase or contract for the development of software systems or contract for policy studies that will assist in the provision and analysis of policy-related information. Funding from this appropriation item also may be used to monitor and enhance quality assurance for research-based policy analysis and program evaluation to enhance the effective use of education information to inform education policymakers.	39821 39822 39823 39824 39825 39826 39827 39828
TECH PREP ADMINISTRATION	39829

The foregoing appropriation item 200-425, Tech Prep Administration, shall be used by the Department of Education to support state-level activities designed to support, promote, and expand tech prep programs. Use of these funds shall include, but not be limited to, administration of grants, program evaluation, professional development, curriculum development, assessment development, program promotion, communications, and statewide coordination of tech prep consortia.

OHIO EDUCATIONAL COMPUTER NETWORK

The foregoing appropriation item 200-426, Ohio Educational Computer Network, shall be used by the Department of Education to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system in support of the State Education Technology Plan pursuant to section 3301.07 of the Revised Code.

Of the foregoing appropriation item 200-426, Ohio Educational Computer Network, up to \$20,571,198 in fiscal year 2002 and up to \$21,188,334 in fiscal year 2003 shall be used by the Department of Education to support connection of all public school buildings to the state's education network, to each other, and to the Internet. In each fiscal year the Department of Education shall use these funds to help reimburse data acquisition sites or school districts for the operational costs associated with this connectivity. The Department of Education shall develop a formula and guidelines for the distribution of these funds to the data acquisition sites or individual school districts. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district, or any community school established under Chapter 3314. of the Revised Code, or any educational service center building used for instructional purposes.

Of the foregoing appropriation item 200-426, Ohio Educational

Computer Network, up to \$2,043,938 in fiscal year 2002 and up to 39862  
\$2,095,037 in fiscal year 2003 shall be used for the Union Catalog 39863  
and InfoOhio Network. 39864

The Department of Education shall use up to \$4,590,000 in 39865  
fiscal year 2002 and up to \$4,727,700 in fiscal year 2003 to 39866  
assist designated data acquisition sites with operational costs 39867  
associated with the increased use of the state's education network 39868  
by chartered nonpublic schools. The Department of Education shall 39869  
develop a formula and guidelines for distribution of these funds 39870  
to designated data acquisition sites. 39871

The remainder in each fiscal year of appropriation item 39872  
200-426, Ohio Educational Computer Network, shall be used to 39873  
support development, maintenance, and operation of a network of 39874  
uniform and compatible computer-based information and 39875  
instructional systems. The technical assistance shall include, but 39876  
not be restricted to, development and maintenance of adequate 39877  
computer software systems to support network activities. Program 39878  
funds may be used, through a formula and guidelines devised by the 39879  
department, to subsidize the activities of not more than 24 39880  
designated data acquisition sites, as defined by State Board of 39881  
Education rules, to provide school districts and chartered 39882  
nonpublic schools with computer-based student and teacher 39883  
instructional and administrative information services, including 39884  
approved computerized financial accounting, and to ensure the 39885  
effective operation of local automated administrative and 39886  
instructional systems. To broaden the scope of the use of 39887  
technology for education, the department may use up to \$250,000 in 39888  
each fiscal year to coordinate the activities of the computer 39889  
network with other agencies funded by the department or the state. 39890  
In order to improve the efficiency of network activities, the 39891  
department and data acquisition sites may jointly purchase 39892  
equipment, materials, and services from funds provided under this 39893

appropriation for use by the network and, when considered 39894  
practical by the department, may utilize the services of 39895  
appropriate state purchasing agencies. 39896

ACADEMIC STANDARDS 39897

The foregoing appropriation item 200-427, Academic Standards, 39898  
shall be used by the Department of Education to develop and 39899  
disseminate academic content standards. These funds shall be used 39900  
to develop academic content standards and curriculum models and to 39901  
fund communication of expectations to teachers, school districts, 39902  
parents, and communities. 39903

**Section 44.07.** SCHOOL IMPROVEMENT INITIATIVES 39904

Of the foregoing appropriation item 200-431, School 39905  
Improvement Initiatives, up to \$3,700,000 in fiscal year 2002 39906  
shall be used to continue previously awarded venture capital 39907  
grants of \$25,000 to 148 schools and up to \$975,000 in fiscal year 39908  
2003 shall be used to continue previously awarded venture capital 39909  
grants of \$25,000 to 39 schools. 39910

Of the foregoing appropriation item 200-431, School 39911  
Improvement Initiatives, \$4,500,000 in fiscal year 2002 and 39912  
\$5,000,000 in fiscal year 2003 shall be used for the development 39913  
and distribution of school report cards pursuant to section 39914  
3302.03 of the Revised Code, for the development of core 39915  
competencies for the proficiency tests, and to support the 39916  
recommendations of the Governor's Commission for Student Success. 39917

Of the foregoing appropriation item 200-431, School 39918  
Improvement Initiatives, \$7,500,000 in fiscal year 2002 and 39919  
\$8,500,000 in fiscal year 2003 shall be used to provide technical 39920  
assistance to school districts that are declared to be in a state 39921  
of academic watch or academic emergency under section 3302.03 of 39922  
the Revised Code to develop their continuous improvement plans as 39923



required in section 3302.04 of the Revised Code. 39924

Of the foregoing appropriation item 200-431, School 39925  
Improvement Initiatives, up to \$150,000 in each fiscal year shall 39926  
be used to support a teacher-in-residence at the Governor's office 39927  
and related support staff, travel expenses, and administrative 39928  
overhead. 39929

SCHOOL CONFLICT MANAGEMENT 39930

Of the foregoing appropriation item 200-432, School Conflict 39931  
Management, amounts shall be used by the Department of Education 39932  
for the purpose of providing dispute resolution and conflict 39933  
management training, consultation, and materials for school 39934  
districts, and for the purpose of providing competitive school 39935  
conflict management grants to school districts. 39936

The Department of Education shall assist the Commission on 39937  
Dispute Resolution and Conflict Management in the development and 39938  
dissemination of the school conflict management program. The 39939  
assistance provided by the Department of Education shall include 39940  
the assignment of a full-time employee of the department to the 39941  
Commission on Dispute Resolution and Conflict Management to 39942  
provide technical and administrative support to maximize the 39943  
quality of dispute resolution and conflict management programs and 39944  
services provided to school districts. 39945

Of the foregoing appropriation item 200-432, School Conflict 39946  
Management, up to \$5,000 in fiscal year 2002 shall be used to 39947  
support the Character Council Initiative. The Initiative works to 39948  
instill character and values at all levels in the community. 39949

READING/WRITING IMPROVEMENT 39950

Of the foregoing appropriation item 200-433, Reading/Writing 39951  
Improvement, up to \$12,396,970 in each fiscal year shall be used 39952  
for professional development in literacy for classroom teachers, 39953  
administrators, and literacy specialists. 39954

Of the foregoing appropriation item 200-433, Reading/Writing Improvement, up to \$1,780,268 in fiscal year 2002 and up to \$1,815,874 in fiscal year 2003 shall be used by the Department of Education to fund the Reading Recovery Training Network, to cover the cost of release time for the teacher trainers, and to provide grants to districts to implement other reading improvement programs on a pilot basis. Funds for this appropriation item may also be used to conduct evaluations of the impact and effectiveness of Reading Recovery and other reading improvement programs.

The remainder of appropriation item 200-433, Reading/Writing Improvement, shall be used by the Department of Education to develop and support reading and writing improvement programs by providing a common assessment/profile instrument for elementary school buildings, literacy specialist support and training programs, and incentives for teachers to complete professional development programs.

STUDENT ASSESSMENT

The foregoing appropriation item 200-437, Student Assessment, shall be used to develop, field test, print, distribute, score, and report results from the tests required under sections 3301.0710 and 3301.0711 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code.

SAFE SCHOOLS

Of the foregoing appropriation item 200-438, Safe Schools, \$230,000 in each fiscal year shall be used for the development and operation of a Safe Schools Center. The Department of Education shall oversee the creation of a center to serve as a coordinating entity to assist school district personnel, parents, juvenile justice representatives, and law enforcement in identifying effective strategies and services for improving school safety and

reducing threats to the security of students and school personnel. 39986

Of the foregoing appropriation item 200-438, Safe Schools, up 39987  
to \$1,800,000 in each fiscal year shall be used for a safe-school 39988  
help line program for students, parents, and the community to 39989  
report threats to the safety of students or school personnel. The 39990  
Department of Education shall establish criteria to distribute 39991  
these funds to school districts whose superintendents indicate the 39992  
program would be a meaningful aid to school security. 39993

Of the foregoing appropriation item 200-438, Safe Schools, up 39994  
to \$20,000 in each fiscal year may be used by schools for the 39995  
Eddie Eagle Gun Safety Pilot Program. School districts wishing to 39996  
participate in the pilot program shall apply to the Department of 39997  
Education under guidelines established by the Superintendent of 39998  
Public Instruction. 39999

AMERICAN SIGN LANGUAGE 40000

Of the foregoing appropriation item 200-441, American Sign 40001  
Language, up to \$153,000 in fiscal year 2002 and up to \$156,060 in 40002  
fiscal year 2003 shall be used to implement pilot projects for the 40003  
integration of American Sign Language deaf language into the 40004  
kindergarten through twelfth-grade curriculum. 40005

The remainder of the appropriation shall be used by the 40006  
Department of Education to provide supervision and consultation to 40007  
school districts in dealing with parents of handicapped children 40008  
who are deaf or hard of hearing, in integrating American Sign 40009  
Language as a foreign language, and in obtaining interpreters and 40010  
improving their skills. 40011

CHILD CARE LICENSING 40012

The foregoing appropriation item 200-442, Child Care 40013  
Licensing, shall be used by the Department of Education to license 40014  
and to inspect preschool and school-age child care programs in 40015  
accordance with sections 3301.52 to 3301.59 of the Revised Code. 40016

PROFESSIONAL RECRUITMENT 40017

Of the foregoing appropriation item 200-444, Professional 40018  
Recruitment, \$1,300,000 in each fiscal year shall be used by the 40019  
Department of Education to establish programs targeted at 40020  
recruiting underrepresented populations into the teaching 40021  
profession. In each year, the recruitment programs shall include, 40022  
but not be limited to, alternative teacher licensure or 40023  
certification programs emphasizing the recruitment of highly 40024  
qualified minority candidates into teaching, including emphasizing 40025  
the recruitment of highly qualified minority candidates into 40026  
teaching positions in schools that have a high percentage of 40027  
minority students. The recruitment programs also shall target 40028  
recruiting qualified candidates available as a result of 40029  
downsizing of the military and business sectors. Funding also 40030  
shall be targeted to statewide, regional, and local programs that 40031  
are competitively selected as promising programs demonstrating the 40032  
potential of significantly increasing Ohio's minority teaching 40033  
force. 40034

The remainder of appropriation item 200-444 shall be used by 40035  
the Department of Education for recruitment programs targeting 40036  
special needs areas: recruiting prospective mathematics and 40037  
science teachers, recruiting special educators, recruiting 40038  
principals, developing a web-based placement bureau, establishing 40039  
a pre-collegiate program to target future teachers, and piloting 40040  
paraeducators-to-teacher programs. 40041

OHIOREADS ADMIN/VOLUNTEER SUPPORT 40042

The foregoing appropriation item 200-445, OhioReads 40043  
Admin/Volunteer Support, may be allocated by the OhioReads Council 40044  
for volunteer coordinators in public school buildings, to 40045  
educational service centers for costs associated with volunteer 40046  
coordination, for background checks for volunteers, to evaluate 40047  
the OhioReads Program, and for operating expenses associated with 40048

administering the program. 40049

**Section 44.08.** EDUCATION MANAGEMENT INFORMATION SYSTEM 40050

The foregoing appropriation item 200-446, Education 40051  
Management Information System, shall be used by the Department of 40052  
Education to provide school districts with the means to implement 40053  
local automated information systems and to implement, develop, and 40054  
improve the Education Management Information System (EMIS) for the 40055  
common student information management software developed by the 40056  
Department of Education. 40057

Of the foregoing appropriation item 200-446, Education 40058  
Management Information System, up to \$1,100,000 in fiscal year 40059  
2002 may be used by the Department of Education to assist 40060  
designated data acquisition sites or school districts with 40061  
deployment and implementation of the common student management 40062  
record system software, and for hardware, personnel, equipment, 40063  
staff development, software, and forms modification, as well as to 40064  
support EMIS special report activities in the department. 40065

Of the foregoing appropriation item 200-446, Education 40066  
Management Information System, up to \$2,213,639 in fiscal year 40067  
2002 and up to \$1,476,760 in fiscal year 2003 shall be distributed 40068  
to designated data acquisition sites for costs relating to 40069  
processing, storing, and transferring data for the effective 40070  
operation of the EMIS. These costs may include, but are not 40071  
limited to, personnel, hardware, software development, 40072  
communications connectivity, professional development, and support 40073  
services, and to provide services to participate in the State 40074  
Education Technology Plan pursuant to section 3301.07 of the 40075  
Revised Code. 40076

Of the foregoing appropriation item 200-446, Education 40077  
Management Information System, up to \$7,763,297 in fiscal year 40078  
2002 and up to \$8,999,708 in fiscal year 2003 shall be distributed 40079

to school districts, community schools established under Chapter 40080  
3314. of the Revised Code, education service centers, and joint 40081  
vocational school districts on a per-pupil basis. From this 40082  
funding, each school district or community school established 40083  
under Chapter 3314. of the Revised Code with enrollment greater 40084  
than 100 students and each vocational school district shall 40085  
receive a minimum of \$5,000 for each year of the biennium. Each 40086  
school district or community school established under Chapter 40087  
3314. of the Revised Code with enrollment between one and one 40088  
hundred and each education service center and each county board of 40089  
MR/DD that submits data through EMIS shall receive \$3,000 for each 40090  
year of the biennium. This money shall be used for costs 40091  
associated with the development and operation of local automated 40092  
record-based information systems that provide data as required by 40093  
the education management information system, and facilitate local 40094  
district, school, and classroom management activities. 40095

GED TESTING/ADULT HIGH SCHOOL 40096

The foregoing appropriation item 200-447, GED Testing/Adult 40097  
High School, shall be used to provide General Educational 40098  
Development (GED) testing at no cost to applicants, pursuant to 40099  
rules adopted by the State Board of Education. The Department of 40100  
Education shall reimburse school districts and community schools, 40101  
created in accordance with Chapter 3314. of the Revised Code, for 40102  
a portion of the costs incurred in providing summer instructional 40103  
or intervention services to students who have not graduated due to 40104  
their inability to pass one or more parts of the state's ninth 40105  
grade proficiency test. School districts shall also provide such 40106  
services to students who are residents of the district pursuant to 40107  
section 3313.64 of the Revised Code, but who are enrolled in 40108  
chartered, nonpublic schools. The services shall be provided in 40109  
the public school, in nonpublic schools, in public centers, or in 40110  
mobile units located on or off the nonpublic school premises. No 40111

school district shall provide summer instructional or intervention 40112  
services to nonpublic school students as authorized by this 40113  
section unless such services are available to students attending 40114  
the public schools within the district. No school district shall 40115  
provide services for use in religious courses, devotional 40116  
exercises, religious training, or any other religious activity. 40117  
Chartered, nonpublic schools shall pay for any unreimbursed costs 40118  
incurred by school districts for providing summer costs incurred 40119  
by school districts for providing summer instruction or 40120  
intervention services to students enrolled in chartered, nonpublic 40121  
schools. School districts may provide these services to students 40122  
directly or contract with postsecondary or nonprofit 40123  
community-based institutions in providing instruction. The 40124  
appropriation also shall be used for state reimbursement to school 40125  
districts for adult high school continuing education programs 40126  
pursuant to section 3313.531 of the Revised Code or for costs 40127  
associated with awarding adult high school diplomas under section 40128  
3313.611 of the Revised Code. 40129

COMMUNITY SCHOOLS 40130

Of the foregoing appropriation item 200-455, Community 40131  
Schools, up to \$100,000 in each fiscal year may be used by the 40132  
Lucas County Educational Service Center to pay for additional 40133  
services provided to community schools, subject to the reporting 40134  
by the service center of actual expenses incurred to the 40135  
Department of Education. Up to \$1,628,935 in fiscal year 2002 and 40136  
up to \$1,724,517 in fiscal year 2003 may be used by the Office of 40137  
School Options in the Department of Education for additional 40138  
services and responsibilities under section 3314.11 of the Revised 40139  
Code. 40140

The remaining appropriation may be used by the Department of 40141  
Education and the Lucas County Educational Service Center to make 40142  
grants of up to \$50,000 to each proposing group with a preliminary 40143

agreement obtained under division (C)(2) of section 3314.02 of the Revised Code in order to defray planning and initial start-up costs. In the first year of operation of a community school, the Department of Education and the Lucas County Educational Service Center may make a grant of no more than \$100,000 to the governing authority of the school to partially defray additional start-up costs. The amount of the grant shall be based on a thorough examination of the needs of the community school. The Department of Education and the Lucas County Educational Service Center shall not utilize moneys received under this section for any other purpose other than those specified under this section. The department shall allocate an amount to the Lucas County Educational Service Center for grants to schools in the Lucas County area under this paragraph.

A community school awarded start-up grants from appropriation item 200-613, Public Charter Schools (Fund 3T4), shall not be eligible for grants under this section.

**Section 44.09. SCHOOL FINANCE EQUITY**

The foregoing appropriation item 200-500, School Finance Equity, shall be distributed to school districts based on the formula specified in section 3317.0213 of the Revised Code.

**Section 44.10. BASE COST FUNDING**

The foregoing appropriation item 200-501, Base Cost Funding, includes \$86,794,676 in fiscal year 2003 for the state education aid offset due to the change in public utility valuation as a result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd General Assembly. This amount represents the total state education aid offset due to the valuation change for school districts and joint vocational school districts from all relevant line item sources. If it is determined that the state education aid offset



is more than \$86,794,676, the Controlling Board may increase the  
appropriation for item 200-501, Base Cost Funding, by the  
difference amount if presented with such a request from the  
Department of Education. The appropriation increase, if any, is  
hereby appropriated. If it is determined that the state education  
aid offset is less than \$86,794,676, the Director of Budget and  
Management shall then reduce the appropriation for item 200-501,  
Base Cost Funding, by the difference amount and notify the  
Controlling Board of this action. The appropriation decrease  
determined by the Director of Budget and Management, if any, is  
hereby approved, and appropriations are hereby reduced by the  
amount determined.

Of the foregoing appropriation item 200-501, Base Cost  
Funding, up to \$425,000 shall be expended in each year of the  
biennium for court payments pursuant to section 2151.357 of the  
Revised Code; an amount shall be available each year of the  
biennium for the cost of the reappraisal guarantee pursuant to  
section 3317.04 of the Revised Code; an amount shall be available  
in each year of the biennium to fund up to 225 full-time  
equivalent approved GRADS teacher grants pursuant to division (R)  
of section 3317.024 of the Revised Code; an amount shall be  
available in each year of the biennium to make payments to school  
districts pursuant to division (A)(2) of section 3317.022 of the  
Revised Code; an amount shall be available in fiscal year 2003 to  
make payments to school districts pursuant to division (F) of  
section 3317.022 of the Revised Code; and up to \$15,000,000 in  
each year of the biennium shall be reserved for payments pursuant  
to sections 3317.026, 3317.027, and 3317.028 of the Revised Code  
except that the Controlling Board may increase the \$15,000,000  
amount if presented with such a request from the Department of  
Education. Of the foregoing appropriation item 200-501, Base Cost  
Funding, up to \$14,000,000 shall be used in each fiscal year to

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provide additional state aid to school districts for special 40206  
education students pursuant to division (C)(4) of section 3317.022 40207  
of the Revised Code; up to \$2,000,000 in each year of the biennium 40208  
shall be reserved for Youth Services tuition payments pursuant to 40209  
section 3317.024 of the Revised Code; and up to \$52,000,000 in 40210  
each fiscal year shall be reserved to fund the state reimbursement 40211  
of educational service centers pursuant to section 3317.11 of the 40212  
Revised Code. 40213

Of the foregoing appropriation item 200-501, Base Cost 40214  
Funding, up to \$1,000,000 in each fiscal year shall be used by the 40215  
Department of Education for a pilot program to pay for educational 40216  
services for youth who have been assigned by a juvenile court or 40217  
other authorized agency to any of the facilities described in 40218  
division (A) of the section titled "Private Treatment Facility 40219  
Pilot Project." 40220

The remaining portion of appropriation item 200-501, Base 40221  
Cost Funding, shall be expended for the public schools of city, 40222  
local, exempted village, and joint vocational school districts, 40223  
including base cost funding, special education weight funding, 40224  
special education speech service enhancement funding, 40225  
career-technical education weight funding, career-technical 40226  
education associated service funding, guarantee funding, and 40227  
teacher training and experience funding pursuant to sections 40228  
3317.022, 3317.023, 3317.0212, and 3317.16 of the Revised Code. 40229

Appropriation items 200-500, School Finance Equity, 200-501, 40230  
Base Cost Funding, 200-502, Pupil Transportation, 200-520, 40231  
Disadvantaged Pupil Impact Aid, 200-521, Gifted Pupil Program, 40232  
200-525, Parity Aid, and 200-546, Charge-Off Supplement, other 40233  
than specific set-asides, are collectively used to pay state 40234  
formula aid obligations for school districts and joint vocational 40235  
school districts pursuant to Chapter 3317. of the Revised Code. 40236  
The first priority of these appropriation items, with the 40237

exception of specific set-asides, is to fund state formula aid 40238  
obligations under Chapter 3317. of the Revised Code. It may be 40239  
necessary to reallocate funds among these appropriation items in 40240  
order to meet state formula aid obligations. If it is determined 40241  
that it is necessary to transfer funds among these appropriation 40242  
items to meet state formula aid obligations, the Department of 40243  
Education shall seek approval from the Controlling Board to 40244  
transfer funds among these appropriation items. 40245

**Section 44.11. SUPPLEMENTAL PAYMENT** 40246

Upon the recommendation of the Superintendent of Public 40247  
Instruction, and subject to the approval of the Controlling Board, 40248  
the Department of Education shall pay a school district in fiscal 40249  
year 2002 an amount not greater than the difference between the 40250  
following: 40251

(A) The cost of increasing teachers' salaries above the 40252  
district's salary schedule to comply with division (C) of section 40253  
3317.13 of the Revised Code as amended by this act, multiplied by 40254  
one hundred fourteen per cent; 40255

(B) The district's increases in state funds for fiscal year 40256  
2002. 40257

The increases in state funds for fiscal year 2002 shall be 40258  
calculated by determining additional state funds received for 40259  
fiscal year 2002 under sections 3317.022, 3317.023, 3317.029, 40260  
3317.0212, and 3317.053 and division (P) of section 3317.024 of 40261  
the Revised Code and uncodified sections of this act, above the 40262  
amount of state funds the district received for fiscal year 2001 40263  
under sections 3317.022, 3317.023, 3317.029, 3317.0212, and 40264  
3317.162 and division (P) of section 3317.024 of the Revised Code 40265  
and uncodified sections of Am. Sub. H.B. 282 of the 123rd General 40266  
Assembly. 40267

The Department shall determine application procedures and a schedule for applications and payments under this section, which shall be subject to the approval of the Controlling Board. The Department may pay one-half of an estimated amount of a district's payment under this section during the first half of fiscal year 2002, and the remainder of the actual calculated amount during the second half of the fiscal year. Subject to the approval of the Controlling Board, the amount of any overpayments under this section shall be deducted from payments made to the school district under Chapter 3317. of the Revised Code for the remainder of the fiscal year.

**Section 44.12. PUPIL TRANSPORTATION**

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 40299  
educational service centers for the purchase of buses to transport 40300  
handicapped and nonpublic school students. 40301

SCHOOL LUNCH 40302

The foregoing appropriation item 200-505, School Lunch Match, 40303  
shall be used to provide matching funds to obtain federal funds 40304  
for the school lunch program. 40305

**Section 44.13. ADULT LITERACY EDUCATION** 40306

The foregoing appropriation item 200-509, Adult Literacy 40307  
Education, shall be used to support adult basic and literacy 40308  
education instructional programs and the State Literacy Resource 40309  
Center Program. 40310

Of the foregoing appropriation item 200-509, Adult Literacy 40311  
Education, up to \$543,150 in fiscal year 2002 and up to \$554,013 40312  
in fiscal year 2003 shall be used for the support and operation of 40313  
the State Literacy Resource Center. 40314

The remainder shall be used to continue to satisfy the state 40315  
match and maintenance of effort requirements for the support and 40316  
operation of the Department of Education-administered 40317  
instructional grant program for adult basic and literacy education 40318  
in accordance with the department's state plan for adult basic and 40319  
literacy education as approved by the State Board of Education and 40320  
the Secretary of the United States Department of Education. 40321

AUXILIARY SERVICES 40322

The foregoing appropriation item 200-511, Auxiliary Services, 40323  
shall be used by the State Board of Education for the purpose of 40324  
implementing section 3317.06 of the Revised Code. Of the 40325  
appropriation, up to \$1,250,000 in fiscal year 2002 and up to 40326  
\$1,500,000 in fiscal year 2003 may be used for payment of the 40327  
Post-Secondary Enrollment Options Program for nonpublic students 40328

pursuant to section 3365.10 of the Revised Code. 40329

STUDENT INTERVENTION SERVICES 40330

The foregoing appropriation item 200-513, Student 40331  
Intervention Services, shall be used to assist districts providing 40332  
the intervention services specified in section 3313.608 of the 40333  
Revised Code. The Department of Education shall establish 40334  
guidelines for the use and distribution of these moneys. School 40335  
districts receiving funds from this appropriation shall report to 40336  
the Department of Education on how funds were used. 40337

No later than July 15, 2002, the Director of Budget and 40338  
Management shall transfer \$35,000,000 from Fund 3W6, TANF 40339  
Education, to the General Revenue Fund. The transferred funds are 40340  
appropriated for the appropriation item 200-513, Student 40341  
Intervention Services. The foregoing appropriation item 200-513, 40342  
Student Intervention Services, includes transferred funds of 40343  
\$35,000,000 in fiscal year 2003. 40344

The Department of Education shall comply with all TANF 40345  
requirements, including reporting requirements and timelines, as 40346  
specified in state and federal laws, federal regulations, state 40347  
rules, and the Title IV-A state plan, and is responsible for 40348  
payment of any adverse audit finding, final disallowance of 40349  
federal financial participation, or other sanction or penalty 40350  
issued by the federal government or other entity concerning these 40351  
funds. 40352

POST-SECONDARY/ADULT CAREER-TECHNICAL EDUCATION 40353

The foregoing appropriation item 200-514, 40354  
Post-Secondary/Adult Career-Technical Education, shall be used by 40355  
the State Board of Education to provide post-secondary/adult 40356  
career-technical education under sections 3313.52 and 3313.53 of 40357  
the Revised Code. 40358

Of the foregoing appropriation item 200-514, 40359

Post-Secondary/Adult Career-Technical Education, up to \$500,000 in 40360  
each fiscal year shall be allocated for the Ohio Career 40361  
Information System (OCIS) and used for the dissemination of career 40362  
information data to public schools, libraries, rehabilitation 40363  
centers, two- and four-year colleges and universities, and other 40364  
governmental units. 40365

Of the foregoing appropriation item 200-514, 40366  
Post-Secondary/Adult Career-Technical Education, up to \$30,000 in 40367  
each fiscal year shall be used for the statewide coordination of 40368  
the activities of the Ohio Young Farmers. 40369

DISADVANTAGED PUPIL IMPACT AID 40370

The foregoing appropriation item 200-520, Disadvantaged Pupil 40371  
Impact Aid, shall be distributed to school districts according to 40372  
section 3317.029 of the Revised Code. However, no money shall be 40373  
distributed for all-day kindergarten to any school district whose 40374  
three-year average formula ADM exceeds 17,500 but whose DPIA index 40375  
is not at least equal to 1.00 in each fiscal year, unless the 40376  
Department of Education certifies that sufficient funds exist in 40377  
this appropriation to make all other payments required by section 40378  
3317.029 of the Revised Code. 40379

The Department of Education shall pay all-day, everyday 40380  
kindergarten funding to all school districts in fiscal year 2002 40381  
and fiscal year 2003 that qualified for and provided the service 40382  
in a preceding fiscal year pursuant to section 3317.029 of the 40383  
Revised Code, regardless of changes to such districts' DPIA 40384  
indexes in fiscal year 2002 and fiscal year 2003. 40385

The Department of Education shall pay to community schools an 40386  
amount for all-day kindergarten if the school district in which 40387  
the student is entitled to attend school is eligible but does not 40388  
receive a payment for all-day kindergarten, pursuant to division 40389  
(B) of section 3314.13 of the Revised Code, and the student is 40390

reported by the community school as enrolled in all-day 40391  
kindergarten at the community school. 40392

Of the foregoing appropriation item 200-520, Disadvantaged 40393  
Pupil Impact Aid, up to \$3,200,000 in fiscal year 2002 and up to 40394  
\$3,300,000 in fiscal year 2003 shall be used for school breakfast 40395  
programs. Of these amounts, up to \$500,000 shall be used each year 40396  
by the Department of Education to provide start-up grants to rural 40397  
school districts and to school districts with less than 1,500 ADM 40398  
that start school breakfast programs. The remainder of the 40399  
appropriation shall be used to: (1) partially reimburse school 40400  
buildings within school districts that are required to have a 40401  
school breakfast program pursuant to section 3313.813 of the 40402  
Revised Code, at a rate decided by the department, for each 40403  
breakfast served to any pupil enrolled in the district; (2) 40404  
partially reimburse districts participating in the National School 40405  
Lunch Program that have at least 20 per cent of students who are 40406  
eligible for free and reduced meals according to federal 40407  
standards, at a rate decided by the department; and (3) to 40408  
partially reimburse districts participating in the National School 40409  
Lunch Program for breakfast served to children eligible for free 40410  
and reduced meals enrolled in the district, at a rate decided by 40411  
the department. 40412

Of the portion of the funds distributed to the Cleveland City 40413  
School District under section 3317.029 of the Revised Code 40414  
calculated under division (F)(2) of that section, up to 40415  
\$14,903,943 in fiscal year 2002 and up to \$18,066,820 in fiscal 40416  
year 2003 shall be used to operate the pilot school choice program 40417  
in the Cleveland City School District pursuant to sections 40418  
3313.974 to 3313.979 of the Revised Code. 40419

Of the foregoing appropriation item 200-520, Disadvantaged 40420  
Pupil Impact Aid, \$1,000,000 in each fiscal year shall be used to 40421  
support dropout recovery programs administered by the Department 40422



of Education, Jobs for Ohio's Graduates Program. 40423

**Section 44.14. GIFTED PUPIL PROGRAM** 40424

The foregoing appropriation item 200-521, Gifted Pupil 40425  
Program, shall be used for gifted education units not to exceed 40426  
1,050 in fiscal year 2002 and 1,100 in fiscal year 2003 pursuant 40427  
to division (P) of section 3317.024 and division (F) of section 40428  
3317.05 of the Revised Code. 40429

Of the foregoing appropriation item 200-521, Gifted Pupil 40430  
Program, up to \$5,000,000 in each fiscal year of the biennium may 40431  
be used as an additional supplement for identifying gifted 40432  
students pursuant to Chapter 3324. of the Revised Code. 40433

Of the foregoing appropriation item 200-521, Gifted Pupil 40434  
Program, the Department of Education may expend up to \$1,000,000 40435  
each year for the Summer Honors Institute for gifted freshman and 40436  
sophomore high school students. Up to \$600,000 in each fiscal year 40437  
shall be used for research and demonstration projects. The 40438  
Department of Education shall research and evaluate the 40439  
effectiveness of gifted education programs in Ohio. Up to \$70,000 40440  
in each year shall be used for the Ohio Summer School for the 40441  
Gifted (Martin Essex Program). 40442

**Section 44.15. PARITY AID** 40443

The foregoing appropriation item 200-525, Parity Aid, shall 40444  
be distributed to school districts based on the formulas specified 40445  
in section 3317.0217 of the Revised Code. 40446

**NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT** 40447

The foregoing appropriation item 200-532, Nonpublic 40448  
Administrative Cost Reimbursement, shall be used by the State 40449  
Board of Education for the purpose of implementing section 40450  
3317.063 of the Revised Code. 40451

DESEGREGATION COSTS 40452

The foregoing appropriation item 200-534, Desegregation 40453  
Costs, shall be used to pay the legal fees associated with 40454  
desegregation cases brought against the state. 40455

As part of managing state desegregation costs, any board of 40456  
education of a school district subject to a federal court 40457  
desegregation order that requires the district board to bus 40458  
students for the purpose of racial balance shall, within one year 40459  
after the effective date of this section: 40460

(1) Update its plan required under Am. Sub. H.B. 298 of the 40461  
119th General Assembly designed to satisfy the court so as to 40462  
obtain release from the court's desegregation order; and 40463

(2) Submit an updated copy of the plan to the State Board of 40464  
Education. 40465

Upon request of the district board, the State Board shall provide 40466  
technical assistance to the school district board in developing a 40467  
plan. 40468

Within ninety days after the date on which the plan is 40469  
submitted to the State Board of Education, the district board, or 40470  
the district board and the State Board of Education jointly if 40471  
both are parties to the desegregation case, shall submit the plan 40472  
to the court and apply for release from the court's desegregation 40473  
order. 40474

**Section 44.16. SPECIAL EDUCATION ENHANCEMENTS** 40475

Of the foregoing appropriation item 200-540, Special 40476  
Education Enhancements, up to \$45,295,000 in fiscal year 2002 and 40477  
up to \$47,809,750 in fiscal year 2003 shall be used to fund 40478  
special education and related services at county boards of mental 40479  
retardation and developmental disabilities for eligible students 40480  
under section 3317.20 of the Revised Code. Up to \$2,500,000 shall 40481

be used in each fiscal year to fund up to 57 special education 40482  
classroom and related services units at institutions. 40483

Of the foregoing appropriation item 200-540, Special 40484  
Education Enhancements, up to \$3,293,959 in fiscal year 2002 and 40485  
up to \$3,425,717 in fiscal year 2003 shall be used for home 40486  
instruction for handicapped children; up to \$1,500,000 in each 40487  
fiscal year shall be used for parent mentoring programs; and up to 40488  
\$2,744,966 in fiscal year 2002 and up to \$2,854,764 in fiscal year 40489  
2003 may be used for school psychology interns. 40490

Of the foregoing appropriation item 200-540, Special 40491  
Education Enhancements, \$3,852,160 in fiscal year 2002 and up to 40492  
\$4,006,246 in fiscal year 2003 shall be used by the Department of 40493  
Education to assist school districts in funding aides pursuant to 40494  
paragraph (A)(3)(c)(i)(b) of rule 3301-51-04 of the Administrative 40495  
Code. 40496

Of the foregoing appropriation item 200-540, Special 40497  
Education Enhancements, \$78,623,506 in each fiscal year shall be 40498  
distributed by the Department of Education to county boards of 40499  
mental retardation and developmental disabilities, educational 40500  
service centers, and school districts for preschool special 40501  
education units and preschool supervisory units in accordance with 40502  
section 3317.161 of the Revised Code. The department may reimburse 40503  
county boards of mental retardation and developmental 40504  
disabilities, educational service centers, and school districts 40505  
for related services as defined in rule 3301-31-05 of the 40506  
Administrative Code, for preschool occupational and physical 40507  
therapy services provided by a physical therapy assistant and 40508  
certified occupational therapy assistant, and for an instructional 40509  
assistant. To the greatest extent possible, the Department of 40510  
Education shall allocate these units to school districts and 40511  
educational service centers. The Controlling Board may approve the 40512  
transfer of unallocated funds from appropriation item 200-501, 40513

Base Cost Funding, to appropriation item 200-540, Special  
Education Enhancements, to fully fund existing units as necessary  
or to fully fund additional units. The Controlling Board may  
approve the transfer of unallocated funds from appropriation item  
200-540, Special Education Enhancements, to appropriation item  
200-501, Base Cost Funding, to fully fund the special education  
weight cost funding.

The Department of Education shall require school districts,  
educational service centers, and county MR/DD boards serving  
preschool children with disabilities to document child progress  
using a common instrument prescribed by the department and report  
results annually. The reporting dates and methodology shall be  
determined by the department.

The department shall adopt rules addressing the use of  
screening and assessment data including, but not limited to:

(1) Protection of the identity of individual children through  
assignment of a unique, but not personally identifiable, code;

(2) Parents' rights; and

(3) Use of the child data by school personnel as it relates  
to kindergarten entrance.

Of the foregoing appropriation item 200-540, Special  
Education Enhancements, up to \$808,081 in fiscal year 2002 and up  
to \$832,323 in fiscal year 2003 shall be allocated to provide  
grants to research-based reading mentoring programs for students  
with disabilities in kindergarten through fourth grade. Priority  
shall be given to mentoring programs that have been recognized by  
the Education Commission of the States as promising educational  
practices for accelerating student achievement, are easily  
replicated, have strong evaluative components, and have goals  
aligned to the Ohio Proficiency Test. Programs may be implemented

at times deemed most appropriate. Certified staff shall administer 40545  
these programs and testing of participants shall be required prior 40546  
to, during, and after participation in these programs. The results 40547  
of the tests shall be reported to the Governor, Superintendent of 40548  
Public Instruction, and General Assembly. 40549  
40550

Of the foregoing appropriation item 200-540, Special 40551  
Education Enhancements, up to \$86,000 in each fiscal year shall be 40552  
used to conduct a collaborative pilot program to provide 40553  
educational services and develop best educational practices for 40554  
autistic children. The pilot program shall include, but not be 40555  
limited to, the involvement of the Wood County Board of Mental 40556  
Retardation and Developmental Disabilities, Wood County 40557  
Educational Services Center, Children's Resource Center of Wood 40558  
County, and the Family and Children First Council of Wood County. 40559

Of the foregoing appropriation item 200-540, Special 40560  
Education Enhancements, up to \$303,030 in fiscal year 2002 and up 40561  
to \$312,121 in fiscal year 2003 shall be expended to conduct a 40562  
demonstration project involving language and literacy intervention 40563  
teams supporting student acquisition of language and literacy 40564  
skills. The demonstration project shall demonstrate improvement of 40565  
language and literacy skills of at-risk learners under the 40566  
instruction of certified speech language pathologists and 40567  
educators. Baseline data shall be collected and comparison data 40568  
for fiscal year 2002 and fiscal year 2003 shall be collected and 40569  
reported to the Governor, OhioReads Council, Department of 40570  
Education, and the General Assembly. 40571

**Section 44.17. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 40572

Of the foregoing appropriation item 200-545, Career-Technical 40573  
Education Enhancements, up to \$2,616,001 in each fiscal year shall 40574  
be used to fund career-technical education units at institutions. 40575

Up to \$4,200,000 in fiscal year 2002 and up to \$4,182,775 in 40576  
fiscal year 2003 shall be used to fund the Jobs for Ohio Graduates 40577  
(JOG) program. 40578

Of the foregoing appropriation item 200-545, Career-Technical 40579  
Education Enhancements, up to \$5,250,000 in fiscal year 2002 and 40580  
up to \$6,000,000 in fiscal year 2003 shall be used by the 40581  
Department of Education to fund competitive grants to tech prep 40582  
consortia that expand the number of students enrolled in tech prep 40583  
programs. These grant funds shall be used to directly support 40584  
expanded tech prep programs provided to students enrolled in 40585  
school districts, including joint vocational school districts, and 40586  
affiliated higher education institutions. 40587

If federal funds for career-technical education cannot be 40588  
used for local school district leadership without being matched by 40589  
state funds, then an amount as determined by the Superintendent of 40590  
Public Instruction shall be made available from state funds 40591  
appropriated for career-technical education. If any state funds 40592  
are used for this purpose, federal funds in an equal amount shall 40593  
be distributed for career-technical education in accordance with 40594  
authorization of the state plan for vocational education for Ohio 40595  
as approved by the Secretary of the United States Department of 40596  
Education. 40597

Of the foregoing appropriation item 200-545, Career-Technical 40598  
Education Enhancements, \$5,707,573 in each fiscal year shall be 40599  
used to provide an amount to each eligible school district for the 40600  
replacement or updating of equipment essential for the instruction 40601  
of students in job skills taught as part of a career-technical 40602  
program or programs approved for such instruction by the State 40603  
Board of Education. School districts replacing or updating 40604  
career-technical education equipment may purchase or lease such 40605  
equipment. The Department of Education shall review and approve 40606  
all equipment requests and may allot appropriated funds to 40607

eligible school districts on the basis of the number of full-time 40608  
equivalent workforce development teachers in all eligible 40609  
districts making application for funds. 40610

The State Board of Education may adopt standards of need for 40611  
equipment allocation. Pursuant to the adoption of any such 40612  
standards of need by the State Board of Education, appropriated 40613  
funds may be allotted to eligible districts according to such 40614  
standards. Equipment funds allotted under either process shall be 40615  
provided to a school district on a 30, 40, or 50 per cent of cost 40616  
on the basis of a district career-technical priority index rating 40617  
developed by the Department of Education for all districts each 40618  
year. The career-technical priority index shall give preference to 40619  
districts with a large percentage of disadvantaged students and 40620  
shall include other socio-economic factors as determined by the 40621  
State Board of Education. 40622

Of the foregoing appropriation item 200-545, Career-Technical 40623  
Education Enhancements, up to \$3,900,000 in each fiscal year shall 40624  
be used to support existing High Schools That Work (HSTW) sites, 40625  
develop new sites, fund technical assistance, and support regional 40626  
centers and middle school programs. The purpose of HSTW is to 40627  
combine challenging academic courses and modern vocational and 40628  
technical studies to raise the academic achievement of students. 40629  
It provides intensive technical assistance, focused staff 40630  
development, targeted assessment services, and ongoing 40631  
communications and networking opportunities. 40632

**Section 44.18. CHARGE-OFF SUPPLEMENT** 40633

The foregoing appropriation item 200-546, Charge-Off 40634  
Supplement, shall be used by the Department of Education to make 40635  
payments pursuant to section 3317.0216 of the Revised Code. 40636

COUNTY MR/DD BOARDS - VEHICLE PURCHASES 40637

The foregoing appropriation item 200-552, County MR/DD Boards 40638  
Vehicle Purchases, shall be used to provide financial assistance 40639  
to MR/DD boards for the purchase of vehicles as permitted in 40640  
section 3317.07 of the Revised Code. 40641

COUNTY MR/DD BOARDS - TRANSPORTATION 40642

The foregoing appropriation item 200-553, County MR/DD Boards 40643  
Transportation Operating, shall be used to provide financial 40644  
assistance for transportation operating costs as provided in 40645  
division (M) of section 3317.024 of the Revised Code. 40646

EMERGENCY LOAN INTEREST SUBSIDY 40647

The foregoing appropriation item 200-558, Emergency Loan 40648  
Interest Subsidy, shall be used to provide a subsidy to school 40649  
districts receiving emergency school loans pursuant to section 40650  
3313.484 of the Revised Code. The subsidy shall be used to pay 40651  
these districts the difference between the amount of interest the 40652  
district is paying on an emergency loan, and the interest that the 40653  
district would have paid if the interest rate on the loan had been 40654  
two per cent. 40655

**Section 44.19.** OHIOREADS GRANTS 40656

Of the foregoing appropriation item 200-566, OhioReads 40657  
Grants, \$22,148,000 each year shall be disbursed by the OhioReads 40658  
Office in the Department of Education at the direction of the 40659  
OhioReads Council to provide classroom grants to public schools in 40660  
city, local, and exempted village school districts; community 40661  
schools; and educational service centers serving kindergarten 40662  
through fourth grade students. 40663

Of the foregoing appropriation item 200-566, OhioReads 40664  
Grants, \$5,000,000 each year shall be disbursed by the OhioReads 40665  
Office in the Department of Education at the direction of the 40666  
OhioReads Council to provide community matching grants to 40667



community organizations and associations, libraries, and others 40668  
for tutoring, tutor recruitment and training, and parental 40669  
involvement. 40670

Grants awarded by the OhioReads Council are intended to 40671  
improve reading outcomes, especially on the fourth grade reading 40672  
proficiency test. 40673

SCHOOL IMPROVEMENT INCENTIVE GRANTS 40674

Of the foregoing appropriation item 200-570, School 40675  
Improvement Incentive Grants, up to \$750,000 shall be used to 40676  
provide grants of up to \$50,000 each to educational best practices 40677  
award winners selected for superior performance by BEST, Building 40678  
Excellent Schools for Today and the 21st Century. 40679

Any grants awarded from the foregoing appropriation item 40680  
200-570, School Improvement Incentive Grants, shall be awarded to 40681  
individual school buildings, educational service centers, or joint 40682  
vocational school districts, as appropriate. Grant awards shall be 40683  
expended for staff development, classroom equipment, materials, 40684  
and books. The principal or administrator of each grantee shall 40685  
decide how best to use the grant award, with input from staff 40686  
members, consistent with the budget and grant award for the grant. 40687

Of the foregoing appropriation item 200-570, School 40688  
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 40689  
used to support the Bellefaire Jewish Children's Bureau. 40690

Of the foregoing appropriation item 200-570, School 40691  
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 40692  
used to support the Cleveland School of Art. 40693

Of the foregoing appropriation item 200-570, School 40694  
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 40695  
used to support the Tuscarawas County Educational Service Center. 40696

Of the foregoing appropriation item 200-570, School 40697

Improvement Incentive Grants, \$50,000 in each fiscal year shall be used to support LEAF. 40698  
40699

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, \$50,000 in each fiscal year shall be used to support the Toledo Institute. 40700  
40701  
40702

SUBSTANCE ABUSE PREVENTION 40703

Of the foregoing appropriation item 200-574, Substance Abuse Prevention, up to \$1,660,200 in each fiscal year shall be used for the Safe and Drug Free Schools Coordinators Program. Of the foregoing appropriation item 200-574, Substance Abuse Prevention, up to \$288,000 in each fiscal year of the biennium shall be used for the Substance Abuse Prevention Student Assistance Program. The Department of Education and the Department of Alcohol and Drug Addiction Services shall jointly develop and approve a plan for the expenditure of these funds including, but not limited to, the development of position descriptions and training specifications for safe and drug free schools coordinators. Safe and drug free schools coordinators shall possess or be in the process of obtaining credentials issued by the Ohio Credentialing Board for Chemical Dependency Professionals or other credentials recognized by that board. 40704  
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AUXILIARY SERVICES MOBILE REPAIR 40719

Notwithstanding section 3317.064 of the Revised Code, if the unobligated cash balance is sufficient, the Treasurer of State shall transfer \$1,500,000 in fiscal year 2002 within thirty days after the effective date of this section and \$1,500,000 in fiscal year 2003 by August 1, 2002, from the Auxiliary Services Personnel Unemployment Compensation Fund to the Department of Education's Auxiliary Services Mobile Repair Fund (Fund 598). 40720  
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**Section 44.20.** LOTTERY PROFITS EDUCATION FUND 40727

Appropriation item 200-612, Base Cost Funding (Fund 017), 40728  
shall be used in conjunction with appropriation item 200-501, Base 40729  
Cost Funding (GRF), to provide payments to school districts 40730  
pursuant to Chapter 3317. of the Revised Code. 40731

Of the foregoing appropriation item 200-612, Base Cost 40732  
Funding (Fund 017), \$25,000,000 in each fiscal year shall be used 40733  
from the funds transferred from the Unclaimed Prizes Trust Fund 40734  
pursuant to the section entitled "Transfers from the Unclaimed 40735  
Prizes Fund" of this act. 40736

The Department of Education, with the approval of the 40737  
Director of Budget and Management, shall determine the monthly 40738  
distribution schedules of appropriation item 200-501, Base Cost 40739  
Funding (GRF), and appropriation item 200-612, Base Cost Funding 40740  
(Fund 017). If adjustments to the monthly distribution schedule 40741  
are necessary, the Department of Education shall make such 40742  
adjustments with the approval of the Director of Budget and 40743  
Management. 40744

The Director of Budget and Management shall transfer via 40745  
intrastate transfer voucher the amount appropriated under the 40746  
Lottery Profits Education Fund for appropriation item 200-682, 40747  
Lease Rental Payment Reimbursement, to the General Revenue Fund on 40748  
a schedule determined by the director. These funds shall support 40749  
the appropriation item 230-428, Lease Rental Payments (GRF), of 40750  
the School Facilities Commission. 40751

LOTTERY PROFITS TRANSFERS\* 40752

On the fifteenth day of May of each fiscal year, the Director 40753  
of Budget and Management shall determine if lottery profits 40754  
transfers will meet the appropriation amounts from the Lottery 40755  
Profits Education Fund. 40756

On or after the date specified in each fiscal year, if the 40757  
director determines that lottery profits will not meet 40758

appropriations and if other funds are not available to meet the 40759  
shortfall, the Superintendent of Public Instruction shall take the 40760  
actions specified under the "Reallocation of Funds" section of 40761  
this act. 40762

TRANSFERS FROM THE UNCLAIMED PRIZES FUND 40763

By the fifteenth day of January of fiscal year 2002 and 40764  
fiscal year 2003, the Director of Budget and Management shall 40765  
transfer \$25,000,000 from the State Lottery Commission's Unclaimed 40766  
Prizes Fund to the Lottery Profits Education Fund, to be used 40767  
solely for purposes specified in the Department of Education's 40768  
budget. Transfers of unclaimed prizes under this provision shall 40769  
not count as lottery profits in the determination made concerning 40770  
excess profits titled "Lottery Profits" under the Department of 40771  
Education in this act. 40772

TEACHER CERTIFICATION AND LICENSURE 40773

The foregoing appropriation item 200-681, Teacher 40774  
Certification and Licensure, shall be used by the Department of 40775  
Education in each year of the biennium to administer teacher 40776  
certification and licensure functions pursuant to sections 40777  
3301.071, 3301.074, 3301.50, 3301.51, 3319.088, 3319.22, 3319.24 40778  
to 3319.28, 3319.281, 3319.282, 3319.29, 3319.301, 3319.31, and 40779  
3319.51 of the Revised Code. 40780

**Section 44.21.** LOTTERY PROFITS 40781

(A) There is hereby created the Lottery Profits Education 40782  
Reserve Fund (Fund 018) in the State Treasury. At no time shall 40783  
the amount to the credit of the fund exceed \$75,000,000. 40784  
Investment earnings of the Lottery Profits Education Reserve Fund 40785  
shall be credited to the fund. Notwithstanding any provisions of 40786  
law to the contrary, for fiscal years 2002 and 2003, there is 40787  
appropriated to the Department of Education, from the Lottery 40788

Profits Education Reserve Fund, an amount necessary to make loans 40789  
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 40790  
Revised Code. All loan repayments from loans made in fiscal years 40791  
1992, 1993, 1994, 1995, 1996, 1997, 1998, or 1999 shall be 40792  
deposited into the credit of the Lottery Profits Education Reserve 40793  
Fund. 40794

(B)(1) On or before July 15, 2001, the Director of Budget and 40795  
Management shall determine the amount by which lottery profit 40796  
transfers received by the Lottery Profits Education Fund for 40797  
fiscal year 2001 exceed \$665,200,000. The amount so certified 40798  
shall be distributed in fiscal year 2002 pursuant to divisions (C) 40799  
and (D) of this section. 40800

(2) On or before July 15, 2002, the Director of Budget and 40801  
Management shall determine the amount by which lottery profit 40802  
transfers received by the Lottery Profits Education Fund for 40803  
fiscal year 2002 exceed \$608,722,100. The amount so determined 40804  
shall be distributed in fiscal year 2003 pursuant to divisions (E) 40805  
and (F) of this section. 40806

The Director of Budget and Management shall annually certify 40807  
the amounts determined pursuant to this section to the Speaker of 40808  
the House of Representatives and the President of the Senate. 40809

(C) Not later than June 15, 2002, the Department of 40810  
Education, in consultation with the Director of Budget and 40811  
Management, shall determine, based upon estimates, if a 40812  
reallocation of funds as described in the section of this act 40813  
titled "Reallocation of Funds" is required. 40814

If a reallocation of funds is required, then the 40815  
Superintendent of Public Instruction shall request Controlling 40816  
Board approval for a release of any balances in the Lottery 40817  
Profits Education Fund available for the purpose of this division 40818  
and pursuant to divisions (C)(1) and (2) of the section of this 40819

act titled "Reallocation of Funds." Any moneys so released are 40820  
appropriated. 40821

(D) In fiscal year 2002, if the Department of Education does 40822  
not determine that a reallocation of funds is necessary by the 40823  
fifteenth day of June, as provided in division (C) of this 40824  
section, or if there is a balance in the Lottery Profits Education 40825  
Fund after the release of any amount needed to preclude a 40826  
reallocation of funds as provided in division (C) of this section, 40827  
the moneys in the Lottery Profits Education Fund shall be 40828  
allocated as provided in this division. Any amounts so allocated 40829  
are appropriated. 40830

An amount equal to five per cent of the estimated lottery 40831  
profits of \$665,200,000 in fiscal year 2001 or the amount 40832  
remaining in the fund, whichever is the lesser amount, shall be 40833  
transferred to the Lottery Profits Education Reserve Fund within 40834  
the limitations specified in division (A) of this section and be 40835  
reserved and shall not be available for allocation or distribution 40836  
during fiscal year 2002. Any amounts exceeding \$75,000,000 shall 40837  
be distributed pursuant to division (G) of this section. 40838

(E) Not later than June 15, 2003, the Department of 40839  
Education, in consultation with the Director of Budget and 40840  
Management, shall determine, based upon estimates, if a 40841  
reallocation of funds as described in the section of this act 40842  
titled "Reallocation of Funds" is required. 40843

If a reallocation of funds is required, then the 40844  
Superintendent of Public Instruction shall request Controlling 40845  
Board approval for a release of any balances in the Lottery 40846  
Profits Education Fund available for the purpose of this division 40847  
and pursuant to divisions (C)(1) and (2) of the section of this 40848  
act titled "Reallocation of Funds." Any moneys so released are 40849  
appropriated. 40850

(F) In fiscal year 2003, 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 (E) 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 (E) 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 transfers of \$608,722,100 in fiscal year 2002 or the amount remaining in the fund, whichever is the lesser amount, shall be transferred to the Lottery Profits Education Reserve Fund within the limitations specified in division (A) of this section and be reserved and shall not be available for allocation or distribution during fiscal year 2003. Any amounts exceeding \$75,000,000 shall be distributed pursuant to division (G) of this section.

(G) In the appropriate fiscal year, any remaining amounts after the operations required by division (D) or (F) of this section, respectively, shall be transferred to the Public School Building Fund (Fund 021) and such amount is appropriated to appropriation item CAP-622, Public School Buildings, in the School Facilities Commission.

**Section 44.22. PROPERTY TAX ALLOCATION**

The Superintendent of Public Instruction shall not request, and the Controlling Board shall not approve, the transfer of funds from appropriation item 200-901, Property Tax Allocation-Education, to any other appropriation item.

**SCHOOL DISTRICT SOLVENCY ASSISTANCE**

Of the foregoing appropriation item 200-687, School District 40881  
Solvency Assistance, \$12,000,000 in each fiscal year shall be 40882  
allocated to the School District Shared Resource Account and 40883  
\$12,000,000 in each fiscal year shall be allocated to the 40884  
Catastrophic Expenditures Account. These funds shall be used to 40885  
provide assistance and grants to school districts to enable them 40886  
to remain solvent pursuant to section 3316.20 of the Revised Code. 40887  
Assistance and grants shall be subject to approval by the 40888  
Controlling Board. Any required reimbursements from school 40889  
districts for solvency assistance shall be made to the appropriate 40890  
account in the School District Solvency Assistance Fund. 40891

**SCHOOL DISTRICT PROPERTY TAX REPLACEMENT** 40892

The foregoing appropriation item 200-900, School District 40893  
Property Tax Replacement, shall be used by the Department of 40894  
Education, in consultation with the Department of Taxation, to 40895  
make payments to school districts and joint vocational school 40896  
districts pursuant to section 5727.85 of the Revised Code. 40897

**Section 44.23. PROPERTY TAX ALLOCATION - EDUCATION** 40898

The appropriation item 200-901, Property Tax Allocation - 40899  
Education, is appropriated to pay for the state's costs incurred 40900  
due to the homestead exemption and the property tax rollback. In 40901  
cooperation with the Department of Taxation, the Department of 40902  
Education shall distribute these funds directly to the appropriate 40903  
school districts of the state, notwithstanding sections 321.24 and 40904  
323.156 of the Revised Code, which provide for payment of the 40905  
homestead exemption and property tax rollback by the Tax 40906  
Commissioner to the appropriate county treasurer and the 40907  
subsequent redistribution of these funds to the appropriate local 40908  
taxing districts by the county auditor. 40909

Appropriation item 200-906, Tangible Tax Exemption - 40910  
Education is appropriated to pay for the state's costs incurred 40911



due to the tangible personal property tax exemption required by 40912  
division (C)(3) of section 5709.01 of the Revised Code. In 40913  
cooperation with the Department of Taxation, the Department of 40914  
Education shall distribute to each county treasurer the total 40915  
amount certified by the county treasurer pursuant to section 40916  
319.311 of the Revised Code, for all school districts located in 40917  
the county, notwithstanding the provision in section 319.311 of 40918  
the Revised Code which provides for payment of the \$10,000 40919  
tangible personal property tax exemption by the Tax Commissioner 40920  
to the appropriate county treasurer for all local taxing districts 40921  
located in the county. Pursuant to division (G) of section 321.24 40922  
of the Revised Code, the county auditor shall distribute the 40923  
amount paid by the Department of Education among the appropriate 40924  
school districts. 40925

Upon receipt of these amounts, each school district shall 40926  
distribute the amount among the proper funds as if it had been 40927  
paid as real or tangible personal property taxes. Payments for the 40928  
costs of administration shall continue to be paid to the county 40929  
treasurer and county auditor as provided for in sections 319.54, 40930  
321.26, and 323.156 of the Revised Code. 40931

Any sums, in addition to the amounts specifically 40932  
appropriated in appropriation items 200-901, Property Tax 40933  
Allocation - Education, for the homestead exemption and the 40934  
property tax rollback payments, and 200-906, Tangible Tax 40935  
Exemption - Education, for the \$10,000 tangible personal property 40936  
tax exemption payments, which are determined to be necessary for 40937  
these purposes, are appropriated. 40938

**Section 44.24. DISTRIBUTION FORMULAS\*** 40939

The Department of Education shall report the following to the 40940  
Director of Budget and Management, the Legislative Office of 40941  
Education Oversight, and the Legislative Service Commission: 40942

(A) Changes in formulas for distributing state 40943  
appropriations, including administratively defined formula 40944  
factors; 40945

(B) Discretionary changes in formulas for distributing 40946  
federal appropriations; 40947

(C) Federally mandated changes in formulas for distributing 40948  
federal appropriations. 40949

Any such changes shall be reported two weeks prior to the 40950  
effective date of the change. 40951

**Section 44.25. DISTRIBUTION - SCHOOL DISTRICT SUBSIDY 40952**  
PAYMENTS 40953

This section shall not take effect unless the Director of 40954  
Budget and Management adopts an order putting it into effect and 40955  
certifies a copy of the order to the Superintendent of Public 40956  
Instruction and the Controlling Board. 40957

Notwithstanding any other provision of the Revised Code, the 40958  
monthly distribution of payments made to school districts and 40959  
educational service centers pursuant to section 3317.01 of the 40960  
Revised Code for the first six months of each fiscal year shall 40961  
equal, as nearly as possible, six and two-thirds per cent of the 40962  
estimate of the amounts payable for each fiscal year. The monthly 40963  
distribution of payments for the last six months of each fiscal 40964  
year shall equal, as nearly as possible, ten per cent of the final 40965  
calculation of the amounts payable to each school district for 40966  
that fiscal year. 40967

The treasurer of each school district or educational service 40968  
center may accrue, in addition to the payments defined in this 40969  
section, to the accounts of the calendar years that end during 40970  
each fiscal year, the difference between the sum of the first six 40971  
months' payments in each fiscal year and the amounts the district 40972

would have received had the payments been made in, as nearly as possible in each fiscal year, twelve equal monthly payments. 40973  
40974

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 pursuant to the preceding paragraph, and issue notes to evidence that borrowing to mature no later than the thirtieth day of June of the calendar year following the calendar year in which such amount was borrowed. The principal amount borrowed in the last six months of calendar years 2001 or 2002 under this paragraph may not exceed the entire amount accrued or to be accrued by the district treasurer in those calendar years pursuant to the preceding paragraph. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts are lawfully appropriated by the board of education. No board of education shall be required to use the authority granted by this paragraph. The receipts so anticipated, and additional amounts from distributions to the districts in the first six months of calendar years 2002 and 2003 pursuant to Chapter 3317. of the Revised Code needed to pay the interest on the notes, shall be deemed appropriated by the board of education to the extent necessary for the payment of the principal of and interest on the notes at maturity, and the amounts necessary to make those monthly distributions are appropriated from the General Revenue Fund. For 40975  
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the purpose of better ensuring the prompt payment of principal of 41005  
and interest on the notes when due, the resolution of the board of 41006  
education authorizing the notes may direct that the amount of the 41007  
receipts anticipated, together with those additional amounts 41008  
needed to pay the interest on the borrowed amounts, shall be 41009  
deposited and segregated, in trust or otherwise, to the extent, at 41010  
the time or times, and in the manner provided in that resolution. 41011  
The borrowing authorized by this section does not constitute debt 41012  
for purposes of section 133.04 of the Revised Code. School 41013  
districts shall be reimbursed by the state for all necessary and 41014  
actual costs to districts arising from this provision, including, 41015  
without limitation, the interest paid on the notes while the notes 41016  
are outstanding. The Department of Education shall adopt rules 41017  
that are not inconsistent with this section for school district 41018  
eligibility and application for reimbursement of such costs. 41019  
Payments of these costs shall be made out of any anticipated 41020  
balances in appropriation items distributed under Chapter 3317. of 41021  
the Revised Code. The department shall submit all requests for 41022  
reimbursement under these provisions to the Controlling Board for 41023  
approval. 41024

During the last six months of each calendar year, instead of 41025  
deducting the amount the Superintendent of Public Instruction 41026  
would otherwise deduct from a school district's or educational 41027  
service center's state aid payments in accordance with the 41028  
certifications made for such year pursuant to sections 3307.56 and 41029  
3309.51 of the Revised Code, the superintendent shall deduct an 41030  
amount equal to forty per cent of the amount so certified. The 41031  
secretaries of the retirement systems shall compute the 41032  
certifications for the ensuing year under such sections as if the 41033  
entire amounts certified as due in the calendar year ending the 41034  
current fiscal year, but not deducted pursuant to this paragraph, 41035  
had been deducted and paid in that calendar year. During the first 41036

six months of the ensuing calendar year, in addition to deducting 41037  
the amounts the Superintendent of Public Instruction is required 41038  
to deduct under such sections during such period, the 41039  
superintendent shall deduct from a district's or educational 41040  
service center's state aid payments an additional amount equal to 41041  
the amount that was certified as due from the district for the 41042  
calendar year that ends during the fiscal year, but that was not 41043  
deducted because of this paragraph. The superintendent's 41044  
certifications to the Director of Budget and Management during the 41045  
first six months of the calendar year shall reflect such 41046  
additional deduction. 41047

**Section 44.26. REALLOCATION OF FUNDS** 41048

(A) As used in this section: 41049

(1) "Basic aid" means the amount calculated for the school 41050  
district received for the fiscal year under divisions (A) and (C) 41051  
of section 3317.022 and sections 3317.023, 3317.025 to 3317.029, 41052  
3317.0212, and 3317.0213 of the Revised Code and the amount 41053  
computed for a joint vocational school district under section 41054  
3317.16 of the Revised Code. 41055

(2) "Nonbasic aid" means the amount computed for a school 41056  
district for fiscal year 2002 or fiscal year 2003 under Chapter 41057  
3317. of the Revised Code and this act, excluding the district's 41058  
basic aid and the amount computed under such chapter and acts for 41059  
educational service centers, MR/DD boards, and institutions. 41060

(B) If in either fiscal year of the biennium the Governor 41061  
issues an order under section 126.05 of the Revised Code to reduce 41062  
expenditures and incurred obligations and the order requires the 41063  
superintendent to reduce such state education payments, or if 41064  
lottery profits transfers are insufficient to meet the amounts 41065  
appropriated from the Lottery Profits Education Fund for base cost 41066  
funding, and if other funds are not sufficient to offset the 41067

shortfall, the superintendent shall reduce nonbasic aid payments 41068  
so that the total amount expended in the fiscal year will not 41069  
exceed the amount available for expenditure pursuant to the 41070  
Governor's order. Subject to Controlling Board approval, the 41071  
superintendent shall reallocate appropriations not yet expended 41072  
from one program to another. 41073

(C)(1) If further reductions in nonbasic aid are necessary 41074  
following the reallocations implemented pursuant to division (B) 41075  
of this section, the superintendent shall request the Controlling 41076  
Board to approve the use of the money appropriated by this 41077  
division. The superintendent shall include with the 41078  
superintendent's request a report listing the amount of reductions 41079  
that each school district will receive if the request is not 41080  
approved, and also the amount of the reduction, if any, that will 41081  
still be required if the use of the money appropriated by this 41082  
section is approved. 41083

(2) In accordance with division (C)(1) of this section, there 41084  
is appropriated to the Department of Education from the 41085  
unobligated balance remaining in the Lottery Profits Education 41086  
Fund at the end of fiscal year 2001 the lesser of: the unobligated 41087  
balance in the fund, or the amount needed to preclude a 41088  
reallocation pursuant to this section. The money appropriated by 41089  
this division may be spent or distributed by the department only 41090  
with the approval of the Controlling Board. 41091

(D) If reductions in nonbasic aid are still necessary 41092  
following the actions taken pursuant to divisions (B) and (C) of 41093  
this section, the superintendent shall determine by what 41094  
percentage expenditures for nonbasic aid must be reduced for the 41095  
remainder of the fiscal year to make the total amount distributed 41096  
for the year equal the amount appropriated or available for 41097  
distribution. The superintendent shall reduce by that percentage 41098  
the amount to be paid in nonbasic aid to each city, exempted 41099

village, local, and joint vocational school district, to each 41100  
educational service center, to each county board of mental 41101  
retardation and developmental disabilities, and to each 41102  
institution providing special education programs under section 41103  
3323.091 of the Revised Code for the remainder of the fiscal year. 41104

**Section 44.27. EDUCATIONAL SERVICE CENTERS FUNDING** 41105

Notwithstanding division (B) of section 3317.11 of the 41106  
Revised Code, no funds shall be provided to an educational service 41107  
center in either fiscal year for any pupils of a city or exempted 41108  
village school district unless an agreement to provide services 41109  
under section 3313.843 of the Revised Code was entered into by 41110  
January 1, 1997, except that funds shall be provided to an 41111  
educational service center for any pupils of a city school 41112  
district if the agreement to provide services was entered into 41113  
within one year of the date upon which such district changed from 41114  
a local school district to a city school district. If insufficient 41115  
funds are appropriated in fiscal year 2002 or fiscal year 2003 for 41116  
the purposes of division (B) of section 3317.11 of the Revised 41117  
Code, the department shall first distribute to each educational 41118  
service center \$37 per pupil in its service center ADM, as defined 41119  
in that section. The remaining funds in each fiscal year shall be 41120  
distributed proportionally, on a per-student basis, to each 41121  
educational service center for its client ADM, as defined in that 41122  
section, that is attributable to each city and exempted village 41123  
school district that had entered into an agreement with an 41124  
educational service center for that fiscal year under section 41125  
3313.843 of the Revised Code by January 1, 1997. 41126

**Section 44.28.** \* For the school year commencing July 1, 2001, 41127  
or the school year commencing July 1, 2002, or both, the 41128  
Superintendent of Public Instruction may waive for the board of 41129  
education of any school district the ratio of teachers to pupils 41130

in kindergarten through fourth grade required under paragraph	41131
(A)(3) of rule 3301-35-03 of the Administrative Code if the	41132
following conditions apply:	41133
(A) The board of education requests the waiver.	41134
(B) After the Department of Education conducts an on-site	41135
evaluation of the district related to meeting the required ratio,	41136
the board of education demonstrates to the satisfaction of the	41137
Superintendent of Public Instruction that providing the facilities	41138
necessary to meet the required ratio during the district's regular	41139
school hours with pupils in attendance would impose an extreme	41140
hardship on the district.	41141
(C) The board of education provides assurances that are	41142
satisfactory to the Superintendent of Public Instruction that the	41143
board will act in good faith to meet the required ratio as soon as	41144
possible.	41145
<b>Section 44.29.</b> PRIVATE TREATMENT FACILITY PILOT PROJECT	41146
(A) As used in this section:	41147
(1) The following are "participating residential treatment	41148
centers":	41149
(a) Private residential treatment facilities that have	41150
entered into a contract with the Department of Youth Services to	41151
provide services to children placed at the facility by the	41152
department and which, in fiscal year 2002 or 2003 or both, the	41153
department pays through appropriation item 470-401, Care and	41154
Custody;	41155
(b) Abraxas, in Shelby;	41156
(c) Paint Creek, in Bainbridge;	41157
(d) Act One, in Akron;	41158



(e) Friars Club, in Cincinnati.	41159
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	41160 41161 41162
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	41163 41164
(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.	41165 41166 41167 41168 41169
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	41170 41171 41172
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center.	41173 41174 41175 41176 41177 41178 41179 41180 41181 41182 41183 41184 41185 41186 41187 41188 41189

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal years 2002 and 2003 to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school district shall, notwithstanding any conflicting provision of the Revised Code, pay tuition for the child for fiscal years 2002 and 2003 under this division unless that school district is providing the educational program to the child under division (B) of this section.

A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related services to the student pursuant to the student's individualized education program, minus the tuition paid for the child under division (C)(1) of this section.

A school district paying tuition under this division shall 41222  
not include the child for whom tuition is paid in the district's 41223  
average daily membership certified under division (A) of section 41224  
3317.03 of the Revised Code. 41225

(D) In each of fiscal years 2002 and 2003, the Department of 41226  
Education shall reimburse, from appropriations made for the 41227  
purpose, a school district, educational service center, or 41228  
residential treatment facility, whichever is providing the 41229  
service, that has demonstrated that it is in compliance with the 41230  
funding criteria for each served child for whom a school district 41231  
must pay tuition under division (C) of this section. The amount of 41232  
the reimbursement in either fiscal year shall be the formula 41233  
amount specified in section 3317.022 of the Revised Code, except 41234  
that the department shall proportionately reduce this 41235  
reimbursement if sufficient funds are not available to pay this 41236  
amount to all qualified providers. 41237

(E) Funds provided to a school district, educational service 41238  
center, or residential treatment facility under this section shall 41239  
be used to supplement, not supplant, funds from other public 41240  
sources for which the school district, service center, or 41241  
residential treatment facility is entitled or eligible. 41242

(F) The Department of Education shall track the utilization 41243  
of funds provided to school districts, educational service 41244  
centers, and residential treatment facilities under this section 41245  
and monitor the effect of the funding on the educational programs 41246  
they provide in participating residential treatment facilities. 41247  
The department shall monitor the programs for educational 41248  
accountability. 41249

**Section 44.30. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 41250**  
ASSESSMENT OF EDUCATION PROGRESS 41251

The General Assembly intends for the Superintendent of Public 41252

Instruction to provide for school district participation in the 41253  
administration of the National Assessment of Education Progress in 41254  
fiscal years 2002 and 2003 in accordance with section 3301.27 of 41255  
the Revised Code. 41256

**Section 44.31.** Notwithstanding Chapter 3318. of the Revised 41257  
Code, for purposes of complying with the local share and repayment 41258  
tax requirements of section 3318.05 of the Revised Code, any 41259  
school district given conditional approval for classroom 41260  
facilities assistance under section 3318.04 of the Revised Code as 41261  
of January 1, 1993, that approved a replacement permanent 41262  
improvement levy at the November 5, 1996, election shall be 41263  
permitted to use the proceeds of such levy, and any notes issued 41264  
or to be issued in anticipation thereof, as available funds, 41265  
within the meaning specified under section 3318.03 of the Revised 41266  
Code, to pay the local share of the cost of the approved classroom 41267  
facilities project. Notwithstanding the local share as previously 41268  
determined for purposes of the conditional approval of the 41269  
project, the local share shall be equal to the amount of proceeds 41270  
to be obtained by the district under such replacement permanent 41271  
improvement levy. Such school districts shall not be required to 41272  
obtain approval of either of the propositions described in 41273  
division (A) or (B) of section 3318.051 of the Revised Code. The 41274  
agreement required under section 3318.08 of the Revised Code for 41275  
the construction and sale of the project shall include provisions 41276  
for the transfer of the proceeds of the replacement permanent 41277  
improvement levy, and any notes issued in anticipation thereof, to 41278  
the school district's project construction account, and for the 41279  
levy of the replacement permanent improvement levy. 41280

**Section 44.32.** The Superintendent of Public Instruction shall 41281  
contract with an independent research entity to evaluate the pilot 41282  
project approved pursuant to section 3313.975 of the Revised Code. 41283

The evaluation shall study the impact of scholarships on student attendance, conduct, commitment to education, and standardized test scores; parental involvement; the school district's ability to provide services to district students; and the availability of alternative educational opportunities. The evaluation shall also study the economic impact of scholarships on the school district.

**Section 44.33.** Notwithstanding division (C)(1) of section 3313.975 of the Revised Code, in addition to students in kindergarten through third grade, initial scholarships may be awarded to fourth, fifth, sixth, seventh, and eighth grade students in fiscal year 2002 and in fiscal year 2003.

**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 41313  
recommendations as to the future of community schools in Ohio. 41314  
Copies of the report shall be delivered to the President of the 41315  
Senate and the Speaker of the House of Representatives. 41316

**Section 45. OEB OHIO EDUCATIONAL TELECOMMUNICATIONS** 41317

NETWORK COMMISSION 41318

General Revenue Fund 41319

GRF 374-100 Personal Services	\$	1,585,648	\$	1,705,463	41320
GRF 374-200 Maintenance	\$	902,477	\$	891,968	41321
GRF 374-300 Equipment	\$	46,760	\$	45,313	41322
GRF 374-401 Statehouse News Bureau	\$	253,175	\$	245,344	41323
GRF 374-404 Telecommunications	\$	5,239,754	\$	5,051,174	41324

Operating Subsidy

TOTAL GRF General Revenue Fund	\$	8,027,814	\$	7,939,262	41325
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General Services Fund Group 41326

4F3 374-603 Affiliate Services	\$	2,941,810	\$	3,067,586	41327
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TOTAL GSF General Services 41328

Fund Group	\$	2,941,810	\$	3,067,586	41329
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TOTAL ALL BUDGET FUND GROUPS	\$	10,969,624	\$	11,006,848	41330
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STATEHOUSE NEWS BUREAU 41331

The foregoing appropriation item 374-401, Statehouse News 41332  
Bureau, shall be used solely to support the operations of the Ohio 41333  
Statehouse News Bureau. 41334

TELECOMMUNICATIONS OPERATING SUBSIDY 41335

The foregoing appropriation item 374-404, Telecommunications 41336  
Operating Subsidy, shall be distributed by the Ohio Educational 41337  
Telecommunications Network Commission to Ohio's qualified public 41338  
educational television stations, radio reading services, and 41339  
educational radio stations to support their operations. The funds 41340  
shall be distributed pursuant to an allocation developed by the 41341

Ohio Educational Telecommunications Network Commission.				41342
<b>Section 46.</b> ELC OHIO ELECTIONS COMMISSION				41343
General Revenue Fund				41344
GRF 051-321 Operating Expenses	\$	298,660	\$	307,022 41345
TOTAL GRF General Revenue Fund	\$	298,660	\$	307,022 41346
State Special Revenue Fund Group				41347
4P2 051-601 Ohio Elections				41348
Commission Fund	\$	298,660	\$	312,923 41349
TOTAL SSR State Special				41350
Revenue Fund Group	\$	298,660	\$	312,923 41351
TOTAL ALL BUDGET FUND GROUPS	\$	597,320	\$	619,945 41352
<b>Section 47.</b> FUN STATE BOARD OF EMBALMERS AND FUNERAL				41354
DIRECTORS				41355
General Services Fund Group				41356
4K9 881-609 Operating Expenses	\$	507,667	\$	533,541 41357
TOTAL GSF General Services				41358
Fund Group	\$	507,667	\$	533,541 41359
TOTAL ALL BUDGET FUND GROUPS	\$	507,667	\$	533,541 41360
<b>Section 48.</b> ERB STATE EMPLOYMENT RELATIONS BOARD				41362
General Revenue Fund				41363
GRF 125-321 Operating Expenses	\$	3,622,827	\$	3,724,266 41364
TOTAL GRF General Revenue Fund	\$	3,622,827	\$	3,724,266 41365
General Services Fund Group				41366
572 125-603 Training and	\$	73,699	\$	75,541 41367
Publications				
TOTAL GSF General Services				41368
Fund Group	\$	73,699	\$	75,541 41369
TOTAL ALL BUDGET FUND GROUPS	\$	3,696,526	\$	3,799,807 41370

<b>Section 49. ENG STATE BOARD OF ENGINEERS AND SURVEYORS</b>				41372
General Services Fund Group				41373
4K9 892-609 Operating Expenses	\$	919,315	\$ 956,188	41374
TOTAL GSF General Services				41375
Fund Group	\$	919,315	\$ 956,188	41376
TOTAL ALL BUDGET FUND GROUPS				41377
<b>Section 50. EPA ENVIRONMENTAL PROTECTION AGENCY</b>				41378
General Revenue Fund				41379
GRF 715-501 Local Air Pollution	\$	1,364,111	\$ 1,444,068	41380
Control				
GRF 717-321 Surface Water	\$	10,005,388	\$ 11,104,082	41381
GRF 718-321 Groundwater	\$	1,430,912	\$ 1,540,938	41382
GRF 719-321 Air Pollution Control	\$	2,838,394	\$ 3,015,444	41383
GRF 721-321 Drinking Water	\$	3,043,210	\$ 3,216,737	41384
GRF 723-321 Hazardous Waste	\$	142,080	\$ 142,080	41385
GRF 724-321 Pollution Prevention	\$	927,221	\$ 986,633	41386
GRF 725-321 Laboratory	\$	1,411,197	\$ 1,551,342	41387
GRF 726-321 Corrective Actions	\$	1,890,915	\$ 1,912,937	41388
TOTAL GRF General Revenue Fund				41389
General Services Fund Group				41390
199 715-602 Laboratory Services	\$	1,003,616	\$ 1,042,081	41391
219 715-604 Central Support	\$	14,935,955	\$ 16,462,642	41392
Indirect				
4A1 715-640 Operating Expenses	\$	3,214,075	\$ 3,304,835	41393
TOTAL GSF General Services				41394
Fund Group	\$	19,153,646	\$ 20,809,558	41395
Federal Special Revenue Fund Group				41396
3F2 715-630 Revolving Loan Fund -	\$	33,700	\$ 80,000	41397
Operating				
3F3 715-632 Fed Supported Cleanup	\$	4,551,830	\$ 4,600,910	41398
and Response				



3F4	715-633	Water Quality Management	\$	702,849	\$	702,849	41399
3F5	715-641	Nonpoint Source Pollution Management	\$	5,820,330	\$	5,820,330	41400
3J1	715-620	Urban Stormwater	\$	522,000	\$	348,000	41401
3J5	715-615	Maumee River	\$	61,196	\$	0	41402
3K2	715-628	Clean Water Act 106	\$	3,769,255	\$	3,769,254	41403
3K4	715-634	DOD Monitoring and Oversight	\$	1,388,552	\$	1,487,341	41404
3K6	715-639	Remedial Action Plan	\$	600,000	\$	270,000	41405
3N4	715-657	DOE Monitoring and Oversight	\$	4,080,203	\$	4,162,907	41406
3T1	715-668	Rural Hardship Grant	\$	50,000	\$	50,000	41407
3V7	715-606	Agencywide Grants	\$	360,000	\$	80,000	41408
352	715-611	Wastewater Pollution	\$	200,000	\$	278,000	41409
353	715-612	Public Water Supply	\$	2,489,460	\$	2,489,460	41410
354	715-614	Hazardous Waste Management - Federal	\$	3,900,000	\$	3,900,000	41411
357	715-619	Air Pollution Control - Federal	\$	4,919,683	\$	4,835,600	41412
362	715-605	Underground Injection Control - Federal	\$	107,856	\$	107,856	41413
TOTAL FED Federal Special Revenue							41414
Fund Group			\$	33,556,914	\$	32,982,507	41415
State Special Revenue Fund Group							41416
3T3	715-669	Drinking Water SRF	\$	5,577,473	\$	5,839,217	41417
4J0	715-638	Underground Injection Control	\$	377,268	\$	394,097	41418
4K2	715-648	Clean Air - Non Title V	\$	3,558,719	\$	3,725,707	41419
4K3	715-649	Solid Waste	\$	12,883,012	\$	13,578,411	41420
4K4	715-650	Surface Water Protection	\$	9,052,930	\$	9,053,183	41421

4K5	715-651	Drinking Water Protection	\$	5,420,914	\$	5,780,021	41422
4P5	715-654	Cozart Landfill	\$	140,404	\$	143,914	41423
4R5	715-656	Scrap Tire Management	\$	5,526,050	\$	5,607,911	41424
4R9	715-658	Voluntary Action Program	\$	760,038	\$	880,324	41425
4T3	715-659	Clean Air - Title V Permit Program	\$	16,330,021	\$	16,919,482	41426
4U7	715-660	Construction & Demolition Debris	\$	136,347	\$	143,435	41427
5H4	715-664	Groundwater Support	\$	1,718,659	\$	1,820,773	41428
500	715-608	Immediate Removal Special Account	\$	508,000	\$	428,547	41429
503	715-621	Hazardous Waste Facility Management	\$	10,274,613	\$	11,045,132	41430
503	715-662	Hazardous Waste Facility Board	\$	688,634	\$	725,713	41431
505	715-623	Hazardous Waste Cleanup	\$	12,786,201	\$	13,427,443	41432
541	715-670	Site Specific Cleanup	\$	2,206,952	\$	2,345,990	41433
542	715-671	Risk Management Reporting	\$	174,924	\$	185,605	41434
592	715-627	Anti-Tampering Settlement	\$	10,000	\$	10,000	41435
6A1	715-645	Environmental Education	\$	1,500,000	\$	1,500,000	41436
602	715-626	Motor Vehicle Inspection and Maintenance	\$	2,653,217	\$	2,795,062	41437
644	715-631	ER Radiological Safety	\$	242,446	\$	255,947	41438
660	715-629	Infectious Waste Management	\$	138,899	\$	145,271	41439
676	715-642	Water Pollution	\$	4,874,302	\$	5,252,873	41440

		Control Loan				
		Administration				
678	715-635	Air Toxic Release	\$	394,489	\$	413,938 41441
679	715-636	Emergency Planning	\$	2,000,708	\$	2,054,868 41442
696	715-643	Air Pollution Control	\$	750,000	\$	750,000 41443
		Administration				
699	715-644	Water Pollution	\$	250,000	\$	250,000 41444
		Control Administration				
		TOTAL SSR State Special Revenue				41445
		Fund Group	\$	100,935,220	\$	105,472,864 41446
		TOTAL ALL BUDGET FUND GROUPS	\$	176,699,208	\$	184,179,190 41447

**Section 50.01. AREAWIDE PLANNING AGENCIES** 41449

Of the foregoing appropriation item 717-321, Surface Water, 41450  
 \$250,000 in fiscal year 2002 and \$250,000 in fiscal year 2003 41451  
 shall be divided evenly between the following six areawide 41452  
 planning agencies for the purpose of regional water management 41453  
 planning: Eastgate Regional Council of Governments, Miami Valley 41454  
 Regional Planning Commission, Northeast Ohio Four County Regional 41455  
 Planning and Development Organization, Northeast Ohio Areawide 41456  
 Coordinating Agency, Ohio-Kentucky-Indiana Regional Council of 41457  
 Governments, and Toledo Metropolitan Area Council of Governments. 41458

**BETHEL LOCAL SCHOOL DISTRICT** 41459

Of the foregoing appropriation item 721-321, Drinking Water, 41460  
 \$65,000 in fiscal year 2002 and \$65,000 in fiscal year 2003 shall 41461  
 be used for the Bethel Local School District in Miami County. The 41462  
 moneys shall be used to purchase water for the school and four 41463  
 adjacent households, for expenses incurred by Bethel Local School 41464  
 District for well-monitoring activities and water-system 41465  
 conversions, and for expenses incurred by the Ohio Environmental 41466  
 Protection Agency as the Agency continues to monitor activities 41467  
 associated with the Bethel Local School District water supply. 41468

CENTRAL SUPPORT INDIRECT 41469

Notwithstanding any other provision of law to the contrary, 41470  
the Director of Environmental Protection, with the approval of the 41471  
Director of Budget and Management, shall utilize a methodology for 41472  
determining each division's payments into the Central Support 41473  
Indirect Fund (Fund 219). The methodology used shall contain the 41474  
characteristics of administrative ease and uniform application. 41475  
Payments to the Central Support Indirect Fund (Fund 219) shall be 41476  
made using an intrastate transfer voucher. 41477

Not later than November 30, 2001, the Director of 41478  
Environmental Protection shall certify to the Director of Budget 41479  
and Management the cash balances in Fund 356, Indirect Costs, and 41480  
Fund 4C3, Central Support Indirect, and may request the Director 41481  
of Budget and Management to transfer up to the certified amounts 41482  
into Fund 219, Central Support Indirect. The amount transferred is 41483  
hereby appropriated. 41484

SOLID WASTE FUND TRANSFER 41485

Not later than March 1, 2002, the Director of Environmental 41486  
Protection shall certify to the Director of Budget and Management 41487  
the amount expended from Fund 4K3, Solid Waste, during fiscal 41488  
years 2000 and 2001 for emergency expenses incurred as a result of 41489  
the fire at the Kirby Tire site. In fiscal years 2002 and 2003, 41490  
the Director of Environmental Protection shall request the 41491  
Director of Budget and Management to transfer up to one-half of 41492  
the certified amount during fiscal year 2002 and the balance of 41493  
the certified amount during fiscal year 2003 from Fund 4R5, Scrap 41494  
Tire Management, to Fund 4K3, Solid Waste. The amounts transferred 41495  
are hereby appropriated. 41496

Moneys transferred from Fund 4R5, Scrap Tire Management, to 41497  
Fund 4K3, Solid Waste, shall not consist of any moneys generated 41498  
under division (A)(2) of section 3734.901 of the Revised Code as 41499

amended by this act.

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KIRBY TIRE SITE

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Of the moneys collected under division (A)(2) of section  
3734.901 of the Revised Code as amended by this act and deposited  
into the Scrap Tire Management Fund, at least eighty per cent  
shall be expended for cleanup and removal activities at the Kirby  
Tire site in Wyandot County during fiscal years 2002 and 2003.

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**Section 50.02.** There is hereby created the E-Check New Car  
Exemption Working Group consisting of a representative of the  
Governor's office appointed by the Governor, the Director of  
Environmental Protection or the Director's designee, a member of  
the House of Representatives appointed by the Speaker of the House  
of Representatives, and a member of the Senate appointed by the  
President of the Senate. The member from the House of  
Representatives and the member from the Senate shall be from  
different political parties. Appointments shall be made not later  
than five days after the effective date of this section. The  
Working Group shall begin meeting not later then two weeks after  
the effective date of this section.

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The Working Group shall enter into communications with the  
contractor hired under section 3704.14 of the Revised Code to  
conduct emissions inspections under the motor vehicle inspection  
and maintenance program in order to determine all implementing  
costs and contract-related costs associated with expanding the  
current new car exemption under that program from two years to  
five years through a three-year phase-in process. The Working  
Group shall issue a report of its findings to the Speaker of the  
House of Representatives and the President of the Senate not later  
than four weeks after the effective date of this section. Upon  
submittal of its report, the Working Group shall cease to exist.

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<b>Section 51. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION</b>				41530
General Revenue Fund				41531
GRF 172-321 Operating Expenses	\$	465,008	\$ 481,221	41532
TOTAL GRF General Revenue Fund	\$	465,008	\$ 481,221	41533
TOTAL ALL BUDGET FUND GROUPS	\$	465,008	\$ 481,221	41534

<b>Section 52. ETH OHIO ETHICS COMMISSION</b>				41536
General Revenue Fund				41537
GRF 146-321 Operating Expenses	\$	1,272,684	\$ 1,358,405	41538
TOTAL GRF General Revenue Fund	\$	1,272,684	\$ 1,358,405	41539
General Services Fund Group				41540
4M6 146-601 Operating Expenses	\$	386,485	\$ 409,543	41541
TOTAL GSF General Services Fund Group	\$	386,485	\$ 409,543	41542
TOTAL ALL BUDGET FUND GROUPS	\$	1,659,169	\$ 1,767,948	41544

FEE REVENUE TRANSFER 41545

If the fee revenue that is raised and deposited into Fund 4M6 146-601, Operating Expenses, exceeds the amount appropriated each fiscal year, the extra fee revenue shall be hereby appropriated into Fund 4M6 146-601, Operating Expenses, and OBM shall reduce the GRF appropriation item 146-321, Operating Expenses, in an amount equal to the amount of the extra fee revenue generated each fiscal year.

<b>Section 53. EXP OHIO EXPOSITIONS COMMISSION</b>				41553
General Revenue Fund				41554
GRF 723-403 Junior Fair Subsidy	\$	525,000	\$ 25,000	41555
TOTAL GRF General Revenue Fund	\$	525,000	\$ 25,000	41556
State Special Revenue Fund Group				41557
506 723-601 Operating Expenses	\$	14,411,437	\$ 14,875,658	41558

4N2 723-602 Ohio State Fair	\$	511,000	\$	520,000	41559
Harness Racing					
640 723-603 State Fair Reserve	\$	700,000	\$	0	41560
TOTAL SSR State Special Revenue					41561
Fund Group	\$	15,622,437	\$	15,395,658	41562
TOTAL ALL BUDGET FUND GROUPS	\$	16,147,437	\$	15,420,658	41563

STATE FAIR RESERVE 41564

The foregoing appropriation item 723-603, State Fair Reserve, 41565  
shall serve as a budget reserve fund for the Ohio Expositions 41566  
Commission in the event of a significant decline in attendance due 41567  
to inclement weather or extraordinary circumstances during the 41568  
Ohio State Fair and resulting in a loss of revenue. The State Fair 41569  
Reserve may be used by the Ohio Expositions Commission to pay 41570  
bills resulting from the Ohio State Fair only if all the following 41571  
criteria are met: 41572

(A) Admission revenues for the 2001 Ohio State Fair are less 41573  
than \$2,920,000 or admission revenues for the 2002 Ohio State Fair 41574  
are less than \$3,010,000 due to inclement weather or extraordinary 41575  
circumstances. These amounts are ninety per cent of the projected 41576  
admission revenues for each year. 41577

(B) The Ohio Expositions Commission declares a state of 41578  
fiscal exigency and requests release of funds by the Director of 41579  
Budget and Management. 41580

(C) The Director of Budget and Management releases the funds. 41581  
The Director of Budget and Management may approve or disapprove 41582  
the request for release of funds, may increase or decrease the 41583  
amount of release, and may place such conditions as the director 41584  
deems necessary on the use of the released funds. The Director of 41585  
Budget and Management may transfer appropriation authority from 41586  
fiscal year 2002 to fiscal year 2003 as needed. 41587

In the event that the Ohio Expositions Commission faces a 41588

temporary cash shortage that will preclude them from meeting 41589  
current obligations, the Commission may request the Director of 41590  
Budget and Management to approve use of the State Fair Reserve to 41591  
meet those obligations. The request shall include a plan 41592  
describing how the Commission will eliminate the cash shortage. If 41593  
the Director of Budget and Management approves the expenditures, 41594  
the Commission shall reimburse Fund 640 by the thirtieth day of 41595  
June of that same fiscal year through an intrastate transfer 41596  
voucher. The amount reimbursed is appropriated. 41597

**Section 54.** GOV OFFICE OF THE GOVERNOR 41598

General Revenue Fund 41599

GRF 040-321 Operating Expenses \$ 4,608,731 \$ 4,748,556 41600

GRF 040-403 National Governors \$ 174,001 \$ 179,224 41601

Conference

GRF 040-408 Office of Veterans' \$ 271,599 \$ 279,748 41602

Affairs

TOTAL GRF General Revenue Fund \$ 5,054,331 \$ 5,207,528 41603

General Services Fund Group 41604

412 040-607 Notary Commission \$ 166,284 \$ 171,273 41605

TOTAL GSF General Services 41606

Fund Group \$ 166,284 \$ 171,273 41607

TOTAL ALL BUDGET FUND GROUPS \$ 5,220,615 \$ 5,378,801 41608

APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR 41609

The Governor may expend a portion of the foregoing 41610

appropriation item 040-321, Operating Expenses, to hire or appoint 41611

legal counsel to be used in proceedings involving the Governor in 41612

the Governor's official capacity or the Governor's office only, 41613

without the approval of the Attorney General, notwithstanding 41614

sections 109.02 and 109.07 of the Revised Code. 41615

**Section 55.** DOH DEPARTMENT OF HEALTH 41616



General Revenue Fund				41617	
GRF 440-406 Hemophilia Services	\$	1,230,492	\$	1,230,492	41618
GRF 440-407 Animal Borne Disease and Prevention	\$	2,643,874	\$	2,598,297	41619
GRF 440-412 Cancer Incidence Surveillance System	\$	898,978	\$	1,104,175	41620
GRF 440-413 Ohio Health Care Policy and Data	\$	3,456,959	\$	3,557,200	41621
GRF 440-416 Child and Family Health Services	\$	10,937,078	\$	10,789,187	41622
GRF 440-418 Immunizations	\$	9,403,469	\$	9,616,514	41623
GRF 440-444 AIDS Prevention and Treatment	\$	9,142,101	\$	9,476,508	41624
GRF 440-446 Infectious Disease Prevention	\$	642,821	\$	649,291	41625
GRF 440-451 Public Health Prevention Programs	\$	7,708,440	\$	7,212,245	41626
GRF 440-452 Child and Family Health Care Operations	\$	1,316,947	\$	1,320,455	41627
GRF 440-453 Health Care Facility Protection and Safety	\$	12,466,643	\$	12,662,779	41628
GRF 440-454 Local Environmental Health	\$	1,243,340	\$	1,244,824	41629
GRF 440-459 Help Me Grow	\$	12,500,000	\$	12,500,000	41630
GRF 440-461 Vital Statistics	\$	3,891,580	\$	3,863,425	41631
GRF 440-501 Local Health Districts	\$	3,991,111	\$	3,991,111	41632
GRF 440-504 Poison Control Network	\$	388,000	\$	388,000	41633
GRF 440-505 Medically Handicapped Children	\$	7,634,095	\$	7,540,879	41634
GRF 440-507 Cystic Fibrosis	\$	768,131	\$	768,131	41635
GRF 440-508 Migrant Health	\$	120,767	\$	118,049	41636
GRF 440-510 Arthritis Care	\$	75,000	\$	75,000	41637
TOTAL GRF General Revenue Fund	\$	90,459,826	\$	90,706,562	41638

General Services Fund Group				41639
142	440-618	General Operations	\$ 2,764,557 \$ 2,892,340	41640
211	440-613	Central Support	\$ 25,527,855 \$ 26,149,512	41641
Indirect Costs				
473	440-622	Lab Operating Expenses	\$ 4,006,440 \$ 4,154,045	41642
5C1	440-642	TANF Family Planning	\$ 255,500 \$ 261,888	41643
683	440-633	Employee Assistance	\$ 1,017,408 \$ 1,062,965	41644
Program				
698	440-634	Nurse Aide Training	\$ 240,000 \$ 265,808	41645
TOTAL GSF General Services				41646
Fund Group				\$ 33,811,760 \$ 34,786,558 41647
Federal Special Revenue Fund Group				41648
320	440-601	Maternal Child Health	\$ 32,702,100 \$ 34,335,562	41649
Block Grant				
387	440-602	Preventive Health	\$ 9,278,173 \$ 9,278,173	41650
Block Grant				
389	440-604	Women, Infants, and	\$ 185,850,000 \$ 195,142,500	41651
Children				
391	440-606	Medicaid/Medicare	\$ 24,297,017 \$ 25,778,700	41652
392	440-618	General Operations	\$ 74,384,890 \$ 77,720,166	41653
TOTAL FED Federal Special Revenue				41654
Fund Group				\$ 326,512,180 \$ 342,255,101 41655
State Special Revenue Fund Group				41656
3W5	440-611	Title XX Transfer	\$ 500,000 \$ 500,000	41657
4D6	440-608	Genetics Services	\$ 2,725,894 \$ 2,799,641	41658
4F9	440-610	Sickle Cell Disease	\$ 1,010,091 \$ 1,035,344	41659
Control				
4G0	440-636	Heirloom Birth	\$ 1,000 \$ 1,000	41660
Certificate				
4G0	440-637	Birth Certificate	\$ 5,000 \$ 5,000	41661
Surcharge				
4L3	440-609	Miscellaneous Expenses	\$ 257,548 \$ 258,570	41662

4T4	440-603	Child Highway Safety	\$	224,855	\$	233,894	41663
4V6	440-641	Save Our Sight	\$	1,232,421	\$	1,266,900	41664
470	440-618	General Operations	\$	12,364,273	\$	12,941,359	41665
471	440-619	Certificate of Need	\$	352,598	\$	370,524	41666
477	440-627	Medically Handicapped Children Audit	\$	4,400,452	\$	4,640,498	41667
5B5	440-616	Quality, Monitoring, and Inspection	\$	802,502	\$	838,479	41668
5C0	440-615	Alcohol Testing and Permit	\$	1,395,439	\$	1,455,405	41669
5D6	440-620	Second Chance Trust	\$	831,924	\$	852,723	41670
5L1	440-623	Nursing Facility Technical Assistance Program	\$	1,080,000	\$	1,157,150	41671
610	440-626	Radiation Emergency Response	\$	870,505	\$	923,315	41672
666	440-607	Medically Handicapped Children - County Assessments	\$	14,039,889	\$	14,039,889	41673
TOTAL SSR State Special Revenue							41674
Fund Group			\$	42,094,391	\$	43,319,691	41675
Holding Account Redistribution Fund Group							41676
R14	440-631	Vital Statistics	\$	49,000	\$	49,000	41677
R48	440-625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	41678
TOTAL 090 Holding Account							41679
Redistribution Fund Group			\$	69,000	\$	69,000	41680
TOTAL ALL BUDGET FUND GROUPS			\$	492,947,157	\$	511,136,912	41681

**Section 55.01. HEMOPHILIA SERVICES** 41683

Of the foregoing appropriation item 440-406, Hemophilia 41684

Services, \$205,000 in each fiscal year shall be used to implement 41685

the Hemophilia Insurance Pilot Project. 41686

Of the foregoing appropriation item 440-406, Hemophilia 41687  
Services, up to \$245,000 in each fiscal year shall be used by the 41688  
Department of Health to provide grants to the nine hemophilia 41689  
treatment centers to provide prevention services for persons with 41690  
hemophilia and their family members affected by AIDS and other 41691  
bloodborne pathogens. 41692

CANCER REGISTRY SYSTEM 41693

Of the foregoing appropriation item 440-412, Cancer Incidence 41694  
Surveillance System, \$50,000 in each fiscal year shall be provided 41695  
to the Northern Ohio Cancer Resource Center. 41696

The remaining moneys in appropriation item 440-412, Cancer 41697  
Incidence Surveillance System, shall be used to maintain and 41698  
operate the Ohio Cancer Incidence Surveillance System pursuant to 41699  
sections 3701.261 to 3701.263 of the Revised Code. 41700

No later than March 1, 2002, the Ohio Cancer Incidence 41701  
Surveillance Advisory Board shall report to the General Assembly 41702  
on the effectiveness of the cancer incidence surveillance system 41703  
and the partnership between the Department of Health and the 41704  
Arthur G. James Cancer Hospital and Richard J. Solove Research 41705  
Institute of The Ohio State University. 41706

CHILD AND FAMILY HEALTH SERVICES 41707

Of the foregoing appropriation item 440-416, Child and Family 41708  
Health Services, \$1,700,000 in each fiscal year shall be used for 41709  
family planning services. None of the funds received through these 41710  
family planning grants shall be used to provide abortion services. 41711  
None of the funds received through these family planning grants 41712  
shall be used for counseling for or referrals for abortion, except 41713  
in the case of a medical emergency. These funds shall be 41714  
distributed on the basis of the relative need in the community 41715  
served by the Director of Health to family planning programs, 41716

which shall include family planning programs funded under Title V 41717  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 41718  
301, as amended, and Title X of the "Public Health Services Act," 41719  
58 Stat. 682 (1946), 42 U.S.C.A. 201, as amended, as well as to 41720  
other family planning programs that the Department of Health also 41721  
determines will provide services that are physically and 41722  
financially separate from abortion-providing and 41723  
abortion-promoting activities, and that do not include counseling 41724  
for or referrals for abortion, other than in the case of medical 41725  
emergency, with state moneys, but that otherwise substantially 41726  
comply with the quality standards for such programs under Title V 41727  
and Title X. 41728

The Director of Health, by rule, shall provide reasonable 41729  
methods by which a grantee wishing to be eligible for federal 41730  
funding may comply with these requirements for state funding 41731  
without losing its eligibility for federal funding, while ensuring 41732  
that a family planning program receiving a family planning grant 41733  
must be organized so that it is physically and financially 41734  
separate from the provision of abortion services and from 41735  
activities promoting abortion as a method of family planning. 41736

Of the foregoing appropriation item 440-416, Child and Family 41737  
Health Services, \$150,000 in each fiscal year shall be used to 41738  
provide malpractice insurance for physicians and other health 41739  
professionals providing prenatal services in programs funded by 41740  
the Department of Health. 41741

Of the foregoing appropriation item 440-416, Child and Family 41742  
Health Services, \$279,000 shall be used in each fiscal year for 41743  
the OPTIONS dental care access program. 41744

Of the foregoing appropriation item 440-416, Child and Family 41745  
Health Services, \$600,000 in each fiscal year shall be used by 41746  
local child and family health services clinics to provide services 41747  
to uninsured low-income persons. 41748

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$900,000 in each fiscal year shall be used by federally qualified health centers and federally designated look-alikes to provide services to uninsured low-income persons.

IMMUNIZATIONS

Of the foregoing appropriation item 440-418, Immunizations, \$125,000 per fiscal year shall be used to provide vaccinations for Hepatitis B to all qualified underinsured students in the seventh grade who have not been previously immunized.

Of the foregoing appropriation item 440-418, Immunizations, \$150,000 in each fiscal year shall be used to provide vaccinations for pneumococcal disease for children between the ages of two and five.

HIV/AIDS PREVENTION/TREATMENT

Of the foregoing appropriation item 440-444, AIDS Prevention and Treatment, \$6.97 million in fiscal year 2002 and \$7.4 million in fiscal year 2003 shall be used to assist persons with HIV/AIDS in acquiring HIV-related medications.

The HIV Drug Assistance Program is pursuant to section 3701.241 of the Revised Code and Title XXVI of the "Public Health Services Act," 104 Stat. 576 (1990), 42 U.S.C.A. 2601, as amended. The Department of Health may adopt rules pursuant to Chapter 119. of the Revised Code as necessary for the administration of the program.

INFECTIOUS DISEASE PREVENTION

Notwithstanding section 339.77 of the Revised Code, \$60,000 of the foregoing appropriation item 440-446, Infectious Disease Prevention, shall be used by the Director of Health to reimburse Boards of County Commissioners for the cost of detaining indigent persons with tuberculosis. Any portion of the \$60,000 allocated

for detainment not used for that purpose shall be used to make 41779  
payments to counties pursuant to section 339.77 of the Revised 41780  
Code. 41781

Of the foregoing appropriation item 440-446, Infectious 41782  
Disease Prevention, \$200,000 in each fiscal year shall be used for 41783  
the purchase of drugs for sexually transmitted diseases. 41784

HELP ME GROW 41785

The foregoing appropriation item 440-459, Help Me Grow, shall 41786  
be used by the Department of Health to distribute subsidies to 41787  
counties to implement section 3701.61 of the Revised Code. 41788  
Appropriation item 440-459 may be used in conjunction with 41789  
Temporary Assistance for Needy Families from the Department of Job 41790  
and Family Services, Even Start from the Department of Education, 41791  
and in conjunction with other early childhood funds and services 41792  
to promote the optimal development of young children. Local 41793  
contacts shall be developed between local departments of job and 41794  
family services and family and children first councils for the 41795  
administration of TANF funding for the Help Me Grow Program. The 41796  
Department of Health shall enter into an interagency agreement 41797  
with the Department of Education to coordinate the planning, 41798  
design, and grant selection process for any new Even Start grants 41799  
and to ensure that all new and existing programs within Help Me 41800  
grow are school linked. 41801

POISON CONTROL NETWORK 41802

The foregoing appropriation item 440-504, Poison Control 41803  
Network, shall be used in each fiscal year by the Department of 41804  
Health for grants to the consolidated Ohio Poison Control Center 41805  
to provide poison control services to Ohio citizens. 41806

TANF FAMILY PLANNING 41807

The Director of Budget and Management shall transfer by 41808  
intrastate transfer voucher, no later than the fifteenth day of 41809

July of each fiscal year, cash from the General Revenue Fund, 41810  
appropriation item 600-410, TANF State, to General Services Fund 41811  
5C1 in the Department of Health, in an amount of \$250,000 in each 41812  
fiscal year for the purpose of family planning services for 41813  
children or their families whose income is at or below 200 per 41814  
cent of the official poverty guideline. 41815

As used in this section, "poverty guideline" means the 41816  
official poverty guideline as revised annually by the United 41817  
States Secretary of Health and Human Services in accordance with 41818  
section 673 of the "Community Services Block Grant Act," 95 Stat. 41819  
511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal 41820  
to the size of the family of the person whose income is being 41821  
determined. 41822

MATERNAL CHILD HEALTH BLOCK GRANT 41823

Of the foregoing appropriation item 440-601, Maternal Child 41824  
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 41825  
fiscal year for the purposes of abstinence-only education. The 41826  
Director of Health shall develop guidelines for the establishment 41827  
of abstinence programs for teenagers with the purpose of 41828  
decreasing unplanned pregnancies and abortion. Such guidelines 41829  
shall be pursuant to Title V of the "Social Security Act," 42 41830  
U.S.C.A. 510, and shall include, but are not limited to, 41831  
advertising campaigns and direct training in schools and other 41832  
locations. 41833

A portion of the foregoing appropriation item 440-601, 41834  
Maternal Child Health Block Grant (Fund 320), may be used to 41835  
ensure that current information on sudden infant death syndrome is 41836  
available for distribution by local health districts. 41837

TITLE XX TRANSFER 41838

Of the foregoing appropriation item 440-611, Title XX 41839  
Transfer (Fund 3W5), \$500,000 in each fiscal year shall be used 41840



for the purposes of abstinence-only education. The Director of 41841  
Health shall develop guidelines for the establishment of 41842  
abstinence programs for teenagers with the purpose of decreasing 41843  
unplanned pregnancies and abortion. The guidelines shall be 41844  
developed pursuant to Title V of the "Social Security Act," 42 41845  
U.S.C. 510, and shall include, but are not to be limited to, 41846  
advertising campaigns and direct training in schools and other 41847  
locations. 41848

GENETICS SERVICES 41849

The foregoing appropriation item 440-608, Genetics Services 41850  
(Fund 4D6), shall be used by the Department of Health to 41851  
administer programs authorized by sections 3701.501 and 3701.502 41852  
of the Revised Code. 41853

SICKLE CELL FUND 41854

The foregoing appropriation item 440-610, Sickle Cell Disease 41855  
Control (Fund 4F9), shall be used by the Department of Health to 41856  
administer programs authorized by section 3701.131 of the Revised 41857  
Code. The source of the funds is as specified in section 3701.23 41858  
of the Revised Code. 41859

SAFETY AND QUALITY OF CARE STANDARDS 41860

The Department of Health may use Fund 471, Certificate of 41861  
Need, for administering sections 3702.11 to 3702.20 and 3702.30 of 41862  
the Revised Code in each fiscal year. 41863

MEDICALLY HANDICAPPED CHILDREN AUDIT 41864

The Medically Handicapped Children Audit Fund (Fund 477) 41865  
shall receive revenue from audits of hospitals and recoveries from 41866  
third-party payors. Moneys may be expended for payment of audit 41867  
settlements and for costs directly related to obtaining recoveries 41868  
from third-party payors and for encouraging Medically Handicapped 41869  
Children's Program recipients to apply for third-party benefits. 41870

Moneys also may be expended for payments for diagnostic and  
treatment services on behalf of medically handicapped children, as  
defined in division (A) of section 3701.022 of the Revised Code,  
and Ohio residents who are twenty-one or more years of age and who  
are suffering from cystic fibrosis. Moneys may also be expended  
for administrative expenses incurred in operating the Medically  
Handicapped Children's Program.

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND  
PERMIT FUND

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.

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.

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS

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.

**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.	41901
(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, appointed by the Speaker of the House of Representatives, shall serve on the Task Force. The member from the House of Representatives and the member from the Senate shall be from different political parties. The Director of Health shall appoint health care professionals and health care workers representing each of the following organizations:	41902 41903 41904 41905 41906 41907 41908 41909 41910 41911 41912
(1) Ohio Hospital Association;	41913
(2) Ohio Association of Children's Hospitals;	41914
(3) Ohio Council for Home Care;	41915
(4) Ohio Health Care Association;	41916
(5) Ohio Hospice and Palliative Care Organization;	41917
(6) Ohio Association of Philanthropic Homes;	41918
(7) Ohio Commission on Minority Health;	41919
(8) Ohio Nurses Association;	41920
(9) Ohio Pharmacists Association;	41921
(10) Ohio State Medical Association;	41922
(11) Families for Improved Care;	41923
(12) Ohio Association of Health Care Quality.	41924
(C) The Department of Health shall provide the Task Force with office space, staff, supplies, services, and other support as needed.	41925 41926 41927
(D) The Task Force shall do all of the following:	41928

- (1) Review the licensing standards for all health care professionals; 41929  
41930
- (2) Identify strategies to increase recruitment, retention, and development of qualified health care professionals and health care workers in health care settings; 41931  
41932  
41933
- (3) Develop recommendations for improving scopes of practice to remove unnecessary barriers to high quality provision of health care; 41934  
41935  
41936
- (4) Develop possible demonstration projects to present technology's potential to increase the efficiency of health care personnel; 41937  
41938  
41939
- (5) Recommend education strategies to meet health care workforce needs. 41940  
41941

(E) The Task Force shall submit a report of its findings and recommendations to the Speaker and Minority Leader of the House of Representatives and to the President and Minority Leader of the Senate not later than July 1, 2002. On submission of the report, the Task Force shall cease to exist. 41942  
41943  
41944  
41945  
41946

**Section 56. HEF HIGHER EDUCATIONAL FACILITY COMMISSION** 41947

Agency Fund Group				41948
461 372-601 Operating Expenses	\$	12,000	\$ 12,000	41949
TOTAL AGY Agency Fund Group	\$	12,000	\$ 12,000	41950
TOTAL ALL BUDGET FUND GROUPS	\$	12,000	\$ 12,000	41951

**Section 57. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS** 41953

General Revenue Fund				41954
GRF 148-100 Personal Services	\$	171,161	\$ 176,004	41955
GRF 148-200 Maintenance	\$	35,821	\$ 35,751	41956
GRF 148-300 Equipment	\$	3,648	\$ 3,552	41957
TOTAL GRF General Revenue Fund	\$	210,630	\$ 215,307	41958

General Services Fund Group				41959
601 148-602 Gifts and	\$	8,485	\$ 8,697	41960
Miscellaneous				
TOTAL GSF General Services				41961
Fund Group	\$	8,485	\$ 8,697	41962
TOTAL ALL BUDGET FUND GROUPS	\$	219,115	\$ 224,004	41963
COMMISSION ON HISPANIC/LATINO AFFAIRS PROGRESS REVIEW				41964
No later than December 31, 2001, the Commission on				41965
Hispanic/Latino Affairs shall submit to the chairperson and				41966
ranking minority member of the Human Services Subcommittee of the				41967
Finance and Appropriations Committee of the House of				41968
Representatives a report that demonstrates the progress that has				41969
been made toward meeting the Commission's mission statement.				41970
<b>Section 58. OHS OHIO HISTORICAL SOCIETY</b>				41971
General Revenue Fund				41972
GRF 360-501 Operating Subsidy	\$	3,784,283	\$ 3,816,047	41973
GRF 360-502 Site Operations	\$	7,471,775	\$ 7,458,843	41974
GRF 360-503 Ohio Bicentennial	\$	2,000,000	\$ 2,000,000	41975
Commission				
GRF 360-504 Ohio Preservation	\$	400,575	\$ 383,704	41976
Office				
GRF 360-505 Afro-American Museum	\$	1,049,836	\$ 1,030,641	41977
GRF 360-506 Hayes Presidential	\$	708,203	\$ 695,253	41978
Center				
GRF 360-508 Historical Grants	\$	50,000	\$ 50,000	41979
TOTAL GRF General Revenue Fund	\$	15,464,672	\$ 15,434,488	41980
TOTAL ALL BUDGET FUND GROUPS	\$	15,464,672	\$ 15,434,488	41981
SUBSIDY APPROPRIATION				41982
Upon approval by the Director of Budget and Management, the				41983
foregoing appropriation items shall be released to the Ohio				41984

Historical Society in quarterly amounts that in total do not  
exceed the annual appropriations. The funds and fiscal records of  
the society for fiscal years 2002 and 2003 shall be examined by  
independent certified public accountants approved by the Auditor  
of State, and a copy of the audited financial statements shall be  
filed with the Office of Budget and Management. The society shall  
prepare and submit to the Office of Budget and Management the  
following:

(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.

(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.

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.

OPERATING SUBSIDY

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 42016  
goal of historic preservation prior to the approval of the release 42017  
of moneys from GRF 360-501, Operating Subsidy, to the Ohio 42018  
Historical Society. 42019

SITE OPERATIONS 42020

Of the foregoing appropriation item 360-502, Site Operations, 42021  
no money shall be used for the operation of the Ohio Historical 42022  
Center. 42023

Of the foregoing appropriation item 360-502, Site Operations, 42024  
no more than 3 per cent shall be used for expenses not directly 42025  
allocated to an individual state memorial. 42026

HAYES PRESIDENTIAL CENTER 42027

If a United States government agency, including, but not 42028  
limited to, the National Park Service, chooses to take over the 42029  
operations or maintenance of the Hayes Presidential Center, in 42030  
whole or in part, the Ohio Historical Society shall make 42031  
arrangements with the National Park Service or other United States 42032  
government agency for the efficient transfer of operations or 42033  
maintenance. 42034

HISTORICAL GRANTS 42035

Of the foregoing appropriation item 360-508, Historical 42036  
Grants, \$50,000 in each fiscal year shall be distributed to the 42037  
Hebrew Union College in Cincinnati for the Holocaust Education 42038  
Project. 42039

**Section 59.** REP OHIO HOUSE OF REPRESENTATIVES 42040

General Revenue Fund 42041

GRF 025-321 Operating Expenses \$ 18,654,083 \$ 19,562,481 42042

TOTAL GRF General Revenue Fund \$ 18,654,083 \$ 19,562,481 42043

General Services Fund Group 42044

103 025-601 House Reimbursement	\$	1,287,500	\$	1,287,500	42045
4A4 025-602 Miscellaneous Sales	\$	33,990	\$	33,990	42046
TOTAL GSF General Services					42047
Fund Group	\$	1,321,490	\$	1,321,490	42048
TOTAL ALL BUDGET FUND GROUPS	\$	19,975,573	\$	20,883,971	42049

**Section 60.** IGO OFFICE OF THE INSPECTOR GENERAL 42051

General Revenue Fund					42052
GRF 965-321 Operating Expenses	\$	605,121	\$	637,322	42053
TOTAL GRF General Revenue Fund	\$	605,121	\$	637,322	42054
State Special Revenue Fund Group					42055
4Z3 965-602 Special Investigations	\$	100,000	\$	100,000	42056
TOTAL SSR State Special Revenue	\$	100,000	\$	100,000	42057
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	705,121	\$	737,322	42058

Of the foregoing appropriation item 965-602, Special 42059  
Investigations, up to \$100,000 in each fiscal year may be used for 42060  
investigative costs, pursuant to section 121.481 of the Revised 42061  
Code. 42062

**Section 61.** INS DEPARTMENT OF INSURANCE 42063

Federal Special Revenue Fund Group					42064
3U5 820-602 OSHIIP Operating Grant	\$	400,000	\$	400,000	42065
TOTAL FED Federal Special					42066
Revenue Fund Group	\$	400,000	\$	400,000	42067
State Special Revenue Fund Group					42068
554 820-601 Operating Expenses -	\$	543,101	\$	601,773	42069
OSHIIP					
554 820-606 Operating Expenses	\$	20,090,984	\$	22,350,783	42070
555 820-605 Examination	\$	6,581,705	\$	6,963,535	42071
TOTAL SSR State Special Revenue					42072
Fund Group	\$	27,215,790	\$	29,916,091	42073



TOTAL ALL BUDGET FUND GROUPS	\$	27,615,790	\$	30,316,091	42074
MARKET CONDUCT EXAMINATION					42075
When conducting a market conduct examination of any insurer					42076
doing business in this state, the Superintendent of Insurance may					42077
assess the costs of the examination against the insurer. The					42078
superintendent may enter into consent agreements to impose					42079
administrative assessments or fines for conduct discovered that					42080
may be violations of statutes or regulations administered by the					42081
superintendent. All costs, assessments, or fines collected shall					42082
be deposited to the credit of the Department of Insurance					42083
Operating Fund (Fund 554).					42084
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES					42085
The Superintendent of Insurance may transfer funds from the					42086
Department of Insurance Operating Fund (Fund 554), established by					42087
section 3901.021 of the Revised Code, to the Superintendent's					42088
Examination Fund (Fund 555), established by section 3901.071 of					42089
the Revised Code, only for the expenses incurred in examining					42090
domestic fraternal benefit societies as required by section					42091
3921.28 of the Revised Code.					42092
<b>Section 62. JFS DEPARTMENT OF JOB AND FAMILY SERVICES</b>					42093
General Revenue Fund					42094
GRF 600-100 Personal Services					42095
State	\$	56,614,143	\$	58,715,838	42096
Federal	\$	18,645,558	\$	19,317,882	42097
Personal Services	\$	75,259,701	\$	78,033,720	42098
Total					
GRF 600-200 Maintenance					42099
State	\$	30,439,164	\$	24,320,541	42100
Federal	\$	7,295,237	\$	5,828,810	42101
Maintenance Total	\$	37,734,401	\$	30,149,351	42102
GRF 600-300 Equipment					42103

	State	\$	5,469,830	\$	979,504	42104
	Federal	\$	179,026	\$	32,059	42105
	Equipment Total	\$	5,648,856	\$	1,011,563	42106
GRF 600-402	Electronic Benefits Transfer (EBT)					42107
	State	\$	7,551,305	\$	7,715,079	42108
	Federal	\$	7,551,305	\$	7,715,079	42109
	EBT Total	\$	15,102,610	\$	15,430,158	42110
GRF 600-410	TANF State	\$	268,636,561	\$	268,619,061	42111
GRF 600-413	Day Care	\$	84,120,606	\$	84,120,606	42112
	Match/Maintenance of Effort					
GRF 600-416	Computer Projects					42113
	State	\$	112,583,171	\$	117,908,736	42114
	Federal	\$	26,680,697	\$	28,637,135	42115
	Computer Projects Total	\$	139,263,868	\$	146,545,871	42116
GRF 600-420	Child Support Administration	\$	7,919,511	\$	7,885,309	42117
GRF 600-426	Children's Health Insurance Plan (CHIP)					42118
	State	\$	7,071,338	\$	8,570,373	42119
	Federal	\$	17,473,395	\$	21,177,537	42120
	CHIP Total	\$	24,544,733	\$	29,747,910	42121
GRF 600-427	Child and Family Services Activities	\$	7,169,086	\$	6,980,427	42122
GRF 600-435	Unemployment Compensation Review Commission	\$	3,759,151	\$	3,785,380	42123
GRF 600-436	Medicaid Systems Enhancements	\$	4,445,384	\$	1,853,611	42124
GRF 600-502	Child Support Match	\$	17,383,992	\$	16,814,103	42125
GRF 600-504	Non-TANF County	\$	70,554,373	\$	68,697,679	42126

	Administration				
GRF 600-511	Disability	\$ 79,562,017	\$ 89,752,408	42127	
	Assistance/Other				
	Assistance				
GRF 600-512	Non-TANF Emergency	\$ 2,079,000	\$ 2,079,000	42128	
	Assistance				
GRF 600-525	Health Care/Medicaid			42129	
	State	\$ 2,871,181,745	\$ 3,083,234,875	42130	
	Federal	\$ 4,121,323,704	\$ 4,416,002,794	42131	
	Health Care Total	\$ 6,992,505,449	\$ 7,499,237,669	42132	
GRF 600-527	Child Protective	\$ 59,592,059	\$ 64,047,479	42133	
	Services				
GRF 600-528	Adoption Services			42134	
	State	\$ 31,385,023	\$ 34,597,562	42135	
	Federal	\$ 30,506,168	\$ 33,628,748	42136	
	Adoption Services	\$ 61,891,191	\$ 68,226,310	42137	
	Total				
GRF 600-534	Adult Protective	\$ 2,850,975	\$ 2,775,950	42138	
	Services				
GRF 600-552	County Social Services	\$ 11,354,550	\$ 11,055,746	42139	
TOTAL GRF General Revenue Fund				42140	
	State	\$ 3,741,722,984	\$ 3,964,509,267	42141	
	Federal	\$ 4,229,655,090	\$ 4,532,340,044	42142	
	GRF Total	\$ 7,971,378,074	\$ 8,496,849,311	42143	
General Services Fund Group				42144	
4A8 600-658	Child Support	\$ 42,389,027	\$ 42,389,027	42145	
	Collections				
4R4 600-665	BCII Service Fees	\$ 124,522	\$ 136,974	42146	
5C9 600-671	Medicaid Program	\$ 50,846,239	\$ 59,226,893	42147	
	Support				
5R1 600-677	County Computers	\$ 5,000,000	\$ 5,000,000	42148	
613 600-645	Training Activities	\$ 1,462,626	\$ 1,157,525	42149	
TOTAL GSF General Services				42150	

Fund Group		\$	99,822,414	\$	107,910,419	42151
Federal Special Revenue Fund Group						42152
3A2 600-641	Emergency Food	\$	2,018,844	\$	2,018,844	42153
	Distribution					
3D3 600-648	Children's Trust Fund	\$	2,040,524	\$	2,040,524	42154
	Federal					
3F0 600-623	Health Care Federal	\$	175,148,990	\$	168,503,630	42155
3F0 600-650	Hospital Care	\$	292,915,017	\$	276,736,571	42156
	Assurance Match					
3G5 600-655	Interagency	\$	852,461,818	\$	860,986,436	42157
	Reimbursement					
3G9 600-657	Special Activities	\$	522,500	\$	190,000	42158
	Self Sufficiency					
3H7 600-617	Day Care Federal	\$	299,156,430	\$	337,848,130	42159
3N0 600-628	IV-E Foster Care	\$	152,981,760	\$	173,963,142	42160
	Maintenance					
3S5 600-622	Child Support Projects	\$	534,050	\$	534,050	42161
3V0 600-688	Workforce Investment	\$	112,830,660	\$	112,830,661	42162
	Act					
3V4 600-678	Federal Unemployment	\$	74,025,525	\$	74,025,525	42163
	Programs					
3V4 600-679	Unemployment	\$	2,286,421	\$	2,286,421	42164
	Compensation Review					
	Commission - Federal					
3V6 600-689	TANF Block Grant	\$	654,410,661	\$	677,098,311	42165
3V6 600-690	Wellness	\$	14,337,515	\$	14,337,515	42166
316 600-602	State and Local	\$	10,166,587	\$	10,325,460	42167
	Training					
327 600-606	Child Welfare	\$	34,594,191	\$	34,592,977	42168
331 600-686	Federal Operating	\$	41,600,896	\$	41,640,897	42169
365 600-681	JOB Training Program	\$	25,000,000	\$	5,469,259	42170
384 600-610	Food Stamps and State	\$	160,371,358	\$	161,716,857	42171
	Administration					

385	600-614	Refugee Services	\$	4,388,503	\$	4,559,632	42172
395	600-616	Special Activities/Child and Family Services	\$	9,491,000	\$	9,491,000	42173
396	600-620	Social Services Block Grant	\$	51,195,100	\$	51,297,478	42174
397	600-626	Child Support	\$	248,001,590	\$	247,353,041	42175
398	600-627	Adoption Maintenance/ Administration	\$	277,806,175	\$	341,298,661	42176
TOTAL FED Federal Special Revenue							42177
Fund Group			\$	3,498,286,115	\$	3,611,145,022	42178
State Special Revenue Fund Group							42179
198	600-647	Children's Trust Fund	\$	4,368,785	\$	4,379,333	42180
3W3	600-695	Adult Protective Services	\$	120,227	\$	120,227	42181
3W3	600-696	Non-TANF Adult Assistance	\$	1,000,000	\$	1,000,000	42182
3W8	600-638	Hippy Program	\$	62,500	\$	62,500	42183
3W9	600-640	Adoption Connection	\$	50,000	\$	50,000	42184
4A9	600-607	Unemployment Compensation Admin Fund	\$	9,420,000	\$	9,420,000	42185
4E3	600-605	Nursing Home Assessments	\$	95,511	\$	95,511	42186
4E7	600-604	Child and Family Services Collections	\$	145,805	\$	149,450	42187
4F1	600-609	Foundation Grants/Child and Family Services	\$	116,400	\$	119,310	42188
4J5	600-613	Nursing Facility Bed Assessments	\$	31,179,798	\$	31,279,798	42189
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	42190

4K1	600-621	ICF/MR Bed Assessments	\$	21,604,331	\$	22,036,418	42191
4R3	600-687	Banking Fees	\$	592,937	\$	592,937	42192
4V2	600-612	Child Support	\$	124,993	\$	124,993	42193
		Activities					
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	42194
5A5	600-685	Unemployment Benefit	\$	19,607,027	\$	13,555,667	42195
		Automation					
5E4	600-615	Private Child Care	\$	10,568	\$	10,568	42196
		Agencies Training					
5E6	600-634	State Option Food	\$	5,010,000	\$	5,010,000	42197
		Stamps					
5P4	600-691	TANF Child Welfare	\$	7,500,000	\$	7,500,000	42198
5P5	600-692	Health Care Services	\$	223,847,498	\$	255,386,713	42199
651	600-649	Hospital Care	\$	203,298,801	\$	192,070,088	42200
		Assurance Program Fund					
TOTAL SSR	State Special Revenue						42201
Fund Group			\$	553,855,181	\$	568,663,513	42202
Agency Fund Group							42203
192	600-646	Support Intercept -	\$	80,000,000	\$	82,000,000	42204
		Federal					
5B6	600-601	Food Stamp Intercept	\$	5,283,920	\$	5,283,920	42205
583	600-642	Support Intercept -	\$	20,162,335	\$	20,565,582	42206
		State					
TOTAL AGY	Agency Fund Group		\$	105,446,255	\$	107,849,502	42207
Holding Account	Redistribution Fund Group						42208
R12	600-643	Refunds and Audit	\$	200,000	\$	200,000	42209
		Settlements					
R13	600-644	Forgery Collections	\$	700,000	\$	700,000	42210
TOTAL 090	Holding Account						42211
Redistribution							
Fund Group			\$	900,000	\$	900,000	42212
TOTAL ALL BUDGET FUND GROUPS			\$	12,229,688,039	\$	12,893,317,767	42213

**Section 62.01.** JOB AND FAMILY SERVICES REPORT TO THE GENERAL ASSEMBLY 42215  
42216

In addition to other reporting requirements established in 42217  
the Revised Code, the Department of Job and Family Services shall, 42218  
not later than June 30, 2002, at the request of the Finance and 42219  
Appropriations Committee of the House of Representatives, report 42220  
to the General Assembly on the department's performance in 42221  
carrying out its mission and include in the report at least the 42222  
following: the long-term planning and vision for the various 42223  
elements of the Department of Job and Family Services, and an 42224  
analysis of the fund balances and cash flow in the department's 42225  
budget. 42226

**Section 62.02.** ALCOHOL AND DRUG ADDICTION SERVICES TRANSFER 42227

Each fiscal year, the Director of Budget and Management shall 42228  
transfer \$3,500,000 in appropriation authority from appropriation 42229  
item 600-410, TANF State, to State Special Revenue Fund 5B7 42230  
appropriation item 038-629, TANF Transfer-Treatment, and 42231  
\$1,500,000 in appropriation authority from appropriation item 42232  
600-410, TANF State, to State Special Revenue Fund 5E8 42233  
appropriation item 038-630, TANF Transfer-Mentoring, in the 42234  
Department of Alcohol and Drug Addiction Services. The Department 42235  
of Alcohol and Drug Addiction Services shall comply with all TANF 42236  
reporting requirements and timelines specified by the Department 42237  
of Job and Family Services. 42238

**Section 62.03.** DISABILITY ASSISTANCE 42239

The following schedule shall be used to determine monthly 42240  
grant levels in the Disability Assistance Program effective July 42241  
1, 2001. 42242

Persons in 42243

Assistance Group	Monthly Grant	
		42244
1	\$115	42245
2	159	42246
3	193	42247
4	225	42248
5	251	42249
6	281	42250
7	312	42251
8	361	42252
9	394	42253
10	426	42254
11	458	42255
12	490	42256
13	522	42257
14	554	42258
For each additional person add	40	42259

**Section 62.04. ADULT EMERGENCY ASSISTANCE PROGRAM** 42260

Appropriations in appropriation item 600-512, Non-TANF 42261  
Emergency Assistance, in each fiscal year shall be used for the 42262  
Adult Emergency Assistance Program established under section 42263  
5101.86 of the Revised Code. 42264

**Section 62.05. HEALTH CARE/MEDICAID** 42265

The foregoing appropriation item 600-525, Health 42266  
Care/Medicaid, shall not be limited by the provisions of section 42267  
131.33 of the Revised Code. 42268

**BREAST AND CERVICAL CANCER TREATMENT PROGRAM** 42269

Of the foregoing appropriation item 600-525, Health 42270  
Care/Medicaid, \$450,000 in state share and \$1,119,038 in federal 42271  
share in fiscal year 2002, and \$450,000 in state share and 42272  
\$1,119,038 in federal share in fiscal year 2003, shall be used to 42273



fund medical assistance provided under the Medicaid Program 42274  
pursuant to section 5111.0110 of the Revised Code. 42275

**Section 62.06.** CHILD SUPPORT COLLECTIONS/TANF MOE 42276

The foregoing appropriation item 600-658, Child Support 42277  
Collections, shall be used by the Department of Job and Family 42278  
Services to meet the TANF maintenance of effort requirements of 42279  
Pub. L. No. 104-193. After the state has met the maintenance of 42280  
effort requirement, the Department of Job and Family Services may 42281  
use funds from appropriation item 600-658 to support public 42282  
assistance activities. 42283

**Section 62.07.** MEDICAID PROGRAM SUPPORT FUND - STATE 42284

The foregoing appropriation item 600-671, Medicaid Program 42285  
Support, shall be used by the Department of Job and Family 42286  
Services to pay for Medicaid services and contracts. 42287

**Section 62.08.** HOSPITAL CARE ASSURANCE MATCH FUND 42288

Appropriation item 600-650, Hospital Care Assurance Match, 42289  
shall be used by the Department of Job and Family Services in 42290  
accordance with division (B) of section 5112.18 of the Revised 42291  
Code. 42292

**Section 62.09.** TANF 42293

TANF COUNTY INCENTIVES 42294

Of the foregoing appropriation item 600-689, TANF Block 42295  
Grant, the Department of Job and Family Services may provide 42296  
financial incentives to those county departments of job and family 42297  
services that have exceeded performance standards adopted by the 42298  
state department, and where the board of county commissioners has 42299  
entered into a written agreement with the state department under 42300  
section 5101.21 of the Revised Code governing the administration 42301

of the county department. Any financial incentive funds provided 42302  
pursuant to this division shall be used by the county department 42303  
for additional or enhanced services for families eligible for 42304  
assistance under Chapter 5107. or benefits and services under 42305  
Chapter 5108. of the Revised Code or, on request by the county and 42306  
approval by the Department of Job and Family Services, be 42307  
transferred to the Child Care and Development Fund or the Social 42308  
Services Block Grant. The county departments of job and family 42309  
services may retain and expend such funds without regard to the 42310  
state or county fiscal year in which the financial incentives were 42311  
earned or paid. Each county department of job and family services 42312  
shall file an annual report with the Department of Job and Family 42313  
Services providing detailed information on the expenditure of 42314  
these financial incentives and an evaluation of the effectiveness 42315  
of the county department's use of these funds in achieving 42316  
self-sufficiency for families eligible for assistance under 42317  
Chapter 5107. or benefits and services under Chapter 5108. of the 42318  
Revised Code. 42319

TANF FATHERHOOD PROGRAMS 42320

From the foregoing appropriation item 600-689, TANF Block 42321  
Grant, up to \$5,000,000 in each fiscal year shall be used to 42322  
support local fatherhood programs. Of the foregoing \$5,000,000, 42323  
\$300,000 in each fiscal year shall be used to operate a Fatherhood 42324  
Commission. Of the foregoing \$5,000,000, \$310,000 in each fiscal 42325  
year shall be provided to the Cuyahoga County Department of Job 42326  
and Family Services to contract with the Center for Families and 42327  
Children for the purpose of providing allowable services to 42328  
TANF-eligible individuals. The Cuyahoga County Department of Job 42329  
and Family Services and the Center for Families and Children shall 42330  
agree on reporting requirements to be incorporated into the 42331  
contract. Of the foregoing \$5,000,000, up to \$500,000 in each 42332  
fiscal year shall be used by the Department of Job and Family 42333

Services to support expenditures and grants of the Ohio Alliance 42334  
of Boys and Girls Clubs to provide allowable services to 42335  
TANF-eligible individuals. The Department of Job and Family 42336  
Services and the Ohio Alliance of Boys and Girls Clubs shall agree 42337  
on reporting requirements to be incorporated into the grant 42338  
agreement. 42339

TANF EDUCATION 42340

Not later than July 15, 2002, the Director of Budget and 42341  
Management shall transfer \$35,000,000 in appropriation authority 42342  
from appropriation item 600-689, TANF Block Grant (Fund 3V6), to 42343  
Fund 3W6, TANF Education, in the Department of Education, which is 42344  
created in the State Treasury. The transferred funds shall be used 42345  
for the purpose of providing allowable services to TANF-eligible 42346  
individuals. 42347

Not later than July 15, 2001, the Director of Budget and 42348  
Management shall transfer \$76,156,175 from Fund 3V6, TANF Block 42349  
Grant, to Fund 3W6, TANF Education, in the Department of 42350  
Education. Not later than July 15, 2002, the Director of Budget 42351  
and Management shall transfer \$98,843,825 from Fund 3V6, TANF 42352  
Block Grant, to Fund 3W6, TANF Education, in the Department of 42353  
Education. The transferred funds shall be used for the purpose of 42354  
providing allowable services to TANF-eligible individuals. The 42355  
Department of Education shall comply with all TANF requirements, 42356  
including reporting requirements and timelines, as specified in 42357  
state and federal laws, federal regulations, state rules, and the 42358  
Title IV-A state plan, and is responsible for payment of any 42359  
adverse audit finding, final disallowance of federal financial 42360  
participation, or other sanction or penalty issued by the federal 42361  
government or other entity concerning these funds. 42362

TANF ADULT LITERACY AND CHILD READING PROGRAMS 42363

From the foregoing appropriation item 600-689, TANF Block 42364

Grant, up to \$5,000,000 in each fiscal year shall be used to	42365
support local adult literacy and child reading programs.	42366
 TALBERT HOUSE	 42367
 In each fiscal year, the Director of Job and Family Services	 42368
shall provide \$100,500 from appropriation item 600-689, TANF Block	42369
Grant, to the Hamilton County Department of Job and Family	42370
Services to contract with the Talbert House for the purpose of	42371
providing allowable servcies to TANF-eligible individuals. The	42372
Hamilton County Department of Job and Family Services and the	42373
Talbert House shall agree on reporting requirements that meet all	42374
TANF reporting requirements and timelines specified by the	42375
Department of Job and Family Services to be incorporated into the	42376
contract.	42377
 APPALACHIAN WORKFORCE DEVELOPMENT AND JOB TRAINING	 42378
 From the foregoing appropriation item 600-689, TANF Block	 42379
Grant, the Director of Job and Family Services shall provide up to	42380
\$15,000,000 in each fiscal year to be awarded to the county	42381
departments of job and family services in the twenty-nine	42382
Appalachian counties, contingent upon passage of H.B. 6 of the	42383
124th General Assembly. These funds shall be used by the county	42384
department of job and family services, in coordination with the	42385
Governor's Office of Appalachia, the Governor's Regional Economic	42386
Office, and local development districts. These funds shall be used	42387
for the following activities: workforce development and supportive	42388
services; economic development; technology expansion, technical	42389
assistance, and training; youth job training; organizational	42390
development for workforce development partners; and improving	42391
existing technology centers, workforce development, job creation	42392
and retention, purchasing technology, and technology and	42393
technology infrastructure upgrades.	42394
 As a condition on the use of these funds, each county	 42395

department of job and family services shall submit a plan for the 42396  
intended use of these funds to the Department of Job and Family 42397  
Services. The plan shall also be reviewed by the Governor's Office 42398  
of Appalachia, the Governor's Regional Economic Office, and local 42399  
development districts. Also as a condition on the use of these 42400  
funds, each county and contract agency shall acknowledge that 42401  
these funds are a one-time allocation, not intended to fund 42402  
services beyond September 30, 2002. 42403

In fiscal year 2002, the TANF Allocation to each of the 42404  
Appalachian counties shall not be less than the TANF allocation 42405  
amount for fiscal year 2001, as allocated according to the 42406  
methodology set forth in paragraph (I) of rule 5101-6-03 of the 42407  
Administrative Code. 42408

In fiscal year 2003, the Department of Job and Family 42409  
Services shall provided from appropriation item 600-689, TANF 42410  
Block Grant, up to \$1,000,000 additional funding for special 42411  
projects on the recommendation of the Governor's Office of 42412  
Appalachia. 42413

The use of these funds shall comply with all TANF 42414  
requirements, including reporting requirements and timelines, as 42415  
specified in state and federal laws, federal regulations, state 42416  
rules, and the Title IV-A state plan. 42417

DYS COMPREHENSIVE STRATEGIES 42418  
42419

No later than July 15, 2001, the Director of Budget and 42420  
Management shall transfer \$5,000,000 in appropriation authority 42421  
from appropriation item 600-689, TANF Block Grant, to Federal 42422  
Special Revenue Fund 321 appropriation item 470-614, TANF Transfer 42423  
- Comprehensive Strategies, in the Department of Youth Services. 42424  
These funds shall be used by the Department of Youth Services to 42425  
make grants to local communities to establish models of 42426

inter-system collaboration to prevent children from entering the  
juvenile justice system. In making the grants, the Department of  
Youth Services shall require that grantees use the funds only to  
plan, develop, or enhance collaborative models. Funds provided to  
grantees may not be used for any type of direct or purchased  
services. The Department of Youth Services 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.

TANF TRANSFER DOWN PAYMENT ASSISTANCE AND FAMILY SHELTER  
PROGRAM

No later than July 15, 2001, the Director of Budget and  
Management shall transfer \$5,200,000 in appropriation authority  
from appropriation item 600-689, TANF Block Grant, to  
appropriation item 195-497, CDBG Operating Match, in the  
Department of Development. No later than July 15, 2002, the  
Director of Budget and Management shall transfer \$6,500,000 in  
appropriation authority from appropriation item 600-689, TANF  
Block Grant, to appropriation item 195-497, CDBG Operating Match,  
in the Department of Development. These funds shall be used to  
provide supportive services for low-income families related to  
housing or homelessness, including housing counseling; to provide  
grants to nonprofit organizations to assist families with incomes  
at or below 200 per cent of the federal poverty guidelines with  
down-payment assistance for homeownership, including the purchase  
of mobile homes; to provide emergency home repair funding for  
families with incomes at or below 200 per cent of the federal  
poverty guidelines; to provide operating support for family

emergency shelter programs; and to provide emergency rent and 42459  
mortgage assistance for families with incomes at or below 200 per 42460  
cent of the federal poverty guidelines. The funds shall not be 42461  
used to match federal funds. The Department of Development shall 42462  
comply with all TANF requirements, including reporting 42463  
requirements and timelines, as specified in state and federal 42464  
laws, federal regulations, state rules, and the Title IV-A state 42465  
plan, and is responsible for payment of any adverse audit finding, 42466  
final disallowance of federal financial participation, or other 42467  
sanction or penalty issued by the federal government or other 42468  
entity concerning these funds. 42469

TANF FEDERAL BLOCK GRANT FUNDS AND TRANSFERS 42470

From the foregoing appropriation items 600-410, TANF State; 42471  
600-658, Child Support Collections; or 600-689, TANF Block Grant, 42472  
or a combination of these appropriation items, no less than 42473  
\$369,040,735 in each fiscal year shall be allocated to county 42474  
departments of job and family services as follows: 42475

County Allocations	\$276,586,957	42476
WIA Supplement	\$35,109,178	42477
Early Start - Statewide	\$38,034,600	42478
Transportation	\$5,000,000	42479
County Training	\$3,050,000	42480
Adult Literacy and Child		42481
Reading Programs	\$5,000,000	42482
Disaster Relief	\$5,000,000	42483
School Readiness Centers	\$1,260,000	42484

Upon the request of the Department of Job and Family 42485  
Services, the Director of Budget and Management may seek 42486  
Controlling Board approval to increase appropriations in 42487  
appropriation item 600-689, TANF Block Grant, provided sufficient 42488  
Federal TANF Block Grant funds exist to do so, without any 42489  
corresponding decrease in other appropriation items. The 42490

Department of Job and Family Services shall provide the Office of 42491  
Budget and Management and the Controlling Board with documentation 42492  
to support the need for the increased appropriation. 42493

All transfers of moneys from or charges against TANF Federal 42494  
Block Grant awards for use in the Social Services Block Grant or 42495  
the Child Care and Development Block Grant from either unobligated 42496  
prior year appropriation authority in appropriation item 400-411, 42497  
TANF Federal Block Grant, or 600-411, TANF Federal Block Grant, or 42498  
from fiscal year 2002 and fiscal year 2003 appropriation authority 42499  
in item 600-689, TANF Block Grant, shall be done ten days after 42500  
the Department of Job and Family Services gives written notice to 42501  
the Office of Budget and Management. The Department of Job and 42502  
Family Services shall first provide the Office of Budget and 42503  
Management with documentation to support the need for such 42504  
transfers or charges for use in the Social Services Block Grant or 42505  
in the Child Care Development Block Grant. 42506

The Department of Job and Family Services shall in each 42507  
fiscal year of the biennium transfer the maximum amount of funds 42508  
from the federal TANF Block Grant to the federal Social Services 42509  
Block Grant as permitted under federal law. Not later than July 42510  
15, 2001, the Director of Budget and Management shall transfer 42511  
\$60,000,000 in receipts from TANF Block Grant funds that have been 42512  
credited to the Social Services Block Grant to State Special 42513  
Revenue Fund XXX, in the Office of Budget and Management. Not 42514  
later than June 1, 2002, the Director of Budget and Management 42515  
shall determine the amount of funds in State Special Revenue Fund 42516  
XXX that is needed for the purpose of balancing the General 42517  
Revenue Fund, and may transfer that amount to the General Revenue 42518  
Fund. Any moneys remaining in State Special Revenue Fund XXX on 42519  
June 15, 2002, shall be transferred not later than June 20, 2002 42520  
to Fund 3V6, TANF Block Grant, in the Department of Job and Family 42521  
Services. Not later than July 15, 2002, the Director of Budget and 42522



Management shall transfer to State Special Revenue Fund XXX, from 42523  
Fund 3V6 in the Department of Job and Family Services, the amount 42524  
of funds that remained in Special Revenue Fund XXX on June 15, 42525  
2002, and that were transferred to Fund 3V6. Not later than June 42526  
1, 2003, the Director of Budget and Management shall determine the 42527  
amount of funds in State Special Revenue Fund XXX that is needed 42528  
for the purpose of balancing the General Revenue Fund, and may 42529  
transfer that amount to the General Revenue Fund. Any moneys 42530  
remaining in State Special Revenue Fund XXX on June 15, 2003, 42531  
shall be transferred not later than June 20, 2003, to Fund 3V6, 42532  
TANF Block Grant, in the Department of Job and Family Services. 42533  
42534

Before the thirtieth day of September of each fiscal year, 42535  
the Department of Job and Family Services shall file claims with 42536  
the United States Department of Health and Human Services for 42537  
reimbursement for all allowable expenditures for services provided 42538  
by the Department of Job and Family Services, or other agencies 42539  
that may qualify for Social Services Block Grant funding pursuant 42540  
to Title XX of the Social Security Act. The Department of Job and 42541  
Family Services shall deposit, during each fiscal year, into Fund 42542  
5E6, State Option Food Stamps, \$6 million, into Fund 5P4, TANF 42543  
Child Welfare, \$7.5 million, into Fund 3W5, Health Care Services, 42544  
\$500,000, into Fund 3W8, Hippy Program, \$62,500, and into Fund 42545  
3W9, Adoption Connection, \$50,000 and deposit in fiscal year 2002, 42546  
into Fund 3W2, Title XX Vocational Rehabilitation, \$600,000, into 42547  
Fund 162 in the Department of Natural Resources, \$7,885,349, and 42548  
into Fund 3W3, Adult Special Needs, \$2,920,227 and deposit in 42549  
fiscal year 2003, into Fund 3W2, Title XX Vocational 42550  
Rehabilitation, \$897,052, into Fund 162 in the Department of 42551  
Natural Resources, \$8,058,715, and into Fund 3W3, Adult Special 42552  
Needs, \$6,520,227 in receipts from TANF Block Grant funds credited 42553  
to the Social Services Block Grant. On verification of the receipt 42554  
of the above revenue, the funds provided by these transfers shall 42555

be used as follows:		42556
Fund 5E6		42557
Second Harvest Food Bank	\$3,500,000	42558
Child Nutrition Services	\$2,500,000	42559
Fund 5P4		42560
Support and Expansion for PCSA Activities	\$5,500,000	42561
Pilot Projects for Violent and Aggressive Youth	\$2,000,000	42562
Fund 3W2		42563
Title XX Vocational Rehabilitation in fiscal year 2002	\$600,000	42564
Title XX Vocational Rehabilitation in fiscal year 2003	\$897,052	42565
Fund 3W3		42566
Adult Protective Services in fiscal year 2002	\$120,227	42567
Adult Protective Services in fiscal year 2003	\$120,227	42568
Non-TANF Adult Assistance in fiscal year 2002	\$1,000,000	42569
Non-TANF Adult Assistance in fiscal year 2003	\$1,000,000	42570
Community-Based Correctional Facilities in fiscal year 2002	\$1,800,000	42571
Community-Based Correctional Facilities in fiscal year 2003	\$5,400,000	42572
Fund 3W5		42573
Abstinence-only Education	\$500,000	42574
Fund 162		42575
CCC Operations in fiscal year 2002	\$7,885,349	42576
CCC Operations in fiscal year 2003	\$8,058,715	42577
Fund 3W8		42578
Hippy Program	\$62,500	42579
Fund 3W9		42580
Adoption Connection	\$50,000	42581
<b>Section 62.10. OHIO ASSOCIATION OF SECOND HARVEST FOOD BANKS</b>		42582
The Department of Job and Family Services may use up to		42583

\$3,500,000 of appropriation item 600-634, State Options Food 42584  
Stamps (Fund 5E6), in each fiscal year of the biennium to support 42585  
expenditures to the Ohio Association of Second Harvest Food Banks 42586  
pursuant to the following criteria. 42587

As used in this section, "federal poverty guidelines" has the 42588  
same meaning as in section 5101.46 of the Revised Code. 42589

The Department of Job and Family Services shall provide an 42590  
annual grant of \$3,500,000 in each of the fiscal years 2002 and 42591  
2003 to the Ohio Association of Second Harvest Food Banks. In each 42592  
fiscal year, the Ohio Association of Second Harvest Food Banks 42593  
shall use \$2,500,000 for the purchase of food products for the 42594  
Ohio Food Program, of which up to \$105,000 may be used for food 42595  
storage and transport, and shall use \$1,000,000 for the 42596  
Agricultural Surplus Production Alliance Project. Funds provided 42597  
for the Ohio Food Program shall be used to purchase food products 42598  
and distribute those food products to agencies participating in 42599  
the emergency food distribution program. No funds provided through 42600  
this grant may be used for administrative expenses other than 42601  
funds provided for food storage and transport. As soon as possible 42602  
after entering into a grant agreement at the beginning of the 42603  
fiscal year, the Department of Job and Family Services shall 42604  
distribute the grant funds in one single payment. The Ohio 42605  
Association of Second Harvest Food Banks shall develop a plan for 42606  
the distribution of the food products to local food distribution 42607  
agencies. Agencies receiving these food products shall ensure that 42608  
individuals and families who receive any of the food products 42609  
purchased with these funds have an income at or below 150 per cent 42610  
of the federal poverty guidelines. The Department of Job and 42611  
Family Services and the Ohio Association of Second Harvest Food 42612  
Banks shall agree on reporting requirements to be incorporated 42613  
into the grant agreement. 42614

The Ohio Association of Second Harvest Food Banks shall 42615

return any fiscal year 2002 funds from this grant remaining 42616  
unspent on June 30, 2002, to the Department of Job and Family 42617  
Services no later than November 1, 2002. The Ohio Association of 42618  
Second Harvest Food Banks shall return any fiscal year 2003 funds 42619  
from this grant remaining unspent on June 30, 2003, to the 42620  
Department no later than November 1, 2003. 42621

**Section 62.11. CHILD NUTRITION SERVICES** 42622

The Department of Job and Family Services may use up to 42623  
\$2,500,000 in each fiscal year of appropriation item 600-634, 42624  
State Option Food Stamps(Fund 5E6), to support Child Nutrition 42625  
Services in the Department of Education. As soon as possible after 42626  
the effective date of this section, the Department of Job and 42627  
Family Services shall enter into an interagency agreement with the 42628  
Department of Education to reimburse the 19 pilot programs that 42629  
provide nutritional evening meals to adolescents 13 through 18 42630  
years of age participating in educational or enrichment activities 42631  
at youth development centers. Such funds shall not be used as 42632  
matching funds. Eligibility and reporting guidelines shall be 42633  
detailed in the interagency agreement. 42634

**Section 62.12. PRESCRIPTION DRUG REBATE FUND** 42635

The foregoing appropriation item 600-692, Health Care 42636  
Services, shall be used by the Department of Job and Family 42637  
Services in accordance with section 5111.081 of the Revised Code. 42638

**Section 62.13. ODJFS FUNDS** 42639

**AGENCY FUND GROUP** 42640

The Agency Fund Group shall be used to hold revenues until 42641  
the appropriate fund is determined or until they are directed to 42642  
the appropriate governmental agency other than the Department of 42643  
Job and Family Services. If it is determined that additional 42644

appropriation authority is necessary, such amounts are 42645  
appropriated. 42646

HOLDING ACCOUNT REDISTRIBUTION GROUP 42647

The foregoing appropriation items 600-643, Refunds and Audit 42648  
Settlements, and 600-644, Forgery Collections, Holding Account 42649  
Redistribution Fund Group, shall be used to hold revenues until 42650  
they are directed to the appropriate accounts or until they are 42651  
refunded. If it is determined that additional appropriation 42652  
authority is necessary, such amounts are appropriated. 42653

**Section 62.14.** SINGLE ALLOCATION FOR COUNTY DEPARTMENTS OF 42654  
JOB AND FAMILY SERVICES 42655

Using the foregoing appropriation items 600-504, Non-TANF 42656  
County Administration; 600-610, Food Stamps and State 42657  
Administration; 600-410, TANF State; 600-689, TANF Block Grant; 42658  
600-620, Social Services Block Grant; 600-552, County Social 42659  
Services; 600-413, Day Care Match/Maintenance of Effort; 600-617, 42660  
Day Care Federal; 600-534, Adult Protective Services; and 600-614, 42661  
Refugees Services, the Department of Job and Family Services may 42662  
establish a single allocation for county departments of job and 42663  
family services that are subject to a partnership agreement 42664  
between a board of county commissioners and the department under 42665  
section 5101.21 of the Revised Code. The county department is not 42666  
required to use all the money from one or more of the 42667  
appropriation items listed in this paragraph for the purpose for 42668  
which the specific appropriation item is made so long as the 42669  
county department uses the money for a purpose for which at least 42670  
one of the other of those appropriation items is made. The county 42671  
department may not use the money in the allocation for a purpose 42672  
other than a purpose any of those appropriation items are made. If 42673  
the spending estimates used in establishing the single allocation 42674  
are not realized and the county department uses money in one or 42675

more of those appropriation items in a manner for which federal 42676  
financial participation is not available, the department shall use 42677  
state funds available in one or more of those appropriation items 42678  
to ensure that the county department receives the full amount of 42679  
its allocation. The single allocation is the maximum amount the 42680  
county department shall receive from those appropriation items. 42681

ADULT PROTECTIVE SERVICES 42682

The foregoing appropriation item 600-695, Adult Protective 42683  
Services, shall be used to provide adult protective services in 42684  
accordance with section 5101.62 of the Revised Code. 42685

NON-TANF ADULT ASSISTANCE 42686

The foregoing appropriation item 600-696, Non-TANF Adult 42687  
Assistance, shall be used to provide funding for the Adult 42688  
Emergency Assistance Program in accordance with section 5101.86 of 42689  
the Revised Code. 42690

HIPPY PROGRAM 42691

The Department of Job and Family Services may use up to 42692  
\$62,500 of appropriation item 600-638, Hippy Program (Fund 3W8), 42693  
in each fiscal year to support expenditures to the Hippy Program 42694  
in Hamilton County. The Department of Job and Family Services and 42695  
the Hippy Program shall agree on reporting requirements to be 42696  
incorporated into the grant agreement. 42697

ADOPTION CONNECTION 42698

The Department of Job and Family Services may use up to 42699  
\$62,500 of appropriation item 600-640, Adoption Connection (Fund 42700  
3W9), in each fiscal year to support expenditures to the Adoption 42701  
Connection Program in Hamilton County. The Department of Job and 42702  
Family Services and the Adoption Connection Program shall agree on 42703  
reporting requirements to be incorporated into the grant 42704  
agreement. 42705

**Section 62.15.** TRANSFER OF FUNDS 42706

The Department of Job and Family Services shall transfer 42707  
through intrastate transfer vouchers, cash from State Special 42708  
Revenue Fund 4K1, ICF/MR Bed Assessments, to fund 4K8, Home and 42709  
Community-Based Services, in the Ohio Department of Mental 42710  
Retardation and Developmental Disabilities. The sum of the 42711  
transfers shall equal \$12,783,463 in fiscal year 2002 and 42712  
\$13,039,133 in fiscal year 2003. The transfer may occur on a 42713  
quarterly basis or on a schedule developed and agreed to by both 42714  
departments. 42715

The Department of Job and Family Services shall transfer, 42716  
through intrastate transfer vouchers, cash from the State Special 42717  
Revenue Fund 4J5, Home and Community-Based Services for the Aged, 42718  
to Fund 4J4, PASSPORT, in the Department of Aging. The sum of the 42719  
transfers shall be equal to the amounts appropriated in fiscal 42720  
year 2002 and fiscal year 2003 in appropriation item 490-610, 42721  
PASSPORT/Residential State Supplement. The transfer may occur on a 42722  
quarterly basis or on a schedule developed and agreed to by both 42723  
departments. 42724

TRANSFERS OF IMD/DSH CASH 42725

The Department of Job and Family Services shall transfer, 42726  
through intrastate transfer voucher, cash from fund 5C9, Medicaid 42727  
Program Support, to the Department of Mental Health's Fund 4X5, 42728  
OhioCare, in accordance with an interagency agreement which 42729  
delegates authority from the Department of Job and Family Services 42730  
to the Department of Mental Health to administer specified 42731  
Medicaid services. 42732

**Section 62.16.** CONSOLIDATION OF STATE GRANTS 42733

With the consent of a county, the Department of Job and 42734  
Family Services may combine into a single and consolidated grant 42735

of state aid, funds that would otherwise be provided to that 42736  
county pursuant to the operation of section 5101.14 of the Revised 42737  
Code and other funds that would otherwise be provided to that 42738  
county for the purpose of providing kinship care. In fiscal year 42739  
2003, the grant shall also include unspent funds remaining from 42740  
any grant provided to the county under this section in fiscal year 42741  
2002. 42742

Funds contained in any such consolidation grant shall not be 42743  
subject to either statutory or administrative rules that would 42744  
otherwise govern allowable uses from such funds, except that such 42745  
funds shall continue to be used by the county to meet the expenses 42746  
of its children services program under Chapter 5153. of the 42747  
Revised Code. Funds contained in a consolidation grant shall be 42748  
paid to each county within thirty days after the beginning of each 42749  
calendar quarter. Funds provided to a county under this section 42750  
shall be deposited in the children services fund, established in 42751  
section 5101.144 of the Revised Code, and shall be used for no 42752  
other purpose than to meet the expenses of the children services 42753  
program. Within ninety days after the end of fiscal year 2003, 42754  
each county shall return to the Department of Job and Family 42755  
Services any unspent balance in the consolidated grant, unless 42756  
this section is renewed for a subsequent period of time. 42757

**Section 62.17. EMPLOYER SURCHARGE** 42758

The surcharge and the interest on the surcharge amounts due 42759  
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 42760  
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 42761  
118th General Assembly, and section 4141.251 of the Revised Code 42762  
as it existed prior to Sub. H.B. 478 of the 122nd General 42763  
Assembly, again shall be assessed and collected by, accounted for, 42764  
and made available to the Department of Job and Family Services in 42765  
the same manner as set forth in section 4141.251 of the Revised 42766



Code as it existed prior to Sub. H.B. 478 of the 122nd General 42767  
Assembly, notwithstanding the repeal of the surcharge for calendar 42768  
years after 1990, pursuant to Sub. H.B. 478 of the 122nd General 42769  
Assembly, except that amounts received by the Director on or after 42770  
July 1, 2001, shall be deposited into the special administrative 42771  
fund established pursuant to section 4141.11 of the Revised Code. 42772

Effective July 1, 2001, the balance of the unemployment 42773  
compensation surcharge trust funds created in custody of the 42774  
Treasurer of State pursuant to section 4141.251 of the Revised 42775  
Code shall be transferred into the special administrative fund 42776  
established pursuant to section 4141.11 of the Revised Code. 42777

**Section 62.18. OHIO ACCESS PROJECT** 42778

(A) As used in this section, "nursing facility" has the same 42779  
meaning as in section 5111.20 of the Revised Code. 42780

(B) To the extent funds are available as provided in this 42781  
act, the Director of Job and Family Services may establish the 42782  
Ohio Access Project to help Medicaid recipients make the 42783  
transition from residing in a nursing facility to residing in a 42784  
community setting. If the Director establishes the Project, the 42785  
Director shall provide one-time benefits to not more than 42786  
seventy-five Medicaid recipients in fiscal year 2002 and not more 42787  
than one hundred twenty-five Medicaid recipients in fiscal year 42788  
2003. To be eligible for benefits under the Project, a Medicaid 42789  
recipient must satisfy all of the following requirements: 42790

(1) At the time of applying for the benefits, be a recipient 42791  
of Medicaid-funded nursing facility care; 42792

(2) Have resided continuously in a nursing facility since at 42793  
least January 1, 2000; 42794

(3) Need the level of care provided by nursing facilities; 42795

(4) Need benefits whose projected cost does not exceed eighty 42796

per cent of the average monthly Medicaid cost of individual 42797  
Medicaid recipients' nursing facility care. 42798

(C) If the Director of Job and Family Services establishes 42799  
the Ohio Access Project, the benefits provided under the Project 42800  
may include payment of all of the following: 42801

(1) The first month's rent in a community setting; 42802

(2) Rental deposits; 42803

(3) Utility deposits; 42804

(4) Moving expenses; 42805

(5) Other expenses not covered by the Medicaid program that 42806  
facilitate a Medicaid recipient's move from a nursing facility to 42807  
a community setting. 42808

(D) No person may receive more than two thousand dollars 42809  
worth of benefits under the Ohio Access Project. 42810

**Section 62.19. FUNDING FOR OHIO ACCESS SUCCESS PILOT** 42811

Notwithstanding any limitations contained in sections 5112.31 42812  
and 5112.37 of the Revised Code, in each fiscal year, cash from 42813  
State Special Revenue Fund 4K1, ICF/MR Bed Assessments, in excess 42814  
of the amounts needed for transfers to Fund 4K8 may be used by the 42815  
Department of Job and Family Services to cover costs of care 42816  
provided to participants in the Ohio Home Care Waiver. Expenses to 42817  
be paid from this fund by the Department of Job and Family 42818  
Services shall be limited to costs for habilitative services that 42819  
either exceed the regular service levels of the Ohio Home Care 42820  
Waiver or are for habilitative services for individuals who are 42821  
not determined to be eligible for county board of MR/DD services, 42822  
and are provided to participants of Ohio Home Care Waiver who 42823  
require a level of care that is routinely provided through 42824  
intermediate care facilities for the mentally retarded or through 42825

ICF/MR waivers administered by the Department of Mental 42826  
Retardation and Developmental Disabilities. 42827

**Section 62.20. FUNDING FOR INSTITUTIONAL FACILITY AUDITS** 42828

Notwithstanding any limitations in sections 3721.51 and 42829  
3721.56 of the Revised Code, in each fiscal year, cash from the 42830  
State Special Revenue Fund 4J5, Home and Community-Based Services 42831  
for the Aged, in excess of the amounts needed for the transfers 42832  
may be used by the Department of Job and Family Services for the 42833  
following purposes: (A) up to \$1.0 million in each fiscal year to 42834  
fund the state share of audits of Medicaid cost reports filed with 42835  
the Department of Job and Family Services by nursing facilities 42836  
and intermediate care facilities for the mentally retarded; and 42837  
(B) up to \$150,000 in fiscal year 2002 and up to \$250,000 in 42838  
fiscal year 2003 to provide one-time transitional benefits under 42839  
the Ohio Access Project that the Director of Job and Family 42840  
Services may establish under the section of this act titled "Ohio 42841  
Access Project." 42842

**Section 62.21. WAIVER REDESIGN** 42843

(A) The Director of Job and Family Services may submit a 42844  
request to the United States Secretary of Health and Human 42845  
Services pursuant to section 1915 of the "Social Security Act," 79 42846  
Stat. 286 (1965), 42 U.S.C.A. 1396n, as amended, to create a 42847  
Medicaid home and community-based services waiver program, or 42848  
modify a current Medicaid home and community-based services waiver 42849  
program, to serve individuals with mental retardation or a 42850  
developmental disability who meet all of the following 42851  
requirements: 42852

(1) Need the level of care provided by intermediate care 42853  
facilities for the mentally retarded; 42854

(2) Need habilitation services; 42855

(3) Are transferred from the Ohio Home Care Waiver Program to 42856  
the new or modified home and community-based services waiver 42857  
program. 42858

(B) If the United States Secretary of Health and Human 42859  
Services grants a waiver request submitted under division (A) of 42860  
this section, the Director of Job and Family Services may create a 42861  
new, or modify an existing, home and community-based services 42862  
waiver program in accordance with the waiver. The new or modified 42863  
waiver program shall specify the maximum amount that the program 42864  
may spend per individual enrolled in the program. The Department 42865  
of Job and Family Services may administer the waiver program or 42866  
enter into an interagency agreement with the Department of Mental 42867  
Retardation and Developmental Disabilities for the Department of 42868  
Mental Retardation and Developmental Disabilities to administer 42869  
the waiver program under the Department of Job and Family 42870  
Services' supervision. 42871

(C) The Director of Job and Family Services may reduce the 42872  
maximum number of individuals the Ohio Home Care Waiver Program 42873  
may serve by the number of individuals transferred from that 42874  
program to the new or modified home and community-based services 42875  
waiver program provided for by this section. 42876

(D) An interagency agreement between the Departments of Job 42877  
and Family Services and Mental Retardation and Developmental 42878  
Disabilities under this section, if any, shall specify the maximum 42879  
number of individuals who may be transferred from the Ohio Home 42880  
Care Waiver Program to the new, or modified, waiver program and 42881  
the estimated cost of services under the new, or modified, waiver 42882  
program to the transferred individuals. The departments may not 42883  
enter into the interagency agreement without approval of the 42884  
Director of Budget and Management. If the departments enter into 42885  
the interagency agreement, the Director of Budget and Management 42886  
may reduce the amount of the appropriation in line item 600-525, 42887

Health Care/Medicaid, by the estimated cost specified in the 42888  
interagency agreement. If the Director makes the reduction, the 42889  
state share of the estimated costs are appropriated to the 42890  
Department of Mental Retardation and Developmental Disabilities in 42891  
a new appropriation item that shall be established for this 42892  
purpose. The Director of Budget and Management may increase the 42893  
appropriation in appropriation item 322-639, Medicaid Waiver, by 42894  
the corresponding non-GRF federal share of the estimated costs. 42895

**Section 62.22. MEDICAID WAIVER** 42896

(A) With the assistance of the Department of Mental Health 42897  
and after consulting with community mental health facilities that 42898  
provide mental health services included in the state Medicaid plan 42899  
pursuant to section 5111.022 of the Revised Code, the Department 42900  
of Job and Family Services shall develop and submit to the Health 42901  
Care Financing Administration of the United States Department of 42902  
Health and Human Services an application for a waiver under which 42903  
any of the federal Medicaid statutes and regulations that are 42904  
subject to being waived may be waived as necessary for purposes of 42905  
better ensuring both of the following: 42906

(1) That Medicaid coverage and payment methods for mental 42907  
health services provided under section 5111.022 of the Revised 42908  
Code are consistent with the service priorities established 42909  
pursuant to Chapters 340. and 5119. of the Revised Code; 42910

(2) That the services provided under section 5111.022 of the 42911  
Revised Code can be provided in a manner that maximizes the 42912  
effectiveness of resources available to the Department of Mental 42913  
Health and boards of alcohol, drug addiction, and mental health 42914  
services. 42915

(B) The actions taken by the Department of Mental Health and 42916  
Department of Job and Family Services to develop and submit the 42917  
application for the waiver specified in division (A) of this 42918

section shall be taken in a manner that allows the provisions of 42919  
the waiver to be implemented not later than July 1, 2002. 42920

**Section 62.23.** REFUND OF SETS PENALTY 42921

Any and all refunds received for penalties that were paid 42922  
directly or indirectly by the state for the Support Enforcement 42923  
Tracking System (SETS) shall be deposited in their entirety to the 42924  
General Revenue Fund. 42925

**Section 62.24.** As used in this section, "Medicaid waiver 42926  
component" has the same meaning as in section 5111.85 of the 42927  
Revised Code. 42928

A rule adopted by the Director of Job and Family Services 42929  
governing a Medicaid waiver component that is in effect on the 42930  
effective date of this section shall remain in effect until 42931  
amended or rescinded as part of the adoption of rules under 42932  
section 5111.85 of the Revised Code. 42933

**Section 62.25.** The Health Care Compliance Fund created by 42934  
section 5111.171 of the Revised Code is the same fund as the 42935  
Health Care Compliance Fund created by the Controlling Board in 42936  
October 1998. 42937

**Section 62.26.** Not later than October 31, 2001, the Director 42938  
of Job and Family Services shall submit to the United States 42939  
Secretary of Health and Human Services an amendment to the state 42940  
Medicaid Plan to provide for the Department of Job and Family 42941  
Services to continue the Program of All-Inclusive Care for the 42942  
Elderly, known as PACE, in accordance with 42 U.S.C. 1396u-4. The 42943  
Director may submit to the United States Secretary a request to 42944  
transfer the day-to-day administration of PACE to the Department 42945  
of Aging. If the United States Secretary approves the amendment, 42946  
the Directors of Job and Family Services and Aging may enter into 42947

an interagency agreement under section 5111.86 of the Revised Code 42948  
to transfer responsibility for the day-to-day administration of 42949  
PACE from the Department of Job and Family Services to the 42950  
Department of Aging. The interagency agreement is subject to the 42951  
approval of the Director of Budget and Management and shall 42952  
include an estimated cost of services to be provided under PACE. 42953

If the Directors of Job and Family Services and Aging enter 42954  
into the interagency agreement, the Director of Budget and 42955  
Management shall reduce the amount in appropriation item 600-525, 42956  
Health Care/Medicaid, by the estimated costs of PACE services 42957  
included in the interagency agreement. If the Director of Budget 42958  
and Management makes the reduction, the state and federal share of 42959  
the estimated costs of PACE services is hereby appropriated to the 42960  
Department of Aging. The Director of Budget and Management shall 42961  
establish a new appropriation item for the appropriation. 42962

**Section 62.27.** (A) The authority of the Director of Job and 42963  
Family Services under section 5111.02 of the Revised Code to adopt 42964  
a rule excluding drugs for the treatment of obesity from coverage 42965  
under the Medicaid program is revoked. Therefore, the Director 42966  
shall rescind paragraph (D)(1) of rule 5101:3-9-03 of the 42967  
Administrative Code. Paragraph (D)(1) of rule 5101:3-9-03 of the 42968  
Administrative Code is suspended pending the rescission. This 42969  
division does not require the Medicaid program to cover drugs for 42970  
the treatment of obesity. 42971

The rule of this act that items in uncodified sections do not 42972  
have effect after June 30, 2003, does not apply to this division. 42973

(B) Not later than six months after the effective date of 42974  
this section, the Director of Job and Family Services shall 42975  
complete an evaluation and issue a report on whether the Medicaid 42976  
program should cover anti-obesity agents that have been approved 42977  
by the United States Food and Drug Administration for the 42978

treatment of obesity and obesity's related co-morbidities. At a 42979  
minimum, the evaluation shall consider the safety, efficacy, and 42980  
cost-effectiveness of having the Medicaid program cover such 42981  
anti-obesity agents. The Director shall submit the report to the 42982  
chairperson and ranking minority member of the House of 42983  
Representatives Finance and Appropriations Committee and the 42984  
chairperson and ranking minority member of the Senate Finance and 42985  
Financial Institutions Committee. 42986

**Section 62.28. CHILD PROTECTIVE SERVICES** 42987

Of the foregoing appropriation item 600-527, Child Protective 42988  
Services, \$15,000 in each fiscal year shall be provided to the 42989  
Children's Advocacy Center in Portage County. 42990

**Section 62.29.** The Director of Job and Family Services may 42991  
apply to the United States Secretary of Health and Human Services 42992  
to increase the number of individuals that the Individual Options 42993  
Medicaid home or community-based services waiver program may serve 42994  
as follows: 42995

(A) For fiscal year 2002, that the waiver program serve at 42996  
least five hundred more individuals than the waiver program served 42997  
in fiscal year 2001; 42998

(B) For fiscal year 2003, that the waiver program serve at 42999  
least five hundred more individuals than the waiver program served 43000  
in fiscal year 2002. 43001

**Section 62.30. PREFERRED OPTION EVALUATION** 43002

The Director of Job and Family Services shall evaluate the 43003  
Medicaid managed care enrollment alternative known as Preferred 43004  
Option. As part of the evaluation, the Director shall examine 43005  
whether Preferred Option should be expanded to additional 43006  
counties. Not later than June 30, 2003, the Director shall submit 43007



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  
Preferred Option should be expanded to additional counties. The  
Director may not expand Preferred Option to any additional county  
before the Director submits the report.

**Section 62.31.** (A) The Director of Job and Family Services  
shall continue operations through each of the local public  
employment offices described in section 4141.04 of the Revised  
Code that exist on the effective date of this section until  
January 1, 2002.

(B) The Director shall present a detailed report to the  
members of the Finance and Appropriations Committee of the House  
of Representatives and of the Finance and Financial Institutions  
Committee of the Senate on or before October 1, 2001, that  
describes the Director's plan to cease the Department of Job and  
Family Services operations at the offices described in division  
(A) of this section and instead commence operations at telephone  
registration centers, mail claims centers, and one-stop employment  
centers. The report shall include all of the following  
information:

(1) A description of plans to employ personnel for telephone  
registration centers and mail claims centers, including plans to  
possibly reassign personnel employed at the offices described in  
division (A) of this section to the telephone registration  
centers, mail claims centers, or one-stop employment centers, and  
a description of model plans and actual plans detailing the manner  
in which personnel would be employed in each telephone  
registration center, mail claims center, or one-stop employment  
center;

(2) A fiscal analysis of the impact of the transition, 43039  
including all of the following information that is presented in a 43040  
manner so that the costs described in division (B)(2)(a) of this 43041  
section can be readily compared to the costs described in division 43042  
(B)(2)(b) of this section: 43043

(a) The cost of operating the existing offices described in 43044  
division (A) of this section, including the costs for 43045  
administration, facilities, and employing personnel; 43046

(b) The number of proposed telephone registration centers and 43047  
mail claims centers and the projected operational costs of those 43048  
centers, including, but not limited to, the cost of employing 43049  
personnel for those centers, the administrative overhead costs of 43050  
those centers, the initial costs to establish those centers, the 43051  
long-term costs of maintaining those centers, and the cost of 43052  
renting facilities for those centers, if rental is necessary. 43053  
43054

(3) The estimated cost projections of the initial start-up 43055  
costs of transitioning from the existing offices described in 43056  
division (A) of this section to the telephone registration 43057  
centers, mail claims centers, and one-stop employment centers and 43058  
the long-term operational costs of both operating those centers 43059  
and assisting in providing personnel to staff the one-stop 43060  
employment centers; 43061

(4) Funding projections that clearly indicate the amount of 43062  
funding expected from federal, state, and local sources for the 43063  
transition, and for maintaining the telephone registration centers 43064  
and mail claims centers, and for assisting in providing personnel 43065  
to staff the one-stop employment centers, with the amounts from 43066  
each source stated separately; 43067

(5) Steps that the Director plans to take to assist local 43068  
communities in improving services at one-stop employment centers 43069

so that service to unemployed individuals, other job seekers, and employers is not interrupted. 43070  
43071

(C) It is the intention of the General Assembly that during 43072  
the period beginning on the effective date of this section and 43073  
ending on January 1, 2002, the Director be strongly encouraged to 43074  
negotiate with boards of county commissioners, local workforce 43075  
policy boards, and other interested local officials in developing 43076  
a plan to transfer operations from the offices described in 43077  
division (A) of this section to telephone registration centers, 43078  
mail claims centers, and one-stop employment centers. It is also 43079  
the intention of the General Assembly that those negotiations 43080  
include a process for agreeing to the division of resources and 43081  
the allocation of costs between the Department of Job and Family 43082  
Services, boards of county commissioners, and local workforce 43083  
policy boards. 43084

**Section 63. JCO JUDICIAL CONFERENCE OF OHIO** 43085

General Revenue Fund 43086

GRF 018-321 Operating Expenses	\$	1,110,240	\$	1,141,327	43087
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TOTAL GRF General Revenue Fund	\$	1,110,240	\$	1,141,327	43088
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General Services Fund Group 43089

403 018-601 Ohio Jury Instructions	\$	200,000	\$	200,000	43090
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TOTAL GSF General Services Fund	\$	200,000	\$	200,000	43091
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,310,240	\$	1,341,327	43092
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**STATE COUNCIL OF UNIFORM STATE LAWS** 43093

Notwithstanding section 105.26 of the Revised Code, of the 43094  
foregoing appropriation item 018-321, Operating Expenses, up to 43095  
\$60,000 in fiscal year 2002 and up to \$63,000 in fiscal year 2003 43096  
may be used to pay the expenses of the State Council of Uniform 43097  
State Laws, including membership dues to the National Conference 43098

of Commissioners on Uniform State Laws.	43099
OHIO JURY INSTRUCTIONS FUND	43100
The Ohio Jury Instructions Fund (Fund 403) shall consist of	43101
grants, royalties, dues, conference fees, bequests, devises, and	43102
other gifts received for the purpose of supporting costs incurred	43103
by the Judicial Conference of Ohio in dispensing education and	43104
informational data to the state's judicial system. Fund 403 shall	43105
be used by the Judicial Conference of Ohio to pay expenses	43106
incurred in dispensing educational and informational data to the	43107
state's judicial system. All moneys accruing to Fund 403 in excess	43108
of \$200,000 in fiscal year 2002 and in excess of \$200,000 in	43109
fiscal year 2003 are hereby appropriated for the purposes	43110
authorized.	43111
No money in the Ohio Jury Instructions Fund shall be	43112
transferred to any other fund by the Director of Budget and	43113
Management or the Controlling Board.	43114
<b>Section 64.</b> JSC THE JUDICIARY/SUPREME COURT	43115
General Revenue Fund	43116
GRF 005-321 Operating Expenses - \$ 98,524,655 \$ 103,540,214	43117
Judiciary/Supreme Court	
GRF 005-401 State Criminal \$ 294,096 \$ 304,881	43118
Sentencing Council	
GRF 005-406 Law-Related Education \$ 200,802 \$ 206,826	43119
GRF 005-502 Commission for Legal \$ 0 \$ 657,600	43120
Education Opportunity	
TOTAL GRF General Revenue Fund \$ 99,019,553 \$ 104,709,521	43121
General Services Fund Group	43122
672 005-601 Continuing Judicial \$ 235,000 \$ 265,000	43123
Education	

TOTAL GSF General Services Fund	\$	235,000	\$	265,000	43124
Group					
State Special Revenue Fund Group					43125
4C8 005-605 Attorney Registration	\$	1,971,100	\$	2,030,233	43126
6A8 005-606 Supreme Court	\$	1,042,536	\$	1,089,111	43127
Admissions					
643 005-607 Commission on	\$	573,268	\$	590,016	43128
Continuing Legal					
Education					
TOTAL SSR State Special Revenue	\$	3,586,904	\$	3,709,360	43129
Fund Group					
Federal Special Revenue Fund Group					43130
3J0 005-603 Federal Grants	\$	1,093,306	\$	964,484	43131
TOTAL FED Federal Special Revenue	\$	1,093,306	\$	964,484	43132
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	103,934,763	\$	109,648,365	43133
LAW-RELATED EDUCATION					43134
The foregoing appropriation item 005-406, Law-Related					43135
Education, shall be distributed directly to the Ohio Center for					43136
Law-Related Education for the purposes of providing continuing					43137
citizenship education activities to primary and secondary					43138
students, expanding delinquency prevention programs, increasing					43139
activities for at-risk youth, and accessing additional public and					43140
private money for new programs.					43141
OHIO COMMISSION FOR LEGAL EDUCATION OPPORTUNITY					43142
The foregoing appropriation item 005-502, Commission for					43143
Legal Education Opportunity, shall be used to fund the activities					43144
of the Commission for Legal Education Opportunity created by the					43145
Chief Justice of the Supreme Court of Ohio for the purpose of					43146
assisting minority, low-income, and educationally disadvantaged					43147
college graduates in the transition to legal education. Moneys					43148

appropriated to the Commission for Legal Education Opportunity may 43149  
be used to establish and provide an intensive course of study 43150  
designed to prepare eligible college graduates for law school 43151  
education, provide annual stipends for students who successfully 43152  
complete the course of study and are admitted to and maintain 43153  
satisfactory academic standing in an Ohio law school, and pay the 43154  
administrative costs associated with the program. 43155

CONTINUING JUDICIAL EDUCATION 43156

The Continuing Judicial Education Fund (Fund 672) shall 43157  
consist of fees paid by judges and court personnel for attending 43158  
continuing education courses and other gifts and grants received 43159  
for the purpose of continuing judicial education. The foregoing 43160  
appropriation item 005-601, Continuing Judicial Education, shall 43161  
be used to pay expenses for continuing education courses for 43162  
judges and court personnel. If it is determined by the 43163  
Administrative Director of the Supreme Court that additional 43164  
appropriations are necessary, the amounts are appropriated. 43165

No money in the Continuing Judicial Education Fund shall be 43166  
transferred to any other fund by the Director of Budget and 43167  
Management or the Controlling Board. Interest earned on moneys in 43168  
the Continuing Judicial Education Fund shall be credited to the 43169  
fund. 43170

ATTORNEY REGISTRATION 43171

In addition to funding other activities considered 43172  
appropriate by the Supreme Court, the foregoing appropriation item 43173  
005-605, Attorney Registration, may be used to compensate 43174  
employees and fund the appropriate activities of the following 43175  
offices established by the Supreme Court pursuant to the Rules for 43176  
the Government of the Bar of Ohio: the Office of Disciplinary 43177  
Counsel, the Board of Commissioners on Grievances and Discipline, 43178  
the Clients' Security Fund, the Board of Commissioners on the 43179

Unauthorized Practice of Law, and the Office of Attorney 43180  
Registration. If it is determined by the Administrative Director 43181  
of the Supreme Court that additional appropriations are necessary, 43182  
the amounts are hereby appropriated. 43183

No moneys in the Attorney Registration Fund shall be 43184  
transferred to any other fund by the Director of Budget and 43185  
Management or the Controlling Board. Interest earned on moneys in 43186  
the Attorney Registration Fund shall be credited to the fund. 43187

SUPREME COURT ADMISSIONS 43188

The foregoing appropriation item 005-606, Supreme Court 43189  
Admissions, shall be used to compensate Supreme Court employees 43190  
who are primarily responsible for administering the attorney 43191  
admissions program, pursuant to the Rules for the Government of 43192  
the Bar of Ohio, and to fund any other activities considered 43193  
appropriate by the court. Moneys shall be deposited into the 43194  
Supreme Court Admissions Fund (Fund 6A8) pursuant to the Supreme 43195  
Court Rules for the Government of the Bar of Ohio. If it is 43196  
determined by the Administrative Director of the Supreme Court 43197  
that additional appropriations are necessary, the amounts are 43198  
appropriated. 43199

No moneys in the Supreme Court Admissions Fund shall be 43200  
transferred to any other fund by the Director of Budget and 43201  
Management or the Controlling Board. Interest earned on moneys in 43202  
the Supreme Court Admissions Fund shall be credited to the fund. 43203

CONTINUING LEGAL EDUCATION 43204

The foregoing appropriation item 005-607, Commission on 43205  
Continuing Legal Education, shall be used to compensate employees 43206  
of the Commission on Continuing Legal Education, established 43207  
pursuant to the Supreme Court Rules for the Government of the Bar 43208  
of Ohio, and to fund other activities of the commission considered 43209  
appropriate by the court. If it is determined by the 43210

Administrative Director of the Supreme Court that additional	43211
appropriations are necessary, the amounts are appropriated.	43212
No moneys in the Continuing Legal Education Fund shall be	43213
transferred to any other fund by the Director of Budget and	43214
Management or the Controlling Board. Interest earned on moneys in	43215
the Continuing Legal Education Fund shall be credited to the fund.	43216
 FEDERAL MISCELLANEOUS	43217
The Federal Miscellaneous Fund (3J0) shall consist of grants	43218
and other moneys awarded to the Supreme Court of Ohio (The	43219
Judiciary) by the United States Government, the State Justice	43220
Institute, or other entities that receive the moneys directly from	43221
the United States Government or the State Justice Institute and	43222
distribute those moneys to the Supreme Court of Ohio (The	43223
Judiciary). The foregoing appropriation item 005-603, Federal	43224
Grants, shall be used in a manner consistent with the purpose of	43225
the grant or award. If it is determined by the Administrative	43226
Director of the Supreme Court that additional appropriations are	43227
necessary, the amounts are appropriated.	43228
No money in the Federal Miscellaneous Fund shall be	43229
transferred to any other fund by the Director of Budget and	43230
Management or the Controlling Board. However, interest earned on	43231
moneys in the Federal Miscellaneous Fund shall be credited or	43232
transferred to the General Revenue Fund.	43233
 <b>Section 65.</b> LEC LAKE ERIE COMMISSION	43234
State Special Revenue Fund Group	43235
4C0 780-601 Lake Erie Protection      \$      1,044,854    \$      1,070,975	43236
Fund	
5D8 780-602 Lake Erie Resources      \$      661,009    \$      689,004	43237
Fund	
TOTAL SSR State Special Revenue	43238



Fund Group	\$	1,705,863	\$	1,759,979	43239
TOTAL ALL BUDGET FUND GROUPS	\$	1,705,863	\$	1,759,979	43240

CASH TRANSFER 43241

Not later than the thirtieth day of November of each fiscal 43242  
year, the Executive Director of the Ohio Lake Erie Office, with 43243  
the approval of the Lake Erie Commission, shall certify to the 43244  
Director of Budget and Management the cash balance in the Lake 43245  
Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet 43246  
operating expenses of the Lake Erie Office. The Ohio Lake Erie 43247  
Office may request the Director of Budget and Management to 43248  
transfer up to the certified amount from the Lake Erie Resources 43249  
Fund (Fund 5D8) to the Lake Erie Protection Fund (Fund 4C0). The 43250  
Director of Budget and Management may transfer the requested 43251  
amount, or the Director may transfer a different amount up to the 43252  
certified amount. Cash transferred shall be used for the purposes 43253  
described in division (A) of section 1506.23 of the Revised Code. 43254  
The amount transferred by the director is appropriated to the 43255  
foregoing appropriation item 780-601, Lake Erie Protection Fund, 43256  
which shall be increased by the amount transferred. 43257

**Section 66. LRS LEGAL RIGHTS SERVICE** 43258

General Revenue Fund 43259

GRF 054-100 Personal Services	\$	274,718	\$	269,974	43260
GRF 054-200 Maintenance	\$	45,278	\$	46,184	43261
GRF 054-300 Equipment	\$	2,476	\$	2,526	43262
GRF 054-401 Ombudsman	\$	321,769	\$	318,491	43263
TOTAL GRF General Revenue Fund	\$	644,241	\$	637,175	43264

General Services Fund Group 43265

416 054-601 Gifts and Donations	\$	1,319	\$	1,352	43266
5M0 054-610 Settlements	\$	75,000	\$	75,000	43267
524 054-608 Traumatic Brain Injury	\$	21,550	\$	0	43268
TOTAL GSF General Services					43269

Fund Group	\$	97,869	\$	76,352	43270
Federal Special Revenue Fund Group					43271
3B8 054-603 Protection and Advocacy - Mentally Ill	\$	810,314	\$	810,314	43272
3N3 054-606 Protection and Advocacy - Individual Rights	\$	468,445	\$	468,445	43273
3N9 054-607 Assistive Technology	\$	50,000	\$	50,000	43274
3R9 054-604 Family Support Collaborative	\$	242,500	\$	242,500	43275
3T2 054-609 Client Assistance Program	\$	406,772	\$	406,772	43276
305 054-602 Protection and Advocacy - Developmentally Disabled	\$	1,068,109	\$	1,068,109	43277
TOTAL FED Federal Special Revenue Fund Group					43278
	\$	3,046,140	\$	3,046,140	43279
TOTAL ALL BUDGET FUND GROUPS	\$	3,788,250	\$	3,759,667	43280
<b>Section 67. JLE JOINT LEGISLATIVE ETHICS COMMITTEE</b>					43282
General Revenue Fund					43283
GRF 028-321 Legislative Ethics Committee	\$	579,490	\$	595,715	43284
TOTAL GRF General Revenue Fund	\$	579,490	\$	595,715	43285
State Special Revenue Fund Group					43286
4G7 028-601 Joint Legislative Ethics Committee	\$	50,000	\$	50,000	43287
TOTAL SSR State Special Revenue Fund	\$	50,000	\$	50,000	43288
TOTAL ALL BUDGET FUND GROUPS	\$	629,490	\$	645,715	43289

<b>Section 68. LSC LEGISLATIVE SERVICE COMMISSION</b>				43291
General Revenue Fund				43292
GRF 035-321	Operating Expenses	\$ 13,325,000	\$ 14,470,000	43293
GRF 035-402	Legislative Interns	\$ 953,500	\$ 993,500	43294
GRF 035-404	Legislative Office of Education Oversight	\$ 1,192,146	\$ 1,239,832	43295
GRF 035-405	Correctional Institution Inspection Committee	\$ 525,000	\$ 540,000	43296
GRF 035-406	ATMS Replacement Project	\$ 90,000	\$ 90,000	43297
GRF 035-407	Legislative Task Force on Redistricting	\$ 2,000,000	\$ 0	43298
GRF 035-409	National Associations	\$ 417,906	\$ 427,381	43299
GRF 035-410	Legislative Information Systems	\$ 4,343,000	\$ 4,690,000	43300
TOTAL GRF	General Revenue Fund	\$ 22,846,552	\$ 22,450,713	43301
General Services Fund Group				43302
4F6 035-603	Legislative Budget Services	\$ 140,000	\$ 145,000	43303
410 035-601	Sale of Publications	\$ 25,000	\$ 25,000	43304
TOTAL GSF	General Services Fund Group	\$ 165,000	\$ 170,000	43305 43306
TOTAL ALL BUDGET FUND GROUPS		\$ 23,011,552	\$ 22,620,713	43307
OPERATING EXPENSES				43308
On or before August 1, 2001, the Director of Budget and				43309
Management shall determine and certify to the Director of the				43310
Legislative Service Commission the total amount of unexpended,				43311
unobligated appropriations made to the Commission for fiscal year				43312
2001 in appropriation items 035-321 and 035-403. Additional				43313
appropriation authority equal to the amount certified by the				43314

Director of Budget and Management to the Director of the 43315  
Legislative Service Commission, not to exceed \$500,000, is hereby 43316  
appropriated to appropriation item 035-321 Operating Expenses, for 43317  
fiscal year 2002. 43318

ATMS REPLACEMENT PROJECT 43319

Of the foregoing appropriation item 035-406, ATMS Replacement 43320  
Project, any amounts not used for the ATMS project may be used to 43321  
pay the operating expenses of the Legislative Service Commission. 43322

LEGISLATIVE TASK FORCE ON REDISTRICTING 43323

On or before August 1, 2001, the Director of Budget and 43324  
Management shall determine and certify to the Director of the 43325  
Legislative Service Commission the total amount of unexpended, 43326  
unobligated appropriations made to the Commission for fiscal year 43327  
2001 in appropriation item 035-407, Legislative Task Force on 43328  
Redistricting. Additional appropriation authority equal to the 43329  
amount certified by the Director of Budget and Management to the 43330  
Director of the Legislative Service Commission is hereby 43331  
appropriated to appropriation item 035-407, Legislative Task Force 43332  
on Redistricting, for fiscal year 2002. 43333

NATIONAL ASSOCIATIONS 43334

Of the foregoing appropriation item 035-409, National 43335  
Associations, \$10,000 in each fiscal year shall be used for the 43336  
State and Local Legal Center. 43337

LEGISLATIVE OFFICE OF EDUCATION OVERSIGHT 43338

The foregoing appropriation item 035-404, Legislative Office 43339  
of Education Oversight, shall be used to support the legislative 43340  
oversight activities of the Legislative Committee on Education 43341  
Oversight established in section 3301.68 of the Revised Code. 43342

**Section 69. LIB STATE LIBRARY BOARD** 43343

General Revenue Fund 43344

GRF 350-321	Operating Expenses	\$	7,645,422	\$	7,969,585	43345
GRF 350-401	Ohioana Rental	\$	116,133	\$	116,133	43346
	Payments					
GRF 350-501	Cincinnati Public	\$	758,699	\$	753,594	43347
	Library					
GRF 350-502	Regional Library	\$	1,792,357	\$	1,780,093	43348
	Systems					
GRF 350-503	Cleveland Public	\$	1,141,234	\$	1,133,512	43349
	Library					
TOTAL GRF	General Revenue Fund	\$	11,453,845	\$	11,752,917	43350
	General Services Fund Group					43351
139 350-602	Intra-Agency Service	\$	14,148	\$	14,502	43352
	Charges					
4S4 350-604	OPLIN Technology	\$	7,661,095	\$	7,777,962	43353
459 350-602	Interlibrary Service	\$	845,896	\$	1,239,661	43354
	Charges					
TOTAL GSF	General Services					43355
	Fund Group	\$	8,521,139	\$	9,032,125	43356
	Federal Special Revenue Fund Group					43357
313 350-601	LSTA Federal	\$	5,241,306	\$	5,241,306	43358
TOTAL FED	Federal Special Revenue					43359
	Fund Group	\$	5,241,306	\$	5,241,306	43360
TOTAL ALL BUDGET FUND GROUPS		\$	25,216,290	\$	26,026,348	43361
	OHIOANA RENTAL PAYMENTS					43362
	The foregoing appropriation item 350-401, Ohioana Rental					43363
	Payments, shall be used to pay the rental expenses of the Martha					43364
	Kinney Cooper Ohioana Library Association pursuant to section					43365
	3375.61 of the Revised Code.					43366
	REGIONAL LIBRARY SYSTEMS					43367
	The foregoing appropriation item 350-502, Regional Library					43368
	Systems, shall be used to support regional library systems					43369

eligible for funding under section 3375.90 of the Revised Code. 43370

OHIO PUBLIC LIBRARY INFORMATION NETWORK 43371

The foregoing appropriation item 350-604, OPLIN Technology, 43372  
shall be used for an information telecommunications network 43373  
linking public libraries in the state and such others as may be 43374  
certified as participants by the Ohio Public Library Information 43375  
Network Board. 43376

The Ohio Public Library Information Network Board shall 43377  
consist of eleven members appointed by the State Library Board 43378  
from among the staff of public libraries and past and present 43379  
members of boards of trustees of public libraries, based on the 43380  
recommendations of the Ohio library community. The Ohio Public 43381  
Library Information Network Board in consultation with the State 43382  
Library shall develop a plan of operations for the network. The 43383  
Board shall have the authority to make decisions regarding the use 43384  
of the foregoing appropriation item 350-604, OPLIN Technology, and 43385  
to receive and expend grants to carry out the operations of the 43386  
network in accordance with state law and the authority to appoint 43387  
and fix the compensation of a director and necessary staff. The 43388  
State Library will be the fiscal agent for the network and shall 43389  
have fiscal accountability for the expenditure of funds. The Ohio 43390  
Public Library Information Network Board members shall be 43391  
reimbursed for actual travel and necessary expenses incurred in 43392  
the carrying out of their responsibilities. 43393

In order to limit access to obscene and illegal materials 43394  
through internet use at Ohio Public Library Information Network 43395  
(OPLIN) terminals, local libraries with OPLIN computer terminals 43396  
shall adopt policies that control access to obscene and illegal 43397  
materials. These policies may include use of technological systems 43398  
to select or block certain internet access. The OPLIN shall 43399  
condition provision of its funds, goods, and services on 43400  
compliance with these policies. The OPLIN board shall also adopt 43401

and communicate specific recommendations to local libraries on 43402  
methods to control such improper usage. These methods may include 43403  
each library implementing a written policy controlling such 43404  
improper use of library terminals and requirements for parental 43405  
involvement or written authorization for juvenile internet usage. 43406

The OPLIN board shall research and assist or advise local 43407  
libraries with emerging technologies and methods that may be 43408  
effective means to control access to obscene and illegal 43409  
materials. The OPLIN Executive Director shall biannually provide 43410  
written reports to the Governor, the Speaker and Minority Leader 43411  
of the House of Representatives, and the President and Minority 43412  
Leader of the Senate on any steps being taken by OPLIN and public 43413  
libraries in this state to limit and control such improper usage 43414  
as well as information on technological, legal, and law 43415  
enforcement trends nationally and internationally affecting this 43416  
area of public access and service. 43417

The Ohio Public Library Information Network, InfOhio, and 43418  
OhioLink shall, to the extent feasible, coordinate and cooperate 43419  
in their purchase or other acquisition of the use of electronic 43420  
databases for their respective users and shall contribute funds in 43421  
an equitable manner to such effort. 43422

TRANSFER TO OPLIN TECHNOLOGY FUND 43423

Notwithstanding sections 5747.03 and 5747.47 of the Revised 43424  
Code and any other provision of law to the contrary, in accordance 43425  
with a schedule established by the Director of Budget and 43426  
Management, (A) in fiscal year 2002, the Director of Budget and 43427  
Management shall transfer \$6,361,095 from the Library and Local 43428  
Government Support Fund (Fund 065) to the OPLIN Technology Fund 43429  
(Fund 4S4); and (B) in fiscal year 2003, the Director of Budget 43430  
and Management shall transfer \$6,477,962 from the Library and 43431  
Local Government Support Fund (Fund 065) to the OPLIN Technology 43432  
Fund (Fund 4S4). 43433

<b>Section 70. LCO LIQUOR CONTROL COMMISSION</b>				43434
Liquor Control Fund Group				43435
043 970-321 Operating Expenses	\$	738,135	\$ 756,472	43436
TOTAL LCF Liquor Control Fund Group	\$	738,135	\$ 756,472	43437
TOTAL ALL BUDGET FUND GROUPS	\$	738,135	\$ 756,472	43438

<b>Section 71. LOT STATE LOTTERY COMMISSION</b>				43440
State Lottery Fund Group				43441
044 950-100 Personal Services	\$	23,990,502	\$ 25,164,204	43442
044 950-200 Maintenance	\$	24,167,162	\$ 24,698,840	43443
044 950-300 Equipment	\$	4,131,719	\$ 3,664,576	43444
044 950-402 Game and Advertising	\$	64,913,869	\$ 64,624,331	43445
Contracts				
044 950-601 Prizes, Bonuses, and	\$	136,371,980	\$ 132,532,125	43446
Commissions				
871 950-602 Annuity Prizes	\$	185,454,636	\$ 188,275,991	43447
872 950-603 Unclaimed Prize Awards	\$	13,093,114	\$ 13,354,976	43448
TOTAL SLF State Lottery Fund				43449
Group	\$	452,122,982	\$ 452,315,043	43450
TOTAL ALL BUDGET FUND GROUPS	\$	452,122,982	\$ 452,315,043	43451

OPERATING EXPENSES 43452

The foregoing appropriation items include all amounts 43453  
necessary for the purchase and printing of tickets, consultant 43454  
services, and advertising. The Controlling Board may, at the 43455  
request of the State Lottery Commission, authorize additional 43456  
appropriations for operating expenses of the State Lottery 43457  
Commission from the State Lottery Fund up to a maximum of 15 per 43458  
cent of anticipated total revenue accruing from the sale of 43459  
lottery tickets. 43460

PRIZES, BONUSES, AND COMMISSIONS 43461



Any amounts, in addition to the amounts appropriated in 43462  
appropriation item 950-601, Prizes, Bonuses, and Commissions, that 43463  
are determined by the Director of the State Lottery Commission to 43464  
be necessary to fund prizes, bonuses, and commissions are 43465  
appropriated. 43466

ANNUITY PRIZES 43467

With the approval of the Office of Budget and Management, the 43468  
State Lottery Commission shall transfer cash from the State 43469  
Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund 43470  
(Fund 871) in an amount sufficient to fund deferred prizes. The 43471  
Treasurer of State, from time to time, shall credit the Deferred 43472  
Prizes Trust Fund (Fund 871) the pro rata share of interest earned 43473  
by the Treasurer of State on invested balances. 43474

Any amounts, in addition to the amounts appropriated in 43475  
appropriation item 950-602, Annuity Prizes, that are determined by 43476  
the Director of the State Lottery Commission to be necessary to 43477  
fund deferred prizes and interest earnings are appropriated. 43478

**Section 72. MED STATE MEDICAL BOARD** 43479

General Services Fund Group 43480

5C6 883-609 State Medical Board \$ 6,344,740 \$ 6,728,301 43481

Operating

TOTAL GSF General Services 43482

Fund Group \$ 6,344,740 \$ 6,728,301 43483

TOTAL ALL BUDGET FUND GROUPS \$ 6,344,740 \$ 6,728,301 43484

**Section 73. DMH DEPARTMENT OF MENTAL HEALTH** 43485

Division of General Administration Intragovernmental Service Fund 43486

Group 43487

151 235-601 General Administration \$ 76,095,310 \$ 78,181,973 43488

TOTAL ISF Intragovernmental 43489

Service Fund Group \$ 76,095,310 \$ 78,181,973 43490

Division of Mental Health--				43491	
Psychiatric Services to Correctional Facilities				43492	
General Revenue Fund				43493	
GRF 332-401 Forensic Services	\$	4,259,513	\$	4,338,858	43494
TOTAL GRF General Revenue Fund	\$	4,259,513	\$	4,338,858	43495
TOTAL ALL BUDGET FUND GROUPS	\$	80,354,823	\$	82,520,831	43496

FORENSIC SERVICES 43497

The foregoing appropriation item 322-401, Forensic Services, 43498  
shall be used to provide psychiatric services to courts of common 43499  
pleas. The appropriation shall be allocated through community 43500  
mental health boards to certified community agencies and shall be 43501  
distributed according to the criteria delineated in rule 43502  
5122:4-1-01 of the Administrative Code. These community forensic 43503  
funds may also be used to provide forensic training to community 43504  
mental health boards and to forensic psychiatry residency programs 43505  
in hospitals operated by the Department of Mental Health and to 43506  
provide evaluations of patients of forensic status in facilities 43507  
operated by the Department of Mental Health prior to conditional 43508  
release to the community. 43509

In addition, appropriation item 332-401, Forensic Services, 43510  
may be used to support projects involving mental health, substance 43511  
abuse, courts, and law enforcement to identify and develop 43512  
appropriate alternative services to institutionalization for 43513  
nonviolent mentally ill offenders, and to provide linkage to 43514  
community services for severely mentally disabled offenders 43515  
released from institutions operated by the Department of 43516  
Rehabilitation and Correction. Funds may also be utilized to 43517  
provide forensic monitoring and tracking in addition to community 43518  
programs serving persons of forensic status on conditional release 43519  
or probation. 43520

Division of Mental Health--				43521
Administration and Statewide Programs				43522

General Revenue Fund				43523	
GRF 333-100 Personal Services -	\$	17,024,323	\$	16,807,353	43524
Central Administration					
GRF 333-200 Maintenance - Central	\$	2,276,155	\$	2,318,555	43525
Administration					
GRF 333-300 Equipment - Central	\$	490,894	\$	500,038	43526
Administration					
GRF 333-402 Resident Trainees	\$	1,472,858	\$	1,500,294	43527
GRF 333-403 Pre-Admission	\$	638,246	\$	650,135	43528
Screening Expenses					
GRF 333-415 Lease-Rental Payments	\$	24,754,900	\$	26,275,300	43529
GRF 333-416 Research Program	\$	956,224	\$	972,178	43530
Evaluation					
TOTAL GRF General Revenue Fund	\$	47,613,600	\$	49,023,853	43531
General Services Fund Group				43532	
149 333-609 Central Office Rotary	\$	2,013,823	\$	2,037,918	43533
- Operating					
TOTAL General Services Fund Group	\$	2,013,823	\$	2,037,918	43534
Federal Special Revenue Fund Group				43535	
3A7 333-612 Social Services Block	\$	25,000	\$	25,000	43536
Grant					
3A8 333-613 Federal Grant -	\$	87,000	\$	58,000	43537
Administration					
3A9 333-614 Mental Health Block	\$	642,264	\$	642,264	43538
Grant					
3B1 333-635 Community Medicaid	\$	6,550,000	\$	5,550,000	43539
Expansion					
324 333-605 Medicaid/Medicare	\$	379,009	\$	375,219	43540
TOTAL Federal Special Revenue				43541	
Fund Group	\$	7,683,273	\$	6,650,483	43542
State Special Revenue Fund Group				43543	
4X5 333-607 Behavioral Health	\$	2,759,400	\$	2,828,385	43544

		Medicaid Services				
485	333-632	Mental Health	\$	130,959	\$	134,233 43545
		Operating				
5M2	333-602	PWLC Campus	\$	1,000,000	\$	0 43546
		Improvement				
		TOTAL State Special Revenue				43547
		Fund Group	\$	3,890,359	\$	2,962,618 43548
		TOTAL ALL BUDGET FUND GROUPS	\$	61,201,055	\$	60,674,872 43549

RESIDENCY TRAINEESHIP PROGRAMS 43550

The foregoing appropriation item 333-402, Resident Trainees, 43551  
shall be used to fund training agreements entered into by the 43552  
Department of Mental Health for the development of curricula and 43553  
the provision of training programs to support public mental health 43554  
services. 43555

PRE-ADMISSION SCREENING EXPENSES 43556

The foregoing appropriation item 333-403, Pre-Admission 43557  
Screening Expenses, shall be used to pay for costs to ensure that 43558  
uniform statewide methods for pre-admission screening are in place 43559  
to perform assessments for persons in need of mental health 43560  
services or for whom institutional placement in a hospital or in 43561  
another inpatient facility is sought. Pre-admission screening 43562  
includes the following activities: pre-admission assessment, 43563  
consideration of continued stay requests, discharge planning and 43564  
referral, and adjudication of appeals and grievance procedures. 43565

RENTAL PAYMENTS TO THE OHIO PUBLIC FACILITIES COMMISSION 43566

The foregoing appropriation item 333-415, Lease-Rental 43567  
Payments, shall be used to meet all payments at the times they are 43568  
required to be made during the period from July 1, 2001, to June 43569  
30, 2003, by the Department of Mental Health pursuant to leases 43570  
and agreements made under section 154.20 of the Revised Code, but 43571  
limited to the aggregate amount of \$51,030,200. Nothing in this 43572

act shall be deemed to contravene the obligation of the state to 43573  
pay, without necessity for further appropriation, from the sources 43574  
pledged thereto, the bond service charges on obligations issued 43575  
pursuant to section 154.20 of the Revised Code. 43576

**Section 73.01.** DIVISION OF MENTAL HEALTH - HOSPITALS 43577

General Revenue Fund 43578

GRF 334-408 Community and Hospital \$ 356,469,071 \$ 352,719,838 43579

Mental Health Services

GRF 334-506 Court Costs \$ 958,791 \$ 976,652 43580

TOTAL GRF General Revenue Fund \$ 357,427,862 \$ 353,696,490 43581

General Services Fund Group 43582

149 334-609 Hospital Rotary - \$ 10,451,492 \$ 10,451,492 43583

Operating Expenses

150 334-620 Special Education \$ 152,500 \$ 152,500 43584

TOTAL GSF General Services 43585

Fund Group \$ 10,603,992 \$ 10,603,992 43586

Federal Special Revenue Fund Group 43587

3A8 334-613 Federal Letter of \$ 9,000 \$ 0 43588

Credit

3B0 334-617 Elementary and \$ 202,774 \$ 214,340 43589

Secondary Education

Act

324 334-605 Medicaid/Medicare \$ 8,791,748 \$ 9,043,700 43590

5L2 334-619 Health \$ 131,600 \$ 94,869 43591

Foundation/Greater

Cincinnati

TOTAL FED Federal Special Revenue 43592

Fund Group \$ 9,135,122 \$ 9,352,909 43593

State Special Revenue Fund Group 43594

485 334-632 Mental Health \$ 1,991,448 \$ 1,989,912 43595

Operating

692	334-636	Community Mental	\$	361,323	\$	370,356	43596
		Health Board Risk Fund					
		TOTAL SSR State Special Revenue					43597
		Fund Group	\$	2,352,771	\$	2,360,268	43598
		TOTAL ALL BUDGET FUND GROUPS	\$	379,519,747	\$	376,013,659	43599
		COMMUNITY MENTAL HEALTH BOARD RISK FUND					43600
		The foregoing appropriation item 334-636, Community Mental					43601
		Health Board Risk Fund, shall be used to make payments pursuant to					43602
		section 5119.62 of the Revised Code.					43603
		<b>Section 73.02. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT</b>					43604
		SERVICES					43605
		General Revenue Fund					43606
GRF	335-419	Community Medication	\$	7,682,295	\$	7,701,549	43607
		Subsidy					
GRF	335-502	Community Mental	\$	38,166,674	\$	38,166,674	43608
		Health Programs					
GRF	335-508	Services for Severely	\$	60,405,135	\$	60,905,135	43609
		Mentally Disabled					
		TOTAL GRF General Revenue Fund	\$	106,254,104	\$	106,773,358	43610
		General Services Fund Group					43611
4N8	335-606	Family Stability	\$	7,460,600	\$	7,647,115	43612
		Incentive					
		TOTAL GSF General Services					43613
		Fund Group	\$	7,460,600	\$	7,647,115	43614
		Federal Special Revenue Fund Group					43615
3A7	335-612	Social Services Block	\$	9,314,108	\$	9,314,108	43616
		Grant					
3A8	335-613	Federal Grant -	\$	960,000	\$	960,000	43617
		Community Mental					
		Health Board Subsidy					

3A9	335-614	Mental Health Block Grant	\$	12,754,654	\$	12,737,654	43618
3B1	335-635	Community Medicaid Expansion	\$	157,480,000	\$	165,355,000	43619
		State Special Revenue Fund Group					43620
632	335-616	Community Capital Replacement	\$	250,000	\$	250,000	43621
		TOTAL SSR State Special Revenue Fund Group	\$	250,000	\$	250,000	43622
		TOTAL FED Federal Special Revenue Fund Group					43623
			\$	180,508,762	\$	188,366,762	43624
		TOTAL ALL BUDGET FUND GROUPS	\$	294,473,466	\$	303,037,235	43625
		DEPARTMENT TOTAL					43626
		GENERAL REVENUE FUND	\$	515,555,079	\$	513,832,559	43627
		DEPARTMENT TOTAL					43628
		GENERAL SERVICES FUND GROUP	\$	20,078,415	\$	20,289,025	43629
		DEPARTMENT TOTAL					43630
		FEDERAL SPECIAL REVENUE FUND GROUP	\$	197,327,157	\$	204,370,154	43632
		DEPARTMENT TOTAL					43633
		STATE SPECIAL REVENUE FUND GROUP	\$	6,493,130	\$	5,572,886	43634
		DEPARTMENT TOTAL					43635
		INTRAGOVERNMENTAL FUND GROUP	\$	76,095,310	\$	78,181,973	43636
		TOTAL DEPARTMENT OF MENTAL HEALTH	\$	815,549,091	\$	822,246,597	43637

**Section 73.03. COMMUNITY MEDICATION SUBSIDY** 43639

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 43645

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 of mental health services eligible for funding shall be defined in a Department of Mental Health rule. Community mental health boards shall allocate funds in support of these services in accordance with the mental health needs of the community.

MENTAL HEALTH SERVICES FOR SEVERELY MENTALLY DISABLED PERSONS

The foregoing appropriation item 335-508, Services for Severely Mentally Disabled, shall be used to fund mental health services for adults and children who meet or have formerly met criteria established by the Department of Mental Health under its definition of severely mentally disabled. Those adults and children who constitute severely mentally disabled include those with a history of recent or chronic psychiatric hospitalizations, a history of psychosis, a prognosis of continued severe social and adaptive functioning impairment, or those certified impaired by the Social Security Administration for reasons of mental illness. In addition to the above, children and adolescents who are currently determined to be severely mentally disabled, or who are at risk of becoming severely mental disabled, and who are already in or about to enter the juvenile justice system, or child welfare system, or receiving special education services within the education system may also receive services funded by appropriation item 335-508, Services for Severely Mentally Disabled.

Of the foregoing appropriation item 335-508, Services for Severely Mentally Disabled, \$100,000 in each fiscal year shall be used to fund family and consumer education and support.

Of the foregoing appropriation item 335-508, Services for



Severely Mentally Disabled, \$2.7 million in each fiscal year shall 43677  
be used to transfer cash from the General Revenue Fund to Fund 43678  
4N8, Family Stability Incentive. This transfer shall be made using 43679  
an intrastate transfer voucher. 43680

MENTAL HEALTH SERVICES TO JUVENILE OFFENDERS PROJECTS 43681

Any cash transferred for juvenile offenders projects from the 43682  
Department of Youth Services, the Department of Job and Family 43683  
Services, the Office of Criminal Justice Services, or other state 43684  
agencies to the Department of Mental Health (Fund 149) shall be 43685  
used by the Department of Mental Health to fund local mental 43686  
health services to juvenile offenders projects that are designed 43687  
to address the mental health needs of juvenile offenders with 43688  
serious mental illness. 43689

BEHAVIORAL HEALTH MEDICAID SERVICES 43690

The Department of Mental Health shall administer specified 43691  
Medicaid Services as delegated by the Department of Job and Family 43692  
Services in an interagency agreement. The foregoing appropriation 43693  
item 333-607, Behavioral Health Medicaid Services, may be used to 43694  
make payments for free-standing psychiatric hospital inpatient 43695  
services as defined in an interagency agreement with the 43696  
Department of Job and Family Services. 43697

**Section 74.** DMR DEPARTMENT OF MENTAL RETARDATION 43698

AND DEVELOPMENTAL DISABILITIES 43699

**Section 74.01.** GENERAL ADMINISTRATION AND STATEWIDE 43700

SERVICES 43701

General Revenue Fund 43702

GRF 320-321 Central Administration \$ 11,001,218 \$ 11,361,253 43703

GRF 320-411 Special Olympics \$ 190,000 \$ 185,000 43704

GRF 320-412 Protective Services \$ 1,354,920 \$ 1,487,129 43705

GRF 320-415 Lease-Rental Payments \$ 24,754,900 \$ 26,275,300 43706

TOTAL GRF General Revenue Fund	\$	37,301,038	\$	39,308,682	43707
General Services Fund Group					43708
4B5 320-640 Conference/Training	\$	826,463	\$	864,496	43709
TOTAL GSF General Services					43710
Fund Group	\$	826,463	\$	864,496	43711
Federal Special Revenue Fund Group					43712
3A4 320-605 Administrative Support	\$	11,964,698	\$	12,492,892	43713
3A5 320-613 DD Council Operating	\$	992,486	\$	992,486	43714
Expenses					43715
TOTAL FED Federal Special Revenue					43716
Fund Group	\$	12,957,184	\$	13,485,378	43717
TOTAL ALL GENERAL ADMINISTRATION					43718
AND STATEWIDE SERVICES					43719
BUDGET FUND GROUPS	\$	51,084,685	\$	53,658,556	43720
LEASE-RENTAL PAYMENTS					43721
The foregoing appropriation item 320-415, Lease-Rental					43722
Payments, shall be used to meet all payments at the times they are					43723
required to be made during the period from July 1, 2001, to June					43724
30, 2003, by the Department of Mental Retardation and					43725
Developmental Disabilities pursuant to leases and agreements made					43726
under section 154.20 of the Revised Code, but limited to the					43727
aggregate amount of \$51,030,200. Nothing in this act shall be					43728
deemed to contravene the obligation of the state to pay, without					43729
necessity for further appropriation, from the sources pledged					43730
thereto, the bond service charges on obligations issued pursuant					43731
to section 154.20 of the Revised Code.					43732
<b>Section 74.02. COMMUNITY SERVICES</b>					43733
General Revenue Fund					43734
GRF 322-405 State Use Program	\$	264,685	\$	264,685	43735
GRF 322-413 Residential and	\$	153,668,317	\$	164,409,554	43736
Support					

	Services				43737
GRF 322-451	Family Support	\$	7,975,870	\$	7,975,870
	Services				43738
GRF 322-452	Case Management	\$	8,984,491	\$	9,874,628
GRF 322-501	County Boards	\$	45,366,297	\$	45,766,039
	Subsidies				
TOTAL GRF	General Revenue Fund	\$	216,259,660	\$	228,290,776
	General Services Fund Group				43742
4J6 322-645	Intersystem Services	\$	5,000,000	\$	5,000,000
	for				
	Children				43744
4U4 322-606	Community MR and DD	\$	125,000	\$	131,250
	Trust				
4V1 322-611	Program Support	\$	2,000,000	\$	2,000,000
488 322-603	Residential Services	\$	2,499,188	\$	2,499,188
	Refund				43748
TOTAL GSF	General Services				43749
	Fund Group	\$	9,624,188	\$	9,630,438
	Federal Special Revenue Fund Group				43751
3A4 322-605	Community Program	\$	3,024,047	\$	3,326,452
	Support				
3A4 322-610	Community Residential	\$	5,924,858	\$	5,924,858
	Support				43754
3A5 322-613	DD Council Grants	\$	3,358,290	\$	3,358,290
3G6 322-639	Medicaid Waiver	\$	148,304,949	\$	151,754,169
3M7 322-650	CAFS Medicaid	\$	163,747,903	\$	172,568,939
325 322-608	Federal Grants -	\$	1,360,000	\$	1,360,000
	Operating Expenses				43759
325 322-612	Social Service Block	\$	11,500,000	\$	11,500,000
	Grant				43761
325 322-617	Education Grants -	\$	115,000	\$	115,000
	Operating				43763

TOTAL FED Federal Special Revenue				43764	
Fund Group	\$	337,335,047	\$	349,907,708	43765
State Special Revenue Fund Group				43766	
4K8 322-604 Waiver - Match	\$	13,783,463	\$	14,039,133	43767
5H0 322-619 Medicaid Repayment	\$	562,080	\$	576,132	43768
TOTAL SSR State Special Revenue				43769	
Fund Group	\$	14,345,543	\$	14,615,265	43770
TOTAL ALL COMMUNITY SERVICES				43771	
BUDGET FUND GROUPS	\$	577,564,438	\$	602,444,187	43772
RESIDENTIAL AND SUPPORT SERVICES				43773	
The foregoing appropriation item 322-413, Residential and				43774	
Support Services, shall be used for any of the following:				43775	
(A) Home and community-based waiver services pursuant to				43776	
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42				43777	
U.S.C. 301, as amended;				43778	
(B) Services contracted by county boards of mental				43779	
retardation and developmental disabilities;				43780	
(C) Supported living services contracted by county boards of				43781	
mental retardation and developmental disabilities in accordance				43782	
with sections 5126.40 to 5126.47 of the Revised Code;				43783	
(D) Sermak Class Services used to implement the requirements				43784	
of the consent decree in <i>Sermak v. Manuel</i> , Case No. c-2-80-220,				43785	
United States District Court for the Southern District of Ohio,				43786	
Eastern Division;				43787	
(E) Other Medicaid-reimbursed programs, in an amount not to				43788	
exceed \$1,000,000 in each fiscal year, that enable persons with				43789	
mental retardation and developmental disabilities to live in the				43790	
community.				43791	
Notwithstanding Chapters 5123. and 5126. of the Revised Code,				43792	
the Department of Mental Retardation and Developmental				43793	

Disabilities may develop residential and support service programs 43794  
that enable persons with mental retardation and developmental 43795  
disabilities to live in the community. Notwithstanding Chapter 43796  
5121. and section 5123.122 of the Revised Code, the department may 43797  
waive the support collection requirements of those statutes for 43798  
persons in community programs developed by the department under 43799  
this section. The department shall adopt rules under Chapter 119. 43800  
of the Revised Code or may use existing rules for the 43801  
implementation of these programs. 43802

The Department of Mental Retardation and Developmental 43803  
Disabilities may designate a portion of appropriation item 43804  
332-413, Residential and Support Services, to county boards of 43805  
mental retardation and developmental disabilities that have 43806  
greater need for various residential and support services due to a 43807  
low percentage of residential and support services development in 43808  
comparison to the number of individuals with mental retardation or 43809  
developmental disabilities in the county. 43810

Of the foregoing appropriation item 322-413, Residential and 43811  
Support Services, \$9,700,000 in fiscal year 2002 and \$9,850,000 in 43812  
fiscal year 2003 shall be distributed by the Department to county 43813  
boards of mental retardation and developmental disabilities to 43814  
support Medicaid activities provided for in the component of a 43815  
county board's plan developed under division (A)(2) of section 43816  
5126.054 of the Revised Code and approved under section 5123.046 43817  
of the Revised Code. Up to \$3,000,000 of these funds in each 43818  
fiscal year may be used to implement day-to-day program management 43819  
services under division (A)(2) of section 5126.054 of the Revised 43820  
Code. Up to \$4,200,000 in each fiscal year may be used to 43821  
implement the program and health and welfare requirements of 43822  
division (A)(2) of section 5126.054 of the Revised Code. 43823

In fiscal years 2002 and 2003, not less than \$2,500,000 and 43824  
\$2,650,000, respectively, of these funds shall be used to recruit 43825

and retain, under division (A)(2) of section 5126.054 of the Revised Code, the direct care staff necessary to implement the services included in an individualized service plan in a manner that ensures the health and welfare of the individuals being served.

FAMILY SUPPORT SERVICES

Notwithstanding sections 5123.171, 5123.19, 5123.20, and 5126.11 of the Revised Code, the Department of Mental Retardation and Developmental Disabilities may implement programs funded by appropriation item 322-451, Family Support Services, to provide assistance to persons with mental retardation or developmental disabilities and their families who are living in the community. The department shall adopt rules to implement these programs.

CASE MANAGEMENT

The foregoing appropriation item 322-452, Case Management, shall be allocated to county boards of mental retardation and developmental disabilities for the purpose of providing case management services and to assist in bringing state funding for all department-approved case managers within county boards of mental retardation and developmental disabilities to the level authorized in division (D) of section 5126.15 of the Revised Code. The department may request approval from the Controlling Board to transfer any unobligated appropriation authority from other state General Revenue Fund appropriation items within the department's budget to appropriation item 322-452, Case Management, to be used to meet the statutory funding level in division (D) of section 5126.15 of the Revised Code.

Notwithstanding division (D) of section 5126.15 of the Revised Code and subject to funding in appropriation item 322-452, Case Management, no county may receive less than its allocation in fiscal year 1995.

STATE SUBSIDIES TO MR/DD BOARDS 43857

Of the foregoing appropriation item 322-501, County Boards 43858  
Subsidies, \$6,500,000 in fiscal year 2002 and \$13,000,000 in 43859  
fiscal year 2003 shall be used to fund the tax equalization 43860  
program created under sections 5126.16 to 5126.18 of the Revised 43861  
Code for county boards of mental retardation and developmental 43862  
disabilities. The tax equalization program shall utilize the 43863  
average daily membership of adults 22 years of age and older in 43864  
habilitation and community employment services only for the yield 43865  
on 1/2 mills. 43866

After funding the tax equalization program, the Department of 43867  
Mental Retardation and Developmental Disabilities shall distribute 43868  
the remaining appropriation authority in appropriation item 43869  
322-501, County Boards Subsidies, to county boards of mental 43870  
retardation and developmental disabilities for subsidies 43871  
distributed pursuant to section 5126.12 of the Revised Code to the 43872  
limit of the lesser of the amount required by that section or the 43873  
remaining balance of the appropriation authority in appropriation 43874  
item 322-501 prorated to all county boards of mental retardation 43875  
and developmental disabilities. 43876

INTERSYSTEM SERVICES FOR CHILDREN 43877

The foregoing appropriation item 322-645, Intersystem 43878  
Services for Children, shall be used to support direct grants to 43879  
county family and children first councils created under section 43880  
121.37 of the Revised Code. The funds shall be used as partial 43881  
support payment and reimbursement for locally coordinated 43882  
treatment plans for multi-needs children that come to the 43883  
attention of the Family and Children First Cabinet Council 43884  
pursuant to section 121.37 of the Revised Code. Any child referred 43885  
for funding under this program must have an individualized 43886  
educational plan (IEP) in place. The Department of Mental 43887  
Retardation and Developmental Disabilities may use up to five per 43888

cent of this amount for administrative expenses associated with	43889
the distribution of funds to the county councils.	43890
WAIVER - MATCH	43891
The foregoing appropriation item 322-604, Waiver-Match (Fund	43892
4K8), shall be used as state matching funds for the home and	43893
community-based waivers.	43894
The Department of Job and Family Services may enter into an	43895
interagency agreement with the Department of Mental Retardation	43896
and Developmental Disabilities providing for the Department of	43897
Mental Retardation and Developmental Disabilities to operate the	43898
program.	43899
DEVELOPMENTAL CENTER PROGRAM TO DEVELOP A MODEL BILLING FOR	43900
SERVICES RENDERED	43901
Developmental centers of the Department of Mental Retardation	43902
and Developmental Disabilities may provide services to persons	43903
with mental retardation or developmental disabilities living in	43904
the community or to providers of services to these persons. The	43905
department may develop a methodology for recovery of all costs	43906
associated with the provisions of these services.	43907
<b>Section 74.03. RESIDENTIAL FACILITIES</b>	43908
General Revenue Fund	43909
GRF 323-321 Residential Facilities \$ 99,765,232 \$ 99,917,289	43910
Operations	43911
TOTAL GRF General Revenue Fund \$ 99,765,232 \$ 99,917,289	43912
General Services Fund Group	43913
152 323-609 Residential Facilities \$ 889,929 \$ 912,177	43914
Support	43915
TOTAL GSF General Services	43916
Fund Group \$ 889,929 \$ 912,177	43917



Federal Special Revenue Fund Group				43918	
3A4 323-605 Residential Facilities	\$	120,985,419	\$	120,985,419	43919
Reimbursement					43920
325 323-608 Federal Grants -	\$	532,000	\$	536,000	43921
Subsidies					43922
325 323-617 Education Grants -	\$	411,000	\$	411,000	43923
Residential Facilities					43924
TOTAL FED Federal Special Revenue					43925
Fund Group	\$	121,928,419	\$	121,932,419	43926
State Special Revenue Fund Group					43927
489 323-632 Operating Expense	\$	11,506,603	\$	12,125,628	43928
TOTAL SSR State Special Revenue					43929
Fund Group	\$	11,506,603	\$	12,125,628	43930
TOTAL ALL RESIDENTIAL FACILITIES					43931
BUDGET FUND GROUPS	\$	234,090,183	\$	234,887,513	43932
DEPARTMENT TOTAL					43933
GENERAL REVENUE FUND	\$	353,325,930	\$	367,516,747	43934
DEPARTMENT TOTAL					43935
GENERAL SERVICES FUND GROUP	\$	11,340,580	\$	11,407,111	43936
DEPARTMENT TOTAL					43937
FEDERAL SPECIAL REVENUE FUND GROUP	\$	472,220,650	\$	485,325,505	43938
DEPARTMENT TOTAL					43939
STATE SPECIAL REVENUE FUND GROUP	\$	25,852,146	\$	26,740,893	43940
TOTAL DEPARTMENT OF MENTAL					43941
RETARDATION AND DEVELOPMENTAL					43942
DISABILITIES	\$	862,739,306	\$	890,990,256	43943
<b>Section 75. MIH COMMISSION ON MINORITY HEALTH</b>					43945
General Revenue Fund					43946
GRF 149-321 Operating Expenses	\$	635,218	\$	638,229	43947
GRF 149-501 Minority Health Grants	\$	954,360	\$	951,348	43948
GRF 149-502 Lupus Program	\$	179,206	\$	179,206	43949

TOTAL GRF General Revenue Fund	\$	1,768,784	\$	1,768,783	43950
Federal Special Revenue Fund Group					43951
3J9 149-602 Federal Grants	\$	155,000	\$	150,000	43952
TOTAL FED Federal Special Revenue					43953
Fund Group	\$	155,000	\$	150,000	43954
State Special Revenue Fund Group					43955
4C2 149-601 Minority Health	\$	369,194	\$	320,776	43956
Conference					
TOTAL SSR State Special Revenue					43957
Fund Group	\$	369,194	\$	320,776	43958
TOTAL ALL BUDGET FUND GROUPS	\$	2,292,978	\$	2,239,559	43959
LUPUS PROGRAM					43960
The foregoing appropriation item 149-502, Lupus Program,					43961
shall be used to provide grants for programs in patient, public,					43962
and professional education on the subject of systemic lupus					43963
erythematosus; to encourage and develop local centers on lupus					43964
information gathering and screening; and to provide outreach to					43965
minority women.					43966
<b>Section 76. CRB MOTOR VEHICLE COLLISION REPAIR</b>					43967
REGISTRATION BOARD					43968
General Service Fund Group					43969
5H9 865-609 Operating Expenses	\$	250,025	\$	262,952	43970
TOTAL GSF General Services					43971
Fund Group	\$	250,025	\$	262,952	43972
TOTAL ALL BUDGET FUND GROUPS	\$	250,025	\$	262,952	43973
<b>Section 77. DNR DEPARTMENT OF NATURAL RESOURCES</b>					43975
General Revenue Fund					43976
GRF 725-401 Wildlife - GRF Central	\$	750,000	\$	750,000	43977
Support					

GRF 725-404	Fountain Square Rental Payments - OBA	\$ 1,092,400	\$ 1,089,100	43978
GRF 725-407	Conservation Reserve Enhancement Program	\$ 1,920,400	\$ 1,920,400	43979
GRF 725-412	Reclamation Commission	\$ 67,123	\$ 70,971	43980
GRF 725-413	OPFC Lease Rental Payments	\$ 16,211,500	\$ 14,279,000	43981
GRF 725-415	Mine Examining Board	\$ 120,556	\$ 126,439	43982
GRF 725-423	Stream and Ground Water Gauging	\$ 448,745	\$ 478,214	43983
GRF 725-425	Wildlife License Reimbursement	\$ 1,000,000	\$ 1,000,000	43984
GRF 725-456	Canal Lands	\$ 397,811	\$ 407,756	43985
GRF 725-502	Soil and Water Districts	\$ 12,126,462	\$ 12,621,123	43986
GRF 725-903	Natural Resources General Obligation Debt Service	\$ 19,001,100	\$ 22,101,900	43987
GRF 725-904	Conservation General Obligation Debt Service	\$ 1,595,000	\$ 6,695,000	43988
GRF 727-321	Division of Forestry	\$ 10,209,173	\$ 10,888,345	43989
GRF 728-321	Division of Geological Survey	\$ 2,269,911	\$ 2,432,974	43990
GRF 729-321	Office of Information Technology	\$ 1,072,960	\$ 1,985,667	43991
GRF 730-321	Division of Parks and Recreation	\$ 35,651,542	\$ 37,972,382	43992
GRF 733-321	Division of Water	\$ 4,035,213	\$ 4,234,581	43993
GRF 736-321	Division of Engineering	\$ 3,709,501	\$ 3,918,766	43994
GRF 737-321	Division of Soil and Water	\$ 4,675,812	\$ 4,879,744	43995

GRF 738-321	Division of Real Estate and Land Management	\$	2,540,554	\$	2,669,042	43996
GRF 741-321	Division of Natural Areas and Preserves	\$	3,439,427	\$	3,616,940	43997
GRF 744-321	Division of Mineral Resources Management	\$	3,826,169	\$	4,036,443	43998
TOTAL GRF	General Revenue Fund	\$	126,161,359	\$	138,174,787	43999
	General Services Fund Group					44000
155 725-601	Departmental Projects	\$	1,951,594	\$	1,913,242	44001
157 725-651	Central Support Indirect	\$	8,009,551	\$	8,423,094	44002
158 725-604	Natural Resources Publication Center Intrastate	\$	94,198	\$	94,595	44003
161 725-635	Parks Facilities Maintenance	\$	2,993,169	\$	3,063,124	44004
162 725-625	Civilian Conservation Corps Operations	\$	7,885,349	\$	8,058,715	44005
204 725-687	Information Services	\$	2,277,686	\$	2,377,723	44006
206 725-689	REALM Support Services	\$	475,000	\$	475,000	44007
207 725-690	Real Estate Services	\$	50,000	\$	54,000	44008
4D5 725-618	Recycled Materials	\$	50,000	\$	50,000	44009
4S9 725-622	NatureWorks Personnel	\$	759,143	\$	832,528	44010
4X8 725-662	Water Resources Council	\$	275,633	\$	282,524	44011
430 725-671	Canal Lands	\$	1,215,441	\$	1,259,511	44012
508 725-684	Natural Resources Publication Center Interstate	\$	239,538	\$	245,808	44013
510 725-631	Maintenance - state-owned residences	\$	224,926	\$	229,710	44014
516 725-620	Water Management	\$	2,459,256	\$	2,522,146	44015

635	725-664	Fountain Square Facilities Management	\$	2,755,109	\$	2,821,999	44016
697	725-670	Submerged Lands	\$	589,315	\$	615,000	44017
TOTAL GSF General Services							44018
Fund Group			\$	32,304,908	\$	33,318,719	44019
Federal Special Revenue Fund Group							44020
3B3	725-640	Federal Forest Pass-Thru	\$	55,000	\$	55,000	44021
3B4	725-641	Federal Flood Pass-Thru	\$	190,000	\$	190,000	44022
3B5	725-645	Federal Abandoned Mine Lands	\$	9,908,408	\$	10,125,056	44023
3B6	725-653	Federal Land and Water Conservation Grants	\$	650,000	\$	780,000	44024
3B7	725-654	Reclamation - Regulatory	\$	1,788,579	\$	1,799,459	44025
3P0	725-630	Natural Areas and Preserves - Federal	\$	230,000	\$	230,000	44026
3P1	725-632	Geological Survey - Federal	\$	381,910	\$	366,303	44027
3P2	725-642	Oil and Gas-Federal	\$	189,701	\$	190,289	44028
3P3	725-650	Real Estate and Land Management - Federal	\$	2,980,975	\$	3,184,300	44029
3P4	725-660	Water - Federal	\$	180,000	\$	180,000	44030
3R5	725-673	Acid Mine Drainage Abatement/Treatment	\$	600,000	\$	613,200	44031
328	725-603	Forestry Federal	\$	1,200,000	\$	1,200,000	44032
332	725-669	Federal Mine Safety Grant	\$	136,423	\$	141,880	44033
TOTAL FED Federal Special Revenue							44034
Fund Group			\$	18,490,996	\$	19,055,487	44035
State Special Revenue Fund Group							44036

4J2	725-628	Injection Well Review	\$	51,742	\$	61,638	44037
4M7	725-631	Wildfire Suppression	\$	150,310	\$	150,000	44038
4U6	725-668	Scenic Rivers	\$	500,000	\$	510,000	44039
		Protection					
5B3	725-674	Mining Regulation	\$	35,000	\$	35,000	44040
5K1	725-626	Urban Forestry Grant	\$	400,000	\$	400,000	44041
5P2	725-634	Wildlife Boater Angler	\$	1,500,000	\$	1,500,000	44042
		Administration					
509	725-602	State Forest	\$	1,489,013	\$	1,536,595	44043
511	725-646	Ohio Geologic Mapping	\$	1,010,933	\$	1,070,899	44044
512	725-605	State Parks Operations	\$	28,844,322	\$	29,915,146	44045
514	725-606	Lake Erie Shoreline	\$	1,171,052	\$	1,446,305	44046
518	725-643	Oil and Gas Permit	\$	1,821,252	\$	1,821,325	44047
		Fees					
518	725-677	Oil and Gas Well	\$	800,000	\$	800,000	44048
		Plugging					
521	725-627	Off-Road Vehicle	\$	66,213	\$	68,490	44049
		Trails					
522	725-656	Natural Areas Checkoff	\$	1,508,080	\$	1,860,670	44050
		Funds					
526	725-610	Strip Mining	\$	1,480,566	\$	1,449,459	44051
		Administration Fees					
527	725-637	Surface Mining	\$	2,963,272	\$	3,093,938	44052
		Administration					
529	725-639	Unreclaimed Land Fund	\$	1,964,744	\$	2,040,327	44053
531	725-648	Reclamation Forfeiture	\$	1,455,835	\$	1,491,087	44054
532	725-644	Litter Control and	\$	13,137,680	\$	13,311,365	44055
		Recycling					
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	44056
615	725-661	Dam Safety	\$	244,442	\$	259,758	44057
TOTAL SSR State Special Revenue							44058
Fund Group			\$	61,594,456	\$	63,822,002	44059
Wildlife Fund Group							44060

015	740-401	Division of Wildlife Conservation	\$	46,177,752	\$	48,713,747	44061
815	725-636	Cooperative Management Projects	\$	156,536	\$	160,449	44062
816	725-649	Wetlands Habitat	\$	943,303	\$	966,885	44063
817	725-655	Wildlife Conservation Checkoff Fund	\$	1,435,567	\$	1,472,755	44064
818	725-629	Cooperative Fisheries Research	\$	964,470	\$	988,582	44065
819	725-685	Ohio River Management	\$	125,448	\$	128,584	44066
TOTAL WLF Wildlife Fund Group			\$	49,803,076	\$	52,431,002	44067
Waterways Safety Fund Group							44068
086	725-414	Waterways Improvement	\$	3,301,688	\$	3,472,497	44069
086	725-416	Natural Areas Marine Patrol	\$	25,000	\$	0	44070
086	725-417	Parks Marine Patrol	\$	25,000	\$	0	44071
086	725-418	Buoy Placement	\$	41,153	\$	42,182	44072
086	725-501	Waterway Safety Grants	\$	134,504	\$	137,867	44073
086	725-506	Watercraft Marine Patrol	\$	562,100	\$	576,153	44074
086	725-513	Watercraft Educational Grants	\$	357,700	\$	366,643	44075
086	739-401	Division of Watercraft	\$	15,829,526	\$	16,624,158	44076
TOTAL WSF Waterways Safety Fund Group			\$	20,276,671	\$	21,219,500	44077
Holding Account Redistribution Fund Group							44078
R17	725-659	Performance Cash Bond Refunds	\$	251,500	\$	252,000	44079
R43	725-624	Forestry	\$	1,750,000	\$	1,750,000	44080
TOTAL 090 Holding Account Redistribution Fund Group			\$	2,001,500	\$	2,002,000	44081
Accrued Leave Liability Fund Group							44082
							44083
							44084

4M8 725-675 FOP Contract	\$	19,609	\$	20,844	44085
TOTAL ALF Accrued Leave					44086
Liability Fund Group	\$	19,609	\$	20,844	44087
TOTAL ALL BUDGET FUND GROUPS	\$	310,652,575	\$	330,044,341	44088

**Section 77.01.** NATURAL RESOURCES GENERAL OBLIGATION DEBT 44090

SERVICE 44091

The foregoing appropriation item 725-903, Natural Resources 44092  
General Obligation Debt Service, shall be used to pay all debt 44093  
service and financing costs at the times they are required to be 44094  
made pursuant to sections 151.01 and 151.05 of the Revised Code 44095  
during the period from July 1, 2001, to June 30, 2003. The Office 44096  
of the Sinking Fund or the Director of Budget and Management shall 44097  
effectuate the required payments by an intrastate transfer 44098  
voucher. 44099

CONSERVATION GENERAL OBLIGATION DEBT SERVICE 44100

The foregoing appropriation item 725-904, Conservation 44101  
General Obligation Debt Service, shall be used to pay all debt 44102  
service and financing costs at the times they are required to be 44103  
made pursuant to section 151.01 of the Revised Code and other 44104  
implementing legislation during the period from July 1, 2001, to 44105  
June 30, 2003. The Office of the Sinking Fund or the Director of 44106  
Budget and Management shall effectuate the required payments by an 44107  
intrastate transfer voucher. 44108

LEASE RENTAL PAYMENTS 44109

The foregoing appropriation item 725-413, OPFC Lease Rental 44110  
Payments, shall be used to meet all payments at the times they are 44111  
required to be made during the period from July 1, 2001, to June 44112  
30, 2003, by the Department of Natural Resources pursuant to 44113  
leases and agreements made under section 154.22 of the Revised 44114  
Code, but limited to the aggregate amount of \$30,490,500. Nothing 44115  
in this act shall be deemed to contravene the obligation of the 44116



state to pay, without necessity for further appropriation, from 44117  
the sources pledged thereto, the bond service charges on 44118  
obligations issued pursuant to section 154.22 of the Revised Code. 44119

FOUNTAIN SQUARE 44120

The foregoing appropriation item 725-404, Fountain Square 44121  
Rental Payments - OBA, shall be used by the Department of Natural 44122  
Resources to meet all payments required to be made to the Ohio 44123  
Building Authority during the period from July 1, 2001, to June 44124  
30, 2003, pursuant to leases and agreements with the Ohio Building 44125  
Authority under section 152.241 of the Revised Code, but limited 44126  
to the aggregate amount of \$2,181,500. 44127

The Director of Natural Resources, using intrastate transfer 44128  
vouchers, shall make payments to the General Revenue Fund from 44129  
funds other than the General Revenue Fund to reimburse the General 44130  
Revenue Fund for the other funds' shares of the lease rental 44131  
payments to the Ohio Building Authority. The transfers from the 44132  
non-General Revenue funds shall be made within 10 days of the 44133  
payment to the Ohio Building Authority for the actual amounts 44134  
necessary to fulfill the leases and agreements pursuant to section 44135  
152.241 of the Revised Code. 44136

The foregoing appropriation item 725-664, Fountain Square 44137  
Facilities Management (Fund 635), shall be used for payment of 44138  
repairs, renovation, utilities, property management, and building 44139  
maintenance expenses for the Fountain Square Complex. Cash 44140  
transferred by intrastate transfer vouchers from various 44141  
department funds and rental income received by the Department of 44142  
Natural Resources shall be deposited to the Fountain Square 44143  
Facilities Management Fund (Fund 635). 44144

**Section 77.02. CENTRAL SUPPORT INDIRECT** 44145

With the exception of the Division of Wildlife, whose 44146

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 Central Support Indirect Fund shall be made using an intrastate transfer voucher.

**WILDLIFE LICENSE REIMBURSEMENT**

Notwithstanding the limits of the transfer from the General Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 of the Revised Code, up to the amount available in appropriation item 725-425, Wildlife License Reimbursement, may be transferred from the General Revenue Fund to the Wildlife Fund (Fund 015). Pursuant to the certification of the Director of Budget and Management of the amount of foregone revenue in accordance with section 1533.15 of the Revised Code, the foregoing appropriation item in the General Revenue Fund, appropriation item 725-425, Wildlife License Reimbursement, shall be used to reimburse the Wildlife Fund (Fund 015) for the cost of hunting and fishing licenses and permits issued after June 30, 1990, to individuals who are exempted under the Revised Code from license, permit, and stamp fees.

**SOIL AND WATER DISTRICTS**

In addition to state payments to soil and water conservation districts authorized by section 1515.10 of the Revised Code, the Department of Natural Resources may pay to any soil and water conservation district, from authority in appropriation item 725-502, Soil and Water Districts, an annual amount not to exceed \$30,000, upon receipt of a request and justification from the

district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 1515.10 of the Revised Code for the local soil and water conservation district. Moneys received by each district shall be expended for the purposes of the district.

Of the foregoing appropriation item 725-502, Soil and Water Districts, \$150,000 in each fiscal year shall be distributed to the Muskingum Watershed Conservancy District and \$50,000 in each fiscal year shall be distributed to the Livestock Assurance Program.

Of the foregoing appropriation 725-502, Soil and Water Districts, \$136,000 shall be earmarked in fiscal year 2002 for Indian Lake, \$56,000 per fiscal year for the Conservation Action Program, \$48,000 in fiscal year 2002 for Millcreek Valley Conservation District, \$40,000 per fiscal year for Wills Creek Reservoir, \$120,000 in fiscal year 2002 for the relocation of Route 30, and \$100,000 per fiscal year for Rush Creek Conservancy District.

DIVISION OF SOIL AND WATER

Of the foregoing appropriation item 737-321, Division of Soil and Water, \$220,000 in each fiscal year shall be distributed to the Water Quality Laboratory located at Heidelberg College.

CANAL LANDS

The foregoing appropriation item 725-456, Canal Lands, shall be used to transfer funds to the Canal Lands Fund (Fund 430) to provide operating expenses for the State Canal Lands Program. The transfer shall be made using an intrastate transfer voucher and shall be subject to the approval of the Director of Budget and Management.

WATERCRAFT MARINE PATROL

Of the foregoing appropriation item 739-401, Division of 44210  
Watercraft, not more than \$200,000 in each fiscal year shall be 44211  
expended for the purchase of equipment for marine patrols 44212  
qualifying for funding from the Department of Natural Resources 44213  
pursuant to section 1547.67 of the Revised Code. Proposals for 44214  
equipment shall accompany the submission of documentation for 44215  
receipt of a marine patrol subsidy pursuant to section 1547.67 of 44216  
the Revised Code and shall be loaned to eligible marine patrols 44217  
pursuant to a cooperative agreement between the Department of 44218  
Natural Resources and the eligible marine patrol. 44219

FUND CONSOLIDATION 44220

On July 15, 2001, or as soon thereafter as possible, the 44221  
Director of Budget and Management shall transfer the cash balances 44222  
of the Wildlife Education Fund (Fund 81A) as of June 30, 2001, and 44223  
any amounts that accrue to that fund after that date, to the 44224  
Wildlife Education Fund (Fund 015). The Director shall cancel any 44225  
remaining outstanding encumbrances against appropriation item 44226  
725-612, Wildlife Education, and reestablish them against 44227  
appropriation item 740-401, Division of Wildlife Conservation. The 44228  
amounts of any encumbrances canceled and reestablished are 44229  
appropriated. 44230

On July 15, 2001, or as soon thereafter as possible, the 44231  
Director of Budget and Management shall transfer the cash balances 44232  
of the Cooperative Boat Harbor Projects Fund (Fund 880) as of June 44233  
30, 2001, and any amounts that accrue to that fund after that 44234  
date, to the Waterways Safety Fund (Fund 086). The director shall 44235  
cancel any remaining outstanding encumbrances against 44236  
appropriation item 725-614, Cooperative Boat Harbor Projects, and 44237  
reestablish them against appropriation item 739-401, Division of 44238  
Watercraft. The amounts of any encumbrances canceled and 44239  
reestablished are hereby appropriated. 44240

On July 15, 2001, or as soon thereafter as possible, the 44241

Director of Budget and Management shall transfer the cash balances 44242  
of the Forestry Development Fund (Fund 4B8) as of June 30, 2001, 44243  
and any amounts that accrue to that fund after that date, to the 44244  
State Forest Fund (Fund 509). The director shall cancel any 44245  
remaining outstanding encumbrances against appropriation item 44246  
725-617, Forestry Development Fund, and reestablish them against 44247  
appropriation item 725-602, State Forest. The amounts of any 44248  
encumbrances canceled and reestablished are appropriated. No 44249  
interest shall be credited to Fund 4B8 after June 30, 2001. 44250

On July 15, 2001, or as soon thereafter as possible, the 44251  
Director of Budget and Management shall transfer the cash balance 44252  
in the Burr Oak Water Plant Fund (Fund 519), which is abolished by 44253  
the repeal of section 1507.12 of the Revised Code in this act, to 44254  
the Burr Oak Regional Water District. 44255

OIL AND GAS WELL PLUGGING 44256

The foregoing appropriation item 725-677, Oil and Gas Well 44257  
Plugging, shall be used exclusively for the purposes of plugging 44258  
wells and to properly restore the land surface of idle and orphan 44259  
oil and gas wells pursuant to section 1509.071 of the Revised 44260  
Code. No funds from the appropriation item shall be used for 44261  
salaries, maintenance, equipment, or other administrative 44262  
purposes, except for those costs directly attributed to the 44263  
plugging of an idle or orphan well. Appropriation authority from 44264  
this line item shall not be transferred to any other fund or line 44265  
item. 44266

**Section 78.** NUR STATE BOARD OF NURSING 44267

General Services Fund Group					44268
4K9 884-609 Operating Expenses	\$	4,816,241	\$	5,205,776	44269
5P8 884-601 Nursing Special Issues	\$	5,000	\$	5,000	44270
TOTAL GSF General Services					44271
Fund Group	\$	4,821,241	\$	5,210,776	44272

TOTAL ALL BUDGET FUND GROUPS	\$	4,821,241	\$	5,210,776	44273
NURSING SPECIAL ISSUES					44274
The foregoing appropriation item 884-601, Nursing Special					44275
Issues (Fund 5P8), shall be used to pay the costs the Board of					44276
Nursing incurs in implementing section 4723.062 of the Revised					44277
Code.					44278
<b>Section 79. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,</b>					44279
<b>AND ATHLETIC TRAINERS BOARD</b>					44280
General Services Fund Group					44281
4K9 890-609 Operating Expenses	\$	681,020	\$	703,201	44282
TOTAL GSF General Services					44283
Fund Group	\$	681,020	\$	703,201	44284
TOTAL ALL BUDGET FUND GROUPS	\$	681,020	\$	703,201	44285
<b>Section 80. OLA OHIOANA LIBRARY ASSOCIATION</b>					44287
General Revenue Fund					44288
GRF 355-501 Library Subsidy	\$	243,367	\$	248,786	44289
TOTAL GRF General Revenue Fund	\$	243,367	\$	248,786	44290
TOTAL ALL BUDGET FUND GROUPS	\$	243,367	\$	248,786	44291
<b>Section 81. ODB OHIO OPTICAL DISPENSERS BOARD</b>					44293
General Services Fund Group					44294
4K9 894-609 Operating Expenses	\$	280,391	\$	295,277	44295
TOTAL GSF General Services					44296
Fund Group	\$	280,391	\$	295,277	44297
TOTAL ALL BUDGET FUND GROUPS	\$	280,391	\$	295,277	44298
<b>Section 82. OPT STATE BOARD OF OPTOMETRY</b>					44300
General Services Fund Group					44301
4K9 885-609 Operating Expenses	\$	289,600	\$	306,051	44302
TOTAL GSF General Services					44303

Fund Group	\$	289,600	\$	306,051	44304
TOTAL ALL BUDGET FUND GROUPS	\$	289,600	\$	306,051	44305

**Section 83. PBR STATE PERSONNEL BOARD OF REVIEW** 44307

General Revenue Fund					44308
GRF 124-321 Operating	\$	1,015,059	\$	1,059,243	44309
TOTAL GRF General Revenue Fund	\$	1,015,059	\$	1,059,243	44310
General Services Fund Group					44311
636 124-601 Transcript and Other	\$	39,598	\$	40,587	44312
TOTAL GSF General Services					44313
Fund Group	\$	39,598	\$	40,587	44314
TOTAL ALL BUDGET FUND GROUPS	\$	1,054,657	\$	1,099,830	44315

TRANSCRIPT AND OTHER 44316

The foregoing appropriation item 124-601, Transcript and 44317  
Other, may be used to produce and distribute transcripts and other 44318  
documents. Revenues generated by charges for transcripts and other 44319  
documents shall be deposited in the Transcripts and Other Fund 44320  
(Fund 636). 44321

**Section 84. PRX STATE BOARD OF PHARMACY** 44322

General Services Fund Group					44323
4A5 887-605 Drug Law Enforcement	\$	72,900	\$	75,550	44324
4K9 887-609 Operating Expenses	\$	4,353,629	\$	4,744,594	44325
TOTAL GSF General Services					44326
Fund Group	\$	4,426,529	\$	4,820,144	44327
TOTAL ALL BUDGET FUND GROUPS	\$	4,426,529	\$	4,820,144	44328

**Section 85. SCR STATE BOARD OF PROPRIETARY SCHOOL** 44330

REGISTRATION 44331

General Revenue Fund					44332
GRF 233-100 Personal Services	\$	326,400	\$	333,429	44333

GRF 233-200 Maintenance	\$	77,760	\$	78,776	44334
GRF 233-300 Equipment	\$	4,286	\$	4,279	44335
TOTAL GRF General Revenue Fund	\$	408,446	\$	416,484	44336
TOTAL ALL BUDGET FUND GROUPS	\$	408,446	\$	416,484	44337

**Section 86. PSY STATE BOARD OF PSYCHOLOGY** 44339

General Services Fund Group					44340
4K9 882-609 Operating Expenses	\$	459,382	\$	486,184	44341
TOTAL GSF General Services Fund Group	\$	459,382	\$	486,184	44343
TOTAL ALL BUDGET FUND GROUPS	\$	459,382	\$	486,184	44344

**Section 87. PUB OHIO PUBLIC DEFENDER COMMISSION** 44346

General Revenue Fund					44347
GRF 019-321 Public Defender Administration	\$	1,772,373	\$	1,772,373	44348
GRF 019-401 State Legal Defense Services	\$	6,983,914	\$	7,259,931	44349
GRF 019-403 Multi-County: State Share	\$	1,110,254	\$	1,104,920	44350
GRF 019-404 Trumbull County-State Share	\$	364,686	\$	363,917	44351
GRF 019-405 Training Account	\$	48,000	\$	48,000	44352
GRF 019-501 County Reimbursement - Non-Capital Cases	\$	33,893,062	\$	34,512,523	44353
GRF 019-503 County Reimbursements - Capital Cases	\$	935,868	\$	1,000,000	44354
TOTAL GRF General Revenue Fund	\$	45,108,157	\$	46,061,664	44355
General Services Fund Group					44356
101 019-602 Inmate Legal Assistance	\$	67,172	\$	71,020	44357
101 019-607 Juvenile Legal	\$	458,767	\$	481,462	44358



		Assistance					
406	019-603	Training and	\$	16,000	\$	16,000	44359
		Publications					
407	019-604	County Representation	\$	213,778	\$	240,556	44360
408	019-605	Client Payments	\$	260,584	\$	285,533	44361
TOTAL GSF General Services							44362
Fund Group			\$	1,016,301	\$	1,094,571	44363
Federal Special Revenue Fund Group							44364
3S8	019-608	Federal Representation	\$	564,929	\$	594,247	44365
3U7	019-614	Juvenile JAIBG Grant		51,516		54,601	44366
3U8	019-615	Juvenile Challenge		118,658		124,984	44367
		Grant					
TOTAL FED Federal Special Revenue							44368
Fund Group			\$	735,103	\$	773,832	44369
State Special Revenue Fund Group							44370
4C7	019-601	Multi-County: County	\$	1,603,064	\$	1,714,575	44371
		Share					
4X7	019-610	Trumbull County-County	\$	526,560	\$	564,714	44372
		Share					
5P9	019-616	County Public Defender	\$	4,772,000	\$	4,772,000	44373
		Reimbursement					
574	019-606	Legal Services	\$	15,725,233	\$	16,275,558	44374
		Corporation					
TOTAL SSR State Special Revenue							44375
Fund Group			\$	22,626,857	\$	23,326,847	44376
TOTAL ALL BUDGET FUND GROUPS							44377
		INDIGENT DEFENSE OFFICE					44378
		The foregoing appropriation items 019-404, Trumbull County -					44379
		State Share, and 019-610, Trumbull County - County Share, shall be					44380
		used to support an indigent defense office for Trumbull County.					44381
		MULTI-COUNTY OFFICE					44382

The foregoing appropriation items 019-403, Multi-County: 44383  
 State Share, and 019-601, Multi-County: County Share, shall be 44384  
 used to support the Office of the Ohio Public Defender's 44385  
 Multi-County Branch Office program. 44386

TRAINING ACCOUNT 44387

The foregoing appropriation item 019-405, Training Account, 44388  
 shall be used by the Ohio Public Defender to provide legal 44389  
 training programs at no cost for private appointed counsel who 44390  
 represent at least one indigent defendant at no cost, and for 44391  
 state and county public defenders and attorneys who contract with 44392  
 the Ohio Public Defender to provide indigent defense services. 44393

FEDERAL REPRESENTATION 44394

The foregoing appropriation item 019-608, Federal 44395  
 Representation, shall be used to receive reimbursements from the 44396  
 federal courts when the Ohio Public Defender provides 44397  
 representation on federal court cases. 44398

**Section 88. DHS DEPARTMENT OF PUBLIC SAFETY** 44399

General Revenue Fund 44400

GRF 763-403 Operating Expenses - \$ 3,851,927 \$ 4,225,628 44401

EMA

GRF 763-507 Individual and Family \$ 90,014 \$ 89,398 44402

Grants

GRF 764-404 Transportation \$ 2,438,979 \$ 2,491,606 44403

Enforcement Operations

GRF 769-321 Food Stamp Trafficking \$ 935,817 \$ 981,422 44404

Enforcement Operations

TOTAL GRF General Revenue Fund \$ 7,316,737 \$ 7,788,054 44405

TOTAL ALL BUDGET FUND GROUPS \$ 7,316,737 \$ 7,788,054 44406

OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT 44407

Of the foregoing appropriation item 763-403, Operating 44408

Expenses - EMA, \$200,000 in each fiscal year shall be used to fund 44409  
the Ohio Task Force One - Urban Search and Rescue Unit and other 44410  
urban search and rescue programs around the state to create a 44411  
stronger search and rescue capability statewide. 44412

IFG STATE MATCH 44413

The foregoing appropriation item 763-507, Individual and 44414  
Family Grants, shall be used to fund the state share of costs to 44415  
provide grants to individuals and families in cases of disaster. 44416

**Section 89.** PUC PUBLIC UTILITIES COMMISSION OF OHIO 44417

General Services Fund Group 44418

5F6 870-622 Utility and Railroad \$ 29,104,298 \$ 30,622,222 44419  
Regulation

5F6 870-624 NARUC/NRRI Subsidy \$ 167,233 \$ 167,233 44420

5F6 870-625 Motor Transportation \$ 4,578,771 \$ 4,811,239 44421  
Regulation

558 870-602 Salvage and Exchange \$ 32,474 \$ 33,285 44422

TOTAL GSF General Services 44423

Fund Group \$ 33,882,776 \$ 35,633,979 44424

Federal Special Revenue Fund Group 44425

3V3 870-604 Commercial Vehicle \$ 2,500,000 \$ 0 44426  
Information

Systems/Networks

333 870-601 Gas Pipeline Safety \$ 461,920 \$ 485,332 44427

350 870-608 Motor Carrier Safety \$ 6,749,153 \$ 7,027,712 44428

TOTAL FED Federal Special Revenue 44429

Fund Group \$ 9,711,073 \$ 7,513,044 44430

State Special Revenue Fund Group 44431

4A3 870-614 Grade Crossing \$ 1,311,986 \$ 1,349,757 44432  
Protection

Devices-State

4L8	870-617	Pipeline Safety-State	\$	177,323	\$	187,621	44433
4S6	870-618	Hazardous Material	\$	449,927	\$	464,325	44434
		Registration					
4S6	870-621	Hazardous Materials	\$	364,240	\$	373,346	44435
		Base State					
		Registration					
4U8	870-620	Civil Forfeitures	\$	269,426	\$	284,986	44436
559	870-605	Public Utilities	\$	4,000	\$	4,000	44437
		Territorial					
		Administration					
560	870-607	Special Assessment	\$	100,000	\$	100,000	44438
561	870-606	Power Siting Board	\$	319,839	\$	337,210	44439
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000	44440
661	870-612	Hazardous Materials	\$	800,000	\$	800,000	44441
		Transportation					
TOTAL SSR State Special Revenue							44442
Fund Group			\$	3,836,741	\$	3,941,245	44443
Agency Fund Group							44444
4G4	870-616	Base State	\$	6,500,000	\$	6,500,000	44445
		Registration Program					
TOTAL AGY Agency Fund Group			\$	6,500,000	\$	6,500,000	44446
TOTAL ALL BUDGET FUND GROUPS			\$	53,930,590	\$	53,588,268	44447
BIOMASS ENERGY PROGRAM FUND							44448
The Biomass Energy Program Fund created by section 4905.87 of							44449
the Revised Code is the same fund, with a new name, as the							44450
Biofuels/Municipal Waste Technology Fund created by the							44451
Controlling Board in January 1988.							44452
<b>Section 90. PWC PUBLIC WORKS COMMISSION</b>							44453
General Revenue Fund							44454
GRF	150-907	State Capital	\$	135,693,200	\$	146,210,200	44455
		Improvements					

General Obligation				44456	
Debt					
Service				44457	
TOTAL GRF General Revenue Fund	\$	135,693,200	\$	146,210,200	44458
TOTAL ALL BUDGET FUND GROUPS	\$	135,693,200	\$	146,210,200	44459
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE				44460	
The foregoing appropriation item 150-907, State Capital				44461	
Improvements General Obligation Debt Service, shall be used to pay				44462	
all debt service and financing costs at the times they are				44463	
required to be made pursuant to sections 151.01, 151.08, and				44464	
164.10 of the Revised Code during the period from July 1, 2001, to				44465	
June 30, 2003. The Office of the Sinking Fund or the Director of				44466	
Budget and Management shall effectuate the required payments by an				44467	
intrastate transfer voucher.				44468	
<b>Section 91. RAC STATE RACING COMMISSION</b>				44469	
State Special Revenue Fund Group				44470	
5C4 875-607 Simulcast Horse Racing	\$	16,301,749	\$	18,025,043	44471
Purse					
562 875-601 Thoroughbred Race Fund	\$	4,529,149	\$	4,642,378	44472
563 875-602 Standardbred	\$	2,022,797	\$	2,200,810	44473
Development Fund					
564 875-603 Quarterhorse	\$	1,000	\$	1,000	44474
Development Fund					
565 875-604 Racing Commission	\$	4,109,513	\$	4,314,143	44475
Operating					
TOTAL SSR State Special Revenue				44476	
Fund Group	\$	26,964,208	\$	29,183,374	44477
Holding Account Redistribution Fund Group				44478	
R21 875-605 Bond Reimbursements	\$	212,900	\$	212,900	44479
TOTAL 090 Holding Account				44480	
Redistribution					

Fund Group	\$	212,900	\$	212,900	44481
TOTAL ALL BUDGET FUND GROUPS	\$	27,177,108	\$	29,396,274	44482
<b>Section 92. BOR BOARD OF REGENTS</b>					44484
General Revenue Fund					44485
GRF 235-321 Operating Expenses	\$	3,200,141	\$	3,264,144	44486
GRF 235-401 Lease-Rental Payments	\$	295,058,500	\$	268,910,500	44487
GRF 235-402 Sea Grants	\$	299,940	\$	299,940	44488
GRF 235-403 Math/Science Teaching Improvement	\$	1,734,000	\$	1,768,680	44489
GRF 235-404 College Readiness Initiatives	\$	2,500,000	\$	2,500,000	44490
GRF 235-406 Articulation and Transfer	\$	800,000	\$	800,000	44491
GRF 235-408 Midwest Higher Education Compact	\$	82,500	\$	82,500	44492
GRF 235-409 Information System	\$	1,389,263	\$	1,417,049	44493
GRF 235-414 State Grants and Scholarship Administration	\$	1,400,888	\$	1,428,907	44494
GRF 235-415 Jobs Challenge	\$	10,100,000	\$	10,200,000	44495
GRF 235-417 Ohio Learning Network	\$	3,920,000	\$	3,920,000	44496
GRF 235-418 Access Challenge	\$	68,531,400	\$	71,958,000	44497
GRF 235-420 Success Challenge	\$	48,741,000	\$	48,741,000	44498
GRF 235-428 Appalachian New Economy Partnership	\$	1,000,000	\$	1,500,000	44499
GRF 235-454 Research Challenge	\$	21,568,440	\$	21,568,440	44500
GRF 235-455 Productivity Improvement Challenge	\$	1,694,947	\$	1,728,845	44501
GRF 235-474 Area Health Education Centers Program Support	\$	2,093,727	\$	2,135,601	44502
GRF 235-477 Access Improvement	\$	1,088,661	\$	1,088,661	44503

Projects					
GRF 235-501	State Share of Instruction	\$ 1,681,450,071	\$ 1,684,734,168	44504	
GRF 235-502	Student Support Services	\$ 1,000,000	\$ 1,000,000	44505	
GRF 235-503	Ohio Instructional Grants	\$ 98,000,000	\$ 111,500,000	44506	
GRF 235-504	War Orphans Scholarships	\$ 4,652,548	\$ 4,792,124	44507	
GRF 235-507	OhioLINK	\$ 7,668,731	\$ 7,668,731	44508	
GRF 235-508	Air Force Institute of Technology	\$ 3,000,000	\$ 3,000,000	44509	
GRF 235-509	Displaced Homemakers	\$ 240,096	\$ 240,096	44510	
GRF 235-510	Ohio Supercomputer Center	\$ 4,833,574	\$ 4,833,574	44511	
GRF 235-511	Cooperative Extension Service	\$ 28,262,696	\$ 28,827,949	44512	
GRF 235-513	OU Voinovich Center	\$ 367,500	\$ 367,500	44513	
GRF 235-514	Central State Supplement	\$ 12,044,956	\$ 12,044,956	44514	
GRF 235-515	Case Western Reserve University School of Medicine	\$ 4,280,224	\$ 4,365,827	44515	
GRF 235-519	Family Practice	\$ 6,538,471	\$ 6,669,240	44516	
GRF 235-520	Shawnee State Supplement	\$ 2,272,000	\$ 2,272,000	44517	
GRF 235-521	OSU Glenn Institute	\$ 367,500	\$ 367,500	44518	
GRF 235-523	Center for Labor Research	\$ 93,100	\$ 93,100	44519	
GRF 235-524	Police and Fire Protection	\$ 240,096	\$ 240,096	44520	
GRF 235-525	Geriatric Medicine	\$ 1,087,195	\$ 1,108,939	44521	
GRF 235-526	Primary Care	\$ 3,166,168	\$ 3,229,491	44522	

	Residencies				
GRF 235-527	Ohio Aerospace Institute	\$	2,383,334	\$	2,383,334 44523
GRF 235-530	Academic Scholarships	\$	8,400,000	\$	8,820,000 44524
GRF 235-531	Student Choice Grants	\$	52,428,000	\$	53,476,560 44525
GRF 235-535	Ohio Agricultural Research and Development Center	\$	39,505,502	\$	40,295,612 44526
GRF 235-536	Ohio State University Clinical Teaching	\$	15,989,883	\$	16,309,680 44527
GRF 235-537	University of Cincinnati Clinical Teaching	\$	13,151,461	\$	13,414,491 44528
GRF 235-538	Medical College of Ohio at Toledo Clinical Teaching	\$	10,250,851	\$	10,455,868 44529
GRF 235-539	Wright State University Clinical Teaching	\$	4,980,064	\$	5,079,665 44530
GRF 235-540	Ohio University Clinical Teaching	\$	4,814,378	\$	4,910,666 44531
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,951,583	\$	5,050,615 44532
GRF 235-543	Ohio College of Podiatric Medicine Clinical Subsidy	\$	499,800	\$	509,796 44533
GRF 235-547	School of International Business	\$	1,708,764	\$	1,708,764 44534
GRF 235-549	Part-time Student Instructional Grants	\$	13,311,638	\$	13,977,219 44535
GRF 235-552	Capital Component	\$	14,537,639	\$	14,537,639 44536



GRF 235-553	Dayton Area Graduate Studies Institute	\$	3,779,088	\$	3,779,088	44537
GRF 235-554	Computer Science Graduate Education	\$	3,482,368	\$	3,482,368	44538
GRF 235-555	Library Depositories	\$	1,999,200	\$	2,039,184	44539
GRF 235-556	Ohio Academic Resources Network	\$	3,510,777	\$	3,580,993	44540
GRF 235-558	Long-term Care Research	\$	312,004	\$	312,004	44541
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	164,289	\$	164,289	44542
GRF 235-572	Ohio State University Clinic Support	\$	2,060,314	\$	2,101,520	44543
GRF 235-583	Urban University Programs	\$	6,503,559	\$	6,503,559	44544
GRF 235-585	Ohio University Innovation Center	\$	48,750	\$	48,750	44545
GRF 235-587	Rural University Projects	\$	1,375,552	\$	1,375,552	44546
GRF 235-588	Ohio Resource Center for Mathematics, Science, and Reading	\$	980,000	\$	980,000	44547
GRF 235-595	International Center for Water Resources Development	\$	185,593	\$	185,593	44548
GRF 235-596	Hazardous Materials Program	\$	240,096	\$	240,096	44549
GRF 235-599	National Guard Scholarship Program	\$	12,048,106	\$	12,048,106	44550
GRF 235-909	Higher Education General Obligation Debt Service	\$	50,055,100	\$	74,344,100	44551

TOTAL GRF General Revenue Fund	\$ 2,598,426,026	\$ 2,622,782,669	44552
General Services Fund Group			44553
456 235-603 Publications	\$ 43,050	\$ 44,342	44554
456 235-613 Job Preparation Initiative	\$ 144,383	\$ 144,383	44555
TOTAL GSF General Services Fund Group	\$ 187,433	\$ 188,725	44556
Federal Special Revenue Fund Group			44558
3H2 235-608 Human Services Project	\$ 1,000,000	\$ 1,000,000	44559
3N6 235-605 State Student Incentive Grants	\$ 2,000,000	\$ 2,000,000	44560
3T0 235-610 NHSC Ohio Loan Repayment	\$ 100,000	\$ 100,000	44561
312 235-609 Tech Prep	\$ 183,852	\$ 183,852	44562
312 235-611 Gear-up Grant	\$ 1,590,986	\$ 1,690,434	44563
312 235-612 Carl D. Perkins Grant/Plan Administration	\$ 112,960	\$ 112,960	44564
312 235-631 Federal Grants	\$ 2,055,511	\$ 0	44565
TOTAL FED Federal Special Revenue Fund Group	\$ 7,043,309	\$ 5,087,246	44566
State Special Revenue Fund Group			44568
4E8 235-602 HEFC Administration	\$ 12,000	\$ 12,000	44569
4P4 235-604 Physician Loan Repayment	\$ 416,067	\$ 436,870	44570
649 235-607 Ohio State University Highway/Transportation Research	\$ 511,000	\$ 523,775	44571
682 235-606 Nursing Loan Program	\$ 870,000	\$ 893,000	44572
TOTAL SSR State Special Revenue Fund Group	\$ 1,809,067	\$ 1,865,645	44573
TOTAL ALL BUDGET FUND GROUPS	\$ 2,607,465,835	\$ 2,629,924,285	44575

**Section 92.01.** STATE SHARE OF INSTRUCTION 44577

As soon as practicable during each fiscal year of the 44578  
2001-2003 biennium in accordance with instructions of the Board of 44579  
Regents, each state-assisted institution of higher education shall 44580  
report its actual enrollment to the Board of Regents. 44581

The Board of Regents shall establish procedures required by 44582  
the system of formulas set out below and for the assignment of 44583  
individual institutions to categories described in the formulas. 44584  
The system of formulas establishes the manner in which aggregate 44585  
expenditure requirements shall be determined for each of the three 44586  
components of institutional operations. In addition to other 44587  
adjustments and calculations described below, the subsidy 44588  
entitlement of an institution shall be determined by subtracting 44589  
from the institution's aggregate expenditure requirements income 44590  
to be derived from the local contributions assumed in calculating 44591  
the subsidy entitlements. The local contributions for purposes of 44592  
determining subsidy support shall not limit the authority of the 44593  
individual boards of trustees to establish fee levels. 44594

The General Studies and Technical models shall be adjusted by 44595  
the Board of Regents so that the share of state subsidy earned by 44596  
those models is not altered by changes in the overall local share. 44597  
A lower-division fee differential shall be used to maintain the 44598  
relationship that would have occurred between these models and the 44599  
baccalaureate models had an assumed share of thirty-seven per cent 44600  
been funded. 44601

In defining the number of full-time equivalent (FTE) students 44602  
for state subsidy purposes, the Board of Regents shall exclude all 44603  
undergraduate students who are not residents of Ohio, except those 44604  
charged in-state fees in accordance with reciprocity agreements 44605  
made pursuant to section 3333.17 or employer contracts entered 44606  
into pursuant to section 3333.32 of the Revised Code. 44607

(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT			44608
(1) INSTRUCTION AND SUPPORT SERVICES			44609
MODEL	FY 2002	FY 2003	44610
General Studies I	\$ 4,481	\$ 4,904	44611
General Studies II	\$ 5,046	\$ 5,299	44612
General Studies III	\$ 6,101	\$ 6,652	44613
Technical I	\$ 5,353	\$ 5,696	44614
Technical III	\$ 8,854	\$ 9,044	44615
Baccalaureate I	\$ 7,031	\$ 7,517	44616
Baccalaureate II	\$ 7,875	\$ 8,310	44617
Baccalaureate III	\$ 11,480	\$ 12,193	44618
Masters and Professional I	\$ 13,338	\$ 13,875	44619
Masters and Professional II	\$ 19,084	\$ 19,652	44620
Masters and Professional III	\$ 25,869	\$ 26,577	44621
Medical I	\$ 28,800	\$ 29,934	44622
Medical II	\$ 40,152	\$ 40,981	44623
Blended MPD I	\$ 14,163	\$ 14,877	44624
(2) STUDENT SERVICES			44625
For this purpose, FTE counts shall be weighted to reflect			44626
differences among institutions in the numbers of students enrolled			44627
on a part-time basis.			44628
MODEL	FY 2002	FY 2003	44629
General Studies I	\$ 694	\$ 747	44630
General Studies II	\$ 704	\$ 747	44631
General Studies III	\$ 687	\$ 747	44632
Technical I	\$ 669	\$ 747	44633
Technical III	\$ 675	\$ 747	44634
Baccalaureate I	\$ 666	\$ 747	44635
Baccalaureate II	\$ 663	\$ 747	44636
Baccalaureate III	\$ 675	\$ 747	44637
Masters and Professional I	\$ 680	\$ 747	44638
Masters and Professional II	\$ 685	\$ 747	44639

Masters and Professional III	\$ 694	\$ 747	44640
Medical I	\$ 668	\$ 747	44641
Medical II	\$ 668	\$ 747	44642
Blended MPD I	\$ 668	\$ 747	44643

(B) PLANT OPERATION AND MAINTENANCE (POM) 44644

(1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY 44645

Space undergoing renovation shall be funded at the rate 44646  
allowed for storage space. 44647

In the calculation of square footage for each campus, square 44648  
footage shall be weighted to reflect differences in space 44649  
utilization. 44650

The space inventories for each campus shall be those 44651  
determined in the fiscal year 1999 instructional subsidy, adjusted 44652  
for changes attributable to the construction or renovation of 44653  
facilities for which state appropriations were made or local 44654  
commitments were made prior to January 1, 1995. 44655

Only 50 per cent of the space permanently taken out of 44656  
operation in fiscal year 2002 or fiscal year 2003 that is not 44657  
otherwise replaced by a campus shall be deleted from the fiscal 44658  
year 1997 inventory. 44659

The square-foot-based plant operation and maintenance subsidy 44660  
for each campus shall be determined as follows: 44661

(a) For each standard room type category shown below, the 44662  
subsidy-eligible net assignable square feet (NASF) for each campus 44663  
shall be multiplied by the following rates, and the amounts summed 44664  
for each campus to determine the total gross square-foot-based POM 44665  
expenditure requirement: 44666

	FY 2002	FY 2003	
Classrooms	\$5.33	\$5.56	44668
Laboratories	\$6.65	\$6.93	44669
Offices	\$5.33	\$5.56	44670

Audio Visual Data Processing	\$6.65	\$6.93	44671
Storage	\$2.36	\$2.46	44672
Circulation	\$6.73	\$7.01	44673
Other	\$5.33	\$5.56	44674

(b) The total gross square-foot POM expenditure requirement 44675  
shall be allocated to models in proportion to FTE enrollments as 44676  
reported in enrollment data for all models except Doctoral I and 44677  
Doctoral II. 44678

(c) The amounts allocated to models in division (B)(1)(b) of 44679  
this section shall be multiplied by the ratio of subsidy-eligible 44680  
FTE students to total FTE students reported in each model, and the 44681  
amounts summed for all models. To this total amount shall be added 44682  
an amount to support roads and grounds expenditures to produce the 44683  
total square-foot-based POM subsidy. 44684

(2) DETERMINATION OF THE ACTIVITY-BASED POM SUBSIDY 44685

(a) The number of subsidy-eligible FTE students in each model 44686  
shall be multiplied by the following rates for each campus for 44687  
each fiscal year. 44688

	FY 2002	FY 2003	
General Studies I	\$ 537	\$ 543	44689
General Studies II	\$ 669	\$ 686	44691
General Studies III	\$1,424	\$1,565	44692
Technical I	\$ 649	\$ 750	44693
Technical II	\$1,315	\$1,436	44694
Baccalaureate I	\$ 671	\$ 692	44695
Baccalaureate II	\$1,175	\$1,263	44696
Baccalaureate III	\$1,606	\$1,674	44697
Masters and Professional I	\$1,138	\$1,217	44698
Masters and Professional II	\$2,447	\$2,928	44699
Masters and Professional III	\$3,363	\$3,932	44700
Medical I	\$2,568	\$2,653	44701
Medical II	\$3,470	\$3,581	44702

Blended MPD I \$1,135 \$1,192 44703

(b) The sum of the products for each campus determined in 44704  
division (B)(2)(a) of this section for all models except Doctoral 44705  
I and Doctoral II for each fiscal year shall be weighted by a 44706  
factor to reflect sponsored research activity and job 44707  
training-related public services expenditures to determine the 44708  
total activity-based POM subsidy. 44709

(C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS 44710

(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS 44711

The calculation of the core subsidy entitlement shall consist 44712  
of the following components: 44713

(a) For each campus and for each fiscal year, the core 44714  
subsidy entitlement shall be determined by multiplying the amounts 44715  
listed above in divisions (A)(1) and (2) and (B)(2) of this 44716  
section less assumed local contributions, by (i) average 44717  
subsidy-eligible FTEs for the two-year period ending in the prior 44718  
year for all models except Doctoral I and Doctoral II; and (ii) 44719  
average subsidy-eligible FTEs for the five-year period ending in 44720  
the prior year for all models except Doctoral I and Doctoral II. 44721

(b) In calculating the core subsidy entitlements for Medical 44722  
II models only, the Board of Regents shall use the following count 44723  
of FTE students in place of the two-year average and five-year 44724  
average of subsidy-eligible students: 44725

(i) For those medical schools whose current year enrollment 44726  
is below the base enrollment, the Medical II FTE enrollment shall 44727  
equal: 65 per cent of the base enrollment plus 35 per cent of the 44728  
current year enrollment, where the base enrollment is: 44729

The Ohio State University	1010	44730
University of Cincinnati	833	44731
Medical College of Ohio at Toledo	650	44732
Wright State University	433	44733

Ohio University	433	44734
Northeastern Ohio Universities College of Medicine	433	44735

(ii) For those medical schools whose current year enrollment is equal to or greater than the base enrollment, the Medical II FTE enrollment shall equal the current enrollment. 44736  
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(c) For all FTE-based subsidy calculations involving annualized FTE data, FTE-based allowances shall be converted from annualized to all-terms rates to ensure equity and consistency of subsidy determination. 44739  
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(d) The Board of Regents shall compute the sum of the two calculations listed in division (C)(1)(a) of this section and use the greater sum as the core subsidy entitlement. 44743  
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The POM subsidy for each campus shall equal the greater of the square-foot-based subsidy or the activity-based POM subsidy component of the core subsidy entitlement. 44746  
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(e) The state share of instruction provided for doctoral students shall be based on a fixed percentage of the total appropriation. In fiscal year 2002, not more than 10.34 per cent of the total state share of instruction shall be reserved to implement the recommendations of the Graduate Funding Commission. In fiscal year 2003, not more than 10.25 per cent of the total state share of instruction shall be reserved for the same purpose. It is the intent of the General Assembly that the doctoral reserve be reduced 0.25 percentage points each year thereafter until no more than 10.0 per cent of the total state share of instruction is reserved to implement the recommendations of the Graduate Funding Commission. The Board of Regents shall reallocate 0 per cent in fiscal year 2002 and 2 per cent in fiscal year 2003 of the reserve among the state-assisted universities on the basis of a quality review as specified in the recommendations of the Graduate Funding Commission. 44749  
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The amount so reserved shall be allocated to universities in proportion to their share of the total number of Doctoral I equivalent FTEs as calculated on an institutional basis using the greater of the two-year or five-year FTEs for the period fiscal year 1994 through fiscal year 1998 with annualized FTEs for fiscal years 1994 through 1997 and all-term FTEs for fiscal year 1998 as adjusted to reflect the effects of doctoral review. For the purposes of this calculation, Doctoral I equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs.

(2) ANNUAL HOLD HARMLESS PROVISION

In addition to and after the other adjustment noted above, in fiscal year 2002 each campus shall have its state share of instruction adjusted to the extent necessary to provide an amount that is not less than 100 per cent of the state share of instruction received by the campus in fiscal year 2001. In fiscal year 2003, each campus shall have its state share of instruction adjusted to the extent necessary to provide an amount that is not less than 100 per cent of the state share of instruction received by the campus in fiscal year 2002.

(3) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, instructional subsidy earnings shall be reduced for each campus by the amount, if any, by which debt service charged in Am. H.B. No. 748 of the 121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd General Assembly, and Am. H.B. No. 640 of the 123rd General Assembly for that campus exceeds that campus's capital component earnings.

(D) REDUCTIONS IN EARNINGS

If the total state share of instruction earnings in any fiscal year exceed the total appropriations available for such purposes, the Board of Regents shall proportionately reduce the

state share of instruction earnings for all campuses by a uniform 44796  
percentage so that the systemwide sum equals available 44797  
appropriations. 44798

(E) EXCEPTIONAL CIRCUMSTANCES 44799

Adjustments may be made to the state share of instruction 44800  
payments and other subsidies distributed by the Board of Regents 44801  
to state-assisted colleges and universities for exceptional 44802  
circumstances. No adjustments for exceptional circumstances may be 44803  
made without the recommendation of the Chancellor and the approval 44804  
of the Controlling Board. 44805

DISTRIBUTION OF STATE SHARE OF INSTRUCTION 44806

The state share of instruction payments to the institutions 44807  
shall be in substantially equal monthly amounts during the fiscal 44808  
year, unless otherwise determined by the Director of Budget and 44809  
Management pursuant to section 126.09 of the Revised Code. 44810  
Payments during the first six months of the fiscal year shall be 44811  
based upon the state share of instruction appropriation estimates 44812  
made for the various institutions of higher education according to 44813  
Board of Regents enrollment estimates. Payments during the last 44814  
six months of the fiscal year shall be distributed after approval 44815  
of the Controlling Board upon the request of the Board of Regents. 44816  
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LAW SCHOOL SUBSIDY 44818

The state share of instruction to state-supported 44819  
universities for students enrolled in law schools in fiscal year 44820  
2002 and fiscal year 2003 shall be calculated by using the number 44821  
of subsidy-eligible FTE law school students funded by state 44822  
subsidy in fiscal year 1995 or the actual number of 44823  
subsidy-eligible FTE law school students at the institution in the 44824  
fiscal year, whichever is less. 44825

Section 92.02. MISSION-BASED CORE FUNDING FOR HIGHER	44826
EDUCATION	44827
JOBS CHALLENGE	44828
Funds appropriated to appropriation item 235-415, Jobs	44829
Challenge, shall be distributed to state-assisted community and	44830
technical colleges, regional campuses of state-assisted	44831
universities, and other organizationally distinct and identifiable	44832
member campuses of the EnterpriseOhio Network in support of	44833
noncredit job-related training. In fiscal years 2002 and 2003,	44834
\$2,114,673 and \$1,981,841, respectively, shall be distributed as	44835
performance grants to EnterpriseOhio Network campuses based upon	44836
each campus's documented performance according to criteria	44837
established by the Board of Regents for increasing training and	44838
related services to businesses, industries, and public sector	44839
organizations.	44840
Of the foregoing appropriation item 235-415, Jobs Challenge,	44841
\$3,130,087 in fiscal year 2002 and \$2,875,953 in fiscal year 2003	44842
shall be allocated to the Targeted Industries Training Grant	44843
Program to attract, develop, and retain business and industry	44844
strategically important to the state's economy.	44845
Also, in fiscal years 2002 and 2003, \$2,991,513 and	44846
\$3,629,797, respectively, shall be allocated to the Non-credit	44847
Incentives Grant Program to reward two-year campuses for	44848
increasing the amount of non-credit skill upgrading services	44849
provided to Ohio employers and employees. The funds shall be	44850
distributed to campuses in proportion to each campus's share of	44851
noncredit job-related training revenues received by all campuses	44852
for the previous fiscal year. It is the intent of the General	44853
Assembly that this workforce development incentive component of	44854
the Jobs Challenge Program reward campus noncredit job-related	44855
training efforts in the same manner that the Research Challenge	44856

Program rewards campuses for their ability to obtain sponsored 44857  
research revenues. 44858

Of the foregoing appropriation item 235-415, Jobs Challenge, 44859  
\$1,863,726 in fiscal year 2002 and \$1,712,409 in fiscal year 2003 44860  
shall be allocated as an incentive to support local EnterpriseOhio 44861  
Network Campus/Adult Workforce Education Center Partnerships. The 44862  
purpose of the partnerships is to promote and deliver coordinated, 44863  
comprehensive training to local employers. Each partnership shall 44864  
include a formal agreement between one or more EnterpriseOhio 44865  
Network campus and one or more adult workforce education center 44866  
for the delivery of training services. The Department of Education 44867  
and Board of Regents shall jointly award funds to certified 44868  
EnterpriseOhio campus/adult workforce education center 44869  
partnerships to offer training grants to eligible companies. A 44870  
certified EnterpriseOhio Network/adult workforce education center 44871  
partnership is one that has been documented and approved by the 44872  
Board of Regents and the Department of Education according to 44873  
partnership criteria established jointly by those agencies. An 44874  
eligible company is one that meets the funding criteria of the 44875  
Targeted Industries Training Grant Program. The amount set aside 44876  
for the partnerships is designed to match an equal appropriation 44877  
in the Department of Education's appropriation item 200-514, 44878  
Post-Secondary/Adult Career-Technical Education. The Department of 44879  
Education's appropriation also serves as a partnership-building 44880  
incentive by allocating funds to local EnterpriseOhio Network 44881  
campus/adult workforce education center partnerships. 44882

**ACCESS CHALLENGE** 44883

In each fiscal year, the foregoing appropriation item 44884  
235-418, Access Challenge, shall be distributed to Ohio's 44885  
state-assisted access colleges and universities. For the purposes 44886  
of this allocation, "access campuses" includes state-assisted 44887  
community colleges, state community colleges, technical colleges, 44888

Shawnee State University, Central State University, Cleveland  
State University, the regional campuses of state-assisted  
universities, and, where they are organizationally distinct and  
identifiable, the community-technical colleges located at the  
University of Cincinnati, Youngstown State University, and the  
University of Akron.

In each year of the biennium, Access Challenge appropriations  
shall be allocated to eligible campuses according to the following  
methodology:

(A) Each campus shall receive an amount equal to four per  
cent of the product of its subsidy-eligible lower-division FTE  
student enrollments for the prior fiscal year multiplied by the  
unweighted average of in-state undergraduate instructional and  
general fees for community colleges, state community colleges,  
technical colleges, and regional campuses in fiscal year 2001.

(B) All remaining appropriations shall be allocated to each  
campus proportionate to its share of the sum of FTEs used in the  
distribution of access funds in the prior fiscal year updated with  
the most recent FTE data available.

For the purposes of this calculation, Cleveland State  
University's and Youngstown State University's enrollments shall  
be adjusted by the ratio of the sum of subsidy-eligible  
lower-division FTE student enrollments eligible for access funding  
to the sum of subsidy-eligible General Studies FTE student  
enrollments at Central State University and Shawnee State  
University, and for the following universities and their regional  
campuses: Ohio State University, Ohio University, Kent State  
University, Bowling Green State University, Miami University, the  
University of Cincinnati, the University of Akron, and Wright  
State University.

Boards of trustees of access colleges and universities shall

limit resident lower-division undergraduate instructional and 44920  
general fee increases for an academic year over the amounts 44921  
charged in the prior academic year to no more than three per cent. 44922  
These fee increase limitations apply even if an institutional 44923  
board of trustees has, prior to the effective date of this 44924  
section, voted to assess a higher fee for the 2001-2002 academic 44925  
year. 44926

SUCCESS CHALLENGE 44927

The foregoing appropriation item 235-420, Success Challenge, 44928  
shall be used by the Board of Regents to promote degree completion 44929  
by students enrolled at a main campus of a state-assisted 44930  
university. 44931

In each fiscal year, two-thirds of the appropriations shall 44932  
be distributed to state-assisted university main campuses in 44933  
proportion to each campus's share of the total statewide 44934  
bachelor's degrees granted by university main campuses to 44935  
"at-risk" students. In fiscal years 2002 and 2003, an "at-risk" 44936  
student means any undergraduate student who has received an Ohio 44937  
Instructional Grant during the past ten years. An eligible 44938  
institution shall not receive its share of this distribution until 44939  
it has submitted a plan that addresses how the subsidy will be 44940  
used to better serve at-risk students and increase their 44941  
likelihood of successful completion of a bachelor's degree 44942  
program. The Board of Regents shall disseminate to all 44943  
state-supported institutions of higher education all such plans 44944  
submitted by institutions that received Success Challenge funds. 44945

In each fiscal year, one-third of the appropriations shall be 44946  
distributed to university main campuses in proportion to each 44947  
campus's share of the total bachelor's degrees granted by 44948  
university main campuses to undergraduate students who completed 44949  
their bachelor's degrees in a "timely manner" in the previous 44950  
fiscal year. For the purposes of this section, "timely manner" 44951

means the normal time it would take for a full-time degree-seeking 44952  
undergraduate student to complete the student's degree. Generally, 44953  
for such students pursuing a bachelor's degree, "timely manner" 44954  
means four years. Exceptions to this general rule shall be 44955  
permitted for students enrolled in programs specifically designed 44956  
to be completed in a longer time period. The Board of Regents 44957  
shall collect base-line data beginning with the 1998-99 academic 44958  
year to assess the timely completion statistics by university main 44959  
campuses. 44960

RESEARCH CHALLENGE 44961

The foregoing appropriation item 235-454, Research Challenge, 44962  
shall be used to enhance the basic research capabilities of public 44963  
colleges and universities and accredited Ohio institutions of 44964  
higher education holding certificates of authorization issued 44965  
pursuant to section 1713.02 of the Revised Code, in order to 44966  
strengthen academic research for pursuing Ohio's economic 44967  
redevelopment goals. The Board of Regents, in consultation with 44968  
the colleges and universities, shall administer the Research 44969  
Challenge Program and utilize a means of matching, on a fractional 44970  
basis, external funds attracted in the previous year by 44971  
institutions for basic research. The program may include 44972  
incentives for increasing the amount of external research funds 44973  
coming to eligible institutions and for focusing research efforts 44974  
upon critical state needs. Colleges and universities shall submit 44975  
for review and approval to the Board of Regents plans for the 44976  
institutional allocation of state dollars received through the 44977  
program. The institutional plans shall provide the rationale for 44978  
the allocation in terms of the strategic targeting of funds for 44979  
academic and state purposes, for strengthening research programs, 44980  
and for increasing the amount of external research funds, and 44981  
shall include an evaluation process to provide results of the 44982  
increased support. 44983

The Board of Regents shall submit a biennial report of progress to the General Assembly.

COMPUTER SCIENCE GRADUATE EDUCATION

The foregoing appropriation item 235-554, Computer Science Graduate Education, shall be used by the Board of Regents to support improvements in graduate programs in computer science at state-assisted universities. In each fiscal year, up to \$200,000 may be used to support collaborative efforts in graduate education in this program area.

**Section 92.03.** HIGHER EDUCATION - BOARD OF TRUSTEES

Funds appropriated for instructional subsidies at colleges and universities may be used to provide such branch or other off-campus undergraduate courses of study and such master's degree courses of study as may be approved by the Board of Regents.

In providing instructional and other services to students, boards of trustees of state-assisted institutions of higher education shall supplement state subsidies by income from charges to students. Each board shall establish the fees to be charged to all students, including an instructional fee for educational and associated operational support of the institution and a general fee for noninstructional services, including locally financed student services facilities used for the benefit of enrolled students. The instructional fee and the general fee shall encompass all charges for services assessed uniformly to all enrolled students. Each board may also establish special purpose fees, service charges, and fines as required; such special purpose fees and service charges shall be for services or benefits furnished individual students or specific categories of students and shall not be applied uniformly to all enrolled students. A tuition surcharge shall be paid by all students who are not residents of Ohio.



Boards of trustees of individual state-assisted universities 45015  
shall limit combined university main campus in-state undergraduate 45016  
instructional and general fee increases for the academic year 45017  
2001-2002 over the amounts charged in the prior academic year to 45018  
no more than six per cent. The boards of trustees of individual 45019  
state-assisted universities shall not authorize combined 45020  
university main campus in-state undergraduate instructional and 45021  
general fee increases for the academic year 2001-2002 of more than 45022  
four per cent in a single vote. These fee increase limitations 45023  
apply even if an institutional board of trustees has, prior to the 45024  
effective date of this section, voted to assess a higher fee for 45025  
the 2001-2002 academic year. These limitations shall not apply to 45026  
increases required to comply with institutional covenants related 45027  
to their obligations or to meet unfunded legal mandates or legally 45028  
binding obligations incurred or commitments made prior to the 45029  
effective date of this section with respect to which the 45030  
institution had identified such fee increases as the source of 45031  
funds. Any increase required by such covenants and any such 45032  
mandates, obligations, or commitments shall be reported by the 45033  
Board of Regents to the Controlling Board. These limitations may 45034  
also be modified by the Board of Regents, with the approval of the 45035  
Controlling Board, to respond to exceptional circumstances as 45036  
identified by the Board of Regents. 45037

The board of trustees of a state-assisted institution of 45038  
higher education shall not authorize a waiver or nonpayment of 45039  
instructional fees or general fees for any particular student or 45040  
any class of students other than waivers specifically authorized 45041  
by law or approved by the Chancellor. This prohibition is not 45042  
intended to limit the authority of boards of trustees to provide 45043  
for payments to students for services rendered the institution, 45044  
nor to prohibit the budgeting of income for staff benefits or for 45045  
student assistance in the form of payment of such instructional 45046

and general fees.

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Each state-assisted institution of higher education in its statement of charges to students shall separately identify the instructional fee, the general fee, the tuition charge, and the tuition surcharge. Fee charges to students for instruction shall not be considered to be a price of service but shall be considered to be an integral part of the state government financing program in support of higher educational opportunity for students.

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In providing the appropriations in support of instructional services at state-assisted institutions of higher education and the appropriations for other instruction it is the intent of the General Assembly that faculty members shall devote a proper and judicious part of their work week to the actual instruction of students. Total class credit hours of production per quarter per full-time faculty member is expected to meet the standards set forth in the budget data submitted by the Board of Regents.

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The authority of government vested by law in the boards of trustees of state-assisted institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees in other areas of responsibility shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest, in contrast to any institutional or special interest, shall be served.

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OSU LIMITED TUITION CAP EXEMPTION 45079

In addition to the six per cent main campus in-state 45080  
undergraduate instructional and general fee increase limit 45081  
established in this section, the board of trustees of The Ohio 45082  
State University may authorize an additional university main 45083  
campus in-state undergraduate instructional and general fee 45084  
increase for academic year 2002 over the amounts charged in the 45085  
prior academic years of no more than a \$4 per credit hour per 45086  
quarter increase, or \$144 for a full-time student for an academic 45087  
year. 45088

The amount of this increase above the six per cent main 45089  
campus in-state undergraduate instructional and graduate fee 45090  
increase limit established in this section shall be used 45091  
exclusively to enhance undergraduate education. Areas of 45092  
enhancement shall include increased financial aid for 45093  
undergraduate students and improvements in academic programming 45094  
and support services for undergraduate students pursuant to a plan 45095  
approved by the board of trustees of The Ohio State University. 45096  
The Ohio State University shall ensure that the additional 45097  
increases above the six per cent main campus in-state 45098  
undergraduate instructional and general fee increase limit do not 45099  
limit access to academically qualified financial aid-eligible 45100  
students. 45101

By December 30, 2002, The Ohio State University shall provide 45102  
a report to the Board of Regents that indicates how the additional 45103  
funds have been utilized to enhance undergraduate education during 45104  
that period. 45105

**Section 92.04.** MEDICAL SCHOOL SUBSIDIES 45106

The foregoing appropriation item 235-515, Case Western 45107  
Reserve University School of Medicine, shall be disbursed to Case 45108  
Western Reserve University through the Board of Regents in 45109

accordance with agreements entered into as provided for by section 45110  
3333.10 of the Revised Code, provided that the state support per 45111  
full-time medical student shall not exceed that provided to 45112  
full-time medical students at state universities. 45113

The foregoing appropriation items 235-536, Ohio State 45114  
University Clinical Teaching; 235-537, University of Cincinnati 45115  
Clinical Teaching; 235-538, Medical College of Ohio at Toledo 45116  
Clinical Teaching; 235-539, Wright State University Clinical 45117  
Teaching; 235-540, Ohio University Clinical Teaching; and 235-541, 45118  
Northeastern Ohio Universities College of Medicine Clinical 45119  
Teaching, shall be distributed through the Board of Regents. 45120

The foregoing appropriation item 235-572, Ohio State 45121  
University Clinic Support, shall be distributed through the Board 45122  
of Regents to The Ohio State University for support of dental and 45123  
veterinary medicine clinics. 45124

The Board of Regents shall develop plans consistent with 45125  
existing criteria and guidelines as may be required for the 45126  
distribution of appropriation items 235-519, Family Practice, 45127  
235-525, Geriatric Medicine, and 235-526, Primary Care 45128  
Residencies. 45129

Of the foregoing appropriation item 235-539, Wright State 45130  
University Clinical Teaching, \$160,000 in each fiscal year shall 45131  
be for the use of Wright State University's Ellis Institute for 45132  
Clinical Teaching Studies to operate the clinical facility to 45133  
serve the Greater Dayton area. 45134

PERFORMANCE STANDARDS FOR MEDICAL EDUCATION 45135

The Board of Regents, in consultation with the state-assisted 45136  
medical colleges, shall develop performance standards for medical 45137  
education. Special emphasis in the standards shall be placed on 45138  
attempting to ensure that at least 50 per cent of the aggregate 45139  
number of students enrolled in state-assisted medical colleges 45140

continue to enter residency as primary care physicians. Primary  
care physicians are general family practice physicians, general  
internal medicine practitioners, and general pediatric care  
physicians. The Board of Regents shall monitor medical school  
performance in relation to their plans for reaching the 50 per  
cent systemwide standard for primary care physicians.

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.

**AREA HEALTH EDUCATION CENTERS**

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.

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.

**Section 92.05. MIDWEST HIGHER EDUCATION COMPACT**

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. 45172  
45173  
45174

COLLEGE READINESS INITIATIVES 45175

Appropriation item 235-404, College Readiness Initiatives, shall be used by the Board of Regents to support programs designed to improve the ability of high school students to enroll and succeed in higher education. 45176  
45177  
45178  
45179

MATHEMATICS AND SCIENCE TEACHING IMPROVEMENT 45180

Appropriation item 235-403, Math/Science Teaching Improvement, shall be used by the Board of Regents to support programs designed to raise the quality of mathematics and science teaching in primary and secondary education. 45181  
45182  
45183  
45184

OHIO LEARNING NETWORK 45185

Appropriation item 235-417, Ohio Learning Network, shall be used by the Board of Regents to support the continued implementation of the Ohio Learning Network, a statewide electronic collaborative effort designed to promote degree completion of students, workforce training of employees, and professional development through the use of advanced telecommunications and distance education initiatives. 45186  
45187  
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45192

DISPLACED HOMEOWNERS 45193

Out of the foregoing appropriation item 235-509, Displaced Homemakers, the Board of Regents shall continue funding pilot projects authorized in Am. Sub. H.B. No. 291 of the 115th General Assembly for the following centers: Cuyahoga Community College, University of Toledo, Southern State Community College, and Stark Technical College. The amount of \$30,000 in each fiscal year shall be used for the Baldwin-Wallace Single Parents Reaching Out for Unassisted Tomorrows program. 45194  
45195  
45196  
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OHIO AEROSPACE INSTITUTE 45202

The foregoing appropriation item 235-527, Ohio Aerospace 45203  
Institute, shall be distributed by the Board of Regents under 45204  
section 3333.042 of the Revised Code. 45205

PRODUCTIVITY IMPROVEMENT CHALLENGE 45206

The foregoing appropriation item 235-455, Productivity 45207  
Improvement Challenge, shall be allocated by the Board of Regents 45208  
to continue increasing the capabilities of the EnterpriseOhio 45209  
Network to meet the ongoing training needs of Ohio employers. 45210  
Funds shall support multicampus collaboration, best practice 45211  
dissemination, and capacity building projects. The Regents 45212  
Advisory Committee for Workforce Development, in its advisory 45213  
role, shall advise in the development of plans and activities. 45214

Of the foregoing appropriation item 235-455, Productivity 45215  
Improvement Challenge, \$208,000 in each fiscal year shall be used 45216  
by the Dayton Business/Sinclair College Jobs Profiling Program. 45217

ACCESS IMPROVEMENT PROJECTS 45218

The foregoing appropriation item 235-477, Access Improvement 45219  
Projects, shall be used by the Board of Regents to develop 45220  
innovative statewide strategies to increase student access and 45221  
retention for specialized populations, and to provide for pilot 45222  
projects that will contribute to improving access to higher 45223  
education by specialized populations. The funds may be used for 45224  
projects that improve access for nonpublic secondary students. 45225

Of the foregoing appropriation item 235-477, Access 45226  
Improvement Projects, \$740,000 in each fiscal year shall be 45227  
distributed to the Appalachian Center for Higher Education at 45228  
Shawnee State University. The board of directors of the center 45229  
shall consist of the presidents of Shawnee State University, Ohio 45230  
University, Belmont Technical College, Hocking Technical College, 45231  
Jefferson Community College, Muskingum Area Technical College, Rio 45232

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.

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.

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.

OHIO SUPERCOMPUTER CENTER 45247

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.

OHIO ACADEMIC RESOURCES NETWORK (OARNET) 45258

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.



**Section 92.06.** PLEDGE OF FEES\* 45264

Any new pledge of fees, or new agreement for adjustment of 45265  
fees, made in the 2001-2003 biennium to secure bonds or notes of a 45266  
state-assisted institution of higher education for a project for 45267  
which bonds or notes were not outstanding on the effective date of 45268  
this section shall be effective only after approval by the Board 45269  
of Regents, unless approved in a previous biennium. 45270

HIGHER EDUCATION GENERAL OBLIGATION DEBT SERVICE 45271

The foregoing appropriation item 235-909, Higher Education 45272  
General Obligation Debt Service, shall be used to pay all debt 45273  
service and financing costs at the times they are required to be 45274  
made pursuant to sections 151.01 and 151.04 of the Revised Code 45275  
during the period from July 1, 2001, to June 30, 2003. The Office 45276  
of the Sinking Fund or the Director of Budget and Management shall 45277  
effectuate the required payments by an interstate transfer 45278  
voucher. 45279

LEASE RENTAL PAYMENTS 45280

The foregoing appropriation item 235-401, Lease Rental 45281  
Payments, shall be used to meet all payments at the times they are 45282  
required to be made during the period from July 1, 2001, to June 45283  
30, 2003, by the Board of Regents pursuant to leases and 45284  
agreements made under section 154.21 of the Revised Code, but 45285  
limited to the aggregate amount of \$563,969,000. Nothing in this 45286  
act shall be deemed to contravene the obligation of the state to 45287  
pay, without necessity for further appropriation, from the sources 45288  
pledged thereto, the bond service charges on obligations issued 45289  
pursuant to section 154.21 of the Revised Code. 45290

**Section 92.07.** OHIO INSTRUCTIONAL GRANTS 45291

Notwithstanding section 3333.12 of the Revised Code, in lieu 45292

of the tables in that section, instructional grants for all 45293  
full-time students shall be made for fiscal year 2002 using the 45294  
tables under this heading. 45295

The tables under this heading prescribe the maximum grant 45296  
amounts covering two semesters, three quarters, or a comparable 45297  
portion of one academic year. The grant amount for a full-time 45298  
student enrolled in an eligible institution for a semester or 45299  
quarter in addition to the portion of the academic year covered by 45300  
a grant determined under these tables shall be a percentage of the 45301  
maximum prescribed in the applicable table. The maximum grant for 45302  
a fourth quarter shall be one-third of the maximum amount 45303  
prescribed under the table. The maximum grant for a third semester 45304  
shall be one-half of the maximum amount prescribed under the 45305  
table. 45306

For a full-time student who is a dependent and enrolled in a 45307  
nonprofit educational institution that is not a state-assisted 45308  
institution and that has a certificate of authorization issued 45309  
pursuant to Chapter 1713. of the Revised Code, the amount of the 45310  
instructional grant for two semesters, three quarters, or a 45311  
comparable portion of the academic year shall be determined in 45312  
accordance with the following table: 45313

	Private Institution					45314
	Table of Grants					45315
	Maximum Grant \$5,160					45316
Gross Income	Number of Dependents					45317
	1	2	3	4	5 or more	45318
Under \$14,000	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160	45319
\$14,001 - \$15,000	4,644	5,160	5,160	5,160	5,160	45320
\$15,001 - \$16,000	4,116	4,644	5,160	5,160	5,160	45321
\$16,001 - \$17,000	3,612	4,116	4,644	5,160	5,160	45322
\$17,001 - \$18,000	3,102	3,612	4,116	4,644	5,160	45323

\$18,001 - \$21,000	2,586	3,102	3,612	4,116	4,644	45324
\$21,001 - \$24,000	2,058	2,586	3,102	3,612	4,116	45325
\$24,001 - \$27,000	1,536	2,058	2,586	3,102	3,612	45326
\$27,001 - \$30,000	1,272	1,536	2,058	2,586	3,102	45327
\$30,001 - \$31,000	1,020	1,272	1,536	2,058	2,586	45328
\$31,001 - \$32,000	930	1,020	1,272	1,536	2,058	45329
\$32,001 - \$33,000	840	930	1,020	1,272	1,536	45330
\$33,001 - \$34,000	420	840	930	1,020	1,272	45331
\$34,001 - \$35,000	--	420	840	930	1,020	45332
\$35,001 - \$36,000	--	--	420	840	930	45333
\$36,001 - \$37,000	--	--	--	420	840	45334
\$37,001 - \$38,000	--	--	--	--	420	45335

For a full-time student who is financially independent and 45336  
enrolled in a nonprofit educational institution that is not a 45337  
state-assisted institution and that has a certificate of 45338  
authorization issued pursuant to Chapter 1713. of the Revised 45339  
Code, the amount of the instructional grant for two semesters, 45340  
three quarters, or a comparable portion of the academic year shall 45341  
be determined in accordance with the following table: 45342

Private Institution 45343

Table of Grants 45344

Maximum Grant \$5,160 45345

Gross Income Number of Dependents 45346

	0	1	2	3	4	5 or more	45347
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Under \$4,500	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160	45348
\$4,501 - \$5,000	4,644	5,160	5,160	5,160	5,160	5,160	45349
\$5,001 - \$5,500	4,116	4,644	5,160	5,160	5,160	5,160	45350
\$5,501 - \$6,000	3,612	4,116	4,644	5,160	5,160	5,160	45351
\$6,001 - \$6,500	3,102	3,612	4,116	4,644	5,160	5,160	45352
\$6,501 - \$7,000	2,586	3,102	3,612	4,116	4,644	5,160	45353
\$7,001 - \$8,000	2,058	2,586	3,102	3,612	4,116	4,644	45354
\$8,001 - \$9,000	1,536	2,058	2,586	3,102	3,612	4,116	45355

\$9,001 - \$10,000	1,272	1,536	2,058	2,586	3,102	3,612	45356
\$10,001 - \$11,500	1,020	1,272	1,536	2,058	2,586	3,102	45357
\$11,501 - \$13,000	930	1,020	1,272	1,536	2,058	2,586	45358
\$13,001 - \$14,500	840	930	1,020	1,272	1,536	2,058	45359
\$14,501 - \$16,000	420	840	930	1,020	1,272	1,536	45360
\$16,001 - \$19,000	--	420	840	930	1,020	1,272	45361
\$19,001 - \$22,000	--	--	420	840	930	1,020	45362
\$22,001 - \$25,000	--	--	--	420	840	930	45363
\$25,001 - \$30,000	--	--	--	--	420	840	45364
\$30,001 - \$35,000	--	--	--	--	--	420	45365

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	45377
\$14,001 - \$15,000	3,948	4,374	4,374	4,374	4,374	45378
\$15,001 - \$16,000	3,480	3,948	4,374	4,374	4,374	45379
\$16,001 - \$17,000	3,042	3,480	3,948	4,374	4,374	45380
\$17,001 - \$18,000	2,634	3,042	3,480	3,948	4,374	45381
\$18,001 - \$21,000	2,166	2,634	3,042	3,480	3,948	45382
\$21,001 - \$24,000	1,752	2,166	2,634	3,042	3,480	45383
\$24,001 - \$27,000	1,338	1,752	2,166	2,634	3,042	45384
\$27,001 - \$30,000	1,074	1,338	1,752	2,166	2,634	45385
\$30,001 - \$31,000	858	1,074	1,338	1,752	2,166	45386
\$31,001 - \$32,000	804	858	1,074	1,338	1,752	45387

\$32,001 - \$33,000	708	804	858	1,074	1,338	45388
\$33,001 - \$34,000	354	708	804	858	1,074	45389
\$34,001 - \$35,000	--	354	708	804	858	45390
\$35,001 - \$36,000	--	--	354	708	804	45391
\$36,001 - \$37,000	--	--	--	354	708	45392
\$37,001 - \$38,000	--	--	--	--	354	45393

For a full-time student who is financially independent and 45394  
enrolled in an educational institution that holds a certificate of 45395  
registration from the state board of proprietary school 45396  
registration, the amount of the instructional grant for two 45397  
semesters, three quarters, or a comparable portion of the academic 45398  
year shall be determined in accordance with the following table: 45399

Proprietary Institution 45400

Table of Grants 45401

Maximum Grant \$4,374 45402

Gross Income Number of Dependents 45403

	0	1	2	3	4	5 or more	
Under \$4,500	\$4,374	\$4,374	\$4,374	\$4,374	\$4,374	\$4,374	45404
\$4,501 - \$5,000	3,948	4,374	4,374	4,374	4,374	4,374	45405
\$5,001 - \$5,500	3,480	3,948	4,374	4,374	4,374	4,374	45406
\$5,501 - \$6,000	3,042	3,480	3,948	4,374	4,374	4,374	45407
\$6,001 - \$6,500	2,634	3,042	3,480	3,948	4,374	4,374	45408
\$6,501 - \$7,000	2,166	2,634	3,042	3,480	3,948	4,374	45409
\$7,001 - \$8,000	1,752	2,166	2,634	3,042	3,480	3,948	45410
\$8,001 - \$9,000	1,338	1,752	2,166	2,634	3,042	3,480	45411
\$9,001 - \$10,000	1,074	1,338	1,752	2,166	2,634	3,042	45412
\$10,001 - \$11,500	858	1,074	1,338	1,752	2,166	2,634	45413
\$11,501 - \$13,000	804	858	1,074	1,338	1,752	2,166	45414
\$13,001 - \$14,500	708	804	858	1,074	1,338	1,752	45415
\$14,501 - \$16,000	354	708	804	858	1,074	1,338	45416
\$16,001 - \$19,000	--	354	708	804	858	1,074	45417
\$19,001 - \$22,000	--	--	354	708	804	858	45418

\$22,001 - \$25,000	--	--	--	354	708	804	45420
\$25,001 - \$30,000	--	--	--	--	354	708	45421
\$30,001 - \$35,000	--	--	--	--	--	354	45422

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:

Public Institution

Table of Grants

Maximum Grant \$2,070

Gross Income

Number of Dependents

	1	2	3	4	5 or more	
Under \$14,000	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	45433
\$14,001 - \$15,000	1,866	2,070	2,070	2,070	2,070	45434
\$15,001 - \$16,000	1,644	1,866	2,070	2,070	2,070	45435
\$16,001 - \$17,000	1,458	1,644	1,866	2,070	2,070	45436
\$17,001 - \$18,000	1,248	1,458	1,644	1,866	2,070	45437
\$18,001 - \$21,000	1,020	1,248	1,458	1,644	1,866	45438
\$21,001 - \$24,000	816	1,020	1,248	1,458	1,644	45439
\$24,001 - \$27,000	612	816	1,020	1,248	1,458	45440
\$27,001 - \$30,000	492	612	816	1,020	1,248	45441
\$30,001 - \$31,000	396	492	612	816	1,020	45442
\$31,001 - \$32,000	366	396	492	612	816	45443
\$32,001 - \$33,000	336	366	396	492	612	45444
\$33,001 - \$34,000	168	336	366	396	492	45445
\$34,001 - \$35,000	--	168	336	366	396	45446
\$35,001 - \$36,000	--	--	168	336	366	45447
\$36,001 - \$37,000	--	--	--	168	336	45448
\$37,001 - \$38,000	--	--	--	--	168	45449

For a full-time student who is financially independent and

enrolled in a state-assisted educational institution, the amount 45451  
of the instructional grant for two semesters, three quarters, or a 45452  
comparable portion of the academic year shall be determined in 45453  
accordance with the following table: 45454

Public Institution 45455

Table of Grants 45456

Maximum Grant \$2,070 45457

Gross Income Number of Dependents 45458

	Number of Dependents						5 or more	
	0	1	2	3	4			
Under \$4,500	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	45460
\$4,501 - \$5,000	1,866	2,070	2,070	2,070	2,070	2,070	2,070	45461
\$5,001 - \$5,500	1,644	1,866	2,070	2,070	2,070	2,070	2,070	45462
\$5,501 - \$6,000	1,458	1,644	1,866	2,070	2,070	2,070	2,070	45463
\$6,001 - \$6,500	1,248	1,458	1,644	1,866	2,070	2,070	2,070	45464
\$6,501 - \$7,000	1,020	1,248	1,458	1,644	1,866	2,070	2,070	45465
\$7,001 - \$8,000	816	1,020	1,248	1,458	1,644	1,866	1,866	45466
\$8,001 - \$9,000	612	816	1,020	1,248	1,458	1,644	1,644	45467
\$9,001 - \$10,000	492	612	816	1,020	1,248	1,458	1,458	45468
\$10,001 - \$11,500	396	492	612	816	1,020	1,248	1,248	45469
\$11,501 - \$13,000	366	396	492	612	816	1,020	1,020	45470
\$13,001 - \$14,500	336	366	396	492	612	816	816	45471
\$14,501 - \$16,000	168	336	366	396	492	612	612	45472
\$16,001 - \$19,000	--	168	336	366	396	492	492	45473
\$19,001 - \$22,000	--	--	168	336	366	396	396	45474
\$22,001 - \$25,000	--	--	--	168	336	366	366	45475
\$25,001 - \$30,000	--	--	--	--	168	336	336	45476
\$30,001 - \$35,000	--	--	--	--	--	168	168	45477

The foregoing appropriation item 235-503, Ohio Instructional 45478  
Grants, shall be used to make the payments authorized by division 45479  
(C) of section 3333.26 of the Revised Code to the institutions 45480  
described in that division. In addition, this appropriation shall 45481

be used to reimburse the institutions described in division (B) of 45482  
section 3333.26 of the Revised Code for the cost of the waivers 45483  
required by that division. 45484

WAR ORPHANS SCHOLARSHIPS 45485

The foregoing appropriation item 235-504, War Orphans 45486  
Scholarships, shall be used to reimburse state-assisted 45487  
institutions of higher education for waivers of instructional fees 45488  
and general fees provided by them, to provide grants to 45489  
institutions that have received a certificate of authorization 45490  
from the Ohio Board of Regents under Chapter 1713. of the Revised 45491  
Code, in accordance with the provisions of section 5910.04 of the 45492  
Revised Code, and to fund additional scholarship benefits provided 45493  
by section 5910.032 of the Revised Code. 45494

PART-TIME STUDENT INSTRUCTIONAL GRANTS 45495

The foregoing appropriation item 235-549, Part-time Student 45496  
Instructional Grants, shall be used to support a grant program for 45497  
part-time undergraduate students who are Ohio residents and who 45498  
are enrolled in degree granting programs. 45499

Eligibility for participation in the program shall include 45500  
degree granting educational institutions that hold a certificate 45501  
of registration from the State Board of Proprietary School 45502  
Registration, and nonprofit institutions that have a certificate 45503  
of authorization issued pursuant to Chapter 1713. of the Revised 45504  
Code, as well as state-assisted colleges and universities. Grants 45505  
shall be given to students on the basis of need, as determined by 45506  
the college, which, in making these determinations, shall give 45507  
special consideration to single-parent heads-of-household and 45508  
displaced homemakers who enroll in an educational degree program 45509  
that prepares the individual for a career. In determining need, 45510  
the college also shall consider the availability of educational 45511  
assistance from a student's employer. It is the intent of the 45512



General Assembly that these grants not supplant such assistance.	45513
<b>Section 92.08. STUDENT CHOICE GRANTS</b>	45514
The foregoing appropriation item 235-531, Student Choice	45515
Grants, shall be used to support the Student Choice Grant Program	45516
created by section 3333.27 of the Revised Code.	45517
<b>ACADEMIC SCHOLARSHIPS</b>	45518
The foregoing appropriation item 235-530, Academic	45519
Scholarships, shall be used to provide academic scholarships to	45520
students under section 3333.22 of the Revised Code. The annual	45521
scholarship amount awarded to any student who receives a	45522
scholarship for the 2001-2002 academic year shall be \$2,100, and	45523
the annual scholarship amount awarded to any student who receives	45524
a scholarship for the 2002-2003 academic year shall be \$2,205.	45525
<b>PHYSICIAN LOAN REPAYMENT</b>	45526
The foregoing appropriation item 235-604, Physician Loan	45527
Repayment, shall be used in accordance with sections 3702.71 to	45528
3702.81 of the Revised Code.	45529
<b>NURSING LOAN PROGRAM</b>	45530
The foregoing appropriation item 235-606, Nursing Loan	45531
Program, shall be used to administer the nurse education	45532
assistance program. Up to \$159,600 in fiscal year 2002 and	45533
\$167,580 in fiscal year 2003 may be used for operating expenses	45534
associated with the program. Any additional funds needed for the	45535
administration of the program are subject to Controlling Board	45536
approval.	45537
<b>Section 92.09. COOPERATIVE EXTENSION SERVICE</b>	45538
Of the foregoing appropriation item 235-511, Cooperative	45539
Extension Service, \$210,000 in each fiscal year shall be used for	45540

additional staffing for county agents for expanded 4-H activities. 45541  
Of the foregoing appropriation item 235-511, Cooperative Extension 45542  
Service, \$210,000 in each fiscal year shall be used by the 45543  
Cooperative Extension Service, through the Enterprise Center for 45544  
Economic Development in cooperation with other agencies, for a 45545  
public-private effort to create and operate a small business 45546  
economic development program to enhance the development of 45547  
alternatives to the growing of tobacco, and implement, through 45548  
applied research and demonstration, the production and marketing 45549  
of other high-value crops and value-added products. Of the 45550  
foregoing appropriation item 235-511, Cooperative Extension 45551  
Service, \$65,000 in each fiscal year shall be used for farm labor 45552  
mediation and education programs. Of the foregoing appropriation 45553  
item 235-511, Cooperative Extension Service, \$215,000 in each 45554  
fiscal year shall be used to support the Ohio State University 45555  
Marion Enterprise Center. 45556

Of the foregoing appropriation item 235-511, Cooperative 45557  
Extension Service, \$910,500 in each fiscal year shall be used to 45558  
support the Ohio Watersheds Initiative. 45559

OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER 45560

Of the foregoing appropriation item 235-535, Ohio 45561  
Agricultural Research and Development Center, \$950,000 in each 45562  
fiscal year shall be distributed to the Piketon Agricultural 45563  
Research and Extension Center. 45564

Of the foregoing appropriation item 235-535, Ohio 45565  
Agricultural Research and Development Center, \$250,000 in each 45566  
fiscal year shall be distributed to the 45567  
Raspberry/Strawberry-Ellagic Acid Research program at the Ohio 45568  
State University Medical College in cooperation with the Ohio 45569  
State University College of Agriculture. 45570

Of the foregoing appropriation item 235-535, Ohio 45571

Agricultural Research and Development Center, \$50,000 in each 45572  
fiscal year shall be used to support the Ohio Berry Administrator. 45573

Of the foregoing appropriation item 235-535, Ohio 45574  
Agricultural Research and Development Center, \$100,000 in each 45575  
fiscal year shall be used for the development of agricultural 45576  
crops and products not currently in widespread production in Ohio, 45577  
in order to increase the income and viability of family farmers. 45578

COOPERATIVE EXTENSION SERVICE AND OHIO AGRICULTURAL RESEARCH 45579  
AND DEVELOPMENT CENTER 45580

The foregoing appropriation items 235-511, Cooperative 45581  
Extension Service, and 235-535, Ohio Agricultural Research and 45582  
Development Center, shall be disbursed through the Board of 45583  
Regents to The Ohio State University in monthly payments, unless 45584  
otherwise determined by the Director of Budget and Management 45585  
pursuant to section 126.09 of the Revised Code. Of the foregoing 45586  
appropriation item 235-535, Ohio Agricultural Research and 45587  
Development Center, \$540,000 in each fiscal year shall be used to 45588  
purchase equipment. 45589

The Ohio Agricultural Research and Development Center shall 45590  
not be required to remit payment to The Ohio State University 45591  
during the 2001-2003 biennium for cost reallocation assessments. 45592  
The cost reallocation assessments include, but are not limited to, 45593  
any assessment on state appropriations to the center. 45594

**Section 92.10. SEA GRANTS** 45595

The foregoing appropriation item 235-402, Sea Grants, shall 45596  
be disbursed to The Ohio State University and shall be used to 45597  
conduct research on fish in Lake Erie. 45598

**INFORMATION SYSTEM** 45599

The foregoing appropriation item 235-409, Information System, 45600  
shall be used by the Board of Regents to operate the higher 45601

education information data system known as the Higher Education  
Information System. 45602  
45603

STUDENT SUPPORT SERVICES 45604

The foregoing appropriation item 235-502, Student Support  
Services, shall be distributed by the Board of Regents to Ohio's  
state-assisted colleges and universities that incur  
disproportionate costs in the provision of support services to  
disabled students. 45605  
45606  
45607  
45608  
45609

CENTRAL STATE SUPPLEMENT 45610

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. 45611  
45612  
45613  
45614  
45615  
45616

SHAWNEE STATE SUPPLEMENT 45617

The foregoing appropriation item 235-520, Shawnee State  
Supplement, shall be used by Shawnee State University as detailed  
by both of the following: 45618  
45619  
45620

(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; 45621  
45622  
45623  
45624

(B) To allow Shawnee State University to employ new faculty  
to develop and teach in new degree programs that meet the needs of  
Appalachians. 45625  
45626  
45627

POLICE AND FIRE PROTECTION 45628

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,  
45629  
45630  
45631

Portsmouth, Xenia Township (Greene County), and Rootstown 45632  
Township, which may be used to assist these local governments in 45633  
providing police and fire protection for the central campus of the 45634  
state-affiliated university located therein. Each participating 45635  
municipality and township shall receive at least five thousand 45636  
dollars per year. Funds shall be distributed by the Board of 45637  
Regents. 45638

SCHOOL OF INTERNATIONAL BUSINESS 45639

Of the foregoing appropriation item 235-547, School of 45640  
International Business, \$1,218,764 in each fiscal year shall be 45641  
used for the continued development and support of the School of 45642  
International Business of the state universities of northeast 45643  
Ohio. The money shall go to the University of Akron. These funds 45644  
shall be used by the university to establish a School of 45645  
International Business located at the University of Akron. It may 45646  
confer with Kent State University, Youngstown State University, 45647  
and Cleveland State University as to the curriculum and other 45648  
matters regarding the school. 45649

Of the foregoing appropriation item 235-547, School of 45650  
International Business, \$245,000 in each fiscal year shall be used 45651  
by the University of Toledo College of Business for expansion of 45652  
its international business programs. 45653

Of the foregoing appropriation item 235-547, School of 45654  
International Business, \$245,000 in each fiscal year shall be used 45655  
by to support the Ohio State University MUCIA program. 45656

CAPITAL COMPONENT 45657

The foregoing appropriation item 235-552, Capital Component, 45658  
shall be used by the Board of Regents to implement the capital 45659  
funding policy for state-assisted colleges and universities 45660  
established in Am. H.B. No. 748 of the 121st General Assembly. 45661  
Appropriations from this item shall be distributed to all campuses 45662

for which the estimated campus debt service attributable to new 45663  
qualifying capital projects is less than the campus's 45664  
formula-determined capital component allocation. Campus 45665  
allocations shall be determined by subtracting the estimated 45666  
campus debt service attributable to new qualifying capital 45667  
projects from the campus formula-determined capital component 45668  
allocation. Moneys distributed from this appropriation item shall 45669  
be restricted to capital-related purposes. 45670

DAYTON AREA GRADUATE STUDIES INSTITUTE 45671

The foregoing appropriation item 235-553, Dayton Area 45672  
Graduate Studies Institute, shall be used by the Board of Regents 45673  
to support the Dayton Area Graduate Studies Institute, an 45674  
engineering graduate consortium of three universities in the 45675  
Dayton area: Wright State University, the University of Dayton, 45676  
and the Air Force Institute of Technology, with the participation 45677  
of the University of Cincinnati and The Ohio State University. 45678

LONG-TERM CARE RESEARCH 45679

The foregoing appropriation item 235-558, Long-term Care 45680  
Research, shall be disbursed to Miami University for long-term 45681  
care research. 45682

BOWLING GREEN STATE UNIVERSITY CANADIAN STUDIES CENTER 45683

The foregoing appropriation item 235-561, Bowling Green State 45684  
University Canadian Studies Center, shall be used by the Canadian 45685  
Studies Center at Bowling Green State University to study 45686  
opportunities for Ohio and Ohio businesses to benefit from the 45687  
Free Trade Agreement between the United States and Canada. 45688

URBAN UNIVERSITY PROGRAMS 45689

Of the foregoing appropriation item 235-583, Urban University 45690  
Programs, universities receiving funds that are used to support an 45691  
ongoing university unit shall certify periodically in a manner 45692

approved by the Board of Regents that program funds are being 45693  
matched on a one-to-one basis with equivalent resources. Overhead 45694  
support may not be used to meet this requirement. Where Urban 45695  
University Program funds are being used to support an ongoing 45696  
university unit, matching funds must come from continuing rather 45697  
than one-time sources. At each participating state-assisted 45698  
institution of higher education, matching funds must be within the 45699  
substantial control of the individual designated by the 45700  
institution's president as the Urban University Program 45701  
representative. 45702

Of the foregoing appropriation item 235-583, Urban University 45703  
Programs, \$372,400 in each fiscal year shall be used to support a 45704  
public communication outreach program (WCPN). The primary purpose 45705  
of the program shall be to develop a relationship between 45706  
Cleveland State University and nonprofit communications entities. 45707

Of the foregoing appropriation item 235-583, Urban University 45708  
Programs, \$176,400 in each fiscal year shall be used to support 45709  
the Center for the Interdisciplinary Study of Education and the 45710  
Urban Child at Cleveland State University. These funds shall be 45711  
distributed according to rules adopted by the Board of Regents and 45712  
shall be used by the center for interdisciplinary activities 45713  
targeted toward increasing the chance of lifetime success of the 45714  
urban child, including interventions beginning with the prenatal 45715  
period. The primary purpose of the center is to study issues in 45716  
urban education and to systematically map directions for new 45717  
approaches and new solutions by bringing together a cadre of 45718  
researchers, scholars, and professionals representing the social, 45719  
behavioral, education, and health disciplines. 45720

Of the foregoing appropriation item 235-583, Urban University 45721  
Programs, \$254,800 in each fiscal year shall be used to support 45722  
the Kent State University Learning and Technology Project. This 45723  
project is a kindergarten through university collaboration between 45724

schools surrounding Kent's eight campuses in northeast Ohio, and 45725  
corporate partners who will assist in development and delivery. 45726

The Kent State University Project shall provide a faculty 45727  
member who has a full-time role in the development of 45728  
collaborative activities and teacher instructional programming 45729  
between Kent and the K-12th grade schools that surround its eight 45730  
campuses; appropriate student support staff to facilitate these 45731  
programs and joint activities; and hardware and software to 45732  
schools that will make possible the delivery of instruction to 45733  
pre-service and in-service teachers, and their students, in their 45734  
own classrooms or school buildings. This shall involve the 45735  
delivery of low-bandwidth streaming video and web-based 45736  
technologies in a distributed instructional model. 45737

Of the foregoing appropriation item 235-583, Urban University 45738  
Programs, \$98,000 in each fiscal year shall be used to support the 45739  
Ameritech Classroom/Center for Research at Kent State University. 45740

Of the foregoing appropriation item 235-583, Urban University 45741  
Programs, \$980,000 in each fiscal year shall be used to support 45742  
the Polymer Distance Learning Project at the University of Akron. 45743

Of the foregoing appropriation item 235-583, Urban University 45744  
Programs, \$49,000 in each fiscal year shall be distributed to the 45745  
Kent State University/Cleveland Design Center program. 45746

Of the foregoing appropriation item 235-583, Urban University 45747  
Programs, \$245,000 in each fiscal year shall be used to support 45748  
the Bliss Institute of Applied Politics at the University of 45749  
Akron. 45750

Of the foregoing appropriation item 235-583, Urban University 45751  
Programs, \$14,700 in each fiscal year shall be used for the 45752  
Advancing-Up Program at the University of Akron. 45753

Of the foregoing appropriation item 235-583, Urban University 45754  
Programs, in each fiscal year \$2,156,629 shall be distributed by 45755



the Board of Regents to Cleveland State University in support of 45756  
the Maxine Goodman Levin College of Urban Affairs. 45757

Of the foregoing appropriation item 235-583, Urban University 45758  
Programs, in each fiscal year \$2,156,630 shall be distributed to 45759  
the Northeast Ohio Research Consortium, the Urban Linkages 45760  
Program, and the Urban Research Technical Assistance Grant 45761  
Program. The distribution among the three programs shall be 45762  
determined by the chair of the Urban University Program. 45763

INTERNATIONAL CENTER FOR WATER RESOURCES DEVELOPMENT 45764

The foregoing appropriation item 235-595, International 45765  
Center for Water Resources Development, shall be used to support 45766  
the International Center for Water Resources Development at 45767  
Central State University. The center shall develop methods to 45768  
improve the management of water resources for Ohio and for 45769  
emerging nations. 45770

RURAL UNIVERSITY PROJECTS 45771

Of the foregoing appropriation item 235-587, Rural University 45772  
Projects, Bowling Green State University shall receive \$212,072 in 45773  
each fiscal year, Miami University shall receive \$324,503 in each 45774  
fiscal year, and Ohio University shall receive \$740,977 in each 45775  
fiscal year. These funds shall be used to support the Institute 45776  
for Local Government Administration and Rural Development at Ohio 45777  
University, the Center for Public Management and Regional Affairs 45778  
at Miami University, and the Center for Policy Analysis and Public 45779  
Service at Bowling Green State University. 45780

Of the foregoing appropriation item 235-587, Rural University 45781  
Projects, \$24,500 in each fiscal year shall be used to support the 45782  
Washington State Community College day care center. 45783

Of the foregoing appropriation item 235-587, Rural University 45784  
Projects, \$73,500 in each fiscal year shall be used to support the 45785  
COAD/ILGARD/GOA Appalachian Leadership Initiative. 45786

A small portion of the funds provided to Ohio University 45787  
shall also be used for the Institute for Local Government 45788  
Administration and Rural Development State and Rural Policy 45789  
Partnership with the Governor's Office of Appalachia and the 45790  
Appalachian delegation of the General Assembly. 45791

OHIO RESOURCE CENTER FOR MATHEMATICS, SCIENCE, AND READING 45792

The foregoing appropriation item 235-588, Ohio Resource 45793  
Center for Mathematics, Science, and Reading, shall be used to 45794  
support a resource center for mathematics, science, and reading to 45795  
be located at a state-assisted university for the purpose of 45796  
identifying best educational practices in primary and secondary 45797  
schools and establishing methods for communicating them to 45798  
colleges of education and school districts. 45799

HAZARDOUS MATERIALS PROGRAM 45800

The foregoing appropriation item 235-596, Hazardous Materials 45801  
Program, shall be disbursed to Cleveland State University for the 45802  
operation of a program to certify firefighters for the handling of 45803  
hazardous materials. Training shall be available to all Ohio 45804  
firefighters. 45805

NATIONAL GUARD SCHOLARSHIP PROGRAM 45806

The Board of Regents shall disburse funds from appropriation 45807  
item 235-599, National Guard Scholarship Program, at the direction 45808  
of the Adjutant General. 45809

OHIO HIGHER EDUCATIONAL FACILITY COMMISSION SUPPORT 45810

The foregoing appropriation item 235-602, HEFC 45811  
Administration, shall be used by the Board of Regents for 45812  
operating expenses related to the Board of Regents' support of the 45813  
activities of the Ohio Higher Educational Facility Commission. 45814  
Upon the request of the chancellor, the Director of Budget and 45815  
Management shall transfer up to \$12,000 cash from Fund 461 to Fund 45816

4E8 in each fiscal year of the biennium. 45817

**Section 92.11. BREAKTHROUGH INVESTMENTS** 45818

**OHIO PLAN STUDY COMMITTEE** 45819

There is established the Ohio Plan Study Committee, which 45820  
shall determine appropriate ways to fund the Ohio Plan for 45821  
Technology and Development. The Study Committee shall consist of 45822  
the Director of Budget and Management, the Chancellor of the Board 45823  
of Regents, three members of the House of Representatives 45824  
appointed by the Speaker, of whom no more than two shall be of the 45825  
same political party, and three members of the Senate appointed by 45826  
the President, of whom no more than two shall be of the same 45827  
political party. Administrative support for the Study Committee 45828  
shall be provided by the Board of Regents. The Study Committee 45829  
shall report its recommendations to the Governor and the General 45830  
Assembly no later than December 31, 2001. After it submits its 45831  
report, the Study Committee shall cease to exist. The Ohio Plan 45832  
for Technology and Development is intended to promote 45833  
collaborative efforts among state government, higher education, 45834  
and business and industry that will lead to the development of New 45835  
Economy applications of science and technology and, ultimately, 45836  
new business start-ups in the state and increased economic 45837  
prosperity for the citizens of Ohio. 45838

**APPALACHIAN NEW ECONOMY PARTNERSHIP** 45839

The foregoing appropriation item 235-428, Appalachian New 45840  
Economy Partnership, shall be used by the Board of Regents to 45841  
begin a multicampus and multiagency coordinated effort to link 45842  
Appalachia to the new economy. Funds shall be distributed to Ohio 45843  
University to provide leadership in the development and 45844  
implementation of initiatives in the areas of entrepreneurship, 45845  
technology, education, and management. 45846

**Section 92.12.** REPAYMENT OF RESEARCH FACILITY INVESTMENT FUND 45847  
MONEYS 45848

Notwithstanding any provision of law to the contrary, all 45849  
repayments of Research Facility Investment Fund loans shall be 45850  
made to the Bond Service Trust Fund. All Research Facility 45851  
Investment Fund loan repayments made prior to the effective date 45852  
of this section shall be transferred by the Director of Budget and 45853  
Management to the Bond Service Trust Fund within sixty days of the 45854  
effective date of this section. 45855

Campuses shall make timely repayments of Research Facility 45856  
Investment Fund loans, according to the schedule established by 45857  
the Board of Regents. In the case of late payments, the Board of 45858  
Regents may deduct from an institution's periodic subsidy 45859  
distribution an amount equal to the amount of the overdue payment 45860  
for that institution, transfer such amount to the Bond Service 45861  
Trust Fund, and credit the appropriate institution for the 45862  
repayment. 45863

VETERANS' PREFERENCES 45864

The Board of Regents shall work with the Governor's Office of 45865  
Veterans' Affairs to develop specific veterans' preference 45866  
guidelines for higher education institutions. These guidelines 45867  
shall ensure that the institutions' hiring practices are in 45868  
accordance with the intent of Ohio's veterans' preference laws. 45869

**Section 92.13.** CENTRAL STATE UNIVERSITY 45870

(A) Notwithstanding sections 3345.72, 3345.74, 3345.75, and 45871  
3345.76 of the Revised Code and rule 126:3-1-01 of the 45872  
Administrative Code, Central State University shall adhere to the 45873  
following fiscal standards: 45874

(1) Maintenance of a balanced budget and filing of quarterly 45875

reports on an annualized budget with the Board of Regents, 45876  
comparing the budget to actual spending and revenues with 45877  
projected expenditures and revenues for the remainder of the year. 45878  
Such reports shall include narrative explanations as appropriate 45879  
and be filed within 30 days of the end of the quarter. 45880

(2) Timely and accurate assessment of the current and 45881  
projected cash flow of university funds, by fund type; 45882

(3) Timely reconciliation of all university cash and general 45883  
ledger accounts, by fund; 45884

(4) Submission to the Auditor of State of financial 45885  
statements consistent with audit requirements prescribed by the 45886  
Auditor of State within four months after the end of the fiscal 45887  
year; 45888

(5) Completion of an audit within six months after the end of 45889  
the fiscal year. 45890

The Director of Budget and Management shall provide 45891  
clarification to the university on these fiscal standards as 45892  
deemed necessary. The director also may take such actions as are 45893  
necessary to ensure that the university adheres to these standards 45894  
and other fiscal standards consistent with generally accepted 45895  
accounting principles and the requirements of external entities 45896  
providing funding to the university. Such actions may include the 45897  
appointment of a financial consultant to assist Central State 45898  
University in the continuous process of design and implementation 45899  
of responsible systems of financial management and accounting. 45900

(B) The director's fiscal oversight shall continue until such 45901  
time as the university meets the same criteria as those created in 45902  
paragraph (F) of rule 126:3-1-01 of the Administrative Code for 45903  
the termination of a fiscal watch. At that time Central State 45904  
University shall be relieved of the requirements of this section 45905  
and subject to the requirements of sections 3345.72, 3345.74, 45906

3345.75, and 3345.76 of the Revised Code.				45907	
Any encumbered funds remaining from appropriation item				45908	
042-407, Central State Deficit, as appropriated in Am. Sub. S.B. 6				45909	
of the 122nd General Assembly shall be released during the				45910	
2001-2003 biennium for nonrecurring expenses contingent upon the				45911	
approval of the Director of Budget and Management.				45912	
<b>Section 93. DRC DEPARTMENT OF REHABILITATION AND</b>				45913	
<b>CORRECTION</b>				45914	
General Revenue Fund				45915	
GRF 501-321 Institutional	\$	803,742,214	\$	845,948,431	45916
Operations					
GRF 501-403 Prisoner Compensation	\$	8,837,616	\$	8,837,616	45917
GRF 501-405 Halfway House	\$	36,873,018	\$	36,873,018	45918
GRF 501-406 Lease Rental Payments	\$	147,288,300	\$	151,594,300	45919
GRF 501-407 Community	\$	15,150,792	\$	15,150,792	45920
Nonresidential					
Programs					
GRF 501-408 Community Misdemeanor	\$	7,942,211	\$	7,942,211	45921
Programs					
GRF 501-501 Community Residential	\$	51,215,353	\$	54,815,353	45922
Programs - CBCF					45923
GRF 502-321 Mental Health Services	\$	74,444,329	\$	78,261,520	45924
GRF 503-321 Parole and Community	\$	73,332,328	\$	78,711,552	45925
Operations					
GRF 504-321 Administrative	\$	27,673,600	\$	27,465,740	45926
Operations					
GRF 505-321 Institution Medical	\$	132,610,379	\$	138,122,584	45927
Services					
GRF 506-321 Institution Education	\$	22,858,645	\$	23,917,493	45928
Services					
GRF 507-321 Institution Recovery	\$	6,642,352	\$	6,951,387	45929

Services			
TOTAL GRF General Revenue Fund	\$ 1,408,611,137	\$ 1,474,591,997	45930
			45931
General Services Fund Group			45932
4B0 501-601 Penitentiary Sewer	\$ 1,535,919	\$ 1,614,079	45933
Treatment Facility			
Services			
4D4 501-603 Prisoner Programs	\$ 21,872,497	\$ 23,135,230	45934
4L4 501-604 Transitional Control	\$ 401,772	\$ 417,032	45935
4S5 501-608 Education Services	\$ 3,727,680	\$ 3,894,150	45936
483 501-605 Property Receipts	\$ 361,230	\$ 373,628	45937
5H8 501-617 Offender Financial	\$ 435,000	\$ 440,000	45938
Responsibility			
5L6 501-611 Information Technology	\$ 5,474,800	\$ 3,561,670	45939
Services			
571 501-606 Training Academy	\$ 71,567	\$ 71,567	45940
Receipts			
593 501-618 Laboratory Services	\$ 4,277,711	\$ 4,469,231	45941
TOTAL GSF General Services Fund	\$ 38,158,176	\$ 37,976,587	45942
Group			
Federal Special Revenue Fund Group			45943
3S1 501-615 Truth-In-Sentencing	\$ 22,906,042	\$ 23,432,796	45944
Grants			
323 501-619 Federal Grants	\$ 10,246,790	\$ 10,246,790	45945
TOTAL FED Federal Special Revenue			45946
Fund Group	\$ 33,152,832	\$ 33,679,586	45947
Intragovernmental Service Fund Group			45948
148 501-602 Services and	\$ 95,102,123	\$ 98,634,008	45949
Agricultural			
200 501-607 Ohio Penal Industries	\$ 43,131,254	\$ 44,425,724	45950
TOTAL ISF Intragovernmental			45951
Service Fund Group	\$ 138,233,377	\$ 143,059,732	45952





under Chapter 152. of the Revised Code in the amount of 45985  
\$298,882,600, which are the source of funds pledged for bond 45986  
service charges on related obligations issued pursuant to Chapter 45987  
152. of the Revised Code. 45988

PRISONER COMPENSATION 45989

Money from the foregoing appropriation item 501-403, Prisoner 45990  
Compensation, shall be transferred on a quarterly basis by 45991  
intrastate transfer voucher to Fund 148 for the purposes of paying 45992  
prisoner compensation. 45993

CBCF Title XX FUNDS 45994

Not later than July 15, 2001, the Director of Budget and 45995  
Management shall transfer \$1,800,000 from Fund 3W3, Adult Special 45996  
Needs, to the General Revenue Fund. Not later than July 15, 2002, 45997  
the Director of Budget and Management shall transfer \$5,400,000 45998  
from Fund 3W3, Adult Special Needs, to the General Revenue Fund. 45999

INMATE DEVELOPMENT PROGRAM 46000

Of the foregoing appropriation item 503-321, Parole and 46001  
Community Operations, at least \$30,000 in each fiscal year shall 46002  
be used for an inmate development program. 46003

INSTITUTION RECOVERY SERVICES 46004

Of the foregoing appropriation item 507-321, Institution 46005  
Recovery Services, \$50,000 in each fiscal year shall be used to 46006  
fund a demonstration project using innovative alcohol and 46007  
substance abuse treatment methods. 46008

**Section 94.** RSC REHABILITATION SERVICES COMMISSION 46009

General Revenue Fund 46010

GRF 415-100 Personal Services	\$	8,506,587	\$	8,949,644	46011
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GRF 415-401 Personal Care	\$	943,374	\$	943,374	46012
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Assistance

GRF 415-402	Independent Living Council	\$	398,582	\$	398,582	46013
GRF 415-403	Mental Health Services	\$	754,473	\$	754,473	46014
GRF 415-404	MR/DD Services	\$	1,326,302	\$	1,326,301	46015
GRF 415-405	Vocational Rehabilitation/Job and Family Services	\$	564,799	\$	564,799	46016
GRF 415-431	Office for People with Brain Injury	\$	196,856	\$	197,745	46017
GRF 415-506	Services for People with Disabilities	\$	11,785,245	\$	12,082,297	46018
GRF 415-508	Services for the Deaf	\$	145,040	\$	145,040	46019
GRF 415-509	Services for the Elderly	\$	378,043	\$	378,044	46020
GRF 415-520	Independent Living Services	\$	61,078	\$	61,078	46021
TOTAL GRF	General Revenue Fund	\$	25,060,379	\$	25,801,377	46022
	General Services Fund Group					46023
4W5 415-606	Administrative Expenses	\$	18,775,759	\$	19,649,829	46024
467 415-609	Business Enterprise Operating Expenses	\$	1,585,602	\$	1,493,586	46025
TOTAL GSF	General Services Fund Group	\$	20,361,361	\$	21,143,415	46026
	Federal Special Revenue Fund Group					46027
3L1 415-601	Social Security Personal Care Assistance	\$	3,044,146	\$	3,044,146	46028
3L1 415-605	Social Security Community Centers for the Deaf	\$	1,100,488	\$	1,100,488	46029
3L1 415-607	Social Security	\$	163,596	\$	171,085	46030
						46031

		Administration Cost					
3L1	415-608	Social Security	\$	16,949,140	\$	7,309,984	46032
		Special					
		Programs/Assistance					
3L1	415-610	Social Security	\$	1,338,324	\$	1,338,324	46033
		Vocational					
		Rehabilitation					
3L4	415-612	Federal-Independent	\$	681,726	\$	681,726	46034
		Living Centers or					
		Services					
3L4	415-615	Federal - Supported	\$	1,753,738	\$	1,753,738	46035
		Employment					
3L4	415-617	Independent	\$	1,033,853	\$	1,035,196	46036
		Living/Vocational					
		Rehabilitation					
		Programs					
317	415-620	Disability	\$	68,752,767	\$	71,452,334	46037
		Determination					
379	415-616	Federal-Vocational	\$	107,747,928	\$	110,980,366	46038
		Rehabilitation					
TOTAL FED	Federal	Special					46039
Revenue Fund Group			\$	202,565,706	\$	198,867,387	46040
State Special Revenue Fund Group							46041
4L1	415-619	Services for	\$	5,698,621	\$	5,260,262	46042
		Rehabilitation					
468	415-618	Third Party Funding	\$	1,231,465	\$	892,991	46043
TOTAL SSR	State	Special					46044
Revenue Fund Group			\$	6,930,086	\$	6,153,253	46045
TOTAL ALL BUDGET FUND GROUPS			\$	254,917,532	\$	251,965,432	46046
		STAND CONCESSIONS FUND - CREDITING OF INCOME					46047
		In crediting interest and other income earned on moneys					46048
		deposited in the Stand Concessions Fund (Fund 467), the Treasurer					46049

of State and Director of Budget and Management shall ensure that 46050  
the requirements of section 3304.35 of the Revised Code are met. 46051

PERSONAL CARE ASSISTANCE 46052

The foregoing appropriation item 415-401, Personal Care 46053  
Assistance, shall be used in addition to Social Security 46054  
reimbursement funds to provide personal care assistance services. 46055  
These funds shall not be used in lieu of Social Security 46056  
reimbursement funds. 46057

MR/DD SERVICES 46058

The foregoing appropriation item 415-404, MR/DD Services, 46059  
shall be used as state matching funds to provide vocational 46060  
rehabilitation services to mutually eligible clients between the 46061  
Rehabilitation Services Commission and the Department of Mental 46062  
Retardation and Developmental Disabilities. The Rehabilitation 46063  
Services Commission shall report to the Department of Mental 46064  
Retardation and Developmental Disabilities, as outlined in an 46065  
interagency agreement, on the number and status of mutually 46066  
eligible clients and the status of the funds and expenditures for 46067  
these clients. 46068

VOCATIONAL REHABILITATION/JOB AND FAMILY SERVICES 46069

The foregoing appropriation item 415-405, Vocational 46070  
Rehabilitation/Job and Family Services, shall be used as state 46071  
matching funds to provide vocational rehabilitation services to 46072  
mutually eligible clients between the Rehabilitation Services 46073  
Commission and the Department of Job and Family Services. The 46074  
Rehabilitation Services Commission shall report to the Department 46075  
of Job and Family Services, as outlined in an interagency 46076  
agreement, on the number and status of mutually eligible clients 46077  
and the status of the funds and expenditures for these clients. 46078

OFFICE FOR PEOPLE WITH BRAIN INJURY 46079

Of the foregoing appropriation item 415-431, Office for 46080  
People with Brain Injury, \$100,000 in each fiscal year shall be 46081  
used for the state match for a federal grant awarded through the 46082  
Traumatic Brain Injury Act, Pub. L. No. 104-166. The remaining 46083  
appropriation in this item shall be used to plan and coordinate 46084  
head-injury-related services provided by state agencies and other 46085  
government or private entities, to assess the needs for such 46086  
services, and to set priorities in this area. 46087

SERVICES FOR PEOPLE WITH DISABILITIES 46088

On verification of the receipt of revenue in Fund 3W2, Title 46089  
XX Vocational Rehabilitation, the Director of Budget and 46090  
Management shall transfer those funds to the General Revenue Fund. 46091  
The transferred funds are appropriated to appropriation item 46092  
415-506, Services for People with Disabilities. The foregoing 46093  
appropriation item 415-506, Services for People with Disabilities, 46094  
includes transferred funds of \$600,000 in fiscal year 2002 and 46095  
\$897,052 in fiscal year 2003. 46096

SERVICES FOR THE DEAF 46097

The foregoing appropriation item 415-508, Services for the 46098  
Deaf, shall be used to supplement Social Security reimbursement 46099  
funds used to provide grants to community centers for the deaf. 46100  
These funds shall not be used in lieu of Social Security 46101  
reimbursement funds. 46102

SERVICES FOR THE ELDERLY 46103

The foregoing appropriation item 415-509, Services for the 46104  
Elderly, shall be used as matching funds for vocational 46105  
rehabilitation services for eligible elderly citizens with a 46106  
disability. 46107

SOCIAL SECURITY REIMBURSEMENT FUNDS 46108

Reimbursement funds received from the Social Security 46109

Administration, United States Department of Health and Human 46110  
Services, for the costs of providing services and training to 46111  
return disability recipients to gainful employment, shall be used 46112  
in the Social Security Reimbursement Fund (Fund 3L1), as follows: 46113

(A) Appropriation item 415-601, Social Security Personal Care 46114  
Assistance, to provide personal care services in accordance with 46115  
section 3304.41 of the Revised Code; 46116

(B) Appropriation item 415-605, Social Security Community 46117  
Centers for the Deaf, to provide grants to community centers for 46118  
the deaf in Ohio for services to individuals with hearing 46119  
impairments; 46120

(C) Appropriation item 415-607, Social Security 46121  
Administration Cost, to provide administrative services needed to 46122  
administer the Social Security reimbursement program; 46123

(D) Appropriation item 415-608, Social Security Special 46124  
Programs/Assistance, to provide vocational rehabilitation services 46125  
to individuals with severe disabilities, who are Social Security 46126  
beneficiaries, to achieve competitive employment. This item also 46127  
includes funds to assist the Personal Care Assistance, Community 46128  
Centers for the Deaf, and Independent Living Programs to pay their 46129  
share of indirect costs as mandated by federal OMB Circular A-87. 46130

(E) Appropriation item 415-610, Social Security Vocational 46131  
Rehabilitation, to provide vocational rehabilitation services to 46132  
individuals with severe disabilities to achieve a noncompetitive 46133  
employment goal such as homemaker. 46134

**ADMINISTRATIVE EXPENSES** 46135

The foregoing appropriation item 415-606, Administrative 46136  
Expenses, shall be used to support the administrative functions of 46137  
the commission related to the provision of vocational 46138  
rehabilitation, disability determination services, and ancillary 46139  
programs. 46140

INDEPENDENT LIVING COUNCIL 46141

The foregoing appropriation items 415-402, Independent Living 46142  
Council, shall be used to fund the operations of the State 46143  
Independent Living Council. 46144

MENTAL HEALTH SERVICES 46145

The foregoing appropriation item 415-403, Mental Health 46146  
Services, shall be used for the provision of vocational 46147  
rehabilitation services to mutually eligible consumers of the 46148  
Rehabilitation Services Commission and the Department of Mental 46149  
Health. 46150

The Department of Mental Health shall receive a quarterly 46151  
report from the Rehabilitation Services Commission stating the 46152  
numbers served, numbers placed in employment, average hourly wage, 46153  
and average hours worked. 46154

INDEPENDENT LIVING SERVICES 46155

The foregoing appropriation items 415-520, Independent Living 46156  
Services, and 415-612, Federal-Independent Living Centers or 46157  
Services, shall be used to support state independent living 46158  
centers or independent living services pursuant to Title VII of 46159  
the Independent Living Services and Centers for Independent Living 46160  
of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 46161  
U.S.C. 796d. 46162

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 46163

The foregoing appropriation item 415-617, Independent 46164  
Living/Vocational Rehabilitation Programs, shall be used to 46165  
support vocational rehabilitation programs, including, but not 46166  
limited to, Projects with Industry and Training Grants. 46167

**Section 95. RCB RESPIRATORY CARE BOARD** 46168

General Services Fund Group 46169

4K9 872-609 Operating Expenses	\$	287,191	\$	305,030	46170
TOTAL GSF General Services					46171
Fund Group	\$	287,191	\$	305,030	46172
TOTAL ALL BUDGET FUND GROUPS	\$	287,191	\$	305,030	46173

**Section 96. REVENUE DISTRIBUTION FUNDS** 46175

Volunteer Firefighters' Dependents Fund 46176

085 800-900 Volunteer	\$	200,000	\$	200,000	46177
Firefighters'					
Dependents Fund					

TOTAL 085 Volunteer Firefighters' 46178

Dependents Fund	\$	200,000	\$	200,000	46179
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Agency Fund Group 46180

062 110-900 Resort Area Excise Tax	\$	500,000	\$	500,000	46181
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063 110-900 Permissive Tax	\$	1,398,200,000	\$	1,447,100,000	46182
Distribution					

067 110-900 School District Income	\$	156,800,000	\$	166,200,000	46183
Tax Fund					

4P8 001-698 Cash Management	\$	2,000,000	\$	2,000,000	46184
Improvement Fund					

608 001-699 Investment Earnings	\$	406,700,000	\$	398,300,000	46185
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TOTAL AGY Agency Fund Group	\$	1,964,200,000	\$	2,014,100,000	46186
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Holding Account Redistribution 46187

R45 110-617 International Fuel Tax	\$	40,000,000	\$	41,000,000	46188
Distribution					

TOTAL R45 Holding Account	\$	40,000,000	\$	41,000,000	46189
Redistribution Fund					

Revenue Distribution Fund Group 46190

049 038-900 Indigent Drivers	\$	2,100,000	\$	2,300,000	46191
Alcohol Treatment					

050 762-900 International	\$	58,000,000	\$	65,000,000	46192
Registration Plan					
Distribution					



051	762-901	Auto Registration Distribution	\$ 490,000,000	\$ 515,000,000	46193
054	110-900	Local Government Property Tax Replacement	\$ 43,700,000	\$ 88,800,000	46194
060	110-900	Gasoline Excise Tax Fund	\$ 116,027,000	\$ 118,348,000	46195
064	110-900	Local Government Revenue Assistance	\$ 100,600,000	\$ 100,900,000	46196
065	110-900	Library/Local Government Support Fund	\$ 506,700,000	\$ 508,100,000	46197
066	800-900	Undivided Liquor Permit Fund	\$ 13,500,000	\$ 13,750,000	46198
068	110-900	State/Local Government Highway Distribution Fund	\$ 233,750,000	\$ 238,893,000	46199
069	110-900	Local Government Fund	\$ 718,700,000	\$ 720,400,000	46200
082	110-900	Horse Racing Tax	\$ 200,000	\$ 200,000	46201
083	700-900	Ohio Fairs Fund	\$ 3,000,000	\$ 3,000,000	46202
TOTAL RDF Revenue Distribution					46203
Fund Group			\$ 2,286,277,000	\$ 2,374,691,000	46204
TOTAL ALL BUDGET FUND GROUPS			\$ 4,290,677,000	\$ 4,429,991,000	46205
ADDITIONAL APPROPRIATIONS					46206
Appropriation items in this section are to be used for the					46207
purpose of administering and distributing the designated revenue					46208
distributions fund according to the Revised Code. If it is					46209
determined that additional appropriations are necessary, such					46210
amounts are appropriated.					46211
<b>Section 97. SAN BOARD OF SANITARIAN REGISTRATION</b>					46212
General Services Fund Group					46213

4K9 893-609 Operating Expenses	\$	109,512	\$	115,074	46214
TOTAL GSF General Services					46215
Fund Group	\$	109,512	\$	115,074	46216
TOTAL ALL BUDGET FUND GROUPS	\$	109,512	\$	115,074	46217

**Section 98. OSB OHIO STATE SCHOOL FOR THE BLIND** 46219

General Revenue Fund					46220
GRF 226-100 Personal Services	\$	5,880,065	\$	6,157,563	46221
GRF 226-200 Maintenance	\$	700,437	\$	717,948	46222
GRF 226-300 Equipment	\$	139,288	\$	142,770	46223
TOTAL GRF General Revenue Fund	\$	6,719,790	\$	7,018,281	46224
General Services Fund Group					46225
4H8 226-602 Education Reform	\$	30,652	\$	31,476	46226

Grants

TOTAL GSF General Services					46227
Fund Group	\$	30,652	\$	31,476	46228
State Special Revenue Fund Group					46229
4M5 226-601 Work Study &	\$	41,854	\$	42,919	46230

Technology Investments

TOTAL SSR State Special Revenue					46231
Fund Group	\$	41,854	\$	42,919	46232
Federal Special Revenue Fund Group					46233
3P5 226-643 Medicaid Professional	\$	125,000	\$	125,000	46234

Services Reimbursement

310 226-626 Coordinating Unit	\$	1,274,274	\$	1,278,475	46235
TOTAL FED Federal Special					46236
Revenue Fund Group	\$	1,399,274	\$	1,403,475	46237
TOTAL ALL BUDGET FUND GROUPS	\$	8,191,570	\$	8,496,151	46238

**Section 99. OSD OHIO STATE SCHOOL FOR THE DEAF** 46240

General Revenue Fund					46241
GRF 221-100 Personal Services	\$	7,662,763	\$	8,022,913	46242

GRF 221-200 Maintenance	\$	998,197	\$	1,018,160	46243
GRF 221-300 Equipment	\$	270,867	\$	276,284	46244
TOTAL GRF General Revenue Fund	\$	8,931,827	\$	9,317,357	46245
General Services Fund Group					46246
4M1 221-602 Education Reform	\$	68,107	\$	70,701	46247
Grants					
TOTAL GSF General Services					46248
Fund Group	\$	68,107	\$	70,701	46249
State Special Revenue Fund Group					46250
4M0 221-601 Educational Program	\$	35,320	\$	33,188	46251
Expenses					46252
5H6 221-609 Even Start Fees &	\$	157,723	\$	122,989	46253
Gifts					
TOTAL SSR State Special Revenue					46254
Fund Group	\$	193,043	\$	156,177	46255
Federal Special Revenue Fund Group					46256
3R0 221-684 Medicaid Professional	\$	90,464	\$	111,377	46257
Services Reimbursement					46258
3U4 221-603 Even Start	\$	125,000	\$	104,625	46259
311 221-625 Coordinating Unit	\$	910,000	\$	933,400	46260
TOTAL FED Federal Special					46261
Revenue Fund Group	\$	1,125,464	\$	1,149,402	46262
TOTAL ALL BUDGET FUND GROUPS	\$	10,318,441	\$	10,693,637	46263

**Section 100. SFC SCHOOL FACILITIES COMMISSION** 46265

General Revenue Fund					46266
GRF 230-428 Lease Rental Payments	\$	41,645,300	\$	37,654,300	46267
GRF 230-908 Common Schools General	\$	36,418,800	\$	55,336,300	46268
Obligation Debt					
Service					
TOTAL GRF General Revenue Fund	\$	78,064,100	\$	92,990,600	46269
State Special Revenue Fund Group					46270

5E3 230-644 Operating Expenses	\$	6,096,521	\$	6,409,766	46271
TOTAL SSR State Special Revenue					46272
Fund Group	\$	6,096,521	\$	6,409,766	46273
TOTAL ALL BUDGET FUND GROUPS	\$	84,160,621	\$	99,400,366	46274

**Section 100.01. LEASE RENTAL PAYMENTS** 46276

The foregoing appropriation item 230-428, Lease Rental 46277  
Payments, shall be used to meet all payments at the times they are 46278  
required to be made during the period from July 1, 2001, to June 46279  
30, 2003, by the School Facilities Commission pursuant to leases 46280  
and agreements made under section 3318.26 of the Revised Code, but 46281  
limited to the aggregate amount of \$79,299,600. Nothing in this 46282  
act shall be deemed to contravene the obligation of the state to 46283  
pay, without necessity for further appropriation, from the sources 46284  
pledged thereto, the bond service charges on obligations issued 46285  
pursuant to Chapter 3318. of the Revised Code. 46286

**COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE** 46287

The foregoing appropriation item 230-908, Common Schools 46288  
General Obligation Debt Service, shall be used to pay all debt 46289  
service and financing costs at the times they are required to be 46290  
made pursuant to sections 151.01 and 151.03 of the Revised Code 46291  
during the period from July 1, 2001, to June 30, 2003. The Office 46292  
of the Sinking Fund or the Director of Budget and Management shall 46293  
effectuate the required payments by an intrastate transfer 46294  
voucher. 46295

**OPERATING EXPENSES** 46296

The foregoing appropriation item 230-644, Operating Expenses, 46297  
shall be used by the Ohio School Facilities Commission to carry 46298  
out its responsibilities pursuant to this section and Chapter 46299  
3318. of the Revised Code. 46300

Within ten days after the effective date of this section, or 46301

as soon as possible thereafter, the Executive Director of the Ohio  
School Facilities Commission shall certify to the Director of  
Budget and Management the amount of cash to be transferred from  
the School Building Assistance Fund (Fund 032) or the Public  
School Building Fund (Fund 021) to the Ohio School Facilities  
Commission Fund (Fund 5E3).

By July 10, 2002, the Executive Director of the Ohio School  
Facilities Commission shall certify to the Director of Budget and  
Management the amount of cash to be transferred from the School  
Building Assistance Fund (Fund 032) or the Public School Building  
Fund (Fund 021) to the Ohio School Facilities Commission Fund  
(Fund 5E3).

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 46314

At the request of the Executive Director of the Ohio School  
Facilities Commission, the Director of Budget and Management may  
cancel encumbrances for school district projects from a previous  
biennium if the district has not raised its local share of project  
costs within one year of receiving Controlling Board approval in  
accordance with section 3318.05 of the Revised Code. The Executive  
Director of the Ohio School Facilities Commission shall certify  
the amounts of these canceled encumbrances to the Director of  
Budget and Management on a quarterly basis. The amounts of the  
canceled encumbrances are appropriated.

DISABILITY ACCESS PROJECTS 46325

The unencumbered and unallotted balances as of June 30, 2001,  
in appropriation item 230-649, Disability Access Project, are  
hereby reappropriated. The unencumbered and unallotted balances of  
the appropriation at the end of fiscal year 2002 are hereby  
reappropriated in fiscal year 2003 to fund capital projects  
pursuant to this section.

(A) As used in this section: 46332

(1) "Percentile" means the percentile in which a school district is ranked according to the fiscal year 1998 ranking of school districts with regard to income and property wealth under division (B) of section 3318.011 of the Revised Code.

(2) "School district" means a city, local, or exempted village school district, but excluding a school district that is one of the state's 21 urban school districts as defined in division (O) of section 3317.02 of the Revised Code, as that section existed prior to July 1, 1998.

(3) "Valuation per pupil" means a district's total taxable value as defined in section 3317.02 of the Revised Code divided by the district's ADM as defined in division (A) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(B) The School Facilities Commission shall adopt rules for awarding grants to school districts with a valuation per pupil of less than \$200,000, to be used for construction, reconstruction, or renovation projects in classroom facilities, the purpose of which is to improve access to such facilities by physically handicapped persons. The rules shall include application procedures. No school district shall be awarded a grant under this section in excess of \$100,000. In addition, any school district shall be required to pay a percentage of the cost of the project or which the grant is being awarded equal to the percentile in which the district is ranked.

(C) The School Facilities Commission is hereby authorized to transfer a portion of appropriation item CAP-622, Public School Buildings, contained in Am. Sub. H.B. No. 283 of the 123rd General Assembly, to CAP-777, Disability Access Projects, to provide funds to make payments resulting from the approval of applications for disability access grants received prior to January 1, 1999. The amounts transferred are appropriated.

**Section 100.02.** In fiscal year 2002, the Director of Budget and Management shall deposit into the Community School Classroom Facilities Loan Guarantee Fund, established under section 3318.52 of the Revised Code, not less than ten million dollars from the moneys that have been appropriated to the Ohio School Facilities Commission for capital projects. The moneys so deposited shall be used by the Commission to guarantee loans to community schools under section 3318.50 of the Revised Code.

<b>Section 101. NET OHIO SCHOOLNET COMMISSION</b>				46372	
General Revenue Fund				46373	
GRF 228-404 Operating Expenses	\$	7,255,189	\$	7,117,741	46374
GRF 228-406 Technical and Instructional Professional Development	\$	10,475,898	\$	10,172,630	46375
GRF 228-539 Education Technology	\$	6,161,096	\$	5,910,596	46376
Total GRF General Revenue Fund	\$	23,892,183	\$	23,200,967	46377
General Services Fund Group				46378	
5D4 228-640 Conference/Special Purpose Expenses	\$	510,700	\$	521,382	46379
5G0 228-650 Interactive Distance Learning	\$	4,086,000	\$	0	46380
TOTAL GSF General Services Fund Group				46381	
Fund Group	\$	4,596,700	\$	521,382	46382
State Special Revenue Fund Group				46383	
4W9 228-630 Ohio SchoolNet Telecommunity Fund	\$	547,615	\$	447,615	46384
4X1 228-634 Distance Learning	\$	2,930,000	\$	2,930,000	46385
4Y4 228-698 SchoolNet Plus	\$	2,707,605	\$	2,826,540	46386
TOTAL SSR State Special Revenue				46387	

Fund Group	\$	6,185,220	\$	6,204,155	46388
Federal Special Revenue Fund Group					46389
3S3 228-655 Technlogy Literacy	\$	15,918,780	\$	15,918,780	46390
Challenge					
TOTAL FED Federal Special Revenue					46391
Fund Group	\$	15,918,780	\$	15,918,780	46392
TOTAL ALL BUDGET FUND GROUPS	\$	50,592,833	\$	45,845,284	46393

**Section 101.01.** INTERACTIVE VIDEO DISTANCE LEARNING PROGRAM 46395

The unencumbered and unallotted balances as of June 30, 2001, 46396  
in appropriation item 228-650, Interactive Distance Learning, are 46397  
reappropriated to fund projects pursuant to this section. The 46398  
unencumbered and unallotted balances as of June 30, 2002, in 46399  
appropriation item 228-650, Interactive Distance learning, are 46400  
reappropriated for fiscal year 2003 to continue projects started 46401  
in fiscal year 2002. The foregoing appropriation item 228-650, 46402  
Interactive Distance Learning shall be used to extend the 46403  
Interactive Video Distance Learning Program in accordance with the 46404  
statewide educational technology strategic plan. Not later than 46405  
the fifteenth day of July 2001, the Director of Budget and 46406  
Management shall transfer \$4,086,000 from the General Revenue Fund 46407  
to Fund 5G0, Interactive Distance Learning. The commission shall 46408  
adopt procedures for the administration and implementation of the 46409  
Interactive Video Distance Learning Program, which shall include 46410  
application procedures, specifications for distance learning 46411  
technology, and terms and conditions for participation in the 46412  
program. The commission shall not approve any application for 46413  
participation unless it determines that the applicant can 46414  
effectively and efficiently integrate the proposed distance 46415  
learning technology into schools or the selected schools or 46416  
classrooms for the phase of the program. The commission shall 46417  
consider the Interactive Video Distance Learning Pilot established 46418  
in Am. Sub. H.B. 215 of the 122nd General Assembly, and the Ohio 46419



SchoolNet Telecommunity program in Am. Sub. H. B. 627 of the 121st  
General Assembly, in developing application procedures and  
criteria for the Interactive Video Distance Learning Program. The  
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 46451  
given to elementary schools. Consideration should be given to 46452  
coordinating the allocation of these moneys with the efforts of 46453  
OhioLINK and the Ohio Public Information Network. 46454

TECHNICAL AND INSTRUCTIONAL PROFESSIONAL DEVELOPMENT 46455

The foregoing appropriation item 228-406, Technical and 46456  
Instructional Professional Development, shall be used by the Ohio 46457  
SchoolNet Commission to make grants to qualifying schools, 46458  
including the State School for the Blind and the Ohio School for 46459  
the Deaf, for the provision of hardware, software, 46460  
telecommunications services, and staff development to support 46461  
educational uses of technology in the classroom. 46462

The Ohio SchoolNet Commission shall consider the professional 46463  
development needs associated with the OhioReads Program when 46464  
making funding allocations and program decisions. 46465

The Ohio Educational Telecommunications Network Commission, 46466  
with the advice of the Ohio SchoolNet Commission, shall make 46467  
grants totaling up to \$1,400,000 in each year of the biennium for 46468  
research development and production of interactive instructional 46469  
programming series and teleconferences to support SchoolNet. Up to 46470  
\$55,000 of this amount shall be used in each year of the biennium 46471  
to provide for the administration of these activities by the Ohio 46472  
Educational Telecommunications Network Commission. The programming 46473  
shall be targeted to the needs of the poorest 200 school districts 46474  
as determined by the district's adjusted valuation per pupil as 46475  
defined in section 3317.0213 of the Revised Code. 46476

Of the foregoing appropriation item 228-406, Technical and 46477  
Instructional Professional Development, \$2,900,000 in each fiscal 46478  
year shall be distributed by the Ohio SchoolNet Commission to 46479  
low-wealth districts or consortia including low-wealth school 46480  
46481

districts, as determined by the district's adjusted valuation per pupil as defined in section 3317.0213 of the Revised Code, or the State School for the Blind or the Ohio School for the Deaf. 46482  
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The remaining appropriation allocated in appropriation item 228-406, Technical and Instructional Professional Development, shall be used by the Ohio SchoolNet Commission for professional development for teachers and administrators for the use of educational technology. The commission shall make grants to provide technical assistance and professional development on the use of educational technology to school districts. 46485  
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Eligible recipients of grants include regional training centers, county offices of education, data collection sites, instructional technology centers, institutions of higher education, public television stations, special education resource centers, area media centers, or other nonprofit educational organizations. Services provided through these grants may include use of private entities subcontracting through the grant recipient. 46492  
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Grants shall be made to entities on a contractual basis with the Ohio SchoolNet Commission. Contracts shall include provisions that demonstrate how services will benefit technology use in the schools, and in particular will support SchoolNet efforts to support technology in the schools. Contracts shall specify the scope of assistance being offered and the potential number of professionals who will be served. Contracting entities may be awarded more than one grant at a time. 46500  
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Grants shall be awarded in a manner consistent with the goals of SchoolNet. Special emphasis in the award of grants shall be placed on collaborative efforts among service providers. 46508  
46509  
46510

Application for grants from this appropriation in appropriation item 228-406, Technical and Instructional 46511  
46512

Professional Development, shall be consistent with a school 46513  
district's technology plan that shall meet the minimum 46514  
specifications for school district technology plans as prescribed 46515  
by the Ohio SchoolNet Commission. Funds allocated through these 46516  
grants may be combined with funds received through other state or 46517  
federal grants for technology so long as the school district's 46518  
technology plan specifies the use of these funds. The commission 46519  
may combine the application for these grants with the SchoolNet 46520  
application process authorized in Am. Sub. H.B. 790 of the 120th 46521  
General Assembly. 46522

EDUCATION TECHNOLOGY 46523

The foregoing appropriation item 228-539, Education 46524  
Technology, shall be used to provide funding to suppliers of 46525  
information services to school districts for the provision of 46526  
hardware, software, and staff development in support of 46527  
educational uses of technology in the classroom as prescribed by 46528  
the State Plan for Technology pursuant to section 3301.07 of the 46529  
Revised Code, and to support assistive technology for children and 46530  
youth with disabilities. 46531

Up to \$5,200,000 in each fiscal year shall be used by the 46532  
Ohio SchoolNet Commission to contract with instructional 46533  
television, and \$850,000 in fiscal year 2002, and \$840,000 in 46534  
fiscal year 2003 shall be used by the commission to contract with 46535  
education media centers to provide Ohio schools with instructional 46536  
resources and services. 46537

Resources may include, but not be limited to, the following: 46538  
pre-recorded video materials (including videotape, laser discs, 46539  
and CD-ROM discs); computer software for student use or student 46540  
access to electronic communication, databases, spreadsheet, and 46541  
word processing capability; live student courses or courses 46542  
delivered electronically; automated media systems; and 46543  
instructional and professional development materials for teachers. 46544

The commission shall cooperate with education technology agencies 46545  
in the acquisition, development, and delivery of such educational 46546  
resources to ensure high-quality and educational soundness at the 46547  
lowest possible cost. Delivery of such resources may utilize a 46548  
variety of technologies, with preference given to a high-speed 46549  
integrated information network that can transport video, voice, 46550  
data, and graphics simultaneously. 46551

Services shall include presentations and technical assistance 46552  
that will help students and teachers integrate educational 46553  
materials that support curriculum objectives, match specific 46554  
learning styles, and are appropriate for individual interests and 46555  
ability levels. 46556

Such instructional resources and services shall be made 46557  
available for purchase by chartered nonpublic schools or by public 46558  
school districts for the benefit of pupils attending chartered 46559  
nonpublic schools. 46560

DISTANCE LEARNING 46561

Appropriation item 228-634, Distance Learning, shall be 46562  
distributed by the Ohio SchoolNet Commission on a grant basis to 46563  
eligible school districts to establish "distance learning" in the 46564  
school district. Per the agreement with Ameritech, school 46565  
districts are eligible for funds if they are within an Ameritech 46566  
service area. Funds to administer the program shall be expended by 46567  
the commission up to the amount specified in the agreement with 46568  
Ameritech. 46569

Within 30 days after the effective date of this section, the 46570  
Director of Budget and Management shall transfer to fund 4X1 in 46571  
the State Special Revenue Fund Group any investment earnings from 46572  
moneys paid to the office or to the SchoolNet Commission by any 46573  
telephone company as part of a settlement agreement between the 46574  
company and the Public Utilities Commission in fiscal year 1995. 46575

ELECTRICAL INFRASTRUCTURE 46576

The unencumbered and unallotted balances of June 30, 2001, in 46577  
appropriation item 228-690, SchoolNet Electrical Infrastructure, 46578  
are reappropriated to fund projects pursuant to this section. The 46579  
foregoing appropriation item may be distributed by the Ohio 46580  
SchoolNet Commission for use by school districts to renovate 46581  
existing buildings with sufficient electrical service to safely 46582  
operate educational technology consistent with their SchoolNet and 46583  
SchoolNet Plus technology plans. The Executive Director of the 46584  
Ohio SchoolNet Commission shall review grant proposals from school 46585  
districts for the use of these funds. In evaluating grant 46586  
proposals, the executive director shall consider the ability and 46587  
commitment of school districts to contribute local public and 46588  
private resources to upgrade their electrical service and shall 46589  
give consideration to consortia of school districts that have 46590  
formed to optimize resources to upgrade electrical service. In no 46591  
case shall grant awards exceed \$1,000,000 for a single school 46592  
district. Funding recommendations for this appropriation made by 46593  
the executive director are subject to the review of the Ohio 46594  
SchoolNet Commission. 46595

**Section 101.02.** There is hereby created the Ohio Schools 46596  
Technology Implementation Task Force. The Task Force shall develop 46597  
recommendations based upon the findings from the Independent 46598  
Review and Strategic Plan authorized to be completed in divisions 46599  
(A)(3) and (4) of Section 11 of Am. Sub. H.B. 282 of the 123rd 46600  
General Assembly, for a comprehensive framework for coordinating 46601  
the planning and implementation of technology in Ohio schools. The 46602  
Task Force shall examine and make long-term recommendations for 46603  
technology funding for Ohio's primary and secondary schools as 46604  
well as for the operational costs of the Ohio SchoolNet 46605  
Commission. 46606

The Task Force shall be composed of six voting members, three 46607  
of whom shall be members of the Senate appointed by the President 46608  
of the Senate and three of whom shall be members of the House of 46609  
Representatives appointed by the Speaker of the House of 46610  
Representatives. Not more than two members from each house shall 46611  
be members of the same political party. From among these six 46612  
voting members, the President of the Senate and the Speaker of the 46613  
House of Representatives jointly shall appoint a chairperson of 46614  
the Task Force. The Task Force shall include as ex officio 46615  
nonvoting members the Superintendent of Public Instruction or the 46616  
Superintendent's designee, the Director of Budget and Management 46617  
or the Director's designee, the Director of Administrative 46618  
Services or the Director's designee, the Executive Director of the 46619  
Ohio SchoolNet Commission or the Executive Director's designee, a 46620  
representative designated by the head of the Ohio Education 46621  
Computer Network, a representative designated by the Chairperson 46622  
of the Public Utilities Commission of Ohio, a representative 46623  
appointed by the Chairperson of the Ohio Educational 46624  
Telecommunications Network Commission, a representative of Ohio's 46625  
business community appointed by the President of the Senate, and a 46626  
representative from an educational service center appointed by the 46627  
Speaker of the House of Representatives. The voting members may, 46628  
by majority vote, elect to include any number of additional 46629  
nonvoting members. 46630

The Legislative Service Commission shall provide any staffing 46631  
assistance requested by the Task Force. The Task Force shall issue 46632  
a report not later than December 1, 2002. Upon issuing its report, 46633  
the Task Force shall cease to exist. 46634

**Section 102. SOS SECRETARY OF STATE** 46635

General Revenue Fund 46636  
GRF 050-321 Operating Expenses \$ 3,300,000 \$ 3,300,000 46637

GRF 050-403	Election Statistics	\$	146,963	\$	154,882	46638
GRF 050-407	Pollworkers Training	\$	231,400	\$	327,600	46639
GRF 050-409	Litigation	\$	26,210	\$	27,622	46640
Expenditures						
TOTAL GRF	General Revenue Fund	\$	3,704,573	\$	3,810,104	46641
General Services Fund Group						
4S8 050-610	Board of Voting	\$	7,200	\$	7,200	46643
Machine Examiners						
413 050-601	Information Systems	\$	153,300	\$	157,133	46644
414 050-602	Citizen Education Fund	\$	80,000	\$	70,000	46645
TOTAL	General Services Fund Group	\$	240,500	\$	234,333	46646
State Special Revenue Fund Group						
5N9 050-607	Technology	\$	120,000	\$	121,000	46648
Improvements						
599 050-603	Business Services	\$	11,880,000	\$	11,979,000	46649
Operating Expenses						
TOTAL SSR	State Special Revenue					46650
Fund Group		\$	12,000,000	\$	12,100,000	46651
Holding Account Redistribution Fund Group						
R01 050-605	Uniform Commercial	\$	65,000	\$	65,000	46653
Code Refunds						
R02 050-606	Corporate/Business	\$	185,000	\$	185,000	46654
Filing Refunds						
TOTAL 090	Holding Account					46655
Redistribution	Fund Group	\$	250,000	\$	250,000	46656
TOTAL ALL BUDGET FUND GROUPS		\$	16,195,073	\$	16,394,437	46657
BOARD OF VOTING MACHINE EXAMINERS						
The foregoing appropriation item 050-610, Board of Voting						
Machine Examiners, shall be used to pay for the services and						
expenses of the members of the Board of Voting Machine Examiners,						
and for other expenses that are authorized to be paid from the						
Board of Voting Machine Examiners Fund, which is created in						



section 3506.05 of the Revised Code. Moneys not used shall be 46664  
returned to the person or entity submitting the equipment for 46665  
examination. If it is determined that additional appropriations 46666  
are necessary, such amounts are appropriated. 46667

HOLDING ACCOUNT REDISTRIBUTION GROUP 46668

The foregoing appropriation items 050-605 and 050-606, 46669  
Holding Account Redistribution Fund Group, shall be used to hold 46670  
revenues until they are directed to the appropriate accounts or 46671  
until they are refunded. If it is determined that additional 46672  
appropriations are necessary, such amounts are appropriated. 46673

**Section 103.** SEN THE OHIO SENATE 46674

General Revenue Fund 46675

GRF 020-321 Operating Expenses \$ 11,289,045 \$ 11,289,045 46676

TOTAL GRF General Revenue Fund \$ 11,289,045 \$ 11,289,045 46677

General Services Fund Group 46678

102 020-602 Senate Reimbursement \$ 402,744 \$ 402,744 46679

409 020-601 Miscellaneous Sales \$ 30,980 \$ 30,980 46680

TOTAL GSF General Services 46681

Fund Group \$ 433,724 \$ 433,724 46682

TOTAL ALL BUDGET FUND GROUPS \$ 11,722,769 \$ 11,722,769 46683

**Section 104.** CSF COMMISSIONERS OF THE SINKING FUND 46685

Debt Service Fund Group 46686

071 155-901 Highway Obligations \$ 49,614,300 \$ 47,572,500 46687

Bond Retirement Fund

072 155-902 Highway Capital \$ 137,730,500 \$ 152,120,700 46688

Improvements Bond

Retirement Fund

073 155-903 Natural Resources Bond \$ 19,001,100 \$ 22,101,900 46689

Retirement

076	155-906	Coal Research and Development Bond Retirement Fund	\$	8,971,700	\$	9,420,300	46690
077	155-907	State Capital Improvements Bond Retirement Fund	\$	135,693,200	\$	146,210,200	46691
078	155-908	Common Schools Capital Facilities Bond Retirement Fund	\$	36,418,800	\$	55,336,300	46692
079	155-909	Higher Education Capital Facilities Bond Retirement Fund	\$	50,055,100	\$	74,344,100	46693
TOTAL DSF Debt Service Fund Group			\$	437,484,700	\$	507,106,000	46694
TOTAL ALL BUDGET FUND GROUPS			\$	437,484,700	\$	507,106,000	46695

ADDITIONAL APPROPRIATIONS 46696

Appropriation items in this section are for the purpose of 46697  
paying on bonds or other instruments of indebtedness of this state 46698  
issued pursuant to the Ohio Constitution and acts of the General 46699  
Assembly. If it is determined that additional appropriations are 46700  
necessary, such amounts are appropriated. 46701

**Section 105.** SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY 46702

& AUDIOLOGY 46703

General Services Fund Group							46704
4K9	886-609	Operating Expenses	\$	352,727	\$	372,348	46705
TOTAL GSF General Services							46706
Fund Group			\$	352,727	\$	372,348	46707
TOTAL ALL BUDGET FUND GROUPS			\$	352,727	\$	372,348	46708

**Section 106.** BTA BOARD OF TAX APPEALS 46710

General Revenue Fund							46711
GRF	116-321	Operating Expenses	\$	2,499,741	\$	2,569,734	46712

TOTAL GRF General Revenue Fund	\$	2,499,741	\$	2,569,734	46713
General Services Fund Group					46714
439 116-602 Reproduction of	\$	7,500	\$	7,500	46715
Decisions					
TOTAL GSF General Services					46716
Fund Group	\$	7,500	\$	7,500	46717
TOTAL ALL BUDGET FUND GROUPS	\$	2,507,241	\$	2,577,234	46718

**Section 107. TAX DEPARTMENT OF TAXATION** 46720

General Revenue Fund					46721
GRF 110-321 Operating Expenses	\$	87,611,076	\$	89,566,509	46722
GRF 110-412 Child Support	\$	92,939	\$	90,006	46723
Administration					
GRF 110-901 Property Tax	\$	380,200,000	\$	399,300,000	46724
Allocation - Taxation					
GRF 110-906 Tangible Tax Exemption	\$	30,000,000	\$	30,900,000	46725
- Taxation					
TOTAL GRF General Revenue Fund	\$	497,904,015	\$	519,856,515	46726
Agency Fund Group					46727
425 110-635 Tax Refunds	\$	860,000,000	\$	875,000,000	46728
TOTAL AGY Agency Fund Group	\$	860,000,000	\$	875,000,000	46729
General Services Fund Group					46730
433 110-602 Tape File Account	\$	92,082	\$	96,165	46731
TOTAL GSF General Services					46732
Fund Group	\$	92,082	\$	96,165	46733
State Special Revenue Fund Group					46734
4C6 110-616 International	\$	669,561	\$	706,855	46735
Registration Plan					
4R6 110-610 Tire Tax	\$	65,000	\$	65,000	46736
Administration					
435 110-607 Local Tax	\$	29,517,404	\$	24,189,026	46737
Administration					

436	110-608	Motor Vehicle Audit	\$	1,687,249	\$	1,600,000	46738
437	110-606	Litter Tax and Natural Resource Tax Administration	\$	594,726	\$	625,232	46739
438	110-609	School District Income Tax	\$	2,873,446	\$	2,599,999	46740
5N6	110-618	Kilowatt Hour Tax Administration	\$	85,000	\$	85,000	46741
5N7	110-619	Municipal Internet Site	\$	10,000	\$	10,000	46742
639	110-614	Cigarette Tax Enforcement	\$	161,168	\$	168,925	46743
642	110-613	Ohio Political Party Distributions	\$	800,000	\$	800,000	46744
688	110-615	Local Excise Tax Administration	\$	300,000	\$	300,000	46745
TOTAL SSR State Special Revenue							46746
Fund Group			\$	36,763,554	\$	31,150,037	46747
Federal Special Revenue Fund Group							46748
3J6	110-601	Motor Fuel Compliance	\$	33,000	\$	33,000	46749
TOTAL FED Federal Special Revenue							46750
Fund Group			\$	33,000	\$	33,000	46751
Holding Account Redistribution Fund Group							46752
R10	110-611	Tax Distributions	\$	2,000	\$	2,000	46753
R11	110-612	Miscellaneous Income Tax Receipts	\$	5,000	\$	5,000	46754
TOTAL 090 Holding Account Redistribution Fund Group							46755
			\$	7,000	\$	7,000	46756
TOTAL ALL BUDGET FUND GROUPS			\$	1,394,799,651	\$	1,426,142,717	46757
LITTER CONTROL TAX ADMINISTRATION FUND							46758
Notwithstanding section 5733.12 of the Revised Code, during							46759
the period from July 1, 2001, to June 30, 2002, the amount of							46760

\$594,726, and during the period from July 1, 2002, to June 30, 2003, the amount of \$625,232, received by the Treasurer of State under Chapter 5733. of the Revised Code, shall be credited to the Litter Control Tax Administration Fund (Fund 437).

INTERNATIONAL REGISTRATION PLAN AUDIT 46765

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 46770

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 46792  
districts, notwithstanding the provision in section 319.311 of the 46793  
Revised Code which provides for payment of the \$10,000 tangible 46794  
personal property tax exemption by the Tax Commissioner to the 46795  
appropriate county treasurer for all local taxing districts 46796  
located in the county including school districts. Pursuant to 46797  
division (G) of section 321.24 of the Revised Code, the county 46798  
auditor shall distribute the amount paid by the Tax Commissioner 46799  
among the appropriate local taxing districts except for school 46800  
districts. 46801

Upon receipt of these amounts, each local taxing district 46802  
shall distribute the amount among the proper funds as if it had 46803  
been paid as real or tangible personal property taxes. Payments 46804  
for the costs of administration shall continue to be paid to the 46805  
county treasurer and county auditor as provided for in sections 46806  
319.54, 321.26, and 323.156 of the Revised Code. 46807

Any sums, in addition to the amounts specifically 46808  
appropriated in appropriation items 110-901, Property Tax 46809  
Allocation - Taxation, for the Homestead Exemption, the 46810  
Manufactured Home Property Tax Rollback, and the Property Tax 46811  
Rollback payments, and 110-906, Tangible Tax Exemption, for the 46812  
\$10,000 tangible personal property tax exemption payments, which 46813  
are determined to be necessary for these purposes, are 46814  
appropriated. 46815

TAX REFUNDS 46816

The foregoing appropriation item 110-635, Tax Refunds, shall 46817  
be used to pay refunds as provided in section 5703.052 of the 46818  
Revised Code. If it is determined that additional appropriations 46819  
are necessary, such amounts are appropriated. 46820

**Section 108.** DOT DEPARTMENT OF TRANSPORTATION 46821

Transportation Modes 46822

General Revenue Fund				46823
GRF 775-451 Public Transportation	\$	25,000,000	\$ 25,000,000	46824
- State				
GRF 775-453 Waterfront Line Lease	\$	1,786,000	\$ 0	46825
Payments - State				
GRF 775-458 Elderly and Disabled	\$	3,364,000	\$ 3,364,000	46826
Fare Assistance				
GRF 776-465 Ohio Rail Development	\$	5,000,000	\$ 5,000,000	46827
Commission				
GRF 776-466 Railroad Crossing and	\$	1,000,000	\$ 1,000,000	46828
Grade Separation				
GRF 777-471 Airport Improvements -	\$	2,909,876	\$ 3,000,576	46829
State				
GRF 777-473 Rickenbacker Lease	\$	600,000	\$ 600,000	46830
Payments - State				
TOTAL GRF General Revenue Fund	\$	39,659,876	\$ 37,964,576	46831
Federal Special Revenue Fund Group				46832
3B9 776-662 Rail Transportation -	\$	600,000	\$ 600,000	46833
Federal				
TOTAL FSR Federal Special Revenue				46834
Fund Group	\$	600,000	\$ 600,000	46835
State Special Revenue Fund Group				46836
4N4 776-663 Panhandle Lease	\$	770,000	\$ 770,000	46837
Reserve Payments				
4N4 776-664 Rail Transportation -	\$	850,720	\$ 1,745,000	46838
Other				
TOTAL SSR State Special Revenue				46839
Fund Group	\$	1,620,720	\$ 2,515,000	46840
TOTAL ALL BUDGET FUND GROUPS	\$	41,880,596	\$ 41,079,576	46841

AVIATION LEASE PAYMENTS 46842

The foregoing appropriation item 777-473, Rickenbacker Lease 46843  
Payments - State, shall be used to meet scheduled payments for the 46844

Rickenbacker Port Authority. The Director of Transportation shall 46845  
certify to the Director of Budget and Management any 46846  
appropriations in appropriation item 777-473, Rickenbacker Lease 46847  
Payments - State, that are not needed to make lease payments for 46848  
the Rickenbacker Port Authority. Notwithstanding section 127.14 of 46849  
the Revised Code, the amount certified may be transferred by the 46850  
Director of Budget and Management to appropriation item 777-471, 46851  
Airport Improvements - State. 46852

TRANSFER OF APPROPRIATIONS - PUBLIC TRANSPORTATION 46853

The Director of Budget and Management may approve requests 46854  
from the Department of Transportation for the transfer of 46855  
appropriations between appropriation item 775-451, Public 46856  
Transportation - State, and appropriation item 775-458, Elderly 46857  
and Disabled Fare Assistance. Transfers between appropriation 46858  
items shall be made upon the written request of the Director of 46859  
Transportation and with the approval of the Director of Budget and 46860  
Management. Such transfers shall be reported to the Controlling 46861  
Board. 46862

RAILROAD CROSSING AND GRADE SEPARATION 46863

The foregoing appropriation item 776-466, Railroad Crossing 46864  
and Grade Separation, shall be used to fund the Rail Crossing 46865  
Safety Initiative, which will provide improvements to communities 46866  
most affected by rail traffic and related issues. 46867

**Section 109.** TOS TREASURER OF STATE 46868

General Revenue Fund 46869

GRF 090-321 Operating Expenses \$ 10,510,560 \$ 12,717,120 46870

GRF 090-401 Office of the Sinking \$ 596,736 \$ 614,640 46871

Fund 46872

GRF 090-402 Continuing Education \$ 460,150 \$ 513,600 46873

GRF 090-524 Police and Fire \$ 43,000 \$ 40,000 46874

Disability Pension 46875



GRF 090-534	Police & Fire Ad Hoc	\$	280,000	\$	260,000	46876
	Cost					
	of Living					46877
GRF 090-544	Police and Fire State	\$	1,200,000	\$	1,200,000	46878
	Contribution					46879
GRF 090-554	Police and Fire	\$	1,550,000	\$	1,500,000	46880
	Survivor					
	Benefits					46881
GRF 090-575	Police and Fire Death	\$	23,000,000	\$	24,000,000	46882
	Benefits					46883
TOTAL GRF	General Revenue Fund	\$	37,640,446	\$	40,845,360	46884
	Agency Fund Group					46885
425 090-635	Tax Refunds	\$	655,000,000	\$	675,000,000	46886
TOTAL Agency	Fund Group	\$	655,000,000	\$	675,000,000	46887
	General Services Fund Group					46888
182 090-608	Financial Planning	\$	12,944	\$	13,682	46889
	Commissions					46890
4E9 090-603	Securities Lending	\$	3,773,177	\$	970,000	46891
	Income					
4NO 090-611	Treasury Education	\$	27,500	\$	27,500	46892
577 090-605	Investment Pool	\$	662,000	\$	600,000	46893
	Reimbursement					46894
605 090-609	Treasurer of State	\$	760,000	\$	1,270,000	46895
	Administrative Fund					46896
TOTAL GSF	General Services					46897
	Fund Group	\$	5,235,621	\$	2,881,182	46898
	State Special Revenue Fund Group					46899
5C5 090-602	County Treasurer	\$	92,000	\$	88,000	46900
	Education					
TOTAL SSR	State Special Revenue					46901
	Fund Group	\$	92,000	\$	88,000	46902
TOTAL ALL BUDGET	FUND GROUPS	\$	697,968,067	\$	718,814,542	46903

**Section 109.01.** OFFICE OF THE SINKING FUND 46905

The foregoing appropriation item 090-401, Office of the 46906  
Sinking Fund, shall be used for all costs incurred by order of, or 46907  
on behalf of, the Commissioners of the Sinking Fund, the Ohio 46908  
Public Facilities Commission, or the Treasurer of State, with 46909  
respect to the issuance, sale, and payment of State of Ohio 46910  
general obligation bonds or notes, including, but not limited to, 46911  
printing, advertising, delivery, rating fees and the procurement 46912  
of ratings, and other services set forth in division (D) of 46913  
section 151.01 of the Revised Code. The General Revenue Fund shall 46914  
be reimbursed for such costs by intrastate transfer voucher 46915  
pursuant to a certification by the Office of the Sinking Fund of 46916  
the actual amounts used. The amounts necessary to make such 46917  
reimbursements are appropriated from the general obligation bond 46918  
retirement funds created by the Constitution and laws to the 46919  
extent such costs are incurred. 46920

**Section 109.02.** POLICE AND FIRE DEATH BENEFIT FUND 46921

The foregoing appropriation item 090-575, Police and Fire 46922  
Death Benefits, shall be disbursed annually by the Treasurer of 46923  
State at the beginning of each fiscal year to the Board of 46924  
Trustees of the Ohio Police and Fire Pension Fund. By the 46925  
twentieth day of June of each year, the Board of Trustees of the 46926  
Ohio Police and Fire Pension Fund shall certify to the Treasurer 46927  
of State the amount disbursed in the current fiscal year to make 46928  
the payments required by section 742.63 of the Revised Code and 46929  
shall return to the Treasurer of State moneys received from this 46930  
item but not disbursed. 46931

**Section 110.** UST PETROLEUM UNDERGROUND STORAGE TANK 46932

RELEASE COMPENSATION BOARD 46933

State Special Revenue Fund Group				46934
691 810-632 PUSTRCB Staff	\$	1,011,437	\$	1,075,158
TOTAL SSR State Special Revenue				46936
Fund Group	\$	1,011,437	\$	1,075,158
TOTAL ALL BUDGET FUND GROUPS	\$	1,011,437	\$	1,075,158

**Section 111. TTA OHIO TUITION TRUST AUTHORITY** 46940

State Special Revenue Fund Group				46941
645 095-601 Operating Expenses	\$	4,630,385	\$	4,734,800
TOTAL SSR State Special Revenue				46943
Fund Group	\$	4,630,385	\$	4,734,800
TOTAL ALL BUDGET FUND GROUPS	\$	4,630,385	\$	4,734,800

**Section 112. OVH OHIO VETERANS' HOME** 46947

General Revenue Fund				46948
GRF 430-100 Personal Services	\$	13,869,975	\$	14,804,831
GRF 430-200 Maintenance	\$	5,099,666	\$	5,199,159
TOTAL GRF General Revenue Fund	\$	18,969,641	\$	20,003,990
Federal Special Revenue Fund Group				46952
3L2 430-601 Federal Grants	\$	9,823,259	\$	10,059,342
TOTAL FED Federal Special Revenue				46954
Fund Group	\$	9,823,259	\$	10,059,342
State Special Revenue Fund Group				46956
4E2 430-602 Veterans Home	\$	5,288,525	\$	5,583,806
Operating				
484 430-603 Rental and Service	\$	457,060	\$	509,737
Revenue				
604 430-604 Veterans Home	\$	725,699	\$	670,096
Improvement				
TOTAL SSR State Special Revenue				46960
Fund Group	\$	6,471,284	\$	6,763,639
TOTAL ALL BUDGET FUND GROUPS	\$	35,264,184	\$	36,826,971

	<b>Section 113. VET VETERANS' ORGANIZATIONS</b>			46964
	General Revenue Fund			46965
	VAP AMERICAN EX-PRISONERS OF WAR			46966
GRF 743-501	State Support	\$ 25,030	\$ 25,030	46967
	VAN ARMY AND NAVY UNION, USA, INC.			46968
GRF 746-501	State Support	\$ 55,012	\$ 55,012	46969
	VKW KOREAN WAR VETERANS			46970
GRF 747-501	State Support	\$ 49,453	\$ 49,453	46971
	VJW JEWISH WAR VETERANS			46972
GRF 748-501	State Support	\$ 29,715	\$ 29,715	46973
	VCW CATHOLIC WAR VETERANS			46974
GRF 749-501	State Support	\$ 57,990	\$ 57,990	46975
	VPH MILITARY ORDER OF THE PURPLE HEART			46976
GRF 750-501	State Support	\$ 56,377	\$ 56,377	46977
	VVV VIETNAM VETERANS OF AMERICA			46978
GRF 751-501	State Support	\$ 185,954	\$ 185,954	46979
	VAL AMERICAN LEGION OF OHIO			46980
GRF 752-501	State Support	\$ 252,328	\$ 252,328	46981
	VII VETERANS OF WORLD WAR II-KOREA-VIETNAM			46982
GRF 753-501	State Support	\$ 237,919	\$ 237,919	46983
	VAV DISABLED AMERICAN VETERANS			46984
GRF 754-501	State Support	\$ 166,308	\$ 166,308	46985
	VOH RAINBOW DIVISION VETERANS' ASSOCIATION, OHIO			46986
GRF 755-501	State Support	\$ 4,226	\$ 4,226	46987
	VMC MARINE CORPS LEAGUE			46988
GRF 756-501	State Support	\$ 85,972	\$ 85,972	46989
	V37 37TH DIVISION AEF VETERANS' ASSOCIATION			46990
GRF 757-501	State Support	\$ 5,946	\$ 5,946	46991
	VFW VETERANS OF FOREIGN WARS			46992
GRF 758-501	State Support	\$ 196,615	\$ 196,615	46993
	VWI VETERANS OF WORLD WAR I			46994
GRF 759-501	State Support	\$ 24,780	\$ 24,780	46995

TOTAL GRF General Revenue Fund	\$	1,433,625	\$	1,433,625	46996
TOTAL ALL BUDGET FUND GROUPS	\$	1,433,625	\$	1,433,625	46997

RELEASE OF FUNDS 46998

The foregoing appropriation items 743-501, 746-501, 747-501, 46999  
748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501, 47000  
755-501, 756-501, 757-501, 758-501, and 759-501, State Support, 47001  
shall be released upon approval by the Director of Budget and 47002  
Management. 47003

AMERICAN EX-PRISONERS OF WAR 47004

The American Ex-Prisoners of War shall be permitted to share 47005  
an office with the Veterans of World War I. 47006

CENTRAL OHIO UNITED SERVICES ORGANIZATION 47007

Of the foregoing appropriation item 751-501, State Support, 47008  
Vietnam Veterans of America, \$50,000 in each fiscal year shall be 47009  
used to support the activities of the Central Ohio USO. 47010

VETERANS SERVICE COMMISSION EDUCATION 47011

Of the foregoing appropriation item 753-501, State Support, 47012  
Veterans of World War II-Korea-Vietnam, up to \$20,000 in each 47013  
fiscal year may be used to provide moneys to the Association of 47014  
County Veterans Service Commissioners to reimburse its member 47015  
county veterans service commissions for costs incurred in carrying 47016  
out educational and outreach duties required under divisions (E) 47017  
and (F) of section 5901.03 of the Revised Code. Upon the 47018  
presentation of an itemized statement to the Office of Veterans 47019  
Affairs, the office shall direct the Auditor of State to issue a 47020  
warrant upon the state treasury to the association to reimburse 47021  
member commissions for reasonable and appropriate expenses 47022  
incurred performing these duties. The association shall establish 47023  
uniform procedures for reimbursing member commissions. 47024

**Section 114. DVM STATE VETERINARY MEDICAL BOARD 47025**

General Services Fund Group				47026
4K9 888-609 Operating Expenses	\$	471,003	\$ 496,731	47027
TOTAL GSF General Services				47028
Fund Group	\$	471,003	\$ 496,731	47029
TOTAL ALL BUDGET FUND GROUPS	\$	471,003	\$ 496,731	47030
 <b>Section 115. DYS DEPARTMENT OF YOUTH SERVICES</b>				47032
General Revenue Fund				47033
GRF 470-401 RECLAIM Ohio	\$	160,808,723	\$ 164,415,944	47034
GRF 470-402 Community Program	\$	740,907	\$ 839,490	47035
Services				
GRF 470-412 Lease Rental Payments	\$	17,376,700	\$ 18,739,900	47036
GRF 470-502 Detention Subsidies	\$	6,163,213	\$ 6,433,035	47037
GRF 470-510 Youth Services	\$	18,791,205	\$ 21,307,671	47038
GRF 472-321 Parole Operations	\$	16,680,042	\$ 17,246,018	47039
GRF 477-321 Administrative	\$	14,814,953	\$ 15,934,443	47040
Operations				
GRF 477-406 Interagency	\$	252,450	\$ 261,299	47041
Collaborations				
TOTAL GRF General Revenue Fund	\$	235,628,193	\$ 245,177,800	47042
General Services Fund Group				47043
175 470-613 Education	\$	8,461,407	\$ 8,817,598	47044
Reimbursement				
4A2 470-602 Child Support	\$	450,000	\$ 400,000	47045
4G6 470-605 General Operational	\$	10,000	\$ 10,000	47046
Funds				
479 470-609 Employee Food Service	\$	143,349	\$ 146,933	47047
523 470-621 Wellness Program	\$	192,954	\$ 197,778	47048
TOTAL GSF General Services				47049
Fund Group	\$	9,257,710	\$ 9,572,309	47050
Federal Special Revenue Fund Group				47051
3U1 470-607 Criminal Justice	\$	10,584,798	\$ 11,025,908	47052

		Federal Programs					
3V5	470-604	Juvenile	\$	5,159,202	\$	5,998,092	47053
		Justice/Delinquency					
		Prevention					
321	470-601	Education	\$	1,298,156	\$	1,334,122	47054
321	470-603	Juvenile Justice	\$	2,973,733	\$	2,973,733	47055
		Prevention					
321	470-606	Nutrition	\$	2,800,000	\$	2,800,000	47056
321	470-610	Rehabilitation	\$	83,500	\$	83,500	47057
		Programs					
321	470-614	Title IV-E	\$	5,700,000	\$	5,700,000	47058
		Reimbursements					
321	470-617	Americorps Programs	\$	407,860	\$	418,444	47059
		TOTAL FED Federal Special Revenue					47060
		Fund Group	\$	29,007,249	\$	30,333,799	47061
		State Special Revenue Fund Group					47062
147	470-612	Vocational Education	\$	2,012,665	\$	2,090,392	47063
4W3	470-618	Help Me Grow	\$	10,900	\$	11,587	47064
5J7	470-623	Residential Treatment	\$	0	\$	500,000	47065
		Services					
		TOTAL SSR State Special Revenue					47066
		Fund Group	\$	2,023,565	\$	2,601,979	47067
		TOTAL ALL BUDGET FUND GROUPS	\$	275,916,717	\$	287,685,887	47068
		OHIO BUILDING AUTHORITY LEASE PAYMENTS					47069
		The foregoing appropriation item 470-412, Lease Rental					47070
		Payments, in the Department of Youth Services, shall be used for					47071
		payments, limited to the aggregate amount of \$36,116,600, to the					47072
		Ohio Building Authority for the period from July 1, 2001, to June					47073
		30, 2003, pursuant to the primary leases and agreements for					47074
		facilities made under Chapter 152. of the Revised Code, which are					47075
		the source of funds pledged for bond service charges on related					47076
		obligations issued pursuant to Chapter 152. of the Revised Code.					47077

RECLAIM OHIO 47078

In determining the amount of moneys necessary to fund the 47079  
foregoing appropriation item 470-401, RECLAIM Ohio, in fiscal 47080  
years 2002 and 2003, the Department of Youth Services shall 47081  
compute the number of state target youth for each fiscal year. As 47082  
defined in section 5139.01 of the Revised Code, "state target 47083  
youth" means twenty-five per cent of the projected total number of 47084  
felony-level delinquency adjudications in the juvenile courts for 47085  
each year of a biennium, factoring in revocations and 47086  
recommitments. The foregoing appropriation item 470-401, RECLAIM 47087  
Ohio, shall provide for an amount not less than \$98 per day for 47088  
each state target youth or not less than \$20,000 per year for each 47089  
state target youth for each year of the biennium. 47090

EMPLOYEE FOOD SERVICE AND EQUIPMENT 47091

Notwithstanding section 125.14 of the Revised Code, the 47092  
foregoing appropriation item 470-609, Employee Food Service, may 47093  
be used to purchase any food operational items with funds received 47094  
into the fund from reimbursement for state surplus property. 47095

EDUCATION REIMBURSEMENT 47096

The foregoing appropriation item 470-613, Education 47097  
Reimbursement, shall be used to fund the operating expenses of 47098  
providing educational services to youth supervised by the 47099  
Department of Youth Services. Operating expenses include, but are 47100  
not limited to, teachers' salaries, maintenance costs, and 47101  
educational equipment. This appropriation item shall not be used 47102  
for capital expenses. 47103

FINANCIAL ASSISTANCE FOR JUVENILE DETENTION FACILITIES 47104

Pursuant to section 5139.281 of the Revised Code, funding 47105  
provided to a county for the operation and maintenance of each 47106  
home shall be in an amount of fifty per cent of the approved 47107  
annual operating cost, but shall not be in excess of \$156,928 in 47108



each fiscal year. 47109

FEDERAL PROGRAM TRANSFER OF JUVENILE JUSTICE FROM THE OFFICE 47110  
OF CRIMINAL JUSTICE SERVICES 47111

On July 1, 2001, responsibility for a federal juvenile 47112  
justice program is transferred from the Office of Criminal Justice 47113  
Services to the Department of Youth Services. The Department of 47114  
Youth Services thereupon and thereafter is successor to, assumes 47115  
the obligations of, and otherwise provides for the continuation of 47116  
a federal juvenile justice program. 47117

Any business relating to a federal juvenile justice program 47118  
commenced but not completed by the Office of Criminal Justice 47119  
Services or its director prior to July 1, 2001, shall be completed 47120  
by the Department of Youth Services or its director in the same 47121  
manner, and with the same effect, as if completed by the Office of 47122  
Criminal Justice Services or its director. No validation, cure, 47123  
right, privilege, remedy, obligation, or liability is lost or 47124  
impaired by reason of the transfer. All of the Office of Criminal 47125  
Justice Services' rules, orders, and determinations continue in 47126  
effect as rules, orders, and determinations of the Department of 47127  
Youth Services, until modified or rescinded by the Department of 47128  
Youth Services. If necessary to ensure the integrity of the 47129  
numbering of the Administrative Code, the Director of the 47130  
Legislative Service Commission shall renumber the Office of 47131  
Criminal Justice Services' rules for a federal juvenile justice 47132  
program to reflect the transfer of the program to the Department 47133  
of Youth Services. 47134

The employees of the Office of Criminal Justice Services 47135  
assigned to work with a federal juvenile justice program are 47136  
transferred to the Department of Youth Services and shall retain 47137  
their positions and all the benefits accruing thereto. 47138

No action or proceeding pending on July 1, 2001, is affected 47139

by the transfer, and any action or proceeding pending on July 1, 47140  
2001, shall be prosecuted or defended in the name of the 47141  
Department of Youth Services or its director. In all such actions 47142  
and proceedings, the Department of Youth Services or its director 47143  
upon application to the court shall be substituted as a party. 47144

**Section 116. EXPENDITURES AND APPROPRIATION INCREASES** 47145  
APPROVED BY THE CONTROLLING BOARD 47146

Any money that the Controlling Board approves for expenditure 47147  
or any increase in appropriation authority that the Controlling 47148  
Board approves pursuant to the provisions of sections 127.14, 47149  
131.35, and 131.39 of the Revised Code or any other provision of 47150  
law is appropriated for the period ending June 30, 2003. 47151

**Section 117. PERSONAL SERVICE EXPENSES** 47152

Unless otherwise prohibited by law, any appropriation from 47153  
which personal service expenses are paid shall bear the employer's 47154  
share of public employees' retirement, workers' compensation, 47155  
disabled workers' relief, and all group insurance programs; the 47156  
costs of centralized accounting, centralized payroll processing, 47157  
and related personnel reports and services; the cost of the Office 47158  
of Collective Bargaining; the cost of the Personnel Board of 47159  
Review; the cost of the Employee Assistance Program; the cost of 47160  
the Equal Opportunity Center; the costs of interagency information 47161  
management infrastructure; and the cost of administering the state 47162  
employee merit system as required by section 124.07 of the Revised 47163  
Code. These costs shall be determined in conformity with 47164  
appropriate sections of law and paid in accordance with procedures 47165  
specified by the Office of Budget and Management. Expenditures 47166  
from appropriation item 070-601, Public Audit Expense - Local 47167  
Government, in Fund 422 may be exempted from the requirements of 47168  
this section. 47169

**Section 118.** REISSUANCE OF VOIDED WARRANTS 47170

In order to provide funds for the reissuance of voided 47171  
warrants pursuant to section 117.47 of the Revised Code, there is 47172  
appropriated, out of moneys in the state treasury from the fund 47173  
credited as provided in section 117.47 of the Revised Code, that 47174  
amount sufficient to pay such warrants when approved by the Office 47175  
of Budget and Management. 47176

**Section 119.** \* CAPITAL PROJECT SETTLEMENTS 47177

This section specifies an additional and supplemental 47178  
procedure to provide for payments of judgments and settlements if 47179  
the Director of Budget and Management determines, pursuant to 47180  
division (C)(4) of section 2743.19 of the Revised Code, that 47181  
sufficient unencumbered moneys do not exist in the particular 47182  
appropriation to pay the amount of a final judgment rendered 47183  
against the state or a state agency, including the settlement of a 47184  
claim approved by a court, in an action upon and arising out of a 47185  
contractual obligation for the construction or improvement of a 47186  
capital facility if the costs under the contract were payable in 47187  
whole or in part from a state capital projects appropriation. In 47188  
such a case, the director may either proceed pursuant to division 47189  
(C)(4) of section 2743.19 of the Revised Code, or apply to the 47190  
Controlling Board to increase an appropriation or create an 47191  
appropriation out of any unencumbered moneys in the state treasury 47192  
to the credit of the capital projects fund from which the initial 47193  
state appropriation was made. The Controlling Board may approve or 47194  
disapprove the application as submitted or modified. The amount of 47195  
an increase in appropriation or new appropriation specified in an 47196  
application approved by the Controlling Board is hereby 47197  
appropriated from the applicable capital projects fund and made 47198  
available for the payment of the judgment or settlement. 47199

If the director does not make the application authorized by 47200  
this section or the Controlling Board disapproves the application, 47201  
and the director does not make application pursuant to division 47202  
(C)(4) of section 2743.19 of the Revised Code, the director shall 47203  
for the purpose of making that payment request to the General 47204  
Assembly as provided for in division (C)(5) of that section. 47205

**Section 120. INCOME TAX DISTRIBUTION TO COUNTIES** 47206

There are hereby appropriated out of any moneys in the state 47207  
treasury to the credit of the General Revenue Fund, which are not 47208  
otherwise appropriated, funds sufficient to make any payment 47209  
required by division (B)(2) of section 5747.03 of the Revised 47210  
Code. 47211

**Section 121. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 47212  
**AGAINST THE STATE** 47213

Any appropriation may be used for the purpose of satisfying 47214  
judgments or settlements in connection with civil actions against 47215  
the state in federal court not barred by sovereign immunity or the 47216  
Eleventh Amendment to the Constitution of the United States, or 47217  
for the purpose of satisfying judgments, settlements, or 47218  
administrative awards ordered or approved by the Court of Claims 47219  
in connection with civil actions against the state, pursuant to 47220  
section 2743.15, 2743.19, or 2743.191 of the Revised Code. This 47221  
authorization does not apply to appropriations to be applied to or 47222  
used for payment of guarantees by or on behalf of the state, for 47223  
or relating to lease payments or debt service on bonds, notes, or 47224  
similar obligations and those from the Sports Facilities Building 47225  
Fund (Fund 024), the Highway Safety Building Fund (Fund 025), the 47226  
Administrative Building Fund (Fund 026), the Adult Correctional 47227  
Building Fund (Fund 027), the Juvenile Correctional Building Fund 47228  
(Fund 028), the Transportation Building Fund (Fund 029), the Arts 47229

Facilities Building Fund (Fund 030), the Natural Resources 47230  
Projects Fund (Fund 031), the School Building Program Assistance 47231  
Fund (Fund 032), the Mental Health Facilities Improvement Fund 47232  
(Fund 033), the Higher Education Improvement Fund (Fund 034), the 47233  
Parks and Recreation Improvement Fund (Fund 035), the State 47234  
Capital Improvements Fund (Fund 038), the Highway Obligation Fund 47235  
(Fund 041), the Coal Research/Development Fund (Fund 046), and any 47236  
other fund into which proceeds of obligations are deposited. 47237  
Nothing contained in this section is intended to subject the state 47238  
to suit in any forum in which it is not otherwise subject to suit, 47239  
nor is it intended to waive or compromise any defense or right 47240  
available to the state in any suit against it. 47241

**Section 122.** \* UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 47242

The maximum amounts that may be assessed against nuclear 47243  
electric utilities in accordance with division (B)(2) of section 47244  
4937.05 of the Revised Code are as follows: 47245

	FY 2002	FY 2003	
Department of Agriculture			47246
Fund 4E4 Utility Radiological Safety	\$69,016	\$73,059	47247
Department of Health			47248
Fund 610 Radiation Emergency Response	\$870,505	\$923,315	47249
Environmental Protection Agency			47250
Fund 644 ER Radiological Safety	\$242,446	\$255,947	47251
Emergency Management Agency			47252
Fund 657 Utility Radiological Safety	\$874,602	\$927,241	47253

**Section 123.** UNCLAIMED FUNDS TRANSER 47254

Notwithstanding division (A) of section 169.05 of the Revised 47255  
Code, prior to June 30, 2003, upon the request of the Director of 47256  
Budget and Management, the Director of Commerce shall transfer to 47257  
the General Revenue Fund up to \$30,000,000 of the unclaimed funds 47258  
47259

that have been reported by the holder of unclaimed funds as 47260  
provided by section 169.05 of the Revised Code, irrespective of 47261  
the allocation of the unclaimed funds under that section. 47262

**Section 124.** GRF TRANSER TO FUND 5N4, ERP PROJECT 47263  
IMPLEMENTATION 47264

On July 1, 2001, or as soon thereafter as possible, the 47265  
Director of Budget and Management shall transfer \$2,432,110 in 47266  
cash from the General Revenue Fund to Fund 5N4, ERP Project 47267  
Implementation. On July 1, 2002, or as soon thereafter as 47268  
possible, the Director of Budget and Management shall transfer 47269  
\$2,535,770 in cash from the General Revenue Fund to Fund 5N4, ERP 47270  
Project Implementation. 47271

**Section 125.** UCC FILING FUND TRANSFER TO GRF 47272

No later than the first day of August in each year of the 47273  
biennium, the Director of Budget and Management shall transfer 47274  
\$1,000,000 from the Uniform Commercial Code Filing Fund to the 47275  
General Revenue Fund. 47276

**Section 126.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 47277

Certain appropriations are in this act for the purpose of 47278  
paying debt service and financing costs on general obligation 47279  
bonds or notes of the state issued pursuant to the Ohio 47280  
Constitution and acts of the General Assembly. If it is determined 47281  
that additional appropriations are necessary for this purpose, 47282  
such amounts are appropriated. 47283

**Section 127.** LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 47284  
STATE 47285

Certain appropriations are in this act for the purpose of 47286  
making lease payments pursuant to leases and agreements relating 47287

to bonds or notes issued by the Ohio Building Authority of the 47288  
Treasurer of State or, previously, by the Ohio Public Facilities 47289  
Commission, pursuant to the Ohio Constitution and acts of the 47290  
General Assembly. If it is determined that additional 47291  
appropriations are necessary for this purpose, such amounts are 47292  
appropriated. 47293

**Section 128. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO 47294**  
**EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 47295**

The Office of Budget and Management shall initiate and 47296  
process disbursements from lease rental payment appropriation 47297  
items during the period from July 1, 2001, to June 30, 2003, 47298  
pursuant to leases and agreements for bonds or notes issued under 47299  
Section 2i of Article VIII, Ohio Constitution, and Chapters 154. 47300  
and 3318. of the Revised Code. Disbursements shall be made upon 47301  
certification by the Treasurer of State of the dates and amounts 47302  
due on those dates to the various bond service fund trust funds 47303  
created under sections 154.20, 154.21, 154.22, and 3318.26 of the 47304  
Revised Code. 47305

**Section 129. STATE AND LOCAL REBATE AUTHORIZATION 47306**

There is hereby appropriated, from those funds designated by 47307  
or pursuant to the applicable proceedings authorizing the issuance 47308  
of state obligations, amounts computed at the time to represent 47309  
the portion of investment income to be rebated or amounts in lieu 47310  
of or in addition to any rebate amount to be paid to the federal 47311  
government in order to maintain the exclusion from gross income 47312  
for federal income tax purposes of interest on those state 47313  
obligations pursuant to section 148(f) of the Internal Revenue 47314  
Code. 47315

Rebate payments shall be approved and vouchered by the Office 47316  
of Budget and Management. 47317

**Section 130.** TRANSFERS FROM SPECIFIED FUNDS 47318

Notwithstanding any other provision of law to the contrary, 47319  
the Commissioners of the Sinking Fund shall transfer the balance 47320  
remaining after provision for payment of all outstanding bonds or 47321  
notes, coupons, and charges, from the Improvement Bond Retirement 47322  
Fund, the Public Improvement Bond Retirement Fund, and the 47323  
Development Bond Retirement Fund, to the General Revenue Fund as 47324  
expeditiously as possible upon this act taking effect. 47325

Notwithstanding any other provision of law to the contrary, 47326  
the Commissioners of the Sinking Fund shall transfer the balance 47327  
remaining after provision for payment of all outstanding bonds or 47328  
notes, coupons, and charges, from the Highway Improvement Bond 47329  
Retirement Fund, to the Highway Operating Fund as expeditiously as 47330  
possible upon taking effect of this act. 47331

**Section 131.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 47332  
REESTABLISHMENT OF ENCUMBRANCES 47333

Any cash transferred by the Director of Budget and Management 47334  
as provided by section 126.15 of the Revised Code is appropriated. 47335  
Any amounts necessary to reestablish appropriations or 47336  
encumbrances as provided in section 126.15 of the Revised Code are 47337  
appropriated. 47338

**Section 132.** FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 47339

Pursuant to the plan for compliance with the Federal Cash 47340  
Management Improvement Act required by section 131.36 of the 47341  
Revised Code, the Director of Budget and Management is authorized 47342  
to cancel and reestablish all or parts of encumbrances in like 47343  
amounts within the funds identified by the plan. The amounts 47344  
necessary to reestablish all or parts of encumbrances are 47345  
appropriated. 47346



**Section 133.** STATEWIDE INDIRECT COST RECOVERY 47347

Whenever the Director of Budget and Management determines 47348  
that an appropriation made to a state agency from a fund of the 47349  
state is insufficient to provide for the recovery of statewide 47350  
indirect costs pursuant to section 126.12 of the Revised Code, the 47351  
amount required for such purpose is appropriated from the 47352  
available receipts of such fund. 47353

**Section 134.** GRF TRANSFERS ON BEHALF OF THE STATEWIDE 47354  
INDIRECT COST ALLOCATION PLAN 47355

The total transfers made from the General Revenue Fund by the 47356  
Director of Budget and Management pursuant to this section shall 47357  
not exceed the amounts transferred into the General Revenue Fund 47358  
pursuant to division (B) of section 126.12 of the Revised Code. 47359

A director of an agency may certify to the Director of Budget 47360  
and Management the amount of expenses not allowed to be included 47361  
in the Statewide Indirect Cost Allocation plan pursuant to federal 47362  
regulations, from any fund included in the Statewide Indirect Cost 47363  
Allocation plan, prepared as required by section 126.12 of the 47364  
Revised Code. 47365

Upon determining that no alternative source of funding is 47366  
available to pay for such expenses, the Director of Budget and 47367  
Management may transfer from the General Revenue Fund into the 47368  
fund for which the certification is made, up to the amount of the 47369  
certification. The director of the agency receiving such funds 47370  
shall include, as part of the next budget submission prepared 47371  
pursuant to section 126.02 of the Revised Code, a request for 47372  
funding for such activities from an alternative source such that 47373  
further federal disallowances would not be required. 47374

**Section 135.** REAPPROPRIATION OF UNEXPENDED ENCUMBERED 47375

BALANCES OF OPERATING APPROPRIATIONS 47376

An unexpended balance of an operating appropriation or 47377  
reappropriation that a state agency lawfully encumbered prior to 47378  
the close of a fiscal year is reappropriated on the first day of 47379  
July of the following fiscal year from the fund from which it was 47380  
originally appropriated or reappropriated for the following period 47381  
and shall remain available only for the purpose of discharging the 47382  
encumbrance: 47383

(A) For an encumbrance for personal services, maintenance, 47384  
equipment, or items for resale, other than an encumbrance for an 47385  
item of special order manufacture not available on term contract 47386  
or in the open market or for reclamation of land or oil and gas 47387  
wells for a period of not more than five months from the end of 47388  
the fiscal year; 47389

(B) For an encumbrance for an item of special order 47390  
manufacture not available on term contract or in the open market, 47391  
for a period of not more than five months from the end of the 47392  
fiscal year or, with the written approval of the Director of 47393  
Budget and Management, for a period of not more than twelve months 47394  
from the end of the fiscal year; 47395

(C) For an encumbrance for reclamation of land or oil and gas 47396  
wells, for a period ending when the encumbered appropriation is 47397  
expended or for a period of two years, whichever is less; 47398

(D) For an encumbrance for any other expense, for such period 47399  
as the director approves, provided such period does not exceed two 47400  
years. 47401

Any operating appropriations for which unexpended balances 47402  
are reappropriated beyond a five-month period from the end of the 47403  
fiscal year, pursuant to division (B) of this section, shall be 47404  
reported to the Controlling Board by the Director of Budget and 47405  
Management by the thirty-first day of December of each year. The 47406

report on each such item shall include the item, the cost of the 47407  
item, and the name of the vendor. This report to the board shall 47408  
be updated on a quarterly basis for encumbrances remaining open. 47409

Upon the expiration of the reappropriation period set out in 47410  
divisions (A), (B), (C), or (D) of this section, a reappropriation 47411  
made pursuant to this section lapses, and the Director of Budget 47412  
and Management shall cancel the encumbrance of the unexpended 47413  
reappropriation no later than the end of the weekend following the 47414  
expiration of the reappropriation period. 47415

Notwithstanding the preceding paragraph, with the approval of 47416  
the Director of Budget and Management, an unexpended balance of an 47417  
encumbrance that was reappropriated on the first day of July 47418  
pursuant to this section for a period specified in division (C) or 47419  
(D) of this section and that remains encumbered at the close of 47420  
the fiscal biennium is hereby reappropriated pursuant to this 47421  
section on the first day of July of the following fiscal biennium 47422  
from the fund from which it was originally appropriated or 47423  
reappropriated for the applicable period specified in division (C) 47424  
or (D) of this section and shall remain available only for the 47425  
purpose of discharging the encumbrance. 47426

If the Controlling Board approved a purchase, that approval 47427  
remains in effect as long as the appropriation used to make that 47428  
purchase remains encumbered. 47429

**Section 136. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 47430

Notwithstanding any provision of law to the contrary, on or 47431  
before the first day of September of each fiscal year, the 47432  
Director of Budget and Management, in order to reduce the payment 47433  
of adjustments to the federal government, as determined by the 47434  
plan prepared pursuant to division (A) of section 126.12 of the 47435  
Revised Code, may designate such funds as the director considers 47436  
necessary to retain their own interest earnings. 47437

**Section 137.** FAMILY SERVICES STABILIZATION FUND 47438

The Director of Budget and Management shall transfer the \$100 47439  
million balance in the Family Services Stabilization Fund at the 47440  
end of fiscal year 2001 to the General Revenue Fund. 47441

**Section 138.** TEMPORARY STABILIZATION OF LOCAL GOVERNMENT 47442  
DISTRIBUTIONS 47443

(A) On or before the third day of each month of the period 47444  
July 2001 through May 2002, the Tax Commissioner shall determine 47445  
the amounts credited under sections 5727.45, 5733.12, 5739.21, 47446  
5741.03, and 5747.03 of the Revised Code, respectively, to the 47447  
Local Government Fund, to the Library and Local Government Support 47448  
Fund, and to the Local Government Revenue Assistance Fund in the 47449  
twelfth preceding month. On or before June 3, 2002, the Tax 47450  
Commissioner shall determine the amounts credited under sections 47451  
5727.45, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised 47452  
Code, respectively, to the Local Government Fund, to the Library 47453  
and Local Government Support Fund, and to the Local Government 47454  
Revenue Assistance Fund in June 2000. For purposes of this 47455  
section, any amount transferred during the period January 1, 2001, 47456  
through June 30, 2001 to the Local Government Fund, to the Local 47457  
Government Revenue Assistance Fund, or to the Library and Local 47458  
Government Support Fund under section 131.44 of the Revised Code 47459  
shall be considered to be an amount credited to that respective 47460  
fund under section 5747.03 of the Revised Code. 47461

Notwithstanding sections 5727.45, 5733.12, 5739.21, 5741.03, 47462  
and 5747.03 of the Revised Code to the contrary, for each month in 47463  
the period July 1, 2001, through June 30, 2003, from the public 47464  
utility excise, corporate franchise, sales, use, and personal 47465  
income taxes collected: 47466

(1) An amount shall first be credited to the Local Government 47467

Fund that equals the amount credited to that fund from that tax 47468  
according to the schedule in division (B) of this section. 47469

(2) An amount shall next be credited to the Local Government 47470  
Revenue Assistance Fund that equals the amount credited to that 47471  
fund from that tax according to the schedule in division (B) of 47472  
this section. 47473

(3) An amount shall next be credited to the Library and Local 47474  
Government Support Fund that equals the amount credited to that 47475  
fund from that tax according to the schedule in division (B) of 47476  
this section. 47477

(B) The amounts shall be credited from each tax to each 47478  
respective fund as follows: 47479

(1) In July 2001 and July 2002, the amounts credited in July 47480  
2000; 47481

(2) In August 2001 and August 2002, the amounts credited in 47482  
August 2000; 47483

(3) In September 2001 and September 2002, the amounts 47484  
credited in September 2000; 47485

(4) In October 2001 and October 2002, the amounts credited in 47486  
October 2000; 47487

(5) In November 2001 and November 2002, the amounts credited 47488  
in November 2000; 47489

(6) In December 2001 and December 2002, the amounts credited 47490  
in December 2000; 47491

(7) In January 2002 and January 2003, the amounts credited in 47492  
January 2001; 47493

(8) In February 2002 and February 2003, the amounts credited 47494  
in February 2001; 47495

(9) In March 2002 and March 2003, the amounts credited in 47496

March 2001; 47497

(10) In April 2002 and April 2003, the amounts credited in 47498  
April 2001; 47499

(11) In May 2002 and May 2003, the amounts credited in May 47500  
2001; 47501

(12) In June 2002 and June 2003, the amounts credited in June 47502  
2000. 47503

(C) Notwithstanding section 5727.84 of the Revised Code to 47504  
the contrary, for the period July 1, 2001, through June 30, 2003, 47505  
no amounts shall be credited to the Local Government Fund or to 47506  
the Local Government Revenue Assistance Fund from the kilowatt 47507  
hour tax, and such amounts that would have otherwise been required 47508  
to be credited to such funds shall instead be credited to the 47509  
General Revenue Fund. Notwithstanding section 131.44 of the 47510  
Revised Code to the contrary, for the period July 1, 2001, through 47511  
June 30, 2003, no amounts shall be transferred to the Local 47512  
Government Fund, the Local Government Revenue Assistance Fund, or 47513  
the Library and Local Government Support Fund from the Income Tax 47514  
Reduction Fund, and such amounts that would have otherwise been 47515  
transferred to such funds from the Income Tax Reduction Fund shall 47516  
instead be transferred to the General Revenue Fund. 47517

Notwithstanding any other provision of law to the contrary, 47518  
the Tax Commissioner shall compute separate adjustments to the 47519  
amounts credited from the public utility excise, corporate 47520  
franchise, sales, use, and personal income taxes to the Local 47521  
Government Fund, the Local Government Revenue Assistance Fund, and 47522  
the Library and Local Government Support Fund during July 2001. 47523  
The adjustments shall equal the amount credited to each respective 47524  
fund from each respective tax during June 2000 minus the amount 47525  
credited to that fund from that tax during June 2001. If an 47526  
adjustment is a positive amount, during July 2001, such amount 47527

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  
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 47560  
July 2001 and minus its pro rata share of any amount transferred 47561  
from that fund to the OPLIN Technology Fund in July 2001 or August 47562  
2001. In August 2001, each county undivided local government fund 47563  
shall receive from the Local Government Fund, each municipality 47564  
that receives a distribution directly from the Local Government 47565  
Fund shall receive from that fund, and each county undivided local 47566  
government revenue assistance fund shall receive from the Local 47567  
Government Revenue Assistance Fund an amount equal to the amount 47568  
it received from that respective fund in July 2000 and August 2000 47569  
minus the amount it received from that respective fund in July 47570  
2001. In each month of the periods September 1, 2001, through June 47571  
30, 2002, and September 1, 2002, through June 30, 2003, each 47572  
county undivided local government fund shall receive from the 47573  
Local Government Fund, each municipality that receives a 47574  
distribution directly from the Local Government Fund shall receive 47575  
from that fund, each county undivided local government revenue 47576  
assistance fund shall receive from the Local Government Revenue 47577  
Assistance Fund, and each county undivided library and local 47578  
government support fund shall receive from the Library and Local 47579  
Government Support Fund, the same amount it received from that 47580  
respective fund in the corresponding month of the period September 47581  
1, 2000, through June 2001. In each month of the period July 1, 47582  
2002, through August 31, 2002, and in the month of July 2003, each 47583  
county undivided local government fund shall receive from the 47584  
Local Government Fund, each municipality that receives a 47585  
distribution directly from the Local Government Fund shall receive 47586  
from that fund, each county undivided local government revenue 47587  
assistance fund shall receive from the Local Government Revenue 47588  
Assistance Fund, and each county undivided library and local 47589  
government support fund shall receive from the Library and Local 47590  
Government Support Fund, the same amount it received from that 47591  
respective fund in the corresponding month of the period July 1, 47592



2000, through August 31, 2000. If during any month of the period 47593  
September 1, 2001, through July 31, 2003, a transfer is made from 47594  
the Library and Local Government Support Fund to the OPLIN 47595  
Technology Fund, the amount distributed to each county undivided 47596  
library and local government support fund shall be reduced by its 47597  
pro rata share of the amount transferred. 47598

During the period July 1, 2001, through July 31, 2003, the 47599  
Director of Budget and Management shall issue those directives to 47600  
state agencies that are necessary to ensure that the appropriate 47601  
amounts are distributed to the Local Government Fund, to the Local 47602  
Government Revenue Assistance Fund, and to the Library and Local 47603  
Government Support Fund to accomplish the purposes of this 47604  
section. 47605

**Section 139.** BUDGET STABILIZATION FUND TRANSFERS FOR THE 47606  
DEPARTMENT OF JOB AND FAMILY SERVICES 47607

Notwithstanding section 131.43 and division (D) of section 47608  
127.14 of the Revised Code, if the Director of Budget and 47609  
Management, in consultation with the Director of the Department of 47610  
Job and Family Services, determines that Medicaid caseload 47611  
expenditures for the biennium are likely to exceed the amounts 47612  
appropriated in the Department of Job and Family Services line 47613  
600-525, Health Care/Medicaid, the Director of Budget and 47614  
Management may, with Controlling Board approval, transfer up to 47615  
\$100 million from the Budget Stabilization Fund to the General 47616  
Revenue Fund and increase the appropriation to line 600-525, 47617  
Health Care/Medicaid, accordingly. Before any transfers are 47618  
authorized, the Director of Budget and Management shall exhaust 47619  
the possibilities for transfers of moneys within the Department of 47620  
Job and Family Services to meet the identified shortfall. 47621

Notwithstanding section 131.43 and division (D) of section 47622  
127.14 of the Revised Code, the Director of Budget and Management, 47623

in consultation with the Director of the Department of Job and 47624  
Family Services, may, with Controlling Board approval, transfer up 47625  
to \$50 million during the biennium from the Budget Stabilization 47626  
Fund to the General Revenue Fund to be used for computer projects 47627  
in the Department of Job and Family Services. Upon approval of any 47628  
such transfer, the Director of Budget and Management shall 47629  
increase the appropriation to Department of Job and Family 47630  
Services line 600-416, Computer Projects, by the amount of the 47631  
transfer. 47632

**Section 140.** TRANSFERS TO THE GENERAL REVENUE FUND 47633

Notwithstanding any other provision of law to the contrary, 47634  
if the Director of Budget and Management determines that revenues 47635  
to the General Revenue Fund in fiscal years 2002 and 2003 are 47636  
insufficient to cover agency appropriations for fiscal years 2002 47637  
and 2003, the Director of Budget and Management is hereby 47638  
authorized to selectively transfer to the General Revenue Fund up 47639  
to \$30 million from non-federal, non-General Revenue Fund funds 47640  
that are not constitutionally restricted and that have sufficient 47641  
balances to support the transfer. 47642

**Section 141.** That Section 5 of Am. Sub. S.B. 50 of the 121st 47643  
General Assembly, as most recently amended by Am. Sub. H.B. 283 of 47644  
the 123rd General Assembly, be amended to read as follows: 47645

"**Sec. 5.** Sections 3 and 4 of Am. Sub. S.B. 50 of the 121st 47646  
General Assembly shall take effect ~~July 1, 2001~~ October 16, 2003." 47647

**Section 142.** That existing Section 5 of Am. Sub. S.B. 50 of 47648  
the 121st General Assembly, as most recently amended by Am. Sub. 47649  
H.B. 283 of the 123rd General Assembly, is hereby repealed. 47650

**Section 143.** That Section 153 of Am. Sub. H.B. 117 of the 47651

121st General Assembly, as most recently amended by Am. Sub. H.B. 47652  
283 of the 123rd General Assembly, be amended to read as follows: 47653

"**Sec. 153.** (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 47654  
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.17, 47655  
5112.18, 5112.19, 5112.21, and 5112.99 of the Revised Code are 47656  
hereby repealed, effective ~~July 1~~ October 16, 2001 2003. 47657

(B) Any money remaining in the Legislative Budget Services 47658  
Fund on ~~July 1~~ October 16, 2001 2003, the date that section 47659  
5112.19 of the Revised Code is repealed by division (A) of this 47660  
section, shall be used solely for the purposes stated in then 47661  
former section 5112.19 of the Revised Code. When all money in the 47662  
Legislative Budget Services Fund has been spent after then former 47663  
section 5112.19 of the Revised Code is repealed under division (A) 47664  
of this section, the fund shall cease to exist." 47665

**Section 144.** That existing Section 153 of Am. Sub. H.B. 117 47666  
of the 121st General Assembly, as most recently amended by Am. 47667  
Sub. H.B. 283 of the 123rd General Assembly, is hereby repealed. 47668

**Section 145.** That Section 3 of Am. Sub. H.B. 440 of the 121st 47669  
General Assembly, as most recently amended by Sub. S.B. 245 of the 47670  
123rd General Assembly, be amended to read as follows: 47671

"**Sec. 3.** Sections 122.23, 122.24, 122.25, 122.26, and 122.27 47672  
of the Revised Code are hereby repealed, effective July 1, ~~2001~~ 47673  
2003." 47674

**Section 146.** That existing Section 3 of Am. Sub. H.B. 440 of 47675  
the 121st General Assembly, as most recently amended by Sub. S.B. 47676  
245 of the 123rd General Assembly, is hereby repealed. 47677

**Section 147.** That Section 3 of Am. Sub. H.B. 215 of the 122nd 47678

General Assembly, as amended by Am. Sub. H.B. 283 of the 123rd 47679  
General Assembly, be amended to read as follows: 47680

"**Sec. 3.** Section 1751.68 of the Revised Code is hereby 47681  
repealed, effective ~~July 1, 2001~~ October 16, 2003." 47682

**Section 148.** That existing Section 3 of Am. Sub. H.B. 215 of 47683  
the 122nd General Assembly, as amended by Am. Sub. H.B. 283 of the 47684  
123rd General Assembly, is hereby repealed. 47685

**Section 149.** That Section 3 of Am. Sub. H.B. 621 of the 122nd 47686  
General Assembly, as most recently amended by Am. Sub. H.B. 283 of 47687  
the 123rd General Assembly, be amended to read as follows: 47688

"**Sec. 3.** That sections 166.031, 901.80, 901.81, 901.82, and 47689  
901.83 of the Revised Code are hereby repealed, effective July 1, 47690  
~~2001~~ 2003." 47691

**Section 150.** That existing Section 3 of Am. Sub. H.B. 621 of 47692  
the 122nd General Assembly, as most recently amended by Am. Sub. 47693  
H.B. 283 of the 123rd General Assembly, is hereby repealed. 47694

**Section 151.** That Section 9 of Am. Sub. S.B. 192 of the 123rd 47695  
General Assembly be amended to read as follows: 47696

"**Sec. 9.** All items set forth in this section are hereby 47697  
appropriated out of any moneys in the state treasury to the credit 47698  
of the Law Enforcement Improvements Trust Fund (Fund J87) that are 47699  
not otherwise appropriated. 47700

Appropriations

AGO ATTORNEY GENERAL 47701

CAP-716 Lab and Training Facility Improvements \$ ~~2,000,000~~ 47702

5,200,000 47703

TOTAL Attorney General	\$	2,000,000	47704
		<u>5,200,000</u>	47705
TOTAL Law Enforcement Improvements Trust Fund	\$	2,000,000	47706
		<u>5,200,000"</u>	47707

**Section 152.** That existing Section 9 of Am. Sub. S.B. 192 of the 123rd General Assembly is hereby repealed. 47709  
47710

**Section 153.** That Section 4 of Am. S.B. 210 of the 123rd General Assembly be amended to read as follows: 47711  
47712

**"Sec. 4.** (A) There is hereby created the Civil Service Review Commission. The Commission shall consist of the following members: 47713  
47714  
47715

(1) Three members of the Senate appointed by the President of the Senate, with at least one member from the minority party; 47716  
47717

(2) Three members of the House of Representatives appointed by the Speaker of the House of Representatives, with at least one member from the minority party; 47718  
47719  
47720

(3) Nine members appointed by the Governor, of whom one shall be the Director of Administrative Services or the Director's designee, one shall be from a union representing the largest number of state employees, one shall be from a union representing the largest number of local government employees, two shall be recommended by a statewide organization representing counties, two shall be recommended by a statewide organization representing municipal corporations, and two shall represent the public. 47721  
47722  
47723  
47724  
47725  
47726  
47727  
47728

All appointments shall be made not later than one month after ~~the effective date of this section~~ September 22, 2000. The Commission shall be co-chaired by a member of the House of Representatives designated by the Speaker of the House of Representatives and a member of the Senate designated by the 47729  
47730  
47731  
47732  
47733

President of the Senate. The co-chairs shall alternate chairing 47734  
meetings of the Commission by agreement of the co-chairs. 47735

(B) The Commission shall review civil service laws and 47736  
practice under those laws in Ohio. In conducting the review, the 47737  
Commission shall conduct a comprehensive analysis of Ohio's civil 47738  
service laws as set forth in the Revised Code and associated 47739  
rules, including an analysis of how the laws and any associated 47740  
rules are applied in practice by public entities across Ohio. 47741  
Additionally, the Commission may review decisions of the Personnel 47742  
Board of Review created in section 124.05 of the Revised Code or 47743  
other administrative and judicial bodies to determine how 47744  
decisions of the Board or those other bodies influence the 47745  
interpretation or application of civil service laws. The 47746  
Commission also may review practices and innovations of public 47747  
entities in other states. The Commission may call witnesses and 47748  
review any other information that it determines to be appropriate 47749  
and may consider recommendations of the Governor's Management 47750  
Improvement Commission. 47751

(C) Upon completion of its review under division (B) of this 47752  
section, but not later than ~~nine months after all of the~~ 47753  
~~appointments have been made under division (A) of this section~~ 47754  
December 31, 2001, the Commission shall issue a report to the 47755  
President of the Senate and the Speaker of the House of 47756  
Representatives. The report shall identify current statutes, 47757  
rules, practices, and procedures and shall make recommendations 47758  
for changes to those statutes, rules, practices, and procedures 47759  
that the Commission determines necessary to improve them. Upon 47760  
issuance of the report under this division, the Commission ceases 47761  
to exist." 47762

**Section 154.** That existing Section 4 of Am. S.B. 210 of the 47763  
123rd General Assembly is hereby repealed. 47764

**Section 155.** That Sections 10 and 13 of Am. Sub. S.B. 287 of the 123rd General Assembly be amended to read as follows:

"**Sec. 10.** The excise tax imposed by section 5727.811 of the Revised Code shall ~~first~~ apply to every natural gas distributed distribution company for all natural gas volumes billed by, or on behalf of, the company on and after July 1, 2001. Before that date, a natural gas distribution company shall register with the Tax Commissioner in accordance with section 5727.93 of the Revised Code, as amended by ~~this act~~ Am. Sub. S.B. 287 of the 123rd General Assembly.

**Sec. 13. (A)** The amendment or enactment by ~~this act~~ Am. Sub. S.B. 287 of the 123rd General Assembly of sections 5733.053, 5733.06, ~~5733.40,~~ 5747.221, and 5747.24 of the Revised Code first applies to tax year 2002.

(B) The amendment by Am. Sub. S.B. 287 of the 123rd General Assembly of section 5733.40 of the Revised Code applies to taxable years beginning in 2001 or thereafter."

**Section 156.** That existing Sections 10 and 13 of Am. Sub. S.B. 287 of the 123rd General Assembly are hereby repealed.

**Section 157.** That Sections 129 and 180 of Am. Sub. H.B. 283 of the 123rd General Assembly be amended to read as follows:

"**Sec. 129.** MORATORIUM FOR NEW MR/DD RESIDENTIAL FACILITY BEDS

(A) ~~During~~ Notwithstanding sections 5123.042 and 5123.19 of the Revised Code, during the period beginning July 1, ~~1999~~ 2001, and ending ~~June 30, 2001~~ October 15, 2003, the ~~Department~~ Director of Mental Retardation and Developmental Disabilities shall not

~~issue refuse to approve a proposal for the development approval 47792  
for, nor of residential facility beds or to issue a license under 47793  
section 5123.19 of the Revised Code, new residential facility if 47794  
the approval or issuance will result in an increase in the number 47795  
of residential facility beds for persons with mental retardation 47796  
or developmental disabilities, except that the department may 47797  
approve the development or licensure, or both, of such new beds in 47798  
an emergency. The department shall adopt rules in accordance with 47799  
Chapter 119. of the Revised Code specifying what constitutes an 47800  
emergency for the purposes of this section including those 47801  
certified as intermediate care facility for the mentally retarded 47802  
beds under Title XIX of the "Social Security Act," 79 Stat. 286 47803  
(1965), 42 U.S.C.A. 1396, as amended. A modification, replacement, 47804  
or relocation of existing beds in a residential facility licensed 47805  
under section 5123.19 of the Revised Code shall not be considered 47806  
an increase described in this division. The director shall adopt 47807  
rules in accordance with Chapter 119. of the Revised Code 47808  
specifying what constitutes a modification or replacement of 47809  
existing beds. 47810~~

~~(B) For the purposes of Notwithstanding division (A) of this 47811  
section, the following shall not be considered new beds: 47812~~

~~(1) Beds relocated from one facility to another, if the 47813  
facility from which the beds are relocated reduces the number of 47814  
its beds by the same number of beds that are relocated to the 47815  
other facility; 47816~~

~~(2) Beds to replace others that the Director of Health 47817  
determines no longer comply with the standards of the Medical 47818  
Assistance Program established under Chapter 5111. of the Revised 47819  
Code and Title XIX of the "Social Security Act," 49 Stat. 620 47820  
(1935), 42 U.S.C.A. 301, as amended during the period beginning on 47821  
July 1, 2001, and ending on October 15, 2003, the director may 47822  
issue a license under section 5123.19 of the Revised Code to a 47823~~



nursing home described in section 5123.192 of the Revised Code if 47824  
the sole purpose of the issuance is the relocation of existing 47825  
beds within the same county. The director shall authorize under 47826  
this division no additional beds beyond those being relocated. 47827

**Sec. 180.** (A) Divisions (A)(12) and (13) of section 5733.98 47828  
of the Revised Code, as amended by ~~this act~~ Am. Sub. H.B. 283 of 47829  
the 123rd General Assembly, and section 5733.42 of the Revised 47830  
Code, as enacted by ~~this act~~ Am. Sub. H.B. 283 of the 123rd 47831  
General Assembly, shall first apply to eligible training costs 47832  
paid or incurred on or after January 1, 2000. Section 5733.351 of 47833  
the Revised Code, as enacted by ~~this act~~ Am. Sub. H.B. 283 of the 47834  
123rd General Assembly, shall first apply to qualified research 47835  
expenses paid or incurred on or after January 1, ~~2001~~ 2003. 47836

(B) Notwithstanding division (C) of section 5733.42 of the 47837  
Revised Code, as enacted by ~~this act~~ Am. Sub. H.B. 283 of the 47838  
123rd General Assembly, applications for a tax credit certificate 47839  
filed pursuant to that section prior to the date the Department of 47840  
Job and Family Services comes into existence shall be filed with 47841  
the Director of Development, and the Director of Development shall 47842  
perform the duties otherwise assigned to the Director of Job and 47843  
Family Services under that section until that date. Rules adopted 47844  
pursuant to division (F) of that section by the Director of 47845  
Development shall continue in effect on and after that date, 47846  
unless rescinded or amended by the Director of Job and Family 47847  
Services thereafter." 47848

**Section 158.** That existing Sections 129 and 180 of Am. Sub. 47849  
H.B. 283 of the 123rd General Assembly are hereby repealed. 47850

**Section 159.** That Section 18 of Am. Sub. H.B. 650 of the 47851  
122nd General Assembly, as most recently amended by Sub. S.B. 245 47852  
of the 123rd General Assembly, is hereby repealed. 47853

**Section 160.** That Section 17 of Am. Sub. H.B. 282 of the 123rd General Assembly, as most recently amended by Sub. S.B. 245 of the 123rd General Assembly, is hereby repealed.

**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 47882  
services and programs that serve children under six years of age. 47883  
The assessment shall include identifying supports available to 47884  
those services and programs and gaps in services across Ohio, as 47885  
well as a review of existing state laws and administrative 47886  
procedures related to those services and programs. Based on its 47887  
assessment, the Cabinet Council shall develop, in consultation 47888  
with early childhood, business, and community organizations, a 47889  
strategic plan that does both of the following: 47890

(1) Identifies goals for developing an integrated system of 47891  
early care and education for families with children under six 47892  
years of age. 47893

(2) Recommends specific steps that must be taken to 47894  
accomplish those goals, including establishing linkages between 47895  
schools and early childhood programs to ensure successful 47896  
transitions for children and their families. The recommendations 47897  
included in the strategic plan shall maximize opportunities for 47898  
existing programs and services to blend funding sources and work 47899  
together. 47900

The Cabinet Council shall provide copies of the strategic 47901  
plan to the Governor, Speaker and Minority Leader of the House of 47902  
Representatives, and the President and Minority Leader of the 47903  
Senate not later than June 30, 2002. 47904

**Section 165.** The Director of Agriculture shall create a task 47905  
force to study and make recommendations on methods to avert 47906  
bio-terrorism, including actions by foreign countries against the 47907  
state. The task force shall submit its findings and 47908  
recommendations to the Speaker of the House of Representatives, 47909  
the President of the Senate, and the chairpersons of the standing 47910  
committees in the House of Representatives and the Senate that are 47911  
primarily responsible for considering agricultural matters. 47912

**Section 166.** EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL FACILITIES 47913  
47914

Notwithstanding any other provisions of law to the contrary, 47915  
the School Facilities Commission may provide assistance under the 47916  
Exceptional Needs Pilot Program to any school district and not 47917  
exclusively a school district in the lowest 50 per cent of 47918  
adjusted valuation per pupil on the fiscal year 1999 ranking of 47919  
school districts established pursuant to section 3317.02 of the 47920  
Revised Code, for the purpose of the relocation or replacement of 47921  
school facilities required as a result of extreme environmental 47922  
contamination. If in the assessment of the school district's 47923  
classroom facilities needs conducted under the Exceptional Needs 47924  
Pilot Program pursuant to Section 26 of Am. Sub. H.B. 850 of the 47925  
122nd General Assembly, the commission determines that all the 47926  
school district's classroom facilities ultimately will require 47927  
replacement under sections 3318.01 to 3318.20 of the Revised Code, 47928  
then the commission may undertake a district-wide project under 47929  
sections 3318.01 to 3318.20 of the Revised Code. 47930

The School Facilities Commission shall contract with an 47931  
independent environmental consultant to conduct a study and to 47932  
report to the commission as to the seriousness of the 47933  
environmental contamination, whether the contamination violates 47934  
applicable state and federal standards, and whether the facilities 47935  
are no longer suitable for use as school facilities. The 47936  
commission then shall make a determination regarding funding for 47937  
the relocation or replacement of the school facilities. If the 47938  
federal government or other public or private entity provides 47939  
funds for restitution of costs incurred by the state or school 47940  
district in the relocation or replacement of the school 47941  
facilities, the school district shall use such funds in excess of 47942  
the school district's share to refund the state for the state's 47943  
contribution to the environmental contamination portion of the 47944

project. The school district may apply an amount of such 47945  
restitution funds up to an amount equal to the school district's 47946  
portion of the project, as defined by the commission, toward 47947  
paying its portion of that project to reduce the amount of bonds 47948  
the school district otherwise must issue to receive state 47949  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 47950

**Section 167.** (A) The Ohio School Facilities Commission may 47951  
commit up to thirty-five million dollars to the Canton City School 47952  
District for construction of a facility described in this section, 47953  
in lieu of a high school that would otherwise be authorized under 47954  
Chapter 3318. of the Revised Code. The commission shall not commit 47955  
funds under this section unless all of the following conditions 47956  
are met: 47957

(1) The district has entered into a cooperative agreement 47958  
with a state-assisted technical college. 47959

(2) The district has received an irrevocable commitment of 47960  
additional funding from nonpublic sources. 47961

(3) The facility is intended to serve both secondary and 47962  
postsecondary instructional purposes. 47963

(B) The commission shall enter into an agreement with the 47964  
district for the construction of the facility authorized under 47965  
this section that is separate from and in addition to the 47966  
agreement required for the district's participation in the 47967  
Classroom Facilities Assistance Program under section 3318.08 of 47968  
the Revised Code. Notwithstanding that section and sections 47969  
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 47970  
agreement shall provide, but not be limited to, the following: 47971

(1) The commission shall not have any oversight 47972  
responsibilities over the construction of the facility. 47973

(2) The facility need not comply with the specifications for 47974

plans and materials for high schools adopted by the commission. 47975

(3) The commission may decrease the basic project cost that 47976  
would otherwise be calculated for a high school under Chapter 47977  
3318. of the Revised Code. 47978

(4) The state shall not share in any increases in the basic 47979  
project cost for the facility above the amount authorized under 47980  
this section. 47981

All other provisions of Chapter 3318. of the Revised Code 47982  
apply to the approval and construction of a facility authorized 47983  
under this section. 47984

The state funds committed to the facility authorized by this 47985  
section shall be part of the total amount the state commits to the 47986  
Canton City School District under Chapter 3318. of the Revised 47987  
Code. All additional state funds committed to the Canton City 47988  
School District for classroom facilities assistance shall be 47989  
subject to all provisions of Chapter 3318. of the Revised Code. 47990

**Section 168.** Not later than July 1, 2001, the Tax 47991  
Commissioner shall certify to the Department of Education for each 47992  
city, local, and exempted village school district the total 47993  
federal adjusted gross income of the residents of the school 47994  
district, based on tax returns filed by the residents of the 47995  
district, for each of the three most recent years for which this 47996  
information is available. The Department shall use the information 47997  
certified under this section to compute each district's state 47998  
parity aid funding under section 3317.0217 of the Revised Code in 47999  
fiscal year 2002. 48000

**Section 169.** The Legislative Office of Education Oversight 48001  
shall review and evaluate the plans adopted by school districts 48002  
for the identification of gifted students under section 3324.04 of 48003  
the Revised Code. Not later than November 30, 2002, the Office 48004

shall issue a report that summarizes the results of the 48005  
evaluations and recommends reasonable methods of funding 48006  
educational services for gifted students. The Office shall submit 48007  
its report to the President of the Senate, the Speaker of the 48008  
House of Representatives, the Minority Leader of the Senate, the 48009  
Minority Leader of the House of Representatives, and the Governor. 48010

**Section 170.** The Department of Education shall consider the 48011  
feasibility and desirability of relocating the department staff 48012  
responsible for gifted education from the Center for Students, 48013  
Families, and Communities to the Center for Curriculum and 48014  
Assessment. 48015

**Section 171.** The Department of Education shall conduct the 48016  
following analyses and, not later than June 30, 2002, shall report 48017  
to the General Assembly its research findings and recommendations: 48018  
48019

(A) A cost-based analysis of state and federal laws that 48020  
mandate special education services in addition to the mandates of 48021  
Chapter 3301-51 of the Ohio Administrative Code, commonly known as 48022  
the "Blue Book"; 48023

(B) An analysis of the manner in which federal special 48024  
education funds may be spent, including an examination of whether 48025  
and how federal funds may be used to fund the increased costs of 48026  
state and federal special education mandates; 48027

(C) An analysis of the costs to school districts of complying 48028  
with the mandate to provide handicapped children the least 48029  
restrictive environment through mainstreaming. 48030

**Section 172.** The Arts Facilities Building Fund and Sports 48031  
Facilities Building Fund created by section 3383.09 of the Revised 48032  
Code are the same as the Arts Facilities Building Fund and the 48033

Sports Facilities Building Fund from which appropriations are made 48034  
in Am. Sub. H.B. 640 of the 123rd General Assembly. 48035

**Section 173.** (A) Notwithstanding section 4717.07 of the 48036  
Revised Code as amended by this act, the Board of Embalmers and 48037  
Funeral Directors shall charge and collect the following fees for 48038  
the renewal of licenses that expire on December 31, 2001: 48039

(1) Sixty dollars for renewal of an embalmer's or funeral 48040  
director's license; 48041

(2) One hundred twenty-five dollars for renewal of a license 48042  
to operate a funeral home; 48043

(3) One hundred dollars for renewal of a license to operate 48044  
an embalming facility; 48045

(4) One hundred dollars for renewal of a license to operate a 48046  
crematory facility. 48047

(B) Notwithstanding section 4717.08 of the Revised Code as 48048  
amended by this act, every license issued under Chapter 4717. of 48049  
the Revised Code expires on December 31, 2001, and shall be 48050  
renewed on or before that date according to the standard license 48051  
renewal procedure set forth in Chapter 4745. of the Revised Code. 48052

**Section 174.** Unless five licensed embalmers and practicing 48053  
funeral directors are serving on the Board of Embalmers and 48054  
Funeral Directors on the effective date of this section, the first 48055  
person appointed to fill a vacancy occurring on the Board on or 48056  
after that date under section 4717.02 of the Revised Code, as 48057  
amended by this act, shall be a licensed embalmer and practicing 48058  
funeral director with at least ten consecutive years of experience 48059  
in this state immediately preceding the date of the person's 48060  
appointment. 48061

**Section 175.** Notwithstanding section 4775.08 of the Revised 48062



Code, as amended by this act, during calendar year 2001, the 48063  
initial and annual renewal fee for a motor vehicle collision 48064  
repair registration certificate and for a temporary motor vehicle 48065  
collision repair registration certificate is one hundred dollars 48066  
for each business location at which the motor vehicle collision 48067  
repair operator conducts business as an operator. However, the 48068  
Board of Motor Vehicle Collision Repair Registration may adjust 48069  
the fee in the same manner as provided in division (A) of section 48070  
4775.08 of the Revised Code, as amended by this act. 48071

**Section 176.** (A) As used in this section: 48072

(1) "Amnesty" means forgiving a taxpayer's liability for 48073  
penalties and one-half of the interest that accrue on account of 48074  
the late payment, nonpayment, underreporting, or unreporting of 48075  
delinquent taxes. 48076

(2) "Delinquent taxes" means taxes imposed under section 48077  
5727.24 or 5727.30 (public utility excise tax), 5733.06 or 5733.41 48078  
(corporation franchise tax), 5739.02 or 5741.02 (state sales and 48079  
use taxes), or 5747.02 or 5747.41 (personal income tax) of the 48080  
Revised Code, that were due and payable from a taxpayer, that were 48081  
unreported or underreported, and that remain unpaid. "Delinquent 48082  
taxes" does not include taxes for which, on October 15, 2001, a 48083  
notice of assessment or audit has been issued, a bill has been 48084  
issued, or an audit is currently being conducted. 48085

(3) "Taxpayer" means any individual or other person, as 48086  
defined in section 5701.01 of the Revised Code, that is subject to 48087  
taxes imposed under section 5727.24, 5727.30, 5733.06, 5733.41, 48088  
5739.02, 5741.02, 5747.02, or 5747.41 of the Revised Code, 48089  
including any vendor subject to sections 5739.03 and 5739.12 of 48090  
the Revised Code, any seller subject to section 5741.04 or 5741.12 48091  
of the Revised Code, any employer subject to section 5747.07 of 48092  
the Revised Code, and any qualifying entity as defined in section 48093

5733.40 of the Revised Code. 48094

(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. 48095  
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(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. 48102  
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(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. 48107  
48108  
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(D) Delinquent taxes and interest collected under this section shall be credited to the General Revenue Fund. 48112  
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(E) This section is hereby repealed, effective January 16, 2002. 48114  
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**Section 177. MOTOR FUEL TAX TASK FORCE** 48116

(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 48117  
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Task Force shall cease to exist.	48124
(B) The Task Force shall consist of the following members:	48125
(1) Three members of the House of Representatives appointed	48126
by the Speaker of the House of Representatives, not more than two	48127
of whom shall be from the same political party as the Speaker;	48128
(2) Three members of the Senate appointed by the President of	48129
the Senate, not more than two of whom shall be from the same	48130
political party as the President;	48131
(3) The Director of Public Safety or the Director's designee;	48132
	48133
(4) The Director of Transportation or the Director's	48134
designee;	48135
(5) The Tax Commissioner or the Commissioner's designee;	48136
(6) The Director of Budget and Management or the Director's	48137
designee;	48138
(7) One person appointed by the Speaker of the House of	48139
Representatives to represent the general public;	48140
(8) One person appointed by the President of the Senate to	48141
represent the general public;	48142
(9) Eight members appointed jointly by the Speaker of the	48143
House of Representatives and the President of the Senate, one from	48144
each of eight lists of three individuals recommended by the County	48145
Commissioners Association of Ohio, the Ohio Municipal League, the	48146
Ohio Township Association, the County Engineers Association of	48147
Ohio, the Ohio Public Expenditure Council, the State Highway	48148
Patrol troopers' collective bargaining unit, the Ohio Contractors	48149
Association, and the Ohio Petroleum Council, respectively.	48150
A vacancy on the Task Force shall be filled in the manner	48151
provided for the original appointment.	48152

(C) The Speaker of the House of Representatives and the 48153  
President of the Senate each shall appoint a co-chairperson of the 48154  
Task Force from among the appointees who are members of their 48155  
respective chambers. The co-chairpersons shall call the first 48156  
meeting of the Task Force within thirty days after the last member 48157  
is appointed. 48158

(D) The Legislative Service Commission shall provide staff 48159  
services for the Task Force. 48160

**Section 178.** Except as otherwise specifically provided in 48161  
this act, the codified sections of law amended or enacted in this 48162  
act, and the items of law of which the codified sections of law 48163  
amended or enacted in this act are composed, are subject to the 48164  
referendum. Therefore, under Ohio Constitution, Article II, 48165  
Section 1c and section 1.471 of the Revised Code, the codified 48166  
sections of law amended or enacted by this act, and the items of 48167  
law of which the codified sections of law as amended or enacted by 48168  
this act are composed, take effect on the ninety-first day after 48169  
this act is filed with the Secretary of State. If, however, a 48170  
referendum petition is filed against any such codified section of 48171  
law as amended or enacted by this act, or against any item of law 48172  
of which any such codified section of law as amended or enacted by 48173  
this act is composed, the codified section of law as amended or 48174  
enacted, or item of law, unless rejected at the referendum, takes 48175  
effect at the earliest time permitted by law. 48176

**Section 179.** Except as otherwise specifically provided in 48177  
this act, the repeal by this act of a codified section of law is 48178  
subject to the referendum. Therefore, under Ohio Constitution, 48179  
Article II, Section 1c and section 1.471 of the Revised Code, the 48180  
repeal by this act of a codified section of law takes effect on 48181  
the ninety-first day after this act is filed with the Secretary of 48182  
State. If, however, a referendum petition is filed against any 48183

such repeal, the repeal, unless rejected at the referendum, takes 48184  
effect at the earliest time permitted by law. 48185

**Section 180.** The repeals of sections 166.032, 1329.68, 48186  
5101.143, 5101.52, 5101.851, 5101.852, 5111.341, 5111.88, and 48187  
5126.054 of the Revised Code constitute items of law that are not 48188  
subject to the referendum. Therefore, under Ohio Constitution, 48189  
Article II, Section 1d and section 1.471 of the Revised Code, the 48190  
repeals go into immediate effect when this act becomes law. 48191

**Section 181.** Sections 105.41, 111.16, 111.18, 111.23, 111.25, 48192  
121.40, 122.011, 133.06, 166.03, 181.52, 901.43, 901.63, 901.81, 48193  
901.82, 917.07, 917.99, 1309.40, 1309.401, 1309.402, 1309.42, 48194  
1329.01, 1329.04, 1329.06, 1329.07, 1329.42, 1329.421, 1329.45, 48195  
1329.56, 1329.58, 1329.60, 1329.601, 1501.40, 1502.12, 1701.05, 48196  
1701.07, 1701.81, 1702.05, 1702.06, 1702.43, 1702.59, 1703.04, 48197  
1703.041, 1703.15, 1703.17, 1703.27, 1705.05, 1705.06, 1705.38, 48198  
1705.55, 1746.04, 1746.06, 1746.15, 1747.03, 1747.04, 1747.10, 48199  
1775.63, 1775.64, 1782.04, 1782.08, 1782.09, 1782.433, 1785.06, 48200  
3301.70, 3302.041, 3313.603, 3314.08, 3314.09, 3314.091, 3317.012, 48201  
3317.013, 3317.014, 3317.02, 3317.021, 3317.022, 3317.024, 48202  
3317.029, 3317.0212, 3317.0213, 3317.0216, 3317.0217, 3317.03, 48203  
3317.05, 3317.051, 3317.064, 3317.161 (3317.052), 3317.162 48204  
(3317.053), 3317.11, 3317.13, 3317.16, 3317.19, 3317.20, 3318.042, 48205  
3318.52, 3323.09, 3323.091, 3333.043, 3333.21, 3333.22, 3702.68, 48206  
3721.07, 3734.57, 3745.014, 3745.11, 3745.22, 3769.08, 3769.20, 48207  
3923.28, 3923.30, 4115.10, 4301.43, 4511.81, 4905.87, 5101.071 48208  
(5101.251), 5101.521, 5101.821, 5101.85, 5101.853 (5101.851), 48209  
5101.852, 5101.854 (5101.853), 5103.07, 5111.041, 5111.042, 48210  
5111.081, 5111.171, 5111.20, 5111.23, 5111.231, 5111.25, 5111.251, 48211  
5111.255, 5111.28, 5111.29, 5111.34 (5111.206), 5111.341, 48212  
5111.342, 5111.343, 5111.344, 5111.345, 5111.346, 5111.347, 48213  
5111.348, 5111.349, 5111.3410, 5111.3411, 5111.3412, 5111.3413, 48214

5111.3414, 5111.3415, 5111.58, 5111.87 (5111.871), 5111.872, 48215  
5111.873, 5123.01, 5123.041, 5123.044, 5123.045, 5123.046, 48216  
5123.047, 5123.048, 5123.049, 5123.0410, 5123.0411, 5123.0412, 48217  
5123.0413, 5123.195, 5123.71, 5123.76, 5126.01, 5126.042, 48218  
5126.046, 5126.047, 5126.05, 5126.051, 5126.054, 5126.055, 48219  
5126.056, 5126.12, 5126.18, 5126.357, 5126.431, 5139.11, 5705.091, 48220  
5705.41, 5705.44, 5725.31, 5727.84, 5727.85, 5729.07, 5733.122, 48221  
5733.42, 5747.39, and 6109.21 of the Revised Code as amended or 48222  
enacted by this act, and the items of law of which such sections 48223  
as amended or enacted by this act are composed, are not subject to 48224  
the referendum. Therefore, under Ohio Constitution, Article II, 48225  
Section 1d and section 1.471 of the Revised Code, such sections as 48226  
amended or enacted by this act, and the items of law of which such 48227  
sections as amended or enacted by this act are composed, go into 48228  
immediate effect when this act becomes law. 48229

**Section 182.** (A) The amendment by this act removing language 48230  
from division (B)(1)(e) of section 125.22 of the Revised Code 48231  
constitutes an item of law that is subject to the referendum. 48232  
Therefore, under Ohio Constitution, Article II, Section 1c and 48233  
section 1.471 of the Revised Code, the item takes effect on the 48234  
ninety-first day after this act is filed with the Secretary of 48235  
State. If, however, a referendum petition is filed against the 48236  
item, the item, unless rejected at the referendum, takes effect at 48237  
the earliest time permitted by law. 48238

(B) The amendment by this act inserting division (A)(20) into 48239  
section 125.22 of the Revised Code constitutes an item of law that 48240  
is not subject to the referendum. Therefore, under Ohio 48241  
Constitution, Article II, Section 1d and section 1.471 of the 48242  
Revised Code, the item goes into immediate effect when this act 48243  
becomes law. 48244

**Section 183.** (A) The amendment by this act removing language 48245  
from division (B)(2) of section 3318.04 of the Revised Code 48246  
constitutes an item of law that is subject to the referendum. 48247  
Therefore, under Ohio Constitution, Article II, Section 1c and 48248  
section 1.471 of the Revised Code, the item takes effect on the 48249  
ninety-first day after this act is filed with the Secretary of 48250  
State. If, however, a referendum petition is filed against the 48251  
item, the item, unless rejected at the referendum, takes effect at 48252  
the earliest time permitted by law. 48253

(B) The amendment by this act inserting division (B)(3) into 48254  
section 3318.04 of the Revised Code constitutes an item of law 48255  
that is not subject to the referendum. Therefore, under Ohio 48256  
Constitution, Article II, Section 1d and section 1.471 of the 48257  
Revised Code, the item goes into immediate effect when this act 48258  
becomes law. 48259

**Section 184.** (A) The amendment by this act removing language 48260  
from divisions (G)(2) and (4) and (H)(1) and (2), and inserting 48261  
language into what are now divisions (G)(3) and (H), of section 48262  
3734.82 of the Revised Code constitutes an item of law that is 48263  
subject to the referendum. Therefore, under Ohio Constitution, 48264  
Article II, Section 1c and section 1.471 of the Revised Code, the 48265  
item takes effect on the ninety-first day after this act is filed 48266  
with the Secretary of State. If, however, a referendum petition is 48267  
filed against the item, the item, unless rejected at the 48268  
referendum, takes effect at the earliest time permitted by law. 48269

(B) The amendment by this act to former division (G)(3) (now 48270  
division (G)(2)) of section 3734.82 of the Revised Code 48271  
constitutes an item of law that is not subject to the referendum. 48272  
Therefore, under Ohio Constitution, Article II, Section 1d and 48273  
section 1.471 of the Revised Code, the item goes into immediate 48274  
effect when this act becomes law. 48275

**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 48305  
law of which the uncodified sections of law amended or enacted in 48306  
this act are composed, go into immediate effect when this act 48307  
becomes law. 48308

**Section 189.** Uncodified sections of law amended or enacted in 48309  
this act, and items of law contained within the uncodified 48310  
sections of law amended or enacted in this act, that are marked 48311  
with an asterisk are subject to the referendum. Therefore, under 48312  
Ohio Constitution, Article II, Section 1c and section 1.471 of the 48313  
Revised Code, the uncodified sections and items of law marked with 48314  
an asterisk take effect on the ninety-first day after this act is 48315  
filed with the Secretary of State. If, however, a referendum 48316  
petition is filed against an uncodified section or item of law 48317  
marked with an asterisk, the uncodified section or item of law 48318  
marked with an asterisk, unless rejected at the referendum, takes 48319  
effect at the earliest time permitted by law. 48320

If the amending and existing repeal clauses commanding the 48321  
amendment of an uncodified section of law are both marked with 48322  
asterisks, the uncodified section as amended is deemed also to 48323  
have been marked with an asterisk. 48324

An asterisk marking an uncodified section or item of law has 48325  
the form \*. 48326

This section defines the meaning and form of, but is not 48327  
itself to be considered marked with, an asterisk. 48328

**Section 190.** The amendment to Section 10 of Am. Sub. S.B. 287 48329  
of the 123rd General Assembly constitutes an item of law that is 48330  
subject to the referendum. Therefore, under Ohio Constitution, 48331  
Article II, Section 1c and section 1.471 of the Revised Code, the 48332  
item takes effect on the ninety-first day after this act is filed 48333  
with the Secretary of State. If, however, a referendum petition is 48334

filed against the item, the item, unless rejected at the 48335  
referendum, takes effect at the earliest time permitted by law. 48336

**Section 191.** The amendments by this act to Section 5 of Am. 48337  
Sub. S.B. 50 of the 121st General Assembly, to Section 153 of Am. 48338  
Sub. H.B. 117 of the 121st General Assembly, to Section 3 of Am. 48339  
Sub. H.B. 440 of the 121st General Assembly, to Section 3 of Am. 48340  
Sub. H.B. 621 of the 122nd General Assembly, to Section 3 of Am. 48341  
Sub. H.B. 215 of the 123rd General Assembly, to Section 4 of Am. 48342  
S.B. 210 of the 123rd General Assembly, and to Section 129 of Am. 48343  
Sub. H.B. 283 of the 123rd General Assembly constitute items of 48344  
law that are not subject to the referendum. Therefore, under Ohio 48345  
Constitution, Article II, Section 1d and section 1.471 of the 48346  
Revised Code, the items go into immediate effect when this act 48347  
becomes law. 48348

**Section 192.** The repeals by this act of Section 18 of Am. 48349  
Sub. H.B. 650 of the 122nd General Assembly and of Section 17 of 48350  
Am. Sub. H.B. 282 of the 123rd General Assembly are not subject to 48351  
the referendum. Therefore, under Ohio Constitution, Article II, 48352  
Section 1d and section 1.471 of the Revised Code, the repeals go 48353  
into immediate effect when this act becomes law. 48354

**Section 193.** If the amendment or enactment in this act of a 48355  
codified or uncodified section of law is subject to the 48356  
referendum, the corresponding indications in the amending, 48357  
enacting, or existing repeal clauses commanding the amendment or 48358  
enactment also are subject to the referendum, along with the 48359  
amendment or enactment. If the amendment or enactment by this act 48360  
of a codified or uncodified section of law is not subject to the 48361  
referendum, the corresponding indications in the amending, 48362  
enacting, or existing repeal clauses commanding the amendment or 48363  
enactment also are not subject to the referendum, the same as the 48364

amendment or enactment. 48365

**Section 194.** An item, other than an amending, enacting, or 48366  
repealing clause, that composes the whole or part of an uncodified 48367  
section contained in this act has no effect after June 30, 2003, 48368  
unless its context clearly indicates otherwise. 48369

**Section 195.** Section 901.63 of the Revised Code is presented 48370  
in this act as a composite of the section as amended by both Sub. 48371  
H.B. 19 and Am. Sub. H.B. 283 of the 123rd General Assembly. The 48372  
General Assembly, applying the principle stated in division (B) of 48373  
section 1.52 of the Revised Code that amendments are to be 48374  
harmonized if reasonably capable of simultaneous operation, finds 48375  
that the composite is the resulting version of the section in 48376  
effect prior to the effective date of the section as presented in 48377  
this act. 48378

**Section 196.** \* Section 2317.02 of the Revised Code is 48379  
presented in this act as a composite of the section as amended by 48380  
both Sub. H.B. 506 and Am. Sub. S.B. 180 of the 123rd General 48381  
Assembly. The General Assembly, applying the principle stated in 48382  
division (B) of section 1.52 of the Revised Code that amendments 48383  
are to be harmonized if reasonably capable of simultaneous 48384  
operation, finds that the composite is the resulting version of 48385  
the section in effect prior to the effective date of the section 48386  
as presented in this act. 48387

**Section 197.** \* Section 2953.21 of the Revised Code is 48388  
presented in this act as a composite of the section as amended by 48389  
both Sub. S.B. 258 and Am. Sub. S.B. 269 of the 121st General 48390  
Assembly. The General Assembly, applying the principle stated in 48391  
division (B) of section 1.52 of the Revised Code that amendments 48392  
are to be harmonized if reasonably capable of simultaneous 48393

operation, finds that the composite is the resulting version of 48394  
the section in effect prior to the effective date of the section 48395  
as presented in this act. 48396

**Section 198.** Section 3317.03 of the Revised Code is presented 48397  
in this act as a composite of the section as amended by both Am. 48398  
Sub. H.B. 640 and Sub. S.B. 173 of the 123rd General Assembly. The 48399  
General Assembly, applying the principle stated in division (B) of 48400  
section 1.52 of the Revised Code that amendments are to be 48401  
harmonized if reasonably capable of simultaneous operation, finds 48402  
that the composite is the resulting version of the section in 48403  
effect prior to the effective date of the section as presented in 48404  
this act. 48405

**Section 199.** \* Section 5101.141 of the Revised Code is 48406  
presented in this act as a composite of the section as amended by 48407  
both Sub. H.B. 332 and Sub. H.B. 448 of the 123rd General 48408  
Assembly. The General Assembly, applying the principle stated in 48409  
division (B) of section 1.52 of the Revised Code that amendments 48410  
are to be harmonized if reasonably capable of simultaneous 48411  
operation, finds that the composite is the resulting version of 48412  
the section in effect prior to the effective date of the section 48413  
as presented in this act. 48414

**Section 200.** \* Section 5101.80 of the Revised Code is 48415  
presented in this act as a composite of the section as amended by 48416  
both Am. Sub. H.B. 470 and H.B. 471 of the 123rd General Assembly. 48417  
The General Assembly, applying the principle stated in division 48418  
(B) of section 1.52 of the Revised Code that amendments are to be 48419  
harmonized if reasonably capable of simultaneous operation, finds 48420  
that the composite is the resulting version of the section in 48421  
effect prior to the effective date of the section as presented in 48422  
this act. 48423

**Section 201.** Section 5111.20 of the Revised Code is presented 48424  
in this act as a composite of the section as amended by both Sub. 48425  
H.B. 403 and Sub. H.B. 448 of the 123rd General Assembly. The 48426  
General Assembly, applying the principle stated in division (B) of 48427  
section 1.52 of the Revised Code that amendments are to be 48428  
harmonized if reasonably capable of simultaneous operation, finds 48429  
that the composite is the resulting version of the section in 48430  
effect prior to the effective date of the section as presented in 48431  
this act. 48432

**Section 202.** \* Section 5119.61 of the Revised Code is 48433  
presented in this act as a composite of the section as amended by 48434  
both Am. H.B. 264 and Am. Sub. H.B. 283 of the 123rd General 48435  
Assembly. The General Assembly, applying the principle stated in 48436  
division (B) of section 1.52 of the Revised Code that amendments 48437  
are to be harmonized if reasonably capable of simultaneous 48438  
operation, finds that the composite is the resulting version of 48439  
the section in effect prior to the effective date of the section 48440  
as presented in this act. 48441

**Section 203.** Section 5123.71 of the Revised Code is presented 48442  
in this act as a composite of the section as amended by both Sub. 48443  
H.B. 629 and Am. Sub. S.B. 285 of the 121st General Assembly. The 48444  
General Assembly, applying the principle stated in division (B) of 48445  
section 1.52 of the Revised Code that amendments are to be 48446  
harmonized if reasonably capable of simultaneous operation, finds 48447  
that the composite is the resulting version of the section in 48448  
effect prior to the effective date of the section as presented in 48449  
this act. 48450

**Section 204.** Section 5123.76 of the Revised Code is presented 48451  
in this act as a composite of the section as amended by both Sub. 48452

H.B. 629 and Am. Sub. S.B. 285 of the 121st General Assembly. The 48453  
General Assembly, applying the principle stated in division (B) of 48454  
section 1.52 of the Revised Code that amendments are to be 48455  
harmonized if reasonably capable of simultaneous operation, finds 48456  
that the composite is the resulting version of the section in 48457  
effect prior to the effective date of the section as presented in 48458  
this act. 48459

**Section 205.** \* Section 5739.02 of the Revised Code is 48460  
presented in this act as a composite of the section as amended by 48461  
Am. Sub. H.B. 138, H.B. 612, and Am. Sub. H.B. 640 of the 123rd 48462  
General Assembly. The General Assembly, applying the principle 48463  
stated in division (B) of section 1.52 of the Revised Code that 48464  
amendments are to be harmonized if reasonably capable of 48465  
simultaneous operation, finds that the composite is the resulting 48466  
version of the section in effect prior to the effective date of 48467  
the section as presented in this act. 48468

**Section 206.** If any item of law that constitutes the whole or 48469  
part of a codified or uncodified section of law contained in this 48470  
act, or if any application of any item of law that constitutes the 48471  
whole or part of a codified or uncodified section of law contained 48472  
in this act, is held invalid, the invalidity does not affect other 48473  
items of law or applications of items of law that can be given 48474  
effect without the invalid item of law or application. To this 48475  
end, the items of law of which the codified and uncodified 48476  
sections contained in this act are composed, and their 48477  
applications, are independent and severable. 48478